

2011 No. 1209

ELECTRONIC COMMUNICATIONS

**The Electronic Communications (Universal Service)
(Amendment) Order 2011**

<i>Made</i> - - - -	<i>4th May 2011</i>
<i>Laid before Parliament</i>	<i>5th May 2011</i>
<i>Coming into force</i> - -	<i>26th May 2011</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 65 of the Communications Act 2003(a).

In accordance with section 65(4) of that Act, the Secretary of State has consulted the Office of Communications and such other persons as the Secretary of State considers appropriate.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Electronic Communications (Universal Service) (Amendment) Order 2011 and comes into force on 26th May 2011.

(2) In this Order, “the 2003 Order” means the Electronic Communications (Universal Service) Order 2003(b).

Amendment of the 2003 Order

2. The 2003 Order is amended as set out in the following articles.

3. In article 2 (Interpretation)—

- (a) Omit the definition of “network termination point”;
- (b) In the definition of “publicly available telephone service”—
 - (i) After “a service” insert “made”,
 - (ii) After “originating and receiving” insert “directly or indirectly”,
 - (iii) After “national” insert “or national”,
- (c) omit from “, and may, where relevant” to the end of the definition;
- (d) Omit the definition of “public telephone network”

4. After article 3 insert—

(a) 2003 c.21.
(b) S.I. 2003/1904.

“Modification of universal service obligations

3A. Where OFCOM has made a general condition under section 51 of the Act in relation to the matters in paragraph 6 of the Schedule, then OFCOM shall not impose a universal service obligation in respect of those matters.”

5. In the Schedule to the 2003 Order—

- (a) in paragraph 1(1)—
 - (i) for “public telephone network” there shall be substitute “public electronic communications network”, and
 - (ii) and for “at a fixed location” the second time they occur substitute “over that communications network”;
- (b) in paragraph 1(2) after “facsimile” omit “communications”;
- (c) in paragraph 4(1)—
 - (i) after “Public pay telephones” insert “or other public voice telephony access points”, and
 - (ii) after “the number of telephones” insert “or other access points”.

4th May 2011

Ed Vaizey
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Electronic Communications (Universal Service) Order 2003 and implements Article 1(1) to (9) of Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and service, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

Article 3 makes amendments to some of the interpretation provisions of the 2003 Order.

Article 4 inserts a new article 3A which makes provision to allow OFCOM to dispense with a universal service condition on equivalence for disabled end users where OFCOM has imposed such an obligation through a General Condition.

Article 5 amends the Schedule to the 2003 Order.

A transposition note and a full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are available from the Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH and are published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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