

## SCHEDULES

### SCHEDULE 2

#### Amendments to Wireless Telegraphy Act 2006

##### 7. After section 9 insert—

##### **“9ZA Restrictions on imposition of limitations etc under section 9**

(1) OFCOM may grant a wireless telegraphy licence subject to a limitation on the nature of a station that may be established or used, or the apparatus that may be installed or used, only if the limitation is necessary for a purpose specified in subsection (2).

(2) Those purposes are—

- (a) avoiding undue interference with wireless telegraphy;
- (b) the protection of public health against electromagnetic fields;
- (c) ensuring technical quality of service;
- (d) ensuring maximisation of frequency sharing;
- (e) safeguarding the efficient management and use of the part of the electromagnetic spectrum available for wireless telegraphy;
- (f) ensuring the fulfilment of a general interest objective.

(3) OFCOM may grant a wireless telegraphy licence incorporating a provision requiring the use of a specified frequency for the activity authorised by the licence only if the requirement is imposed in order to ensure the fulfilment of a general interest objective.

(4) In this section “general interest objective” has the meaning given by section 8B(3).

(5) Subsection (6) applies where OFCOM think that the imposition of a limitation or provision within subsection (1) or (3) in relation to a wireless telegraphy licence would have a significant impact on a market for the use of the electromagnetic spectrum for wireless telegraphy in relation to which OFCOM have functions under the enactments relating to the management of the radio spectrum.

(6) Before deciding whether to impose the limitation or provision, OFCOM must consult the applicant for the licence and must take any representations into account.

(7) If OFCOM have imposed limitations or provisions under subsection (1) or (3) in relation to a wireless telegraphy licence, they must, at such intervals as they consider appropriate—

- (a) review whether those limitations or provisions are necessary, and
- (b) publish the outcome of the review in such manner as they think fit.

(8) But subsection (7) does not apply to a provision requiring the use of a specified frequency for the activity authorised by the licence where the licence holder has an opportunity to ask for a different frequency to be specified.

**Changes to legislation:** There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy Regulations 2011, Paragraph 7. (See end of Document for details)

### **9ZB Review of pre-26 May 2011 limitations etc.**

(1) This section applies where OFCOM have imposed limitations or provisions of a kind falling within section 9ZA(1) or (3) in relation to a wireless telegraphy licence granted on or before 25 May 2011.

(2) As soon as reasonably practicable after 26 May 2016, OFCOM must review such limitations or provisions with a view to determining whether, if the licence had been granted after 25 May 2011, section 9ZA would have prevented OFCOM from imposing the limitation or provision.

(3) If OFCOM concludes that section 9ZA would have prevented the imposition of a limitation or provision, it must vary the licence in order to remove the limitation or provision.

(4) This section does not apply in relation to a provision requiring the use of a specified frequency for the activity authorised by the licence where the licence holder has an opportunity to ask for a different frequency to be specified.”

**Changes to legislation:**

There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy Regulations 2011, Paragraph 7.