



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 1

GENERAL PROVISION ABOUT RADIO SPECTRUM

Radio spectrum functions of OFCOM

6 Procedure for directions

- (1) An order under section 5 must state the purpose for which a direction is given, unless it falls within section 5(2) or (3).
- (2) Before making an order under section 5, the Secretary of State must consult—
 - (a) OFCOM; and
 - (b) such other persons as he thinks fit.
- (3) Subsection (2) does not apply where the Secretary of State considers that the urgency of the case makes it inexpedient to consult before making the order.

[^{F1}(3A) Before making an order under section 5, the Secretary of State must take due account of the desirability of not favouring—

- (a) one form of electronic communications network, electronic communications service or associated facility, or
- (b) one means of providing or making available such a network, service or facility, over another.]
- (4) No order is to be made under section 5 unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (5) But subsection (4) does not apply where—
 - (a) before or in the course of the consultation required by subsection (2), or
 - (b) after the consultation and before or after a draft of the order has been laid before Parliament,

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 6. (See end of Document for details)

the Secretary of State considers that the urgency of the case is or has become such that he should make the order straight away.

- (6) Where under subsection (5) the Secretary of State makes an order under section 5 without a draft of the order having been approved, the order ceases to have effect at the end of the period of forty days beginning with the day on which it was made unless, before the end of that period, it has been approved by a resolution of each House of Parliament.
- (7) For the purposes of subsection (6)—
- (a) the order's ceasing to have effect is without prejudice to anything previously done, or to the making of a new order; and
 - (b) in reckoning the period of forty days no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Textual Amendments

- F1** S. 6(3A) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 2 para. 3** (with Sch. 3 para. 2)

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