



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 6

#### GENERAL

#### *Supplemental*

#### **121 Orders and regulations made by Secretary of State**

- (1) Every power conferred by this Act on the Secretary of State to make orders or regulations is exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations made in exercise of such a power, other than—
  - (a) an order under section 5,
  - <sup>F1</sup>(b) .....
  - (c) an order under section 111,
  - (d) an order under section 116, or
  - (e) an order under paragraph 26 or 27 of Schedule 8,is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Every power of the Secretary of State to make an order or regulations 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 the Secretary of State thinks fit; and
  - (c) to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.

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

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### Textual Amendments

- F1** S. 121(2)(b) omitted (27.6.2018) by virtue of [Investigatory Powers Act 2016 \(c. 25\)](#), [ss. 259\(7\)\(b\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2018/652, [reg. 12\(b\)](#) (with [reg. 20](#))

## 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;
  - (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>F2</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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**Changes to legislation:** There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross Heading: Supplemental. (See end of Document for details)

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### Textual Amendments

- F2** 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**

### 123 Consequential amendments

Schedule 7 (consequential amendments) has effect.

### 124 Transitional provisions, savings and transitory modifications

Schedule 8 (transitional provisions, savings and transitory modifications) has effect.

### 125 Repeals and revocations

- (1) The enactments mentioned in Part 1 of Schedule 9 are repealed to the extent specified.
- (2) The instruments mentioned in Part 2 of that Schedule are revoked to the extent specified.

### 126 Short title and commencement

- (1) This Act may be cited as the Wireless Telegraphy Act 2006.
- (2) This Act comes into force at the end of the period of three months beginning with the day on which it is passed.

**Changes to legislation:**

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross  
Heading: Supplemental.