

2003 No. 2983

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Licence Charges) (Amendment)
Regulations 2003**

Made - - - - - *19th November 2003*

Coming into force - - - - - *16th December 2003*

Whereas the Secretary of State has, by virtue of section 6(1) of the Wireless Telegraphy Act 1998 (“the 1998 Act”)(a) (which applies to the Secretary of State by virtue of section 408(1), (2) and (3)(b) of the Communications Act 2003 (“the 2003 Act”)(b) and article 3(1) of the Communications Act 2003 (Commencement No. 1) Order 2003(c)), given notice as required by paragraph (a) of subsection (4) of section 403 of the 2003 Act and published notice as required by paragraph (b) of that subsection and has considered the representations made to her before the time specified in the notice; and

Whereas the Secretary of State, in making these Regulations, has had regard to the matters specified in section 154 of the 2003 Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 1 and (by virtue of section 408(1), (2) and (3)(b) of the 2003 Act and article 3(1) of the Communications Act 2003 (Commencement No. 1) Order 2003) 2(2) of the 1998 Act hereby makes the following Regulations—

Citation, commencement and extent

1. These Regulations may be cited as the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2003 and shall come into force on 16th December 2003.
2. These Regulations shall not extend to the Channel Islands or to the Isle of Man.

Amendments

3. The Wireless Telegraphy (Licence Charges) Regulations 2002(d) are hereby amended as follows—
 - (a) in regulation 4(2) the words “Subject to paragraphs (3) and (8)” shall be substituted for the words “Subject to paragraph (3)”;
 - (b) in regulation 4(4) the words “(except in relation to a Permanent Earth Station Licence when the said sum shall not be less than £175)” shall be deleted;
 - (c) the following paragraphs shall be added at the end of regulation 4—

“(6) Paragraph (8) shall apply to a licensee where—

 - (a) a prescribed sum is payable by that licensee in respect of a licence under paragraph (1) of this regulation;

(a) 1998 c. 6. Sections 2 and 6 of the 1998 Act were amended by the Communications Act 2003 (c. 21) by section 406 and Schedule 17, paragraphs 147 and 150 respectively.
(b) 2003 c. 21.
(c) S.I. 2003/1900 (c. 77).
(d) S.I. 2002/1700.

- (b) the licence is of one of the following classes—
 - (i) the classes listed under the heading “Broadcasting” in Schedule 2;
 - (ii) the classes listed under the heading “Fixed Links” in Schedule 2;
 - (iii) the classes listed under the heading “Public Wireless Networks” in Schedule 2;
 - (iv) one of the classes listed under the heading “Satellite Services” in Schedule 2; or
 - (v) the class GSM-R (Railway Use);
- (c) the licence is granted for a period of a year or longer; and
- (d) the prescribed sum due for payment by the licensee is in excess of £100,000.

(7) Paragraph (8) shall also apply to a licensee where—

- (a) prescribed sums are payable by that licensee under paragraph (1) of this regulation in respect of more than one licence where all of those licences are of the same class and that class is one of the classes listed in paragraph (6)(b);
- (b) each of those prescribed sums is due for payment by the licensee at the same prescribed time in accordance with paragraph (2) of this regulation;
- (c) each of the prescribed sums is in respect of licences granted for a period of a year or longer; and
- (d) the total of the prescribed sums due for payment by the licensee are in excess of £100,000.

(8) If the Secretary of State receives notice from a licensee to which this paragraph applies of the licensee’s intention to make payment in ten equal instalments of a sum equal to the prescribed sum referred to in paragraph (6) or equal to the total of the prescribed sums referred to in paragraph (7)(d) the licensee:

- (a) shall not be required to make payment at the prescribed time other than in accordance with this paragraph; and
- (b) shall make payment of the sum in ten equal instalment payments with the first instalment to be paid to the Secretary of State on the day which shall be the same day as the prescribed time when the prescribed sum or the prescribed sums were to be paid to the Secretary of State and each subsequent instalment to be paid on the same day in each of the nine consecutive months thereafter (or in a month in which there is no such day, on the last day of the month).

(9) Where at any time the licensee fails to make payment in accordance with paragraph (8) of this regulation, the total of the outstanding instalment payments shall become immediately due for payment.”;

(d) in regulation 5(3) after the words ““relevant licence” means a licence of one of the following classes” the words—

- “(i) all of the classes listed under the heading “Aeronautical” in Schedule 2;
- (ii) all of the classes listed under the heading “Maritime” in Schedule 2; and
- (iii) all of the classes listed under the heading “Private Business Radio” in Schedule 2.”

shall be substituted for all of the words from “(i) Coastal Station Radio;” to “(xviii) Wide Area Private Business Radio for Speech and Data Systems”; and

(e) In Schedule 2—

(i) Under the heading “**Aeronautical**”—

(aa) the licence class Aeronautical Ground Station (Airfield Flight Information Service) shall be renamed by substitution of the words “Aeronautical Ground Station (Air to Ground and Flight Information Service)” for the words “Aeronautical Ground Station (Airfield Flight Information Service)”;

(bb) the licence class Aeronautical Navigational Aids and Radar shall be renamed by substitution of the words “Aeronautical Navigation Aids” for the words “Aeronautical Navigational Aids and Radar” and the words “£50 for each navigational aid” shall be substituted for the words “£20 for each navigational aid or radar station” in the column under the heading “Variable sums”;

(cc) in relation to the licence class “Aircraft” the words “, provided that in the case of an aircraft which has recorded not more than 100 flying hours in each of the two years immediately preceding the issue of the licence the prescribed sum shall be £20” shall be deleted where they occur twice in the second column; and
 (dd) after the licence class Aeronautical Ground Station (General Aviation) and before the licence class Aeronautical Navigation Aids new licence classes shall be added by inserting the words in the following columns into the columns with the headings “Class of licence”, “Fixed sums” and “Interval of time for payment” respectively:

“Aeronautical Ground Station (Fire)	£25	Yearly
Aeronautical Ground Station (High Frequency)	£350	Yearly
Aeronautical Ground Station (Offshore Platform)	£250	Yearly
Aeronautical Radar	£50	Yearly”;

(ii) under the heading “**Fixed Links**”,

(aa) After the licence class Point-to-Point Fixed Links and before the licence class Scanning Telemetry a new licence class shall be added by inserting the words in the following columns into the columns with the headings “Class of licence”, “Variable sums” and “Interval of time for payment” respectively:

“Self Co-ordinated Links £50 per 65 GHz fixed link Yearly”;

(bb) the Scanning Telemetry class shall be amended by substituting the words—
 “on issue—£4,970

Thereafter:

—on the first anniversary of the issue of the licence—£6,440

—on the second and subsequent anniversary of the issue of the licence—
 £7,920”

for the figure “£7,920”; and

(cc) the Un-co-ordinated Links class shall be removed by deletion of the following words—

“Un-co-ordinated Links £50 for each 58 GHz fixed link Yearly”;

(iii) under the heading “**Private Business Radio**” the following licence class shall be inserted before the National and Regional Private Business Radio class by inserting the words in the following columns into the columns with the headings “Class of licence”, “Variable sums” and “Interval of time for payment” respectively:—

“GSM-R For each 2 x 200 kHz channel £158,400 Yearly”,
 (Railway use)”,

(iv) under the heading “**Programme Making and Special Events**” in relation to the licence class “Programme Making and Special Events Fixed Site” the words “a single channel talk-back or radio microphone channel, a multi-channel talk back or radio microphone channel or a wide band channel” shall be substituted for the words “an occasional use channel or a restricted service programme sound link channel, the sum payable on issue in respect of such channel, and for any other variation of a licence,” in the column under the heading “Variable sums”;

(v) under the heading “**Programme Making and Special Events**” in relation to the licence class “Programme Making and Special Events Link” after the words “For multi use type (1) channels:” in the column under the heading “Variable sums”—

(aa) “£108 per channel of 12.5 kHz in the band 26-65 MHZ” shall be substituted for “£120 per channel of 12.5 kHz in the band 26-65 MHZ”;

(bb) “£324 per channel of 12.5 kHz in the band 65-470 MHZ” shall be substituted for “£360 per channel of 12.5 kHz in the band 65-470 MHZ”;

(cc) “£108 per channel of 12.5 kHz in the band 470-1,000 MHZ” shall be substituted for “£120 per channel of 12.5 kHz in the band 470-1,000 MHZ”;

(dd) “£648 per channel of 0.5 MHz in the band 1-2 GHz” shall be substituted for “£720 per channel of 0.5 MHz in the band 1-2 GHz”;

(ee) “£1,080 per channel of 5 MHz in the band 2-5 GHz” shall be substituted for “£1,200 per channel of 5 MHz in the band 2-5 GHz”;

- (ff) “£648 per channel of 5 MHz in the band 5-8 GHz” shall be substituted for “£720 per channel of 5 MHz in the band 5-8 GHz”;
- (gg) “£324 per channel of 5 MHz in the band 8-20 GHz” shall be substituted for “£360 per channel of 5 MHz in the band 8-20 GHz”;
- (hh) “£216 per channel of 5 MHz in the band 20-40 GHz” shall be substituted for “£240 per channel of 5 MHz in the band 20-40 GHz”; and
- (ii) “£108 per channel of 5 MHz in the band above 40 GHz” shall be substituted for “£120 per channel of 5 MHz in the band above 40 GHz”;
- (vi) under the heading “**Programme Making and Special Events**” in relation to the licence class “Programme Making and Special Events Link” after the words “For multi use type (2) channels:” in the column under the heading “Variable sums”—
 - (aa) “£672 per channel of 12.5 kHz in the band 26-65 MHz” shall be substituted for “£120 per channel of 12.5 kHz in the band 26-65 MHz”;
 - (bb) “£2,016 per channel of 12.5 kHz in the band 65-470 MHz” shall be substituted for “£360 per channel of 12.5 kHz in the band 65-470 MHz”;
 - (cc) “£672 per channel of 12.5 kHz in the band 470-1,000 MHz” shall be substituted for “£120 per channel of 12.5 kHz in the band 470-1,000 MHz”;
 - (dd) “£4,032 per channel of 0.5 MHz in the band 1-2 GHz” shall be substituted for “£720 per channel of 0.5 MHz in the band 1-2 GHz”;
 - (ee) “£6,720 per channel of 5 MHz in the band 2-5 GHz” shall be substituted for “£1,200 per channel of 5 MHz in the band 2-5 GHz”;
 - (ff) “£4,032 per channel of 5 MHz in the band 5-8 GHz” shall be substituted for “£720 per channel of 5 MHz in the band 5-8 GHz”;
 - (gg) “£2,016 per channel of 5 MHz in the band 8-20GHz” shall be substituted for “£360 per channel of 5 MHz in the band 8-20 GHz”;
 - (hh) “£1,344 per channel of 5 MHz in the band 20-40 GHz” shall be substituted for “£240 per channel of 5 MHz in the band 20-40 GHz”; and
 - (ii) “£672 per channel of 5 MHz in the band above 40 GHz” shall be substituted for “£120 per channel of 5 MHz in the band above 40 GHz”;
- (vii) under the heading “**Programme Making and Special Events**” in relation to the licence class “Programme Making and Special Events Link” in the column under the heading “Variable sums”;
 - (aa) after the words—
 - “For programme sound link use:
 - £36 per channel of 12.5 kHz in the band 26-65 MHz”
 - the words “£195 per channel of 0.5 MHz in the band 1517-1525 MHz” shall be inserted in the next line;
 - (bb) after the words—
 - “For restricted service programme sound link use:
 - £10 per channel of 12.5 KHz in the band 26-65 MHz
 - £30 per channel of 12.5 kHz in the band 65-470 MHz
 - £10 per channel of 12.5 in the band 470-1,000 MHz”
 - the words “£95 per channel of 0.5 MHz in the band 1517-1525 MHz” shall be inserted in the next line; and
 - (cc) after the words “For the variation of a licence by adding” the words “an occasional use channel, restricted service programme sound link channel, multi use type (1) channel or a multi use type (2) channel” shall be substituted for the words “an occasional use channel or a restricted service programme sound link channel”;
- (viii) under the heading “**Programme Making and Special Events**” and in relation to the licence class “Programme Making and Special Events Low Power” after the words “For a single channel radio microphone—” in the column under the heading “Variable sums”—
 - (aa) the words “£432 per multi use type (1) channel” shall be substituted for the words “£480 per multi use type (1) channel”; and

- (bb) the words “£2,688 per multi use type (2) channel” shall be substituted for the words “£480 per multi use type (2) channel”;
- (ix) under the heading “**Programme Making and Special Events**” in relation to the licence class “Programme Making and Special Events Low Power”
- (aa) the words—
“£2,160 per multi-use type (1) channel
£13,440 per multi-use type (2) channel”;
shall be substituted for the words—
“£2,400 per request multi-channel or wideband channel
£160 per shared UK multi-channel or wideband channel”
where they appear in the column under the heading “Variable sums”; and
- (bb) after the words “For the variation of a licence by adding” the words “an occasional use channel, multi use type (1) channel or a multi use type (2) channel” shall be substituted for the words “an occasional use channel or a restricted service programme sound link channel”;
- (x) under the heading “**Public Wireless Networks**” the sum of “£10,395” shall be substituted for “£11,090” in the column under the heading “Variable sums” for the licence class Public Mobile Operator for licences at 410-430 MHz (for digital TETRA public access mobile radio);
- (xi) under the heading “**Satellite Services**” and in relation to the licence class “Permanent Earth Station” the words “provided that the appropriate sum shall not be less than £175” shall be inserted after the words “(which is based on the exclusivity of the radio frequency spectrum occupied by the licensee)”; and
- (xii) under the heading “**Science and Technology**”—
- (aa) the licence class Unspecified Temporary Radio Use shall be renamed by substituting the words “Non-Operational Temporary Use” for “Unspecified Temporary Radio Use; and
- (bb) the licence class Testing and Development shall be renamed by substituting the words “Non-Operational Development” for the words “Testing and Development”.

19th November 2003

Stephen Timms,
Minister of State for Energy, E-commerce and Postal Services,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Licence Charges) Regulations 2002 (S.I. 2002/1700) (the “Principal Regulations”). These Regulations do not extend to the Channel Islands or to the Isle of Man.

The Principal Regulations are amended by the addition of an option of payment of charges for certain wireless telegraphy licences granted under section 1 of the Wireless Telegraphy Act 1949 (c. 54) by ten monthly instalments rather than in one lump sum payment at the prescribed time. The option is available to licensees where charges for one or more than one licence are payable in respect of licences falling within one of the licence classes listed, the licence is (or the licences are) to be granted for a period greater than a year, payment is to be made at the same prescribed time and the charge or charges exceed £100,000.

The Principal Regulations have been amended to expand the list of licence classes which qualify for the reduction in the prescribed sum payable by a charity for licences in accordance with Regulation 5(2) of the Principal Regulations.

In the Aeronautical sector certain licence classes have been renamed. The Aeronautical Ground Station (Airfield Flight Information Service) class of licence has been renamed Aeronautical Ground Station (Air to Ground and Flight Information Service) and the charge has been altered. The Aeronautical Navigational Aids and Radar class of licence has been renamed Aeronautical Navigation Aids. New licence classes have also been added. The reduced charges which applied under the Aircraft licence, where aircraft had not recorded more than 100 flying hours, have been removed.

For Fixed Links, a new Self Co-ordinated Links class of licence has been added to the Principal Regulations, a new charging structure applies for the Scanning Telemetry licence class and the Un-co-ordinated Links licence class has been removed.

A GSM-R (Railway Use) class has been added to the Private Business Radio sector.

For the Programme Making and Special Events sector the charges payable on issue and variation of certain licence classes have been altered. New charges have been added for the Programme Making and Special Events Link class.

The fee payable in the Public Wireless Networks sector for the licence class Public Mobile Operator for licences at 410-430 MHz (for digital TETRA public access mobile radio) has been altered.

In the Satellite Services sector a new minimum charge for a Permanent Earth Station licence is now set at £175.

In the Science and Technology sector the licence class Unspecified Temporary Radio Use has been renamed Non-Operational Temporary Use and the licence class Testing and Development has been renamed Non-Operational Development.

These Regulations have been made in accordance with the 1998 Act as amended by the 2003 Act. Since the 2003 Act has not been extended to the Channel Islands or the Isle of Man the amendments it makes to the 1998 Act do not apply to the Channel Islands or the Isle of Man. Separate regulations, which amend the Principal Regulations for the Channel Islands and the Isle of Man, have been made under the 1998 Act.

A full regulatory impact assessment and report of the effect that these Regulations would have on the costs to business is available to the public from the Office of Communications Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on the Office of Communications Internet web site at www.ofcom.org.uk. Copies of the report have also been placed in the libraries of both Houses of Parliament.

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