

SCHEDULES

SCHEDULE 2

Amendments to Wireless Telegraphy Act 2006

4. In section 8 (licences and exemptions)—

(a) after subsection (3) insert—

“(3A) OFCOM may not make regulations under subsection (3) specifying terms, provisions or limitations in relation to the establishment, installation or use of wireless telegraphy stations or wireless telegraphy apparatus for the provision of an electronic communications network or electronic communications service unless the terms, provisions or limitations are of a kind falling within Part A of the Annex to Directive [2002/20/EC](#) of the European Parliament and of the Council.

(3B) Terms, provisions and limitations specified in regulations under subsection (3) must be—

- (a) objectively justifiable in relation to the wireless telegraphy stations or wireless telegraphy apparatus to which they relate,
- (b) not such as to discriminate unduly against particular persons or against a particular description of persons,
- (c) proportionate to what they are intended to achieve, and
- (d) in relation to what they are intended to achieve, transparent.”

(b) in subsection (4) for “the condition in subsection (5) is” substitute “the conditions in subsection (5) are”, and

(c) for subsection (5) substitute—

“(5) The conditions are that the use of stations or apparatus of that description is not likely to —

- (a) involve undue interference with wireless telegraphy;
- (b) have an adverse effect on technical quality of service;
- (c) lead to inefficient use of the part of the electromagnetic spectrum available for wireless telegraphy;
- (d) endanger safety of life;
- (e) prejudice the promotion of social, regional or territorial cohesion; or
- (f) prejudice the promotion of cultural and linguistic diversity and media pluralism.”