



# WIRELESS TELEGRAPHY GENERAL LICENCE CONDITIONS BOOKLET

Ofcom traded Version OF195.1  
February 2006

## Introduction

Each Wireless Telegraphy licence issued by the Office of Communications ("Ofcom")<sup>1</sup> under section 8 of the Wireless Telegraphy Act 2006 ("the Act") authorises the licensee to establish and use stations or install or use apparatus for wireless telegraphy, subject to the terms, provisions and limitations of that licence.

The terms contained in this General Licence Conditions Booklet (the "Booklet") are incorporated into and form part of the terms, provisions and limitations of each wireless telegraphy licence to which this Booklet applies. (Each such wireless telegraphy licence is referred to as "the Licence".)

## General Licence Conditions

### **Condition 1 - Licence Term, Variation and Revocation**

- 1.1 The Licence shall continue in force until revoked by Ofcom or surrendered by the Licensee.
- 1.2 Pursuant to schedule 1 paragraph 8 of the Act Ofcom may not revoke this Licence under schedule 1 paragraph 6 except:
  - (a) at the request of, or with the consent of, the Licensee;
  - (b) if there has been a breach of any of the conditions of the Licence;
  - (c) if, in connection with the transfer or proposed transfer of rights and obligations arising by virtue of the Licence, there has been a breach of any provision of regulations made by Ofcom under the powers conferred by section 30 (1) and (3) of the Act<sup>2</sup> ;
  - (d) in accordance with schedule 1 paragraph 8(5) of the Act;
  - (e) if it appears to Ofcom to be necessary or expedient to revoke the Licence for the purposes of complying with a direction by the Secretary of State

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<sup>1</sup> "Ofcom" is the abbreviated name for the Office of Communications established by the Office of Communications Act 2002 to whom powers under the Act and previous Acts to issue and regulate licences have been transferred by the Communications Act 2003. The powers were conferred on 28<sup>th</sup> December 2003.

<sup>2</sup> These are regulations on spectrum trading.

given to Ofcom under section 5 of the Act or section 5 of the Communications Act 2003; or

- (f) for reasons related to the management of the radio spectrum, provided that in such case the power to revoke may only be exercised after five (5) years' notice is given in writing to the Licensee.

1.3 Where Ofcom exercise their power to revoke or vary the Licence in accordance with schedule 1 paragraph 6 of the Act, the Licensee shall be notified in writing or by a general notice. Any general notices will be posted on the Ofcom website<sup>3</sup>.

## **Condition 2 - Changes**

- 2.1 The Licence may not be transferred.<sup>4</sup>
- 2.2 The Licensee must give immediate notice to Ofcom in writing of any change to the Licensee's name and address from that recorded on the Licence.

## **Condition 3 - Licence Fee**

- 3.1 The Licensee shall pay to Ofcom the relevant sums as provided in section 12 of the Act and the regulations made thereunder:
  - i) on or before the date of issue of the Licence; and
  - ii) on or before the payment date shown on the Licence for subsequent payments or such other date or dates as shall be notified in writing to the Licensee, in accordance with those regulations and any relevant terms, provisions and limitations of the Licence.

## **Condition 4 - Radio Equipment Use**

- 4.1 The Licensee must ensure that the Radio Equipment relevant to each Licence is constructed, established, installed and used only in accordance with the provisions specified in the individual Licence schedules. Any proposal to amend any detail specified in those schedules must be agreed with Ofcom in advance

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<sup>3</sup> [www.ofcom.org.uk](http://www.ofcom.org.uk)

<sup>4</sup> However rights and obligations arising by virtue of certain wireless telegraphy licences may be transferred in accordance with regulations made by Ofcom under powers conferred by section 30 of the Act. See Ofcom's website for the latest position on which licences are subject to spectrum trading.

and implemented only after that Licence has been varied or reissued accordingly.

- 4.2 The Licensee must ensure that the Radio Equipment is used only by persons who have been authorised by the Licensee to do so, and that such persons are made aware of, and of the requirement to comply with, the terms of the Licence.

### **Condition 5 - Access and Inspection**

- 5.1 The Licensee shall permit any person authorised by Ofcom:

- i) to have access to the Radio Equipment; and
- ii) to inspect the Licence and Radio Equipment,

at any and all reasonable times or, when in the opinion of that person an urgent situation exists, at any time to ensure that the Radio Equipment is being used in accordance with the terms of the Licence.

### **Condition 6 - Modification, Restriction and Closedown**

- 6.1 A person authorised by Ofcom may require the Radio Equipment, or any part thereof, to be modified or restricted in use, or temporarily or permanently closed down immediately if in the opinion of the person authorised by Ofcom:

- i) a breach of the Licence has occurred; and/or
- ii) the use of the Radio Equipment is causing or contributing to Undue Interference to the authorised use of other radio equipment.

- 6.2 Ofcom may require the Radio Equipment to be modified or restricted in use, or temporarily closed down either immediately or on the expiry of such period as may be specified in the event of a national or local state of emergency being declared. Ofcom may only exercise this power after a written notice is served on the Licensee or a general notice applicable to holders of a named class of Licence is published.

### **Condition 7 - Interpretation**

- 7.1 In this Booklet and in the Licence:

- i) the establishment, installation and use of the Radio Equipment shall be interpreted as establishment and use of stations and installation

and use of apparatus for wireless telegraphy as specified in section 8 of the Act;

- ii) the expression "Undue Interference" shall have the meaning given by Section 115 of the Act; and
- iii) "inspect" includes examine and test.

7.2 In this Booklet "Radio Equipment" means the radio equipment specified in the Licence.

7.3 Any schedule to the Licence shall form part of the Licence together with any subsequent schedule which Ofcom may issue as a variation to the Licence.

7.4 The Interpretation Act 1978 shall apply to the Licence as it applies to an Act of Parliament.

**Issued by Ofcom**