

Reference: 01765742

Information Requests
information.requests@ofcom.org.uk

5 February 2024

Freedom of Information request: Right to know request

Thank you for your request for information about applications for powers under the Electronic Communications Code set out in Schedule 3A of the Communications Act 2003 (the Code).

We received this request on 15 January 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request & our response

1. What conditions/rules/legislations/codes of practice must a company agree to adhere to in order to be able to register as a telecoms code operator company?

This information is publicly available, however for ease, you may wish to have a look at section 1 and 2 of this previous consultation for an overview of the legal framework relating to Code powers including the relevant legislation: [Proposal to apply Code powers to Trenches](#)

This Ofcom [webpage](#) also contains some useful information that you may wish to have a look at for example: links to the [information we require from applicants](#), the [Code of practice provided by Ofcom](#) etc.

The Government website also provides information such as: legal provisions relating to the Code (e.g see sections 106 to 119 and Schedule 3A of the [Communications Act 2003](#) and the [Electronic Communications Code \(Conditions and Restrictions\) Regulations 2003](#), [Code of practice for wireless network development in England](#) and [Cabinet and Pole Siting Code of Practice Nov 16](#).

2. What checks are conducted before an application is accepted? Who does those checks?

3. What checks are conducted, if any, once an operator is approved? Who does those checks?

4. When might a registration application be denied? Under what circumstances?

5. When might an existing registration be withdrawn? Under what circumstances?”

Once applications are received, they are processed by the Electronic Communications Code Team, who conduct the necessary checks to ensure that the application meets the relevant statutory criteria. The consultation document we referred you to in question 1 above sets out the relevant considerations we must regard when considering granting powers under the Code.

Once an operator is granted powers under the Code, they are subject to certain conditions and restrictions set out in the [Electronic Communications Code \(Conditions and Restrictions\) Regulations 2003](#) (the Regulations) and Ofcom has powers to take enforcement action on breaches of the Regulations. However, ultimately, the legal framework, including what considerations we must

regard, the rights the operators get under the Code and the conditions and restrictions Code operators are subject to, is the responsibility of the Government.

For additional information, you may also find it useful to read our [Regulatory Enforcement Guidelines for investigations](#), specifically section A9 concerning the Electronic Communications Code.

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress.

Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).