

2008 No. 2106

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Licence Charges) (Amendment) (No. 2) Regulations 2008

Made - - - - *5th August 2008*

Coming into force - - *29th August 2008*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by sections 12, 13(2) and 122(7) of the Wireless Telegraphy Act 2006(a), (“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 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 and interpretation

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Licence Charges) (Amendment) (No. 2) Regulations 2008 and shall come into force on 29th August 2008.

(2) In these Regulations “the principal Regulations” means the Wireless Telegraphy (Licence Charges) Regulations 2005(b).

Amendment of the Wireless Telegraphy (Licence Charges) Regulations 2005

2. The principal Regulations shall be amended in accordance with the following provisions of these Regulations.

Amendment of regulation 3

3. In regulation 3 (interpretation) in paragraph (1)—

(a) after the definition of “earth station” insert the following definition—

““exclusive basis” means authorised use of a channel which is not shared with any other licensee;”;

(b) after the definition of “fixed mobile station” insert the following definitions—

““high population area” means such part of the British Islands being an area listed in Schedule 9 and identified by reference to a grid square of the 2nd series of Landranger maps published by the Ordnance Survey which is considered by OFCOM to have a high proportion of the population;

(a) 2006 c.36

(b) S.I. 2005/1378 as amended by S.I. 2006/2894, S.I. 2007/2326 and S.I. 2008/139

- “high usage bands” mean any of UHF Band I, UHF Band II and the VHF High Band;”;
- (c) after the definition of “hub” insert the following definition—
- “large coverage area” means an area within which wireless telegraphy is authorised under a licence condition permitting—
- (a) effective radiated power of transmission greater than 5 Watts where antenna height is greater than 10 metres;
 - (b) effective radiated power of transmission less than or equal to 5 Watts where antenna height is greater than 30 metres; or
 - (c) transmission within a circular area which has a radius greater than 15 kilometres but less than or equal to 30 kilometres;”;
- (d) after the definition of “licensee” insert the following definitions—
- ““low population area” means such part of the British Islands being an area listed in Schedule 9 and identified by reference to a grid square of the 2nd series of Landranger maps published by the Ordnance Survey which is considered by OFCOM to have a low proportion of the population;
- “low usage bands” mean the 133 kHz – 147 kHz band, the 26.225 MHz band, the 49.49375 MHz band, VHF Band I and VHF Low Band;
- “medium coverage area” means an area within which wireless telegraphy is authorised under a licence condition permitting—
- (a) effective radiated power of transmission less than or equal to 5 Watts where antenna height is greater than 10 metres and less than or equal to 30 metres;
 - (b) effective radiated power of transmission greater than 5 Watts where antenna height is less than or equal to 10 metres; or
 - (c) transmission within a circular area which has a radius greater than 3 kilometres but less than or equal to 15 kilometres;
- “medium population area” means such part of the British Islands being an area listed in Schedule 9 and identified by reference to a grid square of the 2nd series of Landranger maps published by the Ordnance Survey which is considered by OFCOM to have a medium proportion of the population;
- “medium usage bands” mean VHF Band III and the VHF Mid Band;”;
- (e) after the definition of “prescribed time” insert the following definition—
- ““shared basis” means authorised use of a channel which is shared with another licensee;”
- (f) after the definition of “slot” insert the following definition—
- ““small coverage area” means an area within which wireless telegraphy is authorised under a licence condition permitting—
- (a) effective radiated power of transmissions less than or equal to 5 Watts where antenna height is less than or equal to 10 metres; or
 - (b) transmission within a circular area which is less than or equal to 3 kilometres;”;
- and
- (g) after the definition of “UHF Band II” insert the following definitions—
- ““VHF Band I” means that part of the radio frequency spectrum between 55.75 MHz and 68.0 MHz;
- “VHF Band III” means that part of the radio frequency spectrum between 177.20625 MHz and 207.49375 MHz;”.

Amendment of Schedule 2

4.—(1) Schedule 2 (licence charges and payment intervals) shall be amended in accordance with the following paragraphs of this regulation.

(2) Under the heading “Business Radio”—

- (a) in relation to the licence class “Business Radio (Standard)” omit all of the entries in Columns 1 to 4;
- (b) after the licence class “Business Radio (Remote Meter Reading Operator)” insert the following entries—

“Business Radio (Simple UK)	£75		60 months
Business Radio (Suppliers Light)	£75		60 months
Business Radio (Simple Site)	£75		60 months
Business Radio (Area Defined)		For each authorisation under a licence of use of a 6.25 kHz channel for one of the areas set out in Column 1 of Schedule 10 in a high usage band, medium usage band or low usage band, the appropriate sum payable for that area and for that band which is indicated in Column 2, 3, or 4 of Schedule 10, provided that where the total sum payable in respect of a licence is less than £75 then the sum payable is £75.	12 months
Business Radio (Technically Assigned)		For each authorisation under a licence of use of a 6.25 kHz channel in a high usage band, medium usage band or low usage band the appropriate sum payable is that determined in accordance with Parts 1 to 3 of Schedule 11, provided that where the total sum payable in respect of a licence is less than £75 then the sum payable is £75.	12 months
		For each authorisation under a licence of use of a 6.25 kHz channel for only 250 milliseconds in each two seconds or for only 500 milliseconds in each four seconds for each base station in a high usage band, medium usage band or low usage band the appropriate sum payable is one eighth of the sum determined in accordance with Parts 1 to 3 of Schedule 11, provided that where the total sum payable in respect of a licence is less than £75 then the sum payable is £75.”	

(3) In this regulation—

- (a) the column headed “Class of licence” in Schedule 2 to the principal Regulations shall be designated as “Column 1”;
- (b) the column headed “Fixed sums” in Schedule 2 to the principal Regulations shall be designated as “Column 2”;
- (c) the column headed “Variable sums” in Schedule 2 to the principal Regulations shall be designated as “Column 3”;
- (d) the column headed “Prescribed payment interval” in Schedule 2 to the principal Regulations shall be designated as “Column 4”;
- (e) where the amendments to Schedule 2 to the principal Regulations prescribed in paragraph (2) of this regulation are set out within a four column grid, the four columns of that grid are to be inserted as Columns 1 to 4 of that Schedule.

Insertion of Schedules 9, 10 and 11

5. After Schedule 8, insert the following—

“

SCHEDULE 9

Regulation 3(1)

HIGH POPULATION AREA, MEDIUM POPULATION AREA AND LOW POPULATION AREA

<i>National Grid References</i>				
<i>High population area</i>	TQ 000 500			
<i>Medium population areas</i>	NJ 500 000	SJ 000 500	SP 500 000	TA 000 000
	NO 000 000	SJ 500 500	SS 500 500	TF 000 000
	NS 000 500	SJ 500 000	ST 000 500	TG 000 000
	NS 500 500	SK 000 500	ST 500 500	TL 500 500
	NT 000 500	SK 500 500	ST 000 000	TL 000 000
	NW 000 000	SK 000 000	SU 000 500	TL 500 000
	NZ 000 500	SK 500 000	SU 500 500	TM 000 000
	NZ 000 000	SO 500 500	SU 000 000	TQ 500 500
	SD 000 000	SO 500 000	SU 500 000	TQ 000 000
	SD 500 000	SP 000 500	SX 000 500	TQ 500 000
	SE 000 000	SP 500 500	SX 500 500	TR 000 500
	SE 500 000	SP 000 000	SZ 000 500	
<i>Low population areas</i>	All National Grid References for 50 kilometre x 50 kilometre areas other than those listed in this Schedule.			

SCHEDULE 10

Schedule 2

**CHARGES FOR THE BUSINESS RADIO (AREA DEFINED)
LICENCE CLASS FOR EACH 6.25 kHz CHANNEL**

Column 1 Area	Column 2 Charge for high usage band	Column 3 Charge for medium usage band	Column 4 Charge for low usage band
<i>UK</i>	£2,475	£2062.50	£825
<i>England</i>	£2,068.75	£1723.75	£689.50
<i>Wales</i>	£122.50	£102.50	£40.75
<i>Scotland</i>	£213.75	£177.50	£71.25
<i>Northern Ireland</i>	£70	£58.75	£23.25
<i>High population area</i>	£296.25	£247.50	£98.75
<i>Medium population area</i>	£37.50	£31.25	£12.50
<i>Low population area</i>	£3.50	£3	£1.25

**CHARGES FOR THE BUSINESS RADIO (TECHNICALLY
ASSIGNED) LICENCE CLASS**

PART 1

**CHARGES FOR EACH 6.25 kHz CHANNEL AUTHORISED IN A HIGH USAGE
BAND**

	Small Coverage Area		Medium Coverage Area		Large Coverage Area	
	Exclusive basis	Shared basis	Exclusive basis	Shared basis	Exclusive basis	Shared basis
<i>High population area</i>	£50	£25	£185	£92.50	£370	£185
<i>Medium population area</i>	£25	£18.75	£50	£25	£75	£37.50
<i>Low population area</i>	£18.75	£18.75	£23.75	£18.75	£27.50	£18.75

PART 2

**CHARGES FOR EACH 6.25 kHz CHANNEL AUTHORISED IN A MEDIUM
USAGE BAND**

	Small Coverage Area		Medium Coverage Area		Large Coverage Area	
	<i>Exclusive basis</i>	<i>Shared basis</i>	<i>Exclusive basis</i>	<i>Shared basis</i>	<i>Exclusive basis</i>	<i>Shared basis</i>
<i>High population area</i>	£25	£18.75	£92.50	£46.25	£185	£92.50
<i>Medium population area</i>	£21.25	£18.75	£42.50	£21.25	£62.50	£31.25
<i>Low population area</i>	£18.75	£18.75	£20	£18.75	£22.50	£18.75

PART 3

**CHARGES FOR EACH 6.25 kHz CHANNEL AUTHORISED IN A LOW USAGE
BAND**

<i>Assignment type</i>	Small Coverage Area		Medium Coverage Area		Large Coverage Area	
	<i>Exclusive</i>	<i>Shared</i>	<i>Exclusive</i>	<i>Shared basis</i>	<i>Exclusive</i>	<i>Shared</i>

<i>type</i>	<i>basis</i>	<i>basis</i>	<i>basis</i>		<i>basis</i>	<i>basis</i>
<i>High population area</i>	£18.75	£18.75	£18.75	£18.75	£18.75	£18.75
<i>Medium population area</i>	£18.75	£18.75	£18.75	£18.75	£18.75	£18.75
<i>Low population area</i>	£18.75	£18.75	£18.75	£18.75	£18.75	£18.75".

5th August 2008

Philip Rutnam
Partner, Spectrum Policy
For and by the authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Licence Charges) Regulations 2005 (S.I. 2005/1378 as amended by S.I. 2006/2894, S.I. 2007/2326 and S.I. 2008/139) (the “principal Regulations”).

The Regulations introduce charges for five new classes of wireless telegraphy licence. These are the Business Radio (Simple UK) class, Business Radio (Suppliers Light) class, the Business Radio (Simple Site) class, the Business Radio (Area Defined) class and the Business Area (Technically Assigned) class. The Regulations also remove from the principal Regulations the Business Radio (Standard) class.

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

STATUTORY INSTRUMENTS

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2) Regulations 2008

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