



Telecommunications Act 1984

1984 CHAPTER 12

PART II

PROVISION OF TELECOMMUNICATION SERVICES

Enforcement of licences

16 Securing compliance with licence conditions

- (1) Subject to subsections (2) and (5) and section 17 below, where the Director is satisfied that a person who is authorised by a licence granted under section 7 above to run a telecommunication system (in this Act referred to as a "telecommunications operator") is contravening, or has contravened and is likely again to contravene, any of the conditions of his licence, the Director shall by a final order make such provision as is requisite for the purpose of securing compliance with that condition.
- (2) Subject to subsection (5) below, where it appears to the Director—
 - (a) that a telecommunications operator is contravening, or has contravened and is likely again to contravene, any of the conditions of his licence ; and
 - (b) that it is requisite that a provisional order be made,the Director shall (instead of taking steps towards the making of a final order) by a provisional order make such provision as appears to him requisite for the purpose of securing compliance with that condition.
- (3) In determining for the purposes of subsection (2) (b) above whether it is requisite that a provisional order be made, the Director shall have regard, in particular, to the extent to which any person is likely to sustain loss or damage in consequence of anything which, in contravention of the relevant condition, is likely to be done, or omitted to be done, before a final order may be made.
- (4) Subject to subsection (5) and section 17 below, the Director shall confirm a provisional order with or without modifications if—

Status: This is the original version (as it was originally enacted).

- (a) he is satisfied that the telecommunications operator is contravening, or has contravened and is likely again to contravene, any of the conditions of his licence ; and
 - (b) the provision made by the order (with any modifications) is requisite for the purpose of securing compliance with that condition.
- (5) The duties imposed by subsections (1) to (4) above shall not apply where the Director gives notice that he is satisfied—
 - (a) that the duties imposed on him by section 3 above preclude the making of a final or provisional order or, as the case may be, the confirmation of the provisional order; or
 - (b) that the contraventions or apprehended contraventions are of a trivial nature ; and a notice under this subsection shall be given by publication in such manner as the Director considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them and by sending a copy of the notice to the telecommunications operator.
- (6) A final or provisional order—
 - (a) shall require the telecommunications operator (according to the circumstances of the case) to do, or not to do, such things as are specified in the order or are of a description so specified;
 - (b) shall take effect at such time, being the earliest practicable time, as is determined by or under the order ; and
 - (c) may be revoked at any time by the Director.
- (7) In this section and sections 17 to 19 below—
 - " contravention ", in relation to any condition of a licence, includes any failure to comply with that condition and " contravene " shall be construed accordingly ;
 - " final order " means an order under this section other than a provisional order;
 - " provisional order" means an order under this section which, if not previously confirmed under subsection (4) above, will cease to have effect at the end of such period (not exceeding three months) as is determined by or under the order.
- (8) References in this section to conditions of a licence do not include references to conditions relating to the application of the telecommunications code.