
Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross Heading: Notice of proposed revocation or modification. (See end of Document for details)

SCHEDULES

SCHEDULE 2

PROCEDURE FOR GRANTS OF RECOGNISED SPECTRUM ACCESS

Notice of proposed revocation or modification

- 6 (1) Where OFCOM propose to revoke or modify a grant of recognised spectrum access or a restriction or condition to which such a grant is subject, they must give a notification to the holder of the grant—
- (a) stating the reasons for their proposal; and
 - (b) specifying the period during which the person notified has an opportunity to do the things specified in sub-paragraph (2).
- (2) The things are—
- (a) making representations about the proposal; and
 - (b) if the proposal is the result of a contravention of a restriction or condition of the grant, complying with it.
- (3) Subject to sub-paragraphs (4) to (6), the period for doing those things must be the period of [^F130 days] beginning with the day after the one on which the notification was given.
- (4) OFCOM may, if they think fit, allow a longer period for doing those things—
- (a) by specifying a longer period in the notification; or
 - (b) by subsequently, on one or more occasions, extending the specified period.
- (5) The person notified has a shorter period for doing those things if a shorter period is agreed between OFCOM and the person notified.
- (6) The person notified also has a shorter period if—
- (a) OFCOM have reasonable grounds for believing that the case is urgent or a case of serious and repeated contravention;
 - (b) they have determined that, in the circumstances, a shorter period would be appropriate; and
 - (c) the shorter period has been specified in the notification.
- (7) A case is urgent if the failure to revoke or modify the grant will result in, or create an immediate risk of—
- (a) a serious threat to the safety of the public, to public health or to national security; or
 - (b) serious economic or operational problems for persons, other than the person in contravention, who—
 - (i) use wireless telegraphy stations or wireless telegraphy apparatus; or
 - (ii) are communications providers or make associated facilities available.

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- (8) A contravention of a restriction or condition of a grant of recognised spectrum access is a repeated contravention, in relation to a proposal to revoke or modify the grant, if it falls within sub-paragraph (9).
- (9) A contravention falls within this sub-paragraph if—
- (a) a previous notification under sub-paragraph (1) has been given in respect of the same contravention or in respect of any other contravention of a restriction or condition of the same grant; and
 - (b) the subsequent notification under that sub-paragraph is given no more than 12 months after the day of the making by OFCOM of a determination for the purposes of sub-paragraph (10) that the contravention to which the previous notification related did occur.
- (10) Where OFCOM have given a notification under sub-paragraph (1), they must, within the period of one month beginning with the end of the period for the making of representations about the proposal contained in that notification—
- (a) decide whether or not to revoke or modify the grant of recognised spectrum access in accordance with their proposal, or in accordance with that proposal but with modifications; and
 - (b) give the holder of the grant a notification of their decision.
- (11) The notification under sub-paragraph (10)—
- (a) must be given no more than one week after the making of the decision to which it relates; and
 - (b) must, in accordance with that decision, either revoke or modify the grant or withdraw the proposal for revocation or modification.
- (12) Nothing in this paragraph is to apply to—
- (a) a revocation or modification to be made at the request or with the consent of the holder of the grant; or
 - (b) a revocation or modification that appears to OFCOM to be necessary or expedient for the purpose of securing compliance with an international obligation of the United Kingdom.
- (13) The reference in sub-paragraph (9) to a contravention of a restriction or condition of the same grant includes a reference to a contravention of a restriction or condition contained in any previous grant of which the grant in question is a direct or indirect renewal.

Textual Amendments

- F1** Words in [Sch. 2 para. 6\(3\)](#) substituted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), [Sch. 1 para. 91](#)

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