

2011 Communications Review

Response by FCS
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New Communications Act

FCS Communications Act Working Group input to Government- June 2011

- ❑ Comms Act 2003 is unwieldy:
 - Simplify the next Comms Act
 - Remove all spectrum clauses to a single Wireless Telegraphy Act
 - Remove PRS clauses- regulation of the mobile wallet should be by FSA
 - Redefine a “consumer” as an individual, rather than including small business
 - Introduce a proportionate and speedy appeals regime for all industry participants
 - Add in a new body- a self/co-regulatory body set up by Ofcom
- ❑ Ofcom:
 - Independent regulator but should be subject to government policy where national interest dictates e.g. ensuring future access to spectrum for CNI and public safety
 - Consolidate all sub-regulators into 1 place
- ❑ Co-regulation to support the multi-supplier market
 - All stakeholders involved in process decisions
 - Transparent
 - Single point of contact for Ofcom

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- Platform neutral regulation
 - Same principles of utility regulation for all infrastructure and platforms
 - Long term solution is a “fat pipe” available for wholesale access
- Fair and competitive access to platforms
 - Enable new and small players to deliver services
- Effective enforcement targeting fraud and criminality- clear guidance on compliance
- General Conditions- keep but rationalise the definitions to avoid current confusion
- Proportionate appeals mechanism against Ofcom decisions that is not too expensive for smaller players