
STATUTORY INSTRUMENTS

2002 No. 1700

The Wireless Telegraphy (Licence Charges) Regulations 2002

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Licence Charges) Regulations 2002 and shall come into force on 26th July 2002.

Revocation

2. The Regulations set out in Schedule 1 are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“the 1949 Act” means the Wireless Telegraphy Act 1949(1);

“the 1998 Act” means the Wireless Telegraphy Act 1998;

“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;
- (c) a fixed mobile station; or
- (d) any telecommunication system,

and in this definition, “telecommunication system” shall be construed in accordance with section 4 of the Telecommunications Act 1984 (2);

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

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

“co-channel” means apparatus operating in an identical frequency or channel;

“congested area” and “heavily congested area” means such part of the British Islands considered by the Secretary of State to have respectively congested and heavily congested use of the radio frequency spectrum for a specified class of licence and identified as such in Schedules 3 to 6 hereto as appropriate by reference to the grid squares of the 2nd series of Landranger maps published by the Ordnance Survey, and “non-congested area” shall be construed accordingly;

(1) 1949 c. 54.
(2) 1984 c. 12.

“cross-polar” means the use of orthogonal polarisation to permit the re-use of identical frequencies or channels in the same area;

“fixed link” means a connection by wireless telegraphy designed for use between two fixed points;

“fixed mobile station” means a control point configured to operate in the manner of a mobile station;

“hub” means a single fixed site connected to more than one fixed out-station via wireless telegraphy links operating in the same frequency bands;

“licence” means a licence granted under section 1 of the 1949 Act;

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

“list” has the meaning given by regulation 3(3);

“medium wave broadcasting 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 licensed to be used by any person other than the licensee in any part of England and Wales under a licence granted under section 1 of the 1949 Act,

except that in relation to a National and Regional Private Business Radio Licence or a Scanning Telemetry Licence the territorial extent for the purpose of paragraphs (a) and (b) of this definition is the United Kingdom;

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

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

“slot” means the smallest unit of the radio frequency spectrum used in the construction of a frequency plan, such that all bands, sub-bands, blocks and channels which are used in such plan are integer multiples of the slot size;

“station” means a station for wireless telegraphy;

“time slot” means a recurring time delimited proportion of a channel within which the transmission must be initiated and completed; and

“VHF broadcasting 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 for which a particular type of use is authorised, national channels, stations, base stations, mobile stations and fixed links, 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 a Transmission of National and 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 broadcasting band or the VHF broadcasting band (as the case may be) as specified in the list entitled “Coverage of Independent National and Local Radio Stations” (“the list”) published on 6th November 2000 by the Radiocommunications Agency of the Department of Trade and Industry, and “covered” shall be construed accordingly.

(4) In relation to a Coastal Station Radio Licence—

- (a) “channels designated for emergency use” means channels 0, 00, 67 and 73 when used solely to assist Her Majesty’s Coastguard, and channels 10, 16 and 70 when used solely to assist the Secretary of State with oil pollution control activities; and
- (b) a reference to an international maritime channel means a channel specified in the table in Appendix S18 to the 1998 edition of the Radio Regulations⁽³⁾.

(5) In relation to a Programme Making and Special Events Fixed Site Licence, a Programme Making and Special Events Link Licence, a Programme Making and Special Events Low Power Licence, a UK Wireless Microphone (Annual) Licence and a UK Wireless Microphone (Biennial) Licence—

- (a) “area” in relation to a channel specified in such a licence refers to an area with a population coverage below 2 million individuals;
- (b) “multi use type (1)” in relation to a channel specified in such a licence refers to a maximum of 60 periods with each such period not exceeding 48 hours;
- (c) “multi use type (2)” in relation to a channel specified in such a licence refers to a maximum of 480 periods with each such period not exceeding 48 hours;
- (d) “occasional use” in relation to a channel specified in such a licence refers to a period not exceeding 48 hours;
- (e) “premium case” means a case where at the applicant’s request such a licence is granted or varied outside office hours; and for the purposes of this definition “office hours” means 09.00 to 17.00 hours from Monday to Friday other than on a day which is a bank holiday in England and Wales;
- (f) “primary” in relation to a channel specified in such a licence refers to use at any time;
- (g) “programme making” includes the making of a programme for broadcast, the making of a film presentation, advertisement or audio or video tape, and the staging or performance of an entertainment, sporting or other public event;
- (h) “programme sound link” in relation to a channel specified in such a licence refers to a channel used to transmit the material produced in programme making from a fixed transmission station to a fixed receiving station;
- (i) “regional” in relation to a channel specified in such a licence refers to an area with a population coverage of 2 million individuals or more but below 12 million individuals;
- (j) “restricted service programme sound link” in relation to a channel specified in such a licence refers to a channel used to transmit the material produced in programme making from a fixed transmission station to a fixed receiving station where the transmission is for a period not exceeding thirty consecutive days;
- (k) “secondary” in relation to a channel specified in such a licence refers to use when the channel or band is not being used by another licensee under a licence which authorises such use as a primary channel;
- (l) “shared” in relation to a channel specified in such a licence refers to use at the same time as such a channel may be used by a licensee under another licence;
- (m) “transaction charge” means a sum which, when added to the sum that would otherwise be payable, produces the sum of £20;
- (n) “UK” in relation to a channel specified in such a licence refers to use anywhere within the British Islands; and

(3) The Radio Regulations are made under Article 13 of the Constitution of the International Telecommunication Union (“the ITU”); the Constitution and Convention of the ITU were adopted in Geneva in 1992 and ratified by the United Kingdom in 1996.

- (o) “variation” in relation to such a licence refers to the addition of a channel to the channel specified in such licence;

and for the purpose of determining “population coverage” as referred to above, reference shall be made as appropriate to—

- (i) the estimated mid-year resident population for England and Wales for 2000 as shown in the “Office of National Statistics Population Estimates Mid-2000 for England and Wales” published in August 2001;
- (ii) the estimated mid-year resident population for Scotland for 2000 as shown in the “Mid-Year Population Estimates, Scotland” published in June 2001; and
- (iii) the estimated mid-year resident population for Northern Ireland for 2000 as shown in the “Annual Report of the Registrar General for Northern Ireland” published in November 2001.

(6) In relation to a Network Licence, “network” means a uni- or bi-directional service from any number of earth station terminals to a single geo-stationary orbit satellite transponder transmitting in the earth to space direction.

Licence charges and time of payment

4.—(1) Subject to paragraphs (3) to (5) of this regulation and to regulations 5 and 7, the sum which is to be paid to the Secretary of State by the licensee under section 1 of the 1998 Act—

- (a) on the issue or renewal of the licence; and
- (b) at such times thereafter (if any) as are prescribed times in relation to licences of that class, shall be, in relation to licences of a class listed in Schedule 2—
 - (i) the fixed sum specified; or
 - (ii) the variable sum determined in accordance with the criteria specified, in respect of issue, or renewal of or, as the case may be, the prescribed time, for the licences of that class in the said Schedule (“the prescribed sum”).

(2) Subject to paragraph (3), where an interval of time for payment is specified in Schedule 2 in relation to any class of licence therein listed, the time at which the prescribed sum is to be paid to the Secretary of State under section 1 of the 1998 Act (“the prescribed time”) shall be the first day after expiry of each successive interval of time (the first 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.

(3) Subject to the provisions in Schedule 2 relating to a Programme Making and Special Events Fixed Site Licence, a Programme Making and Special Events Link Licence, a Programme Making and a Special Events Low Power Licence, where a licence granted under section 1 of the 1949 Act is issued or renewed (as the case may be) for a period less than a year, the sum payable shall be such sum as represents one-twelfth of the prescribed sum multiplied by the number of complete and part-complete calendar months to the next anniversary of the issue or renewal of the licence, and the prescribed time in respect of such licence shall be determined accordingly.

(4) The sum payable in accordance with paragraph (3) shall not be less than £20 (except in relation to a Permanent Earth Station Licence when the said sum shall not be less than £175), and where such sum represents a fraction of a whole pound sterling then such sum shall be rounded up to the nearest pound sterling.

(5) Paragraph (3) shall only apply to a licence in respect of which the fee otherwise payable for such licence is greater than £75 per annum.

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 1 of the 1998 Act on the issue or renewal of a relevant licence, and at each of the prescribed times (if any), shall be one half of the prescribed sum. Where the sum so payable to the Secretary of State represents a fraction of a whole pound sterling then the sum payable by the qualifying charity shall be rounded up to the nearest whole pound sterling.

(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 classes—

- (i) Coastal Station Radio;
- (ii) Commercial (5-Year) Ship Radio;
- (iii) Differential Global Positioning System;
- (iv) Maritime Navigational Aids and Radar;
- (v) National and Regional Private Business Radio;
- (vi) On-Site Private Business Radio for Hospital Paging and Emergency Speech Systems;
- (vii) On-Site Private Business Radio for Local Communications Systems;
- (viii) On-Site Private Business Radio for One-Way Paging and Speech Systems;
- (ix) On-Site Private Business Radio for Speech and Data Systems;
- (x) Private Business Radio IR2008 Data;
- (xi) Private Business Radio UK General;
- (xii) Private Mobile Radio (Standard);
- (xiii) Self-Select Private Business Radio;
- (xiv) Ship Portable Radio;
- (xv) Ship Radio;
- (xvi) Wide Area Private Business Radio for Distress Alarm Systems;
- (xvii) Wide Area Private Business Radio for One-Way Paging and Speech Systems; and

(4) 1998 c. 1.

(5) An Act of Tynwald.

(xviii)Wide Area Private Business Radio for Speech and Data Systems.

Other licence charges

6.—(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 1 of the 1998 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 her to be proper.

(2) Paragraph (1) shall not apply to licences of any class 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

7. Nothing in regulation 4 or Schedule 2 shall apply to a Transmission of National and Local Radio Broadcasting Services Licence where the licensee’s coverage is not specified in the list.

Stephen Timms,
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Competitiveness,
Department of Trade and Industry

2nd July 2002