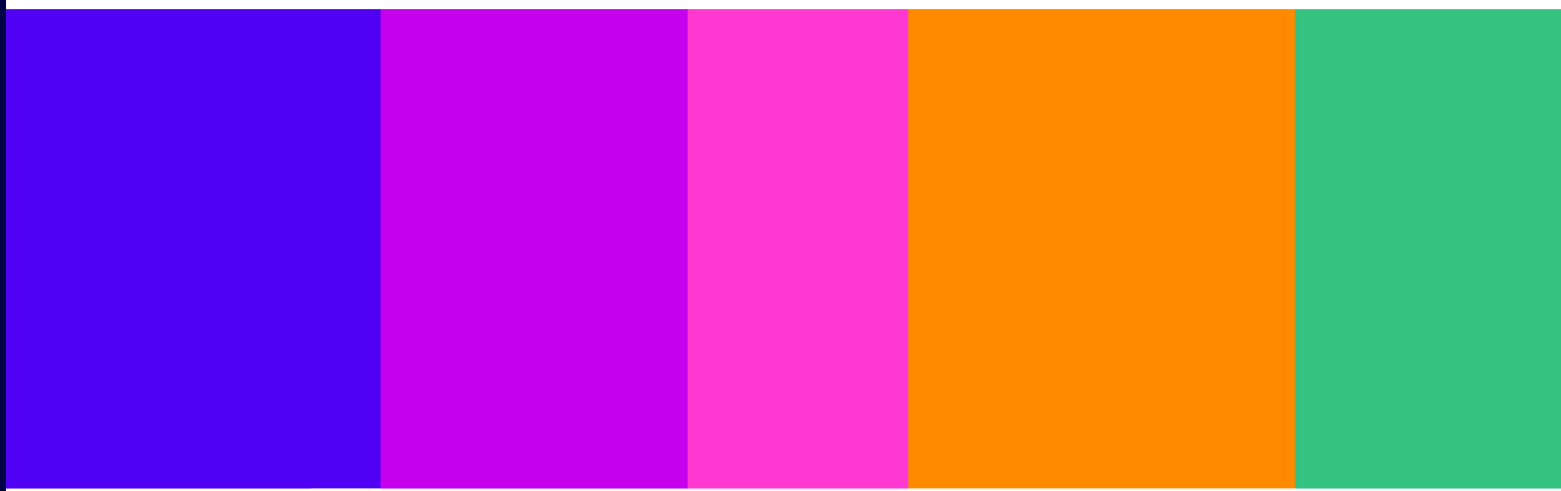


Regulatory impact assessment

The Wireless Telegraphy (Spectrum Trading
and Register) (Amendment) Regulations
2025

Issued: 16 May 2025



1. Regulatory impact assessment

Introduction

- 1.1 Ofcom acts in accordance with Government practice that, where a statutory regulation is made, a Regulatory Impact Assessment (RIA) must be undertaken. We also comply with our duty under section 7 of the Communications Act 2003 (the “2003 Act”) to undertake impact assessments.
- 1.2 On 31 October 2024 Ofcom published a Statutory Notice entitled “[Notice of proposed regulations](#)” (the “Notice”). Therefore, the analysis in this document is a regulatory impact assessment relating to Ofcom’s proposals to make the Wireless Telegraphy (Spectrum Trading and Register) (Amendment) Regulations 2024. It is consistent with the Government practice on RIAs and Ofcom’s duty under the 2003 Act.
- 1.3 Regulatory impact assessments are 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 and are commonly used by many regulators. In producing the assessment in this document, Ofcom has had regard to such general guidance as it considers appropriate, including [Cabinet Office guidance](#).)

Proposal, purpose and intended effect

- 1.4 The Regulations amend the Wireless Telegraphy (Spectrum Trading) Regulations 2012 (the ‘Spectrum Trading Regulations 2012’) and the Wireless Telegraphy (Register) Regulations 2012 (the ‘Register Regulations 2012’) which set out which wireless telegraphy licences are tradable under our spectrum trading rules, and which can be included in Ofcom’s public register about spectrum trades and licences.
- 1.5 The Spectrum Trading Regulations 2012 and the Register Regulations 2012 were assessed for their regulatory impact at the time of their making. Unless otherwise stated in this document, all tradable licences in the Spectrum Trading Regulations 2012 and the Register Regulations 2012 remain the same.
- 1.6 In the following documents we have consulted and made decisions on the policies behind the changes that the Regulations implement (full impact assessments have been undertaken where relevant and appropriate):
 - a) Our 2019 [statement](#) which confirmed that we would create a Shared Access framework which would be available in certain frequency bands;
 - b) Our September 2023 [decision](#) to extend our Shared Access framework to the 26 GHz and 40 GHz frequency bands;
 - c) Our December 2024 [statement](#) to extend our Shared Access framework to the 2.3 GHz band
 - d) Our November 2018 [decision](#) to remove the 64-66 GHz band from the list of tradeable frequencies; and
 - e) Our [2004](#) publication which set out our general approach of making fixed links tradeable.
- 1.7 Therefore, this RIA should be read in conjunction with the above documents.

- 1.8 Our decision to make the Regulations means that in relation to the Spectrum Trading Regulations 2012 we have:
- a) Inserted a new Part 22 to Schedule 2. This makes the rights and obligations conferred by Shared Access licences, in specific bands, transferable by an outright total transfer of rights, or a concurrent transfer of rights;
 - b) Amended the frequencies listed in Part 10 of Schedule 2. This makes the rights and obligations conferred by Point to Point Fixed Link licences in the 7900-8400 MHz band transferable by an outright total transfer of rights, or a concurrent transfer of rights; and
 - c) Removed the 64-66 GHz band for Self-Coordinated Links from the Spectrum Trading Regulations 2012.
- 1.9 In relation to the Register Regulations 2012 we have:
- a) Added a new Part 15 to Schedule 2. This adds the Shared Access licence class to the Register Regulations thereby enabling relevant information about those licences to be published by Ofcom in the Wireless Telegraphy Register (WTR) and Transfer Notification Register (TNR);
 - b) Amended the frequencies listed in Part 3 of Schedule 2. This adds Point to Point Fixed link licences in the 7900-8400 MHz band to the Register Regulations, thereby enabling relevant information about those licences to be published by Ofcom electronically in its on-line registers, the WTR and TNR; and
 - c) Amended the frequencies listed in Part 1 of Schedule 2. This removes Self Coordinated Links in the 64-66 GHz band from the Register Regulations 2012.

Consultation responses

- 1.10 Ofcom consulted on its proposals to make the Regulations from 31 October 2024 until 23 January 2025 and received no stakeholder responses to the Notice.

Costs to Ofcom

- 1.11 The costs to Ofcom of amending/removing permissions for rights and obligations of trading and including the information in a public register, relate mainly to the implementation costs of making the Regulations.
- 1.12 We consider these administrative costs to be small relative to the potential benefits of making the Regulations. Without them the policy changes that Ofcom has consulted on and decided upon, including the ability to trade some specific licences, would not be given full effect in regulations. Stakeholders would not benefit from being able to consult the Regulations to see the trading status for a relevant licence. This could result in uncertainty and unnecessary costs for stakeholders.

Cost to business and individuals

Shared Access

- 1.13 In our [statement](#) of July 2019 we set out our decision to create the Shared Access framework and that licensees would be able to transfer their spectrum rights through an outright total transfer or a concurrent total transfer of rights.

- 1.14 Our assessment is that the amendments reflect our overall aim for a flexible approach to making spectrum available for new and innovative uses through Shared Access licences. We consider that there may be circumstances where the ability to transfer spectrum rights may be useful, e.g. to ensure a continuation of service where multiple users agree to jointly hold a licence. The ability to transfer rights will be facilitated by a public register holding relevant information.

Self Coordinated Links in the 64-66 GHz band

- 1.15 In our [decision](#) of November 2018 we removed the 64-66 GHz band from the Self Coordinated Link licence product because a self-coordinated licence is no longer available for equipment operating in this band.
- 1.16 Our assessment is that as this licence does not cover this frequency band anymore then there are no associated spectrum rights to be considered for transfer. Therefore, it is appropriate to remove this frequency band from the Spectrum Trading Regulations 2012.

Point to Point Fixed Links

- 1.17 Our decision of December [2004](#) established that the transfer of rights of several licence classes, including Fixed Links licences, would be permitted. It also set out the steps that Ofcom would take to facilitate the trading process.
- 1.18 Our assessment is that including Point to Point Fixed Link licences in the 7900-8400 MHz band reflects the 2004 decision. It also offers certainty and consistency of the trading status of Fixed Link licences in this band. The ability to transfer rights will be facilitated by a public register holding relevant information.

Conclusion

- 1.19 Having assessed the impact of making the proposed trading and register changes, Ofcom considers that the benefits of making the Regulations justify the associated costs.

Declaration

- 1.20 I have read this regulatory impact assessment and I am satisfied that the benefits justify the costs.

Signed:

David Willis
Group Director of Spectrum Group
For and by the authority of the Office of Communications
Date: 12 May 2025

Contact point:
Ruth John
Spectrum Management and Authorisation
The Office of Communications
Riverside House

2a Southwark Bridge Road
SE1 9HA
London