



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 2

#### REGULATION OF RADIO SPECTRUM

### CHAPTER 2

#### GRANTS OF RECOGNISED SPECTRUM ACCESS

#### *Charges etc*

### 23 Bidding for grants

- (1) Having regard to the desirability of promoting the optimal use of the electromagnetic spectrum, OFCOM may by regulations provide that, in such cases as may be specified in the regulations, applications for grants of recognised spectrum access must be made in accordance with a procedure that involves the making by the applicant of a bid specifying an amount that he is willing to pay to OFCOM in respect of the grant.
- (2) The regulations may make provision with respect to—
  - (a) the grants to which they apply; and
  - (b) the restrictions and conditions subject to which such grants are made.
- (3) The regulations may, in particular—
  - (a) require the applicant's bid to specify the amount he is willing to pay;
  - (b) require that amount to be expressed—
    - (i) as a cash sum;
    - (ii) as a sum determined by reference to a variable (such as income attributable wholly or in part to the use of wireless telegraphy to which the grant relates);
    - (iii) as a combination of the two; or

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*Status: This is the original version (as it was originally enacted).*

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- (iv) (at the applicant's choice) in any one of the ways falling within subparagraphs (i) to (iii) that is authorised by the regulations;
  - (c) require that amount to be expressed in terms of—
    - (i) the making of a single payment;
    - (ii) the making of periodic payments;
    - (iii) a combination of the two; or
    - (iv) (at the applicant's choice) any one of the ways falling within subparagraphs (i) to (iii) that is authorised by the regulations;
  - (d) specify requirements (for example, technical or financial requirements, requirements relating to the use of wireless telegraphy to which the grant relates and requirements intended to restrict the holding of two or more grants of recognised spectrum access by any one person) which must be met by applicants for a grant;
  - (e) require an applicant to pay a deposit to OFCOM;
  - (f) specify circumstances in which a deposit is, or is not, to be refundable;
  - (g) specify matters to be taken into account by OFCOM (in addition to the bids made in accordance with the procedure provided for in the regulations) in deciding whether, or to whom, to make a grant of recognised spectrum access;
  - (h) specify the other restrictions and conditions subject to which a grant to which the regulations apply is to be made;
  - (i) make any provision referred to in section 21(3).
- (4) Regulations do not require OFCOM to make a grant of recognised spectrum access on the completion of the procedure provided for in the regulations, except in such circumstances as may be provided for in the regulations.
- (5) A grant of recognised spectrum access made in accordance with the regulations must specify—
- (a) the sum or sums which in consequence of the bids made are, in accordance with the regulations, to be payable in respect of the grant; or
  - (b) the method for determining that sum or those sums;
- and that sum or those sums must be paid to OFCOM by the person to whom the grant is made in accordance with the terms of the grant.
- (6) In determining the sum or sums payable in respect of a grant, regard may be had to bids made for other grants of recognised spectrum access and for wireless telegraphy licences.
- (7) The regulations may provide that where a person—
- (a) applies for a grant of recognised spectrum access in accordance with a procedure provided for in the regulations, but
  - (b) subsequently refuses the grant applied for,
- that person must make such payments to OFCOM as may be determined in accordance with the regulations by reference to bids made for the grant.
- (8) Section 21(4) applies in relation to sums that will or may become payable under regulations under this section after the making of a grant of recognised spectrum access as it applies in relation to sums that will or may become payable under regulations under section 21.