

Business Impact Target: Ofcom list of non-qualifying regulatory provisions, April-June 2017

Under the Small Business, Enterprise and Employment Act 2015 ('the SBEE Act'), we have a statutory obligation to produce an assessment of the economic impact on business of every qualifying regulatory provision we make during the relevant period. A qualifying regulatory provision is one that does not fall under any of the exclusions prescribed in the SBEE Act.¹ Our list of qualifying regulatory provisions and their Business Impact Target score, validated by the Regulatory Policy Committee, can be found here:

https://www.ofcom.org.uk/data/assets/pdf_file/0023/106952/bit-grp-apr-jun-17.pdf

Under the SBEE Act, we are also required to publish a list of 'non-qualifying regulatory provisions', which are those that fall under one of the exclusions set out in the SBEE Act. This document sets out our non-qualifying regulatory provisions for the reporting period April-June 2017.

Excluded Category*	Summary of measure(s), including any impact data where available
A – EU and International	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
B – Economic Regulation	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
C – Price Control	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
D - Civil Emergencies	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
E – Fines and Penalties	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
F – Pro-Competition	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
G – Large Infrastructure projects	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
H – Misuse of Drugs/National Minimum Wage	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
I – Systemic Financial Risk	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.

¹ Department for Business, Energy and Industrial Strategy, (2016). *Business impact target: statutory and administrative exclusions guide*.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/608836/business-impact-target-exclusions.pdf

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K – Industry Codes	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
L1 – Casework	We carried out some casework, including considering requests to change radio licence formats and giving consent to the BBC and ITV to broadcast listed events.
L2 – Education, communications and promotion	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
L3 – Activity related to policy development	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
L4 – Changes to management of regulator	Ofcom has considered the exclusion category and is satisfied that none of its measures for the reporting period qualify for the exclusion.
S27 of the SBEE Act: Controlled by a public authority	We published several documents on BBC content standards , competition and enforcement regulation. ‘Regulatory provisions’ relating to the activities of the BBC do not fall within scope as the definition of ‘business activities’ under s27 of the SBEE Act makes clear that the activities of entities ‘controlled by a public authority’ (i.e. bodies in the public sector), are excluded from that definition. The BBC is a public corporation and classified by the Office of National Statistics as being within the public sector, therefore decisions relating to its activities would not fall within the scope of a ‘qualifying regulatory provision’.