

2011 No. 2763

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Recognised Spectrum Access for
Satellite Receive-Only Earth Stations) 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 section 18(1)(b), section 122(7) and Schedule 2, paragraph 1 of the Wireless Telegraphy Act 2006(a) (the “Act”).

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Regulations 2011 and shall come into force on 12th December 2011.

(2) These Regulations shall not extend to the Channel Islands or the Isle of Man.

Interpretation

2.—(1) In these Regulations—

- (a) “authorised user” means a person whose use of a wireless telegraphy station or wireless telegraphy apparatus is in accordance with, or in accordance with provision made under, the Wireless Telegraphy Act 2006;
- (b) “fixed satellite service” means a radio communications service between satellites in space and fixed wireless telegraphy stations on the ground; and
- (c) “meteorological satellite service” means a radio communications service between satellites in space and fixed wireless telegraphy stations on the ground used for meteorological purposes.

Circumstances of use

3. The circumstances of the use of a wireless telegraphy station or wireless telegraphy apparatus, specified for the purpose of section 18(1)(b) of the Wireless Telegraphy Act 2006, are circumstances where the station or apparatus—

- (a) is inherently incapable of transmission; and
- (b) 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.

Time limit for dealing with grants of recognised spectrum access

4. A decision on an application for a grant of recognised spectrum access which is made to OFCOM will be made, notified to the applicant and published not more than six weeks after the day of receipt of the application by OFCOM.

Requirements that must be met for a grant of recognised spectrum access

- 5.—(1) An applicant for a grant of recognised spectrum access must—
- (a) be a person proposing to use or to continue to use a wireless telegraphy station or wireless telegraphy apparatus in the circumstances specified in regulation 3; and
 - (b) provide to OFCOM the information specified in paragraph (2).
- (2) The information to be provided is—
- (a) the name and address of the applicant;
 - (b) the frequency band in which the applicant wishes to operate a wireless telegraphy station or wireless telegraphy apparatus;
 - (c) the site at which the wireless telegraphy station or wireless telegraphy apparatus is to be located; and
 - (d) information relating to the maximum level of interference arising from other authorised users (who operate within the desired frequency band) which is compatible with the use of that site.

Restrictions and conditions to which a grant of recognised spectrum access is subject

6. A grant of recognised spectrum access may be subject to—
- (a) a condition providing for the duration of the grant;
 - (b) a restriction on the exercise by OFCOM or their power to revoke or modify the grant;
 - (c) a condition requiring payment of fees; and
 - (d) conditions describing the limits of the use of the electromagnetic spectrum which is recognised by the grant by reference to—
 - (i) the location of the wireless telegraphy station or wireless telegraphy apparatus;
 - (ii) the purpose of use of the electromagnetic spectrum;
 - (iii) the frequencies for that use; and
 - (iv) the maximum level of predicted interference arising from other authorised users (who operate within those frequencies) which is compatible with that use.

Hyacinth S. Nwana
Group Director, Spectrum Policy Group of the Office of Communications

17th November 2011 For and by authority of the Office of Communications

SCHEDULE 1

Regulation 3

Frequency band for fixed satellite service

Frequency bands

3600–4200 Megahertz

SCHEDULE 2

Regulation 3

Frequency bands for meteorological satellite service

Frequency bands

1690–1710 Megahertz

7750–7850 Megahertz

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the circumstances of use for which grants of recognised spectrum access may be made by the Office of Communications (“OFCOM”).

Regulation 3 sets out these circumstances, which are circumstances where there are wireless telegraphy stations or wireless telegraphy apparatus which are inherently incapable of transmission and which operate within certain frequency bands to provide a fixed satellite service or operate within certain other frequency bands to provide a meteorological satellite service.

Regulation 4 provides that an application must be decided within six weeks of receipt of the application. Regulation 5 sets out the requirements that must be met for the grant of recognised spectrum access and regulation 6 sets out particulars of restrictions and conditions to which a grant may be subject.

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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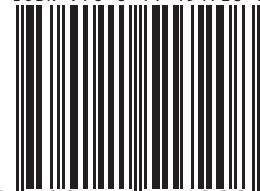
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