

**2011 No. 2762**

**ELECTRONIC COMMUNICATIONS**

**The Wireless Telegraphy (Recognised Spectrum Access Charges) (Amendment) Regulations 2011**

*Made* - - - - - *17th November 2011*

*Coming into force* - - - - - *12th December 2011*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by sections 21, 22(2) and 22(3) of the Wireless Telegraphy Act 2006(a) (the “Act”).

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 that notice in accordance with section 122(4)(c) of the Act.

**Citation and commencement**

1. These Regulations may be cited as the Wireless Telegraphy (Recognised Spectrum Access Charges) (Amendment) Regulations 2011 and shall come into force on 12th December 2011.

**Amendment of the Wireless Telegraphy (Recognised Spectrum Access Charges) Regulations 2007**

2.—(1) In the Wireless Telegraphy (Recognised Spectrum Access Charges) Regulations 2007(b) (the “Principal Regulations”), after regulation 7, insert the following regulation 8—

**“Charges for grants in respect of Part 5 frequency bands**

8. In the case of a grant of recognised spectrum access in respect of the use of a frequency band specified in Part 5 of Schedule 1, the sum payable shall be the higher of—

- (a) £500; and
- (b) the sum calculated by—
  - (i) in the case of a grant of recognised spectrum access in respect of the frequency band 1690–1710 MHz, multiplying the relevant sum in pounds sterling set out in Table 1 of Schedule 2 (as determined on the basis of the recognised interference level specified in that grant) by each whole MHz of radio frequency which is recognised in that grant;

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(a) 2006 c.36  
(b) S.I. 2007/392

- (ii) in the case of a grant of recognised spectrum access in respect of the frequency band 3600–4200 MHz, multiplying the relevant sum in pounds sterling set out in Table 2 of Schedule 2 (as determined on the basis of the recognised interference level specified in that grant) by each whole MHz of radio frequency which is recognised in that grant; and
- (iii) in the case of a grant of recognised spectrum access in respect of the use of the frequency band 7750–7850 MHz, multiplying the relevant sum in pounds sterling set out in Table 3 of Schedule 2 (as determined on the basis of the recognised interference level specified in that grant) by each whole MHz of radio frequency which is recognised in that grant.”

(2) In the Schedule to the Principal Regulations, substitute “Regulations 4 to 8” for the reference to “Regulations 4 to 7”.

(3) In the Schedule to the Principal Regulations, after “Part 4”, insert the following Part 5—

**“Part 5**

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1690–1710MHz  
3600–4200 MHz  
7750–7850 MHz”

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(4) After the Schedule to the Principal Regulations, insert the following Schedule 2—

**“SCHEDULE 2**

Regulation 8

**Table 1**

**Frequency band 1690–1710 MHz**

	<i>Recognised Interference Level</i>		
	<i>Less than –156 decibels per watt per MHz</i>	<i>–159 to –149 decibels per watt per MHz</i>	<i>–146 to –36 decibels per watt per MHz</i>
<i>Sum</i>	£63	£37	£19

**Table 2**

**Frequency band 3600–4200 MHz**

	<i>Recognised Interference Level</i>			
	<i>Less than –161 decibels per watt per MHz</i>	<i>–161 to –158 decibels per watt per MHz</i>	<i>–159 to –148 decibels per watt per MHz</i>	<i>–149 to –139 decibels per watt per MHz</i>
<i>Sum</i>	£20	£17	£9	£4

**Table 3**

**Frequency band 7750–7850 MHz**

	<i>Recognised Interference Level</i>		
	<i>Less than –156 decibels per watt per MHz</i>	<i>–156 to –145 decibels per watt per MHz</i>	<i>–146 to –136 decibels per watt per MHz</i>
<i>Sum</i>	£46	£33	£23”

(5) Amend the Principal Regulations by substituting “Schedule 1” for all the references to “the Schedule”.

(6) In the Schedule substitute “SCHEDULE 1” for “SCHEDULE”.

17th November 2011

*Hyacinth S. Nwana*  
Group Director, Spectrum Policy Group of the Office of Communications  
For and by authority of the Office of Communications

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made by the Office of Communications (“OFCOM”) under sections 21, 22(2) and 22(3) of the Wireless Telegraphy Act 2006 (c 36).

These Regulations amend the Wireless Telegraphy (Recognised Spectrum Access Charges) Regulations 2007 (S.I. 2007/392) (the “Principal Regulations”).

The Principal Regulations provide for sums to be paid to the Office of Communications (“OFCOM”) in respect of grants of recognised spectrum access.

These Regulations introduce charges for grants of recognised spectrum access which are used for satellite receive-only earth stations in certain frequency bands.

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](http://www.ofcom.org.uk). Copies of the report have also been placed in the libraries of both Houses of Parliament.

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