

2008 No. 2105

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Spectrum Trading) (Amendment)
(No. 2) Regulations 2008**

Made - - - - *5th August 2008*

Coming into force - - *29th August 2008*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by section 30(1) and (3) and section 122(7) of the Wireless Telegraphy Act 2006(a) (“the Act”).

Before making the 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 (Spectrum Trading) (Amendment) (No. 2) Regulations 2008 and shall come into force on 29th August 2008.

Amendment of the Wireless Telegraphy (Spectrum Trading) Regulations 2004

2. The Wireless Telegraphy (Spectrum Trading) Regulations 2004(b) shall be amended in accordance with these Regulations.

Amendment of regulation 4

3. In regulation 4(3) after “Parts 1 to 6 of the Schedule” insert “and Parts 8 and 9 of the Schedule”.

Amendment of regulation 6

4. In regulation 6(a)—

(a) at the end of sub-paragraph (v) delete “or”;

(b) at the end of sub-paragraph (vi) delete “and”;

(c) after sub-paragraph (vi) add two new sub-paragraphs as follows—

“(vii) part frequency channels which have in each case a bandwidth of 6.25 kHz or a multiple thereof and the same start or end frequency limit as a licensed

(a) 2006 c.36

(b) S.I. 2004/3154 as amended by S.I. 2006/339, S.I. 2006/1807, S.I. 2007/380, S.I. 2007/3387 and S.I. 2008/688

frequency channel under one of the licences of a class specified in Column 1 of Part 8 of the Schedule which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part; or

- (viii) a geographical area being a fifty kilometre by fifty kilometre square part of the total geographical area in which the holder is authorised to establish, install and use radio transmitting and receiving stations or apparatus under one of the licences specified in Column 1 of Part 8 of the Schedule which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part; and”.

Amendment of the Schedule

5.—(1) In Column 1 of Part 4 of the Schedule after “Spectrum Access” insert “Business Radio (Technically Assigned)”.

(2) In Column 2 of Part 4 of the Schedule after “1452-1492 MHz” insert—

“26.2 – 87.50 MHz
136 – 208 MHz
426 – 470 MHz”.

(3) After Part 7 of the Schedule add Part 8 and Part 9 as follows—

“PART 8

<i>Column 1</i>	<i>Column 2</i>
Licence class	Frequency bands
Business Radio (Area Defined)	26.2 – 87.50 MHz 136 – 208 MHz 425 – 470 MHz 132 – 134 kHz 146 – 148 kHz

PART 9

<i>Column 1</i>	<i>Column 2</i>
Licence classes	Frequency bands
Business Radio (Simple UK)	26.2 – 87.50 MHz
Business Radio (Suppliers Light)	136 – 208 MHz
Business Radio (Simple Site)	425 – 470 MHz”

5th August 2008

Philip Rutnam
Partner, Spectrum Policy
For and by authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Spectrum Trading) Regulations 2004 (S.I. 2004/3154 as amended by S.I. 2006/339, S.I. 2006/1807, S.I. 2007/380, S.I. 2007/3387 and S.I. 2008/688) (the “principal Regulations”)

These Regulations amend the principal Regulations to authorise the transfer of certain rights and obligations arising by virtue of five new classes of wireless telegraphy licence. These new classes are the Business Radio (Simple UK) class, the Business Radio (Suppliers Light) class, the Business Radio (Simple Site) class, the Business Radio (Area Defined) class and the Business Radio (Technically Assigned) class.

A full regulatory impact assessment of the effect that these Regulations will have on the costs to business is available to the public from OFCOM at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 0207 7981 3000) or on the OFCOM internet website at www.ofcom.org.uk. Copies of the report have also been placed in the libraries of both Houses of Parliament.

STATUTORY INSTRUMENTS

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£3.00

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E2931 8/2008 182931T 19585