

2011 No. 2757

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Limitation of Number of Grants of
Recognised Spectrum Access for Satellite Receive-
Only Earth Stations) Order 2011**

Made - - - - *17th November 2011*

Coming into force - - *12th December 2011*

The Office of Communications (“OFCOM”) make the following Order in exercise of the powers conferred by section 29(1) to (3) of the Wireless Telegraphy Act 2006(a) (the “Act”).

Before making the Order 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.—(1) This Order may be cited as the Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Order 2011 and shall come into force on 12th December 2011.

(2) This Order shall not extend to the Channel Islands or to the Isle of Man.

Interpretation

2.—(1) In this Order—

- (a) “fixed satellite service” means a radio communications service between satellites in space and fixed wireless telegraphy stations on the ground; and
- (b) “meteorological satellite service” means a radio communications service between satellites in space and fixed wireless telegraphy stations on the ground used for meteorological purposes.

Limitation of grants

3.—(1) OFCOM will make a limited number of grants of recognised spectrum access for use of the frequency bands listed in the Schedules.

(2) In determining the limit on the number of grants of recognised spectrum access and the persons to whom they may be made OFCOM shall apply the criteria set out in paragraph (3).

(3) The criteria are that grants shall only be made to a user of a wireless telegraphy station or wireless telegraphy apparatus where—

- (a) the wireless telegraphy station or wireless telegraphy apparatus is inherently incapable of transmission;
- (b) the wireless telegraphy station or wireless telegraphy apparatus operates—
 - (i) within the frequency band listed in Schedule 1 to provide a fixed satellite service; or
 - (ii) within either of the frequency bands listed in Schedule 2 to provide a meteorological satellite service; and
- (c) the number of grants made is the number which is most likely to secure optimal use of the electromagnetic spectrum and promote competition in electronic communication services having regard to the matters set out in section 3(1) and (2) of the Wireless Telegraphy Act 2006.

Hyacinth S. Nwana

Group Director, Spectrum Policy Group of the Office of Communications

For and by authority of the Office of Communications

17th November 2011

SCHEDULE 1

Article 2

Frequency bands for fixed satellite services

Frequency band

3600–4200 Megahertz

SCHEDULE 2

Article 2

Frequency bands for meteorological satellite services

Frequency bands

1690–1710 Megahertz

7750–7850 Megahertz

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the frequencies for which the Office of Communications (“OFCOM”) will grant recognised spectrum access.

Article 2(1) provides that a limited number of grants of recognised spectrum access will be available in the frequency bands listed in the Schedules. Article 2(3) sets out the criteria OFCOM shall apply in determining the limit on the number of grants.

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 OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on the OFCOM website at www.ofcom.org.uk. Copies of the report have also been placed in the libraries of both Houses of Parliament.

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STATUTORY INSTRUMENTS

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