
STATUTORY INSTRUMENTS

2016 No. 607

The Open Internet Access (EU Regulation) Regulations 2016

PART 3

REQUIREMENTS

Consultation for directions, approvals and consents

14.—(1) This regulation applies where the responsible person is proposing to give, modify or withdraw a direction, approval or consent under regulation 7(3).

(2) This regulation does not apply where in OFCOM's opinion—

- (a) there are exceptional circumstances; and
- (b) there is an urgent need to act in order to ensure compliance with the EU Regulation.

(3) The responsible person must publish a notification—

- (a) stating that there is a proposal to give, modify or withdraw the direction, approval or consent;
- (b) identifying the responsible person;
- (c) setting out the direction, approval or consent to which the proposal relates;
- (d) setting out the effect of the direction, approval or consent or its proposed modification or withdrawal;
- (e) giving reasons for the making of the proposal; and
- (f) specifying the period within which representations may be made about the proposal to the responsible person.

(4) That period must end no less than one month after the day of the publication of the notification.

(5) But where the responsible person is satisfied that there are exceptional circumstances justifying the use of a shorter period, the period specified as the period for making representations may be whatever shorter period that person considers reasonable in those circumstances.

(6) The responsible person must—

- (a) consider every representation about the proposal made to that person during the period specified in the notification; and
- (b) have regard to every international obligation of the United Kingdom (if any) which has been notified to OFCOM for the purpose of this paragraph by the Secretary of State.

(7) The responsible person may then give effect to the proposal, with any modifications that appear to the responsible person to be appropriate.

(8) The publication of a notification under this regulation must be in such manner as appears to the responsible person to be appropriate for bringing the contents of the notification to the attention of such persons as the responsible person considers appropriate.