

**2012 No. 2187**

**ELECTRONIC COMMUNICATIONS**

**The Wireless Telegraphy (Spectrum Trading) Regulations 2012**

*Made* - - - - 23rd August 2012

*Coming into force* - - 13th September 2012

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

Before making these 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, commencement and extent**

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Spectrum Trading) Regulations 2012 and shall come into force on 13th September 2012.

(2) These Regulations shall not extend to the Bailiwick of Guernsey.

**Revocation**

2. The Regulations set out in Schedule 1 are hereby revoked.

**Interpretation**

3. In these Regulations—

- (a) “concurrent holders” means persons who concurrently hold the rights and obligations under a wireless telegraphy licence by virtue of a transfer authorised by these Regulations which has that effect;
- (b) “station” means wireless telegraphy station; and
- (c) “apparatus” means wireless telegraphy apparatus.

**Transfer of all the rights and obligations arising by virtue of a wireless telegraphy licence**

4.—(1) Subject to regulation 8, a transfer by the holder of a wireless telegraphy licence to which this paragraph applies of all of the rights and obligations arising by virtue of that wireless telegraphy licence is authorised if it satisfies one of the two conditions set out in paragraph (2).

(2) Those conditions are—

- (a) that the rights and obligations of the person making the transfer become rights and obligations of the transferee to the exclusion of the person making the transfer;
- (b) that the transferred rights and obligations become rights and obligations of the transferee while continuing, concurrently, to be rights and obligations of the person making the transfer.

(3) Paragraph (1) shall apply to wireless telegraphy licences within the licence classes specified in Column 1 of each of Parts 3 to 21 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part.

#### **Concurrent Spectrum Access licence class**

5. Subject to regulation 8, a transfer by the holder of a wireless telegraphy licence within the licence class specified in Column 1 of Part 1 of Schedule 2 which applies to stations or apparatus operating within either of the frequency bands specified in Column 2 of the same Part, of all of the rights and obligations arising by virtue of that wireless telegraphy licence, is authorised if the rights and obligations of the person making the transfer become rights and obligations of a single transferee to the exclusion of the person making the transfer.

#### **Satellite (Complementary Ground Components of a Mobile Satellite System) licence class**

6. Subject to regulation 8, a transfer by the holder of a wireless telegraphy licence within the licence class specified in Column 1 of Part 2 of Schedule 2 which applies to a station or apparatus operating within either of the frequency bands specified in Column 2 of the same Part, of all of the rights and obligations arising by virtue of that wireless telegraphy licence, is authorised if the transferred rights and obligations become rights and obligations of the transferee while continuing, concurrently, to be rights and obligations of the person making the transfer.

#### **Partial transfer of rights and obligations arising by virtue of a wireless telegraphy licence**

7. Subject to regulation 8, transfers satisfying one of the two conditions set out in regulation 4(2) are also authorised where the transfer is of—

- (a) all of the rights arising by virtue of a wireless telegraphy licence which relate to—
  - (i) whole frequency channels under one of the licences of a class specified in Column 1 of Parts 3 to 9 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part;
  - (ii) part frequency channels which have in each case a bandwidth of 12.5 kHz or a multiple thereof and the same start or end frequency limit as a licensed frequency channel under one of the licences of the class specified in Column 1 of Part 3 of Schedule 2 which apply to a station or apparatus operating within the frequency band specified in Column 2 of the same Part;
  - (iii) whole wireless telegraphy links designed for use between two fixed points under one of the licences of a class specified in Column 1 of Part 10 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of that Part;
  - (iv) a part of the range of frequencies under one of the licences of a class specified in Column 1 of Part 11 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part;
  - (v) a geographical area being part of the total geographical area in which the holder is authorised to establish, install and use radio transmitting and receiving stations or apparatus under one of the licences of a class specified in Column 1 of Part 11 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part;
  - (vi) both of the situations set out in sub-paragraphs (iv) and (v);

- (vii) part frequency channels which have in each case a bandwidth of 6.25 kHz or a multiple thereof and the same start or end frequency limit as a licensed frequency channel under one of the licences of a class specified in Column 1 of Part 12 or Column 1 of Part 13 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part;
- (viii) a geographical area being a fifty kilometre by fifty kilometre square part of the total geographical area in which the holder is authorised to establish, install and use radio transmitting and receiving stations or apparatus under one of the licences of a class specified in Column 1 of Part 8 or Column 1 of Part 13 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part; or
- (ix) both of the following situations—
  - (aa) part frequency channels which have in each case a bandwidth of 6.25 kHz or a multiple thereof and the same start or end frequency limit as a licensed frequency channel under one of the licences of a class specified in Column 1 of Part 13 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part; and
  - (bb) a geographical area being a fifty kilometre by fifty kilometre square part of the total geographical area in which the holder is authorised to establish, install and use radio transmitting and receiving stations or apparatus under one of the licences of a class specified in Column 1 of Part 13 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part; and
- (b) the corresponding part of each of the obligations under the licence.

#### **Circumstances in which a transfer is not authorised**

**8.** A transfer of rights and obligations arising under a wireless telegraphy licence is not authorised where—

- (a) any of the licence holder, or all of the concurrent holders, and the transferee have not consented to the transfer;
- (b) any sum payable under the Wireless Telegraphy (Licence Charges) Regulations 2011<sup>(a)</sup> in respect of that licence is owing to OFCOM because it has not been paid by the time it became due;
- (c) any instalment payment is to be paid to OFCOM under regulation 4(8)(b) of the Wireless Telegraphy (Licence Charges) Regulations 2011 in respect of that licence;
- (d) OFCOM has served notice under paragraph 7 of Schedule 1 to the Wireless Telegraphy Act 2006 on the holder, or the concurrent holders, of that licence of a proposal to revoke or vary that licence but that revocation or variation has not yet been made; or
- (e) the holder has, or all of the concurrent holders have, requested OFCOM to revoke or vary the licence or have consented to a revocation or variation proposed by OFCOM but that revocation or variation has not yet been made.

#### **Transfer procedure**

**9.—(1)** The holder, or concurrent holders, of a wireless telegraphy licence who wishes, or who wish, to make a transfer authorised by regulations 4(1), 5, 6 or 7 must provide to OFCOM—

- (a) the reference number of the wireless telegraphy licence under which rights and obligations are to be transferred;

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(a) S.I. 2011/1128

- (b) the name and address of the holder or concurrent holders of the wireless telegraphy licence;
- (c) the name and address of the proposed transferee;
- (d) a description of which type of transfer authorised by regulation 4(1), 5, 6 or 7 is proposed;
- (e) a document signed by or on behalf of the holder, or each concurrent holder, of the licence and signed by or on behalf of the transferee, under which each of those persons warrants to OFCOM that he has consented to the proposed transfer; and
- (f) in the case of a transfer authorised by regulation 7, a description of which rights and obligations under the licence are to be transferred.

(2) Ofcom shall, after determining that the requirements of paragraph (1) have been met, publish a notice stating—

- (a) the name of the wireless telegraphy licence holder or concurrent holders and the name of the transferee to whom it is proposed that the rights and obligations arising under the licence shall be transferred;
- (b) the date when OFCOM determined that the requirements of paragraph (1) were met;
- (c) the licence class and the reference number of the wireless telegraphy licence under which rights and obligations are to be transferred; and
- (d) in the case of a transfer authorised by regulation 7, a description of which rights under the licence are proposed to be transferred.

(3) A transfer shall be effected by the holder or concurrent holders of the wireless telegraphy licence under which rights and obligations are to be transferred surrendering that licence and by OFCOM granting a new one to the transferee and—

- (a) in the case of a transfer which satisfies the condition set out in regulation 4(2)(b), to the holder or concurrent holders who made the transfer; and
- (b) in the case of a transfer authorised by regulation 7, to the holder or concurrent holders who made the transfer.

(4) OFCOM shall publish the information specified in paragraph (2) in relation to transfers that have been effected pursuant to paragraph (3).

*Hyacinth S. Nwana*

Group Director, Spectrum Policy Group of the Office of Communications  
For and on behalf of the Office of Communications

23rd August 2012

## SCHEDULES

### SCHEDULE 1

Regulation 3

### REVOCATIONS

<i>(1)</i> <i>Regulations Revoked</i>	<i>(2)</i> <i>References</i>
The Wireless Telegraphy (Spectrum Trading) Regulations 2004	S.I. 2004/3154
The Wireless Telegraphy (Spectrum Trading) (Amendment) Regulations 2006	S.I. 2006/339
The Wireless Telegraphy (Spectrum Trading) (Amendment) (No. 2) Regulations 2006	S.I. 2006/1807

The Wireless Telegraphy (Spectrum Trading) (Amendment) Regulations 2007	S.I. 2007/380
The Wireless Telegraphy (Spectrum Trading) (Amendment) (No. 2) Regulations 2007	S.I. 2007/3387
The Wireless Telegraphy (Spectrum Trading) (Amendment) Regulations 2008	S.I. 2008/688
The Wireless Telegraphy (Spectrum Trading) (Amendment) (No. 2) Regulations 2008	S.I. 2008/2105
The Wireless Telegraphy (Spectrum Trading) (Amendment) (No. 3) Regulations 2008	S.I. 2008/3192

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**SCHEDULE 2** Regulations 4, 5, 6 and 7  
**LICENCE CLASSES AND FREQUENCY BANDS**

**PART 1**

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency bands</b>
Concurrent Spectrum Access	1781.7–1785.0 MHz 1876.7–1880.0 MHz

**PART 2**

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency bands</b>
Satellite (Complementary Ground Components of a Mobile Satellite System)	1980–2010 MHz 2170–2200 MHz

**PART 3**

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency band</b>
Scanning Telemetry	457.5–464 MHz

**PART 4**

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency bands</b>
Satellite (Permanent Earth Station)	3600–4200 MHz 5150–5250 MHz 5725–7075 MHz 10.7–13.25 GHz 13.75–14.5 GHz 17.3–20.2 GHz 27.5–30 GHz

## PART 5

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b> Satellite (Transportable Earth Station)	<b>Frequency bands</b> 5.925–7.075 GHz 13.78–14.5 GHz 27.5–27.8185 GHz 28.4545–28.8265 GHz 29.4625–30 GHz

## PART 6

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b> Satellite (Earth Station) (Non-Fixed Satellite Service)	<b>Frequency bands</b> 137–138 MHz 149–149.9 MHz 2025–2110 MHz 2200–2290 MHz 3600–4200 MHz 5150–5250 MHz 5725–7075 MHz 10.7–12.75 GHz 27.5–27.8185 GHz 28.4545–28.8265 GHz 29.4625–30 GHz

## PART 7

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b> Satellite (Earth Station) (Non-Geostationary)	<b>Frequency bands</b> 137–138 MHz 149–149.9 MHz 2025–2110 MHz 2200–2290 MHz 3600–4200 MHz 5150–5250 MHz 5725–7075 MHz 10.7–13.25 GHz 13.75–14.5 GHz 19.7–20.2 GHz 27.5–27.8185 GHz 28.4545–28.8265 GHz 29.4625–30 GHz

## PART 8

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b> Coastal Station Radio (International) Area	<b>Frequency band</b> 156–162.05 MHz

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Defined

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## PART 9

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<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency band</b>
Coastal Station Radio (International)	156–162.05 MHz

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## PART 10

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<i>Column 1</i>	<i>Column 2</i>
<b>Licence classes</b>	<b>Frequency bands</b>
Point to Point Fixed Links	1350–1530 MHz
Self Coordinated Links	1672–1690 MHz
	3600–4200 MHz
	5925–6425 MHz
	6425–7125 MHz
	7425–7900 MHz
	10.7–11.7 GHz
	12.75–13.25 GHz
	14.25–14.5 GHz
	14.5–15.35 GHz
	17.3–17.7 GHz
	17.7–19.7 GHz
	21.2–22 GHz
	22–23.6 GHz
	24.5–26.5 GHz
	32.319–32.571 GHz
	33.131–33.383 GHz
	37–39.5 GHz
	49.2–50.2 GHz
	51.4–52.6 GHz
	55.78–57 GHz
	64–66 GHz
	71.125–75.875 GHz
	81.125–85.875 GHz

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## PART 11

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<i>Column 1</i>	<i>Column 2</i>
<b>Licence classes</b>	<b>Frequency bands</b>
Broadband Fixed Wireless Access	412.0–414.0 MHz
Spectrum Access	422.0–424.0 MHz
	542–550 MHz
	742–750 MHz
	758–766 MHz
	1452–1492 MHz
	1785–1805 MHz
	3480–3500 MHz

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3580–3600 MHz  
 10.125–10.225 GHz  
 10.475–10.575 GHz  
 27.8285– 28.0525 GHz  
 28.0525–28.1645 GHz  
 28.0525–28.4445 GHz  
 28.1925–28.3045 GHz  
 28.3325–28.4445 GHz  
 28.8365–29.0605 GHz  
 29.0605–29.1725 GHz  
 29.0605–29.4525 GHz  
 29.2005–29.3125 GHz  
 29.3405–29.4525 GHz  
 31.815–32.571 GHz  
 32.627–33.383 GHz  
 40.50–42.00 GHz  
 42.00–43.50 GHz

## PART 12

<i>Column 1</i>	<i>Column 2</i>
<b>Licence classes</b>	<b>Frequency bands</b>
Business Radio (Technically Assigned)	26.2–87.50 MHz
Coastal Station Radio (UK)	136–208 MHz
	137.962–165.043 MHz
	426–470 MHz

## PART 13

<i>Column 1</i>	<i>Column 2</i>
<b>Licence classes</b>	<b>Frequency bands</b>
Business Radio (Area Defined)	26.2–87.50 MHz
Coastal Station Radio (UK) Area Defined	132–134 kHz
	136–208 MHz
	137.962–165.043 MHz
	146–148 kHz
	425–470 MHz

## PART 14

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency bands</b>
Spectrum Access	3605–3689 MHz
	3925–4009 MHz

## PART 15

<i>Column 1</i>	<i>Column 2</i>
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<b>Licence classes</b>	<b>Frequency bands</b>
Business Radio (Simple UK)	26.2–87.50 MHz
Business Radio (Suppliers Light)	136–208 MHz
Business Radio (Simple Site)	425–470 MHz

## PART 16

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency bands</b>
Coastal Station Radio (Marina)	157.025 MHz 157.85 MHz 161.425 MHz

## PART 17

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency band</b>
Coastal Station Radio (Training School)	137.962–165.043 MHz

## PART 18

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency bands</b>
Differential Global Positioning System	283–315 kHz 435–495 kHz 505–526 kHz 1625–1635 kHz 1800–1810 kHz 1850–2000 kHz 2000–2025 kHz 2160–2170 kHz 2625–2650 kHz 2650–2850 kHz 3155–3200 kHz 3200–3230 kHz 3500–3800 kHz

## PART 19

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency bands</b>
Maritime Radio (Suppliers and Demonstration)	283–315 kHz 415–526 kHz 16.06–27.5 MHz 121.5 MHz 121.65 MHz 123.1 MHz 137.962–165.043 MHz

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243 MHz  
406–406.1 MHz  
457.525 MHz  
457.537 MHz  
457.55 MHz  
457.562 MHz  
457.575 MHz  
467.525 MHz  
467.537 MHz  
467.55 MHz  
467.562 MHz  
467.575 MHz  
1525–1559 MHz  
1626.5–1660.5 MHz

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## PART 20

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency bands</b>
Global Navigation Satellite System (GNSS)	1164–1215 MHz
Repeaters	1215–1300 MHz
	1559–1610 MHz

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## PART 21

<i>Column 1</i>	<i>Column 2</i>
<b>Licence class</b>	<b>Frequency bands</b>
Satellite (Earth Station Network)	14–14.25 GHz
	27.5–27.8185 GHz
	28.4545–28.8265 GHz
	29.4625–30 GHz

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Wireless Telegraphy (Spectrum Trading) Regulations 2004 (S.I. 2004/3154 as amended by S.I.s 339/2006, 1807/2006, 380/2007, 3387/2007, 688/2008, 2105/2008 and 2008/3192).

These Regulations are made under section 30 of the Wireless Telegraphy Act 2006, which implements Article 9b of the Directive of the European Parliament and of the Council of 7<sup>th</sup> March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (2002/21/EC).

These Regulations remove the requirement to obtain OFCOM's consent to transfers being made and extend spectrum trading to certain licence classes granted for the maritime and satellite sectors.

Regulation 4(1) (subject to the exceptions in regulations 8) authorises the transfer of all rights and obligations arising by virtue of the wireless telegraphy licences of the classes listed in Column 1 of each of Parts 3 to 21 of Schedule 2 which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part. This includes licences granted for the Fixed Wireless sector, the Business Radio sector, Point to Point Fixed links licences, Scanning Telemetry licences, Spectrum Access licences and certain licences granted for the Maritime and Satellite sectors.

Regulation 7 (subject to the exceptions in regulation 8) authorises the transfers of rights and obligations relating to parts of the licensed range of frequencies for certain licence classes and/or parts of the licensed geographical area for certain licence classes.

Two types of transfer are authorised by regulation 4(1) and 7. Firstly, a transfer may be one in which the rights and obligations of the person making the transfer become rights and obligations of the transferee to the exclusion of the person making the transfer. Secondly, a transfer may be one in which the transferred rights and obligations become rights and obligations of the transferee while continuing, concurrently, to be rights and obligations of the person making the transfer.

Regulation 5 (subject to regulation 8) authorises the transfer of the rights and obligations arising by virtue of a particular class of licence to the exclusion of the person making the transfer.

Regulation 6 (subject to regulation 8) authorises the transfer of the rights and obligations arising by virtue of a particular class of licence if the transferred rights and obligations become rights and obligations of the transferee while continuing, concurrently, to be rights and obligations of the person making the transfer.

Regulation 8 specifies circumstances in which transfers are not authorised.

Regulation 9 sets out the procedure for making transfers.

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) and on OFCOM's website at [www.ofcom.org.uk](http://www.ofcom.org.uk). Copies of this assessment have also been placed in the libraries of the Houses of Parliament.

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STATUTORY INSTRUMENTS

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