
DRAFT STATUTORY INSTRUMENTS

2010 No.

**The Wireless Telegraphy Act 2006
(Directions to OFCOM) Order 2010**

PART 2

Conditions

14.—(1) In respect of licences for frequencies in the 900MHz, 1800MHz or 2100MHz bands which are granted pursuant to the Combined Auction or a subsequent auction, OFCOM must include provision that those licences will come into force in respect of those frequencies 2 years after the completion of the Combined Auction or of the subsequent auction as the case may be.

(2) In relation to each of the 800MHz, 900MHz, 1800MHz and 2600MHz licences granted pursuant to the Combined Auction or any subsequent auction those licences shall include provision that —

- (a) the licensee is required to comply with the spectrum defragmentation process set out in Schedule 3;
- (b) the licence is granted for an indefinite period;
- (c) the licence is subject to revocation either for spectrum management reasons by OFCOM on not less than 5 years' notice or otherwise in accordance with the licence. OFCOM may not give notice for spectrum management reasons in the first 15 years of such a wireless telegraphy licence.

(3) Each of the 800MHz and 900MHz licences referred to in paragraph (2) must make provision for the—

- (a) retail service obligations set out in article 15;
- (b) wholesale access obligations set out in article 16.

(4) Each of the 2100MHz licences granted pursuant to the Combined Auction or any subsequent auction must contain provision that—

- (a) the licensee must provide an electronic communications network that is capable of providing mobile telecommunications services to an area within which at least 90% of the population of the United Kingdom lives and with a 90% probability that users in outdoor locations within that area can receive the service with a sustained downlink speed of not less than 768kbps when a small number of users are simultaneously using that service in the vicinity of the user;
- (b) the licensee is required to comply with the spectrum defragmentation process set out in Schedule 3;
- (c) the licence is granted for an indefinite period; and
- (d) the licence is subject to revocation either for spectrum management reasons by OFCOM on not less than 5 years' notice, such notice not to be given before than 31 December 2016, or otherwise in accordance with the licence.