

2012 No. 1075

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Licence Charges) (Amendment)
Regulations 2012**

Made - - - - - *12th April 2012*

Coming into force - - - - - *3rd May 2012*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by sections 12, 13(2) and 122(7) 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 the notice in accordance with section 122(4)(c) of the Act.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2012 and shall come into force on 3rd May 2012.

Amendment of the Wireless Telegraphy (Licence Charges) Regulations 2011

2. The Wireless Telegraphy (Licence Charges) Regulations 2011(b) (“the principal Regulations”) shall be amended in accordance with the following provisions of these Regulations.

Amendment of Regulation 2

3. In regulation 2 of the principal Regulations—

(a) in paragraph (1)—

(i) in the definition of “medium usage bands” substitute “VHF Band III” for “VHF Band II”;

(ii) omit the definition of “VHF Band II”; and

(iii) after the definition of “VHF Band I” insert the following definition—

““VHF Band III” means that part of the electromagnetic spectrum between 177.20625 MHz and 207.49375 MHz;” and

(b) after paragraph (6), insert the following paragraph—

(a) 2006 c. 36.
(b) S.I. 2011/1128.

“(7) In relation to an Aeronautical Station (Aerodrome Surface and Operational Control) licence, an Aeronautical Station (Aeronautical Broadcast) licence, an Aeronautical Station (Aircraft Communications Addressing and Reporting System) licence, an Aeronautical Station (Air/Ground, Aerodrome Flight Information Service and Tower) licence, an Aeronautical Station (Approach) licence, an Aeronautical Station (Area Control) licence, an Aeronautical Station (Offshore) licence and an Aeronautical Station (Very High Frequency Data Link) licence—

- (a) “area service” means a two-way wireless telegraphy service between a ground station and an aircraft which is authorised under a licence within a designated operational coverage in which the horizontal plane is polygonal in shape;
- (b) “aeronautical broadcast service” means a one-way wireless telegraphy service from a ground station which is authorised under a licence within a designated operational coverage in which the horizontal plane is circular in shape;
- (c) “circular service” means a two-way wireless telegraphy service from a ground station and an aircraft which is authorised under a licence within a designated operational coverage in which the horizontal plane is circular in shape;
- (d) “designated operational coverage” means a three dimensional portion of airspace within which the provision of a wireless telegraphy service is authorised; and
- (e) “excluded channels” means channels 121.5 MHz, 121.6 MHz and 123.1 MHz.”.

Amendment of Regulation 4

4.—(1) Regulation 4 of the principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) Substitute paragraph (3) with the following paragraph—

“(3) Paragraph (4) shall apply also to—

- (a) a licence within the Point to Point Fixed Links licence class (which is listed under the heading “Fixed Links” in Schedule 2) where the sum otherwise payable for such licence is less than £75 per annum; and
- (b) a licence within the Aircraft licence class (which is listed under the heading “Aeronautical” in Schedule 2) where the sum otherwise payable for such licence is £75 or more for a prescribed payment interval.”.

(3) In paragraph (4)—

- (a) substitute “a period of less than the prescribed payment interval” for “a period of less than one year”; and
- (b) substitute “a proportion of the prescribed sum corresponding to one month of the prescribed payment interval” for “one-twelfth of the prescribed sum”.

Amendment of Schedule 2

5.—(1) Schedule 2 to the principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) Under the heading “**Aeronautical**”—

- (a) in relation to the licence class “Aeronautical Ground Station (Fire)”, omit all of the entries in Columns 1 to 4;
- (b) after the licence class “Aeronautical Ground Station (Offshore Platform)”, insert the following entries—

Aeronautical Station (Aerodrome Surface and Operational Control)		£116.67 for each authorisation under a licence of use of a 8.33kHz channel for a base station, provided	12 months
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		that excluded channels shall not be taken into account.	
Aeronautical Station (Aeronautical Broadcast)		<p>(a) For each authorisation under a licence of use of a 8.33kHz channel for a base station, the appropriate sum payable is that determined in accordance with Part 2 of Schedule 15, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (a)(iii) and (a)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (a)(ii) exceeds £300, the sum payable is £300; and</p> <p>(iv) where the appropriate sum arising from paragraph (a)(ii) is less than £75, the sum payable is £75.</p> <p>(b) For each authorisation under a licence of use of a 25kHz channel for a base station, the appropriate sum payable is three times that determined in accordance with Part 2 of Schedule 15, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (b)(iii) and (b)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (b)(ii) exceeds £1,000, the sum payable is £1,000; and</p> <p>(iv) where the appropriate sum arising from paragraph (b)(ii) is less than £75, the sum payable is £75.</p>	12 months

<p>Aeronautical Station (Aircraft Communications Addressing and Reporting System)</p>		<p>(a) For each authorisation under a licence of use of a 8.33kHz channel for a base station, the appropriate sum payable is that determined in accordance with Part 1 of Schedule 15, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (a)(iii) and (a)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (a)(ii) exceeds £300, the sum payable is £300; and</p> <p>(iv) where the appropriate sum arising from paragraph (a)(ii) is less than £75, the sum payable is £75.</p> <p>(b) For each authorisation under a licence of use of a 25kHz channel for a base station, the appropriate sum payable is three times that determined in accordance with Part 1 of Schedule 15, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (b)(iii) and (b)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (b)(ii) exceeds £1,000, the sum payable is £1,000; and</p> <p>(iv) where the appropriate sum arising from paragraph (b)(ii) is less than £75, the sum payable is £75.</p>	<p>12 months</p>
<p>Aeronautical Station (Air/Ground,</p>		<p>(a) For each authorisation under a licence of use of a</p>	<p>12 months</p>

<p>Aerodrome Flight Information Service and Tower)</p>		<p>8.33kHz channel for a base station, the appropriate sum payable is that determined in accordance with Part 1 of Schedule 15, where the licence is for an area service, or that determined in accordance with Part 3 of Schedule 15, where the licence is for a circular service, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (a)(iii) and (a)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (a)(ii) exceeds £100, the sum payable is £100; and</p> <p>(iv) where the appropriate sum arising from paragraph (a)(ii) is less than £75, the sum payable is £75.</p> <p>(b) For each authorisation under a licence of use of a 25kHz channel for a base station, the appropriate sum payable is three times that determined in accordance with Part 1 of Schedule 15, where the licence is for an area service, or three times that determined in accordance with Part 3 of Schedule 15, where the licence is for a circular service, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (b)(iii) and (b)(iv);</p>	
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		<p>(iii) where the appropriate sum arising from paragraph (b)(ii) exceeds £350, the sum payable is £350; and</p> <p>(iv) where the appropriate sum arising from paragraph (b)(ii) is less than £75, the sum payable is £75.</p>	
Aeronautical Station (Approach)		<p>(a) For each authorisation under a licence of use of a 8.33kHz channel for a base station, the appropriate sum payable is that determined in accordance with Part 1 of Schedule 15, where the licence is for an area service, or that determined in accordance with Part 3 of Schedule 15, where the licence is for a circular service, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (a)(iii) and (a)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (a)(ii) exceeds £300, the sum payable is £300; and</p> <p>(iv) where the appropriate sum arising from paragraph (a)(ii) is less than £75, the sum payable is £75.</p> <p>(b) For each authorisation under a licence of use of a 25kHz channel for a base station, the appropriate sum payable is three times that determined in accordance with Part 1 of Schedule 15, where the licence is for an area service, or three times that determined in accordance with Part 3 of Schedule 15, where the licence is for a circular service, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p>	12 months

		<p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (b)(iii) and (b)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (b)(ii) exceeds £1,000, the sum payable is £1,000; and</p> <p>(iv) where the appropriate sum arising from paragraph (b)(ii) is less than £75, the sum payable is £75.</p>	
Aeronautical Station (Area Control)		<p>(a) For each authorisation under a licence of use of a 8.33kHz channel for a base station, the appropriate sum payable is that determined in accordance with Part 1 of Schedule 15, where the licence is for an area service, or that determined in accordance with Part 3 of Schedule 15, where the licence is for a circular service, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (a)(iii) and (a)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (a)(ii) exceeds £300, the sum payable is £300; and</p> <p>(iv) where the appropriate sum arising from paragraph (a)(ii) is less than £75, the sum payable is £75.</p> <p>(b) For each authorisation under a licence of use of a 25kHz channel for a base station, the appropriate sum payable is three times that determined in accordance</p>	12 months

		<p>with Part 1 of Schedule 15, where the licence is for an area service, or three times that determined in accordance with Part 3 of Schedule 15, where the licence is for a circular service, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (b)(iii) and (b)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (b)(ii) exceeds £1,000, the sum payable is £1,000; and</p> <p>(iv) where the appropriate sum arising from paragraph (b)(ii) is less than £75, the sum payable is £75.</p>	
Aeronautical Station (High Frequency)	£350		12 months
Aeronautical Station (Offshore)		<p>(a) Where the licence does not authorise the use of one or more associated mobile stations, the appropriate sum payable is £116.67 for each authorisation under a licence of use of a 8.33kHz channel for a base station, provided that excluded channels shall not be taken into account.</p> <p>(b) Where the licence authorises the use of one or more associated mobile stations, the appropriate sum payable is the total of £75 plus £116.67 for each use of a 8.33kHz channel, provided that excluded channels shall not be taken into account.</p>	12 months
Aeronautical Station (Recreational Aviation)	£75		12 months
Aeronautical Station (Very High Frequency Data Link)		(a) For each authorisation under a licence of use of a 25kHz channel for a base station, the appropriate sum	12 months

		<p>payable is three times that determined in accordance with Part 1 of Schedule 15, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (a)(iii) and (a)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (a)(ii) exceeds £1,000, the sum payable is £1,000; and</p> <p>(iv) where the appropriate sum arising from paragraph (a)(ii) is less than £75, the sum payable is £75.</p> <p>(b) For each authorisation under a licence of use of a 50kHz channel for a base station, the appropriate sum payable is six times that determined in accordance with Part 1 of Schedule 15, provided that—</p> <p>(i) excluded channels shall not be taken into account;</p> <p>(ii) where the appropriate sum is not a multiple of 50, the sum payable is the amount in pounds sterling equal to the nearest lower multiple of 50 and the sum is subject to the maximum and the minimum fees set out in paragraphs (b)(iii) and (b)(iv);</p> <p>(iii) where the appropriate sum arising from paragraph (b)(ii) exceeds £2,000, the sum payable is £2,000; and</p> <p>(iv) where the appropriate sum arising from paragraph (b)(ii) is less than £75, the sum payable is £75.</p>	
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- (c) in relation to the licence class “Aircraft”, in Column 4 substitute “36 months” for “12 months” each time “12 months” appears; and
- (d) in relation to the licence class “Aircraft (Transportable)”, in Column 4 substitute “36 months” for “12 months”.

- (3) Under the heading “**Broadcasting**”—
- (a) in relation to the licence class “Broadcasting Services (Transmission of National and Regional Analogue Television Broadcasts—BBC)”, in Column 2 substitute “£44,944” for “£283,708”; and
 - (b) in relation to the licence class “Broadcasting Services (Transmission of National and Regional Analogue Television Broadcasts—Independent Television Networks)”, in Column 2 substitute “£52,791” for “£333,243”.
- (4) In this regulation—
- (a) the Column headed “Class of licence” in Schedule 2 to the principal Regulations shall be designated as “Column 1”;
 - (b) the Column headed “Fixed sums” in Schedule 2 to the principal Regulations shall be designated as “Column 2”;
 - (c) the Column headed “Variable sums” in Schedule 2 to the principal Regulations shall be designated as “Column 3”;
 - (d) the Column headed “Prescribed payment interval” in Schedule 2 to the principal Regulations shall be designated as “Column 4”; and
 - (e) where the amendments to Schedule 2 to the principal Regulations prescribed in the preceding paragraphs of this regulation are set out within a four column grid, the four columns of that grid are to be inserted as Columns 1 to 4 of that Schedule.

Amendment of Schedule 4

6. In paragraph 5 of Part 3 of Schedule 4 to the principal Regulations, in the heading of Column 4 of the table, substitute “29.4625–30GHz” for “29.4625–29.4630GHz”.

Amendment of Schedule 5

7. In the table set out in Schedule 5 to the principal Regulations, substitute “TL 000 500” for “TL 500 500” where “TL 500 500” appears.

Amendment of Schedule 9

8. In the table set out in Schedule 9 to the principal Regulations, in relation to “*Heavy congestion area*” where it appears in Column 1—

- (a) in Column 2, substitute “£75” for “£50”;
- (b) in Column 3, substitute “£75” for “£50”; and
- (c) in Column 4, substitute “£87.50” for “£50”.

Amendment of Schedule 13

9. In the table set out in Schedule 13 to the principal Regulations, in relation to “*High population area*” where it appears in Column 1—

- (a) in Column 3, substitute “£92.50” for “£67.50”; and
- (b) in Column 4, substitute “£127.50” for “£70”.

Insertion of Schedule 15

10. After Schedule 14 to the principal Regulations, insert the following—

FORMULAE FOR AERONAUTICAL STATIONS

PART 1

FORMULA FOR CALCULATING THE APPROPRIATE SUM FOR A LICENCE FOR AN AREA SERVICE

1. For an area service the appropriate sum is the amount in pounds sterling calculated in accordance with the formula set out in paragraph 2.

2. The formula is—

$$S = RR \div SA \times \pi \times \left[\left(1.23 \times \sqrt{h} \right) + r \right]^2$$

where—

“S” means the sum;

“RR” means a reference rate of £3,300, being the fee payable for an authorisation under a licence for use of a 8.33 kHz channel over a surface area of 71,000 square nautical miles;

“SA” means 71,000, being the number corresponding to the surface area (in square nautical miles) of the United Kingdom;

“π” means 3.142;

“h” means the number corresponding to the height (in feet) of the designated operational coverage specified in the licence granted to the licensee; and

“r” means the number corresponding to the radius (in nautical miles) of a circle of equivalent area to the designated operational coverage specified in the licence.

PART 2

FORMULA FOR CALCULATING THE APPROPRIATE SUM FOR A LICENCE FOR AN AERONAUTICAL BROADCAST SERVICE

3. For an aeronautical broadcast service the appropriate sum is the amount in pounds sterling which is the lesser of—

- (a) the sum calculated in accordance with the formula set out in paragraph 4; and
- (b) the sum calculated in accordance with the formula set out in paragraph 5.

4. The formula referred to in paragraph 3(a) is—

$$S = RR \div SA \times \pi \times \left[\left(1.23 \times \sqrt{h} \right) + r \right]^2$$

where—

“S” means the sum;

“RR” means a reference rate of £3,300, being the fee payable for an authorisation under a licence for use of a 8.33 kHz channel over a surface area of 71,000 square nautical miles;

“SA” means 71,000, being the number corresponding to the surface area (in square nautical miles) of the United Kingdom;

“π” means 3.142;

“h” means the number corresponding to the height (in feet) of the designated operational coverage specified in the licence granted to the licensee; and

“r” means the number corresponding to the radius (in nautical miles) of the designated operational coverage specified in the licence.

5. The formula referred to in paragraph 3(b) is—

$$S = RR \div SA \times \pi \times (3 \times r)^2$$

where—

“S” means the sum;

“RR” means a reference rate of £3,300, being the fee payable for an authorisation under a licence for use of a 8.33 kHz channel over a surface area of 71,000 square nautical miles;

“SA” means 71,000, being the number corresponding to the surface area (in square nautical miles) of the United Kingdom;

“π” means 3.142; and

“r” means the number corresponding to the radius (in nautical miles) of the designated operational coverage specified in the licence.

PART 3

FORMULA FOR CALCULATING THE APPROPRIATE SUM FOR A LICENCE FOR A CIRCULAR SERVICE

6.—(1) For a circular service the appropriate sum is the amount in pounds sterling which is the greater of the sums specified in paragraphs 6(2) and 6(3).

(2) The sum specified in this paragraph is the lesser of—

- (a) the sum calculated in accordance with the formula set out in paragraph 4; and
- (b) the sum calculated in accordance with the formula set out in paragraph 7.

(3) The sum specified in this paragraph is the sum in pounds sterling equal to a quarter of the sum calculated in accordance with the formula set out in paragraph 4.

7. The formula referred to in paragraph 6(2)(b) is—

$$S = RR \div SA \times \pi \times (3.5 \times r)^2$$

where—

“S” means the sum;

“RR” means a reference rate of £3,300, being the fee payable for an authorisation under a licence for use of a 8.33 kHz channel over a surface area of 71,000 square nautical miles;

“SA” means 71,000, being the number corresponding to the surface area (in square nautical miles) of the United Kingdom;

“π” means 3.142; and

“r” means the number corresponding to the radius (in nautical miles) of the designated operational coverage specified in the licence.”.

12th April 2012

Hyacinth S. Nwana
Group Director, Spectrum Policy Group of the Office of Communications
For and on behalf of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Wireless Telegraphy (Licence Charges) Regulations 2011 (S.I. 2011/1128) (the “principal Regulations”).

In relation to the Aeronautical sector, these regulations—

- (a) introduce fees for a new set of licence classes for an “Aeronautical Station”;
- (b) remove the fee for the Aeronautical Ground Station (Fire) licence class; and
- (c) extend the prescribed payment interval for the Aircraft and Aircraft (Transportable) licence classes from 12 to 36 months.

These regulations amend Regulation 4 of the principal Regulations, which provides for a pro-rated licence fee.

In relation to the Broadcasting sector, these regulations reduce the fees payable for a Broadcasting Services (Transmission of National and Regional Analogue Television Broadcasts – BBC) licence and a Broadcasting Services (Transmission of National and Regional Analogue Television Broadcasts – Independent Television Networks) licence.

In relation to the Satellite Transportable Earth Station licences, these regulations modify the upper limit of the frequency band specified in Column 4 of the table set out in paragraph 5 of Schedule 4 to the principal Regulations.

In relation to the Coastal Station Radio (International) licence class, these regulations increase the charges for a “heavy congestion area”.

In relation to the Coastal Station Radio (UK) licence class, these regulations increase the charges for a “high population area”.

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) and on OFCOM’s website at www.ofcom.org.uk. Copies of this assessment have also been placed in the libraries of both Houses of Parliament.

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STATUTORY INSTRUMENTS

2012 No. 1075

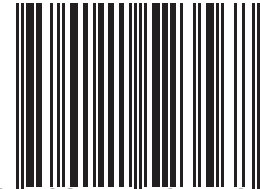
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