

## Electronic Communications Code - specimen certificate

### Compliance with Regulation 16(1)(b) of the Regulations

Whereas this certificate, which must be submitted annually on 1st April pursuant to Regulation 16(1)(b) of the Regulations, has been approved [by a resolution of the Board of Directors or appropriate body if not a company] of [insert name of Code Operator] (“the Board”) [or appropriate if not a company] at its meeting on [insert date]. [This section to be adapted if not a company, body corporate or management committee].

I hereby certify that:

- (a) In the reasonable opinion of [the Board – *only suitable for a company*] [the body corporate (*in the case of a body corporate the conduct of the management of which is vested in its members*)] [name of partner (*in the case of a partnership*)] [the management committee (*in all other cases*)] of [insert name of Code Operator] [OR insert name of individual (*where the code operator is an individual*)] has fulfilled [its/his/her] duty as set out in Regulation 16(1) of the Regulations to ensure that sufficient funds are available to meet the Specified Liabilities which
  - (i) arise on or before the date on which a Relevant Event occurs, or
  - (ii) may arise at any time during the Liability Period,from the exercise of rights conferred upon [insert name of Code Operator] by Part 8 of the Electronic Communications Code.
- (b) the amount of the funds which have been provided for is [insert figure].
- (c) the systems and processes which have enabled [the Board/Body Corporate/Management Committee/Partner/Individual Code Operator] to form the opinion referred to in paragraph (a) above are- [insert]
- (d) [for a company, body corporate or management committee only] The Board/Body Corporate/Management Committee has made appropriate enquiries into whether the Code Operator has fulfilled its duty under Regulation 16(1) of the Regulations.
- (e) this certificate is accompanied by copies of [an insurance policy/ bond/ guarantee or specify the instrument] which provides for the funds mentioned in paragraph (b).

In this Certificate “the Regulations” means the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 as amended. “Electronic Communications Code” shall have the same meaning as in section 106(1) of the Communications Act 2003. Otherwise, words and phrases in this Certificate shall have the same meaning as in the Regulations.

[To be signed by -

- (a) a director or company secretary in the case of a company;
- (b) a member, in the case of a body corporate the conduct of the management of which is vested in its members;
- (c) a member of the management committee, in the case of a body (whether or not incorporated) not falling within points (a), (b) or (d);
- (d) one of the partners, in the case of a partnership;
- (e) the Code Operator himself, in the case of an individual.]

[signature]

[printed name]

[position]

[date]

December 2020