



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Universal service conditions

65 Obligations to be secured by universal service conditions

(1) The Secretary of State must by order ^{F1}... set out the extent to which the things falling within subsection (2) must ^{F2}... be provided, made available or supplied throughout the United Kingdom.

(2) Those things are—

(a) electronic communications networks and electronic communications services;^{F3}and]

(b) facilities capable of being made available as part of or in connection with an electronic communications service;

^{F4}(c)

^{F4}(d)

^{F4}(e)

^{F5}(2A) The provision made under subsection (1) is referred to as “the universal service order”.

(2B) The universal service order may in particular say that broadband connections and services [^{F6}at a fixed location] must be provided to any extent, but may not do so unless—

(a) it specifies the minimum download speed that must be provided by those connections and services, and

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(b) the speed so specified is at least 10 megabits per second.

[The universal service order may in particular say that mobile services must be provided
^{F7}(2BA) to any extent, but may not do so unless this appears to the Secretary of State necessary to ensure the full social and economic participation in society of qualifying end-users.

(2BB) In subsection (2BA)—

- (a) “mobile services” means—
 - (i) broadband services provided otherwise than at a fixed location; and
 - (ii) telephone services provided otherwise than at a fixed location;
- (b) “qualifying end-user” means an end-user who is—
 - (i) an individual acting for purposes other than those of a business;
 - (ii) a micro, small or medium-sized enterprise, as defined by Article 2(1) of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises; or
 - (iii) a not-for-profit body.

(2BC) The universal service order may continue to contain provision setting out the extent to which any of the following things must be provided, made available or supplied throughout the United Kingdom—

- (a) public pay telephone or other public voice telephony access points;
- (b) particular methods of billing for electronic communications services or of accepting payment for them;
- (c) directories capable of being used in connection with the use of an electronic communications network or electronic communications service;
- (d) directory enquiry facilities capable of being used for purposes connected with the use of such a network or service;
- (e) publicly available telephone services capable of allowing end-users to send and receive facsimile.]

(2C) The universal service order may contain—

- (a) guidance about matters relating to the speed [^{F8}to be provided by broadband connections or services at a fixed location] or other characteristics of broadband connections or services that it says must be provided (as well as or, except in the case of the minimum download speed, instead of setting out any of those characteristics); and
- (b) guidance about any other matters relating to those connections or services.]

(3) The universal service order may contain guidance about matters relating to the pricing of things that the order says must be provided, made available or supplied^{F9}, other than matters relating only to social tariffs as defined by section 72F(2)].

(4) Before making or varying the universal service order, the Secretary of State must consult OFCOM and such other persons as he considers appropriate.

[^{F10}(5) Before making or varying the universal service order, the Secretary of State must take due account of the desirability of not favouring—

- (a) one form of electronic communications network, electronic communications service or associated facility, or
- (b) one means of providing or making available such a network, service or facility, over another.]

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[^{F11}(6) In this section “public pay telephone” means a telephone available to the general public, for the use of which the means of payment may include one or more of the following—

- (a) coins;
- (b) credit or debit cards; and
- (c) pre-payment cards, including cards for use with dialling codes.]

Textual Amendments

- F1** Words in s. 65(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), **ss. 1(3)**, 118(2)
- F2** Words in s. 65(1) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 19**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in s. 65(2)(a) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 22(2)(a)**
- F4** S. 65(2)(c)-(e) omitted (21.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 22(2)(b)**
- F5** S. 65(2A)-(2C) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 1(4)**, 118(2)
- F6** Words in s. 65(2B) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 22(3)**
- F7** S. 65(2BA)-(2BC) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 22(4)**
- F8** Words in s. 65(2C)(a) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 22(5)** (with reg. 6)
- F9** Words in s. 65(3) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 22(6)**
- F10** S. 65(5) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 35** (with Sch. 3 para. 2)
- F11** S. 65(6) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 22(7)**

Modifications etc. (not altering text)

- C1** S. 65 excluded (11.12.2003) by [The Privacy and Electronic Communications \(EC Directive\) Regulations 2003 \(S.I. 2003/2426\)](#), regs. 1, **35(2)** (with regs. 4, 15(3), 28, 29)

Commencement Information

- I1** S. 65 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I2** S. 65 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with art. 11)

66 Designation of universal service providers

- (1) OFCOM may by regulations make provision for the designation of the persons to whom universal service conditions are to be applicable.

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- (2) Subject to subsection (3), those regulations are not to authorise the designation of a person other than a communications provider.
- (3) The regulations may provide for a person other than a communications provider to be designated for the purposes only of conditions relating to—
- (a) the supply of directories capable of being used in connection with the use of an electronic communications network or electronic communications service; and
 - (b) the making available of directory enquiry facilities capable of being used for purposes connected with the use of such a network or service.
- (4) OFCOM may from time to time—
- (a) review the designations for the time being in force in accordance with regulations under this section; and
 - (b) on such a review, consider what (if any) universal service conditions should continue to apply to each of the designated persons.
- (5) The procedure to be followed in the case of every such review must be the procedure provided for in regulations made by OFCOM.
- (6) Regulations made by OFCOM under this section must provide for a person's designation as a person to whom universal service conditions are to be applicable to cease to have effect where, in any such case as may be described in the regulations, the universal service conditions applied to him are all revoked.
- (7) Regulations made by OFCOM under this section providing a procedure for the designation of persons, or for the conduct of a review under subsection (4), must not provide for any procedure other than one appearing to OFCOM—
- (a) to be efficient, objective and transparent; and
 - (b) not to involve, or to tend to give rise to, any undue discrimination against any person or description of persons.
- ^{F12}(8)
- ^{F13}(9)
- [^{F14}(9A) In making any regulations under this section, OFCOM must have regard to any guidance that is contained in the universal service order.]
- (10) Section 403 applies to the power of OFCOM to make regulations under this section.

Textual Amendments

- F12** S. 66(8) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 20**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** S. 66(9) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 20**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** S. 66(9A) inserted (27.6.2017) by [Digital Economy Act 2017](#) (c. 30), **ss. 1(5)**, 118(2)

Commencement Information

- I3** S. 66 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))

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14 S. 66 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

67 Subject-matter of universal service conditions

(1) OFCOM may set any such universal service conditions as they consider appropriate for securing compliance with the obligations set out in the universal service order.

[^{F15}(1A) OFCOM may also set universal service conditions which apply to a designated universal service provider who proposes to make a disposal to another person of a substantial part or all of the designated universal service provider’s local access network assets.

(1B) But subsection (1A) does not apply where the disposal is made by a company to a connected company (within the meaning given by section 1122(2) of the Corporation Tax Act 2010).]

(2) Universal service conditions applied to a person must include a condition requiring him to publish information about his performance in complying with the universal service conditions that apply to him.

(3) A condition set in accordance with subsection (2) must contain provision which—

(a) requires information published in accordance with it to be updated from time to time and published again; [^{F16}and]

(b) requires information so published to satisfy the requirements that OFCOM consider appropriate for securing that it is adequate;^{F17} ...

^{F17}(c)

[^{F18}(3A) A condition set in accordance with that subsection may require the information published in accordance with it to be framed by reference to such international standards specified in the condition as OFCOM consider appropriate.]

(4) A condition set in accordance with that subsection may impose requirements as to—

(a) the times at which information published in accordance with it is to be published; and

(b) the manner in which that information is to be published.

(5) Universal service conditions may impose an obligation on a person to whom they apply to do one or both of the following, if required to do so by OFCOM—

(a) to make facilities available for enabling information published in pursuance of a condition applied to that person under subsection (2) to be independently audited;

(b) to meet the costs of any independent auditing of that information that is required by OFCOM.

(6) The reference in subsection (5) to the independent auditing of information is a reference to its being audited by a qualified auditor—

(a) for accuracy; and

(b) for its usefulness in the making of comparisons with information published by other designated universal service providers.

(7) Universal service conditions may impose performance targets on designated universal service providers with respect to any of the matters in relation to which obligations may be imposed by such conditions.

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- (8) In setting a universal service condition, OFCOM must have regard to any guidance^{F19} ... that is contained in the universal service order.
- (9) [^{F20}In this section “qualified auditor” means a person who—
- (a) is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006, and
 - (b) if the appointment to carry out such auditing as is mentioned in subsection (5) were an appointment as a statutory auditor, would not be prohibited from acting by section 1214 of that Act (independence requirement).]

Textual Amendments

- F15** S. 67(1A)(1B) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 36** (with Sch. 3 para. 2)
- F16** Word in s. 67(3) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 23(a)**
- F17** S. 67(3)(c) and word omitted (21.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 23(b)**
- F18** S. 67(3A) inserted (31.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 21(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in s. 67(3) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), ss. 1(6), 118(2)
- F20** S. 67(9) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 30(2)** (with arts. 6, 11, 12)

Commencement Information

- I5** S. 67 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I6** S. 67 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with art. 11)

68 Tariffs etc. for universal services

- (1) It shall be the duty of OFCOM—
- (a) to keep under review universal service tariffs; and
 - (b) to monitor changes to those tariffs.
- (2) Universal service conditions may require one or more of the following—
- (a) the use of a common tariff, or of common tariffs, in relation to anything mentioned in section 65(2);
 - (b) the use, in such cases as may be specified or described in the conditions, of such special tariffs in relation to anything so mentioned as may be so specified or described;
 - (c) the fixing of tariffs used in accordance with the conditions by the use of such methods, and by reference to such methods of computing costs, as may be so specified or described.

[^{F21}(2A) The special tariffs that may be required by virtue of subsection (2)(b) do not include social tariffs as defined by section 72F(2).]

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- (3) Universal service conditions must secure that the terms on which a person is provided with anything required by the universal service order do not require him—
 - (a) to pay for an unnecessary additional service; or
 - (b) to pay, in respect of anything required by the order, any amount that is attributable to the provision to him of such a service.
- (4) The references in subsection (3), in relation to a person, to an unnecessary additional service are references to anything the provision of which—
 - (a) he has to accept by reason of his being provided, at his request, with something required by the order (“the requested service”); and
 - (b) is not necessary for the purpose of providing him with the requested service.
- (5) It shall be the duty of OFCOM, in setting a universal service condition about universal service tariffs, to have regard to anything ascertained by them in the performance of their duty under subsection (1).
- (6) References in this section to a universal service tariff are references to any of the tariffs used by designated universal service providers [^{F22}or, where there is no designated universal service provider, by other persons,] in relation to the things for the time being required by the universal service order.
- (7) References in this section to providing a person with anything include references to making it available or supplying it to him.
- (8) In this section “tariff” includes a pricing structure.

Textual Amendments

- F21** S. 68(2A) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 24** (with reg. 6)
- F22** Words in s. 68(6) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 1 para. 37** (with Sch. 3 para. 2)

Commencement Information

- I7** S. 68 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I8** S. 68 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with art. 11)

69 Directories and directory enquiry facilities

- (1) This section applies where universal service conditions require a designated universal service provider—
 - (a) to supply a directory capable of being used in connection with the use of an electronic communications network or electronic communications service; or
 - (b) to make available directory enquiry facilities capable of being used for purposes connected with use of such a network or service.
- (2) The universal service conditions applied to the provider must include the conditions that OFCOM consider appropriate for securing that the provider does not unduly discriminate against a source of relevant information—
 - (a) in the compiling of the directory or the answering of directory enquiries; or

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- (b) in the treatment in the directory, or for the purposes of the facilities, of any relevant information from that source.
- (3) In this section—
- (a) references to relevant information are references to information provided for inclusion in the directory or for use in the answering of directory enquiries; and
 - (b) references to a source of relevant information are references to a communications provider or designated universal service provider who provides relevant information.

Commencement Information

- I9** S. 69 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I10** S. 69 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

70 [F23 Review of compliance costs: universal service conditions]

- (1) OFCOM may from time to time review the extent (if any) of the financial burden for a particular designated universal service provider of complying in relation to any matter with any one or more of the universal service conditions applied to him.
- (2) Where—
- (a) regulations under section 66 require the financial burden of so complying to be taken into account in determining whom to designate, and
 - (b) the regulations provide for a particular method of calculating that burden to be used for the purposes of that determination,
- that must be the method of calculation applied on a review under this section.
- (3) Where subsection (2) does not apply, the financial burden of so complying is to be taken to be the amount calculated by OFCOM to be the net cost of compliance after allowing for market benefits accruing to the designated universal service provider from—
- (a) his designation; and
 - (b) the application to him of universal service conditions.
- (4) After carrying out a review under this section OFCOM must either—
- (a) cause the calculations made by them on the review to be audited by a person who appears to them to be independent of designated universal service providers; or
 - (b) themselves carry out an audit of those calculations.
- (5) OFCOM must ensure, in the case of every audit carried out under subsection (4), that a report on the audit—
- (a) is prepared; and
 - (b) if not prepared by OFCOM, is provided to them.
- (6) It shall be the duty of OFCOM, in the case of every review under this section, to publish—
- (a) their conclusions on the review; and

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- (b) a summary of the report of the audit which was carried out as respects the calculations made for the purposes of that review.
- (7) The publication of anything under subsection (6) must be a publication in such manner as OFCOM consider appropriate for bringing it to the attention of the persons who, in their opinion, are likely to be affected by it.

Textual Amendments

F23 S. 70 heading substituted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), [Sch. 1 para. 25](#)

Commencement Information

I11 S. 70 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))

I12 S. 70 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

71 Sharing of burden of universal service obligations

- (1) This section applies where OFCOM—
- (a) have concluded, on a review under section 70, that complying in relation to any matter with universal service conditions imposes a financial burden on a particular designated universal service provider; and
 - (b) have published that conclusion in accordance with that section.
- (2) OFCOM must determine, in the case of the designated universal service provider, whether they consider it would be unfair for that provider to bear, or to continue to bear, the whole or any part of so much of the burden.
- (3) If—
- (a) OFCOM determine that it would be unfair for the designated universal service provider to bear, or to continue to bear, the whole or a part of the burden, and
 - (b) an application for a determination under this subsection is made to OFCOM by that provider,
- OFCOM may determine that contributions are to be made by communications providers to whom general conditions are applicable for meeting that burden.
- (4) The making of any of the following must be in accordance with regulations made by OFCOM—
- (a) a determination by OFCOM of the extent of the financial burden that exists for the designated universal service provider of complying in relation to any matter with universal service conditions;
 - (b) an application for the purposes of subsection (3)(b);
 - (c) a determination by OFCOM of whether it is or would be unfair for the designated universal service provider to bear, or to continue to bear, the burden of complying in relation to any matter with universal service conditions;
 - (d) a determination of the extent (if any) to which that is or would be unfair.
- (5) The assessment, collection and distribution of contributions under subsection (3) is not to be carried out except in accordance with a mechanism provided for in a scheme contained in regulations made by OFCOM.

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- (6) It shall be the duty of OFCOM to exercise their power to make regulations under this section in the manner which they consider will secure that the assessment, collection and distribution of contributions under subsection (3) is carried out—
- (a) in an objective and transparent manner;
 - (b) in a manner that does not involve, or tend to give rise to, any undue discrimination against particular communications providers or particular designated universal service providers, or against a particular description of them; and
 - (c) in a manner that avoids, or (if that is impracticable) at least minimises, any distortion of competition or of customer demand.
- (7) Regulations made by OFCOM under this section may provide for a scheme containing the provision mentioned in subsection (5), and for any fund set up for the purposes of such a scheme, to be administered either—
- (a) by OFCOM; or
 - (b) by such other person as may be specified in the regulations.
- (8) A person other than OFCOM is not to be specified in regulations under this section as the administrator of such a scheme or fund unless he is a person who OFCOM are satisfied is independent of both—
- (a) the persons who are designated universal service providers; and
 - (b) communications providers to whom general conditions are applicable.
- (9) Section 403 applies to the powers of OFCOM to make regulations under this section.

Commencement Information

- I13** S. 71 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I14** S. 71 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

72 [F24 Report on sharing mechanism: universal service obligations]

- (1) This section applies where regulations under section 71 provide for a scheme for the assessment, collection and distribution of contributions under subsection (3) of that section.
- (2) OFCOM must prepare and publish a report setting out, in relation to the period to which it applies—
- (a) every determination by OFCOM that has had effect in relation to a time in that period as a determination of the costs of providing anything contained in the universal service order;
 - (b) the market benefits for each designated universal service provider that have accrued to him during that period from his designation and from the application to him of universal service conditions; and
 - (c) the contribution made under section 71(3) by every person who has made a contribution during that period.
- (3) The first report under this section must be prepared in relation to the period of twelve months beginning with the coming into force of the first regulations to be made under section 71.

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- (4) Every subsequent report must be prepared in relation to the period of twelve months beginning with the end of the period to which the previous report applied.
- (5) Every report under this section—
 - (a) must be prepared as soon as practicable after the end of the period to which it is to apply; and
 - (b) must be published as soon as practicable after its preparation is complete.
- (6) OFCOM are not required under this section—
 - (a) to publish any matter that is confidential in accordance with subsection (7) or (8); or
 - (b) to publish anything that it would not be reasonably practicable to publish without disclosing such a matter.
- (7) A matter is confidential under this subsection if—
 - (a) it relates specifically to the affairs of a particular body; and
 - (b) publication of that matter would or might, in OFCOM’s opinion, seriously and prejudicially affect the interests of that body.
- (8) A matter is confidential under this subsection if—
 - (a) it relates to the private affairs of an individual; and
 - (b) publication of that matter would or might, in OFCOM’s opinion, seriously and prejudicially affect the interests of that individual.
- (9) The publication of a report under this section must be a publication in such manner as OFCOM consider appropriate for bringing it to the attention of the persons who, in their opinion, are affected by the matters to which it relates.

Textual Amendments

F24 S. 72 heading substituted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), [Sch. 1 para. 26](#)

Commencement Information

I15 S. 72 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))

I16 S. 72 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

^{F25}72A Review of universal service order

- (1) The Secretary of State may direct OFCOM to review and report to the Secretary of State on any provision made, or that may be made, by the universal service order^{F26}....
- (2) The Secretary of State must consult OFCOM before giving a direction under this section.
- (3) The Secretary of State must publish a direction under this section.
- (4) OFCOM must publish the report made by them to the Secretary of State of a review under this section.

Changes to legislation: Communications Act 2003, Cross Heading: Universal service conditions is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F25** Ss. 72A, 72B inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), ss. 1\(7\), 118\(2\)](#)
- F26** Words in s. 72A(1) omitted (21.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\), reg. 1\(2\), Sch. 1 para. 27](#)

Modifications etc. (not altering text)

- C2** S. 72A modified (temp.) (21.12.2020 until IP completion day) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\), regs. 1\(2\), 5](#)

72B Broadband download speeds: duty to give direction under section 72A

- (1) The Secretary of State must give OFCOM a direction under section 72A if—
- (a) the universal service order specifies a minimum download speed for broadband connections and services [^{F27}at a fixed location] and the speed so specified is less than 30 megabits per second, and
 - (b) it appears to the Secretary of State, on the basis of information published by OFCOM, that broadband connections or services that provide a minimum download speed of at least 30 megabits per second are subscribed to for use in at least 75% of premises in the United Kingdom.
- (2) The direction—
- (a) must require OFCOM to review and report to the Secretary of State on whether it would be appropriate for the universal service order to specify a higher minimum download speed, and
 - (b) may also require OFCOM to review and report to the Secretary of State on any other matter falling within section 72A(1).]

Textual Amendments

- F25** Ss. 72A, 72B inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), ss. 1\(7\), 118\(2\)](#)
- F27** Words in s. 72B(1)(a) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\), reg. 1\(2\), Sch. 1 para. 28](#)

Changes to legislation:

Communications Act 2003, Cross Heading: Universal service conditions is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)