
STATUTORY INSTRUMENTS

1991 No. 542

The Wireless Telegraphy (Licence Charges) Regulations 1991

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Licence Charges) Regulations 1991 and shall come into force on 1st April 1991.

Revocation

2. The Wireless Telegraphy (Licence Charges) Regulations 1989(1) and the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 1989(2) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“the Act” means the Wireless Telegraphy Act 1949;

“alarm station” means, in relation to a Long Range Alarms Licence, a station—

- (a) located on premises for the purpose of the protection of those premises by means of a radio alarm; and
- (b) connected by wireless telegraphy to a central station;

“apparatus” means wireless telegraphy apparatus;

“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);

“central station” means, in relation to a Long Range Alarms Licence, a station—

- (a) established and used for the purpose of providing a service consisting in the protection of premises by means of a radio alarm; and
- (b) remotely located from the premises in respect of which the service is provided;

“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

(1) S.I. 1989/1850.
(2) S.I. 1989/1929.
(3) 1984 c. 12.

(b) by its centre frequency and the associated bandwidth,
or by an 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;

“licensee” means the person to whom a licence is issued;

“medium wave band” means that part of the radio frequency spectrum between 526.5 kHz and 1606.5 kHz;

“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—

- (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 of the licence, 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;

“on-site system” means, in relation to a Long Range Alarms Licence, a connection by wireless telegraphy for the purposes of the protection of a single set of premises where all the stations are located on those premises;

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

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

“station” means a station for wireless telegraphy; and

“VHF band” means that part of the radio frequency spectrum between 87.5 MHz and 108.0 MHz.

(2) Where these Regulations provide for the prescribed sum to be calculated by reference to a number of any of the following things, that is to say, channels, channels for which a particular type of use is authorised, national channels, stations, base stations, mobile stations, fixed links, links of a class, alarm stations, central stations, or on-site systems, the number thereof shall be taken to be the number the use of which is authorised by the licence at the time of the issue or renewal of the licence, or the prescribed time, as the case may be.

(3) In relation to an Aircraft Licence, the number of aircraft by reference to which the prescribed sum is calculated shall be taken to be the number thereof in respect of which the use of the apparatus thereof is authorised by the licence, at the time of the issue or renewal of the licence, or the prescribed time, as the case may be.

(4) 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:—

Class of Link	Limits of Bandwidth
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

(5) In relation to an Independent Programme Maker's Licence—

(a) “premium rate” refers to the fee to be paid in respect of the issue of such licence where both the applicant applies for the licence outside office hours, and the licence is granted outside office hours at the applicant's request; and

(b) “ordinary rate” refers to the fee to be paid where the premium rate is not payable,

and in this paragraph, “office hours” means 09.30 to 16.30 hours from Monday to Friday other than on a day which is a bank holiday in England and Wales.

(6) In relation to a Transmission of Local Radio Broadcasting Services Licence, a reference to the licensee's coverage is a reference to the total population covered by the transmitters which the licensee is authorised to use in the medium wave band or the VHF band (as the case may be) as specified in the list entitled “Coverage of Independent Local Radio Stations” (“the list”) published on 20th November 1990 by the Radiocommunications Agency of the Department of Trade and Industry, and “covered” shall be construed accordingly.

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 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.—(1) This regulation applies where a relevant licence is granted to an applicant, or held by a licensee, which—

(a) is a charity; and

(b) has as its object the safety of human life in an emergency,

such applicant or licensee being hereinafter referred to as “a qualifying charity”.

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

(3) In this regulation—

“charity” means a person who—

- (a) being subject to the laws of England and Wales, or Scotland, or Northern Ireland, is a charity within the meaning of section 506(1) of the Income and Corporation Taxes Act 1988(4);
- (b) being subject to the laws of the Isle of Man, is registered as a charity under the Charities Registration Act 1989(5);
- (c) being subject to the laws of Guernsey, is a member for the time being of the Association of Guernsey Charities; or
- (d) being subject to the laws of Jersey, is a member for the time being of the Association of Jersey Charities; and

“relevant licence” means a licence of one of the following types:—

- (a) Private Mobile Radio (Standard) Licence; and
- (b) Maritime Business Radio Licence.

6.—(1) This regulation applies to an Aircraft Licence which authorises the installation and use of the apparatus of aircraft including one or more aircraft in respect of each of which—

- (a) a certificate of airworthiness issued by the Civil Aviation Authority under article 8 of the Air Navigation Order 1985 (“the 1985 Order”)(6) or article 8 of the Air Navigation Order 1989 (“the 1989 Order”)(7) has been in force throughout the two years immediately preceding the issue or renewal of the licence or the prescribed time as the case may be; and
- (b) the entries in the technical log kept pursuant to article 10 of the 1985 Order(6) or article 10 of the 1989 Order(7) record not more than one hundred flying hours in each of the said two years,

such an aircraft being hereinafter referred to as “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 each relevant aircraft would, but for this regulation, exceed £30, that component shall be £30.

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 for the time being in force 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 Transmission of Local Radio Broadcasting Services Licence where the licensee’s coverage is not specified in the list.

(4) 1988 c. 1.

(5) An Act of Tynwald.

(6) S.I. 1985/1643. Article 10 was amended by S.I. 1988/2250, article 2. S.I. 1985/1643 and 1988/2250 were revoked by 1989/2004.

(7) S.I. 1989/2004. Article 8 was amended by S.I. 1990/2154, article 2(2).

(6) S.I. 1985/1643. Article 10 was amended by S.I. 1988/2250, article 2. S.I. 1985/1643 and 1988/2250 were revoked by 1989/2004.

(7) S.I. 1989/2004. Article 8 was amended by S.I. 1990/2154, article 2(2).

5th March 1991

John Redwood
Minister of State,
Department of Trade and Industry

We consent to these Regulations

7th March 1991

Sydney Chapman
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty's Treasury