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## **Notice of proposals to make the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2022**

Consultation on regulations to update the fees for Wireless Telegraphy Act licences

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### **CONSULTATION:**

Publication date: 13 October 2022

Closing date for responses: 14 November 2022

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# 1. Overview

This document consults on draft regulations, the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2022 (the “Proposed Regulations”) that would amend the Wireless Telegraphy (Licence Charges) Regulations 2020 (the “2020 Regulations”). The Proposed Regulations set out the changes that we propose to make to licence charges (fees) for some classes of Wireless Telegraphy Act 2006 (the “WT Act”) licences.

When setting spectrum management fees, we must act in accordance with the provisions of the WT Act. The WT Act gives Ofcom powers to set licence fees at a level necessary to recover our costs or above this level where we consider it is appropriate to do so in light, in particular, of our statutory duties.

The Proposed Regulations will implement changes on which we have previously consulted and published our decision. These decisions relate to the following licences: Broadcasting Restricted Service; Spectrum Access Extremely High Frequency (EHF); Spectrum Access (3.6 GHz) and Spectrum Access (3.9 GHz) licences. Therefore, in response to this consultation we are only seeking comments on whether the Proposed Regulations correctly implement Ofcom policy decisions.

Unless stated in this document, all other licence charges would remain unchanged from the 2020 Regulations.

## What we are proposing – in brief

We are proposing to make new regulations (Proposed Regulations) that would amend the existing 2020 Regulations in relation to fees for three licence classes. The Proposed Regulations would:

**Implement our [decision](#) to introduce new fee rates for Broadcasting Restricted Service Licences.** This follows Ofcom’s decision in July 2022 to make changes to the application process and to introduce a simplified fees regime for Restricted Service Licences.

**Implement the fee related to ‘Spectrum Access: EHF’ licences.** This follows Ofcom’s [decision](#) in October 2020 to introduce a new licence class ‘Spectrum Access: EHF’ to enable simple, flexible access to over 32 GHz of spectrum in the 57 – 71 GHz and 100 – 200 GHz ranges.

**Implement our [decision](#) to introduce a new class of licence – Spectrum Access 3.9 GHz.** This follows Ofcom’s decision on 10 October 2022 to align the terms of spectrum licences in the 3.4 – 3.6 GHz and 3.6 – 3.8 GHz bands (collectively the 3.4 – 3.8 GHz band). As part of that process, we will move the 3925 – 4009 MHz band into a new, separate licence called “Spectrum Access (3.9 GHz)” that will replace the “Spectrum Access (3.6 GHz)” licence.

In accordance with the requirements of section 122(4) and (5) of the Wireless Telegraphy Act 2006 (the “WT Act”) this document gives notice of our intention to make the Proposed Regulations.

Comments on the Proposed Regulations are invited by 5pm on Monday 14 November 2022. Subject to consideration of responses, we intend to bring the Proposed Regulations into force as soon as practical. The Proposed Regulations are included in this document at Annex 6.

The overview section of this document is a simplified high-level summary only. The proposals we are consulting on and our reasoning are set out in the full document.

## 2. Notice

### Introduction

- 2.1 Ofcom is responsible for authorising civil use of the radio spectrum and achieves this by granting wireless telegraphy licences under the Wireless Telegraphy Act 2006 (the “WT Act”) and by making regulations exempting users of particular equipment from the requirement to hold such a licence. Under section 12 of the WT Act we must prescribe in regulations the sums payable in respect of wireless telegraphy licences other than those awarded by auction.
- 2.2 The power under section 12 of the WT Act enables us to recover the cost of administering and managing WT Act licences. However, section 13 of the WT Act permits us to recover sums greater than those we incur in performing our spectrum management functions. This is termed Administered Incentive Pricing (AIP) and refers to prices for annual licence fees which are set above administrative costs to reflect a range of spectrum management objectives, in particular to provide incentives for licensees to use their spectrum more efficiently. This contributes to discharging our duties under section 3 of the WT Act which require us to efficiently manage the radio spectrum.
- 2.3 Before making any regulations, we are required by section 122(4) of the WT Act to give notice of our proposal to do so. Under section 122(5), the notice must state that Ofcom proposes to make the regulations in question, set out their general effect, specify an address from which a copy of the proposed regulations or order may be obtained, and specify a time before which any representations with respect to the proposal must be made to Ofcom. That time must be at least one month beginning with the day after that on which the notice is given or published.
- 2.4 This document gives notice of our proposal to make the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2022 (the “Proposed Regulations”). It also sets out the general effect of the Proposed Regulations. A copy of the Proposed Regulations is in Annex 5 of this document.
- 2.5 Unless stated in the following sections, all existing licence charges will remain the same. This consultation invites comments on whether the Proposed Regulations give effect to a range of policy decisions previously consulted upon. We therefore seek responses to this consultation only in that respect and not on the underlying policy decisions we have already made.

### Document structure

- 2.6 The document is structured as follows:
- a) Section 3 explains the proposals to be implemented by the Proposed Regulations;
  - b) Section 4 sets out the general effects of the Proposed Regulations;
  - c) Annexes 1 to 3 provide information on our approach to consultation;

- d) Annex 4 contains the consultation question; and
- e) Annex 5 contains a copy of the Proposed Regulations.

## Next steps

- 2.7 Following the publication of this consultation document, stakeholders are invited to provide their feedback on the drafting of the Proposed Regulations. Those who wish to do so have until **5pm on Monday 14 November 2022** to make representations. We expect to release a statement on this consultation in **December 2022**, having taken responses into account, and to bring the regulations into force as soon as is practical.

### 3. Proposed changes

- 3.1 The following section outlines our proposals to make the Proposed Regulations in relation to the following:
- a) Broadcasting Restricted Service Licences;
  - b) Spectrum Access: EHF licences;
  - c) Spectrum Access 3.6 GHz licences; and
  - d) Spectrum Access (3.9 GHz).

#### Broadcasting Restricted Radio Service Licences

- 3.2 On 14 March 2022 we published our [consultation](#) which set out proposals to increase the overall spectrum resource available to use for restricted radio services and to simplify our approach to licensing these services.<sup>1</sup>
- 3.3 In July 2022 we published our [statement](#) (“the July Statement”) which set out our decision to introduce a new approach to licensing, including a new fees structure for restricted radio services.
- 3.4 The July Statement confirmed that the existing three classes of Restricted Radio Service Licences (RRSLs) would be replaced with a single Restricted Service Licence (RSL). It also confirmed that the old RRSL fees would be removed from Schedule 2 of the 2020 Regulations and would be replaced with the new RSL fees.
- 3.5 Annex 1 of the July Statement detailed the current WT Act licence fees for three classes of RRSLs (replicated in Table 1 below) that would be removed from Schedule 2 of the 2020 Regulations.

**Table 1: RRSL classes and fees to be removed from Schedule 2 of the 2020 Regulations**

Class of licence	Variable sums	Prescribed payment interval
<b>Restricted Radio Services Transmission (Class A—Freely Radiating)</b>	<ul style="list-style-type: none"> <li>£15 per day for each medium wave broadcasting band frequency.</li> <li>£25 per day where the ERP does not exceed 1 Watt for each VHF broadcasting band frequency.</li> <li>£40 per day where the ERP exceeds 1 Watt for each VHF broadcasting band frequency</li> </ul>	

<sup>1</sup> Restricted services are radio services with small coverage areas that are broadcast for the purposes of events or within a particular establishment or location in the UK.

<b>Restricted Radio Services Transmission (Class B—Radiating Cable)</b>	£100	12 months
<b>Restricted Radio Services Transmission (Class C—Freely Radiating Very Low Power)</b>	£100	12 months

3.6 Annex 1 of the July Statement also detailed the new RSL provisions (replicated in Table 2) that would be inserted into Schedule 2 of the 2020 Regulations to replace the RRSs.

**Table 2: New RSL class and fees to be added into the 2020 Regulations**

<b>Class of licence</b>	<b>Variable sums</b>
<b>Restricted Service</b>	<p>a) £40 per day for a service transmitting at up to and including 2 Watts, up to an annual upper limit of £200</p> <p>b) £40 per day for a service transmitting at above 2 Watts, up to an annual upper limit of £1,200</p>

## Spectrum Access: EHF licences

- 3.7 On 17 January 2020 we published proposals to allow terrestrial access to three bands in the 100 – 200 GHz range.<sup>2</sup> We said that this approach would support innovation by enabling easier and more flexible access to these spectrum bands above 100 GHz, where there has previously been limited opportunities for access. We proposed that one of the ways to access this spectrum would be through a new ‘Spectrum Access: EHF’ licence that would be subject to a cost-based fee. A further consultation was published on 20 May 2020 which provided further detail and technical analysis relating to the initial proposals.<sup>3</sup>
- 3.8 On 1 October 2020 we published our statement which confirmed our decision to introduce a new licence, the ‘Spectrum Access: EHF’ licence, that would authorise access to three specific frequency ranges within the 100 – 200 GHz range (116 – 122 GHz, 174.8 – 182 GHz and 185 – 190 GHz).<sup>4</sup> Our statement also confirmed that each licence would have an indefinite duration, with a fee of £75, payable every 5 years. In April 2021, we added a fourth band (57 – 71 GHz) to the Spectrum Access EHF licence.<sup>5</sup>
- 3.9 The Proposed Regulations will implement our decision as set out in the October 2020 statement.

<sup>2</sup> [Statement: Supporting innovation in the 100-200 GHz range \(ofcom.org.uk\)](https://www.ofcom.org.uk/consult/condocs/innovation/100-200ghz/100-200ghz-statement-17-jan-2020/)

<sup>3</sup> [Supporting innovation in the 100-200 GHz – Update to technical annex \(ofcom.org.uk\)](https://www.ofcom.org.uk/consult/condocs/innovation/100-200ghz/100-200ghz-statement-17-jan-2020/)

<sup>4</sup> [Statement: Supporting innovation in the 100-200 GHz range \(ofcom.org.uk\)](https://www.ofcom.org.uk/consult/condocs/innovation/100-200ghz/100-200ghz-statement-17-jan-2020/)

<sup>5</sup> [Statement: Decision on changes to licence exemption for Wireless Telegraphy Devices and on licensing equipment in 57 to 71 GHz \(ofcom.org.uk\)](https://www.ofcom.org.uk/consult/condocs/innovation/100-200ghz/100-200ghz-statement-17-jan-2020/)



## Spectrum Access 3.6 GHz and 3.9 GHz licences

- 3.10 On 24 May 2022, we [consulted](#) on proposals to align the terms of two of UK Broadband's ("UKB's")<sup>6</sup> Spectrum Access licences, their 3.4 GHz licence (which covers 3480 – 3500 MHz and 3580 – 3600 MHz bands) and the 3.6 GHz licence (which covers 3600 – 3680 MHz and 3925 – 4009 MHz bands), with the terms of auctioned licences in the same bands.
- 3.11 On 10 October 2022 ("the October decision") we published our [decision](#) to align the terms of spectrum licences held in the 3.4 GHz and 3.6 GHz spectrum bands, according to the proposals set out in the 24 May 2022 consultation. In order to implement this decision, we have said that we will vary UKB's 3.4 GHz and 3.6 GHz licences. This will include moving the 3925 – 4009 MHz spectrum band from the Spectrum Access (3.6 GHz) licence into a new licence class called "Spectrum Access (3.9 GHz)".
- 3.12 Following publication of our October decision we propose to add the Spectrum Access (3.9 GHz) licence to the 2020 Regulations and remove the previous Spectrum Access (3.6 GHz) licence. We think it is appropriate to include proposals to implement the October decision now, while we are making the changes to the 2020 Regulations rather than to conduct a separate amendment consultation at a later date.

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<sup>6</sup> UK Broadband is a wholly owned subsidiary of Hutchinson 3G UK Limited (Three).

## 4. General Effect of Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2022

### The legislative framework

- 4.1 Section 8(1) of the WT Act confers on Ofcom a power to grant a wireless telegraphy licence in respect of a “wireless telegraphy station” or “wireless telegraphy apparatus”. It is unlawful and an offence to install or use wireless telegraphy apparatus without holding a licence granted by Ofcom, unless the use of such equipment is exempted.
- 4.2 Ofcom’s statutory powers and duties in relation to spectrum management are set out primarily in the Communications Act 2003 (the “2003 Act”) and the WT Act. Amongst our functions are the making available of frequencies for use for particular purposes and the granting of rights of use of spectrum through wireless telegraphy licences and licence exemptions.
- 4.3 Our principal duties under the 2003 Act, when carrying out our functions and exercising our powers, are to further the interests of citizens and consumers, where appropriate by promoting competition. In doing so, we are also required (among other things) to secure the optimal use of spectrum and the availability throughout the United Kingdom of a wide range of electronic communications services. We interpret “optimal use” to mean that the spectrum is used in a way that maximises the value that citizens and consumers derive from it, including the wider social value of spectrum use, and taking into account the specific consumer and citizen interests, including the interests of particular groups within society.
- 4.4 We must also have regard to: (i) the desirability of promoting competition in relevant markets; (ii) the desirability of encouraging investment and innovation in relevant markets; (iii) the different needs and interests, so far as the use of the electro-magnetic spectrum for wireless telegraphy is concerned, of all persons who may wish to make use of it; and (iv) the different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and in urban areas.
- 4.5 Additionally, in carrying out our spectrum functions we have a duty under section 3 of the WT Act to have regard in particular to: (i) the extent to which the spectrum is available for use, or further use, for wireless telegraphy; (ii) the demand for use of that spectrum for wireless telegraphy; and (iii) the demand that is likely to arise in future for such use.
- 4.6 We also have a duty to have regard to the desirability of promoting: (i) the efficient management and use of the spectrum for wireless telegraphy; (ii) the economic and other benefits that may arise from the use of wireless telegraphy; (iii) the development of innovative services; and (iv) competition in the provision of electronic communications services.

- 4.7 Under section 12 of the WT Act, Ofcom may prescribe in regulations the sums payable in respect of wireless telegraphy licences other than those awarded by auction. This power enables us to recover the cost of administering and managing WT Act licences.
- 4.8 Section 13 of the WT Act permits us to recover sums greater than those we incur in performing our spectrum management functions (this is termed 'Administrative Incentive Pricing' and abbreviated to 'AIP'), to reflect a range of spectrum management objectives.
- 4.9 Ofcom's fee setting and charging powers allow us to provide incentives for licensees to use their spectrum more efficiently. This goes to discharging our duties under section 3 of the WT Act.

## Extent of application and entry into force of the Proposed Regulations (reg.1)

- 4.10 The Proposed Regulations will apply in the United Kingdom, the Channel Islands and the Isle of Man, subject to formal agreement of the Island Authorities.
- 4.11 The Proposed Regulations will come into force as soon as practical after making. The final regulation will be made after Ofcom has concluded its consultation process.

## Amendment of the 2020 Regulations (reg.2)

- 4.12 Regulation 2(1) of the Proposed Regulations provides that the 2020 Regulations shall be amended in accordance with regulations 2(2) and 2(3) of the Proposed Regulations.
- 4.13 Regulation 2(2) of the Proposed Regulations will remove fees for the three classes of Restricted Radio Service Licences, by removing the entries for Restricted Radio Services Transmissions, Classes A (Freely Radiating), B (Radiating Cable), and C (Freely Radiating Very Low Power) in Schedule 2 (*Licence Charges and Payment Intervals*) of the 2020 Regulations.
- 4.14 Regulation 2(3) of the Proposed Regulations will set out the fees payable in respect of Restricted Service licences, by adding a new entry under the heading "Broadcasting" in Schedule 2 (*Licence Charges and Payment Intervals*) of the 2020 Regulations. For the purposes of the Proposed Regulations, the fees payable will be £40 per day for: (a) services transmitting at up to and including 2 Watts, up to an annual limit of £200, and (b) for services transmitting at above 2 Watts, up to an annual upper limit of £1,200.
- 4.15 Regulation 2(4) of the Proposed Regulations will set out the fees payable in respect of Spectrum Access (EHF) licences, by adding a new entry under the heading "Spectrum Access" in Schedule 2 (*Licence Charges and Payment Intervals*) of the 2020 Regulations. For the purposes of the Proposed Regulations, the fees payable will be £75, payable every 60 months (5 years) on the anniversary of the issue date.
- 4.16 Regulations 2(5) and 2(6) of the Proposed Regulations replace the entry for 3.6 GHz Spectrum licences in Schedule 2 (*Licence Charges and Payment Intervals*) of the 2020 Regulations with the 3.9 GHz Spectrum class of licence. Regulation 2(5) deletes the entry for "Spectrum Access (3.6 GHz)" from Schedule 2, and Regulation 2(6) introduces an entry

for “Spectrum Access (3.9 GHz)”. For the purposes of the Proposed Regulations, the fees payable for the Spectrum Access (3.9 GHz) licence class will be (a) £8,436 where co-ordination is required with earth stations, and (b) £2,226 where co-ordination is required with earth stations and fixed links, and such fee applies to each 1 MHz national slot in the 3925.0 – 4009.0 MHz band.

## Comments and representations

- 4.17 We are inviting comments on the proposal to make the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2022. This consultation is to see whether the Proposed Regulations correctly implement the fees as set out in our policy statements and is not to reconsider the level of any fee charged.

Question 1: Do you have any comments on the Proposed Regulations?

Please provide the evidence that would support your comments on the proposals.

- 4.18 Comments on the Proposed Regulations are invited by **5pm on Monday 14 November 2022**. Subject to consideration of responses, we intend to bring the new Regulations into force as soon as practical.

# A1. Responding to this consultation

## How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by **5pm on Monday 14 November 2022**.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/proposals-to-make-the-wireless-telegraphy-licence-charges-amendment-regulations-2022>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [mwb@ofcom.org.uk](mailto:mwb@ofcom.org.uk), as an attachment in Microsoft Word format, together with the [cover sheet](#). This email address is to be used for this consultation only.
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Ruth John  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
  - upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A1.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.10 If you want to discuss the issues and questions raised in this consultation, please contact Paul Chapman by email [paul.chapman@ofcom.org.uk](mailto:paul.chapman@ofcom.org.uk).

## Confidentiality

- A1.11 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on [the Ofcom website](#) at regular intervals during and after the consultation period.
- A1.12 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website. This is the Department for Business, Energy and Industrial Strategy (BEIS) for postal matters, and the Department for Culture, Media and Sport (DCMS) for all other matters.
- A1.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

## Next steps

- A1.16 Following this consultation period, Ofcom plans to publish a statement in December 2022.
- A1.17 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

## Ofcom's consultation processes

- A1.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.19 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.20 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA  
Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)

## A2. Ofcom's consultation principles

**Ofcom has seven principles that it follows for every public written consultation:**

### **Before the consultation**

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

### **During the consultation**

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

### **After the consultation**

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.



## A3. Consultation coversheet

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing ☐

Name/contact details/job title ☐

Whole response ☐

Organisation ☐

Part of the response ☐

If there is no separate annex, which parts? \_\_\_\_\_

\_\_\_\_\_  
If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

## A4. Consultation questions

- A1.1 As required by Section 122 of the Wireless Telegraphy Act 2006, we must give notice of proposals that we intend to make and consider any representations that we receive. This document gives notice of our proposal to make the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2022.

Question 1: Do you have any comments on the Proposed Regulations?

Please provide the evidence that would support your comments on the proposals.

- A1.2 Comments on the Proposed Regulations are invited by **5pm on Monday 14 November 2022**. Subject to consideration of responses we intend to bring the new Regulations into force as soon as practical.

## A5. Draft Proposed Regulations

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### DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

## **ELECTRONIC COMMUNICATIONS**

### **The Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2022**

*Made* - - - - - \*\*\*

*Coming into force* \*\*\*

The Office of Communications (“OFCOM”), in exercise of the powers conferred by sections 12, 13(2) and 122(7) of the Wireless Telegraphy Act (2006)<sup>(1)(2)</sup> (the “Act”), makes the following Regulations:

Before making these 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 (Licence Charges) (Amendment) Regulations 2022 and shall come into force on [] 2022.

#### **Amendment of the Wireless Telegraphy (Licence Charges) Regulations 2020**

2. – (1) Schedule 2 (Licence Charges and Payment Intervals) to The Wireless Telegraphy (Licence Charges) Regulations 2020 <sup>(3)</sup> (“the principal Regulations”) shall be amended in accordance with paragraphs (2)-(5).

(2) Under the heading “Broadcasting”, delete the rows entitled:

- (a) “Restricted Radio Services Transmission (Class A – Freely Radiating)”;
- (b) “Restricted Radio Services Transmission (Class B – Radiating Cable)”;
- (c) “Restricted Radio Services Transmission (Class C – Freely Radiating Very Low Power)”.

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<sup>1</sup> 2006 c.36.

<sup>2</sup> Sections 12, 13(2) and 122(7) were extended to the Bailiwick of Guernsey by article 2 of the Wireless Telegraphy (Guernsey) Order 2006 (S.I. 2006/3325); to the Bailiwick of Jersey by article 2 of the Wireless Telegraphy (Jersey) Order 2006 (S.I. 2006/3324); and to the Isle of Man by article 2 of the Wireless Telegraphy (Isle of Man) Order 2007 (S.I. 2007/278).

<sup>3</sup> S.I. 2020/1068.

(3) Under the heading “Broadcasting”, insert the following entry:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Class of licence</i>	<i>Fixed sums</i>	<i>Variable sums</i>	<i>Prescribed payment interval</i>
Restricted Service		a) £40 per day for a service transmitting at up to and including 2 Watts, up to an annual upper limit of £200 b) £40 per day for a service transmitting at above 2 Watts, up to an annual upper limit of £1,200	

(4) Under the heading “Spectrum Access”, and before the entry for “Local Access”, insert the following entry:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Class of licence</i>	<i>Fixed sums</i>	<i>Variable sums</i>	<i>Prescribed payment interval</i>
Spectrum Access: Extremely High Frequency	£75		60 months

(5) Under the heading “Fixed Wireless Access”, delete the row entitled “Spectrum Access (3.6 GHz)”.

(6) Under the heading “Fixed Wireless Access”, and before the entry for “Fixed Wireless Access (5.8 GHz)”, insert the following entry:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Class of licence</i>	<i>Fixed sums</i>	<i>Variable sums</i>	<i>Prescribed payment interval</i>
Spectrum Access (3.9 GHz)		a) £8,436 for each 1 MHz national slot in the 3925.0 to 4009.0 MHz band, where co-ordination is required with earth stations.	12 months

		(b) £2,226 for each 1 MHz national slot in the 3925.0 to 4009.0 MHz band, where co-ordination is required with earth stations and fixed links.	12 months
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## A6. Illustration of the proposed amendments to the 2020 Regulations

A6.1 Subject to consideration of responses, Table 3 below is an illustration of where the proposed changes will be made to the 2020 Regulations. This is for information purposes only. A full version of the 2020 Regulations can be found [here](#).

A6.2 **Table 3: Illustration of the proposed amendments to the 2020 Regulations**

### SCHEDULE 2 LICENCE CHARGES AND PAYMENT INTERVALS

*The sum payable on the issue of the licence and on the expiry of each prescribed payment interval*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Class of licence</i>	<i>Fixed sums</i>	<i>Variable sums</i>	<i>Prescribed payment interval</i>

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#### Broadcasting

~~Restricted Radio Services  
Transmission (Class A—  
Freely Radiating)~~

~~(a) £15 per day for each medium wave  
broadcasting band frequency.  
  
(b) £25 per day where the erp does not  
exceed 1 Watt for each VHF broadcasting  
band frequency.  
  
(c) £40 per day where the erp exceeds 1  
Watt for each VHF broadcasting band  
frequency.~~

~~Restricted Radio Services  
Transmission (Class B—  
Radiating Cable)~~

~~£100~~

~~12 months~~

*The sum payable on the issue of the licence and on the expiry of each prescribed payment interval*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Class of licence</i>	<i>Fixed sums</i>	<i>Variable sums</i>	<i>Prescribed payment interval</i>

<del>Restricted Radio Services Transmission (Class C—Freely Radiating Very Low Power)</del>	<del>£100</del>		<del>12 months</del>
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Restricted Service

a) £40 per day for a service transmitting at up to and including 2 Watts, up to an annual upper limit of £200

b) £40 per day for a service transmitting at above 2 Watts, up to an annual upper limit of £1,200

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**Fixed Wireless Access**

Fixed Wireless Access (3.5, 3.6, 10 GHz—Guernsey)	£5,000		60 months
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Fixed Wireless Access (3.5, 3.6, 10 GHz—Isle of Man)	£5,000		60 months
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Fixed Wireless Access (3.5, 3.6, 10 GHz—Jersey)	£5,000		60 months
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<del>Spectrum Access (3.6 GHz)</del>		<del>(a) £8,436 for each 1 MHz national slot, where co-ordination is required with earth stations.</del>	<del>12 months</del>
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		<del>(b) £2,226 for each 1 MHz national slot, where co-ordination is required with earth stations and fixed links.</del>	<del>12 months</del>
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<u>Spectrum Access (3.9 GHz)</u>		<u>a) £8,436 for each 1 MHz national slot in the 3925.0 to 4009.0 MHz band, where co-ordination is required with earth stations.</u>	<u>12 months</u>
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## Proposed 2022 Fees Regulations

*The sum payable on the issue of the licence and on the expiry of each prescribed payment interval*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Class of licence</i>	<i>Fixed sums</i>	<i>Variable sums</i>	<i>Prescribed payment interval</i>

(b) £2,226 for each 1 MHz national slot in the 3925.0 to 4009.0 MHz band, where co-ordination is required with earth stations and fixed links.

12 months

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### Spectrum Access

Local Access £950

Spectrum Access: Extremely High Frequency £75

60 months

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### Key to proposed changes

~~Strikethrough text:~~ Indicates text that is to be deleted from the 2020 Regulations  
Underlined red text: Indicates text that is to be added to the 2020 Regulations