

---

STATUTORY INSTRUMENTS

---

**2008 No. 686**

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

**PART 1**

**INTRODUCTORY**

**Interpretation**

**2. In these Regulations—**

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

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

“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;

“the auction stage” has the meaning given in regulation 14(1);

“auction stage bid” means a primary bid or supplementary bid;

“bidder” means an applicant which has qualified to bid in the award process and which has not withdrawn from the award process on or before the last day for withdrawal;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

“compatible combination of bids” means any combination of valid auction stage bids—

- (a) where the combination includes at most one bid from each bidder;
- (b) where each lot is selected in no more than one bid; and
- (c) where any two bids within the combination have different choices of licence condition, the frequencies which are comprised within at least two lots which are not selected in any bid within the combination separate the lots selected in these two bids where the different licence conditions have been chosen;

“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;

“deadline”, in relation to any requirement imposed on any person by or under these Regulations, means (as the case may require)—

- (a) the time,
- (b) the date, or

- (c) the date, and the time on that date,
- by which that requirement must be fulfilled by that person;
- “electronic auction system” means the system established by OFCOM for bidders to participate in the award process;
- “end of round time” has the meaning given in regulation 27(2);
- “high power licence condition” means the licence condition which does not limit the maximum power of transmitters but limits the density of their deployment within a geographical area;
- “initial deposit” shall be construed in accordance with regulation 4(3)(b);
- “the last day for withdrawal” has the meaning given in regulation 9(1);
- “licence” means a 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 in the United Kingdom at frequencies to be determined in accordance with the procedure set out in Part 4 or Part 5 of these Regulations;
- “licence condition” means either the “high power licence condition” or the “low power licence condition”;
- “lot” means a range of frequencies as set out in regulation 14(4);
- “lot selection menu” shall be construed in accordance with regulation 11(1);
- “low power licence condition” means the licence condition which limits the maximum power of transmitters but does not limit the density of their deployment within a geographical area;
- “MHz” means 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’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;
- “primary bid” has the meaning given in regulation 15(1);
- “primary bid form” has the meaning given in regulation 15(3);
- “round price” means the price per lot determined in accordance with regulation 19;
- “supplementary bid” has the meaning given in regulation 17(1);
- “supplementary bids form” has the meaning given in regulation 17(3);
- “valid primary bid” has the meaning given in regulation 24(1);
- “valid auction stage bid” means a valid primary bid or a valid supplementary bid;
- “valid supplementary bid” has the meaning given in regulation 25(1);
- “winning auction stage bid” shall be construed in accordance with regulation 41(1);

“winning bidder” means a bidder who submitted a winning auction stage bid;

“winning combination of auction stage bids” shall be construed in accordance with regulation 41(2); and

“winning price” has the meaning given in regulation 43.