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STATUTORY INSTRUMENTS

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**2020 No. 1419**

**EXITING THE EUROPEAN UNION  
ELECTRONIC COMMUNICATIONS**

The Electronic Communications and Wireless  
Telegraphy (Amendment) (European Electronic  
Communications Code and EU Exit) Regulations 2020

Made - - - - 2nd December 2020  
Coming into force in accordance with  
regulation 1(2) and (3)

**THE ELECTRONIC COMMUNICATIONS AND WIRELESS  
TELEGRAPHY (AMENDMENT) (EUROPEAN ELECTRONIC  
COMMUNICATIONS CODE AND EU EXIT) REGULATIONS 2020**

1. Citation and commencement
  2. Amendments of primary legislation
  3. Amendments of subordinate legislation
  4. Amendments of retained direct EU legislation
  5. Review of legacy services
  6. Saving for existing universal service conditions relating to social tariffs
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SCHEDULE 1 — Amendments of primary legislation

PART 1 — Amendments of Communications Act 2003 coming into force on  
21st December 2020

1. The Communications Act 2003 is amended as follows.
2. (1) Section 3 (general duties of OFCOM) is amended as...
3. (1) Section 4 (duties for the purpose of fulfilling EU...
4. In section 4A (duty to take account of European Commission...
5. In section 5 (directions in respect of networks and spectrum...
6. In section 32 (meaning of electronic communications networks and services),...
7. After section 32 insert— Meaning of number-based interpersonal communications service...

**Changes to legislation:** There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020. (See end of Document for details)

8. In section 33 (advance notification to OFCOM) , in subsection...
9. In section 38 (fixing of charges) , in subsection (6),...
10. (1) Section 45 (power of OFCOM to set conditions) is...
11. (1) Section 46 (persons to whom conditions may apply) is...
12. In section 47 (test for setting or modifying conditions), at...
13. (1) Section 48A (domestic consultation for section 45 conditions) is...
14. (1) Section 48B (EU consultation for section 45 conditions) (as...
15. In section 49 (directions and approvals for the purposes of...
16. In section 49A (domestic consultation for directions, approvals and consents)...
17. (1) Section 49B (EU consultation for directions, approvals and consents)...
18. In section 49C (delivery of copies of notifications etc. in...
19. (1) Section 51 (matters to which general conditions may relate)...
20. In section 60 (modification of documents referred to in numbering...
21. In section 61 (withdrawal of telephone number allocations), in subsection...
22. (1) Section 65 (obligations to be secured by universal service...
23. In section 67 (subject-matter of universal service conditions), in subsection...
24. In section 68 (tariffs etc. for universal services), after subsection...
25. For the heading to section 70 substitute “ Review of...
26. For the heading to section 72 substitute “ Report on...
27. In section 72A (review of universal service order) , in...
28. In section 72B (broadband download speeds: duty to give direction...
29. After section 72B insert— Further duty to review tariffs Duty...
30. (1) Section 73 (permitted subject-matter of access-related conditions) is amended...
31. (1) Section 74 (specific types of access-related conditions) is amended...
32. After section 74 insert— Access-related conditions in certain cases involving...
33. (1) Section 75 (conditional access systems and access to digital...
34. (1) Section 78 (circumstances required for the setting of SMP...
35. In section 79 (market power determinations) , after subsection (2)...
36. In section 80A (domestic consultation for market identifications and market...
37. (1) Section 80B (EU consultation for market identifications and market...
38. In section 83 (special rules for transnational markets) (as it...
39. In section 84 (review of services market identifications and determinations)...
40. (1) Section 84A (timing of services market identifications and determinations)...
41. (1) Section 87 (conditions about network access etc.) is amended...
42. (1) Section 88 (conditions about network access pricing etc.) is...
43. After section 91 insert— SMP services conditions: wholesale-only undertakings SMP...
44. After section 93 insert— Commitments by network provider Notification to...
45. In section 96A (notification of contravention of condition other than...
46. (1) Section 96C (enforcement of notification under section 96A) is...
47. In section 97 (amount of penalty under section 96 or...
48. In section 98 (power to deal with urgent cases) ,...
49. In section 100 (suspending service provision for contraventions of conditions)...
50. (1) Section 100A (suspending service provision for breach of SMP...

51. In section 102 (procedure for directions under sections 100 and...
52. (1) Section 104 (civil liability for breach of conditions or...
53. In section 107 (procedures for directions applying code) , in...
54. After section 124T insert— Rights of end-users in relation to...
55. In section 134A (OFCOM reports on infrastructure etc) , in...
56. After section 134AB insert— Use of reports (1) The Secretary of State must have regard to reports...
57. In section 134B (networks and services matters) , in subsection...
58. (1) Section 135 (information required for purposes of certain OFCOM...
59. In section 144 (offences in connection with information requirements), after...
60. In section 150A (proposals of EU significance) (as it has...
61. (1) Section 151 (interpretation of Chapter 1) is amended as...
62. (1) Section 197 (interpretation of Chapter 3) is amended as...
63. In section 403 (regulations and orders made by OFCOM), in...
64. In section 405 (general interpretation), in subsection (1)—
65. In Schedule 8 (decisions not subject to appeal), in paragraph...  
PART 2 — Amendments of Communications Act 2003 coming into force on IP completion day
66. The Communications Act 2003 is further amended as follows.
67. (1) Section 4 (duties for the purpose of fulfilling EU...
68. In section 4A (duty to take account of European Commission...
69. In section 49 (directions and approvals for the purposes of...
70. In section 51 (matters to which general conditions may relate),...
71. In section 74A (access-related conditions in certain cases involving use...
72. (1) Section 75 (conditional access systems and access to digital...
73. (1) Section 79 (market power determinations) is amended as follows....
74. In section 84A (timing of services market identifications and determinations)...
75. In section 91A (SMP services conditions: wholesale-only undertakings) , in...
76. In section 93B (notification of proposed commitments relating to very...
77. In section 93C (giving effect to commitments decision), omit subsection...
78. In section 151 (interpretation of Chapter 1), omit subsection (5)....
79. In section 186 (action by OFCOM on dispute reference) ,...  
PART 3 — Amendments of Wireless Telegraphy Act 2006 coming into force on 21st December 2020
80. The Wireless Telegraphy Act 2006 is amended as follows.
81. (1) Section 8 (licences and exemptions) is amended as follows....
82. In section 8C (consultation before grant of exclusive licence) ,...
83. (1) Section 9 (terms, provisions and limitations) is amended as...
84. In section 14 (bidding for licences) , after subsection (3B)...
85. In section 30 (spectrum trading), omit subsection (1A) .
86. After section 30 insert— General duty of OFCOM to allow...
87. In section 31 (wireless telegraphy register), in subsection (3)—
88. In section 115 (general interpretation), in subsection (1), after the...
89. In section 122 (orders and regulations made by OFCOM), in...
90. In Schedule 1 (procedure for wireless telegraphy licences) , in...
91. In Schedule 2 (procedure for grants of recognised spectrum access),...  
PART 4 — Amendments of Wireless Telegraphy Act 2006 coming into force on IP completion day
92. The Wireless Telegraphy Act 2006 is further amended as follows....
93. In section 14 (bidding for licences), in subsection (3A), omit...

**Changes to legislation:** There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020. (See end of Document for details)

94. In section 115 (general interpretation) , in subsection (1), omit...

SCHEDULE 2 — Amendments of subordinate legislation

PART 1 — Amendments coming into force on 21st December 2020

1. Electronic Communications (Universal Service) Order 2003
  2. Electronic Communications and Wireless Telegraphy Regulations 2011
  3. Broadcasting (Amendment) (EU Exit) Regulations 2019
  4. Electronic Communications and Wireless Telegraphy (Amendment etc.) (EU Exit) Regulations 2019
  5. Electronic Communications (Amendment etc.) (EU Exit) Regulations 2019
- PART 2 — Amendments coming into force on IP completion day
6. In Schedule 1 to these Regulations, omit the following—

SCHEDULE 3 — Amendments of retained direct EU legislation

1. Commission Implementing Regulation (EU) 2019/2243

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020.