
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 164 of the Communications Act 2003 (“the Act”). Section 164 of the Act implements Article 7(1)(c) of the Directive of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (2002/20/EC). Under section 164(1) OFCOM may, if they consider it appropriate for the purpose of securing the efficient use of the electro-magnetic spectrum to impose limitations on the use of particular frequencies, make an order imposing the limitations.

This Order is made by the Secretary of State, rather than by OFCOM, in accordance with section 408 of the Act and article 3(1) of the Communications Act 2003 (Commencement No. 1) Order 2003 made under section 411 of the Act bringing section 164 into force.

As required by section 164(2) of the Act this Order specifies the uses and the frequencies for which the Secretary of State will grant only a limited number of wireless telegraphy licences. The uses and frequencies are set out in Part 1 of each of Schedules 1 to 11. The frequencies are listed under class of licence. The uses are:

- (a) broadcasting;
- (b) broadband fixed wireless access;
- (c) programme making and special events;
- (d) public electronic communications networks;
- (e) fixed terrestrial radio links;
- (f) satellite services;
- (g) maritime;
- (h) aeronautical;
- (i) amateur radio;
- (j) technology development; and
- (k) private business radio.

As required by section 164(3), this Order also sets out the criteria which the Secretary of State will apply in determining the limit on the number of wireless telegraphy licenses and the persons to whom licences will be granted. The criteria are set out in Part 2 and Part 3 of each of Schedules 1 to 11.

This Order will be reviewed regularly and amended to reflect changes to the frequencies, uses and criteria specified.

Copies of the Radio Regulations may be obtained from the ITU Sales Service, Place des Nations, CH-1211 Geneva 20, Switzerland.

Copies of the technical frequency assignment criteria which are referred to at:

- (a) paragraph 2 of Part 3 of Schedule 1;
- (b) paragraph 2 of Part 3 of Schedule 3;
- (c) paragraph 4 of Part 3 of Schedule 4;
- (d) paragraph 2 of Part 3 of Schedule 5;
- (e) paragraph 2 of Part 3 of Schedule 6;

Status: This is the original version (as it was originally made).

- (f) paragraph 9 of Part 3 of Schedule 7;
- (g) paragraph 10 of Part 3 of Schedule 8; and
- (h) paragraph 7 of Part 3 of Schedule 11

may be obtained from the Radiocommunications Agency Library at Wyndham House, 189 Marsh Wall, London E14 9SX (Tel: 020 7211 0211) or on the Agency's website at www.radio.gov.uk.

A Regulatory Impact Assessment is available in respect of measures under the Communications Bill including the limitations on the use of frequencies. This can be obtained from the Communications Bill website at <http://communicationsbill.gov.uk>. Copies can also be obtained from the Communications Bill Team, Department of Trade and Industry, GO6, 4 Abbey Orchard Street, London SW1P 2HT (Tel: 020 7215 1193).