

SCHEDULES

SCHEDULE 2

Amendments to Wireless Telegraphy Act 2006

8. In section 14 (bidding for licences)—

- (a) in subsection (3)(h), after “granted” insert “(but this is subject to subsection (3A))”, and
- (b) after subsection (3) insert—

“(3A) If a provision of section 8B, 9(1A) or 9ZA would prevent OFCOM from specifying a term, provision or limitation on the grant of a wireless telegraphy licence, regulations may not specify the term, provision or limitation.

(3B) OFCOM must satisfy themselves, in making regulations specifying criteria to be taken into account in deciding whether, or to whom, to grant a licence, that the criteria are—

- (a) objectively justifiable in relation to the frequencies or uses 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.”