

Proposals to make ancillary legislation for the 1.4 GHz award

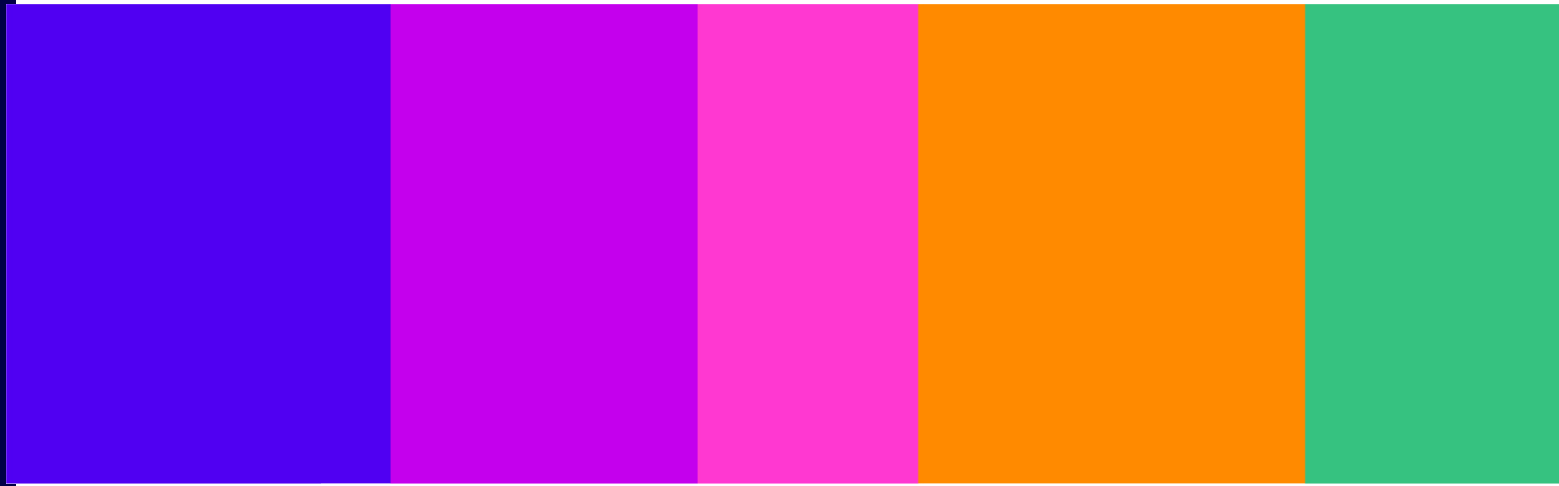
Notice of Ofcom's proposals to make a Limitation Order, and amend the Mobile Trading Regulations and Register Regulations

Consultation

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For more information on this publication, please visit [ofcom.org.uk](https://www.ofcom.org.uk)



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1. Overview

- 1.1 This document provides notice of, and invites stakeholders' views on, Ofcom's proposals to make three statutory instruments (the "**Proposed Ancillary Legislation**") in connection with awarding the spectrum between 1492-1517 MHz.

What we are proposing – in brief

In June 2026, we published our decision to auction 1492-1517 MHz for mobile use, including our decision to grant a single award licence following that auction.¹ This document provides formal notice of our proposal to make the following statutory instruments to implement our decisions:

- a) The Wireless Telegraphy (Limitation of Number of Licences) Order 2026. This Order would confirm that we will grant a limited number of award licences for use of the 1492-1517 MHz spectrum.
- b) The Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026. These Regulations would make the new award licence tradable.
- c) The Wireless Telegraphy (Register) (Amendment) Regulations 2026. These Regulations would update our Wireless Telegraphy Register to include details of the new award licence which would also provide information to facilitate spectrum trading.

- 1.2 The Proposed Ancillary Legislation would implement changes where Ofcom has previously made a policy decision. The focus of this consultation is therefore whether the Proposed Ancillary Legislation correctly implement Ofcom's policy decisions.
- 1.3 Comments on the Proposed Ancillary Legislation are invited **by 5pm on 16 September 2026**. Subject to consideration of responses, we intend to bring the final order and regulations into force before the start of the bidding process to be set out in the Auction Regulations.² Links to access the Proposed Ancillary Legislation are included in this document at Annexes 5-7.
- 1.4 The overview section in this document is a simplified high-level summary only. The proposals on which we are consulting, and our reasoning, are set out in the full document.

¹ Ofcom, Statement: [Decision to auction 1492-1517 MHz for mobile use](#), 11 June 2026 ("**June 2026 Statement**").

² The Auction Regulations refer to the statutory instrument which will give effect to our decisions on the auction design set out in our June 2026 Statement for the [1.4 GHz spectrum auction](#).

2. Notice

Introduction

- 2.1 In accordance with the requirements of the Wireless Telegraphy Act 2006 (the “**WTA 2006**”), this document gives notice of our proposal to make the following statutory instruments:
- a) The Wireless Telegraphy (Limitation of Number of Licences) Order 2026;
 - b) The Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026;³ and
 - c) The Wireless Telegraphy (Register) (Amendment) Regulations 2026.⁴
- 2.2 Before making an order or regulations under the WTA 2006, we are required to give notice of our proposal to do so. That notice must state that Ofcom proposes to make the order or regulations in question, set out their general effect, specify an address from which a copy of the proposed order or regulations may be obtained, and specify a time before which any representations with respect to the proposal must be made to Ofcom.⁵ That time must be at least 30 days beginning with the day after that on which the notice is given or published.

Summary of our policy decisions

Ofcom’s approach to authorising 1.4 GHz spectrum for mobile services

- 2.3 Ofcom is responsible for managing the use of the “radio spectrum”, i.e. the airwaves over which communications signals are transmitted.
- 2.4 This Notice concerns the spectrum between 1492-1517 MHz (often referred to as the “upper block of the 1.4 GHz band”), which we have decided in our June 2026 Statement to auction for mobile use. We will award this spectrum as one lot of 25 MHz in a single round, sealed bid auction. We will therefore issue one award licence authorising use of the spectrum between 1492-1517 MHz.
- 2.5 We also said in our June 2026 Statement that we planned to give formal notice of our proposals for amending the 2011 Mobile Trading Regulations, including the draft regulations that we propose to make to amend these regulations, later this year.⁶ Further information on our policy decisions is set out in our June 2026 Statement.

Implementing Ofcom’s authorisation approach in relation to the award licence

- 2.6 There are various statutory instruments that we need to make to give effect to our policy decisions on how we intend to authorise use of the 1492-1517 MHz range. These include, in particular, the statutory instrument which will give effect to our decisions on the auction

³ Amending The Wireless Telegraphy (Mobile Spectrum Trading) Regulations 2011 (the “**2011 Mobile Trading Regulations**”)

⁴ Amending The Wireless Telegraphy (Register) Regulations 2012 (the “**2012 Register Regulations**”)

⁵ As required by section 122(4) of the WTA 2006

⁶ Paragraph 11.21 of the June 2026 Statement.

design set out in our June 2026 Statement (the “**Auction Regulations**”). On 25 June 2026, we published a consultation which provides notice of, and invites stakeholders views on, Ofcom’s proposals to make the Auction Regulations.⁷

- 2.7 The purpose of this separate Notice is to consult on three additional statutory instruments (which we refer to as the Proposed Ancillary Legislation), that we are proposing to make to implement our policy decision to issue an award licence authorising the use of spectrum between 1492-1517 MHz.⁸ We provide more detail on these Proposed Ancillary Legislation below.

Proposed statutory instruments to implement our policy decisions

The Wireless Telegraphy (Limitation of Number of Licences) Order 2026

- 2.8 As explained in Section 13 of our June 2026 Statement, we consider that a single bidder winning the entire 25 MHz would secure the most efficient use of spectrum, and therefore it is appropriate to limit the number of licences to be awarded in the 1492-1517 MHz range to one. Accordingly, under section 29 of the WTA 2006, we must make an order.
- 2.9 A draft of the proposed Wireless Telegraphy (Limitation of Number of Licences) Order 2026 (the “**Limitation Order**”) is set out at Annex A5, and the general effect of this order is set out in Section 3 of this document. We have assessed the impact of the proposed Limitation Order on Ofcom and businesses more generally in Annex A8.

The Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026

- 2.10 We propose to include the award licence within the Wireless Telegraphy (Mobile Spectrum Trading) Regulations 2011 (the “**2011 Mobile Trading Regulations**”) because we expect the band that will be authorised under that licence (1492-1517 MHz) to be used for mobile access.
- 2.11 The main effect of including the award licence in the 2011 Mobile Trading Regulations is to make it tradable. As set out in our June 2026 Statement (paragraphs 11.19-11.21), bringing the award licence within the 2011 Mobile Trading Regulations would also enable us to consider whether competition is likely to be distorted as a result of the trade.
- 2.12 In order to give effect to these proposals, this document gives notice of our intention to make the Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026. The proposed regulations would amend the 2011 Mobile Trading Regulations to include within their Schedule the “Spectrum Access” licence which will authorise use of the 1492-1517 MHz frequency band.
- 2.13 A draft of the proposed regulations is set out at Annex A6, and the general effect of these regulations is described in more detail in Section 4 of this document. We have assessed the impact of these proposed regulations on Ofcom and businesses more generally in Annex A8.

⁷ Ofcom, Consultation: [Proposals to make auction regulations for the 1.4 GHz award](#), 25 June 2026

⁸ In [Annex A7](#) to the June 2026 statement we published a sample award licence.

The Wireless Telegraphy (Register) (Amendment) Regulations 2026

- 2.14 Ofcom is of the view that certain information relating to the licence awarded pursuant to the Auction Regulations should be published and it has the statutory power to make regulations to implement this policy. Accordingly, we propose to make The Wireless Telegraphy (Register) (Amendment) Regulations 2026. These will amend The Wireless Telegraphy (Register) Regulations 2012 (the “**2012 Register Regulations**”) to include within Schedule 2 the “Spectrum Access” licence which will authorise use of the 1492-1517 MHz frequency band.
- 2.15 A draft of the proposed regulations is set out at Annex A7, and the general effect of these regulations is described in more detail in Section 5 of this document. We have assessed the impact of these proposed regulations on Ofcom and businesses more generally in Annex A8.

Next steps

- 2.16 In accordance with the requirements of section 122(4) and (5) of the WTA 2006, this document gives notice of our intention to make the Proposed Ancillary Legislation. We invite comments on the Proposed Ancillary Legislation **by 5pm on 16 September 2026**.
- 2.17 Subject to consideration of responses, we intend to bring the Proposed Ancillary Legislation into force before the start of the bidding process to be set out in the Auction Regulations.
- 2.18 The Proposed Ancillary Legislation are set out in the Annexes to this document, which is available on Ofcom’s website (www.ofcom.org.uk).
- 2.19 A paper copy of the Proposed Ancillary Legislation may be obtained by contacting us, either by email to 1.4GHz.authorisation@ofcom.org.uk or by posting a letter to the following address, marked with the title of the consultation:

Proposals to make ancillary legislation for the 1.4 GHz award

Ofcom
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

3. General effect of the proposed Wireless Telegraphy (Limitation of Number of Licences) Order 2026

The legislative framework

- 3.1 Under section 29(1) of the WTA 2006, we may, if we consider it appropriate for the purpose of securing the efficient use of electro-magnetic spectrum, impose limitations on the use of particular frequencies, and make an order imposing the limitations.
- 3.2 Under section 29(2) of the WTA 2006, an order may specify frequencies for the use of which we will grant only a limited number of wireless telegraphy licences.
- 3.3 Where we make an order under this section, the order must set out the criteria which we will apply in determining the limit and the persons to whom licences will be granted. Those criteria must be objectively justifiable, not unduly discriminatory, proportionate and transparent (section 29(4) of the WTA 2006).

The proposed Limitation Order

General effect

- 3.4 A draft of the proposed order is set out in Annex A5.
- 3.5 In our June 2026 Statement (paragraph 2.8), we set out our decisions to make available, by means of an auction, one licence authorising the use of 1492-1517 MHz. In section 13, we set out the design of the auction for awarding this licence. The auction design will be given effect by means of the Auction Regulations, which will set out the rules and procedures that Ofcom will apply in that auction. The Auction Regulations confirm that we are planning to grant a limited number of “Spectrum Access” licences authorising the use of the 1492-1517 MHz band – ultimately awarding only one licence.
- 3.6 The purpose of limiting the number of users in this way is to secure efficient use of the electro-magnetic spectrum and efficient use of the relevant 1492-1517 MHz band for mobile.
- 3.7 The Limitation Order that Ofcom is proposing to make will complement the Auction Regulations. It provides for Ofcom to grant a limited number of “Spectrum Access” licences authorising the use of the 1492-1517 MHz band as determined by the application of the procedure to be set out in the Auction Regulations. The Limitation Order therefore allows Ofcom to award a single licence for use of the 1492-1517 MHz band in accordance with the Auction Regulations.
- 3.8 The frequencies to which the proposed order relates (i.e. those falling within the 1492-1517 MHz band) include all of the frequencies that we will make available in the award process.

Extent and application

- 3.9 The proposed order will apply in the United Kingdom but not extend to the Channel Islands and the Isle of Man.

Consultation question

Consultation question 1: Do you have any comments on our proposal to make The Wireless Telegraphy (Limitation of Number of Licences) Order 2026, which is set out in draft form in Annex A5?

4. General effect of the proposed Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026

The legislative framework

- 4.1 Spectrum trading is available to most (although not all) classes of licence issued by Ofcom under the WTA 2006. Whilst licences granted under the WTA 2006 may not be transferred, the rights and obligations conferred by a licence may be transferred to another person – who is issued a new licence – if Ofcom makes regulations to this effect. This process is known as ‘Spectrum Trading’.
- 4.2 Section 30A of the WTA 2006 imposes a general duty on Ofcom to allow spectrum leasing or trading, except in specified cases (for example, where the licence duration does not exceed 12 months). Under section 30 of the WTA 2006, we may by regulations authorise the transfer of the rights and obligations arising by virtue of a wireless telegraphy licence from the licence holder to another person. Transfers that fail to comply with these regulations (or with certain conditions in licences) will be void (section 30(4) and (5) of the WTA 2006).

The General Trading Regulations for non-mobile spectrum

- 4.3 We began the implementation of spectrum trading for selected licence classes by making regulations in 2004. Those regulations have been updated at intervals and the current rules relating to trades of non-mobile spectrum are set out in The Wireless Telegraphy (Spectrum Trading) Regulations 2012 (the “**2012 General Trading Regulations**”).⁹
- 4.4 Under the 2012 General Trading Regulations, licensees in specific classes may carry out:
- a) **outright total transfers**, i.e. transfers of all of the rights and obligations arising under a licence to a third party;
 - b) **concurrent total transfers**, i.e. transfers of all of the rights and obligations arising under a licence to a third party which result in a concurrent holding of those rights and obligations by the transferor and the transferee(s);
 - c) **outright partial transfers**, i.e. outright transfers of some of the rights and obligations arising under a licence to a third party; and
 - d) **concurrent partial transfers**, i.e. transfers of some of the rights and obligations arising under a licence to a third party which result in a concurrent holding of those partial rights and obligations by the transferor and the transferee(s).

⁹ S.I. [2012/2187](#), subsequently amended by S.I. [2015/1338](#) and S.I. [2019/950](#).

- 4.5 Ofcom's Trading Guidance Notes¹⁰ (see Table 2) summarise the types of transfer allowed for each of the licence classes falling under the 2012 General Trading Regulations.

The 2011 Mobile Trading Regulations

- 4.6 Prior to 2011, the predecessor regulations to the 2012 General Trading Regulations did not extend to the 900 MHz, 1800 MHz and 2100 MHz bands. In 2011, we extended trading to these bands by making of The Wireless Telegraphy (Mobile Spectrum Trading) Regulations 2011 (S.I. [2011/1507](#)) which came into force on 4 July 2011 (the “**2011 Mobile Trading Regulations**”). Those Regulations were amended in 2013 (S.I. [2013/646](#)) to include the 800 MHz and 2.6 GHz bands; in 2015 (S.I. [2015/1339](#)) to include the 1452-1492 MHz, 2350-2390 MHz and 3410-3600 MHz bands; in 2019 (S.I. [2019/951](#)) to include the 703-733 MHz, 738-788 MHz and 3600-3800 MHz bands; and in 2025 (S.I. [2025/700](#)) to include the 25100-27500 MHz and 40500-43500 MHz bands.
- 4.7 Licences covered by the 2011 Mobile Trading Regulations are subject to additional conditions in relation to a transfer compared with other licences. In order for a transfer to take place we must first **consent** to the transfer. In determining whether or not to consent to a proposed transfer, as outlined in regulation 8 of the 2011 Mobile Trading Regulations, we must take into account whether:
- a) the holder is, or the concurrent holders are, in breach of the terms of the wireless telegraphy licence under which the rights and obligations are to be transferred;
 - b) the transferee is able to meet the terms, provisions and limitations of the wireless telegraphy licence which is to be granted as a result of the transfer;
 - c) in the case of a transfer authorised by regulation 5, the transferor is able to meet the terms, provisions and limitations of the wireless telegraphy licence which is to be granted as a result of the transfer;
 - d) the transferee is able to meet any criteria relating to the persons to whom a wireless telegraphy licence of the class under which rights and obligations are to be transferred may be granted;
 - e) competition is likely to be distorted as a result of the transfer; and
 - f) it is requisite or expedient to refuse consent to the transfer:
 - i) in the interests of national security;
 - ii) for the purposes of complying with a Community obligation of the United Kingdom or with any international agreement or arrangements to which the United Kingdom is party; or
 - iii) for the purposes of complying with a direction by the Secretary of State given to Ofcom under section 5 of the Communications Act 2003 or section 5 of the WTA 2006.
- 4.8 Under Regulation 9 of the 2011 Mobile Trading Regulations, we may impose **conditions** in relation to the grant of consent for the transfer. Licensees may not be able to transfer the rights and obligations of their licence until these conditions are met.
- 4.9 The 2011 Mobile Trading Regulations authorise both outright and concurrent transfers, as well as total and partial transfers. Partial trades can be used to transfer the rights and obligations concerning only certain frequencies or geographical areas covered by the licence.

¹⁰ Ofcom, [Trading Guidance Notes](#), 13 January 2026

Proposal to amend the 2011 Mobile Trading Regulations to include the award licence

General effect

- 4.10 A draft of the proposed regulations is set out in Annex A6.
- 4.11 In our June 2026 Statement (paragraphs 11.19-11.21), we decided to make the award licence tradable by including it in the 2011 Mobile Trading Regulations. We said that this would enable the licensee to trade the rights and obligations under their award licence with consent from Ofcom. We also noted that before giving consent to a trade, Ofcom may consider whether competition is likely to be distorted as a result of the trade.
- 4.12 To give effect to our policy decisions, the proposed regulations will amend the 2011 Mobile Trading Regulations. In particular, Regulation 2 will insert the 1492-1517 MHz frequency band into Column 2 of the table in the Schedule to the 2011 Mobile Trading Regulations. This will ensure that the trading process set out in these regulations will apply to the award licence.

Extent and application

- 4.13 In line with the current version of the 2011 Mobile Trading Regulations (regulation 2), the proposed regulations would apply in the United Kingdom but not the Channel Islands and the Isle of Man.¹¹

Consultation question:

Consultation question 2: Do you have any comments on our proposal to make The Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026, which are set out in draft form in Annex A6?

¹¹ This is consistent with the extent and application of both the 2011 Mobile Trading Regulations and the 2012 General Trading Regulations. The 2011 Mobile Trading Regulations and the 2012 General Trading Regulations do not extend to Guernsey and cannot extend to Jersey or the Isle of Man because there has not been an Order in Council which extends the application of the relevant sections of the WTA 2006 relating to transfers to these places. See, in particular, paragraph 2 of the Wireless Telegraphy (Jersey) Order 2006 which extends to Jersey the whole of Part 2 of the WTA 2006 other than sections 30 and 51. Paragraph 2 of the Wireless Telegraphy (Isle of Man) Order 2007 extends to the Isle of Man the whole of Part 2 of the WTA 2006 other than sections 30, 49 and 51.

5. General effect of the proposed Wireless Telegraphy (Register) (Amendment) Regulations 2026

The legislative framework

- 5.1 Under section 31(1) of the WTA 2006, we may, by regulations, make provision for the establishment and maintenance of a wireless telegraphy register. Under section 31(2) we may only include relevant information in the register if it is information of a description prescribed by regulations.
- 5.2 The types of information that may be relevant are set out in section 31(3) of the WTA 2006 and include information relating to the grant, renewal, transfer, variation or revocation of a wireless telegraphy licence. However, Ofcom can include such information in the register if, and only if, it is prescribed by Ofcom in regulations.
- 5.3 In 2004 Ofcom made such regulations to establish and maintain a register about wireless telegraphy licences and spectrum trades. Those regulations have been updated at intervals and the current rules relating to the wireless telegraphy register are set out in The Wireless Telegraphy (Register) Regulations 2012 (S.I. [2012/2186](#)) which came into force on 13 September 2012 (“the **2012 Register Regulations**”). Those Regulations were amended in 2013 (S.I. [2013/640](#)), in 2015 (S.I. [2015/1400](#)), in 2018 (S.I. [2018/90](#)), in 2019 (S.I. [2019/952](#)) and in 2025 (S.I. [2025/571](#)).
- 5.4 Based on these regulations, Ofcom has made the Wireless Telegraphy Act Register (“**WTR**”)¹² and Transfer Notification Register (“**TNR**”).¹³
- 5.5 The existing registers publish information about a broad range of licence classes, including basic information about licensees such as names and contact details, and about the licence such as when the licence was granted, the class of licence, the band(s) of frequencies and, where appropriate, the geographical area of operation (but do not provide precise details about individual transmitters due to security concerns). The registers also support the spectrum trading process by providing:
- a) information about existing licences for potential traders, including the constraints on the use of the specific frequencies or bands and who holds rights to use what frequencies; and
 - b) basic information about proposed and completed transfers (including when rights and obligations under these licences are traded) to facilitate the transparency of secondary trading.
- 5.6 The proposed regulations would amend the 2012 Register Regulations.

¹² The WTR can be accessed here: <https://www.ofcom.org.uk/spectrum/frequencies/wtr>

¹³ The TNR can be accessed here: <https://www.ofcom.org.uk/spectrum/frequencies/tnr>

Proposal to amend the 2012 Register Regulations to include the award licence

General effect

- 5.7 A draft of the proposed regulations is set out in Annex A7.
- 5.8 The proposed regulations would amend the 2012 Register Regulations. In particular, Regulation 2 will insert the 1492-1517 MHz frequency band into Column 2 of the table in Part 2 of Schedule 2 to the 2012 Register Regulations. This will enable relevant information about that licence to be published by Ofcom electronically in its online registers, the WTR and TNR.

Extent and application

- 5.9 In line with the current version of the 2012 Register Regulations (regulation 1(2)), the proposed regulations would apply in the United Kingdom but not the Channel Islands and the Isle of Man.

Consultation question:

Consultation question 3: Do you have any comments on our proposal to make The Wireless Telegraphy (Register) (Amendment) Regulations 2026, which are set out in draft form in Annex A7?

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 16 September 2026**.
- A1.2 You can download a response form from [here](#). 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 1.4GHz.authorisation@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet.
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Proposals to make ancillary legislation for the 1.4 GHz award**
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 X. 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 1.4 GHz Authorisation Team by email to 1.4GHz.authorisation@ofcom.org.uk.

Confidentiality

- A1.11 Consultations are more effective if we publish the responses before the consultation period closes. 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.
- 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 later this year.
- 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 A2.
- A1.19 If you have any comments or suggestions on how we manage our consultations, please email us at 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

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 you selected 'Part of the response', please specify 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)?

Yes ☐ No ☐

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

A4.1 We invite responses to the questions listed below.

Question 1: Do you have any comments on our proposal to make The Wireless Telegraphy (Limitation of Number of Licences) Order 2026, which is set out in draft form in Annex A5?

Question 2: Do you have any comments on our proposal to make The Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026, which are set out in draft form in Annex A6?

Question 3: Do you have any comments on our proposal to make The Wireless Telegraphy (Register) (Amendment) Regulations 2026, which are set out in draft form in Annex A7?

A5. Draft of the proposed Wireless Telegraphy (Limitation of Number of Licences) Order [2026]

A5.1 Available as a separate document from [Ofcom's website](#).

A6. Draft of the proposed Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations [2026]

A6.1 Available as a separate document from [Ofcom's website](#).

A7. Draft of the proposed Wireless Telegraphy (Register) (Amendment) Regulations [2026]

A7.1 Available as a separate document from [Ofcom's website](#).

A8. Impact assessments

The impact of our proposals

- A8.1 Section 7 of the Communications Act 2003 requires us to carry out and publish an assessment of the likely impact of implementing a proposal which would be likely to have an impact on businesses or the general public, or when there is a major change in Ofcom's activities.
- A8.2 More generally, impact assessments form part of good policy-making and we therefore expect to carry them out in relation to a large majority of our proposals. We use impact assessments to help us understand and assess the potential impact of our policy decisions before we make them. They also help us explain the policy decisions we have decided to take and why we consider those decisions best fulfil our applicable duties and objectives in the least intrusive way. Our [Statement: Impact assessment guidance](#) sets out our general approach to how we assess and present the impact of our proposed decisions.
- A8.3 In consulting on whether to make the Proposed Ancillary Legislation, we have had regard to the impact assessments we carried out when making our policy decisions which are set out in Annexes A1 and A2 of our [June 2026 Statement](#). We have also considered more specific potential impacts on Ofcom and businesses as a result of making the Proposed Ancillary Legislation.

Potential impact on Ofcom

- A8.4 We note that there will be limited costs to Ofcom of making the Proposed Ancillary Legislation. We consider these administrative costs to be small relative to the potential benefits of implementing our decisions in our June 2026 Statement. In particular:
- a) We consider any costs associated with making the Limitation Order to be small relative to the potential benefits of granting an award licence for mobile use of the 1492-1517 MHz spectrum. We also consider granting a single licence will secure the most efficient use of the spectrum.
 - b) Ofcom would incur little cost as a result of making the proposed Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026 because the framework for mobile spectrum trading has already been set up.¹⁴ In particular, Ofcom has already made the 2011 Mobile Trading Regulations, published [guidance on the transfer process](#) and created a register of trades (the "Transfer Notification Register" within the [Spectrum Information Portal](#)). We consider these administrative costs to be small, relative to the overall benefits of mobile trading to the mobile sector and consumers. We also note that Ofcom has previously decided to make mobile licences tradable in order to support innovation and the efficient and optimal use of spectrum. Several trades of mobile spectrum have occurred in the UK, and such trades have the potential to enable a more efficient use of spectrum.
 - c) Ofcom would incur little cost as a result of making the proposed Wireless Telegraphy (Register) (Amendment) Regulations 2026 because the Wireless Telegraphy Register was established in 2004 and the Register Regulations were made in 2012. The establishment and maintenance of the WTR and TNR enhances the general development of a

¹⁴ See the information on ["Spectrum trades"](#) published on Ofcom's website.

secondary market for the right to use spectrum and ensuring that details of the new award licence can be included in the WTR and TNR should complement the fact that it is being made tradable. We consider any one-off administrative costs associated with making this additional statutory instrument are outweighed by the benefit of maintaining a public register of spectrum licences.

Potential impact on businesses

- A8.5 The business sector which is most likely to benefit from the Proposed Ancillary Legislation is the mobile sector, since we expect that 1492-1517 MHz spectrum to contribute to mobile operators' ability to meet future growth in demand for mobile services (June 2026 Statement, paragraph 3.12). It is also likely that other business sectors, including small businesses and the voluntary sector, are likely to benefit from a more efficient supply of communications services delivered by means of the 1492-1517 MHz band.
- A8.6 We do not consider that the Proposed Ancillary Legislation will have any material cost implications for businesses.
- A8.7 We note that making the award licences tradable under the 2011 Mobile Trading Regulations, instead of the 2012 General Trading Regulations,¹⁵ could lead to additional costs of supplying information to Ofcom as part of a licence transfer application. This is because the licences falling under the 2011 Mobile Trading Regulations require Ofcom's consent before any transfer can be authorised and regulation 7(1)(f) of the 2011 Mobile Trading Regulations requires the licensee to provide all information necessary for Ofcom to determine whether or not to consent to the transfer.
- A8.8 However, we believe these costs to be relatively minor and to be required in order to fulfil Ofcom's statutory duties, including our duty to promote competition¹⁶ (by assessing whether competition is likely to be distorted as a result of any transfer).¹⁷

Conclusion

- A8.9 Overall, we consider that the Proposed Ancillary Legislation, taken as a whole, will help us to meet our statutory duties in relation to the management of spectrum and our more general duties to further the interests of citizens and consumers.
- A8.10 We also consider that the benefits of making the Proposed Ancillary Legislation to implement our policy decisions in our June 2026 Statement outweigh any associated costs.

Equality impact assessment

- A8.11 We have given careful consideration to whether our proposal will have a particular impact on persons sharing protected characteristics (broadly including race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief in the UK and also dependents and political opinion in Northern Ireland), and in particular whether they may discriminate against such persons or

¹⁵ The Wireless Telegraphy (Spectrum Trading) Regulations 2012.

¹⁶ Communications Act 2003, section 3(1)(b).

¹⁷ [Regulation 8\(e\)](#) of the 2011 Mobile Trading Regulations.

impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998.¹⁸

- A8.12 The statutory instruments that we are proposing to make are intended to implement Ofcom’s decisions to make 1492-1517 MHz available for mobile use and we carried out an equality assessment when making our policy decisions (which is set out in Annex A2 of our June 2026 Statement). We do not consider there to be any more specific potential equality impacts as a result of making the Proposed Ancillary Legislation.

Welsh language impact assessment

- A8.13 Ofcom is required to take Welsh language considerations into account when formulating, reviewing, or revising policies which are relevant to Wales (including proposals which are not targeted at Wales specifically but are of interest across the UK).¹⁹
- A8.14 We do not consider our proposals have any impact on opportunities for persons to use the Welsh language or treat the Welsh language no less favourably than the English language. We also do not think there are ways in which our proposals could be formulated to have, or increase, a positive impact, or, not have adverse effects or decrease any adverse effects. This is because our proposals relate to the initial allocation, registration and subsequent transfer, of a spectrum licence that will be available to anyone willing to participate in our future 1.4 GHz spectrum auction and anyone willing to acquire from the auction winner the rights and obligations arising from the auctioned licence.

¹⁸ Further detail is set out in section 149 of the Equality Act 2010 and section 75 of the Northern Ireland Act 1998.

¹⁹ See Standards 84 – 89 of [Hysbysiad cydymffurfio](#) (in Welsh) and [compliance notice](#) (in English). Section 7 of the Welsh Language Commissioner’s [Good Practice Advice Document](#) provides further advice and information on how bodies must comply with the Welsh Language Standards.