
STATUTORY INSTRUMENTS

2011 No. 1507

**The Wireless Telegraphy (Mobile
Spectrum Trading) Regulations 2011**

Transfer procedure

7.—(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) or 5 must provide to OFCOM —

- (a) the reference number of the wireless telegraphy licence under which rights and obligations are to be transferred;
- (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) or regulation 5 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;
- (f) all information necessary for OFCOM to determine whether or not they shall consent to the transfer; and
- (g) in the case of a transfer authorised by regulation 5, 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 5, a description of which rights under the licence are proposed to be transferred.

(3) After publishing a notice under paragraph (2) OFCOM shall decide —

- (a) if they consent to the transfer in accordance with regulation 8; and
- (b) if they shall give any directions under regulation 9.

(4) OFCOM shall notify the parties to the proposed transfer of their decisions under paragraph (3).

(5) 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), the holder or concurrent holders who made the transfer; and

- (b) in the case of a transfer authorised by regulation 5, to the holder or concurrent holders who made the transfer.
- (6) OFCOM shall publish the information specified in paragraph (2) in relation to transfers that have been effected pursuant to paragraph (5).