

# Order

## ***Order made under s.11 of the Telecommunications Act 1984***

***16<sup>th</sup> March 2020***

***(OR/01/2020)***

### **Statutory Powers**

1. Section 11 of the Telecommunications Act 1984 (*the Act*) sets out the provisions under which the Communications Commission (*the Commission*) may secure compliance with licence conditions. It provides that, where it appears to the Commission that a licensee is contravening, or has contravened and is likely to again contravene, any of the conditions of his licence, the Commission may by an Order make such provision as is requisite for the purpose of securing compliance with that condition.
2. An Order under Section 11 will require the operator to do, or refrain from doing, certain things or classes of things as specified in the Order. The Order will take effect at the end of a reasonable period which is specified in the Order itself, and may be revoked at any time by the Commission.
3. Before making such an Order the Commission is required under section 12 of the Act to publish a notice stating that it proposes to make an Order and set out the effects, stating the relevant conditions of the licence and the acts or omissions which, in its opinion, constitutes or would constitute contravention of it, and allowing a minimum of 28 days in which representations or objections may be made in respect of such Proposed Order.
4. Notice was given of the proposed Order to the licensee on 30 January 2020 and by publication on the Commission website on 30 January 2020 with a closing date of 2<sup>nd</sup> March 2020 for representations or objections (see Summary of Commission Decision (DN/01/2020)).
5. No submissions were received in respect of the Proposed Order.
6. The Commission's Proposed Order now stands as an Order of the Commission in the following terms:-

## **Order**

**Without prejudice to any further bid, Manx Telecom is prohibited from fulfilling the ConnectMann LOT 1 contract, or part thereof, under the terms submitted in its tender for that contract.**

## **Reasons for Order**

7. The reasons for this Order under section 11 are as per the Reasons set out in the Proposed Order.

## **Next steps**

8. Manx Telecom will be provided with a copy of this Order.
9. If Manx Telecom is aggrieved by the Order under section 11 and desires to question its validity on the grounds that it is not within the powers of that section or that the requirements of section 12 have not been complied with in relation to it, Manx Telecom may, within 42 days from the date of service of this finalised Order make an application to the High Court under section 13 of the Act.
10. On such application the High Court may, if satisfied that the Order is not within those powers or that the interests of the operator have been substantially prejudiced by a failure to comply with those requirements, quash the Order or any provision of the Order.

IOM Communications Commission,  
Murray House,  
Mount Havelock,  
Douglas.  
IM1 2SF

Email [cc@iomcc.im](mailto:cc@iomcc.im)

Tel +44 (0)1624 677022