



# Digital Economy Act 2017

## 2017 CHAPTER 30

### PART 6

#### MISCELLANEOUS

##### *Other provisions relating to OFCOM*

#### **101 International recognition of satellite frequency assignments: power of OFCOM to charge fees**

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 28 (general power of OFCOM to charge for services), and before the italic heading following that section, insert—

##### **“28A International recognition of satellite frequency assignments: power to charge fees**

- (1) This section applies where functions conferred on OFCOM under section 22 include functions of the administration of the United Kingdom under the ITU Radio Regulations.
- (2) OFCOM may require any person to pay them a fee for doing satellite filing work at the request of that person.
- (3) In this section “satellite filing work” means anything connected with obtaining or maintaining international recognition under the ITU Radio Regulations of assignments (or changes in assignments) of radio frequencies to stations in satellite systems or satellite networks.
- (4) OFCOM may vary from time to time the amount of any fee set by them under this section.
- (5) OFCOM may not require a person to pay a fee under this section unless they have taken such steps as they consider appropriate to bring the fact that they

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*Status: This is the original version (as it was originally enacted).*

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charge the fee, and the amount of the fee, to the attention of those persons who, in their opinion, are likely to be required to pay it.

(6) As soon as reasonably practicable after the end of each reporting year, OFCOM must publish a statement setting out—

- (a) the aggregate amount of the fees charged under this section that have been received by OFCOM during that year;
- (b) the aggregate amount of the fees charged under this section during that year which remain outstanding and are likely to be paid or recovered; and
- (c) the total cost to OFCOM of doing the requested satellite filing work they have done during that year.

(7) If the total of the amounts set out in a statement under subsection (6)(a) and (b) exceeds the total cost set out under subsection (6)(c), OFCOM must take this into account with a view to securing that the aggregate amount of fees charged under this section in the following reporting year does not exceed the likely total cost to them of doing requested satellite filing work during that year.

(8) In this section—

“administration”, “assignment” (of a radio frequency), “station”, “satellite system” and “satellite network” have the same meanings as in the ITU Radio Regulations;

“reporting year” means—

- (a) the period beginning with the coming into force of this section and ending with the next 31st March, or
- (b) any subsequent period of twelve months beginning with 1st April;

“the ITU Radio Regulations” means the radio regulations of the International Telecommunication Union.”

(3) In section 38 (annual administrative charge), after subsection (11) insert—

“(11A) For the purposes of this section, the cost to OFCOM of carrying out the functions mentioned in subsection (5) does not include the cost to OFCOM of doing anything for which they charge a fee under section 28A.”

(4) Section 28A(2) and (6)(c) of the Communications Act 2003, inserted by subsection (2), does not apply to any satellite filing work if OFCOM received the request to do that work before the coming into force of that section.