EXPLANATORY MEMORANDUM TO

THE 823-832 MHz AND 1785-1805 MHz ETC. FREQUENCY BANDS (MANAGEMENT) REGULATIONS

2015 No. 1658

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

This instrument implements in the United Kingdom the requirements of Commission Implementing Decision 2014/641/EU of 1 September 2014 on harmonised technical conditions of radio spectrum use by wireless audio programme making and special events equipment in the Union ("the Commission Decision").

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

4.1 The Commission Decision took effect on 1 September 2014.

4.2 The Commission Decision aims to harmonise the technical conditions for the availability and efficient use of radio spectrum for wireless audio equipment used for programme making and special events ("PMSE"). "Wireless audio PMSE equipment" means radio equipment used for transmission of analogue or digital audio signals between a limited number of transmitters and receivers, such as radio microphones, in-ear monitor systems or audio links, used mainly for the production of broadcast programmes or private or public social or cultural events.

4.3 Article 3(1) of the Commission Decision requires Member States, by 1 March 2015, to designate and make available the 823-832 MHz and 1785-1805 MHz frequency bands for wireless audio PMSE equipment, subject to the technical conditions set out in the Annex to the Commission Decision. Article 4 provides that, notwithstanding article 3(1), a Member State may maintain (only until their expiry and to the extent necessary) authorisations and rights to use spectrum in the 823-832 MHz and 1785-1805 MHz frequency bands which existed on 1 September 2014.

4.4 In addition, Article 3(2) of the Commission Decision requires Member States, by 1 March 2015, to designate and make available an additional 30 MHz for wireless audio PMSE equipment, subject to user demand.

4.5 The national regulatory authority with responsibility for the management of radio spectrum in the UK is the Office of Communications ("OFCOM"), established by the Office of Communications Act 2002.

4.6 The Wireless Telegraphy Act 2006 ("the 2006 Act") provides OFCOM with the necessary powers to give effect to the requirements of the Commission Decision in the UK through e.g. designation of the frequency bands in the UK Plan for Frequency Allocation (see section 2 of the 2006 Act). This instrument is intended to place OFCOM under a legal duty to exercise the powers under the 2006 Act in a way that fulfils the obligations of the UK under the Commission Decision.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The European Commission issued a Decision designed to harmonise the technical conditions for the availability and efficient use of radio spectrum for wireless audio equipment used for programme making and special events.

7.2 OFCOM is already acting in accordance with the Commission Decision. However, to ensure the proper transposition of the Commission Decision in the UK, the government considers that it should expressly provide for Ofcom to be placed under a duty to exercise their existing powers under the 2006 Act to give effect to the requirements of the Commission Decision.

8. Consultation outcome

No formal consultation was carried out as the government is obliged to implement the Commission Decision.

9. Guidance

Guidance has not been issued because the obligations under the instrument are placed upon OFCOM.

10. Impact

An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.

11. Regulating small business

The legislation does not apply to small business. The obligations under the instrument are placed upon OFCOM.

12. Monitoring & review

OFCOM will, from time to time, review the use of the bands covered by this instrument to ensure their efficient use and monitor and review the effectiveness of the Annex to the Commission Decision.

13. Contact

Rob Griffiths at the Department for Culture, Media and Sport tel: 0207 211 2867 or email: Robert.Griffiths@culture.gov.uk can answer any queries regarding the instrument.