

**Notification under section 107(2) of the Communications Act 2003 published
on 10th October 2003**

**Requirements with respect to the content of an application for a direction
applying the Electronic Communications Code and the manner in which such
an application is to be made**

1. The Director-General of Telecommunications, in accordance with section 107(2) of the Act, hereby sets out the following requirements with respect to the content of an application for a direction applying the Electronic Communications Code under section 106 of the Act, and the manner in which such an application is to be made.

Content

2. The application must contain the following information-
 - i. In the case of a company, the company name, company number, address of the registered office and details of any subsidiaries, parents and affiliates;
 - ii. In the case of a partnership, contact name and address, name of partnership, address of principal place of business;
 - iii. In the case of an individual, the individual's name, address and contact details;
 - iv. A description of the Electronic Communications Network or system of Conduits which the Applicant intends to provide, including the location of that Network or system;
 - v. The person's reasons for wishing to obtain a direction applying the Electronic Communications Code to him, including an explanation of why it would not be practicable to him to provide the network or Conduit system without the Code;
 - vi. A description of the purposes for which the Electronic Communications Network (if applicable) is to be used, for example the type of Electronic Communications Service to be Provided over the Network and who is likely to benefit from that Service;
 - vii. In the case of Providers of systems of Conduits only, written evidence that they are making available or proposing to make available their system of Conduits for use by Providers of Electronic Communications Networks for the purposes of the provision by those Providers of their Networks (e.g. any available contracts, letters from Providers of Electronic Communications Networks confirming their intention of using that specific system of Conduits for the Provision of their Networks);
 - viii. Where the Applicant is able and willing to share Electronic Communications Apparatus, evidence of his ability and willingness to share such Apparatus;
 - ix. Where applicable, a description of alternative arrangements to the direction applying the Electronic Communications Code which have been sought;

- x. Where available, a description of any measures taken or initiatives signed up to which demonstrate responsible use by the Applicant of the Electronic Communications Code; and
- xi. Evidence of the Applicant's ability to put in place funds for meeting liabilities as defined in restrictions and conditions referred to in sections 109 to 117 of the Act prior to the exercise of rights conferred by the Electronic Communications Code.

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- 3. In accordance with section 395(3) of the Act the Director is willing to receive applications for a direction under section 106 of the Act transmitted by means of an Electronic Communications Network.
- 4. Words or expressions used in this Notification shall have the same meaning as in the Act.
- 5. In this Notification 'the Act' means the Communications Act 2003.
- 6. This notification shall come into force on the day it is published.

NEIL BUCKLEY
POLICY PROJECT DIRECTOR

**A person authorised under Paragraph 8 of Schedule 1 to the
Telecommunications Act 1984**

6 October 2003