Regulatory impact assessment

The Wireless Telegraphy (exemption) (amendment) (No.3) Regulations 2026

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1. Regulatory impact assesment

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 20 July 2026 Ofcom published a Notice of Proposed Regulations (the "Notice") to amend existing licence exemptions by extending the frequency range for licence exempt Wi-Fi access from 5925-6425 MHz to 5925-6585 MHz.

1.3 The Notice set out our intent to give effect to this proposal by making regulations which amend Regulation 4 of the Wireless Telegraphy (Exemption) Regulations 2021 (the "2021 Regulations"). We said that this amendment would take the form of amending the reference in Regulation 4 to Interface Requirement 2030 ("IR 2030") to refer to an updated version of IR 2030. IR 2030 contains the criteria Short Range Devices ("SRDs") must comply with in order to benefit from the exemption set out in Regulation 4 of the 2021 Regulations from the requirement imposed by section 8(1) of the Wireless Telegraphy Act (the "WT Act") to hold a wireless telegraphy licence.

1.4 This is a regulatory impact assessment relating to Ofcom's proposal to make these regulations, which will be known as the Wireless Telegraphy (Exemption) (Amendment) (No.3) Regulations 2026 (the "Amending Regulations").

1.5 This analysis is consistent with Government practice on RIAs and Ofcom's duty under the 2003 Act. The RIA considers whether the benefits of extending the frequency range for licence exempt Wi-Fi access, as set out in the updated IR 2030 and the Amending Regulations, outweigh the costs involved.

1.6 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 policymaking 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.

The issue under consideration and the citizen/consumer test

1.7 The Amending Regulations considered in this RIA, and the updated IR 2030, form part of an authorisation framework to enable SRDs to operate on a licence exempt basis in specified frequencies and in accordance with specified parameters. In particular, they will extend existing exemptions by granting access to the upper 6 GHz band for licence exempt Wi-Fi services.

1.8 We consider that consumers and businesses will benefit from the extension of spectrum available to these services as we consider this will support industries to innovate and to meet the anticipated growth in demand for their networks. The result for consumers and

businesses will be improved wireless connectivity, along with new and different types of communications services.

Proposal, purpose and intended effect

1.9 The Amending Regulations amend the 2021 Regulations to refer to an updated IR 2030 which contains the criteria Short Range Devices ("SRDs") must comply with in order to benefit from exemption from the requirement under section 8(1) of the WT Act to hold a wireless telegraphy licence. to hold a wireless telegraphy licence.

1.10 In the following documents we have consulted and made decisions on the policies behind the changes that the Amending Regulations and the updated IR 2030 implement, and full impact assessments have been undertaken where relevant and appropriate:

i) Our February 2025 consultation setting out proposals for authorising standard power Wi-Fi to access Lower 6 GHz (5925–6425 MHz) spectrum, using an Automated Frequency Coordination (AFC) database, including outdoors, subject to sufficient interest from industry;
ii) Our January 2026 statement and further consultation setting out our decision to enable higher power Wi-Fi in the 6 GHz band on a licence-exempt basis using Automated Frequency Coordination (AFC) control. This included the registration process, the conditions and restrictions applicable to AFC service providers, and the technical requirements for licence-exempt Wi-Fi devices operating under AFC control. We also consulted on next steps for authorising Wi-Fi and mobile services in the Upper 6 GHz band;
iii) Our July 2026 statement setting out our decision to implement a prioritised spectrum sharing framework in the Upper 6 GHz band comprising: a Wi-Fi priority portion in the lower 160 MHz of the band (6425–6585 MHz); and a mobile priority portion in the upper 540 MHz of the band (6585–7125 MHz); and
iv) Our July 2026 Notice which set out draft regulations and updated Interface Requirement (IR) 2030 to implement our decision to licence exempt Wi-Fi use of the 6425-6585 MHz band.

1.11 This process enabled us to identify and assess the options available to us for expanding access to the 6 GHz band for commercial mobile and Wi-Fi services, as well as assess the impact of our proposals on stakeholders. This RIA should be read in conjunction with the above documents.

The policy objective and public benefit

1.12 Our decision to expand the spectrum available for licence exempt Wi-Fi in the UK is consistent with our statutory duties. Ofcom's principal duties are to further the interests of citizens in relation to communications matters, and to further the interests of consumers in relevant markets, where appropriate by promoting competition. In discharging these principal duties, we have a duty to secure optimal use of spectrum and encourage innovation and investment in telecom networks and services.

1.13 We consider that by making the Amending Regulations and by updating IR 2030 we will enable industries to innovate and to meet the anticipated growth in demand for their networks, which will further the interests of citizens and consumers by:

a) improving wireless connectivity; and

b) Supporting the introduction of new and innovative technologies;

1.14 We are supporting the optimal use of spectrum by:

a) Supporting investment and innovation in new uses; and
b) Reducing the regulatory, financial and administrative burden on industries, opening opportunities for them to use spectrum more effectively.

Benefits to citizens and consumers

1.15 We continue to consider there are a number of benefits for consumers and businesses of the decisions we have taken. Particularly, we consider that allocating a further 160 MHz to Wi-Fi is likely to provide a step-change in the capacity of Wi-Fi networks and should lead to consumer benefits of improved Wi-Fi services and new innovative applications. Specifically, it should allow for more 80 MHz, 160 MHz and 320 MHz channels, supporting high density deployments in enterprises, communal spaces and multiple dwelling units.

1.16 We also consider that expanding the use of radio equipment on a licence-exempt basis, reduces the regulatory, financial and administrative burden on businesses and helps to secure the optimal use of spectrum.

1.17 Overall, we are of the view that our decisions will generally benefit citizens and consumers by encouraging innovation, lowering costs and enabling the development of new services.

Costs to business, including small business and the voluntary sector

1.18 Ofcom's decision to make licence exemption regulations can have a range of implications for businesses, including small enterprises and organisations in the voluntary sector. While licence exemption typically removes the need for individual licensing and associated fees, the broader impact on stakeholders warrants careful consideration.

1.19 Exemption normally removes direct licence fees and simplifies regulatory obligations, particularly beneficial for small and medium-sized enterprises with limited legal or regulatory capacity. Small businesses often lack dedicated regulatory teams, so exemption can significantly reduce overheads and improve operational agility. By facilitating easier access to spectrum for low-power devices, exemption can encourage innovation and reduce barriers to entry for new services and products.

1.20 The Amending Regulations, by updating the reference to IR 2030 within the 2021 Regulations, extend the amount of spectrum already allocated to Wireless Access Services on a licence exempt basis, therefore we do not expect that there would be any additional costs to business.

1.21 Further we note that some stakeholders considered that our approach of applying the same technical conditions would minimise device and certification complexity and enable immediate use of existing 6 GHz devices, supporting earlier access to spectrum for UK consumers and businesses. On that basis, we do not expect material additional costs for industry or existing users, as additional coexistence measures are not required. [1]

[1] See July Statement – paragraphs 3.39 and A2.30

Costs to Ofcom

1.22 The costs to Ofcom of introducing new and updating existing exemptions, relate mainly to the implementation costs of making the Amending Regulations.

1.23 We consider these administrative costs to be small relative to the potential benefits of making the Amending Regulations. Without them the policy changes that Ofcom has consulted on and decided upon would not be given full effect in regulations. This could result in uncertainty and unnecessary costs for stakeholders. We therefore consider that these limited costs will be offset by the benefits to business and consumers outlined above.

Conclusion

1.24 We have assessed the impact of introducing the Amending Regulations, both in this regulatory impact assessment and through formal public consultation with stakeholders. In this document in particular, we have considered the impact in terms of the potential benefit to citizens, consumers and businesses, as against the likely costs.

1.25 Taking our decisions in the round, we consider that the decisions set out in our statements and those put into effect through the Amending Regulations and the updated IR 2030 will deliver our policy objectives and fulfil our statutory duties.

1.26 Overall, Ofcom considers that making the Amending Regulations and updating IR 2030 is likely to generate a net benefit for UK citizens, consumers and businesses. They will help the Wi-Fi industry to meet anticipated growth and innovation in the UK, by providing them with access to additional spectrum which will support increased data capacity and speeds. We expect that these decisions are likely to yield greater benefits than the possible costs of implementing them, as well as the net benefits of the alternatives.

1.27 We therefore consider that the benefits of making the Amending Regulations and updating IR 2030 outweigh the associated costs.

Declaration

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

Signed:

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For and by the authority of the Office of Communications
Date: 27 October 2026

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