
DRAFT STATUTORY INSTRUMENTS

2010 No.

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

PART 2

Wholesale access

16.—(1) The wholesale access conditions in respect of licences granted pursuant to the Combined Auction or any subsequent auction referred to in article 12(4)(b) are as follows.

(2) Where the licence covers at least 2 x 10MHz in the 900MHz band, the licensee must provide on request and on a wholesale basis to any relevant network provider all the retail services it offers in rural areas using those frequencies.

(3) In the case of the 800MHz licence referred to in article 15(2), the licensee must provide on request and on a wholesale basis to any relevant network provider all the retail services it offers in rural areas using frequencies in the 800MHz band.

(4) With respect to the 800MHz band, where by 31st March 2013 only the licence for the highest frequency 2 x 10MHz of the 800MHz band has come into force in relation to those frequencies and that licence allows those frequencies to be used in any part of the United Kingdom, the holder of that licence must provide at any time during the period in paragraph (5) on request and on a wholesale basis to a person with an 800MHz licence all the retail services it offers in the United Kingdom using those frequencies.

(5) The period during which the services must be provided on request is from 31st March 2013 until a date which is 6 months after all the 800MHz licences that have been granted pursuant to the Combined Auction or a subsequent auction have come into force in relation to those frequencies.

(6) The holder of an 800MHz licence that authorises the use of frequencies of at least 2 x 20MHz in the 800MHz band must provide at any time during the period in paragraph (7) on request and on a wholesale basis to any relevant network provider all the retail services it offers in any part of the United Kingdom using those frequencies.

(7) The period during which the services must be provided on request is from the date when the licence has come into force in relation to those frequencies and that licence authorises the use of those frequencies in any part of the United Kingdom to the later of 4 years from that date and the 1st January 2018.