STATUTORY INSTRUMENTS

2021 No. 1412

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Licence Charges for the 2100 MHz Frequency Band) Regulations 2021

Made - - - -	*13th December 2021*
Coming into force - -	*27th December 2021*

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"), make 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, commencement, and extension

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Licence Charges for the 2100 MHz Frequency Band) Regulations 2021 and shall come into force on 27th December 2021.

(2) These Regulations do not extend to the Channel Islands and Isle of Man.

Interpretation

2. In these Regulations—

"concurrent licence" means a licence held by two or more persons;

"licence" means a wireless telegraphy licence of the Spectrum Access 2100 MHz licence class;

"licensee" means a person who is the holder of a wireless telegraphy licence of the Spectrum Access 2100 MHz licence class;

"OFCOM" means the Office of Communications; and

"2100 MHz paired frequency band" means the frequencies from 1920.0 megahertz to 1979.7 megahertz and 2110.3 megahertz to 2169.7 megahertz.

Licence charges payable for the 2100 MHz paired frequency band

3.—(1) On 4th January 2022, and on each anniversary of that date, a licensee shall pay to OFCOM the total sum specified in paragraph (2).

(**a**) 2006 c. 36.

(2) The total sum to be paid in accordance with paragraph (1) shall be determined having regard to the following formula—

$S = £56,100 \times N \times [CPI_t \div CPI_0]$

where—

(a) "S" means the total sum;

(b) "N" means the total number of kilohertz within the 2100 MHz paired frequency band (the use of which is authorised, under a licence, across the United Kingdom) divided by one hundred;

(c) "CPI" means the number given in respect of that month in the monthly all items consumer prices index published by the Office for National Statistics;

(d) "CPI_t" means the most recent CPI value that is available on 4th January of the year in which charges are due; and

(e) "CPI_0" means the CPI value for April 2021.

(3) If the total sum calculated in accordance with paragraph (2) is a fraction of a whole number, it shall be rounded down to the nearest whole number.

Payment by instalments

4.—(1) This regulation applies in respect of a licensee where —

(a) the total sum payable by that licensee in accordance with regulation 3 is in excess of £100,000; and

(b) OFCOM receive notice from that licensee of that licensee's intention to make payment in ten equal instalments of that total sum.

(2) Where this regulation applies in respect of a licensee, that licensee—

(a) shall not be required to make payment of the total sum prescribed by regulation 3 at the prescribed time other than in accordance with this paragraph; and instead

(b) shall make payment of the total sum in ten equal instalments with the first instalment to be paid to OFCOM on the day which shall be the same day as the total sum was due to be paid to OFCOM and each subsequent instalment to be paid on the same day in each of the nine consecutive months thereafter.

(3) Where at any time, the licensee fails to make payment in accordance with paragraph (2)(b), all of the outstanding payments, if any, shall become immediately due for payment.

Concurrent licence

5. In the case of a concurrent licence, the "licensee" in these Regulations shall refer to all the concurrent holders of that licence.

Philip Marnick
Group Director of Spectrum
Office of Communications

13th December 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set the level of charges payable to the Office of Communications ("OFCOM") in respect of the Spectrum Access 2100 MHz licence class, for wireless telegraphy licences granted under section 8 of the Wireless Telegraphy Act 2006 which authorise the use of the

frequencies 1920.0 megahertz to 1979.7 megahertz paired with the frequencies 2110.3 megahertz to 2169.7 megahertz.

Regulation 3 prescribes the charges payable after these Regulations commence. Such charges equate to an amount of £561,000 per megahertz.

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

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