SCHEDULES

SCHEDULE 3

Regulation 4

Transitional and saving provision

1. Regulation 3 and paragraphs 1, 2, 66(a), 101 and 102 of Schedule 1 do not apply in relation to an application received before 26th May 2011.

2. Nothing in these regulations affects the continuing operation of any condition set under Chapter 1 of Part 2 of the Communications Act 2003 [M1] before 26th May 2011.

Marginal Citations

M1 2003 c. 21

3. Paragraphs 10 to 13 of Schedule 1 do not apply in relation to a contravention of section 33 of the Communications Act 2003 which occurred before 26th May 2011 (and, in relation to a continuing contravention, do not apply in respect of any period of contravention before 26th May 2011).

4. Paragraphs 15 to 18 of Schedule 1 do not apply in relation to non-payment of charges under section 38 of the Communications Act 2003 in any case where the payment fell due before 26th May 2011.

5. In section 42(9)(b) of the Communications Act 2003, the reference to 24 months is to be read, in relation to a determination made before 26thMay 2011, as a reference to 12 months.

6. Paragraphs 22 and 23 of Schedule 1 do not apply in relation to a proposal of which notification was published under section 48(2) of the Communications Act 2003 before 26th May 2011.

7. Paragraphs 24 and 25 of Schedule 1 do not apply in relation to a proposal of which notification was published under section 49(4) of the Communications Act 2003 before 26th May 2011.

8. Paragraph 26 of Schedule 1 does not apply in relation to a proposal of which notification was published under section 48(2) or 49(4) of the Communications Act 2003 before 26th May 2011.

9. Paragraph 33 of Schedule 1 does not apply in relation to a contravention of a numbering condition (within the meaning given by section 61(9) of the Communications Act 2003) occurring before 26th May 2011.

10. In relation to a contravention of a numbering condition (within the meaning given by section 61(9) of the Communications Act 2003) occurring on or after 26th May 2011, section 61(8) of that Act has effect subject to the following modifications—

(a) the reference in paragraph (a) to a notification under section 96A includes a reference to a notification under section 94,

(b) the references in paragraphs (a) and (b) to a confirmation decision under section 96C(2) includes a reference to a determination for the purposes of section 95(2) and 96(2) that a contravention did occur, and

(c) the reference in paragraph (b) to 24 months is to be read, in relation to a period following a determination for the purposes of section 95(2) or 96(2), as a reference to 12 months.

11. Paragraphs 42 to 45 and 48 of Schedule 1 do not apply in relation to a proposal of which notification was published under section 80(1) of the Communications Act 2003 before 26th May 2011.

12. Paragraph 46 of Schedule 1 does not apply in relation to a market power determination made before 26th May 2011.

13. Paragraphs 54 to 63 of Schedule 1 do not apply in relation to a contravention of a condition set under section 45 of the Communications Act 2003 which occurred before 26th May 2011 (and, in relation to a continuing contravention, do not apply in respect of any period of contravention before 26th May 2011).

14. In relation to a contravention of a condition set under section 45 of the Communications Act 2003 occurring on or after 26th May 2011, section 100 of that Act has effect subject to the following modifications—

(a) the references in subsections (1B) and (7) to notifications under section 96A include references to notifications under section 94,

(b) the references in subsections (1B) and (7) to a confirmation decision under section 96C, or to a confirmation decision, include a reference to a determination for the purposes of section 95(2) or 96(2) that a contravention did occur, and

(c) the reference in subsection (7)(b) to 24 months is to be read, in relation to a period following a determination for the purposes of section 95(2) or 96(2), as a reference to 12 months.

15. Paragraphs 68 to 74 of Schedule 1 do not apply in relation to a contravention of any requirement imposed by a restriction or condition under section 109 of the Communications Act 2003 which occurred before 26th May 2011 (and, in relation to a continuing contravention, do not apply in respect of any period of contravention before 26th May 2011).

16. Paragraphs 76 and 77 of Schedule 1 do not apply in relation to a proposal of which notification was published under section 48(2) of the Communications Act 2003 (as applied by section 120(5) of that Act) before 26th May 2011.

17. Paragraph 78 of Schedule 1 does not apply in relation to a contravention of conditions set under section 132 of the Communications Act 2003 which occurred before 26th May 2011 (and, in relation to a continuing contravention, does not apply in respect of any period of contravention before 26th May 2011).

18. Paragraphs 81 to 87 of Schedule 1 do not apply in relation to a contravention of a requirement imposed under section 135 or 136 of the Communications Act 2003 before 26th May 2011 (and, in relation to a continuing contravention, do not apply in respect of any period of contravention before 26th May 2011).

19. In relation to a contravention of a requirement imposed under section 135 or 136 of the Communications Act 2003 occurring on or after 26th May 2011, section 140 of that Act has effect subject to the following modifications—

(a) the references in subsections (1)(c) and (7)(a) to confirmation decisions under section 139A(2) include determinations for the purposes of section 139(2) which were made before 26th May 2011 ("pre-commencement determinations"), and

(b) the reference in subsection (7)(b) to 24 months is to be read, in relation to a period following a pre-commencement determination, as a reference to 12 months.

20. So far as is necessary for giving effect to, or continuing the effect of, anything done before 26th May 2011, the definitions in section 151(1) of the Communications Act 2003 of "the Access Directive", "the Framework Directive" and "the Universal Service Directive" have effect as if they had not been amended by paragraph 90(a) of Schedule 1.

21. A power to vary a licence under paragraph 7 of Schedule 1 to the Wireless Telegraphy Act 2006 [M2] may not be exercised in such a way as to include a term, provision or limitation which could not be included in a licence granted under that Act on or after 26th May 2011.

Marginal Citations

M2 2006 c. 36

Status:
Point in time view as at 26/05/2011.

Changes to legislation:
There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy Regulations 2011, SCHEDULE 3.