

2007 No. 393

ELECTRONIC COMMUNICATIONS

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

Made - - - - *14th February 2007*

Coming into force - - *8th March 2007*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by section 18(1)(b) and Schedule 2, paragraph 1 of the Wireless Telegraphy Act 2006(a) (“the Act”).

Before making the Regulations OFCOM have given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, 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 the notice in accordance with section 122(4)(c) of the Act.

Citation, commencement, extent and interpretation

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

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

(3) In these Regulations, “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.

Circumstances of use

2. The circumstances of the use of a wireless telegraphy station or wireless telegraphy apparatus, specified for the purpose of section 18(1)(b) of the Act, are circumstances where the station or apparatus—

- (a) is inherently incapable of transmission;
- (b) operates within any of the frequency bands listed in the Schedule; and
- (c) operates at a site named in the Schedule and whose location is listed in the Schedule (expressed by latitude and longitude coordinates).

Time limit for dealing with grants of recognised spectrum access

3. A decision on an application for a grant of recognised spectrum access which is made to OFCOM will be made, notified to the applicant and published not more than six weeks after the day of the receipt of the application by OFCOM.

Requirements that must be met for a grant of recognised spectrum access

- 4.—(1) An applicant for a grant of recognised spectrum access must—
- (a) be a person proposing to use or to continue to use a wireless telegraphy station or wireless telegraphy apparatus in the circumstances specified in regulation 2; and
 - (b) provide to OFCOM the information specified in paragraph (2).
- (2) The information to be provided is—
- (a) the name and address of the applicant;
 - (b) the frequency band in which the applicant wishes to operate a wireless telegraphy station or wireless telegraphy apparatus;
 - (c) the site at which the wireless telegraphy station or wireless telegraphy apparatus is to be located; and
 - (d) information relating to the maximum level of interference arising from other authorised users (who operate within the desired frequency band) which is compatible with the use at that site.

Restrictions and conditions to which a grant of recognised spectrum access is subject

5. A grant of recognised spectrum access may be subject to—
- (a) a condition providing for the duration of the grant;
 - (b) a restriction on the exercise by OFCOM of their power to revoke or modify the grant;
 - (c) a condition requiring payment of fees; and
 - (d) conditions describing the limits of the use of the electromagnetic spectrum which is recognised by the grant by reference to—
 - (i) the location of the wireless telegraphy station or wireless telegraphy apparatus;
 - (ii) the purpose of use of the electromagnetic spectrum;
 - (iii) the frequencies for that use; and
 - (iv) the maximum level of interference arising from other authorised users (who operate within those frequencies) which is compatible with that use.

14th February 2007

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

SCHEDULE

Regulation 2

Frequency bands

37.75-38.25 MHz
 80.5-82.5 MHz
 150.05-152.00 MHz
 606-614 MHz
 1.400-1.427 GHz
 1.6106-1.6138 GHz
 1.6600-1.6605 GHz
 1.6605-1.6680 GHz
 1.668-1.670 GHz
 2.69-2.70 GHz
 10.60-10.68 GHz
 10.68-10.70 GHz
 15.35-15.40 GHz
 22.01-22.21 GHz
 22.21-22.50 GHz
 22.81-22.86 GHz
 23.07-23.12 GHz
 23.6-24.0 GHz
 31.3-31.5 GHz
 31.5-31.8 GHz
 42.5-43.5 GHz
 48.94-49.04 GHz

Site

Location

Jodrell Bank	02° 18'26" W 53° 14'10" N
Cambridge	00° 02'23" E 52° 10'06" N
Darnhall	02° 32'46" W 53° 08'38" N
Pickmere	02° 26'42" W 53° 16'44" N
Defford	02° 08'10" W 52° 05'28" N
Knockin	03° 00'40" W 52° 46'41" N

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the circumstances of use for which grants of recognised spectrum access may be made by the Office of Communications (“OFCOM”).

Regulation 2 sets out these circumstances, which are: for wireless telegraphy stations or apparatus that are inherently incapable of transmission (regulation 2(a)); operating at the bands set out in the Schedule (regulation 2(b)); and at the sites listed in the Schedule to the Regulations (regulation 2(c)).

Regulation 3 provides that an application must be decided within six weeks of receipt of the application. Regulation 4 sets out the requirements that must be met for the grant of recognised spectrum access and regulation 5 sets out particulars of restrictions and conditions to which a grant may be subject.

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 the Office of Communications Internet web site at www.ofcom.org.uk. Copies of the assessment have also been placed in the libraries of both Houses of Parliament.

£3.00

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.

E0197 2/2007 170197T 19585