



Telecommunications Act 1984

1984 CHAPTER 12

PART VI

PROVISIONS RELATING TO WIRELESS TELEGRAPHY

Amendment and enforcement of Wireless Telegraphy Acts

74 **Restriction on revocation or variation of certain wireless telegraphy licences**

The following section shall be inserted in the 1949 Act immediately after section 3—

“3A Restriction on revocation or variation of certain wireless telegraphy licences.

- (1) Subject to subsection (2) below, this section applies in any case where a wireless telegraphy licence is granted to any person who holds a licence granted under section 7 of the Telecommunications Act 1984 (" the telecommunications licence ") authorising the running of a telecommunication system (" the system "), and the wireless telegraphy licence authorises all or any of the following, that is to say—
- (a) the establishment of stations for wireless telegraphy or the installation of apparatus for wireless telegraphy, being stations or apparatus forming or intended to form part of the system;
 - (b) the use of any such stations or apparatus in running the system ; and
 - (c) the installation and use for the purposes of the system (whether by the holder of the licence or by any other person) of any such apparatus connected or intended to be connected to the system.
- (2) This section does not apply unless the telecommunications licence is one to which section 8 of that Act applies (licences including conditions imposing certain obligations with respect to the provision of telecommunications services or other matters).

Status: This is the original version (as it was originally enacted).

- (3) In any case to which this section applies the wireless telegraphy licence may include terms restricting the exercise by the Secretary of State of his power under section 1(4) of this Act to revoke or vary the licence.
- (4) Without prejudice to the generality of subsection (3) above, the terms that may be included in a wireless telegraphy licence by virtue of that subsection include, in particular, terms providing that the licence may not be revoked or varied except with the consent of the holder of the licence or (as the case may be) in such other circumstances and on such grounds as may be specified in the licence.
- (5) Any such circumstances or grounds may relate to matters relevant for the purposes of the Telecommunications Act 1984 as well as to matters relevant for the purposes of this Act (and may, in particular, be dependent upon action taken under that Act in relation to the telecommunications licence).
- (6) A wireless telegraphy licence containing any terms included in the licence by virtue of subsection (3) above may also provide that regulations made under section 3 of this Act—
 - (a) shall not apply in relation to any station or apparatus to which the licence relates ; or
 - (b) shall apply in relation to any such station or apparatus to such an extent only, or subject to such modifications, as may be specified in the licence.
- (7) Notwithstanding any terms or provisions included in a wireless telegraphy licence in accordance with this section the Secretary of State may at any time, by a notice in writing served on the holder of the licence, revoke the licence or vary its terms, provisions or limitations, if 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.
- (8) Expressions used in this section to which a meaning is given for the purposes of the Telecommunications Act 1984 have the same meaning in this section; and section 106(4) of that Act (interpretation of power of Secretary of State to give a direction if it appears to him to be requisite or expedient to do so as mentioned in subsection (7) above) shall apply in relation to the power of the Secretary of State under subsection (7) above to revoke or vary a wireless telegraphy licence as it applies to any power of the Secretary of State under that Act to give such a direction.”.