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S T A T U T O R Y I N S T R U M E N T S

1999 No. 2451

TELECOMMUNICATIONS

**The Telecommunications (Licence Modification) (Fixed
Voice Telephony and International Facilities Operator
Licences) Regulations 1999**

<i>Made</i> - - - - -	<i>3rd September 1999</i>
<i>Laid before Parliament</i>	<i>6th September 1999</i>
<i>Coming into force</i> - -	<i>27th September 1999</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in respect of measures relating to telecommunications, in the exercise of the powers conferred on him by that section, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Telecommunications (Licence Modification) (Fixed Voice Telephony and International Facilities Operator Licences) Regulations 1999 and shall come into force on 27th September 1999.

Interpretation

2. In these Regulations—

“the 1984 Act” means the Telecommunications Act 1984(c);

“the former licences” means the relevant licences in the form they were in immediately before the coming into force of these Regulations;

“the Kingston Communications (Hull) PLC licence” means the licence granted by the Secretary of State under section 7 of the 1984 Act to Kingston Communications (Hull) PLC on 24 March 1999;

“the Mercury Communications licence” means the licence granted by the Secretary of State under section 7 of the 1984 Act to Mercury Communications Limited on 5 November 1984;

“the modified licences” means the relevant licences as amended by these Regulations;

“the relevant licences” means the relevant fixed voice telephony licences and the relevant international facilities operator licences;

“the relevant fixed voice telephony licences” means the licences granted by the Secretary of State under section 7 of the 1984 Act to the persons specified in column 1 of Schedule 1 hereto on the date specified against each person in column 2 thereof;

(a) S.I. 1999/266.

(b) 1972 c. 68.

(c) 1984 c. 12, as amended by the Telecommunications (Licensing) Regulations 1997 (S.I. 1997/2930). There are other amendments to 1984 c. 12 which are not relevant to these Regulations.

“the relevant international facilities operator licences” means the licences granted by the Secretary of State under section 7 of the 1984 Act to the persons specified in column 1 of Parts A and B of Schedule 2 hereto on the date specified against each person in column 2 thereof;

“the revoked licences” means the licences granted by the Secretary of State under section 7 of the 1984 Act to the persons specified in column 1 of Schedule 5 hereto on the date specified against each person in column 2 thereof;

“the standard Schedules” means the Schedules to the Telecommunications (Licence Modification) (Standard Schedules) Regulations 1999(a); and

“the Videotron City and Westminster licence” means the licence granted by the Secretary of State under section 7 of the 1984 Act to Videotron City and Westminster Limited on 3 March 1994.

Modification of the relevant licences

3. The relevant licences are hereby modified as follows:—

- (a) for the Table of Contents there shall be substituted the Table of Contents set out in Schedule 3 hereto;
- (b) in paragraph 1,
 - (i) for the words “telecommunication systems of every description” there shall be substituted the words “telecommunication systems specified in Annex A”;
 - (ii) in the case of the Videotron City and Westminster licence, for the words “Annex A” there shall be substituted the words “Annex B”;
- (c) for the words “shall be of six months’ duration” to the end
 - (i) in the case of the relevant international facility operator licences specified in Part A of Schedule 2 hereto, in paragraph 2 thereof, and
 - (ii) in the case of the relevant international facility operator licences specified in Part B of that Schedule and in the case of the Kingston Communications (Hull) PLC licence, in paragraph 3 thereof,

there shall be substituted the words “shall be of twenty five years’ duration in the first instance but, without prejudice to Schedule 2 to this Licence, shall be subject to revocation thereafter on ten years’ notice in writing of such revocation and such notice shall accordingly not be given before the end of the fifteenth year after the granting of this Licence.”;

- (d) in the case of the Kingston Communications (Hull) PLC licence, in paragraph 5 for the words “Annex A” there shall be substituted the words “Annex B”;
- (e) in the case of the relevant international facility operator licences specified in Part A of Schedule 2 hereto, for paragraph 6 there shall be substituted the following paragraph—

“6. Where this Licence provides for any power of the Secretary of State or the Director to give any direction, notice or consent or make any specification, or of the Director to make any designation or determination, it implies, unless a contrary intention appears, a power, exercisable in the same manner and subject to the same conditions or limitations, to revoke, amend or give or make again any such direction, notice, consent, specification, designation or determination; and any reference however expressed to the Director making any determination or giving any direction or consent about any matter shall be construed as making such determination or giving such direction or consent after consultation with the Licensee and where appropriate with any other person who may have a relevant interest in the matter to which the determination, direction or consent relates.”;
- (f) in the case of the relevant fixed voice telephony licences, other than the Mercury Communications licence, and the relevant international facilities operator licences specified in Part B of Schedule 2 hereto, for paragraph 7 there shall be substituted as paragraph 7 the paragraph set out in sub-paragraph (e) above;
- (g) in case of the Mercury Communications licence, after paragraph 3 there shall be added the following paragraphs—

(a) S.I. 1999/2450.

“Interpretation

4. The Interpretation Act 1978 shall apply for the purpose of interpreting this Licence as if it were an Act of Parliament. In this Licence, except as hereinafter provided or unless the context otherwise requires, words or expressions shall have the meaning assigned to them and otherwise any word or expression shall have the meaning it has in the Act. For the purposes of interpreting this Licence, headings and titles shall be disregarded.
5. In this Licence, “Licence” means a licence granted or having effect as if granted under section 7 of the Act.
6. For the purposes of this Licence the “Applicable Systems” means any or all of the telecommunication systems run by the Licensee under this Licence, unless the context otherwise requires.
7. Where this Licence provides for any power of the Secretary of State or the Director to give any direction, notice or consent or make any specification, or of the Director to make any designation or determination, it implies, unless a contrary intention appears, a power, exercisable in the same manner and subject to the same conditions or limitations, to revoke, amend or give or make again any such direction, notice, consent, specification, designation or determination; and any reference however expressed to the Director making any determination or giving any direction or consent about any matter shall be construed as making such determination or giving such direction or consent after consultation with the Licensee and where appropriate with any other person who may have a relevant interest in the matter to which the determination, direction or consent relates.
8. Any notification which is required to be given under this Licence by the Secretary of State or the Director shall be satisfied by serving the document by post on the Licensee at the Licensee’s registered office.”;
- (h) for Schedule 1 there shall be substituted Schedule 1 of the standard Schedules,
- (i) for Schedule 2 there shall be substituted Schedule 2 of the standard Schedules;
- (j) for Schedule 3 there shall be substituted Schedule 3 of the standard Schedules;
- (k) in the case of the relevant fixed voice telephony licences and the relevant international facilities operator licences specified in Part B of Schedule 2 hereto, for Schedule 4 there shall be substituted Schedule 4 of the standard Schedules;
- (l) in the case of
- (aa) the relevant international facilities operator licences specified in Part A of Schedule 2 hereto, after Schedule 3 thereof; and
- (bb) the relevant fixed voice telephony licences, other than the Kingston Communications (Hull) PLC licence, the Mercury Communications licence and the Videotron City and Westminster licence, and the relevant international facilities operator licences specified in Part B of Schedule 2 hereto, after Schedule 4 thereof,
- there shall be added Annex A as set out in Schedule 4 hereto;
- (m) in the case of the Mercury Communications licence for Annex A there shall be substituted Annex A as set out in Schedule 4 hereto; and
- (n) in the case of the Kingston Communications (Hull) PLC licence and the Videotron City and Westminster licence Annex A shall be re-numbered Annex B and there shall be inserted Annex A as set out in Schedule 4 hereto.

Transitional provisions

4.—(1) So far as anything done or treated as done under or for the purposes of any provision of the former licences or the revoked licences could have been done under or for the purposes of the corresponding provision of the modified licences, it shall have effect as if done under or for the purposes of the corresponding provision; and any direction, notice, consent, specification, designation or determination or other decision made or having effect under any provision of the former licences or the revoked licences, as the case may be, shall be treated for all purposes as made and having effect under the corresponding provision.

(2) Where any period of time specified in a provision of the former licences or the revoked licences is current immediately before the coming into force of these Regulations, the corresponding provision of the modified licences shall have effect as if that period of time

- (a) ran from the date or event from which it was running immediately before the coming into force of these Regulations, and
- (b) expired whenever it would have expired if the former licences or the revoked licences had not been modified or revoked, as the case may be;

and any rights, liabilities, obligations or requirements dependent on the beginning, duration or end of such a period as mentioned above shall be under the modified licences as they were or would have been under the former licences or the revoked licences, as the case may be.

Revocation of licences

5. The licences granted by the Secretary of State under section 7 of the 1984 Act to the persons specified in column 1 of Schedule 5 hereto on the dates specified against each person in column 2 thereof are revoked.

3rd September 1999

Patricia Hewitt,
Minister of State for Small Business and E. Commerce,
Department of Trade and Industry

SCHEDULE 1

Regulation 2

<i>Column 1</i>	<i>Column 2</i>
ACC Long Distance UK Limited	21.04.1997
Advanced Radio Telecom Limited	21.04.1997
AT & T Communications (UK) Ltd	20.12.1994
Atlantic Telecommunications Limited	30.12.1997
COLT Telecommunications	09.06.1995
Comple Tel UK Limited	11.01.1999
Core Telecommunications Limited	25.06.1999
Eastern Group Telecoms Limited	24.07.1996
Energis Communications Limited	24.05.1993
Enitel ASA	25.06.1999
Esprit Telecom UK Limited	30.12.1997
Faultbasic Limited	15.01.1999
General Telecommunications Limited	11.08.1997
Highway One Corporation Limited	25.09.1997
Inter Digital Networks Limited	01.06.1999
International Computers Limited	22.06.1998
Internet Network Services Limited	25.09.1997
Kingston Communications (Hull) PLC	24.03.1999
Level 3 Communications Limited	28.10.1998
Mercury Communications Limited	05.12.1991
MFS Communications Limited	24.09.1993
MLL Telecom Limited	22.06.1998
National Transcommunications Limited	14.02.1996
NORWEB PLC	03.03.1994
Racal Network Services Limited	02.09.1994
RadioTel Systems Limited	28.04.1997
Rateflame Limited	01.06.1999
Scottish Hydro-Electric PLC	24.05.1993
Scottish Power Telecommunications Limited	24.09.1993
Sprint Holding (UK) Limited	31.03.1994
SWEB Telecoms Limited	15.09.1995
Tele2 (UK) Limited (formerly known as Liberty Communications Limited)	23.02.1995
Telia UK Ltd	08.03.1999
Telstra (UK) Limited	31.03.1994
Torch Communications Limited	08.02.1996
Videotron City and Westminster Limited	03.03.1994
Winstar Communications Limited	25.06.1999

SCHEDULE 2

Regulation 2

PART A

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ABS Telecom PLC (formerly known as Advanced Business Services Ltd)	18.12.1996
Alpha Telecom Limited	13.10.1998
American Telemedia Limited	28.04.1997
AT & T—Unisource Communications Services (UK) Limited	15.06.1999
Axxon Telecom Limited	09.12.1998
Belgacom UK Limited	13.10.1998
BSI ACCESS UK Limited	15.06.1999
Call-Net (UK) Limited	13.10.1998
Carrier One Ltd	08.03.1999
Cherry Communications UK Limited	05.06.1997
City Telecom (HK) Limited	09.12.1998
Communicorp (UK) Ltd	18.12.1996
Cyberlight Europe PLC	13.10.1998
Data Marine Systems Limited	05.08.1998
DirectNet Telecommunications UK Limited	27.04.1998
Drive Memory Limited	15.01.1999
Esat Telecommunications (UK) Ltd	05.02.1997
Eurotunnel Telecommunications Limited	05.08.1998
FaciliCom International (UK) Ltd	18.12.1996
First Telecom PLC	21.04.1997
Frontel Communications Limited	14.10.1997
GC Global Communications Limited	28.06.1999
GN Great Northern Gateway Limited A/S	27.04.1998
Ibercom Limited	05.08.1998
IBSC Limited	15.06.1999
ICO Services Limited	17.03.1999
IDT Global Limited	14.10.1997
IFC Global (UK) Limited	08.03.1999
INCOM (UK) Ltd	18.12.1996
International Optical Network Limited	09.12.1998
International Telecom PLC	05.08.1998
International Telecommunications Group Inc.	15.06.1998
Interoute Networks Ltd	18.12.1996
ITG (UK) Ltd	18.12.1996
IXNET UK Limited	18.12.1996
Japan Telecom UK Limited	09.12.1998
Jersey Telecoms	09.12.1998
LCI Telecom UK Limited	30.12.1997
LDI Communications Ltd	18.12.1996
Net.Net Ltd	18.12.1996
Netkonect Communications Limited	01.06.1999
NETs Limited	05.08.1998
North American Gateway Limited	30.12.1997
NTT Europe Limited	13.10.1998
o.tel.o communications Limited	27.04.1998
Pacific Gateway Exchange (UK) Ltd	18.12.1996
Pantheon Telecom (UK) Limited	11.06.1999
PLDNcompass Limited	08.03.1999
PrimeTEC (UK) Limited	30.12.1997
Primus Telecommunications Ltd	18.12.1996
PSINet Telecom UK Limited	27.04.1998
PT-1 Communications UK Limited	05.08.1998
Qwest Communications International Limited	15.06.1998
Singtel (Europe) Limited	27.04.1998
Skylight Holdings Inc.	25.09.1997
Sonic Telecommunications International Limited	30.12.1997
Spacetel International Ltd	18.12.1996
Star Europe Ltd	18.12.1996
StarGlobal Ltd	01.06.1999
Startec Global Communications UK Limited (formerly known as Startec Telecom Limited)	27.04.1998
Stentor Communications Limited	27.04.1998
Swisscom (UK) Limited	08.03.1999

<i>Column 1</i>	<i>Column 2</i>
Tele 2 Communications Services Limited	08.03.1999
Tele 2 Sweden Limited	01.06.1999
Tele Danmark A/S	27.04.1998
Telecom One Limited	05.08.1998
Telegroup UK Limited	30.12.1997
Teleport (Northern Ireland) Limited	14.10.1997
Teleport UK Limited (trading as Satellite Media Services)	15.01.1999
TGC UK Limited	30.12.1997
The JNT Association	05.08.1998
The Phone Company	04.09.1997
TotalTel International Inc.	28.04.1997
Transline Communications Limited	27.04.1998
USA Global Link (UK) Limited	08.03.1999
VIA Net Works UK Ltd	25.06.1999
Witley Communications Limited	15.06.1998
World-Link Inc.	15.06.1999
Worldport Communications Limited	05.08.1998
WorldxChange Communications Limited	21.04.1997
WXNET Limited	15.01.1999

PART B

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AXS Telecom UK Limited	25.09.1997
Cignal Global Communications UK Limited	06.08.1998
Concert Communications Company	18.12.1996
Convergence Ventures Ltd	18.12.1996
East-West Telecom Limited (formerly known as MTU Inform Europe Limited)	17.03.1999
Easynet Group PLC	01.06.1999
EGN BV	15.06.1998
Farland Services UK Limited	17.03.1999
Flag Telecom Ireland Limited	08.07.1999
Flute Limited	09.12.1998
GC Pan European Crossing UK Limited	17.03.1999
Global One Communications Ltd	18.12.1996
GTS Business Services (UK) Limited	15.01.1999
GT UK Limited	25.09.1997
Hermes Europe Raitel BV	18.12.1996
Iaxis Limited	25.06.1999
Izenkom Limited	25.09.1997
KDD Europe Limited	04.09.1997
KPN Telecom UK Limited	05.08.1998
MCI Telecommunications Ltd	18.12.1996
NorSea Com A/S	06.08.1998
Racal Telecommunications Ltd	18.12.1996
Rocom Network Services Limited (formerly known as TeleBermuda International (UK) Ltd)	18.12.1996
RSL Communications Ltd	18.12.1996
Storm Telecommunications Limited	06.08.1998
Telecom Ireland Limited	30.12.1997
Telecom New Zealand (UK) Licences Limited	01.06.1999
Teleglobe International (UK) Ltd	18.12.1996
Teleport London International Limited	15.06.1998
TMI TeleMedia International Ltd	18.12.1996
TNI (Telecom) Limited	11.06.1999
Unisource Carrier Services UK Limited (formerly known as Unisource Holding (UK) Ltd)	18.12.1996
VersaTel Telecom BV	15.06.1998
Viatel UK Limited	15.06.1998
Worldcom International Inc. (formerly known as MFS Communications Limited)	18.12.1996
Zereau Limited	13.10.1998

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ANNEX A

THE APPLICABLE SYSTEMS

1. The Applicable Systems are telecommunication systems of every description within the United Kingdom provided that a system ("the System") is an Applicable System only to the extent that it satisfies each of the following conditions:

- (a) the System is one by means of which Messages are conveyed or are to be conveyed:
 - (i) from one Network Termination Point to another such Point;
 - (ii) from a Network Termination Point to another place which is neither a Network Termination Point nor a Call Office or from such a place to such a Point;
 - (iii) between a place which is neither a Network Termination Point nor a Call Office and another such place where their conveyance is not by way of provision of a service to another person; or
 - (iv) between a Call Office and any other place;but in any case not beyond a Network Termination Point;
- (b) none of the apparatus comprised in the System is Relevant Terminal Apparatus installed on premises occupied by a person to whom there are provided telecommunication services by means of the System.

2. In this Annex:

"Applicable Terminal Equipment" means apparatus which is applicable terminal equipment within the meaning of regulation 4 of the Telecommunications Terminal Equipment Regulations 1992 (S.I. 1992/2423);

"Approved Apparatus" means apparatus approved under section 22 of the Act for connection to that system or which is Compliant Terminal Equipment;

"Call Office" means telecommunication apparatus not supplied by the Licensee to any particular person but made available for use by the public or a class of the public;

"Compliant Terminal Equipment" means Applicable Terminal Equipment which satisfies the requirements of regulation 8 of the Telecommunications Terminal Equipment Regulations 1992;

"Message" means anything falling within paragraphs (a) to (d) of section 4(1) of the Act;

"Network Connecting Apparatus" means telecommunication apparatus comprised in the Applicable Systems which is not Network Termination and Testing Apparatus and is connected to another telecommunication system;

"Network Termination and Testing Apparatus" means an item of telecommunication apparatus comprised in the Applicable Systems installed in a fixed position on Served Premises which enables:

- (i) Approved Apparatus to be readily connected to, and disconnected from, the Applicable Systems;
- (ii) the conveyance of Messages between such Apparatus and the Applicable Systems; and
- (iii) the due functioning of the Applicable Systems to be tested,

but the only other functions of which, if any, are:

- (A) to supply energy between such Apparatus and the Applicable Systems;
- (B) to protect the safety or security of the operation of the Applicable Systems; or
- (C) to enable other operations exclusively related to the running of the Applicable Systems to be performed or the due functioning of any system to which the Applicable Systems are or are to be connected to be tested (separately or together with the Applicable Systems);

"Network Termination Point" means any point:

- (i) within an item of Network Connecting Apparatus at which energy in any of the forms specified in section 4(1) of the Act is conveyed directly to or from apparatus comprised in a telecommunication system other than one in which that Network Connecting Apparatus is comprised; or
- (ii) within an item of Network Termination and Testing Apparatus at which such energy is conveyed directly to any Relevant Terminal Apparatus;
- (iii) which, in the case of a radio based telecommunication system, is the last point at which Messages are transmitted, or the first point at which Messages are received in the form of electromagnetic signals, by apparatus run by a person other than the Licensee and lawfully connected to that System;

"Relevant Terminal Apparatus" means:

- (i) "Terminal Apparatus", that is to say any telecommunication apparatus installed on Served Premises except a Call Office; and

- (ii) any other telecommunication apparatus connected to the apparatus referred to in subparagraph (i) above constituting a system run under a Licence by the person using that Terminal Apparatus; and

“Served Premises” means a single set of premises in single occupation where apparatus has been installed for the purpose of the provision of telecommunication services by means of the Applicable Systems at those premises.

SCHEDULE 5
LICENCES REVOKED

Regulations 2 and 5

<i>Column 1</i>	<i>Column 2</i>
ACC Long Distance UK Ltd	18.12.1996
AT&T Communications (UK) Ltd	18.12.1996
Atlantic Telecommunications Limited	29.06.1995
Atlantic Telecommunications Limited	06.06.1997
Colt Telecommunications	18.12.1996
Energis Communications Ltd	18.12.1996
Esprit Telecom UK Ltd	18.12.1996
Eurobell (Holdings) PLC	25.09.1997
Internet Network Services Limited	15.06.1998
Ionica L3 Limited	09.02.1993
Level 3 Communications Limited	13.10.1998
National Transcommunications Limited	20.01.1997
Scottish Power Telecommunications Ltd	18.12.1996
TeleWest Communications PLC	18.12.1996
Telia UK Ltd	18.12.1996
Telstra (UK) Limited	05.02.1997
Torch Communications Ltd	18.12.1996
Vodafone Ltd	18.12.1996

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the telecommunications licences granted to the licensees specified in Schedules 1 and 2 for the provision of fixed voice telephony and international facilities services. The Schedules to the Telecommunications (Licence Modification) (Standard Schedules) Regulations 1999 (S.I.1999/2450) replace the Schedules to the licences. The amendments are being made to these licences as part of the implementation in the United Kingdom of Directive 97/13/EC of the European Parliament and of the Council on a common framework for general authorisations and individual licences in the field of telecommunications (O.J. No. L199, 26.7.97, p.32), which requires that conditions in all telecommunications licences of a similar type should be harmonised, except where objectively justified in particular instances.

A Regulatory Impact Assessment is available and can be obtained from Communications and Information Industries Directorate, Department of Trade and Industry, 151 Buckingham Palace Road, London SW1W 9SS.

The licences modified by these Regulations may be inspected at the Library of the Office of Telecommunications (OFTEL), 50 Ludgate Hill, London EC4M 7JJ.