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STATUTORY INSTRUMENTS

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**1989 No. 1850**

**The Wireless Telegraphy (Licence Charges) Regulations 1989**

**Citation and commencement**

1. These Regulations may be cited as the Wireless Telegraphy (Licence Charges) Regulations 1989 and shall come into force on 1st November 1989.

**Revocation**

2. The Wireless Telegraphy (Licence Charges) Regulations 1986(1) and the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 1988(2) are hereby revoked.

**Interpretation**

3.—(1) In these Regulations—

“the Act” means the Wireless Telegraphy Act 1949;

“base station” means a station which facilitates or controls communications between a mobile station and:—

- (a) itself;
- (b) another mobile station; or
- (c) a telecommunication system which conveys messages:—
  - (i) otherwise than by wireless telegraphy; or
  - (ii) by a fixed link,

and in this definition, “convey” and “telecommunication system” shall be construed in accordance with section 4 of the Telecommunications Act 1984(3);

“channel” means a part of the radio frequency spectrum intended to be used for a single transmission of signals, and defined by—

- (a) two specified limits; or
- (b) by its centre frequency and the associated bandwidth,

or by any indication equivalent to (a) or (b);

“fixed link” means a connection by wireless telegraphy designed for use between not more than two fixed points;

“licence” means a licence granted under section 1 of the Act;

“mobile station” means a station (other than a base station) intended to be used while in motion or during halts at unspecified points;

“national channel” means a channel which—

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(1) S.I.1986/1039.  
(2) S.I. 1988/135.  
(3) 1984 c. 12.

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- (a) the licensee is authorised to use throughout England and Wales (whether or not he is also authorised to use it in any other place); and
- (b) is not, at the time of issue or renewal, or at the prescribed time, as the case may be, authorised to be used by any person other than the licensee in any part of England or Wales under a licence granted under section 1 of the Act;

“National Public Radiotelephone Service Licence” includes any licence howsoever entitled authorising the operation of a national public radiotelephone service;

“prescribed sum” has the meaning given by regulation 4(1);

“prescribed time” has the meaning given by regulation 4(2); and

“station” means a station for wireless telegraphy.

(2) Where these Regulations provide for the prescribed sum to be calculated by reference to a number of aircraft, channels, national channels, stations, base stations or mobile stations, the number thereof shall be taken to be the number of aircraft in respect of which the use of the wireless telegraphy apparatus thereof is authorised by the licence, or the number of channels, national channels, stations, base stations, or mobile stations, the use of which is authorised by the licence, as the case may be.

(3) In these Regulations, a reference to a link of a class listed in the table below means a fixed link where the bandwidth of the channel designated in the licence for the purposes of the link is within the limits specified in relation to a link of that class in the said table:—

<i>Class of Link</i>	<i>Limits of Bandwidth</i>
Class 1 link	Not more than 50 kHz
Class 2 link	More than 50 kHz but not more than 3.5 MHz
Class 3 link	More than 3.5 MHz but not more than 7 MHz
Class 4 link	More than 7 MHz but not more than 14 MHz
Class 5 link	More than 14 MHz

#### **Licence charges and time of payment**

4.—(1) Subject to regulations 5, 6 and 8, the sum which is to be paid to the Secretary of State by the person to whom a licence is issued (“the licensee”) under section 2(1) of the Act—

(a) on the issue or renewal of the licence;

(b) at such times thereafter (if any) as are prescribed times in relation to licences of that type, shall be, in relation to licences of a type listed in the Schedule—

(i) the fixed sum specified; or

(ii) the variable sum determined in accordance with the criteria specified,

in respect of issue, renewal, or the prescribed time, as the case may be, for licences of that type in the said Schedule (“the prescribed sum”).

(2) Where an interval of time for payment is specified in the Schedule in relation to any type of licence therein listed, the first day after the expiry of each successive such interval of time (the first such interval having begun with the date of issue or renewal as the case may be), such day not being a time at which the licence falls to be renewed, shall be the prescribed time (“the prescribed time”) at which the prescribed sum is to be paid to the Secretary of State under section 2(1) of the Act.

### Concessionary licence charges

5. In relation to a Private Mobile Radio (Standard) Licence or a Maritime Business Radio Licence granted to a licensee which—

- (a) is registered as a charity under the Charities Acts 1960<sup>(4)</sup> and 1985<sup>(5)</sup>; and
- (b) has as its primary object the safety of human life in an emergency,

the sum to be paid by such licensee to the Secretary of State under section 2(1) of the Act on issue or renewal, as the case may be, and at each of the prescribed times (if any) shall be one half of the prescribed sum.

6.—(1) This regulation applies to an Aircraft Licence which authorises the installation and use of the wireless telegraphy apparatus of any aircraft in respect of which—

- (a) a certificate of airworthiness issued by the Civil Aviation Authority under article 8 of the Air Navigation Order 1985<sup>(6)</sup> has been in force throughout the two years immediately preceding the issue, renewal or prescribed time, as the case may be; and
- (b) the entries in the technical log kept pursuant to article 10(a) of the said Order record not more than one hundred flying hours in each of the said two years,(

“a relevant aircraft”).

(2) In calculating the sum to be paid by the licensee to the Secretary of State under section 2(1) of the Act in respect of an Aircraft Licence to which this regulation applies, where the component of the prescribed sum in respect of any relevant aircraft would, but for this regulation, exceed £25, that component shall be £25.

### Other licence charges

7.—(1) Subject to paragraph (2), there is hereby authorised, in such cases as are not otherwise dealt with by these Regulations or any other regulations made under section 2(1) of the Act, the charge by the Secretary of State of such sums, whether on the issue or renewal of the licence or subsequently, as may in the particular case appear to him to be proper.

(2) Paragraph (1) shall not apply to licences of any type wholly or mainly intended to meet the needs of persons desiring to use, in a private dwelling house and without making any charge to other persons, apparatus not designed or adapted for emission (as opposed to reception).

### Application

8. Nothing in regulation 4 or the Schedule shall apply to—

- (a) a Band III Private Mobile Radio National Trunked Service Licence;
- (b) a Band III Private Mobile Radio Trunked Service Licence; or
- (c) a National Public Radiotelephone Service Licence

which was issued before 15th July 1986.

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(4) 1960 c. 58.

(5) 1985 c. 20.

(6) S.I. 1985/1643. Article 10 was amended by S.I. 1988/2250, article 2. There are other amendments not relevant to these Regulations.

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2nd October 1989

*Douglas Hogg*  
Minister for Industry and Enterprise,  
Department of Trade and Industry

We consent to these Regulations.

5th October 1989

*Stephen Dorrell*  
*Kenneth Carlisle*  
Two of the Lords Commissioners of Her  
Majesty's Treasury