

## **Direction under section 106(3) of the Communications Act 2003 applying the electronic communications code**

### **Background**

1. The Applicant was granted Code powers, under a direction given by Ofcom on 22 October 2019, for the purposes of the provision by the Applicant of an electronic communications network in England.
2. The Applicant has applied to Ofcom for the grant of Code powers to cover the rest of the UK and, for this purpose, has requested a modification of the terms on which the Code currently applies to it.
3. The date on which Ofcom received a completed application that meets the statutory requirements with respect to the content of an application for a direction applying the Code and the manner in which such an application is to be made was 12 May 2021.
4. By virtue of regulation 3 of the Electronic Communications and Wireless Telegraphy Regulations 2011 (SI 2011 No. 1210), except in cases of expropriation, Ofcom must make its decision within 6 months of receiving the completed application.
5. Prior to giving a decision under section 106(3) of the Act to apply the Code to the Applicant, including giving a further direction to modify the terms on which, by virtue of section 106(5) of the Act, the Code applies to the Applicant, Ofcom must publish a notification of its proposal to give the direction and consider any representations about that proposal that are made to Ofcom within the period specified in the notification.
6. On 11 June 2021, Ofcom published a notification in accordance with section 107(6) of the Act of its proposal to give a further direction applying the Code to the Applicant on specified modified terms. That notification invited representations to Ofcom by no later than 5pm on 12 July 2021.
7. Ofcom did not receive any representations about the proposal. For the reasons set out in the explanatory statement accompanying the above mentioned notification, Ofcom has had regard, in particular, to each of the matters set out in section 107(4) of the Act. Furthermore, Ofcom has considered and acted in accordance with section 115(4A) of the Act, its general duties in section 3 of the Act and the six requirements in section 4 of the Act.

### **Decision**

8. Ofcom hereby directs, in accordance with section 106 of the Act, that the terms on which the Code applies to the Applicant by virtue of section 106(5) of the Act under its existing direction given by Ofcom on 22 October 2019, shall be modified as follows—
  - (a) the Code shall continue to apply to the Applicant for the purposes of the provision by the Applicant of an electronic communications network;
  - (b) the restriction of the application of the Code on the Applicant to England shall be removed; and
  - (c) the application of the Code to the Applicant shall now have effect throughout the United Kingdom.

9. This Direction shall take effect on the day it is published.

### **Interpretation**

**10. In this Direction—**

- (a) **“Act”** means the Communications Act 2003;
- (b) **“Applicant”** means Jurassic Fibre Limited, whose registered company number is 11427267;
- (c) **“Code”** means the electronic communications code set out in Schedule 3A to the Communications Act 2003;
- (d) **“Ofcom”** means the Office of Communications.

**11. For the purpose of interpreting this Direction—**

- (a) headings and titles shall be disregarded;
- (b) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.

Signed

A handwritten signature in black ink, appearing to read 'B. Potterill', is written over a vertical line.

**Brian Potterill**

**Director of Mobile Network Strategy**

A person duly authorised in accordance with paragraph 18 of the Schedule to the Office of Communications Act 2002

16 July 2021