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STATUTORY INSTRUMENTS

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**2008 No. 3190**

**The Wireless Telegraphy (Licence Award) (Cardiff) Regulations 2008**

**PART 1**

**INTRODUCTORY**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Licence Award) (Cardiff) Regulations 2008 and shall come into force on 5th January 2009.

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

**Interpretation**

2. In these Regulations—

“applicant” means a body corporate making an application for the licence;

“associate” means, in relation to an applicant or a bidder, a person who has a material interest in that applicant or bidder;

“auction stage” has the meaning given in regulation 15(1);

“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;

“bid form” has the meaning given in regulation 16(1);

“bid total” has the meaning given in regulation 18(1);

“bidder” means an applicant which has qualified to bid in the award process and which has not withdrawn from the award process on or before the last day for withdrawal;

“bidder group” means, in relation to an applicant or bidder—

- (a) that applicant or bidder;
- (b) each associate of that applicant or bidder; and
- (c) each person in respect of whom the applicant or bidder has delivered to OFCOM a completed document in the form set out in Schedule 2;

“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 decisions that such other applicant (or potential applicant) or bidder may make in relation to the award process;

“electronic auction system” means the system established by OFCOM for bidders to participate in the award process;

“final round” shall be construed in accordance with regulation 18(3)(a);

“initial deposit” shall be construed in accordance with regulation 4(3)(b);

“last day for withdrawal” has the meaning given in regulation 9(1);

“licence” means the wireless telegraphy licence to be granted pursuant to these Regulations to establish or use a wireless telegraphy station or install or use wireless telegraphy apparatus at the site in Wenvoe, Cardiff which has the Ordnance Survey national grid reference ST110742 at the frequencies 742 to 750 megahertz for a period specified in the licence and, after that period, at the frequencies 542 to 550 megahertz.

“material interest” means, whether held directly or indirectly—

- (a) any interest (construed in accordance with sections 820 to 825 of the Companies Act 2006(1)) in—
  - (i) any share which carries, or any shares which together carry, more than twenty five per cent. of the votes entitled to be cast at a general meeting of the applicant or bidder; or
  - (ii) any share or shares in the case of which the consent of the holder of that share or those shares is required for the conduct of any business of the applicant or bidder; or
- (b) the right to appoint or remove a majority of the applicant’s or bidder’s board of directors;

“OFCOM” means the Office of Communications;

“OFCOM’s bank account” means the bank account nominated by OFCOM for the purposes of the award process, details of which are published on their internet website;

“pounds” means pounds sterling;

“round extension” has the meaning given in regulation 23(2);

“round price” shall be construed in accordance with regulation 20;

“valid bid” has the meaning given in regulation 22(1); and

“winning bid” shall be construed in accordance with regulation 30.