



# Telecommunications Act 1984

## 1984 CHAPTER 12

### PART II

#### PROVISION OF TELECOMMUNICATION SERVICES

##### *Licensing etc. of telecommunication systems*

#### 7 Power to license systems.

[<sup>F1</sup>(1) A licence may be granted—

- (a) by the Secretary of State after consultation with the Director; or
- (b) with the consent of, or in accordance with a general authorisation given by, the Secretary of State, by the Director,

for the running of any such telecommunication system as is specified in the licence or is of a description so specified.

(2) A licence granted under this section shall be in writing and, unless previously revoked in accordance with any term in that behalf contained in the licence, shall continue in force for such period as may be specified in or determined by or under the licence.

(3) A licence granted under this section may be granted either to all persons, to persons of a class or to a particular person.

[<sup>F2</sup>(3A) In granting a licence under this section for the running of a telecommunication system to which the Licensing Directive applies the Secretary of State and the Director shall ensure that the requirements of Article 7 of the Licensing Directive are complied with.]

(4) A licence granted under this section may authorise—

- (a) the connection to any telecommunication system to which the licence relates of—

- (i) any other telecommunication system specified in the licence or of a description so specified; and
- (ii) any apparatus so specified or of a description so specified; and

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- (b) the provision by means of any telecommunication system to which the licence relates of any telecommunication services specified in the licence or of a description so specified.
- (5) A licence granted under this section may include—
- (a) such conditions (whether relating to the running of a telecommunication system to which the licence relates or otherwise) as appear to the Secretary of State or the Director to be requisite or expedient having regard to the duties imposed on him by section 3 above [<sup>F3</sup>the provisions of Articles 4(1), 8(1) and 8(2) of the Licensing Directive and the obligations imposed on him in pursuance of the Telecommunications (Interconnection) Regulations 1997][<sup>F4</sup>or by regulation 30 of the Telecommunications (Data Protection and Privacy) Regulations 1999];
  - (b) conditions requiring the rendering to the Secretary of State of a payment on the grant of the licence or payments during the currency of the licence or both of such amount or amounts as may be determined by or under the licence; and
  - [<sup>F5</sup>(c) in the case of a licence granted to persons of a class, conditions requiring any person who falls within the class of persons to which the licence relates to notify the Secretary of State or the Director of his intention to run a telecommunication system under that licence.]
- (6) Without prejudice to the generality of paragraph (a) of subsection (5) above, conditions included by virtue of that paragraph in a licence granted under this section to a particular person may require that person—
- (a) to comply with any direction given by the Director as to such matters as are specified in the licence or are of a description so specified;
  - (b) except in so far as the Director consents to his doing or not doing them, not to do or to do such things as are specified in the licence or are of a description so specified; and
  - (c) to refer for determination by the Director such questions arising under the licence as are specified in the licence or are of a description so specified.
- [<sup>F6</sup>(6A) Where the Secretary of State or the Director receives an application for a licence to run a telecommunication system which cannot be run in accordance with the terms of a current licence which has been granted to persons of a class, he shall, subject to any time limits for the grant of licences specified in the procedures referred to in subsection (2) of section 7A below—
- (a) grant a temporary licence containing such conditions as he considers appropriate to enable the applicant to commence running that system; or
  - (b) reject the application.
- <sup>F6</sup>(6B) Where the Secretary of State or the Director grants a temporary licence under subsection (6A) above he shall, as soon as possible thereafter, either replace it with another licence granted under this section containing such conditions as he considers appropriate, or revoke it.]
- [<sup>F7</sup>(7) A licence granted under this section otherwise than to a particular person, and the details of the procedures applying to the grant of such a licence, shall be published in such manner as the Secretary of State or the Director considers appropriate for bringing the licence or procedures to the attention of such persons who may be interested and a reference to such publication shall also be published in the London, Edinburgh and Belfast Gazettes.]

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- (8) A copy of every licence granted under this section by the Secretary of State shall be sent to the Director.
- (9) Any sums received by the Secretary of State under this section shall be paid into the Consolidated Fund.
- (10) Neither the requirement to consult with the Director imposed by subsection (1)(a) above nor sections 8(5) and 10(6) below shall apply to the granting by the Secretary of State of the licence or licences which, having regard to the provisions of this Act, require to be granted (whether to British Telecommunications or to any other person) before the appointed day.
- [<sup>F8</sup>(10A) Before the Secretary of State or the Director decides whether to grant or revoke a licence under this section which authorises the running of a telecommunication system to which subsection (10B) below applies, he shall consult with the [<sup>F9</sup>Independent Television Commission]
- (10B) A telecommunication system is one to which this subsection applies if—
- (a) any person proposes to provide or is providing, by means of the system, a [<sup>F10</sup>local delivery service (within the meaning of Part II of the Broadcasting Act 1990)]; and
  - (b) notice of that fact has been given to the Secretary of State or the Director.]
- (11) Where a licence granted under this section to a particular person includes a provision requiring that person to run any telecommunication system to which the licence relates through the agency of some other person, that other person, as well as the first mentioned person, shall be taken for the purposes of this section and the following provisions of this Part to be authorised by that licence to run that system.
- [<sup>F11</sup>(12) Where the Secretary of State or the Director proposes—
- (a) to revoke a licence granted to persons of a class; or
  - (b) to refuse to grant a licence to, or to revoke a licence, granted to a particular person, including a temporary licence granted under subsection (6A) above,
- he shall give notice of his proposal in accordance with subsection (13) below and shall consider any representations or objections which are duly made and not withdrawn.
- <sup>F11</sup>(13) The Secretary of State or the Director shall—
- (a) in the case of a licence referred to in subsection (12)(a) above, publish in such manner as he thinks appropriate a notice stating the reasons why he proposes to revoke the licence and specifying the time (not being less than 28 days from the date of publication) within which representations or objections with respect to the revocation may be made;
  - (b) in the case of a licence referred to in subsection (12)(b) above, give to the person applying for or holding the licence a notice stating the reasons why he proposes to refuse to grant, or to revoke, the licence and specifying the time (not being less than 28 days from the date of the notice) within which representations or objections with respect to the refusal or revocation may be made.
- <sup>F11</sup>(14) After the Secretary of State or the Director has confirmed or withdrawn a proposal published or notified under subsection (13) above he shall—
- (a) in the case of a licence referred to in subsection (12)(a) above, publish in such manner as he thinks appropriate;

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(b) in the case of a licence referred to in subsection (12)(b) above, give to the person applying for or holding the licence, a notice in accordance with subsection (15) below.

<sup>F11</sup>(15) The notice required by subsection (14) above shall—

- (a) state whether the proposal has been confirmed or withdrawn;
- (b) give reasons for that decision;
- (c) in the case of a decision to revoke the licence, specify the date on which the licence ceases to have effect.

<sup>F11</sup>(16) In this section—

“Licensing Directive” means Directive 97/13/EC of the European Parliament and of the Council on a common framework for general authorisations and individual licences in the field of telecommunication services. <sup>F12</sup>.]]

#### Textual Amendments

- F1** Ss. 5-8 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(a), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) 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)
- F2** S. 7(3A) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(2)**
- F3** Words in s. 7(5)(a) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(3)(a)**
- F4** Words in s. 7(5)(a) added (1.3.2000) by S.I. 1999/2390, reg. 3(3), **Sch. 1 Pt. II para. 2**
- F5** S. 7(5)(c) substituted (31.12.1997) by S.I. 1997/2930, **reg. 3(3)(b)**
- F6** S. 7(6A)(6B) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(4)**
- F7** S. 7(7) substituted (31.12.1997) by S.I. 1997/2930, **reg. 3(5)**
- F8** S. 7(10A)(10B) inserted by Cable and Broadcasting Act 1984 (c.46, SIF 96), s. 57(1), **Sch. 5 para. 45(1)**, the amendment being continued by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(4), **Sch. 22 para. 4**
- F9** Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **ss. 4(6)**, 87(6), 203(1), Sch. 20 para. 38(2) (a)
- F10** Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **ss. 4(6)**, 87(6), 203(1), Sch. 20 para. 38(2) (b)
- F11** S. 7(12)-(16) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(6)**
- F12** O.J. No. L117, 7.5.97, p.15.

#### Modifications etc. (not altering text)

- C1** Ss. 3-7, 12-19, Pt. III (ss.47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**  
S. 7 modified (7.1.1997) by S.I. 1996/3151, **reg. 4(1)(2)**

**Changes to legislation:**

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