

# A6. Notification of Ofcom's decision to modify the Metering and Billing Direction under section 49A of the Act

## Notification of modification of the Metering and Billing Direction

### Background

1. On 27 October 2020, Ofcom issued a notification pursuant to section 49A of the Act setting out its proposals to modify the Metering and Billing Direction (“**the Notification**”).
2. A copy of the Notification was sent to the Secretary of State in accordance with section 49C(1) of the Act.
3. Ofcom invited representations on the proposals set out in the Notification and accompanying consultation document by 30 November 2020.
4. By virtue of section 49A(6) of the Act, Ofcom may give effect to the proposals with respect to which it has published a notification under section 49A, with or without modifications, where Ofcom has:
  - a) considered every representation about the proposals made to Ofcom within the period specified in the notification; and
  - b) has 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.
5. Ofcom has considered every representation made to it in respect of the proposals set out in the Notification; and the Secretary of State has not notified Ofcom of any international obligation of the United Kingdom for this purpose.

### Decision

6. Ofcom has decided to modify the Metering and Billing Direction. The modifications are set out in the Schedule to this Notification.
7. Ofcom's reasons for making this decision, and the effect of this decision, are set out in the statement accompanying this notification.
8. Ofcom considers that the decision complies with the requirements of sections 49, 49A and 49C of the Act, insofar as they are applicable.
9. Ofcom considers that this decision is not of EU significance pursuant to section 150A(2) of the Act.
10. In making this decision, Ofcom has considered and acted in accordance with its general duties under section 3 of the Act and the six Community requirements set out in section 4 of the Act.
11. The revised direction shall enter into force on 17 December 2021.

12. A copy of this Notification and the accompanying statement is being sent to the Secretary of State in accordance with section 49C(1) of the Act.

13. In this Notification:

- a) “**the Act**” means the Communications Act 2003;
- b) “**Ofcom**” means the Office of Communications; and
- c) “**Metering and Billing Direction**” means the direction issued by Ofcom using its power derived from General Condition 11 on 19 September 2017.<sup>1</sup>

14. 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.

15. 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.

16. 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

**17 December 2020**

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<sup>1</sup> The current version of the [Metering and Billing Direction](#) is available.

## Schedule: Modifications to the Metering and Billing Direction

The modifications that Ofcom has decided to make to the Metering and Billing Direction are set out below, shown in highlighted underlined text and strikethrough text.

Existing text	Revised text	Marked up version showing changes (shown in highlighted underlined text and strikethrough text)
Footnote 2, page 3:		
<p>“The relevant modification to General Condition 11 referred to in this table is the modification of General Condition 11 to extend the scope of the Metering and Billing Scheme to the provision and billing of Publicly Available Internet Access Services and increase the Relevant Turnover threshold from £40m to £55m.”</p>	<p>“The relevant modification to General Condition 11 referred to in this table is the modification of General Condition 11 to extend the scope of the Metering and Billing Scheme to the provision and billing of Internet Access Services and increase the Relevant Turnover threshold from £40m to £55m.”</p>	<p>“The relevant modification to General Condition 11 referred to in this table is the modification of General Condition 11 to extend the scope of the Metering and Billing Scheme to the provision and billing of <del>Publicly Available</del> Internet Access Services and increase the Relevant Turnover threshold from £40m to £55m.”</p>
Section 3.3.1 Existing Approval, page 4:		
<p>“For the avoidance of doubt, where a CP who has obtained Approval under the 2014 Ofcom Direction for the TMBS it uses in respect of the Publicly Available Telephone Services it provides is required to obtain approval of the TMBS it uses in respect of the Publicly Available Internet Access Services it provides, it is for the AB to determine whether a new and separate Approval, or an extension of scope to an existing Approval is appropriate.”</p>	<p>“For the avoidance of doubt, where a CP who has obtained Approval under the 2014 Ofcom Direction for the TMBS it uses in respect of the Voice Communications Services it provides is required to obtain approval of the TMBS it uses in respect of the Internet Access Services it provides, it is for the AB to determine whether a new and separate Approval, or an extension of scope to an existing Approval is appropriate.”</p>	<p>“For the avoidance of doubt, where a CP who has obtained Approval under the 2014 Ofcom Direction for the TMBS it uses in respect of the <del>Publicly Available Telephone Services</del> <u>Voice Communications Services</u> it provides is required to obtain approval of the TMBS it uses in respect of the <del>Publicly Available</del> Internet Access Services it provides, it is for the AB to determine whether a new and separate Approval, or an extension of scope to an existing Approval is appropriate.”</p>

Annex 1, Definitions and Interpretations, page 24		
“Publicly Available Internet Access Service” “has the meaning given to it in the Definitions set out in the General Conditions of Entitlement”.	“Internet Access Service” “has the meaning given to it in the Definitions set out in the General Conditions of Entitlement.”	<del>“Publicly Available Internet Access Service” “has the meaning given to it in the Definitions set out in the General Conditions of Entitlement.”</del>
“Publicly Available Telephone Services (PATS)” “has the meaning given to it in the Definitions set out in the General Conditions of Entitlement.”	Removed	Definition removed.
“Regulated Services” “means Publicly Available Telephone Services and/or Publicly Available Internet Access Services.”	“Regulated Services” “means Voice Communications Services and/or Internet Access Services.”	“Regulated Services” “means <del>Publicly Available Telephone Services</del> <b>Voice Communications Services</b> and/or <del>Publicly Available Internet Access Services.</del> ”
Annex 1, Definitions and Interpretation, page 25		
N/A	After the definition of ‘Total Metering and Billing System’ insert: “Voice Communications Services” “has the meaning given to it in the Definitions set out in the General Conditions of Entitlement.”	New definition.