Statement on the final draft Ancillary Legislation for the 1.4 GHz Auction

Notice of Ofcom's final draft Limitation Order, and amendments to the Mobile Trading Regulations and Register Regulations

Statement

Published 30 October 2026

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1. Overview

1.1 This document considers responses to our July 2026 consultation and provides notice of Ofcom's decision to make three statutory instruments (the "**Ancillary Legislation"**) in connection with awarding the spectrum in the 1492-1517 MHz frequency band.

What we have decided – 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]

On 15 July 2026, we published a consultation[2] to give formal notice of our proposal to make the following statutory instruments in connection with the award of spectrum between 1492-1517 MHz:

a) The Wireless Telegraphy (Limitation of Number of Licences) Order 2026. This Order will 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 will make the new award licence tradable.

c) The Wireless Telegraphy (Register) (Amendment) Regulations 2026. These Regulations will update our Wireless Telegraphy Register to include details of the new award licence which will also provide information to facilitate spectrum trading.

The Ancillary Legislation is intended to implement changes related to the policy decisions set out in our June 2026 Statement.

We have considered the sole response to our July 2026 consultation and decided to make the Ancillary Legislation in a very similar form to the drafts we consulted on, with one small clarification to the positioning of the amendment to the Wireless Telegraphy (Register) Regulations 2012 – which is explained in this document.

We will bring the Ancillary Legislation into force before the start of the bidding process set out in the Auction Regulations.[3]

This document provides formal notice of our decision to make the Ancillary Legislation.

The Overview section in this document is a simplified high-level summary only. The decisions and reasoning are set out in the full document. In case of any discrepancies between this document and the Ancillary Legislation, the latter will prevail.

1.2

[1] Ofcom, Statement: Decision to auction 1492-1517 MHz for mobile use, 11 June 2026 ("**June 2026 Statement**").
[2] Ofcom, Consultation: Proposals to make ancillary legislation for the 1.4 GHz award, 15 July 2026 ("**July 2026 Consultation**").
[3] 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 decision 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;[4] and
c) The Wireless Telegraphy (Register) (Amendment) Regulations 2026.[5]

Responses to the July 2026 consultation

2.2 On 15 July 2026, we published a consultation on our proposals to make the Ancillary Legislation (the "**July 2026 consultation**"). The July 2026 consultation included a draft of the three statutory instruments and invited comments on these by 16 September 2026.

2.3 We only received one response to the July 2026 consultation, which is published on our website. We summarise and respond to this comment in section 5.

Summary of our policy decisions

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

2.4 Ofcom is responsible for managing the use of the "radio spectrum", i.e. the airwaves over which communications signals are transmitted.

2.5 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.

2.6 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 have decided to make to amend these regulations.[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

2.7 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

[4] Amending The Wireless Telegraphy (Mobile Spectrum Trading) Regulations 2011 (the "**2011 Mobile Trading Regulations**")
[5] Amending The Wireless Telegraphy (Register) Regulations 2012 (the "**2012 Register Regulations**")
[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 provided notice of, and invited stakeholders views on, Ofcom's proposals to make the Auction Regulations. A further statement providing notice of our final draft Auction Regulations has been published alongside this document.

2.8 The purpose of this separate Notice is to confirm our decision to make three additional statutory instruments (which we refer to as the "**Ancillary Legislation**"), in order to implement some of our policy decisions to issue an award licence authorising the use of spectrum between 1492-1517 MHz.[7] Specifically:

a) The Wireless Telegraphy (Limitation of Number of Licences) Order 2026 confirms our policy decision to **grant a limited number of award licences**, with their precise number being determined through the procedure set out in the Auction Regulations;
b) The Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026 will **make the new award licence tradable**; and
c) The Wireless Telegraphy (Register) (Amendment) Regulations 2026 will **update our Wireless Telegraphy Register** to include details of the new award licence, which will also provide information to facilitate spectrum trading.

2.9 Alongside this document, we are also publishing on our website an Information Memorandum and Process Guidance for potential applicants and bidders. These provide further information for parties considering bidding in the auction.

2.10 For the avoidance of doubt, if there are any discrepancies between this document and the Ancillary Legislation, the latter (once made) will be definitive and will prevail.

Notice of Ofcom's decisions to make the Ancillary Legislation

The Wireless Telegraphy (Limitation of Number of Licences) Order [2026] (the "Limitation Order")

2.11 In the July 2026 Consultation, we published a draft of the proposed Limitation Order, along with our impact assessments (Annex A8), and explained its general effect, inviting stakeholders' views. We have not received any comments from stakeholders.

2.12 As explained in more detail in Section 3, we have decided to make the order substantially in the form of the draft annexed to this Notice. Since the final version of the Wireless Telegraphy (Limitation of Number of Licences) Order 2026 will contain a reference to the Auction Regulations, **we currently plan to make the Limitation Order shortly after we have made the Auction Regulations**. A copy of the order (in draft form) is annexed to this Notice for indicative purposes, in substantially the form that we intend to submit for registration and publication after making the order. The order (once made) will be available on the www.legislation.gov.uk website, which is the only authorised source for published statutory instruments.

[7] In Annex A7 to the June 2026 statement we published a sample award licence.

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

2.13 In the July 2026 Consultation, we also published a draft of the proposed Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026, along with our impact assessments (Annex A8), and explained their general effect, inviting stakeholders' views. We have not received any comments from stakeholders.

2.14 As explained in more detail in Section 4, we have decided to make the regulations substantially in the form of the draft annexed to this Notice. **We currently plan to make these regulations shortly after we have made the Auction Regulations**. A copy of the regulations (in draft form) is annexed to this Notice for indicative purposes, in substantially the form that we intend to submit for registration and publication after making the regulations. The regulations (once made) will be available on the www.legislation.gov.uk website, which is the only authorised source for published statutory instruments.

The Wireless Telegraphy (Register) (Amendment) Regulations [2026]

2.15 In the July 2026 Consultation, we also published a draft of the proposed Wireless Telegraphy (Register) (Amendment) regulations, along with our impact assessments (Annex A8), and explained their general effect, inviting stakeholders' views. We received comments from one stakeholder on these proposed regulations.

2.16 As explained in more detail in Section 5, we have decided to make the regulations substantially in the form of the draft annexed to this Notice. **We currently plan to make these regulations shortly after we have made the Auction Regulations**. A copy of the regulations (in draft form) is annexed to this Notice for indicative purposes, in substantially the form that we intend to submit for registration and publication after making the regulations. The regulations (once made) will be available on the www.legislation.gov.uk website, which is the only authorised source for published statutory instruments.

Document structure

2.17 The remainder of this document is structured as follows:

a) **Section 3** explains the general effect of the Limitation Order.
b) **Section 4** explains the general effect of the Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026.
c) **Section 5** explains the general effect of the Wireless Telegraphy (Register) (Amendment) Regulations 2026, alongside a summary of the sole response we received to that consultation – and our subsequent decision.
d) **Annex A1** is a copy of the final draft Limitation Order in substantially the form that we intend to submit for registration and publication.
e) **Annex A2** is a copy of the final draft Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026 in substantially the form that we intend to submit for registration and publication.
f) **Annex A3** is a copy of the final draft Wireless Telegraphy (Register) (Amendment) Regulations 2026 in substantially the form that we intend to submit for registration and publication.
g) **Annex A4** relates to our impact assessments.

3. The 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 Limitation Order

General effect

3.4 The final draft Limitation Order is set out in Annex A1.

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 specifically the efficient use of the 1492-1517 MHz band for mobile.

3.7 The Limitation Order that Ofcom has decided 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 will therefore allow 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 final draft Limitation 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.

Consultation responses and Ofcom's decisions

3.9 We have not received any comments from stakeholders regarding the proposed Limitation Order.

3.10 We have decided to make the Limitation Order substantially in the form of the draft annexed to this Notice, which reflects the draft annexed to our July 2026 consultation.

4. The 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**").[8]

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).

4.5 Ofcom's Trading Guidance Notes[9] (see Table 2) summarise the types of transfer allowed for each of the licence classes falling under the 2012 General Trading Regulations.

[8] S.I. 2012/2187, subsequently amended by S.I. 2015/1338 and S.I. 2019/950.
[9] Ofcom, Trading Guidance Notes, 13 January 2026

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.

Amendment of the 2011 Mobile Trading Regulations to include the award licence

General effect

4.10 The final draft regulations are set out in Annex A2.

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 regulations will amend the 2011 Mobile Trading Regulations. In particular, final draft 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 regulations will apply in the United Kingdom but not the Channel Islands and the Isle of Man.[10]

Consultation responses and Ofcom's decisions

4.14 We have not received any comments from stakeholders regarding the proposed regulations.

4.15 We have decided to make the Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations 2026 substantially in the form of the draft annexed to this Notice, which reflects the draft annexed to our July 2026 consultation.

[10] 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. The 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**")[11] and Transfer Notification Register ("**TNR**").[12]

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 final draft regulations will amend the 2012 Register Regulations.

[11] The WTR can be accessed here: https://www.ofcom.org.uk/spectrum/frequencies/wtr
[12] The TNR can be accessed here: https://www.ofcom.org.uk/spectrum/frequencies/tnr

Amendment of the 2012 Register Regulations to include the award licence

General effect

5.7 A final draft of the regulations is set out in Annex A3.

5.8 The regulations will amend the 2012 Register Regulations. In particular, final draft 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 regulations will apply in the United Kingdom but not the Channel Islands and the Isle of Man.

Consultation responses and Ofcom's decisions

5.10 We received one response to the July 2026 Consultation, from VMO2, which is published on our website.

5.11 VMO2 noted a discrepancy in Annex A7 of our Consultation[13] – namely that one of the frequency ranges referenced from Column 2 of Part 2 of Schedule 2 to the Wireless Telegraphy (Register) Regulations 2012, was incorrect.

5.12 We are grateful to VMO2 for bringing this to our attention, and have updated our reference to this frequency range in the Wireless Telegraphy (Register) (Amendment) Regulations [2026].

5.13 Bar this one change, we have decided to make the Wireless Telegraphy (Register) (Amendment) Regulations 2026 substantially in the form of the draft annexed to this Notice, which reflects the draft annexed to our July 2026 consultation.

[13] Draft of the proposed Wireless Telegraphy (Register) (Amendment) Regulations 2026, annexed to the July 2026 Consultation.

A1. Final draft Wireless Telegraphy (Limitation of Number of Licences) Order [2026]

A1.1 The final draft of the Final draft Wireless Telegraphy (Limitation of Number of Licences) Order [2026] is available on the Ofcom website.

A2. Final draft Wireless Telegraphy (Mobile Spectrum Trading) (Amendment) Regulations [2026]

A2.1 The final draft of the Final draft Wireless Telegraphy (Mobile Spectrum Trading) Regulations [2026] is available on the Ofcom website.

A3. Final draft Wireless Telegraphy (Register) (Amendment) Regulations [2026]

A3.1 The final draft of the Final draft Wireless Telegraphy (Register) (Amendment) Regulations [2026] is available on the Ofcom website.

A4. Impact assessments

A3.2 We consulted on the likely impact of making the Ancillary Legislation in Annex A8 of our July 2026 Consultation. We received no comments on our impact assessments.