

EXPLANATORY MEMORANDUM TO

THE 2010-2025 MHZ FREQUENCY BAND (MANAGEMENT) REGULATIONS 2016

2016 No. 886

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument implements in the United Kingdom the requirements of Commission Implementing Decision (EU) 2016/339 on the harmonisation of the 2010 - 2025 MHz frequency band for portable or mobile wireless video links and cordless cameras used for programme making and special events ('the Commission Decision').

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The Commission Decision took effect on 8 March 2016, and aims to harmonise the 2010 - 2025 MHz frequency band for portable or mobile wireless video links and cordless cameras used for programme making and special events.
- 4.2 The national regulatory authority with responsibility for the management of radio spectrum in the UK is the Office of Communications ("OFCOM"), established by the Office of Communications Act 2002.
- 4.3 The Wireless Telegraphy Act 2006 ("the 2006 Act") provides OFCOM with the necessary powers to give effect to the requirements of the Commission Decision in the UK through e.g. designation of the frequency bands in the UK Plan for Frequency Allocation (see section 2 of the 2006 Act). This instrument is intended to place OFCOM under a legal duty to exercise the powers under the 2006 Act in a way that fulfils the obligations of the UK under the Commission Decision.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is the whole of the United Kingdom.
- 5.2 The territorial application of this instrument is the whole of the United Kingdom.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.
- 7.2 The European Commission has issued an Implementing Decision designed to ensure harmonised conditions across the Union for the availability and efficient use of the 2010 – 2025 MHz frequency band.
- 7.3 OFCOM is already acting in accordance with the Commission Decision. However, to ensure the proper transposition of the Decision in the UK, the government considers that it should expressly provide for Ofcom to be placed under a duty to exercise their existing powers under the 2006 Act to give effect to the requirements of the Commission Decision.
- 7.4 A Transposition Note has been laid alongside the regulations and this Explanatory Memorandum.

8. Consultation outcome

- 8.1 No formal consultation was carried out as the government is obliged to implement the Commission Decision.

9. Guidance

- 9.1 Guidance has not been issued because the obligations under the instrument are placed upon OFCOM.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 OFCOM will, from time to time, review the use of the band covered by this instrument to ensure its efficient use, and will monitor and review the effectiveness of the Annexes to the Commission Decision.

13. Contact

- 13.1 Rob Griffiths at the Department for Culture, Media and Sport (Telephone: 0207 211 2867 or email: robert.griffiths@culture.gov.uk) can answer any queries regarding the instrument.