

### SCHEDULE 3

#### SCHEDULE 1: CONDITIONS INCLUDED UNDER SECTION 7 OF THE ACT

#### PART A:

#### DETERMINATION BY THE DIRECTOR OF MARKET INFLUENCE

##### *Condition 10*

#### PROVISION OF MOBILE RADIO TELECOMMUNICATION SERVICES TO SERVICE PROVIDERS

##### 10.1 Where:

- (a) a determination has been made which applies to the Licensee for the purposes of Condition 9 above; and
- (b) the determination under paragraph (a) above is in relation to the provision of Mobile Radio Telecommunication Services;

subject to the following provisions of this Condition, the Licensee shall at the written request of a Service Provider or a person intending to be a Service Provider provide Mobile Radio Telecommunication Services by means of the Applicable Systems to that Service Provider or that person if that Service Provider or that person is able to demonstrate to the reasonable satisfaction of the Licensee that:

- (i) during the most recent year for which published accounts of that Service Provider are available not less than 80 per cent by value of the telecommunication services provided by the Licensee to that Service Provider by means of the Applicable Systems were resold to persons outside that Service Provider's Group; or
- (ii) in the event that no such telecommunication services were provided to that person for resale during that financial year not less than 80% by value of the telecommunication services to be provided by the Licensee to that person by means of the Applicable Systems during the following financial year will be resold to persons outside that person's Group.

**10.2** The Licensee shall not be obliged under paragraph 10.1 to provide services to a Service Provider if in the opinion of the Licensee there is reasonable cause to doubt the likelihood (for whatever reason) of that Service Provider:

- (a) providing services to others in a proper and efficient manner; or
- (b) financing the provision of services,

and the Director has not given a written contrary decision.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Telecommunications (Licence Modification) (Regional Public Access Mobile Radio Operator Licences) Regulations 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations revoked by [2003 c. 21 Sch. 19\(2\)](#)