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STATUTORY INSTRUMENTS

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**2018 No. 86**

**The Wireless Telegraphy (Licence Award) Regulations 2018**

**PART 8**

**Grant Stage**

**CHAPTER 1**

Licences available, the determination of licence fees  
and the precise frequencies for particular licences

**Interpretation**

**91.** In these Regulations—

- (a) a “2.3 GHz licence” is a licence that authorises the use of particular frequencies corresponding to a block of such number of 2.3 GHz lots as that bidder won in accordance with regulation 38;
- (b) a “2.3 GHz withdrawn lot licence” is a licence that authorises the use of particular frequencies corresponding to a block of such number of 2.3 GHz lots as that bidder won in accordance with regulation 39 (following the withdrawal of standing high bid status);
- (c) a “3.4 GHz licence” is a licence that authorises the use of particular frequencies corresponding to a block or pair of blocks (as the case may be) of such number of 3.4 GHz lots as that bidder won in accordance with regulation 38;
- (d) a “3.4 GHz withdrawn lot licence” is a licence that authorises the use of particular frequencies corresponding to a block or pair of blocks (as the case may be) of such number of 3.4 GHz lots as that bidder won in accordance with regulation 40 (following the withdrawal of standing high bid status).

**Determination of licences, licence fees and frequencies associated with particular licences**

**92.** After notification of the results of the assignment stage under regulation 90, OFCOM shall determine—

- (a) the licences which may be granted; and
- (b) for each licence—
  - (i) the licence fee payable to OFCOM, in accordance with regulations 94 to 98; and
  - (ii) the particular frequencies, in accordance with regulations 99 to 101.

**Licences which may be granted under this award process**

**93.** The licences which may be granted to a bidder under this award process are—

- (a) for a bidder which won 2.3 GHz lots in accordance with regulation 38, a 2.3 GHz licence;

- (b) for a bidder which won 2.3 GHz lots in accordance with regulation 39, a 2.3 GHz withdrawn lot licence;
- (c) for a bidder which won 3.4 GHz lots in accordance with regulation 38, a 3.4 GHz licence;
- (d) for a bidder which won 3.4 GHz lots in accordance with regulation 40, a 3.4 GHz withdrawn lot licence; and
- (e) where the pre-existing licence holder is a bidder and did apply for a replacement licence, a replacement licence.

**Licence fee payable by a winning bidder for a 2.3 GHz licence**

94. The licence fee payable by a winning bidder for a 2.3 GHz licence shall be an amount equal to the sum of—

- (a) that bidder's total 2.3 GHz base price A; and
- (b) that bidder's 2.3 GHz additional price.

**Licence fee payable by a winning bidder for a 2.3 GHz withdrawn lot licence**

95. The licence fee payable by a winning bidder for a 2.3 GHz withdrawn lot licence shall be an amount equal to the sum of—

- (a) that bidder's total 2.3 GHz base price B; and
- (b) except where that bidder also won 2.3 GHz lots in accordance with regulation 38, that bidder's 2.3 GHz additional price.

**Licence fee payable by a winning bidder for a 3.4 GHz licence**

96. The licence fee payable by a winning bidder for a 3.4 GHz licence shall be an amount equal to the sum of—

- (a) that bidder's total 3.4 GHz base price A; and
- (b) that bidder's 3.4 GHz additional price.

**Licence fee payable by a winning bidder for a 3.4 GHz withdrawn lot licence**

97. The licence fee payable by a winning bidder for a 3.4 GHz withdrawn lot licence shall be an amount equal to the sum of—

- (a) that bidder's total 3.4 GHz base price B; and
- (b) except where that bidder also won 3.4 GHz lots in accordance with regulation 38, that bidder's 3.4 GHz additional price.

**Licence fee payable by the pre-existing licence holder for a replacement licence**

98. The licence fee payable by the pre-existing licence holder for a replacement licence shall be—

- (a) where the pre-existing licence holder does not win any additional 3.4 GHz lots in the principal stage, the amount which is the pre-existing licence holder's 3.4 GHz additional price; or
- (b) where the pre-existing licence holder won additional 3.4 GHz lots in the principal stage, zero pounds.

**Particular frequencies to be included in 2.3 GHz licences and 2.3 GHz withdrawn lot licences**

**99.**—(1) Where a winning bidder won 2.3 GHz lots in accordance with either regulation 38 or 39 (but not both), any 2.3 GHz licence or 2.3 GHz withdrawn lot licence granted to that bidder shall authorise the use of the frequencies corresponding to the 2.3 GHz assignment stage option for which the bidder made the winning 2.3 GHz assignment stage bid (“2.3 GHz winning option”).

- (2) Where a winning bidder won 2.3 GHz lots in accordance with both regulations 38 and 39—
- (a) the 2.3 GHz licence granted to that bidder shall authorise the use of the frequencies corresponding to the block which—
    - (i) includes such number of lots as won in accordance with regulation 38; and
    - (ii) comprises the higher frequencies included in that bidder’s 2.3 GHz winning option; and
  - (b) the 2.3 GHz withdrawn lot licence granted to that bidder shall authorise the use of the frequencies corresponding to the block which—
    - (i) includes such number of lots as won in accordance with regulation 39; and
    - (ii) comprises the lower frequencies included in that bidder’s 2.3 GHz winning option.

**Particular frequencies to be included in 3.4 GHz licences and 3.4 GHz withdrawn lot licences granted to a winning bidder where the pre-existing licence holder is not a bidder or where the pre-existing licence holder is a bidder but did not apply for a replacement licence**

**100.**—(1) This regulation applies in respect of the grant of a 3.4 GHz licence or a 3.4 GHz withdrawn lot licence to—

- (a) each winning bidder for 3.4 GHz lots other than the pre-existing licence holder; and
- (b) where it is a bidder and did not apply for a replacement licence but makes one or more winning principal stage bids for 3.4 GHz lots, the pre-existing licence holder.

(2) Where a winning bidder to which this regulation applies won 3.4 GHz lots in accordance with either regulation 38 or 40 (but not both), any 3.4 GHz licence or 3.4 GHz withdrawn lot licence granted to that bidder shall authorise the use of the frequencies corresponding to the 3.4 GHz assignment stage option for which the bidder made the winning 3.4 GHz assignment stage bid (“3.4 GHz winning option”).

(3) Where a winning bidder to which this regulation applies won 3.4 GHz lots in accordance with both regulations 38 and 40—

- (a) the 3.4 GHz licence granted to that bidder shall authorise the use of the frequencies corresponding to the block or pair of blocks which—
  - (i) includes such number of lots as won in accordance with regulation 38; and
  - (ii) comprises the higher frequencies included in that bidder’s 3.4 GHz winning option; and
- (b) the 3.4 GHz withdrawn lot licence granted to that bidder shall authorise the use of the frequencies corresponding to the block or pair of blocks which—
  - (i) includes such number of lots as won in accordance with regulation 40; and
  - (ii) comprises the lower frequencies included in that bidder’s 3.4 GHz winning option.

**Particular frequencies to be included in any 3.4 GHz licence, 3.4 GHz withdrawn lot licence and replacement licence granted to the pre-existing licence holder where it is a bidder and did apply for a replacement licence**

**101.**—(1) This regulation applies in respect of the grant to the pre-existing licence holder of a 3.4 GHz licence, a 3.4 GHz withdrawn lot licence and a replacement licence under this award process where that pre-existing licence holder is a bidder and did apply for a replacement licence.

(2) Where the pre-existing licence holder to which this regulation applies did not win any additional 3.4 GHz lots in the principal stage, any replacement licence granted to that pre-existing licence holder shall authorise the use of 40 MHz corresponding to its 3.4 GHz winning option.

(3) Where the pre-existing licence holder to which this regulation applies won 3.4 GHz lots in accordance with either regulation 38 or 40 (but not both)—

- (a) the replacement licence granted to that pre-existing licence holder shall authorise the use of 40 MHz corresponding to the block which comprises the higher frequencies included in that pre-existing licence holder's 3.4 GHz winning option; and
- (b) the 3.4 GHz licence or 3.4 GHz withdrawn lot licence granted to that pre-existing licence holder shall authorise the use of the frequencies corresponding to the block of additional 3.4 GHz lots which comprises the lower frequencies included in the pre-existing licence holder's 3.4 GHz winning option.

(4) Where the pre-existing licence holder to which this regulation applies won 3.4 GHz lots in accordance with both regulations 38 and 40—

- (a) the replacement licence granted to that pre-existing licence holder shall authorise the use of 40 MHz corresponding to the block which comprises the higher frequencies included in that pre-existing licence holder's 3.4 GHz winning option;
- (b) the 3.4 GHz licence granted to that pre-existing licence holder shall authorise the use of the frequencies corresponding to the block which—
  - (i) includes such number of lots as won in accordance with regulation 38; and
  - (ii) comprises the frequencies immediately below the block included in the replacement licence referred to in sub-paragraph (a); and
- (c) the 3.4 GHz withdrawn lot licence granted to that pre-existing licence holder shall authorise the use of the frequencies corresponding to the block which—
  - (i) includes such number of lots as won in accordance with regulation 40; and
  - (ii) comprises the lower frequencies included in that pre-existing licence holder's 3.4 GHz winning option.