

SCHEDULE 1

Regulation 8(2)

MODIFICATION OF THE APPLICATION OF THE TELECOMMUNICATIONS  
ACT 1984 AND OF CERTAIN LICENCES GRANTED THEREUNDER

**Certain systems to be treated as telecommunication systems**

1. For the purposes of sections 3 to 7, 12 to 19 and Part III of the 1984 Act—
  - (a) a conditional access system used for the purposes of providing subscriber management services shall to the extent which it is so used be treated as a telecommunication system even though it would not be so treated apart from this paragraph (in this paragraph referred to as a “deemed system”);
  - (b) subscriber management services provided by means of a deemed system shall be treated as telecommunication services.

**Disapplication of section 6**

2.—(1) Subject to sub-paragraph (2) below, Subsection 2(b) of section 6 of the 1984 Act (exemption from the requirement for a telecommunication licence for systems situated on a single set of premises) shall not apply to the running by a person of any conditional access system.

(2) Nothing in sub-paragraph (1) above shall affect the exemption in the said subsection (2)(b) as it relates to any conditional access system which is run:

- (i) by a broadcaster and is used to provide conditional access services for himself only; or
- (ii) by any other person only to enable him to receive digital television services.

**Disapplication of existing licences**

3.—(1) Every licence granted under section 7 of the 1984 Act before the coming into force of these Regulations (whether granted to all persons, to persons of a class or to a particular person) which authorises (however expressed) the running of a telecommunication system and the provision by means thereof of conditional access services to digital television services to any other person by the person to whom the licence is granted or any person being a member of the class of persons to whom the licence is granted shall, upon the coming into force of these Regulations, cease to authorise the running of such system in so far as it is used for the purposes of the provision by the Licensee of such services.

(2) Where a person provides conditional access services to digital television services for his own use by means of telecommunication systems in respect of which a licence has ceased to apply by reason only of (1) above, any other licence granted under section 7 of the 1984 Act by which that person is otherwise authorised to run telecommunication systems and provide conditional access services for his own use shall cease to authorise the running of telecommunication systems in so far as used for the provision by him of such services.