

# Annex A2: Notification modifying General Condition C7

## Notification of Ofcom's decision to modify General Condition C7 under section 48(1) of the Communications Act 2003 ("the Act")

### Background

1. On 17 December 2020, Ofcom published a Notification pursuant to sections 45 and 48(1) of the Act, which contained changes to the General Conditions which were set to enter into force on various specified dates.<sup>1</sup> In particular, in Schedule 4 to that Notification Ofcom set out a number of modifications to General Conditions B3, C1, C7, the Annex to Condition C1 and the definitions to enter into force on 19 December 2022.
2. On 28 September 2021, Ofcom published a notification pursuant to section 48(1) and section 48A(3) of the Act, which included proposals to:
  - (a) revoke the current General Condition C7 of the General Conditions of Entitlement, as set by the General Condition Notification;
  - (b) set a new General Condition C7; and
  - (c) remove definitions, modify definitions and add new definitions to those set out in the Definitions section of the General Conditions.
3. Ofcom proposed that these changes would enter into force on 3 April 2023.
4. Ofcom further stated that the changes to the General Conditions referred to at paragraph 1 (i.e. those set out in Schedule 4 to Ofcom's Notification published 17 December 2020) would also enter into force on 3 April 2023, and therefore it was necessary to amend the date set out in paragraph 14 of that Notification.
5. Ofcom's reasons for making these proposals, and the effect of each proposal, were set out in the accompanying consultation document.<sup>2</sup>
6. Ofcom invited representations about the proposals by 9 November 2021.
7. A copy of the Notification was sent to the Secretary of State in accordance with section 48C(1) of the Act.

---

<sup>1</sup> Ofcom, December 2020. [Notification of new general conditions and modifications to the General Conditions under section 48\(1\) of the Act](#). The reasons for making those changes, and the effect of those changes, are set out in Ofcom's [Statement: Implementing the new European Electronic Communications Code – Changes to the General Conditions, Metering and Billing Direction and the National Telephone Numbering Plan](#).

<sup>2</sup> Ofcom, September 2021. [Quick, easy and reliable switching: Statement and consultation on a new landline and broadband switching process and improved information for mobile switching](#).

8. By virtue of section 48A(6) and (7) of the Act, Ofcom may give effect to these proposals, with or without modification, only if—
  - (a) they have considered every representation about the proposal that is made to them within the period specified in the Notification; and
  - (b) 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.
9. Ofcom received responses to the Notification and has considered every such representation made to them in respect of the proposals set out in the Notification (and the accompanying explanatory documents).
10. 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.

## **Decision**

*Timing of changes to General Conditions set out in Schedule 4 to Ofcom’s Notification of 17 December 2020 entering into force on 19 December 2022*

11. This Notification amends paragraph 14(d) of Ofcom’s Notification dated 17 December 2020, which stated that the modifications to General Conditions C7, B3, C1.20, the Annex to General Condition C1 and relevant definitions (as set out in Schedule 4 to that Notification) shall enter into force on 19 December 2022. These modifications shall now enter into force on 3 April 2023.

*Decision to modify General Conditions entering into force on 3 April 2023*

12. In accordance with sections 45 and 48(1) of the Act, Ofcom have decided to:
  - (a) make additional modifications to General Condition C7 to those referred to in paragraph 11, namely to General Conditions C7.1, C7.2, C7.14, C7.15, C7.18 to C7.27, C7.30 and C7.31; and
  - (b) remove definitions, modify definitions and add new definitions to those set out in the Definitions section of the General Conditions.
13. The modified General Condition C7 and new and modified definitions shall also enter into force on 3 April 2023.
14. Ofcom’s reasons for reaching this decision, and the effect of the decision, are set out in the explanatory statement accompanying this Notification. Modified General Condition C7 and the new and modified definitions are set out in Schedules to this Notification, which are published separately as Annexes 3 and 4.
15. Ofcom consider that they have complied with the requirements of sections 45 to 48C of the Act, insofar as they are applicable.
16. 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. Ofcom has also

had regard to the Statement of Strategic Priorities in making the decision referred to in this Notification.

17. 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.
18. In this Notification:
  - (a) **“the Act”** means the Communications Act 2003;
  - (b) **“General Conditions of Entitlement”** or **“General Conditions”** means the general conditions set by Ofcom under section 45 of the Act on 19 September 2017, as amended or replaced from time to time;
  - (c) **“General Condition Notification”** means the notification published by the Director General of Telecommunications on 22 July 2003 setting the General Conditions under section 45 of the Act;
  - (d) **“Ofcom”** means the Office of Communications; and
  - (e) **“Statement of Strategic Priorities”** means the Statement of Strategic Priorities for telecommunications, the management of radio spectrum and postal services designated by the Secretary of State for Digital, Culture, Media and Sport for the purposes of section 2A of the Communications Act 2003 on 29 October 2019.
19. Words or expressions shall have the meaning assigned to them in this Notification, and otherwise any word or expression shall have the same meaning as it has in the Act.
20. For the purposes of interpreting this Notification: (i) headings and titles shall be disregarded; and (ii) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.
21. The Schedules to this Notification shall form part of this Notification.

Signed by



Cristina Luna-Esteban

Director – Telecoms Consumer Protection, Engagement and Fairness

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

**3 February 2022**