

SCHEDULE 8

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
 - (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).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.