

This Statutory Instrument has been made in consequence of defects in [SI 2012/2817](#) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2012 No. 2970

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Licence Award) (Amendment) Regulations 2012

Made - - - - 27th November 2012

Coming into force - - 30th November 2012

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred on OFCOM by section 14(1), (2), (3), (4), (6) and (7) and section 122(7) of the Wireless Telegraphy Act 2006⁽¹⁾ (“the 2006 Act”).

OFCOM have not given notice of a proposal to make these Regulations under section 122(4)(a) of the 2006 Act nor published notice of a proposal to make these Regulations under section 122(4)(b) of the 2006 Act because it appears to OFCOM that by reason of the urgency of the matter it is inexpedient to publish such a notice and therefore, in accordance with section 16(2) of the 2006 Act, subsections (4) to (6) of section 122 of the 2006 Act do not apply.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Licence Award) (Amendment) Regulations 2012 and shall come into force on 30th November 2012.

Amendment of the Wireless Telegraphy (Licence Award) Regulations 2012

2.—(1) The Wireless Telegraphy (Licence Award) Regulations 2012⁽²⁾ are amended in accordance with the following provisions of this regulation.

(2) In regulation 16 (Recording of spectrum holdings)—

- (a) in paragraph (1) after the words “under regulations 6(1), 7(2), 7(3) or 8” insert “and the requirement in paragraph (5)”; and
- (b) after paragraph (4) add the following paragraph—

(1) [2006 c.36](#).
(2) [S.I. 2012/2817](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(5) The requirement is that, when recording existing spectrum holdings, OFCOM shall not record any existing spectrum holdings which are authorisations which will expire before 2nd October 2015.”

(3) In regulation 24 (The spectrum cap rule), in sub-paragraph (4)(b), after the words “under this award process” insert “other than rights of use that relate to 2.6 GHz concurrent low power 10 MHz lots or 2.6 GHz concurrent low power 20 MHz lots”.

(4) In Schedule 1 (Frequency lots), in Column (2) of Table 2 for “2550-2555 and 2570-2675” substitute “2550-2555 and 2670-2675”.

27th November 2012

Ed Richards
Chief Executive of the Office of
Communications
For and by authority of the Office of
Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Licence Award) Regulations 2012 ([S.I. 2012/2817](#)) (the “Principal Regulations”).

Regulation 16 of the Principal Regulations deals with the recording by the Office of Communications (“OFCOM”) of bidders’ existing spectrum holdings. It is amended to make provision for existing spectrum holdings which will expire before 2nd October 2015.

Regulation 24 of the Principal Regulations sets out a spectrum cap rule and is amended to make provision for rights of use that relate to 2.6 GHz concurrent low power 10 MHz lots or 2.6 GHz concurrent low power 20 MHz lots.

In Table 2 of Schedule 1 to the Principal Regulations frequencies are amended to correct a typographical error.

These Regulations do not have any effect on the cost of business additional to the effect of the Principal Regulations and a full regulatory impact assessment of the effect the Principal Regulations will have on the cost to business has been prepared and is available to the public from the OFCOM library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA, telephone 020 7981 3000 or on the OFCOM internet website at www.ofcom.org.uk. Copies of the impact assessment have also been placed in the libraries of the Houses of Parliament.