

2011 No. 440

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) Regulations 2011

Made - - - - *17th February 2011*

Coming into force - - *14th March 2011*

The Office of Communications (“OFCOM”), in exercise of the powers conferred by section 30(1) to (3) and section 122(7) of the Wireless Telegraphy Act 2006(a) (“the Act”), make the following Regulations.

Before making the Regulations, OFCOM have given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, published notice of their proposal in accordance with section 122(4)(b) of the Act and have considered the representations made to them before the time specified in the notice in accordance with section 122(4)(c) of the Act.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) Regulations 2011 and shall come into force on 14th March 2011.

Amendment of the Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) Regulations 2009

2.—(1) For regulation 3(3) of the Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) Regulations 2009(b) (“the Principal Regulations”), substitute the following—

“Paragraph (1) shall apply to grants of RSA and licences of a class specified in Column 1 of each of the Parts of Schedules 1 and 2, which apply to stations or apparatus operating within any of the frequency bands specified in Column 2 of the same Part of the same Schedule.”

(2) Regulation 4 of the Principal Regulations is amended by substituting—

- (a) in paragraph (a)(i)(aa) and paragraph (a)(i)(bb), wherever the words “Column 1 of Part 1 of the Schedule” appear, substitute for those words in each case “Column 1 of each Part of Schedule 1” and wherever the words “Column 2 of the same Part” appear, substitute for those words in each case “Column 2 of the same Part of Schedule 1”; and
- (b) in paragraph (a)(iv)(aa), paragraph (a)(iv)(bb), paragraph (a)(v)(aa) and paragraph (a)(v)(bb), wherever the words “Column 1 of Part 2 of the Schedule” appear, substitute

(a) 2006 c.36
(b) S.I. 2009/17

for those words in each case “Column 1 of Schedule 2” and wherever the words “Column 2 of the same Part” appear, substitute for those words in each case “Column 2 of Schedule 2”.

(3) The Principal Regulations are amended by substituting the Schedule for the following Schedule 1—

“SCHEDULE 1

Regulations 3 and 4

PART 1

<i>Column 1</i>	<i>Column 2</i>
<i>Class of Licence or RSA</i>	<i>Frequency Bands</i>
Radio Astronomy	42.5–43.5 Gigahertz
Converted Spectrum Access	150.05–152 Megahertz
	1660.5–1668 Megahertz
	1668–1670 Megahertz

PART 2

<i>Column 1</i>	<i>Column 2</i>
<i>Class of Licence or RSA</i>	<i>Frequency Bands</i>
Crown Recognised Spectrum Access	3400–3480 Megahertz
Converted Spectrum Access	3500–3580 Megahertz”

(4) The Principal Regulations are amended by adding the following Schedule 2—

“SCHEDULE 2

Regulations 3 and 4

<i>Column 1</i>	<i>Column 2</i>
<i>Class of Licence or RSA</i>	<i>Frequency Bands</i>
Crown Recognised Spectrum Access	406.1–410 Megahertz
Converted Spectrum Access	410–412 Megahertz
	414–420 Megahertz
	420–422 Megahertz
	424–425 Megahertz
	429–430 Megahertz”

17th February 2011

Ed Richards
 Chief Executive of the Office of Communications
 for and by the authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) Regulations 2009 (“the Principal Regulations”).

The Principal Regulations authorise the transfer of all or part of the rights and obligations arising by virtue of the grants of recognised spectrum access or wireless telegraphy licences of certain classes listed in the Schedule which apply to wireless telegraphy stations or wireless telegraphy apparatus operating within any of the frequency bands specified in the Schedule.

These Regulations amend the Schedule of the Principal Regulations and include a new Schedule 2 to authorise transfers relating to two additional frequency bands as specified in the amended Schedule 1, Part 2.

A full regulatory impact assessment of the effect that these Regulations will have on the costs to business is available to the public from the OFCOM library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on the OFCOM website at www.ofcom.org.uk. Copies of the report have also been placed in the libraries of both Houses of Parliament.

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