



**LICENCE GRANTED UNDER
SECTION 5 OF THE
TELECOMMUNICATIONS ACT 1984**

**LICENCE GRANTED TO
MANX UTILITIES AUTHORITY
TO RUN SPECIFIED TELECOMMUNICATIONS SYSTEMS**

LICENCE GRANTED UNDER SECTION 5 OF THE TELECOMMUNICATIONS ACT 1984 TO THE MANX UTILITIES AUTHORITY TO RUN TELECOMMUNICATIONS SYSTEMS FOR THE PROVISION OF SPECIFIED SERVICES

The Licence

1. The Communications Commission (hereinafter referred to as 'the Commission') in exercise of the powers conferred on it by Section 5 of the Telecommunications Act 1984 ('the Act') grants to Manx Utilities Authority ('the Licensee') a licence, for the period specified in paragraph 2, subject to the Conditions set out in Schedule 1 and to revocation as provided for in Schedule 2, to run the telecommunications systems specified in Annex A ('the Applicable System') and authorises the Licensee to do all or any of the acts specified in Schedule 3.
2. This licence shall enter into force on 21 January 2019. Without prejudice to Schedule 2 the licence shall be subject to 1 year's notice in writing.
3. The Interpretation Act 2015 shall apply for the purpose of interpreting this Licence as if it were an Act of Tynwald.
4. Any word or expression used in this Licence shall, unless the context otherwise requires, have the same meaning as it has in the Act.
5. For the purpose of interpreting this Licence, headings and titles shall be disregarded.

Issued by

Chief Executive Officer

A person duly authorised by the Communications Commission
21 January 2019

**SCHEDULE 1: CONDITIONS INCLUDED UNDER SECTION 5 OF THE
 ACT**

Condition 1

WIRELESS TELEGRAPHY ACT LICENCE

- 1.1 There shall be in force in respect of each Wireless Telegraphy Station and each item of Wireless Telegraphy Apparatus comprised in the Applicable Systems a Licence granted to the Licensee under the Wireless Telegraphy Act 2006, as this Act has effect on the Isle of Man to such extent a licence is required.

Condition 2

RADIO INTERFERENCE REQUIREMENTS

- 2.1 The Licensee shall install and run the Applicable Systems in such a way as to ensure that the Systems comply with the Relevant Interference Requirements.
- 2.2 The Licensee shall install and run the Applicable Systems in such a way that the apparatus comprised in those Systems and the running of those Systems does not cause any Undue Interference to wireless telegraphy.
- 2.3 In the event of any malfunction or failure of any apparatus comprised in any of the Applicable Systems the Licensee shall take whatever immediate steps are appropriate in all the circumstances of the case to secure that the running of the Systems is not in breach of the requirements of the Relevant Interference Requirements and that the running of the System does not cause any Undue Interference to wireless telegraphy; and Condition 6.3 shall not apply in relation to any such malfunction or failure unless the Commission is satisfied that the Licensee took such immediate steps.
- 2.4 In this Condition:

'Relevant Interference Requirement' means any requirement relating to the measurement and limitation of electromagnetic radiation which is for the time being in force and which is:

- (a) contained in or made under any enactment;
- (b) part of any requirement relating to the measurement and limitation of electromagnetic radiations as published by the United Kingdom Department of Trade & Industry as it has effect on the Isle of Man or by the Commission; or
- (c) contained in or made under any EC Directive applicable to the Isle of Man.

Condition 3

ONLY APPROVED APPARATUS TO BE COMPRISED IN THE APPLICABLE SYSTEM

3.1 Where an Applicable System is connected to any Licensed Telecommunication System, all the telecommunication apparatus comprised in the Applicable System, and all the apparatus connected to it shall, unless the Commission has consented otherwise and has not withdrawn that consent, be apparatus which is approved for the time being under Section 16 of the Act or under any European Approvals procedure:

- (a) for connection to the Applicable System; or
- (b) in the case of apparatus which is also connected to a Licensed Telecommunication System, for connection to all of those Systems to which it is connected;

and in respect of which any conditions specified in the relevant approval are complied with.

Condition 4

REQUIREMENT TO FURNISH INFORMATION TO THE COMMISSION

- 4.1 The Licensee shall furnish to the Commission, in such manner and at such times as the Commission may request, such documents, or other information and procure and furnish to it such reports as it may reasonably require for the purpose of exercising the functions assigned or transferred to it by or under Parts II and IV of the Act.
- 4.2 In making any such request the Commission shall ensure that no undue burden is imposed on the Licensee in procuring and furnishing such information and, in particular, that the Licensee is not required to procure or furnish a report which would normally be available to it unless the Commission considers the particular report essential to enable it to exercise its functions.
- 4.3 The Licensee shall permit the Commission and any person authorised by it in writing to inspect the Applicable Systems at any reasonable time for the purpose of verifying whether the Licensee is running the Systems in accordance with this Licence.

Condition 5

PLANNING AND IMPLEMENTATION OF SPECIAL ARRANGEMENTS FOR EMERGENCIES

- 5.1 The Licensee shall, if requested by the authorities responsible for Emergency Organisation and such departments of central and local government as the Council of Ministers may from time to time determine and whose names are notified to the Licensee for the purpose, make plans and other arrangements for the provision or, as the case may be, the rapid restoration of such telecommunication services as are practicable and may reasonably be required in an Emergency.
- 5.2 The Licensee shall, on request by any such person as is designated for the purpose in the relevant plans or arrangements, implement those plans or arrangements insofar as it is reasonable and practicable to do so.
- 5.3 Nothing in this Condition precludes the Licensee from
- (a) recovering the costs which it incurs in making or implementing any such plans or arrangements from those on behalf of or in consultation with whom the plans or arrangements are made; or
 - (b) making the implementation of any plan or arrangement conditional upon the person or persons for whom or on whose behalf that plan or arrangement is to be implemented indemnifying the Licensee for all costs incurred as a consequence of the implementation.
- 5.4 For the purposes of this Condition
- 'Emergency Organisations' means in respect of any locality –
- (i) the relevant public, police, fire and ambulance services for that locality; and
 - (ii) such other similar organisations providing assistance to the public in Emergencies as may be specified from time to time by the Commission for the purpose of this Licence and described in a list kept for that purpose by the Commission.

Condition 6

EXCEPTIONS AND LIMITATIONS ON OBLIGATIONS IN SCHEDULE 1

- 6.1 Unless the context otherwise requires the Licensee's obligations under these Conditions have effect subject to the following exceptions and limitations.
- 6.2 The Licensee is not obliged to do anything which is not practicable.
- 6.3 The Licensee shall not be held to have failed to comply with an obligation imposed upon it by or under these Conditions if and to the extent that the Licensee is prevented from complying with that obligation by any physical, topographical or other natural obstacle, by the malfunction or failure of any apparatus or equipment, by the act of any national authority, local authority or international organisation or as the result of exceptionally adverse weather conditions, fire, flood, explosion, accident, emergency, riot or war.

Condition 7

Payment of Fees

7.1 The Communications Provider shall pay, or cause to be paid, to the Treasury on the issue of the licence the sum of £250.

**DEFINITIONS AND INTERPRETATIONS RELATING TO THE CONDITIONS
IN SCHEDULE 1**

1. In these Conditions unless the context otherwise requires:
 - (a) 'emergency' means any emergency of any kind, including any circumstance whatever resulting from major accidents, natural disasters and incidents involving toxic or radioactive materials;
 - (b) 'interference' has the same meaning as in the Wireless Telegraphy Act 2006;
 - (c) 'Licensed Telecommunication System' means the public telecommunication systems run by Manx Telecom or any other telecommunication system run under a licence granted under Section 5 of the Act and described in a list kept for that purpose by the Commission and made available by it for inspection by the general public.

SCHEDULE 2 : REVOCATION

1. Notwithstanding paragraph 2 of the Licence the Commission may, at any time, revoke this Licence by not less than 30 days' notice in writing given to the Licensee at its main office in any of the following circumstances:
 - (a) if the Licensee agrees in writing with the Commission that this Licence should be revoked; or
 - (b) if the Licensee fails to comply with an order under Section 11 of the Act which has been confirmed under that Section and that order is not subject to proceedings for review and such failure is not rectified within 3 months after the Commission has given notice in writing of such failure to the Licensee such notice being given after the conclusion of any such proceedings, provided that this sub-paragraph shall not apply in relation to any failure to comply where the Commission is satisfied that the Licensee would be able to establish the defence set out in Section 13(8) of the Act in any proceedings which could be brought against it in pursuance of subsection 7(a) of that Section in relation to that failure to comply; or

SCHEDULE 3 : AUTHORISATION TO CONNECT OTHER 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 other licence that may be required under any other enactment but, subject to that limitation, this Licence authorises:
 - (a) the connection to any Applicable System of:
 - (i) any other Applicable System situated on the same set of premises as the first mentioned Applicable System;
 - (ii) any other Applicable System situated on another set of premises provided that any Messages conveyed over such a connection are Messages which can be conveyed by virtue of paragraph 1(b)(i) or 1(b)(ii) of this Schedule;
 - (iii) any telecommunication system in the Isle of Man the Licence for which authorises it to be connected to the Applicable System;
 - (iv) any telecommunication system run under the Branch Systems Licence which is situated in the same set of premises as the Applicable System;
 - (v) any Transmission System;
 - (vi) apparatus comprised in the telecommunication system mentioned in sub-paragraphs (i) to (v) above; and
 - (vii) any hearing aid.
 - (b) the provision by means of the Applicable System of:
 - (i) telecommunication services provided by means of a Wireless Telegraphy Station where every Message that is received by that station is broadcast by the Applicable System for general reception apart from Messages to or from a person who is engaged in the running of the Applicable System or apparatus comprised in the Applicable System where just conveyance is incidental to the conveyance of Messages broadcast for general reception;
 - (ii) telecommunication services consisting in the conveyance within a single set of premises of Messages to a Transmission System;

- (iii) telecommunication systems of every description by means of which there are conveyed Messages for the purpose of providing broadcasting services other than for general reception; and
 - (iv) any other telecommunication service which is specified for the purpose of this Licence by the Commission and described in a list kept for that purpose by the Commission and made available by it for inspection by the general public.
- 2. For the purposes of this Schedule premises whose boundaries touch and which are occupied by the Licensee or another person who has been granted a licence to convey Messages for or intended for general reception shall be deemed to be a single set of premises.
- 3. In this Schedule
 - (a) 'Branch Systems Licence' means the Licence entitled 'Class Licence for the running of Branch Telecommunication Systems' granted by the Commission on 24 September 1997 or any licence which replaces that licence with or without modification;
 - (b) 'Message' means anything falling within paragraphs (a), (c) and (d) of Section 2(1) of the Act;
 - (c) 'Licensed Telecommunication System' means the public telecommunication systems run by Manx Telecom or any other telecommunication system run under a licence granted under Section 5 of the Act and described in a list kept for that purpose by the Commission and made available by it for inspection by the general public.
 - (d) 'Wireless Telegraphy Station' has the same meaning as in the Wireless Telegraphy Act 2006; and
 - (e) 'Transmission System' means a telecommunication system other than an Applicable System run by a person who has been granted a licence to transmit over that system Messages for or intended for general reception.

ANNEX A

THE APPLICABLE SYSTEMS

1. The Applicable Systems are telecommunication systems of every description within the Isle of Man by means of which telecommunication services are provided as authorised by Schedule 3 provided that a system is an Applicable System only if and to the extent that:
 - (a) the system is a Wireless Telegraphy Station and all the apparatus comprised in the system is situated within a single set of premises; or
 - (b) the system is situated on the same set of premises as a Wireless Telegraphy Station and is connected to such a Station.
2. For the purpose of this Annex premises whose boundaries touch and of both or all of which the Licensee is an occupant shall be deemed to be a single set of premises.
3. In this Annex 'Wireless Telegraphy Station' has the same meaning as in the Wireless Telegraphy Act 2006.
4. Applicable systems include Fixed Wireless Access. "Fixed Wireless Access" is defined in this case as a system used to connect two or more fixed points for the purpose of sending or receiving data. The system can include a point to point network, a point to multi-point network, a MESH network or any other network configuration.

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