



Promoting competition and investment in fibre networks: Telecoms Access Review 2026

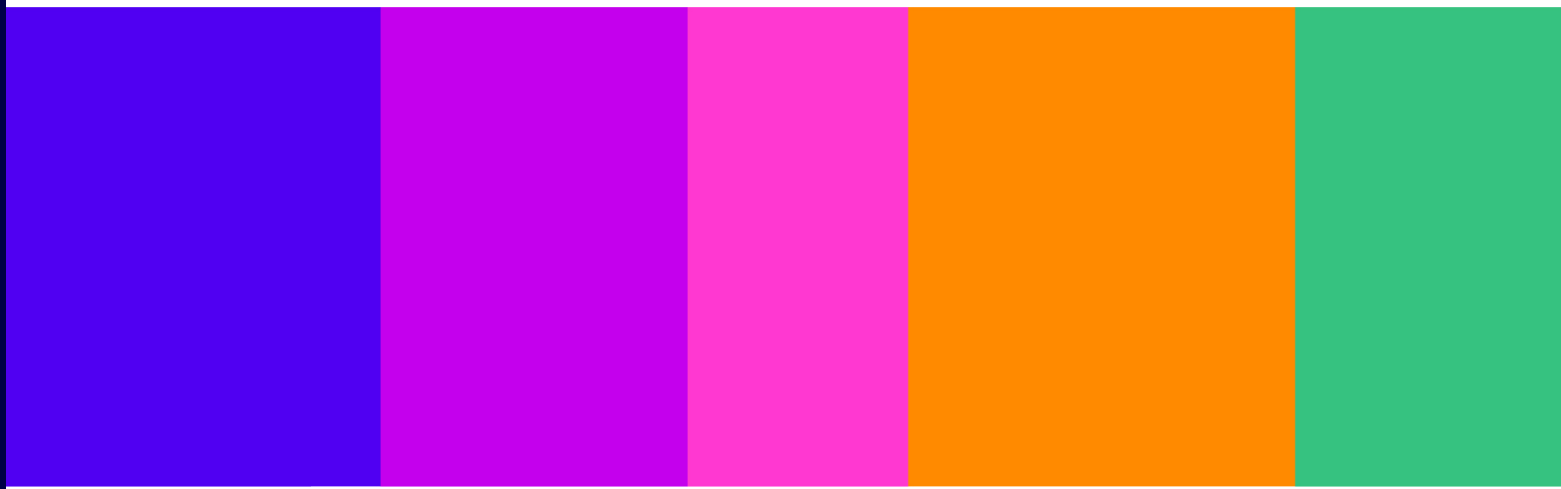
Volume 7 Part D: Draft legal instruments

Draft Direction to publish retail inducement offers

Consultation

Published 20 March 2025

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NOTIFICATION UNDER SECTION 49 AND 49(A) OF THE COMMUNICATIONS ACT 2003

Notification of proposals under section 49 and 49A of the Communications Act 2003 and Condition 8 (Notification of charges and terms and conditions and other matters) specifying requirements in relation to the publication of the terms and conditions of retail inducement offers (“Notification”)

Background

1. Ofcom is today publishing a consultation document titled “Promoting competition and investment in fibre networks: Telecoms Market Review 2026-31” (“the Consultation”) setting out Ofcom's proposals to identify markets, make market power determinations and set SMP conditions with respect to BT for the five year period from 1 April 2026 to 31 March 2031.
2. At Volume 7 of the Consultation, Ofcom proposes to impose on BT SMP services condition 8 which would impose requirements on BT to publish charges, terms and conditions and act in any manner as Ofcom may from time to time direct.

Proposals in this Notification

3. Ofcom is proposing, in accordance with section 49A(3) of the Act, and under SMP services condition 8, to give the direction as set out in the Schedule to this Notification relating to the publication by BT of information about retail inducements that Openreach may offer consumers.
4. The effect of, and reasons for giving, the proposed direction are set out in the Consultation, in particular Volume 3, section 4.

Ofcom’s duties and legal tests

5. Ofcom considers that the proposed direction referred to in paragraph 3 complies with the requirements of section 49(2) of the Act for the reasons set out in the Consultation.
6. In making the proposal referred to in paragraph 3, Ofcom has considered and acted in accordance with its general duties set out in section 3 of the Act and the six requirements in section 4 of the Act.

Making representations

7. Representations may be made to Ofcom about the proposals set out in this Notification by no later than 12 June 2025.

Notification to the Secretary of State

8. In accordance with section 49C(1)(a) of the Act, a copy of the Notification, together with the Schedule, has been sent to the Secretary of State.

Interpretation

9. For the purpose of interpreting this Notification:

- a) except in so far as the context otherwise requires, words or expressions have the meaning assigned to them in paragraph 10 below, and otherwise any word or expression has the same meaning as it has in the Act;
- b) headings and titles shall be disregarded;
- c) expressions cognate with those referred to in this Notification shall be construed accordingly; and
- d) the Interpretation Act 1978 (c. 30) shall apply as if this Notification were an Act of Parliament.

10. In this Notification:

- a) **“Act”** means the Communications Act 2003;
- b) **“BT”** means British Telecommunications plc, whose registered company number is 1800000, and any of its subsidiaries or holding companies, or any subsidiary of such holding companies, all as defined by section 1159 of the Companies Act 2006; and
- c) **“Ofcom”** means the Office of Communications as established pursuant to section 1(1) of the Office of Communications Act 2002 (2002 c. 11).

11. The Schedule to this Notification forms part of this Notification.

Signed



Ben Harries

Policy Director, Networks and Communications, Ofcom

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

20 March 2025

Schedule

[Draft] Direction under section 49 of the Act and Condition 8 in relation to the Notification of retail inducement offers by Openreach

Background

1. On [Date] Ofcom concluded its review of the physical telecoms infrastructure markets and the wholesale markets underpinning broadband and leased line services in which it identified markets, made market power determinations and set appropriate SMP conditions (as set out in the Notification at Volume [] to the review). Ofcom determined that BT has significant market power in the market for the supply of wholesale local access at a fixed location in WLA Area 2 and WLA Area 3.
2. SMP services condition 8 was set in relation to markets, including the markets referred to in paragraph 1 and this Direction concerns matters to which that condition relates.
3. In particular, under SMP condition 8.1, BT is required to publish charges, terms and conditions and act in the manner as Ofcom may from time to time direct.
4. This Direction is made under:
 - a) Section 49 of the Act; and
 - b) SMP condition 8.1.

Direction

5. Ofcom has decided to give the Direction set out in paragraphs 6 to 7 with effect from [1 April 2026].
6. This Direction applies where Openreach is proposing to make a Retail Inducement Offer.
7. BT must publish on any publicly accessible website operated or controlled by BT and send to Ofcom notice of the terms and conditions of the Retail Inducement Offer, not less than 28 days before the offer comes into effect.
8. In addition to the definitions set out above in this Notification, in this Schedule—
 - a) “**Consumer**” means an individual acting for purposes that are wholly or mainly outside that individual's trade, business, craft or profession;
 - b) “**Retail Inducement Offer**” means an offer to Consumers of money or money’s worth, goods or services (including digital content) as an inducement to purchase retail broadband services.