



Recognised Spectrum Access (RSA) for Receive Only Earth Stations

Statement on the making of regulations to introduce
RSA in the frequency bands 7850 – 7900 MHz and
25.5 – 26.5 GHz

Statement

Publication date:

24 June 2015

About this document

This statement sets out our decisions in relation to the drafting of the statutory instruments which give effect to the policy decisions we have made to extend Recognised Spectrum Access (RSA) for Receive Only Earth Stations (ROES) to two new frequency bands, namely 7850 – 7900 MHz and 25.5 – 26.5 GHz. These receive-only earth stations are ground based terminals used to receive signals from meteorological satellites, earth exploration satellites and space missions. As their name suggests, they receive but do not transmit.

On 18 June 2015, following a formal consultation, we made the following statutory instruments, which will come into force on **10 July 2015**: S.I. 2015/1397, S.I. 2015/1398, S.I. 2015/1399, S.I. 2015/1400, S.I. 2015/1401.

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Section 1

Summary

- 1.1 This statement sets out our decisions in relation to the drafting of the statutory instruments which give effect to the policy decisions we have made in connection with Recognised Spectrum Access (RSA) for Receive Only Earth Stations (ROES) operating within the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz.
- 1.2 On 31 March 2015, we published a document entitled ‘*Statement on introducing RSA in the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz and Statutory notice of Ofcom’s proposal to make regulations*’¹ (the “March 2015 Statement”), setting out:
- our policy decisions in relation to making RSA available for ROES operating within two additional frequency bands (7850 – 7900 MHz and 25.5 – 26.5 GHz); and
 - notice of our proposal to make regulations and an order to give effect to our policy decisions (the “Notice”). The Notice also contained a draft of the proposed regulations and order (the “Proposed Regulations and Order”) and invited comments from stakeholders on whether the Proposed Regulations and Order properly gave effect to the policy decisions that Ofcom had previously made.
- 1.3 We received three responses to the Notice, which were broadly supportive of our proposals. Having considered stakeholders’ comments, we have now made the statutory instruments as proposed (subject to some minor amendments, the details of which can be found in section 3), and submitted them for registration and publication. They will come into force on 10 July 2015.
- 1.4 Specifically, we have made the following statutory instruments:
- The Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Regulations 2015 (S.I. 2015/1397);
 - The Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Order 2015 (S.I. 2015/1398);
 - The Wireless Telegraphy (Recognised Spectrum Access Charges) (Amendment) Regulations 2015 (S.I. 2015/1399);
 - The Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) Regulations 2015 (S.I. 2015/1401); and
 - The Wireless Telegraphy (Register) (Amendment) Regulations 2015 (S.I. 2015/1400).
- 1.5 These regulations and order are available on the government’s *legislation.gov.uk* website². Copies in draft form are annexed to this statement (Annexes 2-6) for indicative purposes, in the form submitted for registration and publication after their

¹ http://stakeholders.ofcom.org.uk/consultations/rsa-earth-stations-statement/?utm_source=update&utm_medium=email&utm_campaign=rsaroes

² <http://www.legislation.gov.uk/>

making by Ofcom. The government's *legislation.gov.uk* website is the only authorised source for published statutory instruments.

- 1.6 We received no comments on the regulatory impact assessments (RIAs) for the Proposed Regulations and Order that we attached to the Notice. The RIAs that we have placed in the library of the House of Commons are in substance identical to the ones that we attached to our Notice. Annex 7 contains a copy of the RIAs for the regulations and order in the form placed in the library of the House of Commons.

Section 2

Background

Introduction

- 2.1 Ofcom manages the radio spectrum within the statutory framework³ set out in the Communications Act 2003 (the “Communications Act”) and the Wireless Telegraphy Act 2006 (the “WT Act”). In particular, with regards to spectrum we are required to secure:
- the optimal use for wireless telegraphy of the electromagnetic spectrum; and
 - the availability throughout the UK of a wide range of electronic communications services.
- 2.2 The legal framework for managing the radio spectrum, including the circumstances relevant for a grant of RSA, is described in greater detail in Section 2 of the March 2015 Statement. As explained in that statement, receive-only equipment, such as receive-only earth stations, is licence exempt, since it is unlikely to cause harmful interference to other users of spectrum. RSA provides these licence exempt users with an alternative form of spectrum holding which gives protection from interference and which can be applied for on a voluntary basis.
- 2.3 In 2011, Ofcom made RSA available for ROES operating within 3600 – 4200 MHz to provide a fixed satellite service and those operating within 1690 – 1710 MHz and 7750 – 7850 MHz to provide a meteorological satellite service.

Policy consultation and decision

- 2.4 On 11 September 2014, we published a consultation⁴ on our proposed policy of introducing RSA for ROES operating in the frequency bands 7850 – 7900 MHz to provide a meteorological satellite service and those operating within the frequency band 25.5 – 26.5 GHz to provide an earth exploration satellite service or a space research service. Following our review of the responses to that consultation, we published our decision⁵ on 31 March 2015.

Statutory Notice

- 2.5 Under section 122(4) to (6) of the WT Act, we are required to publish a notice of any proposal to make regulations or an order. The notice must state that Ofcom proposes to make the regulations or order in question, set out their general effect, state where a copy may be obtained and give any person or party an opportunity to make representations about them.
- 2.6 We published the Notice, meeting the statutory requirements, on 31 March 2015 (together with our March 2015 Statement). The Notice included drafts of the

³ <http://www.ofcom.org.uk/about/what-is-ofcom/statutory-duties-and-regulatory-principles/>

⁴ <http://stakeholders.ofcom.org.uk/consultations/recognised-spectrum-access-receive-only-earth-stations/>

⁵ <http://stakeholders.ofcom.org.uk/consultations/rsa-earth-stations-statement/>

Proposed Regulations and Order. The Notice gave any person or party who wished to do so until 5 May 2015 to make representations.

- 2.7 We received three responses to the Notice, which are published on our website⁶. Our consideration of these is provided in Section 3.

⁶ <http://stakeholders.ofcom.org.uk/consultations/rsa-earth-stations-statement/?showResponses=true>

Section 3

Comments on the regulations and order

Introduction

- 3.1 This section outlines the comments we received in relation to the Notice and our responses to these. It does not seek to explain the general effect of the regulations and order as this is contained in the March 2015 Statement and, more specifically, in the consultation on the draft regulations published on the same date. This section does, however, explain where any amendments have been made to the proposed regulations and order.
- 3.2 We received three responses to the Notice, which are published on our website⁷. Following consideration of the responses, as outlined below, we have made the regulations and order, as proposed in the Notice, subject to some minor changes.

Responses to the Notice

Stakeholders' responses

- 3.3 Avanti Communications and techUK/UKSpace supported Ofcom's proposal to make regulations for RSA for ROES in the 7850 – 7900 MHz band and particularly the 25.5 – 26.5 GHz band. ESOA also endorsed Ofcom's proposal to make the relevant regulations.
- 3.4 We received no comments on the regulatory impact assessments (RIAs) that we attached to the Notice.
- 3.5 ESOA commented that some of its members remain concerned that the technical parameters for the application of RSA for ROES receiving signals from a satellite in non-geostationary satellite orbit (NGSO) could be problematic. ESOA did not provide details on why the parameters might be problematic.

Ofcom's response

- 3.6 The purpose of the Notice was to enable interested parties to comment on the form of the Proposed Regulations and Order. It was not intended to be a further opportunity to comment on our policy decisions relating to making RSA available for ROES operating within the 7850 – 7900 MHz and 25.5 – 26.5 frequency bands, which had previously been consulted on. Nevertheless, we address ESOA's comment about technical parameters below.
- 3.7 In our September 2014 consultation, we proposed a set of parameters that would need to be provided to Ofcom by the applicant of RSA for ROES in the bands 7850 – 7900 MHz and 25.5 – 26.5 GHz. We note that these parameters are the same as those that need to be provided in relation to the frequency bands in which RSA for ROES is already available, namely 1690 – 1710 MHz, 3600 – 4200 MHz and 7750 – 7850 MHz. Several grants of RSA for ROES that we have made in the frequency bands are applicable to ROES receiving signals from an NGSO satellite. We

⁷ <http://stakeholders.ofcom.org.uk/consultations/rsa-earth-stations-statement/?showResponses=true>

therefore consider that the grant of RSA for ROES receiving signals from an NGSO satellite in the additional frequency bands will not be problematic.

Amendments to the proposed Regulations and Order

Ofcom's decision

- 3.8 In light of our review of the Proposed Regulations and Order, we have made a minor amendment to the Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Regulations 2015, by inserting a reference to the Wireless Telegraphy (Recognised Spectrum Access Charges) 2007 in regulation 5, which amends regulation 6 of the Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Stations) Regulations 2011. We have also made some other minor editorial changes to the Proposed Regulations and Order which have no material effect on their scope or substance.
- 3.9 On 18 June 2015, Ofcom made the Regulations and Order as proposed, subject to the minor changes described above.
- 3.10 The Regulations and Order will come into force on **10 July 2015**.
- 3.11 The regulatory impact assessments that we have placed in the library of the House of Commons are in substance the same as the ones that we attached to our Notice. Annex 7 contains a copy of the RIAs for the regulations and order in the form placed in the library of the House of Commons.

Annex 1

Respondents

A1.1 Ofcom received three responses to the Notice, which are published on our website⁸. The names of these respondents are shown below.

Avanti Communications

ESOA

techUK and UKSpace (joint response)

⁸ <http://stakeholders.ofcom.org.uk/consultations/rsa-earth-stations-statement/?showResponses=true>

Annex 2

The Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Regulations 2015 (S.I. 2015/1397)

STATUTORY INSTRUMENTS

2015 No. 1397

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Regulations 2015

<i>Made</i>	- - - -	<i>18th June 2015</i>
<i>Coming into force</i>	- -	<i>10th July 2015</i>

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by section 18(1)(b), section 122(7) and Schedule 2, paragraph 1 of the Wireless Telegraphy Act 2006⁽⁹⁾ (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 (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Regulations 2015 and shall come into force on 10th July 2015.

Amendment of the Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Regulations 2011

2. The Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Regulations 2011⁽¹⁰⁾ (the “principal Regulations”) shall be amended in accordance with these Regulations.

⁽⁹⁾ 2006 c.36.
⁽¹⁰⁾ S.I. 2011/2763.

Amendments to regulation 2

3. In regulation 2 of the principal Regulations—

(a) after paragraph (a), insert—

“(b) “earth exploration satellite service” means a radio communications service between a satellite in space and a fixed wireless telegraphy station on the ground used for earth observation purposes”;

(b) renumber paragraph (b) as (c) and omit “and” at the end of that paragraph;

(c) renumber paragraph (c) as (d);

(d) at the end of paragraph (d) as so renumbered, for the full stop substitute a semi-colon and insert “and”; and

(e) after paragraph (d) as so renumbered, insert—

“(e) “space research service” means a radio communications service between a spacecraft, or any other object in space, and a fixed wireless telegraphy station on the ground used for scientific or technological research purposes.”.

Amendment to regulation 3

4. In regulation 3 of the principal Regulations—

(a) at the end of sub-paragraph (b)(i), omit “or”;

(b) at the end of sub-paragraph (b)(ii), for the full stop substitute a semi-colon and insert “or”; and

(c) after sub-paragraph (b)(ii), insert—

“(iii) within the frequency band listed in Schedule 3 to provide either an earth exploration satellite service or a space research service.”.

Amendment to regulation 6

5. In regulation 6, for paragraph (c) substitute—

“(c) a condition requiring payment of the fee to be paid in accordance with the Wireless Telegraphy (Recognised Spectrum Access Charges) Regulations 2007⁽¹¹⁾”.

Amendment to Schedule 2

6. In Schedule 2 to the principal Regulations, for “7750–7850 Megahertz” substitute “7750–7900 Megahertz”.

Insertion of Schedule 3

7. After Schedule 2 to the principal Regulations, insert the following Schedule 3—

“SCHEDULE 3

Regulation 3

Frequency band for earth exploration satellite service or space research service

Frequency band

25.5–26.5 Gigahertz”

Philip Marnick

⁽¹¹⁾ S.I. 2007/392, amended by S.I. 2011/2762.

18th June 2015

Group Director, Spectrum Group of the Office of Communications
For and by the authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Regulations 2011 (S.I. 2011/2763) (the “Principal Regulations”), which provide for the circumstances of use for which grants of recognised spectrum access may be made by the Office of Communications (“OFCOM”).

These Regulations add receive-only stations operating within certain frequency bands.

Regulation 5 of these Regulations amends regulation 6 of the Principal Regulations to include a reference to the Wireless Telegraphy (Recognised Spectrum Access Charges) Regulations 2007 (S.I. 2007/392, amended by S.I. 2011/2762).

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’s website at <http://www.ofcom.org.uk> or from the OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA. Copies of this assessment have also been placed in the library of the House of Commons.

Annex 3

The Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Order 2015 (S.I. 2015/1398)

STATUTORY INSTRUMENTS

2015 No. 1398

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Order 2015

Made - - - - - *18th June 2015*

Coming into force - - - - - *10th July 2015*

The Office of Communications (“OFCOM”) make the following Order in exercise of the powers conferred by section 29(1) to (3) of the Wireless Telegraphy Act 2006⁽¹²⁾ (the “Act”).

Before making the Order 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. This Order may be cited as the Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Order 2015 and shall come into force on 10th July 2015.

⁽¹²⁾ 2006 c.36.

Amendment of the Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Order 2011

2. The Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Order 2011⁽¹³⁾ (the “principal Order”) shall be amended in accordance with the following articles.

Amendments to article 2

3. In article 2 of the principal Order—

(a) before paragraph (a), insert—

“(a) “earth exploration satellite service” means a radio communications service between a satellite in space and a fixed wireless telegraphy station on the ground used for earth observation purposes;”

(b) renumber the existing paragraph (a) as (b) and omit “and” at the end of that paragraph;

(c) renumber the existing paragraph (b) as (c), for the full stop at the end of that paragraph substitute a semi-colon and insert “and”; and

(d) after paragraph (c) as so renumbered, insert—

“(d) “space research service” means a radio communications service between a spacecraft, or any other object in space, and a fixed wireless telegraphy station on the ground used for scientific or technological research purposes.”.

Amendment to article 3

4. In article 3(3)(b) of the principal Order—

(a) at the end of sub-paragraph (b)(i), omit “or”;

(b) at the end of sub-paragraph (b)(ii), for “and” substitute “or”; and

(c) after sub-paragraph (b)(ii), insert—

“(iii) within the frequency band listed in Schedule 3 to provide either an earth exploration satellite service or a space research service; and”.

Amendment to Schedule 2

5. In Schedule 2 to the principal Order, for “7750–7850 Megahertz” substitute “7750–7900 Megahertz”.

Insertion of Schedule 3

6. After Schedule 2 to the principal Order, insert the following Schedule 3—

“SCHEDULE 3

Article 3

Frequency band for earth exploration satellite services or space research services

Frequency band

25.5–26.5 Gigahertz”

Philip Marnick

Group Director, Spectrum Group of the Office of Communications
For and by the authority of the Office of Communications

18th June 2015

⁽¹³⁾ S.I. 2011/2757.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Order 2011 (S.I. 2011/2757), which specifies the frequencies for which the Office of Communications (“OFCOM”) will grant recognised spectrum access.

This Order adds certain frequency bands.

A full regulatory impact assessment of the effect that this Order will have on the costs to business is available to the public from OFCOM’s website at <http://www.ofcom.org.uk> or from the OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA. Copies of this assessment have also been placed in the library of the House of Commons.

Annex 4

The Wireless Telegraphy (Recognised Spectrum Access Charges) (Amendment) Regulations 2015 (S.I. 2015/1399)

STATUTORY INSTRUMENTS

2015 No. 1399

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Recognised Spectrum Access Charges) (Amendment) Regulations 2015

Made - - - - - *18th June 2015*

Coming into force - - - - - *10th July 2015*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by sections 21, 22(2) and 22(3) of the Wireless Telegraphy Act 2006⁽¹⁴⁾ (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 (Recognised Spectrum Access Charges) (Amendment) Regulations 2015 and shall come into force on 10th July 2015.

Amendment of the Wireless Telegraphy (Recognised Spectrum Access Charges) Regulations 2007

2. The Wireless Telegraphy (Recognised Spectrum Access Charges) Regulations 2007⁽¹⁵⁾ (the “principal Regulations”) shall be amended in accordance with the following Regulations.

Amendments to regulation 8(b)

- 3.—(1) Regulation 8(b) of the principal Regulations is amended as follows.
- (2) Omit the word “and” at the end of sub-paragraph (ii).
- (3) In sub-paragraph (iii)—

⁽¹⁴⁾ 2006 c.36.

⁽¹⁵⁾ S.I. 2007/392, amended by S.I. 2011/2762.

- (a) for “7750–7850 MHz”, substitute “7750–7900 MHz”; and
 - (b) at the end of the sub-paragraph, for the full stop substitute a semi-colon and insert “and”.
- (4) After sub-paragraph (iii), insert—
- “(iv) in the case of a grant of recognised spectrum access in respect of the use of the frequency band 25.5–26.5 GHz—
 - (aa) if the grant is for receiving a radio communications service from a geostationary satellite, multiplying the relevant sum in pounds sterling set out in Table 4 of Schedule 2 (as determined on the basis of the recognised interference level specified in that grant) by each whole MHz of radio frequency which is recognised in that grant; and
 - (bb) if the grant is for receiving a radio communications service from a non-geostationary spacecraft or any other non-geostationary object in space (including a satellite), multiplying the relevant sum in pounds sterling set out in Table 5 of Schedule 2 (as determined on the basis of the recognised interference level specified in that grant) by each whole MHz of radio frequency which is recognised in that grant.”.

Amendment to Part 5 of Schedule 1

4. In Part 5 of Schedule 1 to the principal Regulations, for the table substitute the following table—
- | |
|----------------|
| “1690–1710 MHz |
| 3600–4200 MHz |
| 7750–7900 MHz |
| 25.5–26.5 GHz” |

Amendment to Schedule 2

5. For Schedule 2 to the principal Regulations, substitute the following Schedule—

“SCHEDULE 2

Regulation 8

Table 1

Frequency band 1690–1710 MHz

	<i>Recognised Interference Level</i>		
<i>Sum/MHz</i>	<i>–156 dBW/MHz to less than –146 dBW/MHz</i>	<i>–146 dBW/MHz to less than –136 dBW/MHz</i>	<i>–136 dBW/MHz or higher</i>
<i>Sum/MHz</i>	£63	£37	£19

Table 2

Frequency band 3600–4200 MHz

	<i>Recognised Interference Level</i>			
<i>Sum/MHz</i>	<i>–161 dBW/MHz to less than –159 dBW/MHz</i>	<i>–159 dBW/MHz to less than –149 dBW/MHz</i>	<i>–149 dBW/MHz to less than –139 dBW/MHz</i>	<i>–139 dBW/MHz or higher</i>
<i>Sum/MHz</i>	£20	£17	£9	£4

Table 3

Frequency band 7750–7900 MHz

	<i>Recognised Interference Level</i>		
	<i>-156 dBW/MHz to less than -146 dBW/MHz</i>	<i>-146 dBW/MHz to less than -136 dBW/MHz</i>	<i>-136 dBW/MHz or higher</i>
<i>Sum/MHz</i>	£46	£33	£23

Table 4
Frequency band 25.5–26.5 GHz (geostationary)

	<i>Recognised Interference Level</i>		
	<i>-159 dBW/MHz to less than -149 dBW/MHz</i>	<i>-149 dBW/MHz to less than -139 dBW/MHz</i>	<i>-139 dBW/MHz or higher</i>
<i>Sum/MHz</i>	£4	£2	£1

Table 5
Frequency band 25.5–26.5 GHz (non-geostationary)

	<i>Recognised Interference Level</i>		
	<i>-159 dBW/MHz to less than -149 dBW/MHz</i>	<i>-149 dBW/MHz to less than -139 dBW/MHz</i>	<i>-139 dBW/MHz or higher</i>
<i>Sum/MHz</i>	£20	£10	£5"

18th June 2015

Philip Marnick
Group Director, Spectrum Group of the Office of Communications
For and by the authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Recognised Spectrum Access Charges) Regulations 2007 (S.I. 2007/392, amended by S.I. 2011/2762), which prescribe the charges payable to the Office of Communications (“OFCOM”) in respect of grants of recognised spectrum access.

These Regulations set out the charges payable in respect of grants of recognised spectrum access for receive-only stations operating within certain frequency bands.

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’s website at <http://www.ofcom.org.uk> or from the OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA. Copies of this assessment have also been placed in the library of the House of Commons.

Annex 5

The Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) Regulations 2015 (S.I. 2015/1401)

STATUTORY INSTRUMENTS

2015 No. 1401

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) Regulations 2015

<i>Made</i>	- - - -	<i>18th June 2015</i>
<i>Coming into force</i>	- -	<i>10th July 2015</i>

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by section 30(1) to (3) and section 122(7) of the Wireless Telegraphy Act 2006⁽¹⁶⁾ (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 (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) Regulations 2015 and shall come into force on 10th July 2015.

Amendment of the Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) Regulations 2009

2. The Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) Regulations 2009⁽¹⁷⁾ (the “principal Regulations”) shall be amended in accordance with the following Regulations.

⁽¹⁶⁾ 2006 c.36.
⁽¹⁷⁾ S.I. 2009/17, amended by S.I. 2011/440 and S.I. 2011/2761.

Amendment of Part 2 of Schedule 3

3. In the table in Part 2 of Schedule 3 to the principal Regulations, for “7750–7850 Megahertz” substitute “7750–7900 Megahertz”.

Insertion of Part 3 in Schedule 3

4. In Schedule 3 to the principal Regulations, after Part 2 insert the following Part 3—

“PART 3

<i>Column 1</i>	<i>Column 2</i>
<i>Class of Licence or RSA</i>	<i>Frequency Band</i>
Receive-Only Earth Stations (Earth Exploration Satellite Service)	25.5–26.5 Gigahertz
Receive-Only Earth Stations (Space Research Service)”	

18th June 2015

Philip Marnick
Group Director, Spectrum Group of the Office of Communications
For and by the authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) Regulations 2009 (S.I. 2009/17, amended by S.I. 2011/440 and S.I. 2011/2761), which authorise the transfer of all or part of the rights and obligations arising by virtue of certain grants of recognised spectrum access or wireless telegraphy licences.

These Regulations add the grants of recognised spectrum access in respect of receive-only stations operating within certain frequency bands.

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’s website at <http://www.ofcom.org.uk> or from the OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA. Copies of this assessment have also been placed in the library of the House of Commons.

Annex 6

The Wireless Telegraphy (Register) (Amendment) Regulations 2015 (S.I. 2015/1400)

STATUTORY INSTRUMENTS

2015 No. 1400

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Register) (Amendment) Regulations 2015

Made - - - - *18th June 2015*

Coming into force - - *10th July 2015*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by section 31(1) and (2) and section 122(7) of the Wireless Telegraphy Act 2006⁽¹⁸⁾ (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 (Register) (Amendment) Regulations 2015 and shall come into force on 10th July 2015.

Amendment of the Wireless Telegraphy (Register) Regulations 2012

2.—(1) In Column 1 of Part 6 of Schedule 2 to the Wireless Telegraphy (Register) Regulations 2012⁽¹⁹⁾ (the “principal Regulations”), insert, at the end of the column, after “Receive-Only Earth Station (Meteorological Satellite Service)”—

“Receive-Only Earth Stations (Earth Exploration Satellite Service)
Receive-Only Earth Stations (Space Research Service)”.

(2) In Column 2 of Part 6 of Schedule 2 to the principal Regulations—

(a) for “7750–7850 MHz”, substitute “7750–7900 MHz”; and

⁽¹⁸⁾ 2006 c.36.

⁽¹⁹⁾ S.I. 2012/2186, amended by S.I. 2013/640.

- (b) between “23.6–24.0 GHz” and “31.3–31.8 GHz”, insert—
“25.5–26.5 GHz”.

18th June 2015

Philip Marnick
Group Director, Spectrum Group of the Office of Communications
For and by the authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Register) Regulations 2012 (S.I. 2012/2186, amended by S.I. 2013/640), which require the Office of Communications (“OFCOM”) to establish and maintain a public register of relevant information relating to certain classes of wireless telegraphy licences and grants of recognised spectrum access.

These Regulations add the grants of recognised spectrum access in respect of wireless telegraphy stations operating within certain frequency bands.

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’s website at <http://www.ofcom.org.uk> or from the OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA. Copies of this assessment have also been placed in the library of the House of Commons.

Annex 7

Regulatory Impact Assessments



Regulatory Impact Assessment
for the Wireless Telegraphy
(Recognised Spectrum Access for
Satellite Receive-Only Earth
Stations) (Amendment)
Regulations 2015

Issued:

18 June 2015

Impact Assessment

Introduction

- A7.1 Ofcom acts consistently with Government practice that, where a statutory regulation is made, a Regulatory Impact Assessment (“RIA”) should be undertaken.
- A7.2 The analysis in this document, and set out more fully in the consultation documents and statements referred to below, is an impact assessment relating to the Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Regulations 2015 (the “regulations”).
- A7.3 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Communications Act 2003 (the “Act”), which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom’s activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom’s approach to impact assessment, which are on our website: <http://stakeholders.ofcom.org.uk/consultations/better-policy-making/>
- A7.4 In the present case, the impact of the policy decisions that will be given effect by the regulations has already been assessed in other documents referred to below. Accordingly, a separate assessment for the regulations may not strictly be necessary. We nevertheless publish this document as a matter of good practice.

Background

- A7.5 Section 18 of the Wireless Telegraphy Act 2006 (the “WT Act”) prescribes the circumstances relevant for a grant of Recognised Spectrum Access (RSA), namely:
- i) a person is proposing to use or to continue to use a station or apparatus for wireless telegraphy;
 - ii) the circumstances of the use are circumstances specified for the purposes of that section in regulations made by Ofcom;
 - iii) 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 the territorial waters adjacent to the United Kingdom; and
 - iv) for the purposes of that section it is immaterial whether the emissions are from a place within the United Kingdom or from a place outside the United Kingdom.
- A7.6 The purpose of the introduction of RSA is to provide a mechanism to give formal recognition to receive-only radio services and to complement licensing by providing an alternative form of spectrum holding that can be made tradable.

- A7.7 Receive only satellite earth stations (ROES) that may currently operate in the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz currently do so without being taken into account in Ofcom’s assignment process.
- A7.8 Ofcom carried out a RIA for the Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Regulations 2011²⁰, which introduced RSA for ROES operating within the bands 1690 – 1710 MHz, 3600 – 4200 MHz and 7750 – 7850 MHz. The Wireless Telegraphy (Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Regulations 2015 amend these regulations in order to extend RSA to the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz.
- A7.9 We have previously consulted, and made decisions, on the policy behind introducing grants of RSA for ROES operating within the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz in the following documents:
- our consultation document of 11 September 2014, entitled “Recognised Spectrum Access for Receive Only Earth Stations”²¹ (the “September 2014 Consultation”), which included an impact assessment; and
 - our statement of 31 March 2015, entitled “Recognised Spectrum Access (RSA) for Receive Only Earth Stations”²² (the “March 2015 Statement”).
- A7.10 We have also consulted on making the regulations, as set out in the following document, which included a regulatory impact assessment:
- our Notice of Ofcom’s proposal to make regulations, which we published on 31 March 2015, together with the March 2015 Statement.
- A7.11 In consulting on and making these decisions we exercised the following powers and met the following duties.

The citizen and/or consumer interest

- A7.12 Our principal duty under section 3 of the Act is to further the interests of citizens in relation to communications matters; and of consumers in relevant markets, where appropriate by promoting competition. We take account of the impact of our decisions upon both citizen and consumer interests in the markets we regulate. We must, in particular, secure the optimal use for wireless telegraphy of spectrum and have regard to the principle under which all regulatory activities should be targeted only at cases in which action is needed.
- A7.13 In making these regulations we have considered the wider impact beyond immediate stakeholders in the radiocommunications sectors. We believe that our decisions will be of benefit to consumers and citizens by providing an assurance that valuable information and services can be provided in an environment where

²⁰ See Annex 1.1 attached to Ofcom’s statement of 30 November 2011 entitled ‘Decision to make the Regulations for Recognised Spectrum Access (RSA) for Receive Only Earth Stations in the Bands 1690 – 1710 MHz, 3600 – 4200 MHz, and 7750 – 7850 MHz’:

<http://stakeholders.ofcom.org.uk/binaries/consultations/ras-earth-stations/statement/statement.pdf>

²¹ <http://stakeholders.ofcom.org.uk/consultations/recognised-spectrum-access-receive-only-earth-stations/>

²² http://stakeholders.ofcom.org.uk/consultations/ras-earth-stations-statement/?utm_source=update&utm_medium=email&utm_campaign=rsaroes

protection from interference to ROES is available. The information disseminated to ROES by space stations and satellites in the subject frequency bands is used to provide a diverse set of societal benefits including weather forecasting, climate and disaster monitoring, and also to further human endeavors such as mapping, population monitoring and the exploration of the universe.

Ofcom's policy objective

A7.14 We have a number of duties under section 3 of the WT Act. These include having regard when carrying out our radio spectrum functions to:

- i) the extent that spectrum is available for use; and
- ii) the desirability of promoting the efficient management and use of the spectrum for wireless telegraphy.

A7.15 The regulations are intended to allow Ofcom to recognise the existence and protection requirements of ROES so that they can operate with minimal risk of receiving interference from other licensed radio users. Providing formal recognition to ROES sites via grants of RSA will promote more efficient use of the radio spectrum.

Options considered

A7.16 The options available to us in relation to the introduction of these regulations are as follows:

- do nothing; or
- make the regulations.

Analysis of the different options

A7.17 Some analysis of these two options was provided in the September 2014 Consultation and the March 2015 Statement.

A7.18 If we do nothing, operators of ROES in the subject frequency bands run the risk of receiving interference from licensed fixed point-to-point microwave links that operate in the same bands. This interference could undermine the utility of the earth stations. Not only could this represent a problem for the operators with sunk investments in their earth station, it could represent a sub-optimal use of spectrum.

A7.19 The regulations will provide regulatory certainty for ROES operators who apply for, and are granted RSA. This ensures that operators of ROES can continue to provide valuable services with enhanced confidence about the levels of interference they can expect to receive. It also ensures that ROES operators have access to spectrum on an equitable basis with other licensed users and will lead to efficient use of spectrum.

A7.20 As RSA for ROES is a voluntary scheme, those operators who may wish to operate in the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz without applying for a grant of RSA would be able to do so on a non-protected basis.

A7.21 As a consequence of making the regulations, it is likely that the existing fixed link operators will see an increase in competition for the same spectrum resource.

However, the introduction of fees based on 'administrative incentive pricing' ('AIP') and trading ensures there are incentives for users to make efficient use of spectrum.

Costs to Ofcom and the public sector

A7.22 There are one-off administrative costs associated with making Statutory Instruments. We consider these implementation costs to be low. Ofcom would incur little additional cost as a result of making the regulations. The framework for granting RSA for ROES has already been set up in relation to other frequency bands and including ROES operating in two additional frequency bands within the framework should require little additional cost.

Cost to business, including small business and the voluntary sector

A7.23 The business sectors most likely to be affected are fixed link operators as well as those involved in monitoring the natural environment of the earth and the exploration of space.

A7.24 The regulations will allow operators of ROES who obtain grants of RSA to provide valuable services with enhanced confidence about the levels of interference they can expect to receive. It also ensures that ROES operators have access to spectrum on an equitable basis with other licensed users.

A7.25 Although existing licensed fixed link operators may see an increase in competition for use of frequencies, the impact is expected to be low because the demand for use of the frequency bands by ROES is likely to be low.

A7.26 We do not consider that our decision to make these regulations will have any material cost implications for the voluntary sector.

The preferred (and adopted) option

A7.27 Although difficult to quantify, we consider, for the reasons set out above, that the benefits of making the regulations outweigh the costs. We have therefore made the regulations.

Equality Impact Assessment

A7.28 Ofcom is separately required by statute to assess the potential impact of all our functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.

A7.29 We have not identified any particular impact on the identified equality groups arising from the regulations. Specifically, we do not consider the impact of the regulations to be to the detriment of any particular group within society. Nor have we seen the need to carry out separate EIAs in relation to the additional equality groups in Northern Ireland: religious belief, political opinion and dependants. This is because we anticipate that the regulations will not have a differential impact in Northern Ireland compared to consumers in general.



Regulatory Impact Assessment
for the Wireless Telegraphy
(Limitation of Number of Grants of
Recognised Spectrum Access for
Satellite Receive-Only Earth
Stations) (Amendment) Order
2015

Issued:

18 June 2015

Impact Assessment

Introduction

- A7.30 Ofcom acts consistently with Government practice that, where a statutory regulation is made, a Regulatory Impact Assessment (“RIA”) should be undertaken.
- A7.31 The analysis in this document, and set out more fully in the consultation documents and statements referred to below, is an impact assessment relating to the Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Order 2015 (the “order”).
- A7.32 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Communications Act 2003 (the “Act”), which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom’s activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom’s approach to impact assessment, which are on our website: <http://stakeholders.ofcom.org.uk/consultations/better-policy-making/>
- A7.33 In the present case, the impact of the policy decisions that will be given effect by the order has already been assessed in other documents referred to below. Accordingly, a separate assessment for the order may not strictly be necessary. We nevertheless publish this document as a matter of good practice.

Background

- A7.34 Section 18 of the Wireless Telegraphy Act 2006 (the “WT Act”) prescribes the circumstances relevant for a grant of Recognised Spectrum Access (RSA), namely:
- i) a person is proposing to use or to continue to use a station or apparatus for wireless telegraphy;
 - ii) the circumstances of the use are circumstances specified for the purposes of that section in regulations made by Ofcom;
 - iii) 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 the territorial waters adjacent to the United Kingdom; and
 - iv) for the purposes of that section it is immaterial whether the emissions are from a place within the United Kingdom or from a place outside the United Kingdom.
- A7.35 The purpose of the introduction of RSA is to provide a mechanism to give formal recognition to receive-only radio services and to complement licensing by providing an alternative form of spectrum holding that can be made tradable.

- A7.36 Receive only satellite earth stations (ROES) that may currently operate in the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz currently do so without being taken into account in Ofcom’s assignment process.
- A7.37 Ofcom carried out a RIA for the Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) Order 2011²³, which introduced RSA for ROES operating within the bands 1690 – 1710 MHz, 3600 – 4200 MHz and 7750 – 7850 MHz. The Wireless Telegraphy (Limitation of Number of Grants of Recognised Spectrum Access for Satellite Receive-Only Earth Stations) (Amendment) Order 2015 amend the 2011 order to extend RSA to the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz.
- A7.38 We have previously consulted, and made decisions, on the policy behind introducing grants of RSA for ROES operating within the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz in the following documents:
- our consultation document of 11 September 2014, entitled “Recognised Spectrum Access for Receive Only Earth Stations”²⁴ (the “September 2014 Consultation”), which included an impact assessment; and
 - our statement of 31 March 2015, entitled “Recognised Spectrum Access (RSA) for Receive Only Earth Stations”²⁵ (the “March 2015 Statement”).
- A7.39 We have also consulted on making the regulations, as set out in the following document, which included a regulatory impact assessment:
- our Notice of Ofcom’s proposal to make regulations, which we published on 31 March 2015, together with the March 2015 Statement.
- A7.40 In consulting on and making these decisions we exercised the following powers and met the following duties.

The citizen and/or consumer interest

- A7.41 Our principal duty under section 3 of the Act is to further the interests of citizens in relation to communications matters; and of consumers in relevant markets, where appropriate by promoting competition. We take account of the impact of our decisions upon both citizen and consumer interests in the markets we regulate. We must, in particular, secure the optimal use for wireless telegraphy of spectrum and have regard to the principle under which all regulatory activities should be targeted only at cases in which action is needed.
- A7.42 In making this order we have considered the wider impact beyond immediate stakeholders in the radiocommunications sectors. We believe that our decision will be of benefit to consumers and citizens by providing an assurance that valuable information and services can be provided in an environment where protection from

²³ See Annex 1.1 attached to Ofcom’s statement of 30 November 2011 entitled ‘Decision to make the Regulations for Recognised Spectrum Access (RSA) for Receive Only Earth Stations in the Bands 1690 – 1710 MHz, 3600 – 4200 MHz, and 7750 – 7850 MHz’:

<http://stakeholders.ofcom.org.uk/binaries/consultations/ras-earth-stations/statement/statement.pdf>

²⁴ <http://stakeholders.ofcom.org.uk/consultations/recognised-spectrum-access-receive-only-earth-stations/>

²⁵ http://stakeholders.ofcom.org.uk/consultations/ras-earth-stations-statement/?utm_source=update&utm_medium=email&utm_campaign=rsaroes

interference to ROES is available. The information disseminated to ROES by space stations and satellites in the subject frequency bands is used to provide a diverse set of societal benefits including weather forecasting, climate and disaster monitoring, and also to further human endeavors such as mapping, population monitoring and the exploration of the universe.

Ofcom's policy objective

A7.43 We have a number of duties under section 3 of the WT Act. These include having regard when carrying out our radio spectrum functions to:

- i) the extent that spectrum is available for use; and
- ii) the desirability of promoting the efficient management and use of the spectrum for wireless telegraphy.

A7.44 The order will allow Ofcom to limit the number of grants of RSA for ROES in the subject frequency bands in order to ensure efficient use of the radio spectrum.

Options considered

A7.45 The options available to us in relation to the introduction of this order are as follows:

- do nothing; or
- make the order.

Analysis of the different options

A7.46 Some analysis of these two options was provided in the September 2014 Consultation and the March 2015 Statement.

A7.47 If we do nothing, we will be unable to limit the number of grants of RSA for ROES and as such will not be able to ensure efficient use of the spectrum subject to the grants.

A7.48 The order will provide regulatory certainty for ROES operators who apply for, and are granted RSA along with other users who are licensed in the subject frequency bands.

A7.49 As RSA for ROES is a voluntary scheme, those operators who may wish to operate in the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz without applying for a grant of RSA would be able to do so on a non-protected basis.

Costs to Ofcom and the public sector

A7.50 There are one-off administrative costs associated with making Statutory Instruments. We consider these implementation costs to be low. Ofcom would incur little additional cost as a result of making the order. The framework for granting RSA for ROES has already been set up in relation to other frequency bands and including ROES operating in two additional frequency bands within the framework should require little additional cost.

Cost to business, including small business and the voluntary sector

- A7.51 The business sectors most likely to be affected are fixed link operators as well as those involved in monitoring the natural environment of the earth and the exploration of space.
- A7.52 The order will allow operators of ROES who wish to apply for grants of RSA to do so, and thus allow us to take their receivers into account in our spectrum assignment processes. As a consequence of the order, those operators of other services in the bands concerned have the assurance that Ofcom can limit the number of grants in order to minimise the risk of interference and ensure efficient use of spectrum.
- A7.53 Although existing licensed fixed link operators may see an increase in competition for use of frequencies, the impact is expected to be low because the demand for use of the frequency bands by ROES is likely to be low.
- A7.54 We do not consider that our decision to make this order will have any material cost implications for the voluntary sector.

The preferred (and adopted) option

- A7.55 Although difficult to quantify, we consider, for the reasons set out above, that the benefits of making the order outweigh the costs. We have therefore made the order.

Equality Impact Assessment

- A7.56 Ofcom is separately required by statute to assess the potential impact of all our functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.
- A7.57 We have not identified any particular impact on the identified equality groups arising from the order. Specifically, we do not consider the impact of the order to be to the detriment of any particular group within society. Nor have we seen the need to carry out separate EIAs in relation to the additional equality groups in Northern Ireland: religious belief, political opinion and dependants. This is because we anticipate that the order will not have a differential impact in Northern Ireland compared to consumers in general.



Regulatory Impact Assessment
for the Wireless Telegraphy
(Recognised Spectrum Access
Charges) (Amendment)
Regulations 2015

Issued:

18 June 2015

Impact Assessment

Introduction

- A7.58 Ofcom acts consistently with Government practice that, where a statutory regulation is made, a Regulatory Impact Assessment (“RIA”) should be undertaken.
- A7.59 The analysis in this document, and set out more fully in the consultation documents and statements referred to below, is an impact assessment relating to the Wireless Telegraphy (Recognised Spectrum Access Charges) (Amendment) Regulations 2015 (the “regulations”).
- A7.60 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Communications Act 2003 (the “Act”), which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom’s activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom’s approach to impact assessment, which are on our website: <http://stakeholders.ofcom.org.uk/consultations/better-policy-making/>
- A7.61 In the present case, the impact of the policy decisions that will be given effect by the regulations has already been assessed in other documents referred to below. Accordingly, a separate assessment for the regulations may not strictly be necessary. We nevertheless publish this document as a matter of good practice.

Background

- A7.62 Section 18 of the Wireless Telegraphy Act 2006 (the “WT Act”) prescribes the circumstances relevant for a grant of Recognised Spectrum Access (RSA), namely:
- i) a person is proposing to use or to continue to use a station or apparatus for wireless telegraphy;
 - ii) the circumstances of the use are circumstances specified for the purposes of that section in regulations made by Ofcom;
 - iii) 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 the territorial waters adjacent to the United Kingdom; and
 - iv) for the purposes of that section it is immaterial whether the emissions are from a place within the United Kingdom or from a place outside the United Kingdom.
- A7.63 The purpose of the introduction of RSA is to provide a mechanism to give formal recognition to receive-only radio services and to complement licensing by providing an alternative form of spectrum holding that can be made tradable.

- A7.64 Receive only satellite earth stations (ROES) that may currently operate in the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz currently do so without being taken into account in Ofcom’s assignment process.
- A7.65 Under sections 21, 22(2) and (3) of the WT Act, we have powers to prescribe sums applicable to grants of RSA. Under section 22 of the WT Act, we may, if we think fit in the light (in particular) of our duties under section 3 of the WT Act, prescribe fees which would be greater than those that would be necessary for the purposes of recovering costs incurred by us in connection with our radio spectrum functions. Article 13 of the Authorisation Directive²⁶ requires fees for rights to use spectrum to be objectively justified, transparent, non-discriminatory and proportionate.
- A7.66 Ofcom carried out a RIA for the Wireless Telegraphy (Recognised Spectrum Access Charges) (Amendment) Regulations 2011²⁷, which introduced charges for grants of RSA for ROES operating within the bands 1690 – 1710 MHz, 3600 – 4200 MHz and 7750 – 7850 MHz. The Wireless Telegraphy (Recognised Spectrum Access Charges) (Amendment) Regulations 2015 amend these regulations in order to extend charges for grants of RSA for ROES to the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz.
- A7.67 We have previously consulted, and made decisions, on the policy behind introducing grants of RSA for ROES operating within the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz in the following documents:
- our consultation document of 11 September 2014, entitled “Recognised Spectrum Access for Receive Only Earth Stations”²⁸ (the “September 2014 Consultation”), which included an impact assessment; and
 - our statement of 31 March 2015, entitled “Recognised Spectrum Access (RSA) for Receive Only Earth Stations”²⁹ (the “March 2015 Statement”).
- A7.68 We have also consulted on making the regulations, as set out in the following document, which included a regulatory impact assessment:
- our Notice of Ofcom’s proposal to make regulations, which we published on 31 March 2015, together with the March 2015 Statement.
- A7.69 In consulting on and making these decisions we exercised the following powers and met the following duties.

The citizen and/or consumer interest

- A7.70 Our principal duty under section 3 of the Act is to further the interests of citizens in relation to communications matters; and of consumers in relevant markets, where appropriate by promoting competition. We take account of the impact of our decisions upon both citizen and consumer interests in the markets we regulate. We

²⁶ Directive 2002/20/EC, as amended by Directive 2009/140/EC.

²⁷ See Annex 1.1 attached to Ofcom’s statement of 30 November 2011 entitled ‘Decision to make the Regulations for Recognised Spectrum Access (RSA) for Receive Only Earth Stations in the Bands 1690 – 1710 MHz, 3600 – 4200 MHz, and 7750 – 7850 MHz’:

<http://stakeholders.ofcom.org.uk/binaries/consultations/rsa-earth-stations/statement/statement.pdf>

²⁸ <http://stakeholders.ofcom.org.uk/consultations/recognised-spectrum-access-receive-only-earth-stations/>

²⁹ http://stakeholders.ofcom.org.uk/consultations/rsa-earth-stations-statement/?utm_source=update&utm_medium=email&utm_campaign=rsaroes

must, in particular, secure the optimal use for wireless telegraphy of spectrum and have regard to the principle under which all regulatory activities should be targeted only at cases in which action is needed.

- A7.71 In making these regulations we have considered the wider impact beyond immediate stakeholders in the radiocommunications sectors. We believe that our decisions will be of benefit to consumers and citizens by providing an assurance that valuable information and services can be provided in an environment where protection from interference to ROES is available. The information disseminated to ROES by space stations and satellites in the subject frequency bands is used to provide a diverse set of societal benefits including weather forecasting, climate and disaster monitoring, and also to further human endeavors such as mapping, population monitoring and the exploration of the universe.
- A7.72 The introduction of charges for grants of RSA for ROES that is based on administered incentive pricing (AIP) is equitable where the bands are shared with other services whose fees are also AIP based.

Ofcom's policy objective

- A7.73 We have a number of duties under section 3 of the WT Act. These include having regard when carrying out our radio spectrum functions to:
- i) the extent that spectrum is available for use; and
 - ii) the desirability of promoting the efficient management and use of the spectrum for wireless telegraphy.
- A7.74 The regulations are intended to allow Ofcom to charge users for grants of RSA for ROES to provide incentives to use the radio spectrum efficiently.

Options considered

- A7.75 The options available to us in relation to charges for grants of RSA for ROES in the subject frequency bands are as follows:
- not to charge for a grant of RSA for ROES;
 - to charge cost recovery for RSA for ROES;
 - to charge based on AIP; or
 - to charge fees that are based on a comprehensive fee review of the relevant frequency bands and associated users.

Analysis of the different options

- A7.76 A full analysis of these options was provided in the September 2014 Consultation, the March 2015 Statement and the RIA for the Wireless Telegraphy (Recognised Spectrum Access Charges) (Amendment) Regulations 2011.
- A7.77 If we don't charge for grant of RSA for ROES, then there is no incentive for a holder of the grant to surrender it when no longer required – thus leading to inefficient use of spectrum. Similarly, if we charge at cost recovery, then there is little incentive for

an applicant of RSA to restrict the amount of spectrum that they apply for to that which they intend to use – thus leading to inefficient use of spectrum.

- A7.78 Ofcom has recently started a wider comprehensive review of fees payable by the users of certain radio frequencies, including the holders of grants of RSA for ROES³⁰. Until that review is complete, we are unable to consider the implementation of its findings. If we were to wait until that review was complete, we would have to delay the introduction of RSA in the subject frequency bands, which would postpone the associated benefits.
- A7.79 Charging fees based on AIP (subject to a minimum fee of £500), reflecting those that are paid by existing users of the frequency bands, is equitable and ensures that there are equivalent incentives for all users to make efficient use of the spectrum. The minimum fee of £500 is in line with the minimum fee payable for grants of RSA for ROES in bands where RSA is currently available.
- A7.80 As RSA for ROES is voluntary, those operators who wish to continue to operate in the subject frequency bands without applying for, and paying for, a grant of RSA can continue to do so on a non-protected basis.

Costs to Ofcom and the public sector

- A7.81 There are one-off administrative costs associated with making Statutory Instruments. We consider these implementation costs to be low. Ofcom would incur little additional cost as a result of making the regulations. The framework for granting RSA for ROES has already been set up in relation to other frequency bands and including ROES operating in two additional frequency bands within the framework should require little additional cost.

Cost to business, including small business and the voluntary sector

- A7.82 The business sectors most likely to be affected are operators of ROES involved in monitoring the natural environment of the earth and the exploration of space.
- A7.83 The regulations will ensure that operators of ROES who obtain grants of RSA pay fees that are equivalent to those already paid by other users of the subject frequency bands.
- A7.84 We do not consider that our decision to make these regulations will have any material cost implications for the voluntary sector.

The preferred (and adopted) option

- A7.85 Although difficult to quantify, we consider, for the reasons set out above, that the benefits of making the regulations outweigh the costs. We have therefore made the regulations.

³⁰ On 21 May 2015, OFCOM published a consultation document entitled 'Review of spectrum fees. For fixed links and satellite services': http://stakeholders.ofcom.org.uk/binaries/consultations/review-spectrum-fees-fixed-links-satellite/summary/fixed_services_fee.pdf

Equality Impact Assessment

- A7.86 Ofcom is separately required by statute to assess the potential impact of all our functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.
- A7.87 We have not identified any particular impact on the identified equality groups arising from the regulations. Specifically, we do not consider the impact of the proposals in this consultation to be to the detriment of any particular group within society. Nor have we seen the need to carry out separate EIAs in relation to the additional equality groups in Northern Ireland: religious belief, political opinion and dependants. This is because we anticipate that the regulations will not have a differential impact in Northern Ireland compared to consumers in general.



Regulatory Impact Assessment
for the Wireless Telegraphy
(Recognised Spectrum Access
and Licence) (Spectrum Trading)
(Amendment) Regulations 2015

Issued:

18 June 2015

Impact Assessment

Introduction

- A7.88 Ofcom acts consistently with Government practice that, where a statutory regulation is made, a Regulatory Impact Assessment (“RIA”) should be undertaken.
- A7.89 The analysis in this document, and set out more fully in the consultation documents and statements referred to below, is an impact assessment relating to the Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) Regulations 2015 (the “regulations”).
- A7.90 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Communications Act 2003 (the “Act”), which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom’s activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom’s approach to impact assessment, which are on our website: <http://stakeholders.ofcom.org.uk/consultations/better-policy-making/>
- A7.91 In the present case, the impact of the policy decisions that will be given effect by the regulations has already been assessed in other documents referred to below. Accordingly, a separate assessment for the regulations may not strictly be necessary. We nevertheless publish this document as a matter of good practice.

Background

- A7.92 Section 18 of the Wireless Telegraphy Act 2006 (the “WT Act”) prescribes the circumstances relevant for a grant of Recognised Spectrum Access (RSA), namely:
- i) a person is proposing to use or to continue to use a station or apparatus for wireless telegraphy;
 - ii) the circumstances of the use are circumstances specified for the purposes of that section in regulations made by Ofcom;
 - iii) 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 the territorial waters adjacent to the United Kingdom; and
 - iv) for the purposes of that section it is immaterial whether the emissions are from a place within the United Kingdom or from a place outside the United Kingdom.
- A7.93 The purpose of the introduction of RSA is to provide a mechanism to give formal recognition to receive-only radio services and to complement licensing by providing an alternative form of spectrum holding that can be made tradable.

- A7.94 Receive only satellite earth stations (ROES) that may currently operate in the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz currently do so without being taken into account in Ofcom’s assignment process.
- A7.95 Ofcom carried out a RIA for the Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) (No. 2) Regulations 2011³¹, which allowed trading of grants of RSA for ROES operating within the bands 1690 – 1710 MHz, 3600 – 4200 MHz and 7750 – 7850 MHz. The Wireless Telegraphy (Recognised Spectrum Access and Licence) (Spectrum Trading) (Amendment) Regulations 2015 amend these regulations in order to allow trading of grants of RSA for ROES operating in the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz.
- A7.96 We have previously consulted, and made decisions, on the policy behind introducing grants of RSA for ROES operating within the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz in the following documents:
- our consultation document of 11 September 2014, entitled “Recognised Spectrum Access for Receive Only Earth Stations”³² (the “September 2014 Consultation”), which included an impact assessment; and
 - our statement of 31 March 2015, entitled “Recognised Spectrum Access (RSA) for Receive Only Earth Stations”³³ (the “March 2015 Statement”).
- A7.97 We have also consulted on making the regulations, as set out in the following document, which included a regulatory impact assessment:
- our Notice of Ofcom’s proposal to make regulations, which we published on 31 March 2015, together with the March 2015 Statement.
- A7.98 In consulting on and making these decisions we exercised the following powers and met the following duties.

The citizen and/or consumer interest

- A7.99 Our principal duty under section 3 of the Act is to further the interests of citizens in relation to communications matters; and of consumers in relevant markets, where appropriate by promoting competition. We take account of the impact of our decisions upon both citizen and consumer interests in the markets we regulate. We must, in particular, secure the optimal use for wireless telegraphy of spectrum and have regard to the principle under which all regulatory activities should be targeted only at cases in which action is needed.
- A7.100 In making these regulations we have considered the wider impact beyond immediate stakeholders in the radiocommunications sectors. We believe that our decisions will be of benefit to consumers and citizens by providing an assurance

³¹ See Annex 1.1 attached to Ofcom’s statement of 30 November 2011 entitled ‘Decision to make the Regulations for Recognised Spectrum Access (RSA) for Receive Only Earth Stations in the Bands 1690 – 1710 MHz, 3600 – 4200 MHz, and 7750 – 7850 MHz’:

<http://stakeholders.ofcom.org.uk/binaries/consultations/rsa-earth-stations/statement/statement.pdf>

³² <http://stakeholders.ofcom.org.uk/consultations/recognised-spectrum-access-receive-only-earth-stations/>

³³ http://stakeholders.ofcom.org.uk/consultations/rsa-earth-stations-statement/?utm_source=update&utm_medium=email&utm_campaign=rsaroes

that valuable information and services can be provided in an environment where protection from interference to ROES is available. The information disseminated to ROES by space stations and satellites in the subject frequency bands is used to provide a diverse set of societal benefits including weather forecasting, climate and disaster monitoring, and also to further human endeavors such as mapping, population monitoring and the exploration of the universe.

Ofcom's policy objective

A7.101 We have a number of duties under section 3 of the WT Act. These include having regard when carrying out our radio spectrum functions to:

- i) the extent that spectrum is available for use; and
- ii) the desirability of promoting the efficient management and use of the spectrum for wireless telegraphy.

A7.102 The regulations are intended to allow recipients of grants of RSA for ROES operating within the 7850 – 7900 MHz and 25.5 – 26.5 GHz frequency bands to transfer the rights and obligations arising by virtue of their grants of RSA.

Options considered

A7.103 The options available to us in relation to the transfer of rights and obligations arising by virtue of grants of RSA for ROES in the subject frequency bands are as follows:

- do nothing; or
- make the regulations.

Analysis of the different options

A7.104 Some analysis of these two options was provided in the September 2014 Consultation and the March 2015 Statement.

A7.105 If we do nothing, there will be little opportunity for higher value uses of spectrum to gain access to spectrum being used by ROES.

A7.106 The regulations maximise benefits to society by ensuring the spectrum is made available to the highest value user. This will promote efficient use of spectrum.

Costs to Ofcom and the public sector

A7.107 There are one-off administrative costs associated with making Statutory Instruments. We consider these implementation costs to be low. Ofcom would incur little additional cost as a result of making the regulations. The framework for granting RSA for ROES has already been set up in relation to other frequency bands and including ROES operating in two additional frequency bands within the framework should require little additional cost.

Cost to business, including small business and the voluntary sector

- A7.108 The business sectors most likely to be affected are fixed link operators as well as those involved in monitoring the natural environment of the earth and the exploration of space.
- A7.109 We consider that the costs to business would be proportionate, because the costs of spectrum trading would only fall on those who traded and for whom the benefit of the spectrum trade should exceed the costs anyway.
- A7.110 In summary, Ofcom considers that the benefits of allowing trading for the grants of RSA for ROES operating in the subject bands are likely to outweigh the costs.
- A7.111 We do not consider that our decision to make these regulations will have any material cost implications for the voluntary sector.

The preferred (and adopted) option

- A7.112 We believe that the regulations will improve spectrum efficiency by allowing those in receipt of a grant of RSA for ROES to assess the value of that grant against a market value for the spectrum and location concerned. It facilitates a trade when another operator puts a higher value on the spectrum than that perceived by the recipient of the RSA grant.
- A7.113 Although difficult to quantify, we consider, for the reasons set out above, that the benefits of making the regulations outweigh the costs. We have therefore made the regulations.

Equality Impact Assessment

- A7.114 Ofcom is separately required by statute to assess the potential impact of all our functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.
- A7.115 We have not identified any particular impact on the identified equality groups arising from the regulations. Specifically, we do not consider the impact of the regulations to be to the detriment of any particular group within society. Nor have we seen the need to carry out separate EIAs in relation to the additional equality groups in Northern Ireland: religious belief, political opinion and dependants. This is because we anticipate that the regulations will not have a differential impact in Northern Ireland compared to consumers in general.



Regulatory Impact Assessment for the Wireless Telegraphy (Register) (Amendment) Regulations 2015

Issued: 18 June 2015

Impact Assessment

Introduction

- A7.116 Ofcom acts consistently with Government practice that, where a statutory regulation is made, a Regulatory Impact Assessment (“RIA”) should be undertaken.
- A7.117 The analysis in this document, and set out more fully in the consultation documents and statements referred to below, is an impact assessment relating to the Wireless Telegraphy (Register) (Amendment) Regulations 2015 (the “regulations”).
- A7.118 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Communications Act 2003 (the “Act”), which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom’s activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom’s approach to impact assessment, which are on our website: <http://stakeholders.ofcom.org.uk/consultations/better-policy-making/>
- A7.119 In the present case, the impact of the policy decisions that will be given effect by the regulations has already been assessed in other documents referred to below. Accordingly, a separate assessment for the regulations may not strictly be necessary. We nevertheless publish this document as a matter of good practice.

Background

- A7.120 Section 18 of the Wireless Telegraphy Act 2006 (the “WT Act”) prescribes the circumstances relevant for a grant of Recognised Spectrum Access (RSA), namely:
- i) a person is proposing to use or to continue to use a station or apparatus for wireless telegraphy;
 - ii) the circumstances of the use are circumstances specified for the purposes of that section in regulations made by Ofcom;
 - iii) 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 the territorial waters adjacent to the United Kingdom; and
 - iv) for the purposes of that section it is immaterial whether the emissions are from a place within the United Kingdom or from a place outside the United Kingdom.
- A7.121 The purpose of the introduction of RSA is to provide a mechanism to give formal recognition to receive-only radio services and to complement licensing by providing an alternative form of spectrum holding that can be made tradable.

- A7.122 Receive only satellite earth stations (ROES) that may currently operate in the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz currently do so without being taken into account in Ofcom’s assignment process.
- A7.123 Ofcom carried out a RIA for the Wireless Telegraphy (Register) (Amendment) (No. 3) Regulations 2011³⁴, which introduced RSA for ROES operating within the bands 1690 – 1710 MHz, 3600 – 4200 MHz and 7750 – 7850 MHz. The Wireless Telegraphy (Register) (Amendment) Regulations 2015 amend these regulations in order to extend RSA to the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz.
- A7.124 We have previously consulted, and made decisions, on the policy behind introducing grants of RSA for ROES operating within the frequency bands 7850 – 7900 MHz and 25.5 – 26.5 GHz in the following documents:
- our consultation document of 11 September 2014, entitled “Recognised Spectrum Access for Receive Only Earth Stations”³⁵ (the “September 2014 Consultation”), which included an impact assessment; and
 - our statement of 31 March 2015, entitled “Recognised Spectrum Access (RSA) for Receive Only Earth Stations”³⁶ (the “March 2015 Statement”).
- A7.125 We have also consulted on making the regulations, as set out in the following document, which included a regulatory impact assessment:
- our Notice of Ofcom’s proposal to make regulations, which we published on 31 March 2015, together with the March 2015 Statement.
- A7.126 In consulting on and making these decisions we exercised the following powers and met the following duties.

The citizen and/or consumer interest

- A7.127 Our principal duty under section 3 of the Act is to further the interests of citizens in relation to communications matters; and of consumers in relevant markets, where appropriate by promoting competition. We take account of the impact of our decisions upon both citizen and consumer interests in the markets we regulate. We must, in particular, secure the optimal use for wireless telegraphy of spectrum and have regard to the principle under which all regulatory activities should be targeted only at cases in which action is needed.
- A7.128 In making these regulations we have considered the wider impact beyond immediate stakeholders in the radiocommunications sectors. We believe that our decisions will be of benefit to consumers and citizens by providing an assurance that valuable information and services can be provided in an environment where protection from interference to ROES is available. The information disseminated to

³⁴ See Annex 1.1 attached to Ofcom’s statement of 30 November 2011 entitled ‘Decision to make the Regulations for Recognised Spectrum Access (RSA) for Receive Only Earth Stations in the Bands 1690 – 1710 MHz, 3600 – 4200 MHz, and 7750 – 7850 MHz’:

<http://stakeholders.ofcom.org.uk/binaries/consultations/rsa-earth-stations/statement/statement.pdf>

³⁵ <http://stakeholders.ofcom.org.uk/consultations/recognised-spectrum-access-receive-only-earth-stations/>

³⁶ http://stakeholders.ofcom.org.uk/consultations/rsa-earth-stations-statement/?utm_source=update&utm_medium=email&utm_campaign=rsaroes

ROES by space stations and satellites in the subject frequency bands is used to provide a diverse set of societal benefits including weather forecasting, climate and disaster monitoring, and also to further human endeavors such as mapping, population monitoring and the exploration of the universe.

Ofcom's policy objective

A7.129 We have a number of duties under section 3 of the WT Act. These include having regard when carrying out our radio spectrum functions to:

- i) the extent that spectrum is available for use; and
- ii) the desirability of promoting the efficient management and use of the spectrum for wireless telegraphy.

A7.130 The regulations facilitate the publication of basic technical parameters concerning grants of RSA for ROES in the subject frequency bands. The availability of this information will facilitate greater spectrum efficiency and reduce Ofcom's workload by allowing other operators to consider the potential impact of grants on their own deployment plans. The information will also facilitate spectrum trading.

Options considered

A7.131 The options available to us in relation to the publication of information about grants of RSA for ROES in the WT Register are as follows:

- do nothing; or
- make the regulations.

Analysis of the different options

A7.132 Some analysis of these two options was provided in the September 2014 Consultation and the March 2015 Statement.

A7.133 If we do nothing, there will be no information available to other existing and potential users of the subject frequency bands.

A7.134 By making the regulations, information about grants of RSA for ROES will be available to those who might otherwise commit to investment in use of the subject frequency bands that would be impacted by the grant of RSA. The regulations will also provide information to those parties who may be considering spectrum trades.

Costs to Ofcom and the public sector

A7.135 There are one-off administrative costs associated with making Statutory Instruments. We consider these implementation costs to be low. Ofcom would incur little additional cost as a result of making the regulations. The framework for granting RSA for ROES has already been set up in relation to other frequency bands and including ROES operating in two additional frequency bands within the framework should require little additional cost.

Cost to business, including small business and the voluntary sector

- A7.136 The business sectors most likely to be affected are fixed link operators as well as those involved in monitoring the natural environment of the earth and the exploration of space.
- A7.137 We do not consider that our decision to publish information about grants of RSA for ROES will have any material cost implications for businesses or the voluntary sector.

The preferred (and adopted) option

- A7.138 Although difficult to quantify, we consider, for the reasons set out above, that the benefits of including the subject frequency bands within the WT Register outweigh the costs. The benefits could be significant in terms of improving the effectiveness of potential spectrum trades and the costs would be minimal because the register has already been established. We have therefore made the regulations.

Equality Impact Assessment

- A7.139 Ofcom is separately required by statute to assess the potential impact of all our functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.
- A7.140 We have not identified any particular impact on the identified equality groups arising from the regulations. Specifically, we do not consider the impact of the regulations to be to the detriment of any particular group within society. Nor have we seen the need to carry out separate EIAs in relation to the additional equality groups in Northern Ireland: religious belief, political opinion and dependants. This is because we anticipate that the regulations will not have a differential impact in Northern Ireland compared to consumers in general.