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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

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

PART 2

**Limits on frequency holdings**

9.—(1) OFCOM must make provision in the regulations referred to in article 7(1) for the following.

(2) As a result of the Combined Auction a person may not hold—

- (a) a total of more than 40MHz in the 800MHz and 900MHz bands together; or
- (b) a total of more than 180MHz in the 800MHz, 900MHz, 1800MHz, 2100MHz, and 2600MHz bands together.

(3) In applying the levels set out in paragraph (2) no account shall be taken of the surrendering of any unpaired frequencies to OFCOM, or any other divestment of frequencies between the date this Order is laid and the Combined Auction, without the agreement of OFCOM.

(4) If during the Combined Auction, a person holds or bids for frequencies which are more than the level set out in—

- (a) paragraph (2)(a), then that person must commit to surrender spectrum in the 900MHz band in blocks of 2 x 5MHz to OFCOM in sufficient quantity to bring that person below the level set out in that paragraph if that bid is successful;
- (b) paragraph (2)(b), then that person must commit to surrender contiguous paired spectrum in blocks of 2 x 5MHz in the 900MHz or 1800MHz bands or paired frequencies in the 2100MHz band (frequencies from 1920MHz to 1980MHz and 2110MHz to 2170MHz) to bring that person below the level set out in that paragraph if that bid is successful.