



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 1

WIRELESS TELEGRAPHY LICENCES

Licensing of wireless telegraphy

[^{F1}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).

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 9ZA. (See end of Document for details)

- (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.]

Textual Amendments

- F1** Ss. 9ZA, 9ZB inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 2 para. 7** (with Sch. 3 para. 2)

Changes to legislation:

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