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STATUTORY INSTRUMENTS

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**2011 No. 1210**

**ELECTRONIC COMMUNICATIONS**

**The Electronic Communications and  
Wireless Telegraphy Regulations 2011**

<i>Made</i>	- - - - -	<i>4th May 2011</i>
<i>Laid before Parliament</i>		<i>5th May 2011</i>
<i>Coming into force</i>		<i>26th May 2011</i>

**THE ELECTRONIC COMMUNICATIONS AND  
WIRELESS TELEGRAPHY REGULATIONS 2011**

1. Citation, commencement and extent
  2. Implementation of Directives 2009/136/EC and 2009/140/EC
  3. 6 month period for deciding application to install facilities
  4. Transitional provisions
  5. Review of implementation
- Signature

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SCHEDULES

SCHEDULE 1 — Amendments to Communications Act 2003 and related amendments

1. Telecommunications Act 1984
2. New Roads and Street Works Act 1991
3. Office of Communications Act 2002
4. Communications Act 2003
5. In section 4 (duties for purpose of fulfilling Community obligations)—...
6. After section 4 insert— Duty to take account of European...
7. In section 5 (directions in respect of networks and spectrum...
8. In section 26 (publication of information and advice)—
9. In section 32 (meaning of electronic communications networks and services)—...
10. In section 35 (notification of contravention of section 33)—
11. After section 35 insert— Penalties for contravention of section 33...
12. In section 36 (enforcement notification for contravention of section 33)—...
13. Omit section 37.
14. In section 38 (fixing of charges), omit subsection (6)(f).

**Changes to legislation:** *There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy Regulations 2011. (See end of Document for details)*

15. In section 40 (notification of non-payment of charges)—
16. In section 41 (penalties for non-payment of charges)—
17. In section 42 (suspending service provision for non-payment)—
18. In section 43(6) (enforcement of directions under section 42) for...
19. In section 45(8) (power of OFCOM to set conditions) —...
20. In section 46(8)(b) (persons to whom conditions may apply) for...
21. In section 47 (test for setting or modifying conditions)—
22. In section 48 (procedure for setting, modifying and revoking conditions)  
—...
23. After section 48 insert— Domestic consultation for section 45 conditions...
24. In section 49 (directions and approvals for the purposes of...
25. After section 49 insert— Domestic consultation for directions, approvals  
and...
26. Omit section 50.
27. In section 51 (general conditions)— (a) in subsection (1)(e) omit...
28. In section 52 (customer interests)— (a) in subsection (2)(a) after...
29. In section 54(2)(b), after “transparent” insert “ , non-discriminatory ”...
30. In section 56(1) (National Telephone Numbering Plan), after  
paragraph (b)...
31. After section 56 insert— Conditions for limitations on allocation of...
32. In section 58(1) (conditions about allocation and adoption of numbers),...
33. In section 61 (withdrawal of telephone number allocations)—
34. In section 64(4)(a) (must-carry obligations), after “listed service” insert “...
35. In section 65 (universal service conditions) after subsection (4) insert—...
36. In section 67 (subject matter of universal service conditions), after...
37. In section 68(6) (tariffs), after “providers” insert “ or, where...
38. In section 73 (permitted subject-matter of access-related conditions)—
39. In section 74 (specific types of access-related conditions), after subsection...
40. In section 75 (conditional access systems etc), omit subsection (1)....
41. After section 76 insert— Information about electronic communications  
apparatus available...
42. In section 80 (proposals for identifying markets and for market...
43. After section 80 insert— Domestic consultation for market identifications  
and...
44. For section 81 substitute— Delivery of copies of notifications under...
45. Omit section 82.
46. In section 84 (review of services market identifications and determinations)  
—...
47. After that section insert— Timing of services market identifications and...
48. In section 85(7) (review of apparatus market identifications and  
determinations)...
49. In section 87 (SMP conditions about network access etc)—
50. After section 89 insert— Functional separation (1) This section applies  
where— (a) OFCOM have made a...
51. Omit section 90.
52. In section 91 (conditions relating to end-users)—
53. Omit section 92.
54. In section 94 (notification of contravention of conditions)—
55. After section 96 insert— Notification of contravention of condition other...
56. In section 97 (amount of penalty)— (a) in subsection (1)...
57. In section 98 (power to deal with urgent cases)—
58. In section 99 (confirmation of directions under section 98)—

59. In section 100 (suspending service provision for contravention of conditions)—...
60. After section 100 insert— Suspending service provision for breach of...
61. In section 102 (procedure for directions under section 100 and...
62. In section 103 (enforcement of directions)— (a) in subsection (1)(a)...
63. In section 104 (civil liability for breach of conditions etc)—...
64. Omit section 105.
65. Before the cross-heading immediately before section 106, insert— Security of...
66. In section 107 (procedure for directions applying the electronic communications...
67. In section 109(2) (restrictions and conditions subject to which electronic...
68. In section 110 (enforcement of restrictions and conditions)—
69. After section 110 insert— Penalties for contravention of code restrictions...
70. In section 111 (enforcement notification for contravention of code restrictions)—...
71. After section 111 insert— Power to deal with urgent cases...
72. Omit section 112.
73. In section 113 (suspension of application of code)—
74. In section 114 (procedure for directions under section 113)—
75. In section 115 (modification and revocation of application of electronic...
76. In section 120 (conditions regulating premium rate services)—
77. After section 120 insert— Procedure for setting, modifying and revoking...
78. In section 133(6) (enforcement of directions under section 132), for...
79. In section 135 (information required for purpose of OFCOM functions)—...
80. In section 137 (restrictions on information requirements)—
81. In section 138 (notification of contravention of information requirements)  
—
82. In section 139 (penalties for contravention of information requirements)—
83. After section 139 insert— Enforcement of notification under section 138...
84. In section 140 (suspending service provision for information contraventions)—
85. In section 142 (procedure for directions under sections 140 and...
86. In section 143 (enforcement of directions under sections 140 and...
87. In section 144(5) (offences in connection with information requirements), for...
88. After section 146 insert— Rights of third parties to use...
89. Before section 151 (but after the cross-heading immediately before it)...
90. In section 151 (interpretation of Chapter 1 of Part 2)—...
91. In section 185 (reference of disputes to OFCOM)—
92. After section 185, insert— Power of OFCOM to invite parties...
93. In section 186 (action by OFCOM on dispute reference)—
94. In section 189 (disputes involving other member States)—
95. In section 190 (resolution of referred disputes)—
96. In section 191 (OFCOM's power to require information in connection...
97. In section 393(6) (exceptions from general restrictions on disclosure of...
98. In section 395 (notifications and documents in electronic form) after...
99. In section 405(1) (general interpretation), after the definition of “the...
100. In Schedule 18 (transitional provisions)— (a) in paragraph 9  
(continuation...
101. Marine and Coastal Access Act 2009
102. Marine (Scotland) Act 2010

**Changes to legislation:** There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy Regulations 2011. (See end of Document for details)

SCHEDULE 2 — Amendments to Wireless Telegraphy Act 2006

1. Amend the Wireless Telegraphy Act 2006 as follows.
2. In section 2 (United Kingdom Plan for Frequency Authorisation), after...
3. In section 6 (procedure for directions), after subsection (3) insert—...
4. In section 8 (licences and exemptions)— (a) after subsection (3)...
5. After section 8 insert— Review of long licences (1) Subsection (2) applies in respect of a wireless telegraphy...
6. In section 9 (terms, provisions and limitations) —
7. After section 9 insert— Restrictions on imposition of limitations etc...
8. In section 14 (bidding for licences)— (a) in subsection (3)(h),...
9. In section 30 (spectrum trading)— (a) after subsection (1) insert—...
10. After section 32 insert— Information required for purposes of radio...
11. In section 33 (offence of failing to provide information)—
12. In section 34 (statement of policy), in subsections (1)(a) and...
13. In section 39 (contravention of terms, etc)—
14. Omit section 40.
15. In section 41(4)(b) (procedure for prosecutions)— (a) after subparagraph (i)...
16. In Schedule 1 (procedure for wireless telegraphy licences)—

SCHEDULE 3 — Transitional and saving provision

1. Regulation 3 and paragraphs 1, 2, 66(a), 101 and 102...
2. Nothing in these regulations affects the continuing operation of any...
3. Paragraphs 10 to 13 of Schedule 1 do not apply...
4. Paragraphs 15 to 18 of Schedule 1 do not apply...
5. In section 42(9)(b) of the Communications Act 2003, the reference...
6. Paragraphs 22 and 23 of Schedule 1 do not apply...
7. Paragraphs 24 and 25 of Schedule 1 do not apply...
8. Paragraph 26 of Schedule 1 does not apply in relation...
9. Paragraph 33 of Schedule 1 does not apply in relation...
10. In relation to a contravention of a numbering condition (within...
11. Paragraphs 42 to 45 and 48 of Schedule 1 do...
12. Paragraph 46 of Schedule 1 does not apply in relation...
13. Paragraphs 54 to 63 of Schedule 1 do not apply...
14. In relation to a contravention of a condition set under...
15. Paragraphs 68 to 74 of Schedule 1 do not apply...
16. Paragraphs 76 and 77 of Schedule 1 do not apply...
17. Paragraph 78 of Schedule 1 does not apply in relation...
18. Paragraphs 81 to 87 of Schedule 1 do not apply...
19. In relation to a contravention of a requirement imposed under...
20. So far as is necessary for giving effect to, or...
21. A power to vary a licence under paragraph 7 of...

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy Regulations 2011.