

Promoting competition and investment in fibre networks: Telecoms Access Review 2026–31

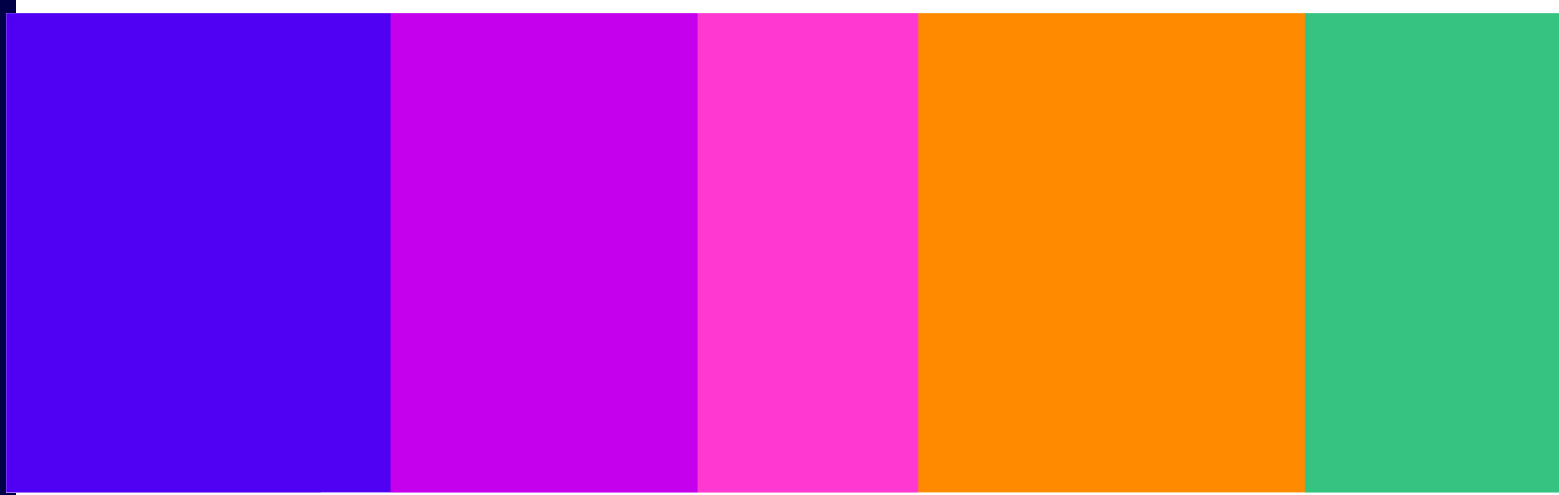
Volume 7 Part D: Legal instruments

Direction to publish retail inducement offers

Statement

Published 17 March 2026

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NOTIFICATION UNDER SECTION 49 OF THE COMMUNICATIONS ACT 2003

Notification of the giving of a Direction under section 49 of the Communications Act 2003 and SMP Condition 8 (Notification of charges and terms and conditions and other matters) (the “Notification”)

Background

1. On 20 March 2025 Ofcom published a consultation document titled “Promoting competition and investment in fibre networks: Telecoms Access 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 (Part A) of the Consultation, Ofcom proposed imposing on BT SMP 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.
3. In accordance with section 49 and 49A(3) of the Act, Ofcom proposed making a direction under SMP Condition 8 relating to the publication by BT of information about retail inducements that Openreach may offer consumers. The effect of, and reasons for giving, the proposed direction were set out in the Consultation, in particular Volume 3, Section 4.
4. The notification of the proposed direction was published at Volume 7 (Part D) of the Consultation and a copy was sent to the Secretary of State under section 49C(1)(a) of the Act. Ofcom invited responses to the Consultation by 12 June 2025.
5. Ofcom did not receive any responses in relation to the proposals set out in the Consultation. The Secretary of State did not notify Ofcom of any international obligation on the United Kingdom for the purposes of section 49A(6)(b) of the Act.
6. On 17 March 2026, Ofcom published a statement titled “Promoting competition and investment in fibre networks: Telecoms Access Review 2026-31” concluding the review referred to in paragraph 1 above (the “Statement”). In the Statement Ofcom identified the markets, made the market power determinations and set the SMP conditions set out in Schedule 1 to the 2026 SMP Conditions Notification.
7. The SMP conditions that are set include SMP Condition 8 (Notification of charges and terms and conditions and other matters).

Decision to give direction

8. Ofcom has decided, in accordance with section 49 of the Act, to give the direction pursuant to SMP Condition 8 as set out in the Schedule to this Notification specifying requirements for the publication by BT of information about retail inducements that Openreach may offer consumers (the “Direction”).

9. The effect of, and reasons for giving the Direction are set out in the Statement accompanying this Notification.
10. The Direction shall come into force on 1 April 2026.

Ofcom's duties and legal tests

11. Ofcom considers that the Direction complies with the requirements of section 49(2) of the Act for the reasons set out in the Statement.
12. In making the Direction, 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 and had regard to both the Statement of Strategic Priorities in accordance with section 2B of the Act, and the desirability of promoting economic growth in accordance with the growth duty set out in section 108 of the Deregulation Act 2015 (c. 20).
13. A copy of the Direction has been sent to the Secretary of State in accordance with section 49C(1)(b) of the Act.

Interpretation

14. 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 15 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.
15. In this Notification:
 - (a) **"2026 SMP Conditions Notification"** means the notification under sections 48 and 79 of the Act, which is contained in Volume 7 (Part A) of the document titled "Promoting competition and investment in fibre networks: Telecoms Market Review 2026-31" published by Ofcom on 17 March 2026;
 - (b) **"Act"** means the Communications Act 2003 (c.21);
 - (c) **"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
 - (d) **"Ofcom"** means the Office of Communications as established pursuant to section 1(1) of the Office of Communications Act 2002 (2002 c. 11); 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 Act on 29 October 2019.

16. The Schedule to this Notification shall form part of this Notification.

Signed

A handwritten signature in black ink, appearing to read "Ben Harries". The signature is written in a cursive, flowing style.

Ben Harries

Policy Director, Infrastructure and Connectivity Group, Ofcom

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

17 March 2026

Schedule

Direction under section 49 of the Communications Act 2003 and Condition 8 in relation to the publication of retail inducement offers by Openreach

Background

1. On 17 March 2026 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 2026 SMP Conditions Notification). 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 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.