



Telecommunications Act 1984

1984 CHAPTER 12

PART II

PROVISION OF TELECOMMUNICATION SERVICES

Modification of licences

[^{F1}12A Agreement required for the purposes of section 12.

[^{F2}(1) The requirements of this section are satisfied in the case of a modification if any of subsections (2) to (4) below applies.

(2) This subsection applies if—

- (a) it appears to the Director that the relevant licensee or, as the case may be, each of the relevant licensees has been given a reminder, at least seven days before the making of the modification, of the Director's powers in the absence of objections; and
- (b) there has not been an objection by a relevant licensee to the making of the modification.

(3) This subsection applies if—

- (a) the modification is one which in the opinion of the Director is deregulatory; and
- (b) the notice given under section 12(2) above in the case of the proposal for the modification contained a statement of that opinion and of the Director's reasons for it.

(4) This subsection applies if—

- (a) the modification is in the same or similar terms as modifications that the Director has already proposed but not yet made in the case of other licences;
- (b) the licence in question is one issued since the making of the proposal for the modification of the conditions of the other licences;

*Changes to legislation: There are currently no known outstanding effects for the
Telecommunications Act 1984, Section 12A. (See end of Document for details)*

- (c) subsection (2) or (3) above applies in the case of the modifications of the conditions of the other licences;
 - (d) it appears to the Director that the person holding the licence in question has been given a reasonable opportunity of stating whether he objects to the modification; and
 - (e) that person has not objected.
- (5) A reminder for the purposes of subsection (2)(a) above—
- (a) must be contained in a notice given by the Director and, in the case of a relevant licensee which is a company with a registered office in the United Kingdom, must have been given to that company by being sent to that office;
 - (b) must remind the licensee of the contents of the notice which was copied to the licensee under section 12(3) above in the case of the modification in question;
 - (c) must state that the Director will be able to make the modification if no relevant licensee objects; and
 - (d) must specify a time (not being less than seven days from the date of the giving of the notice) at the end of which the final opportunity for the making of representations and objections will expire.
- (6) Nothing in subsection (2) above shall require a reminder to be sent to a person who has consented to the making of the modification in question.
- (7) For the purposes of this section a modification is deregulatory if—
- (a) the effect of the conditions to be modified is to impose a burden affecting the holder of the licence in which those conditions are included;
 - (b) the modification would remove or reduce the burden without removing any necessary protection;
 - (c) the modification is such that no person holding a licence granted under section 7 above to a particular person would be unduly disadvantaged by the modification in competing with the holder of the licence in which those conditions are included.]]

Textual Amendments

- F1** S. 12A inserted (25.7.2000) by 2000 c. 7, s. 11(4) (with s. 14); S.I. 2000/1798, art. 2
- F2** Ss. 12-15 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(c), 406, 408, 411, Sch. 19 (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), 2(1), 3(1), Sch. 1 (with art. 3(2)) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

- C1** Ss. 12-15 excluded (10.11.2000) by S.I. 2000/2998, reg. 2

Changes to legislation:

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 12A.