EXPLANATORY MEMORANDUM TO

THE AUTHORISATION OF FREQUENCY USE FOR THE PROVISION OF MOBILE SATELLITE SERVICES (EUROPEAN UNION) (REVOCATION ETC.) REGULATIONS 2026

2026 No. 180

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Science, Innovation and Technology and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Baroness Lloyd of Effra, Parliamentary Under-Secretary of State for Digital Economy at the Department for Science Innovation and Technology confirms that this Explanatory Memorandum meets the required standard.

2.2 Thomas Eland, Deputy Director for Technology, Spectrum and Strategy, at the Department for Science, Innovation and Technology confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Laura Iglesias, Head of Spectrum Innovation Policy at the Department for Science, Innovation and Technology can be contacted by email at the following address with any queries regarding the instrument: spectrum@dsit.gov.uk. Alternatively, the department can be contacted by telephone: 07858818768.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument revokes the Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) Regulations 2010[1] ("the 2010 Regulations"), which gave Ofcom the power (based on the "EU Decision" and the "EU Commission Decision" [2]) to issue 18-year authorisations for mobile satellite services (MSS) in the 2 GHz band. It also made provision incidental to the authorisations, for example, to ensure the monitoring of compliance of the selected

[1] S.I. 2010/672, The Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) Regulations 2010 (S.I. 2010/672) https://www.legislation.gov.uk/uksi/2010/672/contents

[2] EU Decision: "Decision No 2008/626/EC of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS) (OJ L 172, 2.7.2008, pp. 15-24)" https://eur-lex.europa.eu/eli/dec/2008/626(2)/oj/eng. EU Commission Decision: "Decision 2009/449/EC of the Commission of 13 May 2009 on the selection of operators of pan-European systems providing mobile satellite services (MSS) (notified under document number C(2009) 3746) (OJ L 149, 12.06.2009, pp. 65-68)" https://eur-lex.europa.eu/eli/dec/2009/449/oj/eng

applicants with the conditions of the authorisations. These authorisations expire at the end of 13 May 2027.

4.2 Once those authorisations expire, the 2010 Regulations will serve no purpose. If they remain in force, it will become an offence to transmit in the 2 GHz band, including current licensees.

4.3 The 2010 Regulations are being revoked to ensure that the legal framework governing the 2 GHz band remains effective after the current authorisations expire, allowing Ofcom to authorise the use of the 2 GHz band solely under UK law, using its powers under the Wireless Telegraphy Act 2006 ("the 2006 Act").

4.4 This instrument also consequentially revokes the Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) (Amendment) Regulations 2013[3] ("the 2013 Regulations"), which amended the 2010 Regulations to implement an EU enforcement regime. As the 2010 Regulations are being revoked, the 2013 Regulations are now spent.

4.5 This instrument also makes amendments to the Radio Spectrum (EU Exit) Regulations 2018[4] ("the 2018 Regulations") to remove references to the revoked provisions and keep the legal framework consistent.

Where does the legislation extend to, and apply?

4.6 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.7 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 Radio spectrum is a limited and valuable resource, vital for mobile and satellite communications. The Government aims to maximise its economic and social benefits while providing clear regulation for industry. Legislation must remain current and aligned with UK policy to ensure effective spectrum management.

5.2 In 2010, the UK implemented the EU Decision and the EU Commission Decision through the 2010 Regulations to authorise Inmarsat Ventures Limited and Solaris Mobile Limited (now Echostar) to use frequencies in the 2 GHz band (1980–2010 MHz for ground-to-satellite and 2170–2200 MHz for satellite-to-ground) for MSS operations in the EU for a period of 18 years.

5.3 The 2010 Regulations were introduced to harmonise spectrum use across the EU and support cross-border mobile satellite services. They provided a framework for consistent technical and operational conditions, later updated by the 2013 Regulations to reflect a new EU decision[5] and enable services such as in-flight mobile

[3] S.I. 2013/174 The Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) (Amendment) Regulations 2013 https://www.legislation.gov.uk/uksi/2013/174/contents/made. The 2013 Regulations implemented Commission Decision 2011/667/EU, which established a coordinated enforcement regime across the EU for MSS common conditions.

[4] S.I. 2018/1385, https://www.legislation.gov.uk/uksi/2018/1385/contents/made

[5] 2011/667/: Commission Decision of 10 October 2011 on modalities for coordinated application of the rules on enforcement with regard to mobile satellite services (MSS) pursuant to Article 9(3) of Decision No 626/2008/EC of the European Parliament and of the Council (notified under document C(2011) 7001) OJ L 265, 11.10.2011, pp. 25–27

connectivity. Both the original EU Decision and the EU Commission Decision were revoked in domestic law by the 2018 Regulations.

5.4 The 2010 Regulations are being revoked because they will no longer serve a purpose once the existing authorisations expire at the end of May 2027. The revocation will allow Ofcom to authorise future use of the 2 GHz band, with any new authorisations taking effect only after 13 May 2027. This approach removes unnecessary legal constraints, provides regulatory clarity, and aligns spectrum management with the UK's post-EU framework and national policy objectives.

What was the previous policy, how is this different?

5.5 Prior to this instrument, the authorisation of mobile satellite services (MSS) in the 2 GHz band was governed by EU-derived legislation, now assimilated law under the Retained EU Law (Revocation and Reform) Act 2023 ("REUL Act 2023 "). The 2010 Regulations were amended by the 2013 Regulations and the 2018 Regulations. These Regulations implemented the EU Decision and the EU Commission Decision that authorised two specific licensees (Inmarsat Ventures and Solaris Mobile, now Echostar) for an 18-year period and established a coordinated EU enforcement regime. In practice, this meant the UK was following the EU's framework for how the 2 GHz spectrum should be used.

5.6 This instrument changes the policy by revoking the 2010 Regulations, removing the EU-derived, MSS-specific authorisation framework for the 2 GHz band and placing all future authorisation under the UK's domestic regime established by the 2006 Act. As a result, Ofcom will determine and license future use of the band in line with its statutory duties. Consequentially, the 2013 Regulations are revoked and the 2018 Regulations amended to remove redundant references, ensuring the statute book remains coherent once the current authorisations expire.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2010 Regulations were originally made under section 2(2) of the European Communities Act 1972 to implement the EU Decision and the EU Commission Decision on authorising Mobile Satellite Services in the 2 GHz band. These Regulations established an EU-wide framework for the use of MSS spectrum and authorised specific operators in line with European harmonisation objectives. Following the UK's withdrawal from the EU, the 2010 Regulations are preserved as secondary assimilated law under the REUL Act 2023.

6.2 The 2010 Regulations were amended by the 2013 Regulations to update references to the EU Decision and the EU Commission Decision and clarify provisions relating to the MSS authorisation regime. Together, these instruments ensured continued compliance with EU spectrum management rules while the UK was a Member State. The EU Decision and the EU Commission Decision underpinning the 2010 Regulations were revoked by the 2018 Regulations.

6.3 The authorisations granted under the 2010 Regulations are due to expire at the end of 13 May 2027 after which they will serve no purpose. This instrument exercises the power in section 14(1) of the REUL Act 2023 to revoke the 2010 Regulations without replacing them. It also consequentially revokes the 2013 Regulations and amends the 2018 Regulations. The legal effect of the instrument is to remove the 2010 Regulations after they are spent bringing the authorisation and management of the 2 GHz MSS band fully within the UK's domestic framework. Once revoked, any future

authorisations or authorisations for use of the 2 GHz band will be issued under the 2006 Act, ensuring Ofcom's powers are exercised independently of EU law.

Why was this approach taken to change the law?

6.4 Working with Ofcom, the Government considered alternatives before deciding on revocation. One option was to retain the 2010 Regulations and update operator names, preserving the two-operator model but limiting flexibility. Another was to extend existing authorisations, which could risk creating uncertainty and constraining the UK's ability to adapt to market and technological change.

6.5 Revocation under the REUL Act 2023 was assessed as the most effective and proportionate solution. It ensures future authorisation of the 2 GHz band is governed solely by domestic law, giving Ofcom long-term flexibility and aligning with UK spectrum policy. No specific commitments were made to Parliament requiring legislation to be taken forward in any other form.

6.6 Legislation through this instrument is required to remove redundant assimilated law and ensure that the statute book remains coherent and aligned with the domestic framework. Non-legislative measures, such as guidance or administrative action, would not have been sufficient to revoke the existing statutory provisions or to provide the necessary legal clarity for the future use of the 2 GHz band. No judicial reviews or court judgments have given rise to, or informed, this instrument.

7. Consultation

Summary of consultation outcome and methodology

7.1 A public consultation was held from 7 November to 5 December 2025 to gather stakeholder views on the proposed revocation and assess its impact to inform next steps. Eight responses were received: one from a member of the public and seven from satellite operators with interest in future access to the 2 GHz MSS band.

7.2 Respondents generally supported revoking the 2010 Regulations, noting they are no longer fit for purpose and welcoming the government's approach to secure lawful future access to the band. Stakeholders agreed that Ofcom's powers are sufficient to manage future authorisations flexibly in line with UK policy and market needs. One operator suggested delaying revocation until Ofcom sets out a new framework post-May 2027, however, this is not feasible as the REUL Act 2023 cannot be used after June 2026. A summary of consultation responses is available online.[6]

8. Applicable Guidance

8.1 No guidance will be produced for this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it does not impose new obligations or costs, and it ensures that regulation is applied using existing domestic legislation.

[6] Revocation of the 2 GHz Mobile Satellite Services Regulations: Government response Revocation of the 2 GHz Mobile Satellite Services Regulations: government response - GOV.UK

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the legislation simply repeals outdated Regulations that currently restrict use of the 2 GHz band to a small group of previously authorised operators. The repeal removes a criminal offence that applies to unauthorised use of the band but does not impose any new duties or obligations on other parties.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the instrument does not introduce any new regulatory duties.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 As this instrument is made under the REUL Act 2023 no review clause is required.

10.2 A Post-Implementation Review (PIR) was required under the Better Regulation Framework to assess whether the 2010 and 2013 Regulations continued to meet their intended objectives and remained proportionate. The first PIR was published in 2018, examining the effectiveness of the authorisation regime for MSS and confirming that the 2010 Regulations were operating as intended at that time.

10.3 This most recent of these was published in December 2025 alongside the Government's response to the consultation on these proposals. This updated review evaluates implementation impact since 2018. It concluded that while the 2010 Regulations were appropriate and effective in achieving its initial objectives, it is necessary for the 2010 Regulations to be revoked as the authorisations under it expires at the end of 13 May 2027, after which the 2010 Regulations serve no purpose.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument was laid in draft under its current title for sifting on 19 January 2026 under the power in section 14(1) of, and the procedure in Schedule 5 to the REUL Act 2023. The Sifting Committees approved the instrument should proceed as a negative procedure instrument.

11.2 Although this instrument will not come into force until the existing authorisations expire at the end of 13 May 2027, it is being made now because the enabling powers in the REUL Act 2023 expire in June 2026. Making the instrument at this point ensures that spent legislation can be revoked without the need for further legislative action.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is made under section 14(1) of the REUL Act 2023 and therefore relates to the reform of secondary assimilated law. It revokes the 2010 Regulations, which are assimilated law that will serve no purpose once the current authorisations under it expire at the end of 13 May 2027.

13.2 The Minister made the relevant sifting statement required by the REUL Act 2023 prior to sift:

13.3 “In my view, The Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) (Revocation etc.) Regulations 2026 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure). This is the case because the instrument solely revokes Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) Regulations 2010, which no longer serves a regulatory purpose once the current authorisations expire at the end of 13 May 2027 and following the revocation of the underlying EU Decision and the EU Commission Decision by the Radio Spectrum (EU Exit) Regulations 2018. The revocation does not introduce new policy or impose new obligations, and its effect is limited to removing spent legislation and any references in other legislation that are now redundant.”