
STATUTORY INSTRUMENTS

2000 No. 2039

TELEGRAPHS

**The Wireless Telegraphy (Broadband Fixed
Wireless Access Licences) Regulations 2000**

<i>Made</i>	- - - -	<i>27th July 2000</i>
<i>Laid before Parliament</i>		<i>28th July 2000</i>
<i>Coming into force</i>	- -	<i>18th August 2000</i>

The Secretary of State, in exercise of the powers conferred by sections 3 and 6 of the Wireless Telegraphy Act 1998(1) as enacted(2), hereby makes the following Regulations:—

1. These Regulations may be cited as the Wireless Telegraphy (Broadband Fixed Wireless Access Licences) Regulations 2000 and shall come into force on 18th August 2000.

Interpretation

2. In these Regulations—

“Broadband Fixed Wireless Access” means the provision by means of a wireless communications system of two-way wireless communications link over which data may be transmitted and received at rates of at least 2Mbits/second on demand and whereby end users gain access to other telecommunication systems;

“the licences” means in respect of each region of the United Kingdom as specified in Part 1 of the Schedule hereto three wireless telegraphy licences to establish or use radio transmitting and receiving stations or install or use apparatus for Broadband Fixed Wireless Access at the frequencies specified in Part 2 of the Schedule hereto and to be granted subject to the terms, conditions and limitations specified in a notice issued pursuant to regulation 4;

“Radiocommunications Agency’s Internet Website” means the Radiocommunications Agency’s website located at <http://www.radio.gov.uk> on the Internet; and

“wireless telegraphy licence” means any licence under the Wireless Telegraphy Act 1949(3) other than a television licence as defined in section 1(7) of that Act.

(1) 1998 c. 6.

(2) Sections 3 and 6 of the Wireless Telegraphy Act 1998 were extended to Jersey by S.I.1998/1512, to Guernsey by S.I. 1998/1511, and to the Isle of Man by S.I. 1998/1510. These Regulations do not, however, extend to these Islands.

(3) 1949 c. 54.

Application of the Regulations

3. These Regulations shall have effect in relation to applications for, procedures for the grant of, and the provision of refunds of fees payable in accordance with the terms of, the licences.

Notice

4.—(1) Applications for the grant of the licences shall only be made in accordance with a procedure which is set out in a notice issued by the Secretary of State under these Regulations.

(2) A notice issued pursuant to paragraph (1) above shall—

- (a) invite any body corporate to make an application to the Secretary of State to bid for a licence, in accordance with a specified procedure;
- (b) specify criteria by which the Secretary of State shall determine whether an applicant is qualified to participate in a bidding procedure;
- (c) specify criteria to determine whether a qualified applicant is associated with one or more other qualified applicants;
- (d) specify criteria to determine whether any qualified applicants who fall within sub-paragraph (c) above shall be entitled to participate in the procedure referred to in sub-paragraph (e) below;
- (e) specify a procedure by which qualified applicants may submit bids for licences;
- (f) specify reserve prices for each of the licences;
- (g) provide for the Secretary of State to determine minimum and maximum bids for each of the licences during the bidding procedure referred to in sub-paragraph (e) above;
- (h) provide for payment of a deposit on submission of an application and for payment of one of or more additional deposits before a qualified applicant may submit a bid for a licence;
- (i) provide for the payment of interest on the deposit and on any additional deposits;
- (j) provide for the circumstances in which all, or part, of any deposit, and all, or part, of any interest which accrues to a deposit, is not to be refunded;
- (k) specify the conditions which must be satisfied before a licence may be issued to a qualified applicant who submits the highest valid bid for a licence;
- (l) provide for a qualified applicant who submits the highest valid bid for a licence to elect whether he wishes to pay such sum—
 - (i) as a single cash sum on issue of the licence; or
 - (ii) as one half of such sum on issue of the licence with the balance payable as periodic sums calculated in accordance with a specified formula;
- (m) specify a guarantee which a qualified applicant who elects to pay the licence fee other than as a single cash sum is to provide to the Secretary of State on issue of the licence;
- (n) provide for the other terms, provisions and limitations subject to which each of the licences is to be issued; and
- (o) provide for the other conditions with which qualified applicants must comply to participate, or continue to participate, in the procedures referred to in sub-paragraph (e) above.

(3) A notice which is issued pursuant to paragraph (1) above shall be published by the Secretary of State on the Radiocommunications Agency's Internet Website.

Refunds

5. The Secretary of State may, in such cases as he thinks fit, refund, in whole or in part, sums which have been paid to him in accordance with any provision of the licences.

27th July 2000

Patricia Hewitt,
Minister for Small Business and E-Commerce,
Department of Trade and Industry

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SCHEDULE

Regulation 2

PART 1

DESCRIPTION OF THE REGIONS

<i>Column 1</i>	<i>Column 2</i>
Region A	That area of the United Kingdom comprising Greater London;
Region B	That area of the United Kingdom comprising Greater Manchester, Merseyside and the county of Cheshire;
Region C	That area of the United Kingdom comprising the West Midlands, and the counties of Warwickshire, Staffordshire, Worcestershire, Shropshire and Herefordshire;
Region D	That area of the United Kingdom comprising the Isle of Wight and the counties of Hampshire, Berkshire and Oxfordshire;
Region E	That area of the United Kingdom comprising the counties of Essex, Hertfordshire and Buckinghamshire;
Region F	That area of the United Kingdom comprising the counties of Suffolk, Norfolk, Bedfordshire, Cambridgeshire and Northamptonshire;
Region G	That area of the United Kingdom comprising the counties of Derbyshire, Lincolnshire (other than the areas of the North Lincolnshire District Council and the North East Lincolnshire District Council) Leicestershire, Nottinghamshire and Rutland;
Region H	That area of the United Kingdom comprising the counties of Kent, Surrey, East Sussex and West Sussex;
Region I	That area of the United Kingdom comprising the East Riding of Yorkshire, North Yorkshire, South Yorkshire, West Yorkshire and the areas of the North Lincolnshire District Council and the North East Lincolnshire District Council;
Region J	That area of the United Kingdom comprising Tyne and Wear, and the counties of Durham, Northumberland, Cumbria and Lancashire;
Region K	That area of the United Kingdom comprising Bristol and the counties of Devon, Cornwall and the Isles of Scilly, Dorset, Somerset, Wiltshire and Gloucestershire;

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<i>Column 1</i>	<i>Column 2</i>
Region L	Scotland
Region M	Wales
Region N	Northern Ireland

PART 2

DESCRIPTION OF THE FREQUENCIES FOR EACH OF THE LICENCES IN EACH OF THE REGIONS SPECIFIED IN PART 1 ABOVE

<i>Column</i>	<i>1</i> (GHz)	<i>2</i> (GHz)
Licence 1	28.0525–28.1645	29.0605–29.1725
Licence 2	28.1925–28.3045	29.2005–29.3125
Licence 3	28.3325–28.4445	29.3405–29.4525

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for a procedure for the grant, in each of fourteen regions in the United Kingdom, of three wireless telegraphy licences authorising the use of apparatus at specified frequencies for the provision by means of a wireless communications system of Broadband Fixed Wireless Access, 2-way wireless communications links over which data may be transmitted and received at rates of at least 2Mbits/second on demand and whereby end users gain access to other telecommunications systems.

Regulation 4(1) provides that applications for the grant of the licences shall only be made in accordance with a procedure which is set out in a notice issued by the Secretary of State. Regulation 4(2) provides for the matters which such a notice shall contain, including: a procedure for a body corporate to make an application to participate in a bidding procedure; criteria for determining whether an applicant is qualified to participate in a bidding procedure; criteria for determining whether a qualified applicant is associated with any other qualified applicants and if so whether they may participate in a bidding procedure; provision for payment of deposits and the circumstances in which such deposits may not be refunded; procedures for submitting bids for the licences, including the determination of reserve prices and of minimum and maximum bids, further conditions which, following completion of the bidding procedures, must be satisfied before a licence is issued; methods of payment for the licences, including the provision of a guarantee in respect of deferred licence fees; provision for other terms and limitations subject to which the licences are to be issued; provision for the other conditions with which participants must comply to participate, or continue to participate, in the procedures specified in the notice.

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Regulation 4(3) provides for publication of the notice on the Radiocommunications Agency's Internet website.

Regulation 5 provides that the Secretary of State may, in such cases as he thinks fit, refund fees paid to him for one or more of the licences.