
STATUTORY INSTRUMENTS

2008 No. 2794

ELECTRONIC COMMUNICATIONS

The 3400–3800 MHz Frequency Band
(Management) Regulations 2008

<i>Made</i>	- - - -	<i>27th October 2008</i>
<i>Laid before Parliament</i>		<i>29th October 2008</i>
<i>Coming into force</i>	- -	<i>20th November 2008</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾.

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to electronic communications⁽²⁾.

Citation, commencement and interpretation

1. These Regulations may be cited as the 3400–3800 MHz Frequency Band (Management) Regulations 2008 and shall come into force on 20th November 2008.

2. In these Regulations—

the “Commission Decision” means the Commission Decision [2008/411/EC](#) of 21st May 2008 on the harmonisation of the 3400–3800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community⁽³⁾; and

“OFCOM” means the Office of Communications as established by the Office of Communications Act 2002⁽⁴⁾.

The 3400 – 3800 MHz frequency band

3.—(1) OFCOM shall carry out their functions under the Wireless Telegraphy Act 2006⁽⁵⁾ so as to give effect to the obligations of the United Kingdom under the Commission Decision.

(2) OFCOM shall, in particular, without prejudice to the protection and continued operation of other existing use of the 3400–3800 MHz frequency band—

(1) [1972 c.68.](#)
(2) [S.I. 2001/3495.](#)
(3) [OJ No L 147, 4.6.08, p77.](#)
(4) [2002 c.11.](#)
(5) [2006 c.36.](#)

- (a) by 21st November 2008, designate and make available the 3400–3600 MHz band for use by terrestrial electronic communications networks on a non-exclusive basis, in accordance with the parameters set out in the Annex to the Commission Decision;
- (b) designate by 1st January 2012 and subsequently make available the 3600–3800 MHz band for use by terrestrial electronic communications networks on a non-exclusive basis, in accordance with the parameters set out in the Annex to the Commission Decision; and
- (c) ensure that the networks referred to in sub-paragraphs (a) and (b) above give appropriate protection to systems in adjacent frequency bands.

Stephen Carter
Minister for Communications Technology and
Broadcasting
Department for Business, Enterprise and
Regulatory Reform

27th October 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in the United Kingdom the Commission Decision [2008/411/EC](#) of 21st May 2008 on the harmonisation of the 3400–3800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community (the Commission Decision).

Regulation 3(1) requires the Office of Communications (OFCOM) to exercise their functions under the Wireless Telegraphy Act 2006 so as to give effect to the obligations of the United Kingdom under the Commission Decision.

Regulation 3(2) specifies the obligations under Article 2(1) to (3) of the Commission Decision, to which OFCOM must give effect.

A full Regulatory Impact Assessment and Transposition Note have been produced. Copies may be obtained from James Youngs, Business Relations Directorate (BR2), Department for Business Enterprise and Regulatory Reform, 1 Victoria Street, London, SW1H 0ET.