

2003 No. 1904

ELECTRONIC COMMUNICATIONS

**The Electronic Communications (Universal Service)
Order 2003**

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| <i>Made - - - - -</i> | <i>17th July 2003</i> |
| <i>Laid before Parliament</i> | <i>21st July 2003</i> |
| <i>Coming into force - -</i> | <i>25th July 2003</i> |

The Secretary of State, in exercise of the powers conferred on her by section 65 of the Communications Act 2003(a), and following consultation with OFCOM and other appropriate persons in accordance with section 65(4) of that Act, hereby makes the following Order:

Citation and Commencement

1. This Order may be cited as the Electronic Communications (Universal Service) Order 2003 and shall come into force on 25th July 2003.

Interpretation

2. In this Order—

“the Act” means the Communications Act 2003;

“disability” has the same meaning as in section 1 of the Disability Discrimination Act 1995(b);

“network termination point” means the physical point at which a subscriber is provided with access to a public electronic communications network and in the case of electronic communications networks involving switching or routing, the network termination point is identified by means of a specific electronic communications network address, which may be linked to a subscriber’s number or name;

“publicly available telephone service” means a service available to the public for originating and receiving national and international calls and access to emergency services through a telephone number or numbers in a national or international telephone numbering plan, and may, where relevant, also include one or more of the following—

- (a) the provision of operator assistance,
- (b) directory enquiry facilities,
- (c) directories,
- (d) the provision of public pay telephones,
- (e) the provision of service under special terms,
- (f) the provision of specific facilities for end-users with a disability or with special social needs, and
- (g) the provision of non-geographic services;

(a) 2003 c. 21.
(b) 1995 c. 50.

“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;

“public telephone network” means an electronic communications network which is used to provide publicly available telephone services and supports the transfer between network termination points of speech communications, and also other forms of communications, such as facsimile and data;

“relay service” means a service which:

- (a) provides facilities for the receipt and translation of voice messages into text and text into voice messages, and the conveyance of that text or voice message to the textphone of subscribers of a person providing a publicly available telephone service; and
- (b) has been approved as a text relay service by OFCOM;

“subscriber” means any person who is a party to a contract with the provider of a public electronic communications service for the supply of such service; and

“textphone” means an integrated terminal incorporating an alphanumeric keyboard and means of displaying text, intended for connection to the public telephone network for the sole or primary purpose of supporting live telephone conversations between two or more individuals.

Universal service obligations

3. The extent to which the things falling within section 65(2) of the Act must be provided, made available or supplied throughout the United Kingdom is set out in the Schedule to this Order.

Guidance on the pricing of universal service obligations

4. The matters set out in the Schedule should be offered at prices that are:
- (a) affordable for all end-users; and
 - (b) uniform throughout the United Kingdom, unless OFCOM have determined that there is clear justification for not doing so.

17th July 2003

Stephen Timms,
Minister of State for Energy, E-Commerce and Postal Services,
Department of Trade and Industry

Publicly available telephone services

1.—(1) At least one designated universal service provider shall meet all reasonable requests by end-users for connection at a fixed location to the public telephone network and for access to publicly available telephone services at a fixed location.

(2) The connection referred to in sub-paragraph (1) shall be capable of allowing end-users to make and receive local, national and international telephone calls, facsimile communications and data communications, at data rates that are sufficient to permit functional Internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility.

(3) Access to a publicly available telephone service in accordance with sub-paragraph (1) shall continue to be provided in the event of non-payment of bills for the use of that service, unless the provider of the service has first taken adequate measures regarding interruption to, or disconnection of the service.

Directories

2.—(1) At least one comprehensive directory shall be made available to end-users in a form approved by OFCOM, whether printed or electronic, or both, and it shall be updated at least once a year.

(2) This directory shall comprise, subject to the provisions of the Telecommunications (Data Protection and Privacy) Regulations 1999(a), the details of all subscribers of publicly available telephone services and their telephone numbers, including fixed and mobile telephone numbers.

Directory Enquiry Facilities

3.—(1) At least one comprehensive telephone directory enquiry facility shall be made available to end-users, including users of public pay telephones.

(2) This facility shall comprise, subject to the provisions of the Telecommunications (Data Protection and Privacy) Regulations 1999, the details of all subscribers of publicly available telephone services and their telephone numbers, including fixed and mobile telephone numbers.

Public pay telephones

4.—(1) Public pay telephones shall be provided to meet the reasonable needs of end-users in terms of geographical coverage, the number of telephones and the quality of public electronic communication services.

(2) It shall be possible to make emergency calls from public pay telephones using the single European emergency call number “112” and the UK emergency call number “999”, free of charge and without the use of coins or cards.

Billing, payment and tariff options

5.—(1) Facilities, methods of billing and methods of accepting payment for electronic communications services that enable subscribers to monitor and control their expenditure in relation to the use of those services shall be provided to subscribers of services provided by designated universal service providers.

(2) Appropriate tariff options and packages that depart from those provided under normal commercial conditions shall be made available by designated universal service providers to the subscribers of their services who are on low incomes or have special social needs.

Special measures for end-users with a disability

6.—(1) Special measures shall be taken to ensure access to and affordability of publicly available telephone services for end-users with a disability equivalent to those enjoyed by other end-users.

(2) The measures to be taken for the purposes of sub-paragraph (1) shall include:

- (a) provision of access to the directory information facilities provided for the purposes of paragraph 3 in a form appropriate to meet the needs of end-users with a disability who are unable to use a telephone directory in a form in which it is generally available to other end-users;
- (b) provision of priority fault repair services to end-users with a disability as is necessary to ensure access to publicly available telephone services by such end-users;
- (c) provision of, and the provision of access to, relay services for end-users with a disability where required to ensure access to publicly available telephone services by such end-users;

(a) S.I. 1999/2093 as amended by S.I. 2000/157.

- (d) methods of billing and methods of accepting payment for publicly available telephone services in an appropriate format for subscribers with a disability, including provision for such subscribers to nominate a third party to handle their billing issues; and
- (e) accessibility and functionality of the public pay telephones to be provided for the purposes of paragraph 4 for use by end-users with a disability, including the adequate provision of textphone facilities.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order satisfies the obligation of the Secretary of State, under section 65(1) of the Communications Act 2003 (“the Act”), to make an Order setting out the extent to which the things falling within section 65(2) of the Act must, for the purpose of securing compliance with Community obligations of the United Kingdom, be provided, made available or supplied throughout the United Kingdom.

The things falling within section 65(2) are:

- electronic communications networks and electronic communications services;
- facilities capable of being made available as part of or in connection with an electronic communications service;
- directories capable of being used in connection with the use of an electronic communications network or electronic communications service;
- directory enquiry facilities capable of being used for purposes connected with the use of such a network or service; and
- particular methods of billing for electronic communications services or of accepting payment for them.

The extent to which these things are to be provided, made available or supplied throughout the United Kingdom, is set out in the Schedule to the Order.

Article 4 of the Order sets out guidance on the pricing of things that the Order requires to be provided, made available or supplied. OFCOM are required to have regard to such guidance when setting universal service conditions under section 67 of the Act.

Under Directive 2002/22/EC of the European Parliament and of the Council of 7th March 2002 on universal service and users’ rights relating to electronic communications networks and services (“the Universal Service Directive”), the United Kingdom is obliged to ensure the provision, availability or supply of certain services set out in Chapter II of the Universal Service Directive to users in the United Kingdom. This Order implements Articles 4, 5(1)(a), 5(1)(b), 6(1), 6(3), 7(1), 9(2) and 10(2) of the Universal Service Directive.

OFCOM are responsible for adopting appropriate measures, such as setting universal service conditions, so as to secure compliance with the obligations contained in this Order.

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