

2023 No. 400

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Licence Charges) (Amendment)
Regulations 2023**

Made - - - - - *22nd March 2023*

Coming into force - - - - - *17th April 2023*

The Office of Communications (“OFCOM”), in exercise of the powers conferred by sections 12, 13(2) and 122(7) of the Wireless Telegraphy Act 2006^(a) (“the Act”), makes the following Regulations.

Before making these Regulations, OFCOM have given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, published notice of their proposal in accordance with section 122(4)(b) of the Act, and have considered the representations made to them before the time specified in the notice in accordance with section 122(4)(c) of the Act.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2023 and shall come into force on 17th April 2023.

Amendments to the Wireless Telegraphy (Licence Charges) Regulations 2020

2.—(1) The Wireless Telegraphy (Licence Charges) Regulations 2020^(b) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation), paragraph (1), at the appropriate place insert—

- (a) ““*the 2007 Regulations*” means the Wireless Telegraphy (Licence Award) (No. 2) Regulations 2007;” and
- (b) ““*Geographic Region*” means any one of the Regions A to N as described in Part 1 of the Schedule to the 2000 Regulations;”.

(3) In regulation 4 (licence charges and time of payment)—

- (a) in paragraph (1) for “, 6 and 7” substitute “to 10”;
- (b) in paragraph (6)(a) for “regulation 7(1) or regulation 8(1)” substitute “regulation 6A(1), regulation 7(1), regulation 8(1), regulation 9(1) or regulation 10(1)”;
- (c) in paragraph (6)(b)(vii) for “7(1)” substitute “6A(1) or regulation 7(1)”;
- (d) delete “or” at the end of paragraph (6)(b)(vii);
- (e) after paragraph (6)(b)(viii), insert the following sub-paragraphs—

(a) 2006 c. 36.

(b) S.I. 2020/1068, as amended by S.I. 2021/1117 and S.I. 2022/1310.

- “(ix) the class “Spectrum Access Licence 10 MHz Band” under regulation 9(1); or
 - (x) the class “Spectrum Access Licence 32 MHz Band” under regulation 10(1).”;
 - (f) in paragraph (7)(a) for “or regulation 7(1)” substitute “, regulation 6A(1), regulation 7(1), regulation 9(1) or regulation 10(1)”; and
 - (g) in paragraph 7(b) for “or regulation 7(1)” substitute “, regulation 6A(1), regulation 7(1), regulation 9(1) or regulation 10(1)”.
- (4) After regulation 6 (other licence charges), insert the following regulation—

“Licence Charges payable for the 28 GHz frequency band on 17th April 2023

6A.—(1) On 17th April 2023 each holder of a licence of the Spectrum Access 28 GHz licence class granted under the procedure set out in a notice made under the 2007 Regulations which authorises use of frequencies within the frequency bands 27.8285-28.4445 GHz and 28.8365-29.4525 GHz shall pay to OFCOM the sum specified in paragraph (2).

(2) The sum which must be paid in accordance with paragraph (1) comprises—

- (a) £199.40 for each 2 x 1 MHz channel which is authorised by the licence in Region A as described in Part 1 of the Schedule to the 2000 Regulations;
- (b) £182.40 for each 2 x 1 MHz channel which is authorised by the licence in Region B as described in Part 1 of the Schedule to the 2000 Regulations;
- (c) £185.00 for each 2 x 1 MHz channel which is authorised by the licence in Region C as described in Part 1 of the Schedule to the 2000 Regulations;
- (d) £166.70 for each 2 x 1 MHz channel which is authorised by the licence in Region D as described in Part 1 of the Schedule to the 2000 Regulations;
- (e) £210.80 for each 2 x 1 MHz channel which is authorised by the licence in Region E as described in Part 1 of the Schedule to the 2000 Regulations;
- (f) £104.70 for each 2 x 1 MHz channel which is authorised by the licence in Region F as described in Part 1 of the Schedule to the 2000 Regulations;
- (g) £162.00 for each 2 x 1 MHz channel which is authorised by the licence in Region G as described in Part 1 of the Schedule to the 2000 Regulations;
- (h) £72.10 for each 2 x 1 MHz channel which is authorised by the licence in Region H as described in Part 1 of the Schedule to the 2000 Regulations;
- (i) £303.40 for each 2 x 1 MHz channel which is authorised by the licence in Region I as described in Part 1 of the Schedule to the 2000 Regulations;
- (j) £184.50 for each 2 x 1 MHz channel which is authorised by the licence in Region J as described in Part 1 of the Schedule to the 2000 Regulations;
- (k) £120.60 for each 2 x 1 MHz channel which is authorised by the licence in Region K as described in Part 1 of the Schedule to the 2000 Regulations;
- (l) £369.60 for each 2 x 1 MHz channel which is authorised by the licence in Region L as described in Part 1 of the Schedule to the 2000 Regulations;
- (m) £156.00 for each 2 x 1 MHz channel which is authorised by the licence in Region M as described in Part 1 of the Schedule to the 2000 Regulations;
- (n) £55.80 for each 2 x 1 MHz channel which is authorised by the licence in Region N as described in Part 1 of the Schedule to the 2000 Regulations; and
- (o) the amount in pounds sterling calculated in accordance with paragraphs (3) and (4), for each 2 x 1 MHz channel which is authorised by the licence in an area identified in the licence and comprising part of a Geographic Region.

(3) The formula to calculate the amount mentioned in paragraph (2)(o) is—

$$S = R \times (LA \div RA)$$

Where—

“S” means the amount;

“R” means the sum specified in paragraph (2) for a 2 x 1 MHz channel in the Geographic Region in which the relevant area identified in the licence is located;

“LA” means the total size of the relevant area identified in the licence and comprising part of a Geographic Region; and

“RA” means the total size specified in Regulation 7(4) of the Geographic Region in which the relevant area identified in the licence is located.

(4) If the amount calculated in accordance with paragraph (3) is a fraction of a whole number, it shall be rounded to the nearest whole penny.”

(5) For regulation 7 (licence charges payable for the 28 GHz frequency band) substitute—

“Licence charges payable for the 28GHz frequency band for each subsequent payment

7.—(1) On 5th January 2024 and on each anniversary of that date, each holder of a licence of the Spectrum Access 28 GHz licence class granted under the procedure set out in a notice made under the 2000 Regulations or the 2007 Regulations which authorises use of frequencies within the frequency bands 27.8285–28.4445 GHz and 28.8365–29.4525 GHz shall pay to OFCOM the sum specified in paragraph (2).

(2) The sum which must be paid in accordance with paragraph (1) comprises—

- (a) £276.70 for each 2 x 1 MHz channel which is authorised by the licence in Region A as described in Part 1 of the Schedule to the 2000 Regulations;
- (b) £253.20 for each 2 x 1 MHz channel which is authorised by the licence in Region B as described in Part 1 of the Schedule to the 2000 Regulations;
- (c) £256.70 for each 2 x 1 MHz channel which is authorised by the licence in Region C as described in Part 1 of the Schedule to the 2000 Regulations;
- (d) £231.40 for each 2 x 1 MHz channel which is authorised by the licence in Region D as described in Part 1 of the Schedule to the 2000 Regulations;
- (e) £292.60 for each 2 x 1 MHz channel which is authorised by the licence in Region E as described in Part 1 of the Schedule to the 2000 Regulations;
- (f) £145.30 for each 2 x 1 MHz channel which is authorised by the licence in Region F as described in Part 1 of the Schedule to the 2000 Regulations;
- (g) £224.80 for each 2 x 1 MHz channel which is authorised by the licence in Region G as described in Part 1 of the Schedule to the 2000 Regulations;
- (h) £100.00 for each 2 x 1 MHz channel which is authorised by the licence in Region H as described in Part 1 of the Schedule to the 2000 Regulations;
- (i) £421.00 for each 2 x 1 MHz channel which is authorised by the licence in Region I as described in Part 1 of the Schedule to the 2000 Regulations;
- (j) £256.00 for each 2 x 1 MHz channel which is authorised by the licence in Region J as described in Part 1 of the Schedule to the 2000 Regulations;
- (k) £167.40 for each 2 x 1 MHz channel which is authorised by the licence in Region K as described in Part 1 of the Schedule to the 2000 Regulations;
- (l) £513.00 for each 2 x 1 MHz channel which is authorised by the licence in Region L as described in Part 1 of the Schedule to the 2000 Regulations;
- (m) £216.50 for each 2 x 1 MHz channel which is authorised by the licence in Region M as described in Part 1 of the Schedule to the 2000 Regulations;
- (n) £77.50 for each 2 x 1 MHz channel which is authorised by the licence in Region N as described in Part 1 of the Schedule to the 2000 Regulations; and

- (o) the amount in pounds sterling calculated in accordance with paragraphs (3) to (5), for each 2 x 1 MHz channel which is authorised by the licence in an area identified in the licence and comprising part of a Geographic Region.

(3) The formula to calculate the amount mentioned in paragraph (2)(o) is—

$$S = R \times (LA \div RA)$$

Where—

“S” means the amount;

“R” means the sum specified in paragraph (2) for a 2 x 1 MHz channel in the Geographic Region in which the relevant area identified in the licence is located;

“LA” means the total size of the relevant area identified in the licence and comprising part of a Geographic Region; and

“RA” means the total size specified in paragraph (4) of the Geographic Region in which the relevant area identified in the licence is located.

(4) The total size of the Geographic Regions in accordance with paragraph (3) is—

- (i) 1,595 square kilometres for Region A
- (ii) 4,477 square kilometres for Region B;
- (iii) 13,014 square kilometres for Region C;
- (iv) 8,172 square kilometres for Region D;
- (v) 7,465 square kilometres for Region E;
- (vi) 16,353 square kilometres for Region F;
- (vii) 13,452 square kilometres for Region G;
- (viii) 9,414 square kilometres for Region H;
- (ix) 15,884 square kilometres for Region I;
- (x) 15,828 square kilometres for Region J;
- (xi) 24,354 square kilometres for Region K;
- (xii) 80,257 square kilometres for Region L;
- (xiii) 21,233 square kilometres for Region M; and
- (xix) 14,146 square kilometres for Region N.

(5) If the amount calculated in accordance with paragraph (3) is a fraction of a whole number, it shall be rounded to the nearest whole penny.”

(6) After regulation 8 (licence charges payable for the 412 MHz frequency band), insert—

“Licence charges payable for the 10 GHz frequency band

9.—(1) On 17th April 2023 and on each anniversary of that date, each holder of a licence of the Spectrum Access 10 GHz licence class which authorises use of frequencies within the frequency bands 10.125-10.225 GHz and 10.475-10.575 GHz shall pay to OFCOM the sum specified in paragraph (2).

(2) The sum is £5,676 for each authorisation under the licence of the use of a 2 x 1 MHz national channel.

Licence charges payable for the 32 GHz frequency band

10.—(1) On 17th April 2023 and on each anniversary of that date, each holder of a licence of the Spectrum Access 32 GHz licence class which authorises use of frequencies within the frequency bands 31.815-32.571 GHz and 32.627-33.383 GHz shall pay to OFCOM the sum specified in paragraph (2).

(2) The sum is £3,432 for each authorisation under the licence of the use of a 2 x 1 MHz national channel.”

22nd March 2023

David Willis
Group Director, Spectrum Group
For and on behalf of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Licence Charges) Regulations 2020 (S.I. 2020/1068, as amended by SIs 2021/1117 and 2022/1310) (“the 2020 Regulations”). These Regulations provide for charges to be paid to the Office of Communications (“OFCOM”) in respect of wireless telegraphy licences granted under section 8 of the Wireless Telegraphy Act 2006 (c. 36) (“the Act”).

These Regulations amend and prescribe the charges – licence fees – for three classes of wireless telegraphy licence. In particular, they prescribe the fees payable in respect of 10 GHz and 32 GHz Spectrum Access licences awarded by Ofcom by way of auction in 2008, and in respect of 28 GHz Spectrum Access licences awarded by Ofcom by way of auction in 2000 and 2008 (together, the “Licences”).

Regulation 2(3) amends the 2020 Regulations to enable holders of the Licences to pay their fees by way of ten equal monthly instalments, should they wish to do so and provided they meet the criteria set out in regulation 4(6) or 4(7) of the 2020 Regulations.

Regulation 2(4) inserts a new regulation 6A into the 2020 Regulations. This prescribes one-off fees payable, on 17th April 2023, by the holders of a 28 GHz Spectrum Access awarded by auction in 2008.

Regulation 2(5) substitutes regulation 7 of the 2020 Regulations with a new regulation 7. This prescribes the fees payable, on 5th January 2024 and on each anniversary of that date, by the holders of a 28 GHz Spectrum Access licence, awarded by auction in 2000 or 2008.

Regulation 2(6) inserts new regulations 9 and 10 into the 2020 Regulations. These prescribe the fees payable, on 17th April and on each anniversary of that date, by the holders of a 10 GHz and a 32 GHz Spectrum Access licence respectively.

A full regulatory impact assessment of the effect of these Regulations has been prepared. Copies of this assessment are available to the public from the OFCOM library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) and on OFCOM’s website at www.ofcom.org. Copies of this assessment have also been placed in the libraries of both Houses of Parliament.

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