



# Telecommunications Act 1984

## 1984 CHAPTER 12

### PART II

#### PROVISION OF TELECOMMUNICATION SERVICES

##### *Modification of licences*

#### **12 Modification of licence conditions by agreement.**

- (1) Subject to the following provisions of this section, the Director may modify the conditions of a licence granted under section 7 above.
- (2) Before making modifications under this section, the Director shall give notice—
  - (a) stating that he proposes to make the modifications and setting out their effect;
  - (b) stating the reasons why he proposes to make the modifications; and
  - (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made,

<sup>F1</sup> . . .

- (3) A notice under subsection (2) above shall be given by publication in such manner as the Director considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them and, in the case of a licence granted to a particular person, by sending a copy of the notice to [<sup>F2</sup>every relevant licensee].

- [<sup>F3</sup>(4A) In the case of a licence granted to all persons, or to all persons of a particular class, the Director shall not make any modification unless—
- (a) he has considered every representation made to him about the modification; and
  - (b) there has not been any objection by a person running a telecommunication system under the authority of the licence to the making of the modification.

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*Status: Point in time view as at 25/07/2000. This version of this provision has been superseded.*

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

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- (4B) In the case of a licence granted to a particular person, the Director shall not make any modification unless—
- (a) he has considered every representation made to him about the modification or any modification in the same or similar terms that he is at the same time proposing to make in the case of other licences; and
  - (b) the requirements of section 12A below are satisfied in the case of the modification and also in the case of every such modification in the same or similar terms.]
- (5) The Director shall also send a copy of a notice under subsection (2) above to the Secretary of State; and if, within the time specified in the notice, the Secretary of State directs the Director not to make any modification, the Director shall comply with the direction.
- (6) The Secretary of State shall not give a direction under subsection (5) above unless—
- (a) it appears to him that the modification should be made, if at all, under section 15 below; or
  - (b) it appears to him to be requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom.
- [<sup>F4</sup>(6A) Where the Director makes a modification under this section, he shall, as soon as reasonably practicable after making the modification, give notice of his reasons for doing so.
- (6B) Subsection (3) above shall apply in the case of a notice under subsection (6A) above as it applies in the case of a notice under subsection (2) above.
- (6C) Where the Director has given notice under subsection (2) above of a proposal to modify the conditions of a licence, he may in such manner and at such time as he considers appropriate publish—
- (a) the identities of any or all of the persons who objected to the making of the modification; and
  - (b) to the extent that confidentiality for representations or objections in relation to the proposal for the modification has not been claimed by the persons making them, such other particulars of the representations or objections as he thinks fit.
- (6D) In this section and section 12A below (except in subsection (6C) above), a reference to a representation or objection, in relation to a modification, is a reference only to a representation or objection which—
- (a) was duly made to the Director within a time limit specified in the case of that modification under subsection (2)(c) above or section 12A(5)(d) below; and
  - (b) has not subsequently been withdrawn;
- and for the purposes of this section and section 12A below representations against a modification shall be taken to constitute an objection only if they are accompanied by a written statement that they are to be so taken.
- (6E) In this section and section 12A below “relevant licensee”, in relation to a modification, means—
- (a) in a case where the same or a similar modification is being proposed at the same time in relation to different licences granted to different persons, each of the persons who, at the time when notice of the proposals is given,

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is authorised by one or more of those licences to run a telecommunication system; and

- (b) in any other case, the person authorised by the licence in question to run such a system.

(6F) In this section references to a modification of the conditions of a licence do not include references to any modification to which effect is given by the exercise of a power under the terms of any licence to revoke it and by the grant of a new licence.]

(7) References in this section and in [F5sections 12A to 15] below to modifications of the conditions of a licence do not include references to modifications of conditions relating to the application of the telecommunications code.

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#### **Textual Amendments**

- F1** Words in s. 12(2) omitted (25.7.2000) by virtue of 2000 c. 7, s. 11(5) (with s. 14); S.I. 2000/1798, art. 2
- F2** Words in s. 12(3) substituted (25.7.2000) by 2000 c. 7, s. 11(1) (with s. 14); S.I. 2000/1798, art. 2
- F3** S. 12(4A)(4B) substituted for s. 12(4) (25.7.2000) by 2000 c. 7, s. 11(2) (with s. 14); S.I. 2000/1798, art. 2
- F4** S. 12(6A)-(6F) inserted (25.7.2000) by 2000 c. 7, s. 11(3) (with s. 14); S.I. 2000/1798, art. 2
- F5** Words in s. 12(7) substituted (25.7.2000) by 2000 c. 7, s. 11(5) (with s. 14); S.I. 2000/1798, art. 2

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

- C1** Ss. 12-15 excluded (10.11.2000) by S.I. 2000/2998, reg. 2
- C2** 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

**Status:**

Point in time view as at 25/07/2000. This version of this provision has been superseded.

**Changes to legislation:**

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