
STATUTORY INSTRUMENTS

2006 No. 1806

The Wireless Telegraphy (Licence Award) (No. 2) Regulations 2006

PART 1

INTRODUCTORY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Licence Award) (No. 2) Regulations 2006 and shall come into force on 7th August 2006.

(2) These Regulations shall not extend to the Channel Islands or to the Isle of Man.

Interpretation

2. In these Regulations —

- (a) “associate” means, in relation to an applicant or bidder, a person who has a material interest in that applicant or bidder;
- (b) “authorised person” means a person specified by an applicant in its application as authorised to bind that applicant for all purposes relating to the award process;
- (c) “bid” has the meaning given in regulation 17(1);
- (d) “bid deposit” has the meaning given in regulation 19(3);
- (e) “bidder” means an applicant who has qualified to bid in the award process and who has not withdrawn from the award process before the last day for withdrawal;
- (f) “bidder group” means, in relation to an applicant or bidder:—
 - (i) that applicant or bidder;
 - (ii) each associate of that applicant or bidder; and
 - (iii) each person in respect of whom the applicant or bidder has delivered to OFCOM a completed document in the form set out in Schedule 3;
- (g) “bidding menu document” has the meaning given in regulation 16(a);
- (h) “confidential information” means, in relation to any applicant or bidder, any information which is not in the public domain and which if it were made public, or disclosed to another applicant (or potential applicant) or bidder or a member of their respective bidder groups, would be likely to affect the decisions that such other applicant (or potential applicant) or bidder may make in relation to the award process;
- (i) “frequency lot” means any of frequency lot A, frequency lot B, frequency lot C or frequency lot D as respectively defined in paragraphs (j) to (m);
- (j) “frequency lot A” means the frequencies between 412.0 megahertz and 412.5 megahertz and between 422.0 megahertz and 422.5 megahertz;

- (k) “frequency lot B” means the frequencies between 412.5 megahertz and 413.0 megahertz and between 422.5 megahertz to 423.0 megahertz;
- (l) “frequency lot C” means the frequencies between 413.0 megahertz and 413.5 megahertz and between 423.0 megahertz and 423.5 megahertz;
- (m) “frequency lot D” means the frequencies between 413.5 megahertz and 414.0 megahertz and between 423.5 megahertz and 424.0 megahertz;
- (n) “last day for withdrawal” has the meaning given in regulation 9(2)(b);
- (o) “licence” means one of the wireless telegraphy licences to be granted pursuant to these Regulations;
- (p) “material interest” means, whether held directly or indirectly:—
 - (i) any interest (construed in accordance with sections 208 and 209 of the Companies Act 1985(1)) in —
 - (aa) shares carrying more than twenty five percent. of the votes entitled to be cast at a general meeting of the applicant or bidder; or
 - (bb) shares, where the consent of the holder of those shares is required for the conduct of any business of the applicant or bidder; or
 - (ii) the right to appoint or remove a majority of the applicant’s or bidder’s board of directors;
- (q) “minimum bid” shall be construed in accordance with regulation 17(2);
- (r) “OFCOM’s bank account” means the bank account nominated by OFCOM for the purposes of the award process and published on their internet website;
- (s) “pounds” means pounds sterling;
- (t) “sealed bid” has the meaning given in regulation 18(2);
- (u) “sealed bid delivery period” has the meaning given in regulation 15(1)(a);
- (v) “valid combination of bids” has the meaning given in regulation 24(3);
- (w) “valid bids” has the meaning given in regulation 23(1);
- (x) “winning combination of bids” shall be construed in accordance with regulation 24;
- (y) “winning bid” has the meaning given in regulation 24(1); and
- (z) “winning bidder” means a bidder who submitted a winning bid.

(1) 1985 c. 6. Section 209 was inserted by S.I. 1993/1819. Section 209(1)(h) was amended by S.I. 1996/2827, and S.I. 2001/1228. Section 209(2), (2A) (2B) and (2C) were substituted by S.I. 2001/3649 and then amended by S.I. 2002/765. Section 209(9A) and (9B) were inserted by S.I. 1996/1560. Section 209(9B) was amended by S.I. 2001/3755. Section 209(10) was amended by the Law of Property (Miscellaneous Provisions) Act 1994 (c. 36) section 21(2) and Schedule 2.