
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 30(1) to (3) of the Wireless Telegraphy Act 2006.

Regulation 3(1) (subject to the exception in regulation 5) authorises the transfer of all rights and obligations arising by virtue of the grants of recognised spectrum access or wireless telegraphy licences of the classes listed in Column 1 of the Schedule which apply to wireless telegraphy stations or a wireless telegraphy apparatus operating within any of the frequency bands specified in Column 2 of the Schedule.

Regulation 4 (subject to the exception in regulation 5) authorises the transfer of part of the rights and obligations arising by virtue of certain grants of recognised spectrum access and certain wireless telegraphy licences.

Two types of transfer are authorised by regulation 3(1) and 4. 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 specifies circumstances in which transfers are not authorised which include where OFCOM have not given their consent.

Regulation 6 sets out the procedure for making transfers including the requirement to provide to OFCOM notice of whether the transfer will involve a conversion under which the rights and obligations acquired by the transferee shall take effect, if they are rights and obligation under a licence, as rights and obligations under a grant of RSA and, conversely, if they are rights and obligations under a grant of RSA, as rights and obligations under a licence.

Regulation 7 sets out how transfers will be effected. Regulation 8 sets out the matters which OFCOM shall take into account in determining whether or not to consent. If OFCOM consent to a transfer they may also direct that a transfer shall only be put into effect after compliance with conditions.

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.