

2006 No. 339

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Spectrum Trading) (Amendment)
Regulations 2006**

Made - - - - - *14th February 2006*

Coming into force - - - *10th March 2006*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by section 168(1) and (3) and section 403(7) of the Communications Act 2003(a) (“the Act”).

Before making the Regulations OFCOM have given notice of their proposal to do so in accordance with section 403(4)(a) of the Act, published notice of their proposal in accordance with section 403(4)(b) of the Act and have considered the representations made to them before the time specified in the notice in accordance with section 403(4)(c) of the Act.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Spectrum Trading) (Amendment) Regulations 2006 and shall come into force on 10th March 2006.

Amendment of the Wireless Telegraphy (Spectrum Trading) Regulations 2004

2. The Wireless Telegraphy (Spectrum Trading) Regulations 2004(b) are amended as follows —

(a) at the end of regulation 4 (transfer of all rights and obligations arising by virtue of a wireless telegraphy licence) add the following paragraph —

“(3) Paragraph (1) shall apply to wireless telegraphy licences within the licence classes specified in Column 1 of each of Parts 1 to 6 of the Schedule which apply to a station or apparatus operating within any of the frequency bands specified in Column 2 of the same Part.”;

(b) for regulation 5 substitute the following regulation —

“5. Subject to regulation 7, a transfer by the holder of a wireless telegraphy licence within the licence class specified in Column 1 of Part 7 of the Schedule which applies to stations or apparatus operating within either of the frequency bands specified in Column 2 of the same Part, of all of the rights and obligations arising by virtue of that wireless telegraphy licence, is authorised if the rights and obligations of the person making the transfer become rights and obligations of a single transferee to the exclusion of the person making the transfer.”;

- (c) in regulation 7 (circumstances in which a transfer is not authorised) —
 - (i) in paragraph (b) for “Wireless Telegraphy (Licence Charges) Regulations 2002” substitute “Wireless Telegraphy (Licence Charges) Regulations 2005”(a);
 - (ii) in paragraph (c) for “under regulation 4(8)(b) of the Wireless Telegraphy (Licence Charges) Regulations 2002” substitute “under regulation 4(7)(b) of the Wireless Telegraphy (Licence Charges) Regulations 2005”;
- (d) in regulation 8 (transfer procedure), in paragraph (1) —
 - (i) for “authorised by regulations 4(1) or 6” substitute “authorised by regulation 4(1), 5 or 6”;
 - (ii) in sub-paragraph (d) for “authorised by regulation 4(1) or regulation 6” substitute “authorised by regulation 4(1), 5 or 6”; and
- (e) in the Schedule, after Part 6 add the following Part —

“PART 7

<i>Column 1</i>	<i>Column 2</i>
Licence Class	Frequency Band
Concurrent Spectrum Access	1781.7 MHz to 1785.0 MHz 1876.7 MHz to 1880.0 MHz”.

14th February 2006

Stephen Carter
Chief Executive of the Office of Communications
For and by authority of the Office of Communications

(a) S.I. 2005/1378

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Spectrum Trading) Regulations 2004 (S.I. 2004/3154) (the “Principal Regulations”).

Regulation 2 of the Regulations amends the Principal Regulations and authorises the transfer of all rights and obligations arising by virtue of a wireless telegraphy licence in the Concurrent Spectrum Access class within the frequency bands specified if the rights and obligations of the person making the transfer become rights and obligations of the transferee to the exclusion of the person making the transfer.

A full regulatory impact assessment of the effect that these Regulations will have on the costs to business is available to the public from the OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on the Office of Communications Internet web site at www.ofcom.org.uk. Copies of the report have also been placed in the libraries of both Houses of Parliament.

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