

SCHEDULE 1

Amendments of primary legislation

PART 1

Amendments of Communications Act 2003 coming into force on 21st December 2020

- 19.**—(1) Section 51 (matters to which general conditions may relate)^{MI} is amended as follows.
- (2) In subsection (1)(d), after “section 71” insert “ or 72H ”.
- (3) In subsection (2), after paragraph (b) insert—
- “(ba) relate to any of the elements of a bundled contract;”.
- (4) Before subsection (3) insert—
- “(2B) The power to set general conditions falling within subsection (1)(b) includes power to require negotiations relating to service interoperability or network access to be conducted through an intermediary who—
- (a) is independent of the parties; and
- (b) is either appointed by the parties with the approval of OFCOM or appointed by OFCOM.”.
- (5) After subsection (7) insert—
- “(8) In this Chapter “bundled contract” means a contract, or two or more closely related or linked contracts, between the provider of a public electronic communications service and a qualifying end-user, which—
- (a) relates, or together relate, to the provision of at least one of the following—
- (i) an internet access service; and
- (ii) a number-based interpersonal communications service; and
- (b) also relates, or together also relate, to the provision of at least one of the following—
- (i) another service falling within paragraph (a)(i) or (ii);
- (ii) any other public electronic communications service;
- (iii) an information society service;
- (iv) a content service; and
- (v) terminal equipment.
- (9) In subsection (8)—
- “content service” has the meaning given by section 32(7);
- “information society service” is to be read in accordance with Article 1(1)(b) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification);
- “internet access service” has the meaning given by section 32(2B);
- “qualifying end-user” means an end-user who is—
- (a) an individual acting for purposes other than those of a business;

Changes to legislation: *There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020, Paragraph 19. (See end of Document for details)*

- (b) acting in the course of a business which is carried on by the end-user, and for which no more than 10 individuals work, whether as employees or volunteers or otherwise;
- (c) a not-for-profit body for which no more than 10 individuals work, whether as employees or otherwise but excluding volunteers.”.

Commencement Information

II Sch. 1 para. 19 in force at 21.12.2020, see reg. 1(2)

Marginal Citations

M1 Section 51 was amended by [S.I. 2011/1043](#) and [S.I. 2011/1210](#) and by sections 2 and 3 of the Digital Economy Act 2017 and is prospectively amended by [S.I. 2019/246](#).

Changes to legislation:

There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020, Paragraph 19.