

Annex A2 – UKB Licence showing changes in mark-up

[This annex is published as a separate document].

This annex shows the changes we have decided to make to the UKB Licence in order to implement the requested variation.

Text that we have decided to insert is shown in blue (“example”), and text that we have decided to delete is shown in blue and strikethrough (~~“example”~~).

Schedule 1, which is shown in blue, sets out the same technical conditions as those in the UKB 3.4 – 3.6 GHz Licence, applying to the relevant frequencies (i.e. “3600 - 3680 MHz”; see paragraph 7). The only other difference is that in paragraph 14, the additional band edge requirements relevant to the upper band edge are no longer relevant and have been removed.

Wireless Telegraphy Act 2006
Office of Communications (Ofcom)



Licence Category: SPECTRUM ACCESS 3.6 GHz

This Licence document replaces the version of the licence issued by Ofcom on ~~05 April 2013~~ 11 January 2018 to UK Broadband Limited.

Licence no.: **0823615**
Date of issue: ~~11 January 14 December~~ **2018**
Fee payment date: **31 December** (annually)

1. The Office of Communications (Ofcom) grants this wireless telegraphy licence (“the Licence”) to

UK Broadband Limited
(Company Reg No: 4713634)
 (“the Licensee”)
Star House
20 Grenfell Road
Maidenhead
Berkshire SL6 1EH

to establish, install and use radio wireless telegraphy stations and/or wireless telegraphy apparatus as described in the Schedules to this Licence (together the “Radio Equipment”) subject to the terms set out below.

Licence term

2. This Licence shall continue in force until revoked by Ofcom in accordance with paragraph 3 below or surrendered by the Licensee.

Licence variation and revocation

3. Pursuant to Schedule 1(8) of the Wireless Telegraphy Act 2006 (the “Act”), Ofcom may not revoke this Licence under Schedule 1(6) of the Act except:
 - (a) at the request of, or with the consent of, the Licensee;
 - (b) if there has been a breach of any of the terms of this Licence;
 - (c) in accordance with Schedule 1 paragraph 8(5) of the Act;
 - (d) if it appears to Ofcom to be necessary or expedient to revoke or vary the Licence for the purposes of complying with a direction by the Secretary of State given to Ofcom under Section 5 or Section 5 of the Communications Act 2003;

- (e) if, in connection with the transfer or proposed transfer of rights and obligations arising by virtue of the Licence, there has been a breach of any provision of regulations made by Ofcom under the powers conferred by section 30(1) and section 30(3) of the Act¹;
 - (f) for reasons related to the management of the radio spectrum, provided that in such case the power to revoke may only be exercised after at least five (5) year's notice is given in writing to the Licensee.
4. Ofcom may only revoke or vary this Licence by notification in writing to the Licensee and in accordance with Schedule 1, paragraphs 6, 6A and 7 of the Act.

Transfer

5. This Licence is not transferable. The transfer of rights and obligations arising by virtue of this Licence may however be authorised in accordance with regulations made by Ofcom under powers conferred by section 30 of the Act².

Changes to the Licensee Details

6. The Licensee shall give prior notice to Ofcom in writing of any proposed change to the Licensee's name and/or address as recorded in paragraph 1 of this Licence.

Spectrum Leasing

7. The Licensee may:
- (a) confer the benefit of the Licence (which is hereinafter referred to as a "lease") on another person (referred to as the "leaseholder") in respect of any wireless telegraphy station or wireless telegraphy apparatus to which the Licence relates;
 - (b) in his contract with the leaseholder permit the leaseholder to confer the benefit of the Licence (hereinafter referred to as "sub-lease") on any other person ("sub-leaseholder"),

provided that the conditions set out in Schedule 23 to this Licence are met.

Fees

8. The Licensee shall pay Ofcom the relevant fee as provided in Section 12 and 13 of the Act and the Regulations made thereunder on or before the fee payment date shown above each year, or on or before such dates as shall be notified in writing to the Licensee, failing which Ofcom may revoke this Licence.

¹ These are regulations on spectrum trading.

² See Ofcom's website for the latest position on spectrum trading and the types of trade which are permitted.

Radio equipment use

9. The Licensee shall ensure that the Radio Equipment is established, installed and used only in accordance with the provisions specified in the Schedules to this Licence. Any proposal to amend any detail specified in any of the Schedules to this Licence must be agreed with Ofcom in advance and implemented only after this Licence has been varied or reissued accordingly.
10. The Licensee shall ensure that the Radio Equipment is operated in compliance with the terms of this Licence and is used only by persons who have been authorised in writing by the Licensee to do so and that such persons are made aware of, and of the requirement to comply with, the terms of this Licence.

Access and inspection

11. The Licensee shall permit a person authorised by Ofcom:
 - (a) to have access to the Radio Equipment; and
 - (b) to inspect this Licence and to inspect, examine and test the Radio Equipment, at any and all reasonable times or, when in the opinion of that person an urgent situation exists, at any time to ensure the Radio Equipment is being used in accordance with the terms of this Licence.

Modification, restriction and closedown

12. A person authorised by Ofcom may require the Radio Equipment or any part thereof to be modified or restricted in use, or temporarily or permanently closed down immediately if in the opinion of the person authorised by Ofcom:
 - (a) a breach of a term of the Licence has occurred; and/or
 - (b) the use of the Radio Equipment is causing or contributing to undue interference to the use of other authorised radio equipment.
13. Ofcom may require any of the Radio Equipment to be modified or restricted in use, or temporarily closed down either immediately or on the expiry of such period as may be specified in the event of a national or local state of emergency being declared. Ofcom may only exercise this power after a written notice has been served on the Licensee or a general notice applicable to holders of a named class of Licence has been published.

Geographical boundaries

14. This Licence authorises the Licensee to establish, install and use the Radio Equipment only in the United Kingdom.

Interpretation

15. In this Licence:

- (a) the establishment, installation and use of the Radio Equipment shall be interpreted as the establishment and use of stations and the installation and use of wireless telegraphy apparatus as specified in section 8(1) of the Act;
- (b) the expression “interference” shall have the meaning given by section 115 of the Act;
- (c) the expressions “wireless telegraphy apparatus” and “wireless telegraphy station” shall have the meanings given by section 117 of the Act;
- (d) the schedules form part of this Licence together with any subsequent schedules which Ofcom may issue as a variation to this Licence at a later date; and
- (e) the Interpretation Act 1978 shall apply to this Licence as it applies to an Act of Parliament.

Issued by Ofcom

Office of Communications

SCHEDULE 1 TO LICENCE NUMBER: 0823615

Schedule Date: 14 December 2018

Licence Category: **SPECTRUM ACCESS 3.6 GHz**

Description of Radio Equipment

1. References in this Schedule to the Radio Equipment are references to any wireless telegraphy station or wireless telegraphy apparatus that is established, installed and/or used under this Schedule.

Interface Requirements for the Radio Equipment

2. Use of the Radio Equipment shall be in accordance with the following Interface Requirement:

IR 2097: Terrestrial systems capable of providing electronic communications services in the 3.4 to 3.8 GHz band.

Special conditions relating to the Radio Equipment

3.
 - a) Subject to paragraph 3(b) of this Schedule, during the period that this Licence remains in force, unless consent has otherwise been given by Ofcom, the Licensee shall compile and maintain accurate written records of the following details relating to the Radio Equipment:
 - i) postal address (including post code);
 - ii) National Grid Reference, to at least 10m resolution;
 - iii) antenna height (above ground level), type, and boresight bearing east of true north (if applicable);
 - iv) radio frequencies which the Radio Equipment uses; and
 - v) Transmitted power expressed in dBm / 5 MHz EIRP per cell.

and the Licensee must produce these records if requested by any person authorised by Ofcom.

- b) The conditions relating to the keeping of records contained in sub-paragraphs 3(a)(ii) and (iii) of this Schedule shall not apply in respect of femtocell equipment and smart/intelligent low power repeater equipment.
- c) The conditions relating to the keeping of records contained in paragraph 3(a) of this Schedule shall not apply in respect of licence exempt radio equipment.

- d) The Licensee shall submit to Ofcom copies of the records detailed in subparagraph 3(a) above at such intervals as Ofcom may notify to the Licensee.
- e) The Licensee shall submit to Ofcom in such manner and within such period as specified by Ofcom, such other information in relation to the Radio Equipment, or any wireless telegraphy station or wireless telegraphy apparatus which the Licensee is planning to use, as Ofcom may from time to time request. Such information may include, but is not limited to, information in relation to the radio frequency, transmitted power and date of first use for wireless telegraphy stations or wireless telegraphy apparatus to be established, installed or used within such timeframe and in such areas as Ofcom may reasonably request.

Coordination at frequency and geographical boundaries

- 4. The Licensee shall ensure that the Radio Equipment is operated in compliance with such coordination procedures as may be notified to the Licensee by Ofcom from time to time.

International cross-border coordination

- 5. The Licensee shall ensure that the Radio Equipment is operated in compliance with such cross-border coordination and sharing procedures as may be notified to the Licensee by Ofcom from time to time.

Cooperation between Licensees

- 6. In addition to complying with the specific transmission terms, conditions and limitations set out in this Licence, the Licensee must liaise and co-operate with other holders of licences in the 3410 MHz – 3600 MHz band (if necessary adjusting transmission power and other technical parameters of transmission) in such a way that harmful interference is not caused by one network deployment to that of another Licensee within the band.

Permitted Frequency Block

- 7. The Radio Equipment may only transmit within the following frequency band (the “Permitted Frequency Block”):

3600 - 3680 MHz

Maximum power within the Permitted Frequency Block

8. Subject to any more restrictive limitations imposed by the coordination requirements notified by Ofcom in accordance with paragraphs 4 and 5 of this schedule, the power transmitted in the Permitted Frequency Block shall not exceed:

Radio Equipment	Maximum mean power
Base station (see Note 1)	65 dBm / 5 MHz EIRP*
Mobile or nomadic terminal station	25 dBm TRP*
Fixed or installed terminal station	35 dBm / 5 MHz EIRP*

* The maximum mean power relates to the EIRP or TRP of a specific piece of Radio Equipment irrespective of the number of transmit antennas.

Note 1: For femtocell base stations, power control must be applied to minimise interference to adjacent channels.

Maximum power of base stations outside the Permitted Frequency Block

9. When transmitting, the Licensee must either transmit in accordance with the condition in paragraph (a) or in accordance with the condition in paragraph (b). –
- a) The condition referred to is that the Licensee must transmit within the limits of the Permissive Transmission Mask and, if doing so, the Licensee must also transmit within the limits of transmission Frame Structure A;
 - b) The condition referred to is that the Licensee must transmit within the limits of the Restrictive Transmission Mask, and, if doing so, it must also transmit and within the limits of transmission Frame Structure B.
10. The Permissive Transmission Mask means that –

for transmissions on the downlink frequencies, the EIRP emanating from the Radio Equipment transmissions at any frequency outside the Permitted Frequency Blocks shall not exceed the following transitional and baseline requirements:

-5 to 0 MHz offset from lower block edge 0 to 5 MHz offset from upper block edge	Min(PMax – 40, 21) dBm / 5 MHz EIRP per antenna
-10 to -5 MHz offset from lower block edge 5 to 10 MHz offset from upper block edge	Min(PMax – 43, 15) dBm / 5 MHz EIRP per antenna
Out of block baseline power limit (BS) < -10 MHz offset from lower block edge > 10 MHz offset from upper block edge	Min(PMax – 43, 13) dBm / 5 MHz EIRP per antenna

11. The Restrictive Transmission Mask means that –

for transmissions on the downlink frequencies, the EIRP emanating from the Radio Equipment transmissions at any frequency outside the Permitted Frequency Blocks shall not exceed the following baseline:

$$\text{Out of block baseline power limit (BS)} \quad \Bigg| \quad - 34 \text{ dBm / 5 MHz EIRP}^*$$

* The maximum mean power relates to the EIRP of a specific piece of Radio Equipment irrespective of the number of transmit antennas.

12. Frame Structure A (also known as the “Preferred Frame Structure”) means that:

- a) Transmissions from the Licensee’s base stations have a frame structure as shown in Figure 1. Timeslots (or subframes) 0, 2 to 5 and 7 to 9 must be allocated to Downlink (D) or Uplink (U) transmissions as indicated or may be left with no transmissions;
- b) The Licensee must ensure that the special subframe (S) in timeslots 1 and 6 have a structure that is compatible with TD-LTE special subframe configuration 6, also known as 9:3:2 (DwPTS: GP: UpPTS). For the avoidance of doubt, a special subframe structure is compatible where there are no uplink transmissions within the downlink pilot timeslot (DwPTS) or guard period (GP) and no downlink transmissions within the uplink pilot timeslot (UpPTS) or guard period (GP);
- c) Timeslots must have a duration of 1 millisecond;
- d) The Licensee shall ensure that frames start at a common reference time so that all licensees’ frames are aligned and transmissions synchronised;
- e) TD-LTE frame configuration 2 (3:1) is compatible with this frame structure. Other technologies are permitted provided that the requirements of 12(a) to 12(d) are met.

13. Frame Structure B (also known as the “Compatible Frame Structure”) means that:

- a) transmissions from the Licensee’s base stations must have a frame structure as shown in Figure 2. Timeslots (or subframes) 0 and 2 must be allocated to Downlink (D), or Uplink (U) transmissions as indicated;
- b) the Licensee must ensure that the special subframe (S) in timeslot 1 has a structure that is compatible with TD-LTE special subframe configuration 6, also known as 9:3:2 (DwPTS: GP: UpPTS). For the avoidance of doubt, a special subframe structure is compatible where there are no uplink transmissions within the downlink pilot timeslot (DwPTS) or guard period (GP) and no downlink transmissions within the uplink pilot timeslot (UpPTS) or guard period (GP);
- c) timeslots must have a duration of 1 millisecond;
- d) the Licensee shall ensure that frames start at a common reference time so that all licensees’ frames are aligned and transmissions synchronised;

- e) All current TD-LTE frame configurations are compatible with this frame structure. Other technologies are permitted provided that the requirements of 13(a) to 13(d) are met;
- f) Timeslots with no transmission indicated may have no transmission or must be determined as a Downlink, Uplink or Special subframe as necessary in order to ensure compliance with paragraph 13(c) and 13(g);
- g) Licensees must cooperate to minimise harmful sub-frame overlaps if different technologies are used. On rare occasions this may require the frame alignment or guard period to be slightly offset;
- h) For the avoidance of doubt all-downlink frame structures such as Supplementary Downlink (SDL) are not permitted.

Figure 1: Frame Structure A

DL/UL ratio	Subframe number									
	0	1	2	3	4	5	6	7	8	9
3:1	D	S	U	D	D	D	S	U	D	D

Figure 2: Frame Structure B

DL/UL ratio	Subframe number									
	0	1	2	3	4	5	6	7	8	9
Any	D	S	U							

14. Irrespective of whether the Restrictive Transmission Mask or the Permissive Transmission Mask is being used, the EIRP emanating from the Radio Equipment transmissions at any frequency outside the Permitted Frequency Blocks shall not exceed the following additional band edge requirements:

3405 MHz – 3410 MHz	Min(PMax – 40, 21) dBm / 5 MHz EIRP per antenna
3400 MHz – 3405 MHz	Min(PMax – 43, 15) dBm / 5 MHz EIRP per antenna
3390 MHz – 3400 MHz	Min(PMax – 43, 13) dBm / 5 MHz EIRP per antenna
Below 3390 MHz	- 50 dBm / MHz ³ EIRP*

* The maximum mean power relates to the EIRP of a specific piece of Radio Equipment irrespective of the number of transmit antennas.

³ We note this level is defined in the Commission Decision 2014/276/EU as per MHz rather than per 5 MHz.

Small Cells

15. The Licensee is not required to comply with the requirements set out in paragraphs 9, 12 or 13 above, and the Permissive Transmission Mask as set out in 10 of this Schedule applies, for:
- a) Indoor Domestic Small Cells; or
 - b) Indoor Non-domestic Small Cells, except where another licensee demonstrates that they are suffering harmful interference as a result.

For the avoidance of doubt, if another licensee demonstrates that they are suffering harmful interference as a result of an Indoor Non-domestic Small Cell, the Indoor Non-domestic Small Cell must comply with the requirements set out in paragraphs 9, and 12 above, where Frame Structure A is used or 9 and 13 above where Frame Structure B is used.

Interpretation of terms in this Schedule

16. In this Schedule:
- a) “dBm” means the power level in decibels (logarithmic scale) referenced against 1 milliwatt (i.e. a value of 0 dBm is 1 milliwatt);
 - b) “Downlink” means transmissions from a base station to a terminal station (handset)
 - c) “EIRP” means the equivalent isotropically radiated power. This is the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain), measured during the “on” part of the transmission;
 - d) “femtocell” means Radio Equipment transmitting on the downlink frequencies, which operates at a power not exceeding 24 dBm EIRP per carrier, and which is or will be used only by and under the control of the Licensee, following the establishment of a telecommunications link between the femtocell and a network of the Licensee;
 - e) “Fixed or installed” means used or installed at specific fixed points;
 - f) “Indoor” means a location inside a building or place in which the shielding will typically provide the necessary attenuation to protect wireless telegraphy against harmful interference;
 - g) “Indoor Domestic Small Cell” means a base station with an EIRP of less than or equal to 24 dBm per 20 MHz carrier that is located within a residential property
 - h) “Indoor Non-domestic Small Cell” means a base station with an EIRP of less than or equal to 24 dBm per 20 MHz carrier that is located indoors but not within a residential property;

- i) “IR” means a United Kingdom Radio Interface Requirement notified by Ofcom in accordance with Directive 2014/53/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (known as the Radio Equipment Directive);
- j) “lower block edge” means, in relation to each Permitted Frequency Block, the lowest frequency in that Permitted Frequency Block;
- k) “mobile or nomadic” means intended to be used while in motion or during halts at unspecified points;
- l) “Permitted Frequency Blocks” has the meaning given to it in paragraph 7 of this Schedule;
- m) “PMax” is the maximum mean power for the base station in question, measured as EIRP per carrier and determined irrespective of the number of antennas;
- n) “smart/intelligent low power repeater” means a repeater which operates with power not exceeding 24 dBm EIRP per carrier, which may be established by customers of the Licensee who have written agreements with the Licensee and:
- The Licensee has ultimate control of the repeater, i.e. each individual repeater can be disabled remotely by the Licensee;
 - The repeater operates only on the Licensee’s frequencies and with their valid Public Land Mobile Network Identifier;
 - Must not cause undue interference to other spectrum users; and
 - The repeater only transmits on the uplink timeslot when actively carrying a call (voice, video or data) or signalling from serviced handsets.
- o) “TDD” means the application of time-division multiplexing to separate outward and return signals;
- p) “TD-LTE” means the TDD variant of LTE (Long Term Evolution or 4G technology);
- q) “TRP” means the total radiated power. This is the integral of the power transmitted in different directions over the entire radiation sphere, measured during the on part of the transmission;
- r) “Uplink” means transmissions from a terminal station (handset) to a base station; and
- s) “upper block edge” means, in relation to each Permitted Frequency Block, the highest frequency in that Permitted Frequency Block.

SCHEDULE 12 TO LICENCE NUMBER: 0823615

Schedule Date: ~~11 January~~ 14 December 2018

Licence Category: **SPECTRUM ACCESS 3.6 GHZ**

Description of Radio Equipment licensed

1. In this Licence, the Radio Equipment means any station apparatus that transmits in accordance with the requirements of paragraphs 6 and 7 of this schedule.

Interface Requirements for the Radio Equipment use

2. Use of the Radio Equipment shall comply with the following Interface Requirements:

IR 2015.1 to IR 2015.3: ~~for Public Fixed Wireless Spectrum Access radio systems operating within in the 3 to 11 GHz frequency bands~~ 3400 MHz to 4009 MHz band.

Special conditions relating to the operation of the Radio Equipment

3.
 - (a) During the period that this Licence remains in force, the Licensee shall compile and maintain accurate written records of:
 - (i) the following details relating to the Radio Equipment where the Radio Equipment spectral density exceeds 25 dBm/MHz or total e.i.r.p. exceeds 30 dBm:
 - a) postal address;
 - b) National Grid reference (to 100 metres resolution);
 - c) antenna height (above ground level) and type, and bearing east of true north;
 - d) radio frequencies used by the Radio Equipment; and
 - (ii) a statement of the number of subscribing customers,and the Licensee must produce these records if requested by a person authorised by Ofcom.
 - (b) The Licensee shall inform Ofcom of the address of the premises at which this Licence and the information detailed at sub-paragraph 3(a) of this Schedule shall be kept.
 - (c) The Licensee must submit to Ofcom copies of the records detailed in sub-paragraph 3(a) of this Schedule at such intervals as Ofcom shall notify to the Licensee.

- (d) The Licensee must also submit to Ofcom in such manner and at such times as Ofcom requests all information relating to the establishment, installation or use of the Radio Equipment as is reasonably requested for the purpose of verifying compliance with this Licence or for statistical purposes.
- (e) The Licensee must ensure that the Radio Equipment is established and installed only for terrestrial use.

Co-ordination

- 4. The Licensee must operate the Radio Equipment in accordance with any co-ordination procedure notified by Ofcom.

Permitted frequency bands

- 5. The Licensee is authorised to operate the Radio Equipment in the following frequency ranges [in accordance with the terms and conditions set out in this Schedule until the authorisation end date specified, where relevant:](#)

		Authorisation end date
Lower Frequency Block	3605 – 3689 MHz	14 September 2019
Upper Frequency Block	3925 – 4009 MHz	

The Licensee must ensure that, at any point in time, any Radio Equipment transmitting in the Lower Frequency Block complies with the requirements set out either in this Schedule or Schedule 1.

Maximum permissible e.i.r.p.

- 6. The Licensee shall ensure that the Radio Equipment conforms to the following e.i.r.p. limits:

Maximum e.i.r.p. +53 dBm/MHz

Except for mobile terminals, which shall conform to the following e.i.r.p. limit:

Maximum e.i.r.p. 25 dBm/MHz

In addition to this, the Licensee may be required to take additional measures to ensure that the establishment, installation and use of the Radio Equipment does not cause undue interference to receiving stations and/or radio apparatus operated by a neighbouring licensee.

Permissible Out of Block Emissions

7. For Radio Equipment operating at powers above 25dBm/MHz deployed before 1st January 2010 the Licensee shall ensure that Out of Block shall conform to the following:

Frequency offset measured from the edges of the frequency bands specified in section 5	Maximum radiated spectral power density EIRP (dBm/MHz)
0	53
0	44
$0 < \Delta f < 0.6$	$44 - 41.67 * \Delta f$
0.6	19
1	19
$1 < \Delta f < 2$	$19 - 20 * (\Delta f - 1)$
≥ 2	-1

For Radio Equipment operating at powers above 25dBm/MHz deployed after 1st January 2012 the Licensee shall ensure that Out of Block shall conform to the following:

Frequency offset measured from the edges of the frequency bands specified in section 5	Maximum radiated spectral power density EIRP (dBm/MHz)
0	53
0	44
$0 < \Delta f < 0.6$	$44 - 41.67 * \Delta f$
0.6	19
1	19
$1 < \Delta f < 2$	$19 - 20 * (\Delta f - 1)$
2	-1
5	-1
5	-15.6
$5 < \Delta f < 6.5$	$-15.6 - 10.27 * (\Delta f - 5)$
6.5	-31
$6.5 < \Delta f < 9.5$	$-31 - 4 * (\Delta f - 6.5)$
≥ 9.5	-43

The Licensee shall ensure that Out of Block Emission from the Radio Equipment operating at powers up to 25dBm/MHz shall conform to the following:

Frequency offset measured from the edges of the frequency bands specified in section 5	Maximum radiated spectral power density EIRP (dBm/MHz)
0	13.7
$0 < \Delta f < 1$	$13.7 - 15 * \Delta f$
1	-1.3
$1 < \Delta f < 2.5$	$-1.3 - 1.27 * (\Delta f - 1)$
2.5	-3.2
$2.5 < \Delta f < 7.5$	$-3.2 - 0.46 * (\Delta f - 2.5)$
7.5	-5.5
$7.5 < \Delta f < 9.5$	$-5.5 - 5 * (\Delta f - 7.5)$
≥ 9.5	-15.5

Interpretation

8. In this Schedule:

- (a) “dBm” means the power level in decibels (logarithmic scale) referenced against 1 milliwatt (i.e. a value of 0 dBm is 0.001 W);
- (b) “e.i.r.p.” means the equivalent isotropically radiated power. This is the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain);
- (c) “IR” means a United Kingdom Radio Interface Requirement notified by Ofcom in accordance with Directive 2014/53/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (known as the Radio Equipment Directive);

~~“IR” means the United Kingdom Radio Interface Requirement published by the Radiocommunications Agency of the Department of Trade and Industry (RA) in accordance with Article 4.1 of Directive 1999/5/EC of the European Parliament and of the Council on Radio Equipment and Telecommunications Terminal Equipment (R&TTE) and mutual recognition of their conformity as implemented in the UK by the Radio Equipment and Telecommunications Equipment Regulations 2000 S.I. 2000/7/730;~~
- (d) “Out of Block Emission” means radio frequency emissions generated by the Radio Equipment and radiated into the frequency bands adjacent (in terms of frequency) to the Licensee’s Permitted Frequency Bands;
- (e) “Maximum radiated spectral power density” (of Out of Block Emissions) is the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna that is outside the Licensee’s Frequency Block;

Ofcom

SCHEDULE 23 TO LICENCE NUMBER: 0823615

Schedule Date: ~~11 January~~ 14 December 2018

Licence Category: **SPECTRUM ACCESS 3.6 GHz**

Spectrum Leasing

Grant of lease

The Licensee may confer the benefit of the Licence (which is hereinafter referred to as a “lease”) on another person (referred to as the “leaseholder”) in respect of any wireless telegraphy station or wireless telegraphy apparatus to which the Licence relates, provided that the conditions in this Schedule are met.

Conditions

The conditions are –

- L1. The Licensee may only confer the benefit of the Licence on one or more than one leaseholder for –
 - (a) any geographical area forming part of the geographical area in which the Licensee is authorised to establish, install or use wireless telegraphy stations or apparatus under this Licence; and
 - (b) for any frequency range forming part of the frequency band which the Licensee is authorised to use.
- L2. The Licensee shall remain responsible for all obligations under the Licence (including without limitation the obligations to pay licence fees in accordance with clause 8 of this Licence).
- L3. If the Licensee–
 - (a) transfers his rights and obligations under the Licence by way of spectrum trade; or
 - (b) receives a notice of revocation from Ofcom revoking his Licence, the lease (and any sub-lease) shall automatically extinguish.
- L4. If Ofcom varies this licence in such a way that the provisions in condition 1 are no longer satisfied in respect of a lease which has been granted (or any sub-lease made by the leaseholder), that lease (or sub-lease) shall automatically extinguish.
- L5. The licensee must inform the leaseholder and any sub-leaseholder immediately when his Licence terminates (regardless of the reason for such termination).
- L6. The Licensee must inform the leaseholder (and any sub-leaseholder) that it proposes to apply for a spectrum trade, prior to any such application being made to Ofcom.

- L7. The Licensee must ensure that the use of Radio Equipment by the leaseholder (and any sub-leaseholder) complies with the terms, provisions and limitations of this licence.
- L8. The Licensee must inform the leaseholder in writing of the following matters before use of the radio equipment commences:
- (a) the terms, provision and limitations of the Licence that governs the establishment, installation and use of the Radio Equipment;
 - (b) that failure to meet the terms, provisions and limitations of this licence may be a criminal offence;
 - (c) that failure to meet the terms, provisions and limitations of this Licence may also result in close down of the Radio Equipment.
- L9. The Licensee must have a written contract with the leaseholder containing the terms of the lease and must make this available to Ofcom immediately on request.
- L10. The Licensee must maintain records at all times of the persons to whom he has granted a lease and any persons who have been granted a sub-lease under this Licence.
- L11. The Licensee must make these records (and any other relevant information) immediately available to Ofcom on request.
- L12. The Licensee must ensure that one of the terms of the written contract is that both parties are bound by a dispute resolution procedure that provides for the prompt and satisfactory resolution of disputes with or between the holders of leases or any sub-leases under this Licence, including any relating to interference management.
- L13. If Ofcom investigates interference management issues which arise as a result of a complaint to Ofcom, and if both the person which is the subject of any undue interference caused and the source of any undue interference caused are the leaseholder, sub-leaseholders or the Licensee himself, Ofcom will charge the Licensee (and the Licensee shall pay) Ofcom's costs which relate to the investigation.
- L14. The Licensee must comply with all instructions given by Ofcom (whether verbal or in writing) which relate to the Licence or the use of the frequency band, and ensure that any leaseholder any sub-leaseholder are immediately informed and also comply with these instructions.

Grant of sub-lease

The Licensee may in his contract with the leaseholder permit the leaseholder to confer the benefit of the Licence (hereinafter referred to as “sub-lease”) on any other person (“sub-leaseholder”) provided that the conditions in this schedule are met.

- L15. The Licensee must –
- (a) prohibit the sub-leaseholder from further conferring the benefit of the Licence on any other third party; and
 - (b) ensure that the sub-leaseholder is made aware of that prohibition.
- L16. The Licensee must procure that the terms of any such permission are contained in his contract with his leaseholder.
- L17. The Licensee must procure that the written contract between the leaseholder and the sub-leaseholder containing the terms of the lease is made available to Ofcom immediately on request.
- L18. The Licensee must require in his contract that the leaseholder informs him immediately of any sub-lease which has taken place.
- L19. The sub-lease may only confer the benefit of the Licence on one or more than one such person for –
- (a) any geographical area forming part of the geographical area in which the Licensee is authorised to establish, install or use wireless telegraphy stations or apparatus under this Licence; and
 - (b) for any frequency range forming part of the frequency band which the Licensee is authorised to use.
- L20. The Licensee shall remain responsible for all obligations under the Licence (including without limitation the obligations to pay licence fees in accordance with clause 8 of this Licence).
- L21. The Licensee shall procure that the sub-leaseholder is informed of the following matters in writing before use of the radio equipment commences:
- (a) the terms, provision and limitations of the Licence that governs the establishment, installation and use of the Radio Equipment;
 - (b) that failure to meet the terms, provisions and limitations of this Licence may be a criminal offence;
 - (c) that failure to meet the terms, provisions and limitations of this Licence may also result in close down of the Radio Equipment.

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