
STATUTORY INSTRUMENTS

2018 No. 1385

The Radio Spectrum (EU Exit) Regulations 2018

Citation and commencement

1. These Regulations may be cited as the Radio Spectrum (EU Exit) Regulations 2018 and come into force on exit day.

Amendment of the 5875-5905 MHz Frequency Band (Management) Regulations 2009

2.—(1) The 5875-5905 MHz Frequency Band (Management) Regulations 2009(1) are amended as follows.

(2) In regulation 3 (the 5875-5905 MHz frequency band)—

- (a) omit paragraph (1);
- (b) in paragraph (2), omit “, in particular”.

Amendment of the Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) Regulations 2010

3.—(1) The Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) Regulations 2010(2) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in the definition of “common conditions”, for “Article 7(2) of the EU Decision” substitute “regulation 4(1) and (2)”.

(3) In regulation 3 (granting of authorisations to the selected applicants)—

- (a) in paragraph (1), for “Article 3 of the Commission Decision” substitute “paragraph 2”;
- (b) in paragraph (2), omit “in Article 3 of the Commission Decision”.

(4) In regulation 4 (conditions of an authorisation), in paragraph (1), for “the common conditions” substitute “these common conditions”.

(5) In regulation 5(2) (monitoring, reporting and information requirements), after subparagraph (b)—

- (a) for “OFCOM shall provide the European Commission”, substitute “OFCOM may provide the European Commission”;
- (b) omit “within 12 months of such contravention or action”.

(6) In regulation 5A (enforcement of the common conditions: notification)—

- (a) for paragraph (3) substitute—

“(3) OFCOM may notify the European Commission of a notification made under paragraph (2).”;
- (b) omit paragraph (5).

(1) *S.I. 2009/11*. These Regulations, which were made under section 2(2) of the European Communities Act 1972 (c.68), continue to have effect on and after exit day by virtue of section 2(1) of the Act.

(2) *S.I. 2010/672*; amended by *S.I. 2013/174*. These Regulations, which were made under section 2(2) of the European Communities Act 1972 (c.68), continue to have effect on and after exit day by virtue of section 2(1) of the Act.

- (7) In regulation 5B (enforcement of the common conditions: penalties)—
- (a) in paragraph (1), omit “Following the completion of the procedure set out in Article 3(2) and (3) of the 2011 Commission Decision,”;
 - (b) in paragraph (2)—
 - (i) after sub-paragraph (a), insert “and”;
 - (ii) in sub-paragraph (b), for “decision; and” substitute “decision.”;
 - (iii) omit sub-paragraph (c).
 - (c) after paragraph (2), insert a new paragraph—

“(2A) OFCOM may notify the European Commission of a notification made under paragraph (2).”.
- (8) In regulation 5C (enforcement of the common conditions: revocation of authorisation)—
- (a) in paragraph (1) omit, “Subject to paragraphs (2) and (3)”;
 - (b) in paragraph (2), for “they must” substitute “they may”;
 - (c) omit paragraph (3);
 - (d) in paragraph (4)—
 - (i) after sub-paragraph (a), insert “and”;
 - (ii) in sub-paragraph (b), for “authorisation; and” substitute “authorisation.”;
 - (iii) omit sub-paragraph (c).
 - (e) after paragraph (4), insert a new paragraph (5)—

“(5) OFCOM may notify the European Commission of a notification made under paragraph (4).”.
- (9) Omit regulation 5D (enforcement of the common conditions; notification by another member state).
- (10) In regulation 13 (complementary ground components)—
- (a) omit paragraph (1);
 - (b) in paragraph (2)—
 - (i) omit “in particular”;
 - (ii) for “that Act” substitute “the Wireless Telegraphy Act 2006”;
 - (iii) for “Article 8(3) of the EU Decision” substitute “paragraph (4)”;
 - (iv) after paragraph (3), insert a new paragraph—

“(4) In this regulation “common conditions” means—

 - (a) selected applicants must use the assigned radio spectrum for the provision of complementary ground components of mobile satellite systems;
 - (b) complementary ground components must constitute an integral part of a mobile satellite system and must be controlled by the satellite resource and network management mechanism; they must use the same direction of transmission and the same portions of frequency bands as the associated satellite components and must not increase the spectrum requirement of the associated mobile satellite system;
 - (c) independent operation of complementary ground components in case of failure of the satellite component of the associate mobile satellite system must not exceed 18 months;

- (d) rights of use and authorisations must be granted for a period of time ending no later than the expiry of the authorisation of the associated mobile satellite system.”.

(11) In regulation 14 (review of the regulations), omit paragraph (2).

Amendment of the Wireless Telegraphy Act 2006 (Directions to OFCOM) Order 2010

4.—(1) The Wireless Telegraphy Act 2006 (Directions to OFCOM) Order 2010(3) is amended as follows.

(2) For Article 2 (purpose of directions) substitute—

“2. The Secretary of State gives these directions for the purposes of: ensuring the release of additional electromagnetic spectrum for use by providers of next generation wireless mobile broadband; allowing early deployment and maximising the coverage of those services and creating greater investment certainty for operators.”.

(3) In Article 3 (interpretation), omit the definition of “the Directive”.

Amendment of the 823-832 MHz and 1785-1805 MHz etc Frequency Bands (Management) Regulations 2015

5.—(1) The 823-832 MHz and 1785-1805 MHz etc Frequency Bands (Management) Regulations 2015(4) are amended as follows.

(2) In regulation 3 (designation of Spectrum for Wireless Audio PMSE Equipment)—

(a) omit paragraph (1);

(b) in paragraph (2), omit “, in particular”.

Amendment of the 1452-1492 MHz and 3400-3800 MHz Frequency Bands (Management) Regulations 2016

6.—(1) The 1452-1492 MHz and 3400-3800 MHz Frequency Bands (Management) Regulations 2016(5) are amended as follows.

(2) In regulation 4 (designation of the 1452-1492 MHz frequency band)—

(a) omit paragraph (1);

(b) in paragraph (2), omit “, in particular”.

(3) In regulation 5 (designation of the 3400-3800 MHz frequency band)—

(a) omit paragraph (1);

(b) in paragraph (2), omit “In particular,”.

Amendment of the 2010-2025 MHz Frequency Band (Management) Regulations 2016

7.—(1) The 2010-2025 MHz Frequency Band (Management) Regulations 2016(6) are amended as follows.

-
- (3) [S.I. 2010/3024](#). This Order, which implemented [Directive 2009/114/EC](#) of the European Parliament and of the Council and Commission [Decision 2009/766/EC](#), continues to have effect on and after exit day by virtue of section 2(1) of the Act.
 - (4) [S.I. 2015/1658](#). These Regulations, which were made under section 2(2) of the European Communities Act 1972 (c.68), continue to have effect on and after exit day by virtue of section 2(1) of the Act.
 - (5) [S.I. 2016/495](#). These Regulations, which were made under section 2(2) of the European Communities Act 1972 (c.68), continue to have effect on and after exit day by virtue of section 2(1) of the Act.
 - (6) [S.I. 2016/886](#). These Regulations, which were made under section 2(2) of the European Communities Act 1972 (c.68), continue to have effect on and after exit day by virtue of section 2(1) of the Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) In regulation 2 (designation of the 2010-2025 MHz frequency band), omit paragraph (2).

Revocation of EU decisions and EU tertiary legislation

8. The EU decisions and EU tertiary legislation listed in, respectively, Schedule 1 and Schedule 2 are revoked.

Margot James
Minister for Digital and the Creative Industries
Department for Digital, Culture, Media and
Sport

17th December 2018