



Wireless Telegraphy Act 2006

2006 CHAPTER 36

[^{F1}PART 2A

REGULATION OF DYNAMIC SPECTRUM ACCESS SERVICES

Enforcement

[^{F1}53H Meaning of “relevant amount of gross revenue”

- (1) The relevant amount of gross revenue for the purposes of section 53F, in relation to a penalty imposed on a person, is—
 - (a) where the last accounting period of that person which falls before the contravention was a period of 12 months, the relevant part of the person's gross revenue for that period, and
 - (b) in any other case, the amount which, by making any appropriate apportionments or other adjustments of the relevant part of the person's gross revenue for the accounting period or periods mentioned in subsection (2), is computed to be the amount representing the annual rate for the relevant part of the person's gross revenue.
- (2) The accounting period or periods referred to in subsection (1) are—
 - (a) every accounting period of the person to end within the period of 12 months immediately preceding the contravention, and
 - (b) if there is no such accounting period, the accounting period of the person which is current at the time of the contravention.
- (3) A reference to the relevant part of a person's gross revenue, in relation to a contravention of the restrictions or conditions subject to which the person is registered under section 53A, is a reference to so much of the person's gross revenue as is attributable to the provision of the dynamic spectrum access service to which the contravention relates.
- (4) For the purposes of this section—
 - (a) the gross revenue of a person for a period, and

*Changes to legislation: There are currently no known outstanding effects for the
 Wireless Telegraphy Act 2006, Section 53H. (See end of Document for details)*

- (b) the extent to which a part of a person's gross revenue is attributable to the provision of any dynamic spectrum access service,
 is to be ascertained in accordance with such principles as may be set out in a statement made by OFCOM.
- (5) Such a statement may provide for the amount of a person's gross revenue for an accounting period that is current when the amount falls to be calculated to be taken to be the amount estimated by OFCOM, in accordance with the principles set out in the statement, to be the amount that will be the person's gross revenue for that period.
- (6) OFCOM may revise a statement made under subsection (4) from time to time.
- (7) A statement made or revised under this section may set out different principles for different cases.
- (8) Before making or revising a statement under this section, OFCOM must consult the Secretary of State and the Treasury.
- (9) OFCOM must—
- (a) publish the statement made under subsection (4) and every revision of it, and
 - (b) send a copy of the statement and of every such revision to the Secretary of State,
- and the Secretary of State must lay copies of the statement and of every such revision before each House of Parliament.
- (10) In this section—
- “accounting period”, in relation to a person, means a period in respect of which accounts of the undertaking carried on by the person are prepared or, if one such period is comprised in another, whichever of those periods is or is closest to a 12 month period;
- “gross revenue”, in relation to a person, means the gross revenue of an undertaking carried on by that person.]

Textual Amendments

- F1** Pt. 2A inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. 8(1), 118(6); S.I. 2017/765, reg. 2(c)

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 53H.