



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 1

WIRELESS TELEGRAPHY LICENCES

Licensing of wireless telegraphy

8 Licences and exemptions

- (1) It is unlawful—
 - (a) to establish or use a wireless telegraphy station, or
 - (b) to instal or use wireless telegraphy apparatus,except under and in accordance with a licence (a “wireless telegraphy licence”) granted under this section by OFCOM.
- (2) Subsection (1) does not apply to—
 - (a) the use of a television receiver (within the meaning of Part 4 of the Communications Act 2003) for receiving a television programme; or
 - (b) the installation of a television receiver for use solely for that purpose.
- (3) OFCOM may by regulations exempt from subsection (1) the establishment, installation or use of wireless telegraphy stations or wireless telegraphy apparatus of such classes or descriptions as may be specified in the regulations, either absolutely or subject to such terms, provisions and limitations as may be so specified.

^{F1}[^{F2}(3A)

- (3B) Terms, provisions and limitations specified in regulations under subsection (3) must be—

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- (a) objectively justifiable in relation to the wireless telegraphy stations or wireless telegraphy apparatus to which they relate,
 - (b) not such as to discriminate unduly against particular persons or against a particular description of persons,
 - (c) proportionate to what they are intended to achieve, and
 - (d) in relation to what they are intended to achieve, transparent.]
- (4) If OFCOM are satisfied that [^{F3}the conditions in subsection (5) are] satisfied as respects the use of stations or apparatus of a particular description, they must make regulations under subsection (3) exempting the establishment, installation and use of a station or apparatus of that description from subsection (1).
- [^{F4}(5) The conditions are that the use of stations or apparatus of that description is not likely to —
- (a) involve undue interference with wireless telegraphy;
 - (b) have an adverse effect on technical quality of service;
 - (c) lead to inefficient use of the part of the electromagnetic spectrum available for wireless telegraphy;
- [^{F5}(ca) inhibit the development of effective arrangements for the sharing of frequencies;]
- (d) endanger safety of life;
 - (e) prejudice the promotion of social, regional or territorial cohesion; or
 - (f) prejudice the promotion of cultural and linguistic diversity and media pluralism.]

Textual Amendments

- F1** S. 8(3A) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 45(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 8(3A)(3B) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011](#) (S.I. 2011/1210), reg. 1(2), **Sch. 2 para. 4(a)** (with Sch. 3 para. 2)
- F3** Words in s. 8(4) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011](#) (S.I. 2011/1210), reg. 1(2), **Sch. 2 para. 4(b)** (with Sch. 3 para. 2)
- F4** S. 8(5) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011](#) (S.I. 2011/1210), reg. 1(2), **Sch. 2 para. 4(c)** (with Sch. 3 para. 2)
- F5** S. 8(5)(ca) inserted (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. 81(3)**

Modifications etc. (not altering text)

- C1** S. 8(1) excluded (E.W.S.) (21.10.2013 for E.W., 3.3.2014 for S.) by [Prisons \(Interference with Wireless Telegraphy\) Act 2012](#) (c. 20), **ss. 1(7), 5(3)**; S.I. 2013/2460, art. 3; S.S.I. 2014/34, art. 2
- C2** S. 8(1) restricted (cond.) (30.4.2014) by [The Wireless Telegraphy \(Mobile Communication Services on Aircraft\) \(Exemption\) Regulations 2014](#) (S.I. 2014/953), regs. 1, 4, 5
- C3** S. 8(1) restricted by S.I. 2010/2512, reg. 9 (as inserted (27.6.2014) by [The Wireless Telegraphy \(Exemption and Amendment\) \(Amendment\) Regulations 2014](#) (S.I. 2014/1484), regs. 1, **2(3)**)
- C4** S. 8(1) restricted by S.I. 2010/2512, reg. 10 (as inserted (27.6.2014) by [The Wireless Telegraphy \(Exemption and Amendment\) \(Amendment\) Regulations 2014](#) (S.I. 2014/1484), regs. 1, **2(3)**)
- C5** S. 8(1) excluded (25.3.2015) by [The Wireless Telegraphy \(Ultra-Wideband Equipment\) \(Exemption\) Regulations 2015](#) (S.I. 2015/591), regs. 1, **12, 13**

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- C6 S. 8(1) excluded (25.3.2015) by [The Wireless Telegraphy \(Ultra-Wideband Equipment\) \(Exemption\) Regulations 2015 \(S.I. 2015/591\)](#), regs. 1, **24**, 25
- C7 S. 8(1) excluded (25.3.2015) by [The Wireless Telegraphy \(Ultra-Wideband Equipment\) \(Exemption\) Regulations 2015 \(S.I. 2015/591\)](#), regs. 1, **4**, 5
- C8 S. 8(1) excluded (25.3.2015) by [The Wireless Telegraphy \(Ultra-Wideband Equipment\) \(Exemption\) Regulations 2015 \(S.I. 2015/591\)](#), regs. 1, **29**, 30
- C9 S. 8(1) excluded (25.3.2015) by [The Wireless Telegraphy \(Ultra-Wideband Equipment\) \(Exemption\) Regulations 2015 \(S.I. 2015/591\)](#), regs. 1, **8**, 9
- C10 S. 8(1) excluded (25.3.2015) by [The Wireless Telegraphy \(Ultra-Wideband Equipment\) \(Exemption\) Regulations 2015 \(S.I. 2015/591\)](#), regs. 1, **16**, 17
- C11 S. 8(1) excluded (31.12.2015) by [The Wireless Telegraphy \(White Space Devices\) \(Exemption\) Regulations 2015 \(S.I. 2015/2066\)](#), regs. 1(1), **3**
- C12 S. 8(1) excluded (15.6.2017) by [The Wireless Telegraphy \(Mobile Communication Services on Aircraft\) \(Exemption\) Regulations 2017 \(S.I. 2017/669\)](#), regs. 1, **4**

[^{F6}8A. Review of long licences

- (1) Subsection (2) applies in respect of a wireless telegraphy licence where—
 - (a) the licence is granted for a period of 10 years or more; and
 - (b) the rights and obligations under it may not be transferred to another person.
- (2) OFCOM must, at such intervals as they consider appropriate, or at the reasonable request of the holder of the licence—
 - (a) review whether the conditions in section 8(5) are met in relation to the use of a wireless telegraphy station or wireless telegraphy apparatus under the licence, and
 - (b) if the conditions are met, make regulations under section 8(3) exempting the establishment, installation or use of stations or apparatus of that description from section 8(1).
- (3) The first review under this section, and the making of any regulations under section 8(3) in consequence of the review, must be completed on or before 19 December 2011.

Textual Amendments

- F6** Ss. 8A-8C inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 2 para. 5** (with Sch. 3 para. 2)

8B. Restriction on grant of exclusive licence

- (1) OFCOM may not grant an exclusive licence unless a condition in subsection (2) is met.
- (2) Those conditions are—
 - (a) that it is necessary to grant an exclusive licence in order to protect safety of life services, or
 - (b) that there are other exceptional circumstances which, in OFCOM's opinion, justify the grant of an exclusive licence in order to ensure a general interest objective.
- (3) The general interest objectives are—

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- (a) safety of life;
 - (b) the promotion of social, regional or territorial cohesion;
 - (c) avoidance of inefficient use of frequencies;
 - (d) the promotion of cultural and linguistic diversity and media pluralism;
 - (e) fulfilment of a requirement under the ITU Radio Regulations.
- (4) In subsection (3) “the ITU Radio Regulations” means the radio regulations of the International Telecommunication Union.
- (5) If OFCOM grant an exclusive licence they must—
- (a) at such intervals as they consider appropriate, review whether a condition in subsection (2) continues to be met, and
 - (b) publish the outcome of the review in such manner as they think fit.
- (6) In this section and section 8C, “exclusive licence” means a wireless telegraphy licence which includes a term conferring exclusive rights on the holder to use a frequency specified in the licence (throughout the United Kingdom or in a specified part of the United Kingdom).

Textual Amendments

- F6** Ss. 8A-8C inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 2 para. 5** (with Sch. 3 para. 2)

8C. Consultation before grant of exclusive licence

- (1) This section applies where—
- (a) OFCOM propose to grant an exclusive licence, and
 - (b) they think that the grant of the licence would have a significant impact on a market for the use of the electromagnetic spectrum for wireless telegraphy in relation to which OFCOM have functions under the enactments relating to the management of the radio spectrum.
- (2) Before granting the licence OFCOM must publish, in such manner as they think fit, notice of their intention to grant the licence.
- (3) The notice must specify—
- (a) OFCOM's reasons for proposing to grant an exclusive licence, and
 - (b) the period within which representations may be made to OFCOM.
- (4) The period specified under subsection (3)(b) may not be less than [^{F7}30 days] beginning with the day on which the notice is published.]

Textual Amendments

- F6** Ss. 8A-8C inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 2 para. 5** (with Sch. 3 para. 2)
- F7** Words in s. 8C(4) 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. 82**

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9 Terms, provisions and limitations

- (1) A wireless telegraphy licence may be granted subject to such terms, provisions and limitations as OFCOM think fit.

^{F8}(1A)

- (2) In the case of a licence to establish a station, the limitations may, in particular, include limitations as to—

- (a) the position and nature of the station;
- (b) the purpose for which, the circumstances in which and the persons by whom the station may be used;
- (c) the apparatus that may be installed or used in the station.

- (3) In the case of any other licence, the limitations may, in particular, include limitations as to—

- (a) the apparatus that may be installed or used;
- (b) the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used.

- (4) The terms, provisions and limitations may also include, in particular—

- (a) terms, provisions and limitations as to strength or type of signal, as to times of use and as to the sharing of frequencies;
- (b) terms, provisions or limitations imposing prohibitions on the transmission or broadcasting of particular matters by the holder of the licence;
- (c) terms or provisions requiring the transmission or broadcasting of particular matters by that person.

[^{F9}(ca) terms or provisions requiring the holder of the licence to enter into wholesale roaming access agreements in specified circumstances on terms specified or described in the licence;]

[^{F10}(d) terms, provisions or limitations requiring a satellite uplinker to suspend or cease uplinking, by means of satellite uplink apparatus, a service named by OFCOM in a notice given to the satellite uplinker under section 9A;

(e) terms or provisions requiring a satellite uplinker to provide OFCOM with such information necessary for the purpose of determining whether section 9A applies in relation to a service uplinked by the satellite uplinker or for any purpose connected with the giving of a notice under section 9A as OFCOM may request by a notice in writing.]

- (5) A wireless telegraphy licence may be granted—

- (a) in relation to a particular station or particular apparatus; or
- (b) in relation to any station or apparatus falling within a description specified in the licence;

and such a description may be expressed by reference to such factors (including factors confined to the manner in which it is established, installed or used) as OFCOM think fit.

- (6) The terms, provisions and limitations of a wireless telegraphy licence granted to a person must not duplicate obligations already imposed on him by general conditions set under section 45 of the Communications Act 2003 (c. 21) (power of OFCOM to set conditions in relation to electronic communications networks and services).

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- (7) In imposing terms, provisions or limitations on a wireless telegraphy licence, OFCOM may impose only those that they are satisfied are—
- (a) objectively justifiable in relation to the networks and services to which they relate;
 - (b) not such as to discriminate unduly against particular persons or against a particular description of persons;
 - (c) proportionate to what they are intended to achieve; and
 - (d) in relation to what they are intended to achieve, transparent.

[^{F11}(7A) In this section “wholesale roaming access agreement”, in relation to the holder of a wireless telegraphy licence, means an agreement between the holder and the provider of a public electronic communications service that depends on the use of wireless telegraphy (“the roaming provider”) for the purpose of enabling public electronic communications services to be provided to the customers of the roaming provider in all or part of the area to which the licence relates.]

- (8) This section has effect subject to [^{F12}section 9ZA and to] regulations under section 14.

Textual Amendments

- F8** S. 9(1A) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 45(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** S. 9(4)(ca) inserted (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. 83(3)**
- F10** S. 9(4)(d)(e) inserted (19.12.2009) by [Audiovisual Media Services Regulations 2009](#) (S.I. 2009/2979), regs. 1(1), **13(2)**
- F11** S. 9(7A) inserted (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. 83(4)**
- F12** Words in s. 9(8) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011](#) (S.I. 2011/1210), reg. 1(2), **Sch. 2 para. 6(b)** (with Sch. 3 para. 2)

[^{F13}9ZA. Restrictions on imposition of limitations etc under section 9

- (1) OFCOM may grant a wireless telegraphy licence subject to a limitation on the nature of a station that may be established or used, or the apparatus that may be installed or used, only if the limitation is necessary for a purpose specified in subsection (2).
- (2) Those purposes are—
- (a) avoiding undue interference with wireless telegraphy;
 - (b) the protection of public health against electromagnetic fields;
 - (c) ensuring technical quality of service;
 - (d) ensuring maximisation of frequency sharing;
 - (e) safeguarding the efficient management and use of the part of the electromagnetic spectrum available for wireless telegraphy;
 - (f) ensuring the fulfilment of a general interest objective.

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- (3) OFCOM may grant a wireless telegraphy licence incorporating a provision requiring the use of a specified frequency for the activity authorised by the licence only if the requirement is imposed in order to ensure the fulfilment of a general interest objective.
- (4) In this section “general interest objective” has the meaning given by section 8B(3).
- (5) Subsection (6) applies where OFCOM think that the imposition of a limitation or provision within subsection (1) or (3) in relation to a wireless telegraphy licence would have a significant impact on a market for the use of the electromagnetic spectrum for wireless telegraphy in relation to which OFCOM have functions under the enactments relating to the management of the radio spectrum.
- (6) Before deciding whether to impose the limitation or provision, OFCOM must consult the applicant for the licence and must take any representations into account.
- (7) If OFCOM have imposed limitations or provisions under subsection (1) or (3) in relation to a wireless telegraphy licence, they must, at such intervals as they consider appropriate—
 - (a) review whether those limitations or provisions are necessary, and
 - (b) publish the outcome of the review in such manner as they think fit.
- (8) But subsection (7) does not apply to a provision requiring the use of a specified frequency for the activity authorised by the licence where the licence holder has an opportunity to ask for a different frequency to be specified.

Textual Amendments

F13 Ss. 9ZA, 9ZB inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), [Sch. 2 para. 7](#) (with [Sch. 3 para. 2](#))

9ZB. Review of pre-26 May 2011 limitations etc.

- (1) This section applies where OFCOM have imposed limitations or provisions of a kind falling within section 9ZA(1) or (3) in relation to a wireless telegraphy licence granted on or before 25 May 2011.
- (2) As soon as reasonably practicable after 26 May 2016, OFCOM must review such limitations or provisions with a view to determining whether, if the licence had been granted after 25 May 2011, section 9ZA would have prevented OFCOM from imposing the limitation or provision.
- (3) If OFCOM concludes that section 9ZA would have prevented the imposition of a limitation or provision, it must vary the licence in order to remove the limitation or provision.
- (4) This section does not apply in relation to a provision requiring the use of a specified frequency for the activity authorised by the licence where the licence holder has an opportunity to ask for a different frequency to be specified.]

Textual Amendments

F13 Ss. 9ZA, 9ZB inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), [Sch. 2 para. 7](#) (with [Sch. 3 para. 2](#))

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[^{F14}9A. Notice to satellite uplinkers

- ^{F15}(1)
- (2) OFCOM may give a notice in writing under this section to a satellite uplinker in relation to a relevant regulated television service if OFCOM are satisfied that the service is provided—
- (a) in contravention of a licence under Part 1 of the Broadcasting Act 1990 or Part 1 of the Broadcasting Act 1996; or
 - (b) otherwise than pursuant to such a licence.
- (3) OFCOM may give a notice in writing under this section to a satellite uplinker in relation to an on-demand programme service if OFCOM are satisfied that the service is provided [^{F16}—
- (a)] in contravention of a requirement of Part 4A of the Communications Act 2003 [^{F17}; or
 - (b) otherwise than pursuant to a notification under section 368BA of the Communications Act 2003.]
- (4) Where a notice is given to a satellite uplinker under subsection (2)(a) or (3) [^{F18}(a)] the notice must—
- (a) name the service;
 - (b) specify the reasons why OFCOM consider that subsection (2)(a) or (3) [^{F18}(a)] is satisfied; and
 - (c) specify—
 - (i) the date by which the satellite uplinker must cease the uplinking of the service; or
 - (ii) a period during which the satellite uplinker must suspend the uplinking of the service.
- (5) Where a notice is given to a satellite uplinker under subsection (2)(b) [^{F19} or (3)(b)] the notice must—
- (a) name the service; and
 - (b) specify—
 - (i) the date by which the satellite uplinker must cease the uplinking of the service; or
 - (ii) a period during which the satellite uplinker must suspend the uplinking of the service.
- (6) In this section—
- “relevant regulated television service” has the same meaning as in section 13 of the Broadcasting Act 1990;
- “on-demand programme service” has the same meaning as in the Communications Act 2003 (see section 368A of that Act).]

Textual Amendments

- F14** S. 9A inserted (19.12.2009) by [Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#), regs. 1(1), 13(3)
- F15** S. 9A(1) omitted (31.12.2020) by virtue of [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), [Sch. 1 para. 33](#) (with reg. 6) (as amended by S.I. 2020/1536, regs. 2, 5(3)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross Heading: Licensing of wireless telegraphy. (See end of Document for details)

- F16** Words in s. 9A(3) inserted (18.3.2010) by [The Audiovisual Media Services Regulations 2010 \(S.I. 2010/419\)](#), regs. 1(1), **15(2)(a)**
- F17** S. 9A(3)(b) and word inserted (18.3.2010) by [The Audiovisual Media Services Regulations 2010 \(S.I. 2010/419\)](#), regs. 1(1), **15(2)(b)**
- F18** Words in s. 9A(4) inserted (18.3.2010) by [The Audiovisual Media Services Regulations 2010 \(S.I. 2010/419\)](#), regs. 1(1), **15(3)**
- F19** Words in s. 9A(5) inserted (18.3.2010) by [The Audiovisual Media Services Regulations 2010 \(S.I. 2010/419\)](#), regs. 1(1), **15(4)**

10 Procedure

Schedule 1 (which makes provision about the grant, revocation and variation of wireless telegraphy licences) has effect.

11 Surrender of licence

- (1) Where a wireless telegraphy licence has expired or has been revoked, it is the duty of—
- the person to whom the licence was granted, and
 - any other person in whose possession or under whose control the licence may be,
- to cause it to be surrendered to OFCOM if required by them to do so.
- (2) Subsection (1) does not apply to a licence that relates solely to receiving apparatus.
- (3) A person commits an offence if—
- he has a duty under subsection (1) to cause a wireless telegraphy licence to be surrendered to OFCOM; and
 - without reasonable excuse he fails or refuses to do so.
- (4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross
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