

2009 No 16

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Crown Recognised Spectrum Access)
Regulations 2009**

Made - - - - *9th January 2009*

Coming into force - - *23rd January 2009*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by section 18(1)(b) and Schedule 2, paragraph 1 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, commencement and extent

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Crown Recognised Spectrum Access) Regulations 2009 and shall come into force on 23rd January 2009.

(2) These Regulations shall not extend to the Channel Islands or to the Isle of Man.

Circumstances of use

2. The circumstances of the use of a wireless telegraphy station or wireless telegraphy apparatus, specified for the purpose of section 18(1)(b) of the Wireless Telegraphy Act 2006, are circumstances where the station or apparatus is operated within any of the frequency bands listed in the Schedule by or on behalf of the Crown.

Time limit for dealing with grants of recognised spectrum access

3. A decision on an application for a grant of recognised spectrum access which is made to the Office of Communications (“OFCOM”) will be made, notified to the applicant and published not more than six weeks after the day of the receipt of the application by OFCOM.

Requirements that must be met for a grant of recognised spectrum access

4.—(1) Before a grant of RSA is made, OFCOM must receive an application by or on behalf of the Crown which contains—

(a) the name and address of the person applying; and

- (b) the frequency band in the Schedule in respect of which it is proposed that the grant is made.

Restrictions and conditions to which a grant of recognised spectrum access is subject

5. A grant of recognised spectrum access may be subject to—
- (a) a condition providing for the duration of the grant;
 - (b) a restriction on the exercise by OFCOM of their power to revoke or modify the grant;
 - (c) a condition requiring payment of fees; and
 - (d) conditions describing the limits of the use of the electromagnetic spectrum which is recognised by the grant by reference to—
 - (i) the location of the wireless telegraphy station or wireless telegraphy apparatus;
 - (ii) the purpose of use of the electromagnetic spectrum;
 - (iii) the frequencies for that use; and
 - (iv) the strength and type of signal.

Ed Richards

Chief Executive of the Office of Communications
for and by the authority of the Office of Communications

9th January 2009

SCHEDULE

Regulation 2

Frequency bands

406.1–410 Megahertz

410–412 Megahertz

414–420 Megahertz

420–422 Megahertz

424–425 Megahertz

429–430 Megahertz

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the circumstances of use for which grants of recognised spectrum access may be made by the Office of Communications (“OFCOM”) to the Crown.

Regulation 2 sets out the circumstances which are where a wireless telegraphy station or wireless telegraphy apparatus is operated within any of the frequency bands listed in the Schedule by or on behalf of the Crown.

Particulars of restrictions and conditions to which a grant may be subject are set out in regulation 5.

A full regulatory impact assessment of the effect that these Regulations will have on the costs to business is available to the public from the OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on the OFCOM website at www.ofcom.org.uk. Copies of the report have also been placed in the libraries of both Houses of Parliament.

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