
STATUTORY INSTRUMENTS

2000 No. 1714

TELECOMMUNICATIONS

The Telecommunications (Licence Modification)
(Mobile Data Operator Licences) Regulations 2000

<i>Made</i>	- - - -	<i>28th June 2000</i>
<i>Laid before Parliament</i>		<i>30th June 2000</i>
<i>Coming into force</i>		<i>21st July 2000</i>

THE TELECOMMUNICATIONS (LICENCE MODIFICATION)
(MOBILE DATA OPERATOR LICENCES) REGULATIONS 2000

1. Citation and commencement
 2. Interpretation
 3. Modification of the relevant licences
 4. Transitional provisions
- Signature

SCHEDULE 1 — TABLE OF CONTENTS

SCHEDULE 2 — **SCHEDULE 1: CONDITIONS INCLUDED UNDER SECTION 7 OF THE ACT**

PART 1: — DEFINITIONS AND INTERPRETATION RELATING TO THE
CONDITIONS IN SCHEDULE 1

1. In this Schedule unless the context otherwise requires: “Applicable Terminal...”
2. Expressions cognate with those referred to in this Schedule shall...
3. Any reference in any Condition in this Schedule, however expressed,...
4. Subject to paragraph 5 below, if the Director is considering...
5. Paragraph 4 does not apply in relation to any determination,...
6. Where the Director makes a determination for the purposes of...

PART 2: — **GENERAL CONDITIONS**

Status: This is the original version (as it was originally made).

Condition 1

- 1.1 REQUIREMENT TO PROVIDE CONNECTION SERVICES INCLUDING CO-LOCATION AND FACILITY SHARING
- 1.2 The Licensee or the Operator may at any time request...
- 1.3 The Licensee shall: (a) comply with the requirements of any...
- 1.4 Paragraph 1.1 above does not apply to the extent that...
- 1.5 So long as section 11 of the Restrictive Trade Practices...
- 1.6 The Licensee shall comply with any request by the Director...
- 1.7 Where the Director so directs the Crown shall be treated...

Condition 2

- 2.1 PRIVACY, CONFIDENTIALITY AND METERING SYSTEMS
- 2.2 The Licensee shall take all reasonable steps to ensure the...

Condition 3

- 3.1 ESSENTIAL INTERFACES
- 3.2 The Director may, having first notified the Licensee of his...
- 3.3 Where in pursuance of paragraph 3.2 the Director specifies an...
- 3.4 (a) For the purposes of paragraph 3.3 “Relevant Standard” means:...
- 3.5 Where the Director has been unable in accordance with paragraph...
- 3.6 The Director shall specify a Relevant Standard in pursuance of...
- 3.7 For the avoidance of doubt this Condition shall not:
- 3.8 When implementing an Essential Interface, the Licensee shall not be...
- 3.9 It is a precondition of any obligation on the Licensee...

Condition 4

- 4.1 PREPARATION OF ACCOUNTS

Condition 5

- 5.1 ACCOUNTING SEPARATION FOR SPECIAL OR EXCLUSIVE RIGHTS INNON-TELECOMMUNICATION SERVICES

Condition 6

- 6.1 REQUIREMENT TO FURNISH INFORMATION TO THE DIRECTOR
- 6.2 In making any such request the Director shall ensure that...
- 6.3 The Licensee shall permit the Director and any person authorised...
- 6.4 The Licensee shall provide financial information to the Director promptly...
- 6.5 In this Condition “documents” includes, without prejudice to the generality...

Condition 7

- 7.1 NOTIFICATION OF CHANGES IN SHAREHOLDINGS
- 7.2 Subject to paragraph 7.3, the Licensee shall notify the Secretary...
- 7.3 The Licensee shall be obliged to notify the Secretary of...
- 7.4 In any case referred to in paragraph 7.1 or 7.2,...

Condition 8

- 8.1 LICENSEE'S GROUP
- 8.2 Where these Conditions apply in respect of the Applicable Systems...

- 8.3 Where any person becomes a member of the Licensee's Group...
- 8.4 This Condition shall not apply to any particular member of...

Condition 9

- 9.1 PAYMENT OF FEES
- 9.2 The aggregate of the renewal fee and the special fee...
 - PART A: — **OPERATORS WITH SIGNIFICANT MARKET POWER FOR THE PURPOSES OF THE INTERCONNECTION DIRECTIVE**

Condition 10

- 10.1 DETERMINATION OF SIGNIFICANT MARKET POWER
- 10.2 Where this Part applies, Condition 1 shall no longer apply...
- 10.3 The Conditions in this Part apply to the Licensee only...

Condition 11

- 11.1 INTERCONNECTION AGREEMENTS WITH SCHEDULE 2 PUBLIC OPERATORS INCLUDING CO-LOCATION AND FACILITY SHARING
- 11.2 The Licensee or the Schedule 2 Public Operator may at...
- 11.3 The Licensee shall secure that the agreement or amendment referred...
- 11.4 To the extent that the terms and conditions of any...
- 11.5 The Licensee shall: (a) comply with the requirements of any...
- 11.6 So long as section 11 of the Restrictive Trade Practices...
- 11.7 Paragraph 11.1 above does not apply to the extent that...
- 11.8 For the avoidance of doubt: (a) any question as to...
- 11.9 Where the Director so directs, the Crown shall be treated...

Condition 12

- 12.1 REQUIREMENT TO MEET REQUESTS FOR ACCESS OTHER THAN FROM SCHEDULE 2 PUBLIC OPERATORS
- 12.2 An agreement to provide Interconnection to the Applicable Systems shall...
- 12.3 Where the Licensee or a member of the Licensee's Group...
- 12.4 The Licensee or the person requesting Interconnection may at any...
- 12.5 The Licensee shall: (a) comply with the requirements of any...

Condition 13

- 13.1 REQUIREMENT TO SEND INDIVIDUAL AGREEMENTS TO THE DIRECTOR AND TO PUBLISH THEM
- 13.2 Either party to an agreement or amendment referred to in...
- 13.3 A determination made in response to a requirement under paragraph...
- 13.4 The Licensee shall: (a) where no request has been made...
- 13.5 The Licensee shall send a copy of the list referred...
- 13.6 The Licensee shall, within a reasonable period following a request,...
- 13.7 Any information received by a Licensee from any person for...
- 13.8 The Licensee shall comply with any request by the Director...
 - PART B: — **UNDUE DISCRIMINATION REQUIREMENTS WHICH APPLY TO PART A**

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

Condition 14

14.1 PROHIBITION ON UNDUE PREFERENCE AND UNDUE DISCRIMINATION

PART C: — **EXCEPTIONS AND LIMITATIONS ON OBLIGATIONS IN SCHEDULE 1**

Condition 15

15.1 EXCEPTIONS AND LIMITATIONS ON OBLIGATIONS IN SCHEDULE 1

- 15.2 The Licensee is not obliged to do anything which is...
- 15.3 The Licensee shall not be held to have failed to...
- 15.4 The Licensee shall not be obliged to connect, or to...
- 15.5 Nothing in these Conditions shall prevent the Licensee from withdrawing...
- 15.6 Nothing in these Conditions shall require the Licensee to provide...
- 15.7 This Condition shall apply without prejudice to any limitation or...
- 15.8 This Condition does not apply to: Condition 1 (Requirement to...
- 15.9 Only paragraphs 15.1, 15.2, 15.3 and 15.7 apply to: Conditions...

SCHEDULE 3 — SCHEDULE 2: REVOCATION

- 1. Notwithstanding paragraph 2 of the Licence the Secretary of State...
- 2. For the purposes of paragraph 1(e)(i), in applying section 123...
- 3. In this Schedule: (a) “Group” means a Parent Undertaking and...
- 4. For the purposes of this Schedule “Appeal” includes further appeal...

SCHEDULE 4 — SCHEDULE 3: AUTHORISATION TO CONNECT OTHER TELECOMMUNICATION SYSTEMS AND APPARATUS TO THE APPLICABLE SYSTEMS AND TO PROVIDE TELECOMMUNICATION SERVICES BY MEANS OF THE APPLICABLE SYSTEMS

- 1. Nothing in this Licence removes any need to obtain any...
- 2. Connection authorisation
- 3. Service authorisation
- 4. Definitions and Interpretation
- 5. Expressions cognate with those referred to in this Schedule shall...

SCHEDULE 5 — ANNEX A

- 1. THE APPLICABLE SYSTEMS
- 2. In this Annex: “Approved Apparatus” means in relation to any...

Explanatory Note