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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

The Wireless Telegraphy Act 2006  
(Directions to OFCOM) Order 2010

PART 2

**Wholesale access: general**

17.—(1) Where OFCOM varies an existing 900MHz licence or includes a condition in an 800MHz licence or a 900MHz licence granted pursuant to the Combined Auction or a subsequent auction to require the licensee to provide a service on request and on a wholesale basis it must also include provision in relation to the following matters.

(2) The licensee must not limit the right of the person to whom a service is provided on a wholesale basis to sell any such service either on a wholesale or a retail basis.

(3) The licensee must in relation to the terms (including price) on which the service is to be provided—

- (a) use all reasonable endeavours to reach agreement within 6 months with the person who has requested the service; and
- (b) in the absence of agreement within that time, as soon as reasonably practicable, submit the matter to commercial arbitration and agree to be bound by the decision of the arbitrator.

(4) If the parties cannot agree on the identity of an arbitrator, then the licensee must accept an arbitrator appointed by OFCOM under article 18(3).