STATUTORY INSTRUMENTS

# 2026 No. 0000

# ELECTRONIC COMMUNICATIONS

## The Wireless Telegraphy (Licence Award) Regulations [2026]

*Made - - - -* ***

*Coming into force* ***

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The Office of Communications ("OFCOM") makes these Regulations in exercise of the powers conferred by sections 14(1), (2), (3), (4), (6) and (7) and 122(7) of the Wireless Telegraphy Act 2006(**a**) ("the Act").

Before making these Regulations, OFCOM gave and published notice of its proposal to do so, and considered representations made to it before the time specified in the notice, as required by section 122(4) to (6) of the Act.

# PART 1

## Introductory

### Citation, commencement and extent

**1.**—(1) These regulations may be cited as the Wireless Telegraphy (Licence Award) Regulations 2026 and shall come into force on *** 2026.

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

### Interpretation

**2.** In these Regulations—

"1.4 GHz lot" means a single 25 MHz lot comprising the frequencies 1492-1517 MHz;

"applicant" means a body corporate making an application for a licence;

"applicant group" means in relation to an applicant—

(a) that applicant;

(b) each associate of that applicant; and

(c) each person in respect of whom the applicant has delivered to OFCOM a completed document in the form set out in Schedule 2;

"associate" means, in relation to an applicant or bidder, a person who has a material interest in that applicant or bidder;

"auction" means the single round auction for the award of a licence under these Regulations;

"auction system" means the online system established by OFCOM for bidders to participate in the award process or such other electronic or manual system which OFCOM may substitute;

"authorised person" means a person specified by an applicant in its application as authorised to bind that applicant for all purposes relating to the award process;

"bid" has the meaning given in regulation 14;

"bidder" means an applicant which has qualified to bid in the award process and which has not withdrawn from the award process before the last day for withdrawal;

"bidder group" shall be construed in accordance with regulation 6(3);

"confidential information" means, in relation to any applicant or bidder, any information which is not in the public domain and which if it were made public, or disclosed to another applicant (or potential applicant) or bidder or a member of their respective applicant or bidder groups, would be likely to affect the decisions that such other applicant (or potential applicant) or bidder may make in relation to the award process;

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(**a**) 2006 c.36

"deadline", in relation to any requirement imposed on any person by or under these Regulations, means (as the case may require)—

(a) the time;

(b) the date; or

(c) the date, and the time on that date;

by which that requirement must be fulfilled by that person;

"GHz" means gigahertz;

"initial deposit" shall be construed in accordance with regulation 4(3)(b);

"last day for withdrawal" has the meaning given in regulation 11;

"licence" means a wireless telegraphy licence to be granted pursuant to these Regulations to establish or use a wireless telegraphy station or install or use wireless telegraphy apparatus at frequencies comprised in the 1.4 GHz lot to be awarded in accordance with the procedure set out in these Regulations;

"material interest" means, whether held directly or indirectly, any interest (construed in accordance with sections 820 to 825 of the Companies Act 2006)(**a**) in—

(a) any share which carries, or any shares which together carry, more than twenty-five per cent of the votes entitled to be cast at a general meeting of the applicant or bidder; or

(b) any share or shares in the case where the consent of the holder of that share or those shares is required for the conduct of any business of the applicant or bidder; or

(c) the right to appoint or remove a majority of the applicant's or bidder's board of directors;

"MHz" means megahertz;

"OFCOM" means the Office of Communications;

"OFCOM's bank account" means the bank account nominated by OFCOM for the purposes of the award process, details of which are published on its website;

"pounds" means pounds sterling;

"required deposit" has the meaning given in regulation 21;

"reserve price" means the minimum price of five million pounds for the 1.4 GHz lot;

"total price" has the meaning given in regulation 24;

"valid bid" has the meaning given in regulation 22;

"winning bid" has the meaning given in regulation 23; and

"winning bidder" means the bidder who has submitted the winning bid.

# PART 2

## Application Stage

### Applications for the grant of a licence

**3.** Applications for the grant of a licence shall only be made in accordance with the procedure set out in these Regulations.

### Application

**4.**—(1) Only a body corporate may apply to OFCOM for a licence.

(2) A body corporate may only make one application.

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(**a**) 2006 c.46.

(3) To apply for a licence, a body corporate must—

(a) on the day or days specified by OFCOM for receipt of applications, deliver to OFCOM using the delivery method specified by OFCOM, within the times on that day or those days specified by OFCOM—

(i) a completed document in the form set out in Schedule 1 (including the applicant information and warranty required by Schedule 1), signed on the applicant's behalf by two authorised persons;

(ii) for each person that is not an associate of the applicant and which the applicant wishes to join its applicant group, a document in the form set out in Schedule 2 which has been—

(aa) completed by the applicant and signed on its behalf by two authorised persons; and

(bb) completed by and signed by or on behalf of the person in respect of whom that document is completed; and

(b) by a deadline specified by OFCOM, pay into OFCOM's bank account, with accompanying information which identifies the applicant, an initial deposit of one million pounds.

(4) OFCOM shall publish the delivery method, the day or days, times and deadline for applying for a licence on its website.

(5) The delivery method to be specified and published by OFCOM may require delivery of original signed documents to OFCOM premises or electronic delivery of an electronic version of originally signed documents.

# PART 3

## Qualification stage

**Notification of names of applicants and associates**

**5.**—(1) OFCOM shall give notice to each applicant of—

(a) the name of each other applicant and the names of its associates; and

(b) the deadline by which each applicant must notify OFCOM under paragraph (3).

(2) On receipt of that notice, each applicant must examine the names of the other applicants and their associates and determine whether any member of its applicant group is also an associate of another applicant or is also an applicant.

(3) Where an applicant determines that a member of its applicant group is also an associate of another applicant or is also an applicant, it must notify the other applicant and OFCOM of that fact by the deadline specified by OFCOM.

(4) If it appears to OFCOM from any application or notice that a member of one applicant group is also a member of another applicant group, OFCOM shall give notice to each of the applicants concerned of that fact and specify a deadline by when each applicant concerned must notify OFCOM of any change in circumstances the effect of which is that no member of its applicant group is also a member of another applicant group.

**Recording of applicant group members**

**6.**—(1) Where there has been a change in the composition of an applicant's applicant group since the date of the application, that applicant must deliver to OFCOM revised versions of the documents provided under regulations 4(3)(a)(i) and 4(3)(a)(ii) which comply with those provisions following that change.

(2) OFCOM shall record the members of each applicant group, taking account of any changes notified under paragraph (1).

(3) Each applicant group so recorded shall constitute a bidder group.

**Subsequent changes to bidder groups**

**7.**—(1) An applicant or bidder may change its bidder group but, in relation to the award process, the applicant or bidder shall be subject to regulations 9(2), 31 and 32 if they apply to any such change.

(2) If a change involves the addition or departure of an associate, the applicant or bidder must notify OFCOM of the change and deliver to OFCOM a revised version of the documents provided under regulation 4(3)(a)(i) which comply with those provisions following the change.

(3) If a change involves the addition of a person who is not an associate of the applicant or bidder to its bidder group, the applicant or bidder must deliver to OFCOM a document in the form set out in Schedule 2 completed by the applicant or bidder and signed on its behalf by two authorised persons and completed by and signed by or on behalf of the additional person in respect of whom that document is completed.

**Fitness to hold a licence**

**8.**—(1) OFCOM shall, for each applicant which has submitted an application in accordance with regulation 4, determine whether that applicant is fit to hold a licence.

(2) In making its determination under paragraph (1), OFCOM shall take into account—

(a) any direction given by the Secretary of State to OFCOM under section 5 of the Communications Act 2003(**a**);

(b) whether the applicant is a fit and proper person to hold a licence having regard to the probity of—

(i) the applicant;

(ii) each other member of the applicant's bidder group; and

(iii) each director of each member of the applicant's bidder group;

(c) whether any of the information submitted to OFCOM by the applicant in connection with the award process is false or misleading;

(d) whether any member of the applicant's bidder group has colluded or attempted to collude, or is colluding or attempting to collude with another person, to distort the outcome of the award process;

(e) whether any member of the applicant's bidder group has acted or is acting in a way which is likely to distort the outcome of the award process;

(f) whether any member of the applicant's bidder group, or any person to whom confidential information has been disclosed, has disclosed or is disclosing or attempting to disclose, or has incited or is inciting another person to disclose, any confidential information, whether directly or indirectly, to any person, except where the disclosure is—

(i) to OFCOM;

(ii) to a member of the applicant's bidder group;

(iii) to a provider of finance for the purpose of raising finance for the applicant's application; or

(iv) to a person for the purpose of enabling that person to decide whether to participate as a member of the applicant's bidder group;

(g) whether any member of the applicant's bidder group has obtained or is obtaining or attempting to obtain confidential information relating to another applicant;

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(**a**) 2003 c.21.

(h) whether any member of the applicant's bidder group is receiving or is attempting to receive services in relation to the award process from any person who has provided or is providing services to OFCOM in relation to the award process; and

(i) whether any person who is a member or a director or an employee of a member of the applicant's bidder group and is also a director or an employee of a member of another bidder group is—

(i) taking part in the preparation of both bidder groups for participation in the award process; or

(ii) receiving confidential information relating to both bidder groups.

(3) If requested to do so by OFCOM, and by a deadline specified by OFCOM, applicants must provide OFCOM with any information or documentation which OFCOM requires to make its determination under paragraph (1).

(4) If an applicant does not provide such information or documentation by the deadline specified by OFCOM, OFCOM shall also take that fact into account in making its determination under paragraph (1).

(5) Where OFCOM determines that an applicant is not fit to hold a licence—

(a) the applicant shall be disqualified from the award process;

(b) OFCOM shall inform the applicant of its decision and the reasons for it; and

(c) OFCOM shall refund the applicant's initial deposit.

**Qualification to participate in the award process**

**9.**—(1) Each applicant—

(a) which was not disqualified under regulation 8; and

(b) which has no member of its bidder group which is also a member of the bidder group of another applicant (which was not disqualified under regulation 8),

shall be qualified to participate in the award process.

(2) An applicant which has a member of its bidder group which is also a member of the bidder group of another applicant shall not be qualified to participate in the award process.

(3) Where an applicant is not qualified to participate in the award process, OFCOM shall—

(a) inform that applicant of that fact and the reasons for it; and

(b) refund the applicant's initial deposit.

**Publication of names of qualified applicants**

**10.**—(1) OFCOM shall notify each applicant qualified to participate of—

(a) the name of each other applicant which is so qualified; and

(b) the names of its associates.

(2) OFCOM shall publish the names of all applicants which are so qualified on OFCOM's website.

**Withdrawal of an application**

**11.**—(1) OFCOM shall notify each applicant qualified to participate of the last day for withdrawal from the award process ("last day for withdrawal") and shall publish the last day for withdrawal on OFCOM's website.

(2) If, on or before the last day for withdrawal, OFCOM receives notice from an applicant that it wishes to withdraw its application, signed by two authorised persons—

(a) the application shall be withdrawn and the applicant shall be excluded from the award process;

(b) OFCOM shall refund that applicant's initial deposit;

(c) that applicant shall not be re-admitted to the award process; and

(d) OFCOM shall notify all other applicants of the withdrawal.

**Determination of number of bidders**

**12.**—(1) An applicant may not withdraw from the award process after the last day for withdrawal.

(2) OFCOM shall determine the number of bidders by determining the number of applicants which have qualified to bid in the award process and who have not withdrawn from the award process before the last day for withdrawal.

(3) Where there are no bidders, OFCOM shall complete the award process by refunding to applicants which were not qualified, or withdrew in accordance with regulation 11, their initial deposit.

(4) Where there are one or more bidders—

(a) OFCOM shall refund to applicants which were not qualified, or withdrew in accordance with regulation 11, their initial deposit;

(b) OFCOM shall publish the names of the bidders on OFCOM's website; and

(c) OFCOM shall follow the procedure set out in Parts 5 and 6 of these Regulations.

# PART 4

## Award Process

**Award process**

**13.**—(1) The process for the award of a licence shall consist of the procedure set out in Part 5 (Procedure for bidding in the award) and the procedure set out in Part 6 (Grant stage).

(2) To bid in the award process, bidders must submit one bid for the 1.4 GHz lot.

(3) Once the auction has ended, OFCOM shall determine the winning bidder and the total price to be paid for the licence.

(4) OFCOM shall then grant the winning bidder a licence authorising use of the frequencies comprised in the 1.4 GHz lot.

# PART 5

## Procedure for bidding in the award

**Bids**

**14.** A bid is a sum that a bidder is willing to pay for the 1.4 GHz lot, which must be—

(a) a whole number of thousands of pounds; and

(b) at least equal to the reserve price.

**Notification of information to bidders**

**15.** Before the award process begins, OFCOM shall notify each bidder of the date on which, and the times on that date within which, bidding in the auction will begin and end.

**Bids on the auction system**

**16.**—(1) To bid in the award process, a bidder must specify its bid for the 1.4 GHz lot on the auction bid form, and submit that auction bid form by uploading it to the auction system.

(2) A bidder must specify one single bid.

(3) Except where OFCOM has sent a notification to that bidder under regulation 33 or 37, a bidder must specify and submit a bid within the time period for bidding.

(4) Any bidder which fails to specify and submit a bid within the time period for bidding shall be excluded from the award process and shall not receive a refund of its initial deposit, which shall (where not already forfeited) be forfeited together with any interest which has accrued on the deposit.

**Valid auction bid form**

**17.**—(1) Before the start of the time period for bidding, OFCOM shall provide each bidder with an auction bid form.

(2) An auction bid form is valid if—

(a) it is signed on the bidder's behalf by two authorised persons; and

(b) the bidder has—

(i) complied with regulation 16; and

(ii) submitted the form in accordance with regulation 18 or 33.

**Submission of auction bid form to OFCOM**

**18.** A bidder must submit a completed auction bid form to OFCOM—

(a) using encryption in accordance with the encryption instructions provided by OFCOM to potential applicants and bidders in the auction; and

(b) using the auction system, except as provided for in regulation 33.

**Notification that an auction bid form is not valid**

**19.** Where a bidder submits an auction bid form which is not valid, OFCOM shall, after the end of the time period for bidding, notify the bidder of that fact and shall give the reasons why the auction bid form is not valid.

**Incomplete or defective auction bid form**

**20.**—(1) Where, due to the manner of completion, an auction bid form is incomplete or defective but OFCOM believes that it can identify the bidder and ascertain the bidder's intention in relation to its bid, OFCOM shall ask the bidder to confirm in a notice to OFCOM by a deadline specified by OFCOM that OFCOM has correctly identified the bidder and ascertained its intention in relation to its bid.

(2) Where the bidder confirms in a notice given to OFCOM by the deadline, which is signed by at least two authorised persons of that bidder, that OFCOM has correctly identified the bidder and ascertained the bidder's intention, the bid in its entirety shall be accepted by OFCOM on that basis.

(3) Where the bidder does not give such confirmation, the bid in its entirety shall be invalid and rejected by OFCOM.

**Required deposit**

**21.**—(1) For the purposes of the award process, the bidder shall be required to pay a further sum in pounds into OFCOM's bank account, with accompanying information which identifies the bidder, by a deadline specified by OFCOM (the "required deposit").

(2) The required deposit shall be an amount such that the total amount that the bidder has on deposit, including the initial deposit, is not less than the bidder's bid.

**Valid bids**

**22.**—(1) A bid is valid if—

(a) it is specified on a valid auction bid form in accordance with regulation 17 which has not been rejected by OFCOM; and

(b) the bidder has paid the required deposit in accordance with regulation 21.

(2) Any bidder to whom a notice was given under regulation 15 who does not submit a valid bid shall be excluded from the award process and shall not receive a refund of its initial deposit, which shall (where not already forfeited) be forfeited together with any interest which has accrued on the deposit.

**Determination of the winning bid**

**23.**—(1) OFCOM shall determine the winning bid after the deadline for paying the required deposit under regulation 21.

(2) The winning bid shall be the highest valid bid, except where paragraph (3) applies.

(3) Where there is more than one valid bid of equal highest value, OFCOM shall use a method of random selection from amongst these highest valid bids to determine the winning bid.

(4) Where no valid bids are submitted, no winning bid will be determined. OFCOM shall complete the award process by refunding to bidders their required deposits in accordance with regulations 22(2) and 28(2).

**Determination of the total price payable by the winning bidder**

**24.**—(1) OFCOM shall determine the amount payable by the winning bidder for a licence ("total price"). The total price shall be an amount in whole pounds, calculated in accordance with paragraph (2).

(2) The total price shall be—

(a) the reserve price, where only one valid bid is submitted;

(b) the value of the second highest valid bid, where two or more valid bids are submitted and there is a single highest valid bid; or

(c) the value of one of the highest valid bids, where two or more valid bids are of equal highest value.

**Notification of the total price payable by the winning bidder to OFCOM**

**25.** Following the determination of—

(a) the winning bid under regulation 23; and

(b) the total price payable by the winning bidder to OFCOM under regulation 24,

OFCOM shall notify the winning bidder of its winning bid and the total price payable to OFCOM.

# PART 6

## Grant Stage

### CHAPTER 1

### Grant of the licence

**Licence which may be granted under this award process**

**26.**—(1) Only one licence may be granted pursuant to these Regulations.

(2) The licence will provide authorisation for the winning bidder to operate stations and apparatus for wireless telegraphy between the frequencies 1492-1517 MHz.

**Grant of the licence**

**27.** After determining the winning bid and the identity of the winning bidder in accordance with regulation 23, OFCOM shall grant the winning bidder the licence.

### CHAPTER 2

### Completion of the award process

**Refunds to bidders**

**28.**—(1) Where, following grant of the licence, the total amount the winning bidder has on deposit at that time is an amount that is greater than the total price payable by that bidder to OFCOM, OFCOM shall refund to that bidder a sum in pounds which is the difference between—

(a) the amount which is the total price payable by that bidder to OFCOM; and

(b) the amount the bidder has on deposit.

(2) Following grant of the licence, and subject to paragraphs (3) and (4), OFCOM shall refund to each unsuccessful bidder a sum in pounds which is the amount that bidder has on deposit.

(3) Where an initial deposit has been forfeited in accordance with regulations 16, 22 or 33, OFCOM shall only refund any required deposit to that bidder.

(4) Where an initial deposit and a required deposit have been forfeited in accordance with regulation 31, OFCOM shall not refund any sum to that bidder.

**Notification to bidders following grant of the licence**

**29.** Following the grant of the licence and the refund (if any) of deposits, OFCOM shall notify each bidder of—

(a) the name of the winning bidder;

(b) the total price paid; and

(c) the sum and name of the bidder for each valid unsuccessful bid.

**Completion of the award process**

**30.** OFCOM shall complete the award process by publishing on OFCOM's website—

(a) the name of the winning bidder;

(b) the total price paid; and

(c) the sum and name of the bidder for each valid unsuccessful bid.

# PART 7

## Forfeit of deposit and exclusion

**Forfeit of deposit and exclusion from award process**

**31.**—(1) If, in relation to an applicant which is qualified to bid or a bidder, OFCOM is satisfied that any of the events specified in regulation 32 are occurring (or have occurred) and the occurrence would materially affect the outcome of the award process—

(a) any sum paid as a deposit under these Regulations shall be forfeited (together with any interest which has accrued on the deposit) by, and not refunded to, the applicant or bidder concerned; and

(b) that applicant or bidder may also be excluded from the award process by OFCOM giving that applicant or bidder notice in writing.

(2) An applicant's deposit will not be forfeited where OFCOM determines that an applicant is either disqualified in accordance with regulation 8 or not qualified to participate in the award process in accordance with regulation 9.

**Events**

**32.**—(1) The events referred to in regulation 31 are the events in paragraph (2).

(2) Events in relation to an applicant or bidder are—

(a) the submission to OFCOM of any information in connection with the award process which is false or misleading;

(b) any member of that applicant's or bidder's bidder group colluding or attempting to collude with another person to distort the outcome of the bidding in the award process;

(c) any member of that applicant's or bidder's bidder group acting in a way which is likely to distort the outcome of the award process;

(d) any member of that applicant's or bidder's bidder group, or any person to whom confidential information has been disclosed, disclosing, or attempting to disclose, or inciting another person to disclose, any confidential information, whether directly or indirectly, to any person, except where the disclosure is—

(i) to OFCOM;

(ii) to a member of that applicant's or bidder's bidder group;

(iii) to a provider of finance for the purpose of raising finance for a bid; or

(iv) to a person for the purpose of enabling that person to decide whether to participate as a member of the applicant's or bidder's bidder group;

(e) any member of that applicant's or bidder's bidder group obtaining or attempting to obtain confidential information relating to another applicant or bidder;

(f) any member of that applicant's or bidder's bidder group receiving or attempting to receive services in relation to the award process from any person who has provided or is providing, since the date of submission of the applications, services to OFCOM in relation to the award process;

(g) any person who is a member or a director or employee of a member of that applicant's or bidder's bidder group and also a director or employee of a member of another bidder group—

(i) taking part in the preparation of both bidder groups for participation in the award process; or

(ii) receiving confidential information relating to both bidder groups;

(h) a member of that applicant's or bidder's bidder group is or becomes a member of another applicant's or bidder's bidder group; and

(i) a change occurring in the membership of that applicant's or bidder's bidder group from that notified to OFCOM in its application except as a result of—

(i) a person ceasing to be a member of that bidder group;

(ii) a person joining that bidder group under the procedure in regulation 7(3); or

(iii) a person becoming an associate through merger or acquisition activity provided that such activity is not for a purpose related to the award process.

# PART 8

## Miscellaneous

**Alternative method for submission of bids**

**33.**—(1) Where OFCOM is satisfied that a bidder is unable to submit its bid by using the auction system because of technical failure (or an event or circumstance with similar effect on the bidder's ability to use the auction system), OFCOM shall notify the bidder of an alternative method of submitting its bid and any requirements relating to the authentication of communications made by means of the alternative method.

(2) The bidder must submit the bid by means of the alternative method by a deadline specified by OFCOM and must comply with any requirements which have been notified to it under paragraph (1) relating to the authentication of communications.

(3) Where a bid has been submitted using an alternative method and due to the manner of submission the bid is incomplete or defective, but OFCOM believes that it can identify the bidder and ascertain the bidder's intention in relation to its bid, OFCOM shall ask the bidder to confirm in a notice to OFCOM by a deadline specified by OFCOM that OFCOM has correctly identified the bidder and ascertained its intention in relation to its bid.

(4) Where the bidder confirms in a notice given to OFCOM by the deadline, which is signed by at least two authorised persons of that bidder, that OFCOM has correctly identified the bidder and ascertained the bidder's intention, the bid in its entirety shall be accepted by OFCOM on that basis.

(5) Where the bidder does not give such confirmation, the bid in its entirety shall be invalid and rejected by OFCOM.

(6) Such a bidder shall be excluded from the award process and shall not receive a refund of its initial deposit, which shall (where not already forfeited) be forfeited together with any interest which has accrued on the deposit.

**General power of exclusion**

**34.** OFCOM may, at any time, notify any applicant or bidder of its exclusion from the award process, if required to do so by any direction given by the Secretary of State to OFCOM under section 5 of the Communications Act 2003(**a**) or if, after OFCOM's determination under regulation 8(1) (and notwithstanding that determination), in its opinion the applicant or bidder is not a fit and proper person to hold a licence.

**Notification to OFCOM**

**35.** If, in accordance with any provision of these Regulations, an applicant or bidder is required, or wishes, to notify OFCOM of any fact or circumstance, it must do so by notice in writing, delivering that notice to OFCOM by electronic mail to an electronic mail address dedicated to the award process, specified by OFCOM.

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(**a**) 2003 c.21.

**Changes to timing or location**

**36.**—(1) Subject to regulations 37 and 38, paragraph (2) applies where OFCOM determines that it is impracticable for any reason—

(a) for any document which is to be delivered to OFCOM under these Regulations to be delivered at the place specified or by the deadline specified under these Regulations; or

(b) for any action which is required to be undertaken in accordance with these Regulations to be completed by the deadline specified.

(2) Where this paragraph applies, OFCOM shall take reasonable steps to notify applicants or bidders that—

(a) delivery must be made on a different day or within different times on that day or at a different place; and

(b) the action must be completed on a different day or by a different deadline.

**Changes to auction start time and use of auction system**

**37.**—(1) Where the auction start time has been notified to bidders and OFCOM determines that it is impracticable for any reason to start the round at that time, OFCOM shall take reasonable steps to notify bidders of a revised time for the start of the round.

(2) Where a time for the end of the auction has been notified to bidders and OFCOM determines that it is impracticable for any reason to end the round at that time, OFCOM shall take reasonable steps to notify bidders of a revised time for the end of the round.

(3) Where OFCOM determines that it is impracticable for any reason to use the auction system for any of the purposes identified in these Regulations, OFCOM shall take reasonable steps to notify bidders of an alternative method of participating in the award process and any requirements relating to the authentication of communications made by means of the alternative method.

(4) Bidders must use the alternative method of participating in the award process in accordance with a notification under paragraph (3).

**Rerunning the award process**

**38.**—(1) Paragraph (2) applies where OFCOM determines that it is not possible to continue the award process in accordance with the provisions of these Regulations because of —

(a) technical failure; or

(b) an event or circumstance with similar effect to technical failure on the continuation of the award process.

(2) Where this paragraph applies, OFCOM shall—

(a) take reasonable steps to notify bidders of its determination under paragraph (1);

(b) disregard the bids made; and

(c) rerun the award process.

**Refunds**

**39.** OFCOM may, in such cases as it thinks fit, refund, in whole or in part, sums which have been paid to it in accordance with any provision of these Regulations.

**Deposits**

**40.** In determining the amount an applicant or bidder has on deposit under these Regulations, OFCOM shall disregard any sum forfeited under these Regulations and any interest which may have accrued on any deposit.

*Final draft Regulations prepared for statement.*

*Name*
Group Director, Spectrum Group
DD MM 2026 For and on behalf of the Office of Communications

# SCHEDULE 1

Regulation 4(3)(a)(i)

## Application form and warranty

**1. Details of the applicant**

Provide the following details for the applicant—

Applicant's full name

Registered number of company

Registered office of company

Bank sort code and account number

Name of individual contact within applicant

Contact address (if different from registered office)

Contact telephone number

Contact mobile telephone number

Contact electronic mail address

**2. Authorised persons**

Provide the name and job title of at least three and no more than five persons, each of whom has authority to bind the applicant for all purposes relating to the award process (including signing the warranty in section 8). Also provide a specimen full signature of each of these persons.

**3. Directors or members of managing body**

Provide the name and job title of each of the directors of the applicant or each of the members of the managing body of the applicant.

**4. Persons requiring access to the auction system**

Provide the name and job title of at least three and no more than five persons that require access to the auction system and are authorised to submit a bid on the applicant's behalf for the purpose of the award process. These individuals can be authorised persons or other persons.

**5. Applicant group**

Provide the names of the applicant's associates (as defined in the Wireless Telegraphy (Licence Award) Regulations 2026 ("the Regulations")) and for each associate, provide details of its material interest (as defined in the Regulations) in the applicant.

Provide the names of all other members of the applicant group (as defined in the Regulations) in respect of which the applicant has completed a document in the form set out in Schedule 2 to the Regulations in accordance with regulation 4(3)(a)(ii) of the Regulations.

**6. Qualification to bid**

In relation to the determination by the Office of Communications ("OFCOM") under regulation 8 of the Regulations—

(a) provide details of any reason why the applicant may not be a fit and proper person to hold a licence;

(b) state whether any member of the applicant's applicant group has colluded, or attempted to collude, or is colluding or attempting to collude, with another person to distort the outcome of the award process and provide a description of any such collusion;

(c) state whether any member of the applicant's applicant group has acted or is acting in a way which is likely to distort the outcome of the award process and provide a description of any such actions;

(d) state whether any member of the applicant's applicant group, or any person to whom confidential information has been disclosed, has disclosed, or is disclosing or attempting to disclose or has incited or is inciting another person to disclose, any confidential information, whether directly or indirectly, to any person, and provide a description of the circumstances of any disclosure and the information disclosed, except where the disclosure—

(i) is or was to a member of the applicant's applicant group;

(ii) is or was to OFCOM;

(iii) is or was to a provider of finance for the purpose of raising finance for the applicant's application; or

(iv) is or was to a person for the purpose of enabling that person to decide whether to participate as a member of the applicant's bidder group;

(e) state whether any member of the applicant's applicant group has obtained or is obtaining or attempting to obtain confidential information relating to another applicant and provide a description of any such circumstances;

(f) state whether any member of the applicant's applicant group is receiving or is attempting to receive services in relation to the award process from any person who has provided or is providing services to OFCOM in relation to the award process and provide a description of the services concerned; and

(g) state whether (and provide a description of any circumstances in which) any person who is a member or a director or employee of a member of the applicant's applicant group and also a director or employee of a member of another applicant group is—

(i) taking part in the preparation of both applicant groups for participation in the award process; or

(ii) receiving confidential information relating to both applicant groups.

**7. Other information**

Provide a brief description of the substance of—

(a) agreements (if any) relating to the management of the applicant; and

(b) any criminal investigations or proceedings in the United Kingdom or overseas of which the applicant is aware relating to the applicant or any member of its applicant group or its directors or officers.

**8. Warranty**

Provide the following warranty—

"[Insert name of applicant] (the "applicant") represents and warrants to the Office of Communications that—

(a) the persons authorised in section 2 of this application have read and understood the Regulations, the terms of the licences to be granted under the Regulations, and the Wireless Telegraphy Act 2006;

(b) the applicant has the legal authority to participate in the award process under the Regulations and to have a licence granted to it, and has in place all necessary consents, permissions and internal approvals for this purpose;

(c) the information provided in, or in support of, the application is, to the best of the knowledge and belief of the applicant, true, accurate and complete in all material respects; and

(d) the applicant is aware of the provisions in regulations 31 and 32 of the Regulations, including the provisions about disclosure of confidential information (as defined in

the Regulations) and obtaining confidential information relating to another applicant or bidder and that any such activities may lead to forfeiture of sums on deposit and exclusion from the award process."

# SCHEDULE 2

Regulation 4(3)(a)(ii)

## Document for member of applicant's group or bidder group who is not an associate

[Insert name of applicant or bidder] (the "applicant/bidder") wishes to include [insert name and address of person to be included in applicant or bidder group who is not an associate] as a member of the applicant/bidder's applicant or bidder group as defined in the Wireless Telegraphy (Licence Award) Regulations 2026 ("the Regulations") for the purpose of the award process under the Regulations.

Under regulation 9 of the Regulations an applicant shall not be qualified to bid in the award process where a member of its bidder group is also a member of another applicant's bidder group. Regulations 31 and 32 contain provisions on disclosure of confidential information (as defined in the Regulations) and obtaining confidential information relating to another applicant or bidder. Under the Regulations such activities may lead to forfeiture of sums on deposit and exclusion from the award process.

**Applicant/bidder**

In relation to regulations 8, 31 and 32 of the Regulations, the applicant/bidder represents and warrants to the Office of Communications ("OFCOM") that so far as it is aware, having made all reasonable enquiries, [insert name of person to be included in applicant or bidder group who is not an associate] is not a member of any other applicant's or bidder's applicant or bidder group.

The applicant/bidder undertakes to inform OFCOM immediately if it becomes aware that [insert name of person to be included in applicant or bidder group who is not an associate]—

(a) has ever been or becomes a member of any other applicant's or bidder's applicant or bidder group;

(b) has ever been or becomes a subsidiary of a member of any other applicant's or bidder's applicant or bidder group during the award process; or

(c) has ever obtained or ever obtains confidential information (as defined in the Regulations) relating to another applicant or bidder.

**[Insert name of person to be included in applicant or bidder group who is not an associate]**

[Insert name of person to be included in applicant or bidder group who is not an associate] represents and warrants to OFCOM that it—

(a) consents to be a member of the applicant/bidder's applicant or bidder group;

(b) is not a member of any other applicant's or bidder's applicant or bidder group; and

(c) is aware of the provisions in regulations 8, 31 and 32 of the Regulations about disclosure of confidential information (as defined in the Regulations) and obtaining confidential information relating to another applicant or bidder.

[Insert name of person to be included in applicant or bidder group who is not an associate] undertakes to OFCOM that it will immediately inform OFCOM and the applicant/bidder—

(a) if it has ever been or becomes a member of any other applicant's or bidder's applicant or bidder group;

(b) if it has ever been or becomes a subsidiary of a member of any other applicant's or bidder's applicant or bidder group during the award process; or

(c) if it has ever obtained or if it ever obtains confidential information (as defined in the Regulations) relating to another applicant or bidder.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set out the procedure that will apply to the grant of a wireless telegraphy licence between the frequencies 1492-1517 MHz.

To apply, a body corporate must deliver the documents required by regulation 4(3) to the Office of Communications ("OFCOM") on the day or days specified by OFCOM. An initial deposit of one million pounds must be paid to OFCOM (regulation 4(3)(b)).

Regulation 5 provides for a procedure under which overlaps between applicant groups can be drawn to the attention of the applicants and time is allowed for applicants to notify OFCOM of any changes to applicant groups which have the effect that such overlaps are removed.

OFCOM will determine which applicants are fit to hold a licence, taking into account the matters set out in regulation 8(2). If not disqualified, and if there is no member of its bidder group which is also a member of another bidder group, an applicant shall be qualified to participate in the award process (regulation 9(1)).

Under regulation 10, OFCOM will publish on its website the names of all applicants qualified to bid.

After giving applicants an opportunity to withdraw from the award process (regulation 11), OFCOM will determine the number of bidders (regulation 12).

Under Part 5, OFCOM will give each bidder a notice of the dates and times on which bidding in the auction will begin and end (regulation 15). Bids must be specified on the auction bid form in accordance with regulations 16 and 17, and submitted in accordance with regulations 16 and 18. Each bidder is also required to pay to OFCOM an additional deposit, so that the total sum it has on deposit is at least equal to its bid (regulation 21).

OFCOM will determine the winning bid and the identity of the winning bidder under Part 5 by following the procedure set out in regulation 23. OFCOM will then determine the total price payable by the winning bidder for a licence (regulation 24).

Under Part 6, OFCOM will grant the licence to the winning bidder (regulation 27) and refund any sums due to the winning bidder and each unsuccessful bidder (regulation 28). OFCOM will then publish on its website the winning bidder's name and the total price paid. OFCOM will also publish the name of each unsuccessful bidder and the amount of its bid (regulation 30).

If, in relation to an applicant which is qualified to bid or a bidder, OFCOM is satisfied that certain events are occurring or have occurred and that the occurrence would materially affect the outcome of the award process, the applicant or bidder concerned will forfeit sums on deposit held by OFCOM and may be excluded from the award process (regulation 31).

A full regulatory impact assessment of the effect of these Regulations is available on OFCOM's website at www.ofcom.org.uk. Hard copies of this assessment can be obtained free of charge by writing to OFCOM at Riverside House, 2a Southwark Bridge Road, London, SE1 9HA (tel. 020 7981 3000). Copies of this assessment have also been placed in the library of both Houses of Parliament.