
STATUTORY INSTRUMENTS

1999 No. 2455

The Telecommunications (Licence Modification) (Kingston Communications (Hull) PLC) Regulations 1999

Citation and commencement

1. These Regulations may be cited as the Telecommunications (Licence Modification) (Kingston Communications (Hull) PLC) Regulations 1999 and shall come into force on 27th September 1999.

Interpretation

2. In these Regulations—

“the 1984 Act” means the Telecommunications Act 1984 ^{M1};

“Kingston” means Kingston Communications (Hull) PLC;

“the Kingston licence” means the licence granted by the Secretary of State under section 7 of the 1984 Act to Kingston on 30 November 1987 to run the telecommunication systems referred to in Annex A thereof;

“the former licence” means the Kingston licence in the form it was in immediately before the coming into force of these Regulations;

“the modified licence” means the Kingston licence as amended by these Regulations; and

“the standard Schedules” means the Schedules to the Telecommunications (Licence Modification)(Standard Schedules) Regulations 1999 ^{M2}.

Marginal Citations

M1 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.

M2 [S.I. 1999/2450](#).

Modification of the Kingston licence

3. The Kingston licence shall be amended as follows:—

(a) for the Table of Contents there shall be substituted the Table of Contents set out in Schedule 1 hereto;

(b) For paragraphs 1 to 3 there shall be substituted the following paragraphs—

“1. The Secretary of State, in exercise of the powers conferred on him by section 7 of the Telecommunications Act 1984 (hereinafter referred to as “the Act”) and after consulting the Director hereby grants to Kingston Communications (Hull) Plc (hereinafter referred to as “the Licensee”) a licence for the period specified in paragraph 3, subject to the Conditions set out in Schedule 1 and to revocation as provided for in paragraph 3 and in Schedule 2, to run telecommunication systems specified in Annex A within the

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Licensed Area ("the Applicable Systems") and authorises the Licensee to do all or any of the acts specified in Schedule 3.

2. The Telecommunications Code contained in Schedule 2 to the Act shall apply to the Licensee for all purposes except those not relating to the Applicable Systems and subject to the other exceptions and conditions set out in Schedule 4 for so long as the Licence granted to it is one to which section 8 of the Act applies.

Duration

3. This Licence shall enter into force on 1st January 1988 and shall continue in force until 24th June 2009 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 25th June 1999.

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 same meaning as it has in the Act. For the purpose 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 and the "Licensed Area" means the area outlined in red on the map attached at Annex B to this Licence.

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 for the Director to make any specification, 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.";

- (c) for Schedule 1 there shall be substituted Schedule 1 of the standard Schedules, subject to the amendments set out in Schedule 2 hereto;
- (d) for Schedule 2 there shall be substituted Schedule 2 of the standard Schedules;

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- (e) for Schedule 3 there shall be substituted Schedule 3 of the standard Schedules;
- (f) for Schedule 4 there shall be substituted Schedule 4 of the standard Schedules; and
- (g) for Annex A there shall be substituted Annex A as set out in Schedule 3 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 licence could have been done under or for the purposes of the corresponding provision of the modified licence, 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 licence 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 licence is current immediately before the coming into force of these Regulations, the corresponding provision of the modified licence 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 licence had not been modified;

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 licence as they were or would have been under the former licence.

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

3rd September 1999

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Changes and effects yet to be applied to :

- Regulations revoked by [2003 c. 21 Sch. 19\(2\)](#)