

SCHEDULE 8

Regulation 17

PART I

SUBSTITUTE DEFINITIONS

“Applicable Terminal Equipment” means apparatus which is applicable terminal equipment within the meaning of regulation 4 of the Terminal Equipment Regulations or regulation 2(1)(c) of the RTTE Regulations;

“Approved Apparatus” means in relation to any system apparatus approved under Section 22 of the Act or which meets the appropriate essential requirements of regulation 4 of the RTTE Regulations;

“Compliant Terminal Equipment” means Applicable Terminal Equipment which at the time of being placed on the market within the European Community (“the applicable time”) satisfied the requirements of regulation 8 of the Terminal Equipment Regulations or met the appropriate essential requirements of regulation 4 of the RTTE Regulations and either—

- (i) has not subsequently been modified so as to cease to satisfy or (as the case may be) meet those requirements as they were at the applicable time, or
- (ii) has subsequently been so modified but in such a way that it satisfied or (as the case may be) met those requirements as they were at the time of modification.

Condition 5

PART II

SUBSTITUTE CONDITIONS IN THE STANDARD SCHEDULES

Connection of Systems and Apparatus

5.1 To the extent that the Licensee runs a Mobile Public Telephone System, and subject to Conditions 56A and 65 and to the following provisions of this Condition the Licensee shall at the written request of:

- (a) a Service Provider to whom the Licensee is obliged to provide Mobile Radio Telecommunication Services; or
- (b) in any case where the Licensee has agreed to provide Mobile Radio Telecommunication Services to any person, that person,

connect or permit the connection of the Applicable Systems to any telecommunication system designed or adapted to be capable of use while in motion which is composed of apparatus which is approved under section 22 of the Act for connection to the Applicable Systems, is Compliant Terminal Equipment, and shall not discontinue a connection of any such system lawfully made.

5.2 To the extent that the Licensee runs a system other than a Mobile Public Telephone System, the Licensee:

- (a) shall connect or permit the connection of, at a Network Termination Point within Network Termination and Testing Apparatus situated on Serviced Premises, the Applicable Systems to:
 - (i) any item of telecommunication apparatus which is approved for the time being for connection to that Applicable System under section 22 of the Act or is Compliant Terminal Equipment; or

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- (ii) any other telecommunication system to which this Condition applies which is or is to be run by the Crown or which is composed of apparatus which is approved for connection to that system or is Compliant Terminal Equipment, which is owned by or supplied to another person;

(b) shall not discontinue such connection of any such apparatus or system lawfully made.

5.3 Apparatus shall not be regarded as approved for connection to any system for the purposes of paragraph 5.1 or 5.2 unless that apparatus is Compliant Terminal Equipment or has been so approved:

- (a) by the Secretary of State; or
- (b) by some other person by virtue of an authorisation given by the Secretary of State being an authorisation which required the person authorised, before approving any apparatus or designating any standard to which apparatus must conform if it is to be approved, to be satisfied that connection of the apparatus to the system would not be likely:
 - (i) to cause the death of, or personal injury to, or damage to the property of the Licensee or any person engaged in the running of that system; or
 - (ii) materially to impair the quality of any telecommunication service provided by means of that system or any system connected to it (other than the system being connected).

5.4 No apparatus or system is required under paragraph 5.1 or 5.2 to be, or to be permitted to be, connected or kept connected to the Applicable Systems if that apparatus, or any apparatus comprised in that system, as the case may be:

- (a) conformed to the relevant standard or standards at the time when the connection to the Applicable Systems was made but no longer does so and does not conform to the relevant standard or standards (if any) for the time being designated under section 22(6) of the Act;
- (b) was at the time when the connection to the Applicable Systems was made but has since ceased to be Compliant Terminal Equipment; or
- (c) is in the opinion of the Secretary of State and the Director causing serious damage to a network or harmful radio interference or harm to the network or its functioning and the Licensee has been authorised by the Secretary of State and the Director to refuse connection, or to disconnect such apparatus or withdraw it from service.
- (d) is, in case of emergency, required to be disconnected to protect the network, provided that:
 - (i) the user may be offered, without delay and without costs, an alternative solution, and
 - (ii) the Licensee immediately informs the Secretary of State and the Director.

5.5 Paragraphs 5.1, 5.2, 5.3 and 5.4 do not apply to any system run by a Schedule 2 Public Operator to which Condition 9 or Part C applies, or to apparatus comprised in such a system.

5.6 Except with the consent of the Director the Licensee shall not connect nor permit to be connected any Relevant Terminal Apparatus to any of the Applicable Systems on Served Premises except by means of Network Termination and Testing Apparatus.

Condition 15

PUBLICATION OF INTERFACES

Publication of Commonly Provided Interfaces

- (a) (a) The Licensee shall, in relation to all commonly provided Customer Interfaces in use by the Licensee at the time this Condition comes into force, notify such Interfaces to the Director and publish within 90 days of this Condition coming into force, in an accurate and adequate manner and in accordance with paragraph 15.6 below the Interface Specifications;

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Where the Licensee wishes to introduce new, or up-date the existing Interface Specifications, the Licensee must publish, up to twelve months prior to the provisions of any service provided through such Interfaces or within a lesser period with the consent of the Director, in an accurate and adequate manner, the new or amended Interface Specifications in accordance with paragraph 15.6 below.

- (b) The Licensee shall, in relation to Network Interconnection Interfaces relating to any service described in sub-paragraph (i) or (ii) in the definition of Network Services, in use by the Licensee at the time this Condition comes into force, notify such Interfaces to the Director and publish Interface Specifications relating to such Interfaces within 90 days of this Condition coming into force, in accordance with paragraph 15.6 (a), (d) and (e) below.

Publication of new Commonly Provided Interfaces

15.2 Where the Director has determined that the Licensee has Interface Control in relation to any new commonly provided Interface Specification relating to any service described in sub-paragraph (i) or (ii) of the definition of Network Services, which the Licensee intends to use and which is not published under paragraph 15.1:

- (a) the Licensee shall notify such Interface Specification to the Director at the commencement of the Relevant Consulting Period;
- (b) the Licensee shall, if so directed by the Director, consult with Interested Parties during the Relevant Consulting Period;
- (c) the Licensee may, during and after the Relevant Consulting Period, modify any such Interface Specification in line with representations made and any advice offered by the Director to the Licensee relating to such representations;
- (d) the Licensee shall, after the end of the Relevant Consulting Period, publish the Interface in accordance with sub-paragraph 15.6 below; and
- (e) the Licensee shall not make any modifications to the Applicable Systems conforming to the new Interface Specification until a sufficient period has elapsed after publication of the Interface Specification to enable any Relevant Party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems. Such period shall be not less than 12 months, except where the Director has consented to a shorter period following the written application of the Licensee.

15.3 Where the Licensee does not have Interface Control in relation to any new commonly provided Interface Specification relating to any service described in sub-paragraph (i) or (ii) of the definition of Network Service, which the Licensee intends to use, and which is not published under paragraph 15.1 above:

- (a) the Licensee shall notify such Interface Specification to the Director;
- (b) the Licensee shall publish the Interface Specification in accordance with paragraph 15.6 below; and
- (c) the Licensee shall not make any modifications to the Applicable Systems conforming to the new Interface Specification until a sufficient period has elapsed after publication of the Interface Specification to enable any Relevant Party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems. Such period shall be not less than 12 months, except where the Director has consented to a shorter period following the written application of the Licensee, or, in the case of an interface specification related to the provision of Mobile Radio Telecommunication Services not less than 90 days.

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Modifications of Commonly Provided Interface Specifications

15.4 Where any Interface Specification to which paragraph 15.1, 15.2 or 15.3 apply is modified by the Licensee:

- (a) the Licensee shall notify such modification to the Director and publish such modification in accordance with paragraph 15.6 below;
- (b) the Licensee shall not make any modifications to the Applicable Systems conforming to the new Interface Specification until a sufficient period has elapsed after publication of the Interface Specification to enable any Relevant Party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems. Such period shall be not less than 3 months, except where the Director has consented to a shorter period following the written application of the Licensee; and
- (c) the modification shall include any change in the description of any Interface which may affect the maintenance of effective interoperability of services by means of the Interface described in the relevant Interface Specification.

Withdrawals of Commonly Provided Interfaces

15.5 Where any interface described in any Interface Specification to which paragraph 15.1, 15.2 or 15.3 apply is withdrawn by the Licensee:

- (a) the Licensee shall notify such withdrawal to the Director and publish such withdrawal in accordance with paragraph 15.6 below; and
- (b) the Licensee shall not make any modifications to the Applicable Systems conforming to the new Interface Specification until a sufficient period has elapsed after publication of the Interface Specification to enable any Relevant Party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems. Such period shall not be less than 12 months, except where the Director has consented to a shorter period following the written application of the Licensee.

Publication Requirements

15.6 The requirements as to publication are that:

- (a) the description of the Technical Characteristics must be such as to assist in securing the effective interoperability of telecommunication systems and apparatus, and, in particular, (although without prejudice to the generality of the foregoing) the correct operation of Terminal Equipment;
- (b) the Interface Specification published shall: (i) be in sufficient detail to permit the design of telecommunications terminal equipment capable of utilising all services provided through the corresponding interface; (ii) detail any changes in existing Interface Specifications; and (iii) include, inter alia, all the information necessary to allow manufacturers to carry out, at their choice, the relevant tests for the essential requirements applicable to the telecommunications terminal equipment;
- (c) the Interface Specifications shall be made readily available by the Licensee;
- (d) the Licensee shall ensure that each Interface Specification is published in a manner appropriate for bringing the matters to which the Interface Specification relates to the attention of:
 - (i) the Secretary of State, the British Standards Institution, all persons to whom functions have been delegated pursuant to section 25 of the Act, all Operators with whom the Licensee is obliged to negotiate Interconnection under Condition 9, or offer to enter into Interconnection agreements with, as the case may be, under Part

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- C of this Licence, appropriate representatives of suppliers, and manufacturers of Telecommunication apparatus and systems and appropriate representatives of users or consumer interests; and
- (ii) any person whom the Director considers likely to be affected by or to have an interest in such matters and whom the Director has determined for the purpose of this sub-paragraph; and
 - (iii) any other person likely to be affected by or to have an interest in such matters; and
- (e) where the Director considers it necessary to enable Interested Parties to obtain easy access to the information contained in Interface Specifications, he may direct the Licensee to send copies of any Interface Specification, or any class of Interface Specification, to any person specified by him for the purposes of this sub-paragraph.

Amendments of Interface Specifications directed by the Director

15.7 If, following any representation made to him, the Director concludes that any Interface Specification contains insufficient information for its purpose he may direct the Licensee to:

- (a) amend the Interface Specification in order to remedy the defect; and
- (b) publish the amended Interface Specification in accordance with the provisions of paragraph 15.6 and in relation to any period specified by the Director which takes into account the need to ensure a sufficient period has elapsed after publication of the amended Interface Specification to enable any Relevant Party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems.

15.8 To the extent that the Licensee is running a Fixed Public Telephone System by means of which it provides Fixed Publicly Available Telephone Services, the Licensee shall inform the Director in writing, without undue delay, of any particular network characteristics which are found to affect the correct operation of apparatus. Such information shall be made available to Terminal Equipment suppliers at their request by the Director pursuant to Regulation 17(4)(c) of the Revised Voice Telephony Regulations.

15.9 Nothing in this Condition shall require the Licensee to publish or send to the Director information which it has already published or sent to the Director.

PART III

OTHER SUBSTITUTE CONDITIONS

TECHNICAL REQUIREMENTS

The Applicable Systems shall, unless the Director agrees otherwise, be connected to a public telecommunication system only if such relevant technical requirements, if any, for connection to that public telecommunication system, as the Director may from time to time specify, and which are described in a list kept for the purpose by the Director and made available by him for inspection by the general public, are complied with provided that those relevant technical requirements do not impose requirements that are not within the appropriate essential requirements of Regulation 4 of the RTTE Regulations.

APPROVAL OF EQUIPMENT

1. Where Apparatus comprised in the Applicable Systems is connected to a public telecommunication system, it shall either be approved for such connection under section 22 of the Act, or Compliant Terminal Equipment, or included in Schedule 1 to the RTTE Regulations.

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2. Where the Applicable Systems are capable of conveying Messages which have been or are to be conveyed also by a public telecommunication system, any Apparatus comprised in the Applicable Systems which interworks with the public telecommunication system at any time:
 - (a) in the case of Apparatus to which the Terminal Equipment Regulations apply, shall be Compliant Terminal Equipment; or
 - (b) in the case of Apparatus to which the RTTE Regulations apply, shall be compliant with the appropriate essential requirements of Regulation 4 of the Regulations, unless it is Apparatus included in Schedule 1 to the Regulations; or
 - (c) in other cases, shall unless the Director has consented otherwise and has not withdrawn that consent, be Apparatus which is approved for the time being under section 22 of the Act for connection to the Applicable Systems.
3. For the purposes of this Condition, approvals framed by reference to branch systems should be regarded as approvals for connection to the Applicable Systems.