

2016 No. 643

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Licence Charges) (Amendment)
Regulations 2016**

Made - - - - 13th June 2016

Coming into force - - 27th June 2016

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

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 and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2016 and shall come into force on 27th June 2016.

Amendment of the Wireless Telegraphy (Licence Charges) Regulations 2011

2. The Wireless Telegraphy (Licence Charges) Regulations 2011(c) (“the principal Regulations”) shall be amended in accordance with the following provisions of these Regulations.

Amendment of Regulation 4

3.—(1) Regulation 4 of the principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (6)—

- (a) in sub-paragraph (a) for “in respect of a licence under paragraph (1)” substitute “in respect of a licence under paragraph (1) or regulation 7(1)”; and
- (b) in sub-paragraph (b)(iv) omit “or”;
- (c) in sub-paragraph (b)(v) after “Schedule 2;” insert “or”; and
- (d) after sub-paragraph (b)(v) insert—

(a) 2006 c.36

(b) Sections 12, 13(2) and 122(7) were extended to the Bailiwick of Guernsey by article 2 of the Wireless Telegraphy (Guernsey) Order 2006 (S.I. 2006/3325); to the Bailiwick of Jersey by article 2 of the Wireless Telegraphy (Jersey) Order 2006 (S.I. 2006/3324); and to the Isle of Man by article 2 of the Wireless Telegraphy (Isle of Man) Order 2007 (S.I. 2007/278).

(c) S.I. 2011/1128 as amended by S.I. 2012/1075, S.I. 2013/917, S.I. 2014/1295, S.I. 2015/1334 and S.I. 2015/1995.

“(vi) the class “Spectrum Access 28GHz” under regulation 7(1)”.

(3) In paragraph (7)—

- (a) in sub-paragraph (a) for “prescribed sums are payable by that licensee under paragraph (1)” substitute “prescribed sums are payable by that licensee under paragraph (1) or regulation 7(1)”; and
- (b) in sub-paragraph (b) for “at the same prescribed time in accordance with paragraph (1)” substitute “at the same prescribed time in accordance with paragraph (1) or regulation 7(1)”.

Amendment of Schedule 2

4.—(1) Schedule 2 to the principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) Under the heading “**Aeronautical**”—

- (a) in relation to the licence class “Aeronautical Station (Aeronautical Broadcast)”—
 - (i) for “exceeds £2000, the sum payable is £2000” substitute “exceeds £3300, the sum payable is £3300”; and
 - (ii) for “exceeds £6000, the sum payable is £6000” substitute “exceeds £9900, the sum payable is £9900”.
- (b) in relation to the licence class “Aeronautical Station (Aircraft Communications Addressing and Reporting System)”—
 - (i) for “exceeds £2000, the sum payable is £2000” substitute “exceeds £3300, the sum payable is £3300”; and
 - (ii) for “exceeds £6000, the sum payable is £6000” substitute “exceeds £9900, the sum payable is £9900”.
- (c) in relation to the licence class “Aeronautical Station (Air/Ground, Aerodrome Flight Information Service and Tower)”—
 - (i) for “exceeds £600, the sum payable is £600” substitute “exceeds £3300, the sum payable is £3300”; and
 - (ii) for “exceeds £1900, the sum payable is £1900” substitute “exceeds £9900, the sum payable is £9900”.
- (d) in relation to the licence class “Aeronautical Station (Approach)”—
 - (i) for “exceeds £2000, the sum payable is £2000” substitute “exceeds £3300, the sum payable is £3300”; and
 - (ii) for “exceeds £6000, the sum payable is £6000” substitute “exceeds £9900, the sum payable is £9900”.
- (e) in relation to the licence class “Aeronautical Station (Area Control)”—
 - (i) for “exceeds £2000, the sum payable is £2000” substitute “exceeds £3300, the sum payable is £3300”; and
 - (ii) for “exceeds £6000, the sum payable is £6000” substitute “exceeds £9900, the sum payable is £9900”.
- (f) in relation to the licence class “Aeronautical Station (Very High Frequency Data Link)”—
 - (i) for “exceeds £6000, the sum payable is £6000” substitute “exceeds £9900, the sum payable is £9900”; and
 - (ii) for “exceeds £12000, the sum payable is £12000” substitute “exceeds £19800, the sum payable is £19800”.

(3) Under the heading “**Broadcasting**” in relation to the licence class “Local TV DTT Multiplex” for “£11,950” substitute “£23,900”.

(4) Under the heading “**Science and Technology**” after the entry for “High Duty Cycle Network Relay Points” add the following entry—

“Manually Configurable White Space Devices	£1500	12 months”
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(5) After the heading “**Science and Technology**” and the entries listed under that heading add the following heading and entry—

“ Spectrum Access		
Spectrum Access Offshore Mobile	£5000	60 months”

Philip Marnick

Group Director of Spectrum Policy Group

For and by the authority of the Office of Communications

13th June 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Licence Charges) Regulations 2011 (S.I. 2011/1128 as amended by S.I. 2012/1075, S.I. 2013/917, S.I. 2014/1295, S.I. 2015/1334 and S.I. 2015/1995).

These Regulations enable the annual charges payable for licences for use of frequencies in the 28 GHz spectrum band to be payable in ten equal instalments where the amount payable by a licence holder for any one or more licences held exceeds £100,000.

The Regulations also increase the charges which may be payable for licences in the Aeronautical Sector and for the Local TV DTT Multiplex licence in the Broadcasting Sector. The Regulations also add new fees for licences for Manually Configurable White Space Devices and for Spectrum Offshore licences.

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 Office of Communication’s (“OFCOM”) Library at Riverside House, 2A Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) and on OFCOM’s website at www.ofcom.org.uk. Copies of this assessment have also been placed in the library of the House of Commons.

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