

**2007 No. 392**

**ELECTRONIC COMMUNICATIONS**

**The Wireless Telegraphy (Recognised Spectrum Access  
Charges) Regulations 2007**

*Made* - - - - - *14th February 2007*

*Coming into force* - - - *8th March 2007*

The Office of Communications (“OFCOM”) having regard to the matters specified in section 3 of the Wireless Telegraphy Act 2006(a) (“the Act”), make the following Regulations in exercise of the powers conferred on OFCOM by sections 21, 22(2) and (3) of the Act.

Before making these Regulations OFCOM have given notice of their proposal to do so in accordance with section 122(4)(a) of the published notice of their proposal in accordance with section 122(4)(b) of the Act and have considered the representations made to them before the time specified in that notice in accordance with section 122(4)(c) of the Act.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Recognised Spectrum Access Charges) Regulations 2007 and shall come into force on 8th March 2007.

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

**Interpretation**

2. In these Regulations—

- (a) “A” means the relevant restricted area specified in square kilometres;
- (b) “authorised user” means a person whose use of a wireless telegraphy station or wireless telegraphy apparatus is in accordance with, or provision made under, the Act;
- (c) “GHz” means gigahertz;
- (d) “MHz” means megahertz;
- (e) “N” means, in respect of a frequency band specified in Part 1 or Part 2 of the Schedule, the difference between the highest and lowest frequencies expressed in megahertz, specified for that band; and
- (f) “relevant restricted area” means the area within a circle whose centre and radius are specified in the grant of recognised spectrum access.

**Time of Payment**

3. There shall be paid to OFCOM—

- (a) on the making of a grant of recognised spectrum access; and
- (b) on the last day of each period of twelve months following the grant while the grant remains in force,

the sum specified in these Regulations.

#### **Charges for grants in respect of Part 1 frequency bands**

4.—(1) In the case of a grant of recognised spectrum access in respect of the use of the frequency bands specified in Part 1 of the Schedule, which specifies a condition that refers to the maximum level of interference which is compatible with that use, arising from there being no other authorised users in the relevant restricted area, the sum shall be the higher of—

- (a) £500; and
- (b) £0.51NA.

(2) In the case of a grant of recognised spectrum access in respect of the use of the frequency bands specified in Part 1 of the Schedule, which specifies a condition that refers to the maximum level of interference which is compatible with that use, arising from there being a limited number of other authorised users in the relevant restricted area, the sum shall be the higher of—

- (a) £500; and
- (b) £0.0255NA.

#### **Charges for grants in respect of Part 2 frequency bands**

5. In the case of a grant of recognised spectrum access in respect of the use of the frequency bands specified in Part 2 of the Schedule, which specifies a condition that refers to the maximum level of interference which is compatible with that use, arising from there being no other authorised users in the relevant restricted area, the sum shall be the higher of—

- (a) £500; and
- (b) £1.65NA.

#### **Charges for grants in respect of Part 3 frequency band**

6. In the case of a grant of recognised spectrum access in respect of the use of the frequency band specified in Part 3 of the Schedule the sum shall be £22,500.

#### **Charges for grants in respect of Part 4 frequency bands**

7. In the case of a grant of recognised spectrum access in respect of the use of the frequency bands specified in Part 4 of the Schedule the sum shall be £500.

14th February 2007

*Ed Richards*  
Chief Executive of the Office of Communications  
For and by the authority of the Office of Communications

SCHEDULE  
FREQUENCY BANDS

Regulations 4 to 7

PART 1  
FIXED SERVICE BANDS

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1.6605–1.6680 GHz  
1.668–1.670 GHz  
10.60–10.68 GHz  
22.01–22.21 GHz  
22.21–22.50 GHz  
22.81–22.86 GHz  
23.07–23.12 GHz  
31.5–31.8 GHz

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PART 2  
MOBILE SERVICE BANDS

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37.75–38.25 MHz  
80.5–82.5 MHz  
150.05–152.00 MHz

PART 3  
BROADCASTING SERVICE BAND

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606–614 MHz

PART 4  
FIXED SUM BANDS

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1.400–1.427 GHz  
1.6106–1.6138 GHz  
1.6600–1.6605 GHz  
2.69–2.70 GHz  
10.68–10.70 GHz

15.35–15.40 GHz

23.6–24.0 GHz

31.3–31.5 GHz

42.5–43.5 GHz

48.94–49.04 GHz

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made by the Office of Communications (“OFCOM”) under sections 21 and 22(2) of the Wireless Telegraphy Act 2006 (c.36) (“the Act”) and having had regard to section 3 of the Act.

These Regulations provide for sums to be paid to OFCOM in respect of grants of recognised spectrum access grants made under section 18 of the Act. Regulation 3 makes provision for the sums payable to OFCOM as specified in, or determined in accordance with the provisions of these Regulations; and when such sums are payable. Regulations 4 to 7 set out the sum payable, or the calculations required to determine the sum payable, to OFCOM for grants of recognised spectrum access in respect of the frequency bands specified in the Schedule to these Regulations.

A full regulatory impact assessment of the effect that these Regulations will have on the costs to business is available from OFCOM at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on OFCOM’s website at [www.ofcom.org.uk](http://www.ofcom.org.uk). Copies of this assessment have also been placed in the libraries of both Houses of Parliament.

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