
Proposal to revoke Code powers

Statutory notification under section 107(6) of the
Communications Act 2003

CONSULTATION:

Publication Date: 11 January 2022

Closing Date for Responses: 11 February 2022

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1. Overview

The Electronic Communications Code (the Code) is a set of rights that are intended to assist providers of electronic communications networks and/or systems of infrastructure with the installation and maintenance of their networks. Ofcom applies the Code to such providers by means of a direction under section 106 of the Communications Act 2003 (the Act).

Section 115 of the Act provides that Ofcom may revoke a direction applying the Code in a person's case if that person makes an application for the revocation to Ofcom, or if it appears to Ofcom that a person in whose case the Code applies is no longer the provider of an electronic communications network and/or a system of infrastructure for the purposes of which the Code applies.

What we are proposing – in brief

We are proposing to revoke the directions applying the Code to the following companies who have notified us that they no longer require Code powers and wish for their Code powers to be revoked:

- Aylesbury Vale Broadband Limited, Central North Sea Fibre Telecommunications Company Limited, CityLink Telecommunications Limited, Geo Metro Limited, Geo Networks Limited, Lonsdale Network Services Ltd, Open Fibre Networks (Wholesale) Limited (formerly Independent Fibre Networks Limited), Ranston Farm Partnership, Telensa Ltd, Timico Partner Services Limited, Tiscali UK Limited, and Zayo Infrastructure (UK) Limited.

We are also proposing to revoke the directions applying the Code to the following companies, which have either been closed or dissolved and, consequently, are no longer the provider of an electronic communications network and/or system of infrastructure:

- AB Internet Limited, Bytel Networks Ltd, Centric Telco Ltd, Energis Local Access Ltd, Eurobell (South West) Limited, Eurobell (Sussex) Limited, Eurobell (West Kent) Limited, Infolines Public Network Ltd, Interoute Vtesse Limited, M3COM (UK) Limited and Smallworld Cable Limited.

In accordance with section 107(6) and (7) of the Act, we invite comments on our proposal by 11 February 2022.

We will consider any responses to this consultation before reaching a final decision on whether to give directions revoking the application of the Code in these specified companies' cases.

2. Background

- 2.1 The Code is set out in Schedule 3A to the Act. It is designed to facilitate the installation and maintenance of electronic communications networks.¹ It confers rights on providers of such networks and on providers of systems of infrastructure to install and maintain apparatus on, under and over land and results in considerably simplified planning procedures.
- 2.2 Where the Code is applied in any person's case, it may be subject to restrictions and conditions set out in regulations made by the Secretary of State.²

The application of the Code

- 2.3 The Code only has effect in the case of a person to whom it is applied by a direction given by Ofcom under section 106 of the Act, or in the case of the Secretary of State or any Northern Ireland department, where the Secretary of State or that department is providing or proposing to provide an electronic communications network.³
- 2.4 Prior to the entry into force of section 106 of the Act, the Telecommunications Act 1984 (the 1984 Act) set out the rules governing the application of the telecommunications code as set out in Schedule 2 to the 1984 Act (the Telecommunications Code). The Secretary of State had power under section 7 of the 1984 Act to grant a licence, applying the Telecommunications Code to a particular person. As a result of the implementation of section 106 of the Act on 25 July 2003, the licensing regime established under the 1984 Act was abolished (subject to certain transitional provisions). For those persons in whose case the Telecommunications Code applied by virtue of a licence under section 7 of the 1984 Act immediately before 25 July 2003, paragraph 17(2) of Schedule 18 (Transitional Provisions) of the Act provides that those persons shall be treated as a person in whose case the Code applies by virtue of a direction given by Ofcom.

The revocation of the Code

- 2.5 Section 115(2) of the Act provides that Ofcom may revoke a direction applying the Code in a person's case if an application for the revocation has been made by that person.
- 2.6 Section 115(3) of the Act provides that Ofcom may revoke a direction applying the Code if, at any time, it appears to Ofcom that the person to whom the Code has been applied is not the provider of a communications network or a system of infrastructure for the purposes of which the code applies.

¹ "Electronic communications network" for the purposes of the Code has the same meaning as in section 32 of the Act.

² Section 109 of the Act – see the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (SI 2003 No. 2553), as amended by the Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2009 (SI 2009 No. 584), the Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2013 (SI 2013 No. 1403) and the Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2017 (SI 2017/753).

³ Section 106(3)(b) of the Act.

- 2.7 Section 115(4) of the Act requires that a revocation under section 115(2) or section 115(3) shall be made by a further direction under section 106 of the Act to the person in whose case the Code has been applied by the direction being revoked.

Statutory consultation process on proposal

- 2.8 Before giving a further direction under section 106 revoking the application of the Code in any person's case, Ofcom must publish a notification of its proposal to give the direction and consider any representations about that proposal that are made to Ofcom within the period specified in the notification.⁴
- 2.9 Such a notification must contain the following⁵:
- a) a statement of Ofcom's proposal;⁶
 - b) a statement of Ofcom's reasons for that proposal;
 - c) a statement of the period within which representations may be made to Ofcom about the proposal (which period must end no less than 30 days after the day of the publication of the notification⁷).
- 2.10 Ofcom must publish a notification in such manner as Ofcom considers appropriate for bringing the notification to the attention of the persons who, in Ofcom's opinion, are likely to be affected by it.⁸
- 2.11 The notification published at Annex 5 to this document is a notification for such purposes and should be read in conjunction with the entirety of this document, including the reasons set out in Section 3.

Statutory duties

General duties

- 2.12 In carrying out its functions under the Act (which includes giving a direction to revoke the application of the Code in a person's case), Ofcom's principal duty as set out in section 3 of the Act is to further the interests of citizens in relation to communications matters and to further the interests of consumers in relevant markets, where appropriate by promoting competition.
- 2.13 We must also have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, and any other principles appearing to us to represent the best regulatory practice.

⁴ Section 107(6) of the Act.

⁵ Section 107(7) of the Act.

⁶ Section 115(5)(b) of the Act provides that the statement of Ofcom's proposal must include a statement of Ofcom's proposal to revoke the direction applying the Code.

⁷ Section 107(9) of the Act.

⁸ Section 107(10) of the Act.

- 2.14 Ofcom has a wide measure of discretion in balancing its statutory duties and objectives. In so doing, we will take account of all relevant considerations, including any responses received during this consultation process, in reaching our conclusions.

Specific duties in relation to certain regulatory functions

- 2.15 When carrying out certain functions, which include giving a direction to apply the Code and any further direction to revoke the application of the Code, section 4 of the Act requires us to act in accordance with the six requirements set out in that section.

- 2.16 In summary, these six requirements are:

- a) to promote competition in the provision of electronic communications networks and services, associated facilities and the supply of directories;
- b) to promote the interests of all members of the public in the United Kingdom;
- c) to take account of the desirability of Ofcom's carrying out of its functions in a manner which, so far as practicable, does not favour one form of or means of providing electronic communications networks, services or associated facilities over another, i.e. to be technologically neutral;
- d) to encourage, to such extent as Ofcom considers appropriate for certain prescribed purposes, the provision of network access and service interoperability, namely securing efficiency and sustainable competition, efficient investment and innovation and the maximum benefit for customers of communications providers and of persons who make associated facilities available;
- e) to encourage compliance with certain standards as is necessary to facilitate service interoperability; facilitate end-to-end connectivity; facilitate the changing by end-users of their communications provider; facilitate the retention by end-users of their telephone numbers after a change of communications provider; and secure freedom of choice for the customers of communications providers.
- f) to promote connectivity and access to very high capacity networks by members of the public and businesses in the United Kingdom.

- 2.17 We consider that the proposals in this consultation are consistent with these requirements, in particular, the duty to promote the interests of all members of the public in the United Kingdom.

Impact assessment and equality impact assessment

- 2.18 Impact assessments provide a valuable way of assessing different options and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Act, which means that generally Ofcom has to carry out impact assessments where its proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. As a matter of

policy Ofcom is committed to carrying out and publishing impact assessments in relation to the vast majority of its policy decisions.

- 2.19 Pursuant to section 7, an impact assessment must set out how, in our opinion, the performance of our general duties (within the meaning of section 3 of the Act) is secured or furthered by or in relation to what we propose. The form of our impact assessments depends on the nature of the proposals under consideration and the legal framework in which we are operating.
- 2.20 There are two main options for this consultation in relation to each of the specified companies:
- a) give a direction to revoke the direction applying the Code ; or
 - b) not to give such a direction.
- 2.21 For further information about Ofcom’s approach to impact assessments, see the guidelines, [Better policy-making: Ofcom’s approach to impact assessment](#), which are on the Ofcom website.

Equality impact assessment

- 2.22 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions (which includes giving a direction revoking a previous direction applying the Code), to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- 2.23 Section 75 of the Northern Ireland Act 1998 (the 1998 Act) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom’s Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.
- 2.24 To help us comply with our duties under the 2010 Act and the 1998 Act, we assess the impact of our proposals on persons sharing protected characteristics and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- 2.25 We do not consider that our proposals have equality implications under the 2010 Act or the 1998 Act.

3. Reasons for our proposals

3.1 This section contains our reasons for our proposals to revoke each of the directions applying the Code to the specified companies.

Applications received pursuant to section 115(2) of the Act

Factual matters

3.2 Ofcom has received applications, under section 115(2) of the Act, from each of the companies listed in Table 1 (the Applicants) to revoke directions made applying the Code in that person's case.⁹

3.3 Each of the Applicants have explained that they no longer require Code powers.

Table 1: Companies who informed Ofcom that they no longer require Code powers

Company name	Company number
Aylesbury Vale Broadband Limited	9661210
Central North Sea Fibre Telecommunications Company Limited	04015401
CityLink Telecommunications Limited	03734785
Geo Metro Limited	04129122
Geo Networks Limited	04614924
Lonsdale Network Services Ltd	08107724
Open Fibre Networks (Wholesale) Limited (formerly Independent Fibre Networks Limited)	5910724
Ranston Farm Partnership	Not applicable
Telensa Ltd	04498125
Timico Partner Services Limited (formerly Newnet Plc)	03128506
Tiscali UK Limited ¹⁰	03408171
Zayo Infrastructure (UK) Limited (formerly Viatel Infrastructure (UK) Limited)	05836930

Assessment

3.4 In considering the applications made by each of the Applicants and making the proposal above, we consider that we have acted in accordance with the relevant duties set out in

⁹This includes persons that previously held a licence by virtue of section 7 of the 1984 Act. See paragraph 2.4 of this consultation for further details.

¹⁰ Former Licencee

sections 3 and 4 of the Act; in particular, the duty to further the interests of citizens in relation to communications matters and to promote the interests of all members of the public of the United Kingdom. We have also had regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.

- 3.5 In particular, our proposal to give directions revoking these Code powers will ensure that operators that do not need such powers are not holding them. We understand that the networks deployed by the Applicants have either been transferred to other operators or decommissioned. Additionally, each of the Applicants has explained that they are not exercising their Code powers and do not intend to do so in the future. As a result, we consider the revocation of Code powers in respect of each of these companies is appropriate and, for the reasons set out, in the interests of citizens and consumers.

Proposal

- 3.6 In accordance with section 115(2) of the Act, we propose to issue a direction under section 106¹¹ of the Act to revoke the directions applying the Code to each of the Applicants.
- 3.7 Annex 5 contains a notification of our proposal and a proposed direction at Schedule 2 to that notification, which would give effect to the revocation.

Revocations pursuant to section 115(3) of the Act

Factual matters

- 3.8 Having conducted a review of our register of persons with powers under the Code¹² (the Register) against the register of companies maintained by Companies House, it has come to our attention that each of the companies listed in Table 2 (together ‘the Relevant Companies’) has been closed or dissolved.

Table 2: Companies listed in the Register which are either closed or dissolved.

Company name	Company number	Company status
AB Internet Limited	5650861	Dissolved on 1 September 2018
Bytel Networks Ltd	NI50325	Dissolved on 18 February 2020
Centric Telco Ltd ¹³	04160077	Dissolved on 31 December 2017
Energis Local Access Ltd ¹⁴	04050390	Dissolved on 12 September 2017

¹¹ Section 115(4) of the Act provides that a revocation under that section shall be by a further direction under section 106 of the Act to the person in whose case the electronic communications code has been applied by the direction being revoked.

¹² <https://www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/policy/electronic-comm-code/register-of-persons-with-powers-under-the-electronic-communications-code>

¹³ Former Licencee

¹⁴ Former Licencee

Eurobell (South West) Limited ¹⁵	01796131	Dissolved on 13 November 2018
Eurobell (Sussex) Limited ¹⁶	02272340	Dissolved on 18 April 2018
Eurobell (West Kent) Limited ¹⁷	02886001	Dissolved on 18 April 2018
Infolines Public Network Ltd ¹⁸	2979944	Dissolved on 27 July 2010
Interoute Vtesse Limited ¹⁹	3900836	Closed on 26 April 2019
M3COM (UK) Limited ²⁰	03832019	Dissolved on 11 May 2010
Smallworld Cable Limited	05679836	Dissolved on 10 June 2021

Assessment

- 3.9 In considering this proposal, we consider that we have acted in accordance with the relevant duties set out in sections 3 and 4 of the Act in particular our duty to further the interests of citizens in relation to communications matters and to promote the interests of all members of the public of the United Kingdom. We have also had regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.
- 3.10 In this case, each of the Relevant Companies are now either closed or dissolved entities. Each of these companies appears to have transferred its network to another operator before being dissolved, or was dissolved at least three years ago²¹. As a result, we consider the revocation of Code powers in respect of each of the Relevant Companies is appropriate and, for the reasons set out, in the interests of citizens and consumers.

Proposal

- 3.11 It appears to us that each of the Relevant Companies is no longer the provider of an electronic communications network or system of infrastructure for the purposes of which the Code applies.
- 3.12 Therefore, in accordance with section 115(3) of the Act, we propose to issue a direction under section 106 of the Act to revoke the directions applying the Code to each of the Relevant Companies.
- 3.13 Annex 5 contains a notification of our proposal and a draft direction, at Schedule 3 to that notification, which would give effect to the revocation.

¹⁵ Former Licencee

¹⁶ Former Licencee

¹⁷ Former Licencee

¹⁸ Former Licencee

¹⁹ Former Licencee

²⁰ Former Licencee

²¹ Before exercising certain Code rights, among other things, Code operators are required to ensure that sufficient funds are available to meet certain liabilities that may arise during a period of 3 years after certain events, for example, when an order is made, or any person takes action, for the dissolution of the Code operator (Regulation 16 of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003/2553)

Next Steps

- 3.14 We will consider any responses we may receive by the closing date before making our decision as to whether we should give directions revoking each of the directions applying the Code to the Applicants and the Relevant Companies.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on and our reasoning are set out in the full document.

A1. Responding to this consultation

How to respond

A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 11 February 2022.

A1.2 You can [download a response form](#) from the Ofcom website. You can return this by email or post to the address provided in the response form.

A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to ECCcodepowers@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#).

A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:

Electronic Communications Code Team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:

- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
- Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.

A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)

A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.

A1.8 It would help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

A1.9 If you want to discuss the issues and questions raised in this consultation, please contact ECC Team on 020 7981 3000, or by email to: ECCcodepowers@ofcom.org.uk

Confidentiality

A1.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of

transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.

- A1.11 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A1.14 Following this consultation period, Ofcom plans to publish a statement in Spring 2022.
- A1.15 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.18 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A3. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact): ECC Team

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A4. Consultation questions

Question: Do you have any comments on our proposal to revoke the application of Code powers in the case of any of the Applicants and any of the Relevant Companies, as listed in the consultation?

A5. Statutory notification

Notification under section 107(6) of the Communications Act 2003 of Ofcom's proposal to revoke directions applying the electronic communications code pursuant to sections 115(2) and 115(3) of the Act (the Notification)

Proposal in this Notification

1. Ofcom hereby proposes, in accordance with sections 107(6), 115(2) and 115(3) of the Act, to give separate directions under section 106(3) of the Act in the case of each of the persons listed in Parts 1 and 2 of Schedule 1 to this Notification to revoke the direction applying the Code to that person.
2. Schedule 2 to this Notification sets out the direction that Ofcom proposes to give to each of the persons listed in Part 1 of Schedule 1 and Schedule 3 to this Notification sets out the direction that Ofcom proposes to give to each of the persons listed in Part 2 of Schedule 1.
3. Ofcom's reasons for giving the proposed directions are set out in the accompanying consultation document.

Ofcom's duties

4. In making this proposal, Ofcom has considered and acted in accordance with its general duties in section 3 of the Act and the six requirements in section 4 of the Act.

Making representations

5. Representations on this proposal may be made by email to: ECCcodepowers@ofcom.org.uk, by no later than 5pm on **11 February 2022**

Interpretation

6. In this Notification, including in the Schedules to this Notification —
 - a) "**Act**" means the Communications Act 2003;
 - b) "**Code**" means the electronic communications code set out in Schedule 3A to the Communications Act 2003; and
 - c) "**Ofcom**" means the Office of Communication.
7. For the purpose of interpreting this Notification—
 - (a) headings and titles shall be disregarded; and
 - (b) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.
8. The attached Schedules form part of this Notification.

Signed



Brian Potterill

Director of Mobile Network Strategy

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

11 January 2022

SCHEDULE 1

Part 1

Company Name	Company Number
Aylesbury Vale Broadband Limited	9661210
Central North Sea Fibre Telecommunications Company Limited	04015401
CityLink Telecommunications Limited	03734785
Geo Metro Limited	04129122
Geo Networks Limited	04614924
Lonsdale Network Services Ltd	08107724
Open Fibre Networks (Wholesale) Limited (formerly Independent Fibre Networks Limited)	5910724
Ranston Farm Partnership	Not applicable
Telensa Ltd	04498125
Tiscali UK Limited	03408171
Timico Partner Services Limited (formerly Newnet Plc)	03128506
Zayo Infrastructure (UK) Limited (formerly Viatel Infrastructure (UK) Limited)	05836930

Part 2

Company Name	Company Number
AB Internet Limited	5650861
Bytel Networks Ltd	NI50325
Centric Telco Ltd	04160077
Energis Local Access Ltd	04050390
Eurobell (South West) Limited	01796131
Eurobell (Sussex) Limited	02272340
Eurobell (West Kent) Limited	02886001
Infolines Public Network Ltd	2979944
Interoute Vtesse Limited	3900836
M3Com (UK) Limited	03832019
Smallworld Cable Limited	05679836

SCHEDULE 2

[Proposed] Direction under section 106 of the Communications Act 2003, made pursuant to section 115(4) of the Act (the “Direction”), revoking a direction applying the electronic communications code in the case of [] (“the Applicant”).

Background

1. Ofcom has issued a direction under [section 106(3) of the Act]/[paragraph 17(2) of Schedule 18 of the Act] , applying the Code in the case of the Applicant.
2. The Applicant has since applied to Ofcom for a further direction revoking the direction referred to in paragraph 1 above, in accordance with section 115(2) of the Act.
3. Prior to making a direction under section 106 of the Act to revoke the direction referred to in paragraph 1 above, Ofcom must publish a notification of its proposal to give that direction and consider any representations about that proposal that are made to Ofcom within the period specified in the notification.
4. On 11 January 2022, Ofcom published, in accordance with sections 107(6) of the Act, a notification of its proposal to give a further direction revoking the direction referred to in paragraph 1 above for the reasons set out in the consultation document accompanying that notification. That notification invited representations to Ofcom by no later than 5pm on 11 February 2022.
5. [Ofcom has considered every representation about the proposal made to it/Ofcom did not receive any representations about this proposal]. For the reasons set out in the consultation document accompanying the above mentioned notification, Ofcom has considered and acted in accordance with its general duties in section 3 of the Act and the six requirements in section 4 of the Act.

Decision

6. Ofcom hereby directs, in accordance with section 106 of the Act, that the direction applying the Code in the case of the Applicant under section 106(3) of the Act shall be revoked.
7. This Direction shall take effect on the day it is published.

Interpretation

8. In this Direction—
 - (a) “**Act**” means the Communications Act 2003;
 - (b) “**Code**” means the electronic communications code set out in Schedule 3A to the Communications Act 2003;
 - (c) “**Ofcom**” means the Office of Communications.
9. For the purpose of interpreting this Direction—
 - (a) headings and titles shall be disregarded;
 - (b) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.

Signed

Brian Potterill

Director of Mobile Network Strategy

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

[date]

SCHEDULE 3

[Proposed] Direction under section 106 of the Communications Act 2003, made pursuant to section 115(4) of the Act (the “Direction”), revoking a direction applying the electronic communications code in the case of [] (“the Relevant Company”).

Background

1. Ofcom has issued a direction under [section 106(3) of the Act]/[paragraph 17(2) of Schedule 18 of the Act] , applying the Code in the case of the Relevant Company.
2. In accordance with section 115(3) of the Act, it appears to Ofcom that the Relevant Company is no longer the provider of [an electronic communications network and/or system of infrastructure] for the purposes of which the Code was applied.
3. Prior to making a further direction under section 106 of the Act to revoke the direction referred to in paragraph 1 above, Ofcom must publish a notification of its proposal to give that direction and consider any representations about that proposal that are made to Ofcom within the period specified in the notification.
4. On 11 January 2022, Ofcom published, in accordance with sections 107(6) of the Act, a notification of its proposal to give a further direction revoking the direction referred to in paragraph 1 above for the reasons set out in the consultation document accompanying that notification. That notification invited representations to Ofcom by no later than 5pm on 11 February 2022.
5. [Ofcom has considered every representation about the proposal made to it/Ofcom did not receive any representations about this proposal]. For the reasons set out in the explanatory statement in the Consultation, Ofcom has considered and acted in accordance with its general duties in section 3 of the Act and the six requirements in section 4 of the Act.

Decision

6. Ofcom hereby directs, in accordance with section 106 of the Act, that the direction applying the Code in the case of the Relevant Company under section 106(3) of the Act shall be revoked.
7. This Direction shall take effect on the day it is published.

Interpretation

8. In this Direction—
 - (b) “**Act**” means the Communications Act 2003;
 - (c) “**Code**” means the electronic communications code set out in Schedule 3A to the Communications Act 2003;
 - (d) “**Consultation**” means the consultation document accompanying the notification referred to at paragraph 4 of this Schedule.
 - (e) “**Ofcom**” means the Office of Communications.
9. For the purpose of interpreting this Direction—

Proposal to revoke Code powers

- (a) headings and titles shall be disregarded;
- (b) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.

Signed

Brian Potterill

Director of Mobile Network Strategy

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

[date]