
STATUTORY INSTRUMENTS

2020 No. 1199

The Wireless Telegraphy (Licence Award) Regulations 2020

PART 9

Grant Stage

CHAPTER 1

Licences available, the determination of licence fees and the particular frequencies

Interpretation

107. In these Regulations—

- (a) a “3.6 GHz licence” is a licence that authorises the use of particular frequencies corresponding to a block of such number of 3.6 GHz lots as that bidder has been assigned in accordance with these Regulations; and
- (b) a “700 MHz licence” is a licence that authorises the use of particular frequencies corresponding to a block or pair of blocks (as the case may be) of such number of 700 MHz individual frequency lots and such number of 700 MHz paired frequency lots as that bidder has been assigned in accordance with these Regulations.

Determination of licences, licence fees and frequencies associated with particular licences

108. After notification of the results of the assignment stage under regulation 106 OFCOM shall determine—

- (a) the licences which may be granted; and
- (b) for each licence—
 - (i) the licence fee payable to OFCOM; and
 - (ii) the particular frequencies.

Licences which may be granted under this award process

109. The licences which may be granted to a bidder under this award process are—

- (a) for a bidder which won 3.6 GHz lots, a 3.6 GHz licence;
- (b) for a bidder which won—
 - (i) 700 MHz individual frequency lots;
 - (ii) 700 MHz paired frequency lots; or
 - (iii) both 700 MHz individual frequency lots and 700 MHz paired frequency lots, a 700 MHz licence.

Licence fee payable by a winning bidder for a 3.6 GHz licence

110. The licence fee payable by a winning bidder for a 3.6 GHz licence shall be an amount equal to the sum of—

- (a) that bidder’s total 3.6 GHz base price; and
- (b) that bidder’s 3.6 GHz lot additional price (if any).

Licence fee payable by a winning bidder for a 700 MHz licence

111. The licence fee payable by a winning bidder for a 700 MHz licence shall be an amount equal to the sum of—

- (a) that bidder’s total 700 MHz individual frequency lot base price;
- (b) that bidder’s total 700 MHz paired frequency lot base price;
- (c) that bidder’s 700 MHz individual frequency lot additional price (if any); and
- (d) that bidder’s 700 MHz paired frequency lot additional price (if any).

Particular frequencies to be included in 3.6 GHz licence granted to a winning bidder

112.—(1) Where a winning bidder won 3.6 GHz lots in accordance with regulation 97 or 98 the 3.6 GHz licence granted to that bidder shall authorise the use of the frequencies corresponding to the particular numbered 3.6 GHz lots for which the bidder made the winning 3.6 GHz assignment stage bid.

(2) Where a winning bidder was assigned 3.6 GHz lots in accordance with regulation 96 the 3.6 GHz licence granted to that bidder shall authorise the use of the frequencies corresponding to the particular numbered 3.6 GHz lots assigned in accordance with the valid full adjacency agreement.

Particular frequencies to be included in 700 MHz lot licence granted to a winning bidder

113. Where a winning bidder won 700 MHz individual frequency lots or 700 MHz paired frequency lots, any 700 MHz licence granted to that bidder shall authorise—

- (a) where that bidder made a winning 700 MHz individual frequency lot assignment stage bid, the frequencies corresponding to the 700 MHz individual frequency lot assignment stage option for which the bidder made that winning bid; and
- (b) where that bidder made a winning 700 MHz paired frequency lot assignment stage bid, the frequencies corresponding to the 700 MHz paired frequency lot assignment stage option for which the bidder made that winning bid.

CHAPTER 2

Total auction sum

Determination of the total auction sum payable by winning bidders to OFCOM

114.—(1) OFCOM shall determine the total auction sum payable by each winning bidder in accordance with paragraph (2).

(2) The total auction sum payable by a winning bidder shall be the sum of—

- (a) for that winning bidder’s 3.6 GHz licence (if any), the licence fee determined in accordance with regulation 110; and
- (b) for that winning bidder’s 700 MHz licence (if any), the licence fee determined in accordance with regulation 111.

Notification of the total auction sum payable by winning bidders to OFCOM

115. Following the determination of the total auction sum payable by each winning bidder to OFCOM, OFCOM shall notify each winning bidder of the total auction sum payable by that winning bidder to OFCOM.

Further payment where the amount of a winning bidder's deposit is less than its total auction sum

116. Where, after the notification given in accordance with regulation 115, the total amount that a winning bidder has on deposit is an amount that is less than the total auction sum payable by that bidder to OFCOM, the bidder must, by a deadline specified by OFCOM, pay into OFCOM's bank account, with accompanying information which identifies the bidder, the sum in pounds which is the difference between such amount and the amount the bidder has on deposit.

CHAPTER 3

Grant of licences

Entitlement to the grant of licences

117.—(1) Where, following the passing of the deadline under regulation 116, the total amount that a winning bidder has on deposit is an amount that is equal to or more than the total auction sum payable by that bidder to OFCOM, OFCOM shall grant to that bidder the relevant licences referred to in regulation 118.

(2) Where, following the passing of the deadline under regulation 116, the amount of the deposit of a winning bidder remains less than the total auction sum payable by that bidder to OFCOM, that bidder—

- (a) shall not be entitled to the grant of any licences under these Regulations and shall not receive a refund of any sum which the bidder has paid as a deposit under these Regulations which shall (where not already forfeited) be forfeited, together with any interest which has accrued on that deposit; and
- (b) shall remain liable to pay the amount which is the difference (if any) between—
 - (i) the amount which is the total auction sum payable by that bidder to OFCOM; and
 - (ii) the amount the bidder has on deposit.

Grant of licences

118. The licences referred to in regulation 117(1) are—

- (a) in respect of a winning bidder of 3.6 GHz lots, a 3.6 GHz licence which authorises the use of the frequencies determined in accordance with regulation 112; and
- (b) in respect of a winning bidder of—
 - (i) 700 MHz individual frequency lots,
 - (ii) 700 MHz paired frequency lots; or
 - (iii) both 700 MHz individual frequency lots and 700 MHz paired frequency lots,

a 700 MHz licence which authorises the use of the frequencies determined in accordance with regulation 113.

CHAPTER 4

Completion of the award process

Refunds

119. Where, following the grant of licences, the total amount a bidder has on deposit at that time is an amount that is greater than the total auction sum payable by that bidder to OFCOM, OFCOM shall refund to that bidder a sum in pounds which is the difference between—

- (a) the amount which is the total auction sum payable by that bidder to OFCOM (if any); and
- (b) the amount the bidder has on deposit.

Notification to bidders following the grant of licences

120. Following the grant of licences and the refund (if any) of deposits, OFCOM shall notify each winning bidder of the names of all of the persons to whom licences were granted, and, in relation to each of them—

- (a) the frequencies in respect of which the licences were granted; and
- (b) the licence fees paid, indicating the total base prices and the additional prices.

Completion of the award process

121. OFCOM shall complete the award process by publishing on OFCOM's website—

- (a) the names of the winning bidders to whom licences were granted, and, in relation to each of them—
 - (i) the frequencies in respect of which the licences were granted; and
 - (ii) the licence fees paid;
- (b) the names of any winning bidders who, following the passing of the deadline under regulation 116, had an amount on deposit which is less than the total auction sum payable by them to OFCOM, and, in relation to each of them—
 - (i) the frequencies in respect of which, if they held on deposit an amount equal to the total auction sum, licences would have been granted; and
 - (ii) the total auction sum payable to OFCOM;
- (c) details of all valid principal stage bids and occurrences of an eligibility event in respect of each bidder;
- (d) details of all valid assignment stage bids for 700 MHz individual frequency lots and 700 MHz paired frequency lots; and
- (e) details of the essential aspects of any valid full adjacency agreement or any valid partial adjacency agreement.