



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 3

MANAGEMENT OF RADIO SPECTRUM

General

[^{F1}30A General duty of OFCOM to allow leasing or transfer

- (1) OFCOM must exercise the powers mentioned in subsection (2) in such a way as to ensure that, except in the cases excluded by subsection (4), the holder of a wireless telegraphy licence can do at least one of the following—
 - (a) confer the benefit of the licence on another person in respect of any station or apparatus to which the licence relates; or
 - (b) transfer to another person rights and obligations arising as a result of the licence.
- (2) The powers are—
 - (a) their power under section 9 to impose terms, provisions and limitations on a wireless telegraphy licence; and
 - (b) their power to make regulations under section 30.
- (3) OFCOM must exercise their powers to make regulations under section 30 so as to authorise the transfer to another person by the holder of a grant of recognised spectrum access of rights and obligations arising as a result of such a grant, except in the cases excluded by subsection (5).
- (4) The duty in subsection (1) does not apply where—
 - (a) no charge was payable to OFCOM on the grant of the licence;

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 30A. (See end of Document for details)

- (b) the licence contains terms, provisions or limitations as a result of which the services for which the use of the station or apparatus is authorised consist of or include the transmission or provision of relevant television or radio services;
 - (c) the duration of the licence does not exceed 12 months;
 - (d) the licence contains terms, provisions or limitations as a result of which the purposes for which the use of the station or apparatus is authorised consist of or include experimental, innovation, research, demonstration or trial purposes;
 - (e) the licence contains terms, provisions or limitations as a result of which the purposes for which the use of the station or apparatus is authorised consist of or include safety of life services; or
 - (f) the licence relates to frequencies that are not subject to individual frequency planning or co-ordination.
- (5) The duty in subsection (3) does not apply where—
- (a) no charge was payable to OFCOM on the making of the grant of recognised spectrum access;
 - (b) the grant contains restrictions or conditions as a result of which the services for which the use of the station or apparatus is authorised consist of or include the transmission or provision of relevant television or radio services;
 - (c) the duration of the grant does not exceed 12 months;
 - (d) the grant contains restrictions or conditions as a result of which the purposes for which the use of the station or apparatus is authorised consist of or include experimental, innovation, research, demonstration or trial purposes;
 - (e) the grant contains restrictions or conditions as a result of which the purposes for which the use of the station or apparatus is authorised consist of or include safety of life services; or
 - (f) the grant relates to frequencies that are not subject to individual frequency planning or co-ordination.
- (6) In subsections (4)(b) and (5)(b) “relevant television or radio services” means—
- (a) services provided under the authority of a licence under the Broadcasting Act 1990 or the Broadcasting Act 1996;
 - (b) sound broadcasting services (as defined by section 126(1) of the Broadcasting Act 1990) provided by the British Broadcasting Corporation;
 - (c) television multiplex services (as defined by section 241 of the Communications Act 2003) for which a licence under Part 1 of the Broadcasting Act 1996 is not required;
 - (d) radio multiplex services (as defined by section 258 of the Communications Act 2003) for which a licence under Part 2 of the Broadcasting Act 1996 is not required;
 - (e) general multiplex services (as defined by section 362(1) of the Communications Act 2003).]

Textual Amendments

- F1** S. 30A inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 86**

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 30A.