

A12. Notification of a modification to the General Conditions under section 48(1) of the Act

Modification to Condition C1 in relation to annual best tariff information

Background

- A. On 24 July 2020, Ofcom published a notification pursuant to section 48(1) and section 48A(3) of the Act (the “Notification”), which included a proposal to modify Condition C1 of the General Conditions.
- B. In the Notification and the accompanying consultation, Ofcom invited representations about the proposal by 11 September 2020.
- C. By virtue of section 48A(6) and (7) of the Act, Ofcom may give effect to this proposal, with or without modification, only if—
 - (i) they have considered every representation about the proposal that is made to them within the period specified in the Notification; and
 - (ii) they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State.
- D. Ofcom received 15 responses to the Notification and have considered every representation made to them in respect of the proposal.
- E. The Secretary of State did not notify Ofcom of any international obligation of the United Kingdom for the purpose of section 48A(6) of the Act.
- F. Ofcom stated in the Notification that they considered the proposals were not of EU significance pursuant to section 150A(2) of the Act.

Decision

- 1. In accordance with sections 45 and 48(1) of the Act, Ofcom have decided to modify Condition C1 of the General Conditions. The modifications are set out in the Schedule to this Notification.
- 2. Ofcom’s reasons for reaching this decision, and the effect of the decision, are set out in the explanatory statement accompanying this Notification.
- 3. Ofcom consider that they have complied with the requirements of sections 45 to 48C of the Act, insofar as they are applicable.
- 4. Ofcom have considered and acted in accordance with their general duties under section 3 of the Act and the six Community requirements set out in section 4 of the Act.

5. The modifications set out in the Schedule shall enter into force on the date of publication of this Notification.
6. A copy of this Notification and the accompanying explanatory statement have been sent to the Secretary of State in accordance with section 48C(1) of the Act.
7. In this Notification:
 - a. “**the Act**” means the Communications Act 2003;
 - b. “**General Conditions**” means the general conditions set under section 45 of the Act, effective from 1 October 2018, as amended or replaced from time to time;
 - c. “**Ofcom**” means the Office of Communications.
8. Words or expressions shall have the meaning assigned to them in this Notification, and any other word or expression shall have the same meaning as it has in the Act.
9. For the purposes of interpreting this Notification: (a) headings and titles shall be disregarded; and (b) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.
10. The Schedule to this Notification shall form part of this Notification.

Signed by



Selina Chadha
Director of Connectivity

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

27 October 2020

Schedule

1. In Condition C1 of the General Conditions, the following modifications, highlighted in yellow, shall be made to Condition C1.16(b):¹

“(b) the contract ~~is not~~ **was previously** subject to a Fixed Commitment Period **which has now expired.**”

¹ As set out in the explanatory statement accompanying this Notification, Ofcom have decided to make other modifications to the General Conditions, which they intend to take effect from December 2021, June 2022 and December 2022. As a result of those modifications, Condition C1.16 will be renumbered and the reference to “Fixed Commitment Period” in paragraph (b) will be amended to “Commitment Period”.