



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 6

#### GENERAL

#### *Supplemental*

#### **122 Orders and regulations made by OFCOM**

- (1) This section applies to every power of OFCOM to make regulations or an order under this Act.
- (2) Those powers are exercisable by statutory instrument, and the Statutory Instruments Act 1946 (c. 36) is to apply in relation to those powers as if OFCOM were a Minister of the Crown.
- (3) Where an instrument made under such a power falls to be laid before Parliament, OFCOM must, immediately after it is made, send it to the Secretary of State for laying by him.
- (4) Before making any regulations or order under such a power, OFCOM must—
  - (a) give a notice of their proposal to do so to such persons representative of the persons appearing to OFCOM to be likely to be affected by the implementation of the proposal as OFCOM think fit;
  - (b) publish notice of their proposal in such manner as they consider appropriate for bringing it to the attention of the persons who, in their opinion, are likely to be affected by it and are not given notice by virtue of paragraph (a); and
  - (c) consider any representations that are made to OFCOM, before the time specified in the notice.
- (5) A notice for the purposes of subsection (4) must—
  - (a) state that OFCOM propose to make the regulations or order in question;
  - (b) set out the general effect of the regulations or order;

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*Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 122. (See end of Document for details)*

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- (c) specify an address from which a copy of the proposed regulations or order may be obtained; and
  - (d) specify a time before which any representations with respect to the proposal must be made to OFCOM.
- (6) The time specified for the purposes of subsection (5)(d) must be no earlier than the end of the period of [<sup>F1</sup>30 days] beginning with the day after the latest day on which the notice is given or published for the purposes of subsection (4).
- (7) Every power of OFCOM to make regulations or an order under this Act includes power—
- (a) to make different provision for different cases (including different provision in respect of different areas);
  - (b) to make provision subject to such exemptions and exceptions as OFCOM think fit; and
  - (c) to make such incidental, supplemental, consequential and transitional provision as OFCOM think fit.

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#### **Textual Amendments**

- F1** Words in s. 122(6) substituted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 89**

**Changes to legislation:**

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 122.