EXPLANATORY MEMORANDUM TO

THE OFFICE OF COMMUNICATIONS (MEMBERSHIP) ORDER 2005

2005 No. 2718

1. This explanatory memorandum has been prepared by The Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order increases the maximum membership of the board of the Office of Communications (OFCOM).

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None

4. Legislative Background

4.1 OFCOM was established by the Office of Communications Act 2002[1]("the act"). The original legislation provided for a minimum of three and a maximum of six members of OFCOM.

4.2 Following a recommendation from the pre-legislative scrutiny committee (the Puttnam Committee) as part of its scrutiny of the Communications Bill, the maximum number was increased to nine by The Office of Communications (Membership) Order 2002[2].

4.3 This Order further modifies the act by increasing the maximum number of members to ten.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Minister of State for Industry and the Regions has made the following statement regarding Human Rights:

In my view the provisions of the Office of Communications (Membership) Order 2005 are compatible with the Convention rights.

7. Policy background

[1] 2002 c. 11.
[2] S.I. 2002/2956.

7.1 The increase has been requested by OFCOM in order to allow the appointment of an additional executive member to the board in order to carry out their functions effectively. The Secretary of State is content to allow this increase.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 Any increase in the cost of the board of the Office of Communications will be within OFCOM's agreed overall resource expenditure cap.

9. Contact

Simon Mitchell at the Department of Trade and Industry Tel: 0207 215 1744 or e-mail: simon.mitchell@dti.gsi.gov.uk can answer any queries regarding the instrument.