



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 2

GRANTS OF RECOGNISED SPECTRUM ACCESS

Making of grants

18 Grant of recognised spectrum access

- (1) This section applies where—
 - (a) a person is proposing to use or to continue to use a wireless telegraphy station or wireless telegraphy apparatus;
 - (b) the circumstances of the use are circumstances specified for the purposes of this section in regulations made by OFCOM;
 - (c) that use does not require a wireless telegraphy licence but will involve the emission of electromagnetic energy with a view to the reception of anything at places in the United Kingdom or in UK territorial sea.
- (2) For the purposes of this section it is immaterial whether the emissions are from a place within the United Kingdom or from a place outside the United Kingdom.
- (3) On an application by that person, OFCOM may make a grant of recognised spectrum access in respect of any use by him of anything for wireless telegraphy that is specified in the grant.
- (4) A grant of recognised spectrum access made to a person shall set out, by reference to such factors as OFCOM think fit (including, so far as they think fit, frequencies, times and places of reception and strength and type of signal), the respects in which the use of anything by that person for wireless telegraphy is recognised by the grant.

Status: This is the original version (as it was originally enacted).

- (5) A grant of recognised spectrum access to a person is made by giving him a notification containing the grant.
- (6) A grant of recognised spectrum access may be made subject to such restrictions and conditions as OFCOM think fit, including, in particular, restrictions or conditions as to strength or type of signal, as to times of use and as to the sharing of frequencies.
- (7) The restrictions and conditions of a grant of recognised spectrum access made to a person must not duplicate obligations already imposed on him by general conditions set under section 45 of the Communications Act 2003 (c. 21) (power of OFCOM to set conditions in relation to electronic communications networks and services).
- (8) Where a grant of recognised spectrum access is made subject to restrictions and conditions, the restrictions and conditions must be set out in the notification by which the grant is made.

19 Procedure

Schedule 2 (which makes provision about the making, revocation and modification of grants of recognised spectrum access) has effect.

20 Effect of grant of recognised spectrum access

- (1) This section applies to—
 - (a) OFCOM’s functions under sections 8 and 9 with respect to the granting of wireless telegraphy licences;
 - (b) their functions under section 18 with respect to the making of grants of recognised spectrum access; and
 - (c) any of their other radio spectrum functions in the carrying out of which it is appropriate for them to have regard to—
 - (i) whether wireless telegraphy licences are in force, or
 - (ii) the terms, provisions or limitations of wireless telegraphy licences that are in force.
- (2) In carrying out those functions, OFCOM must take into account—
 - (a) the existence of any grant of recognised spectrum access that is in force, and
 - (b) the provisions imposing the restrictions and conditions subject to which such a grant has effect,to the same extent as they would take into account a wireless telegraphy licence with terms, provisions or limitations making equivalent provision.