STATUTORY INSTRUMENTS

2008 No. 3197

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Limitation of Number of Spectrum Access Licences) (No. 2) Order 2008

Made - - - -	*15th December 2008*
Coming into force - -	*5th January 2009*

The Office of Communications ("OFCOM") make the following Order in exercise of the powers conferred by section 29(1) to (3) of the Wireless Telegraphy Act 2006(**a**) ("the Act").

Before making the Order 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 extent

1.—(1) This Order may be cited as the Wireless Telegraphy (Limitation of Number of Spectrum Access Licences) (No. 2) Order 2008 and shall come into force on 5th January 2009.

(2) This Order shall not extend to the Channel Islands or to the Isle of Man.

Limitation of number of licences

2.—(1) OFCOM shall grant one wireless telegraphy licence for the use of the frequency bands 742 to 750 megahertz and 542 to 550 megahertz with transmission from the site at Wenvoe, Cardiff which has the Ordnance Survey national grid reference ST110742.

(2) OFCOM shall also grant one wireless telegraphy licence for use of the frequency band 758 to 766 megahertz with transmission from the site at Winter Hill, Bolton, Manchester which has the Ordnance Survey national grid reference SD660144.

(3) The persons to whom the wireless telegraphy licences shall be granted shall be determined by OFCOM—

(a) in the case of the Cardiff licence using the procedure set out in the Wireless Telegraphy (Licence Award) (Cardiff) Regulations 2008(**b**); and

(b) in the case of the Manchester licence using the procedure set out in the Wireless Telegraphy (Licence Award) (Manchester) Regulations 2008(**c**).

(4) The criteria which Ofcom applied in determining that one wireless telegraphy licence would be granted for each site were that the number of licences to be granted should be the number which is most likely to secure the optimal use of the electromagnetic spectrum and promote

(**a**) 2006 c.36.
(**b**) S.I. 2008/3190.
(**c**) S.I. 2008/3191.

competition in the provision of electronic communication services having regard to the matters set out in section 3(1) and (2) of the Wireless Telegraphy Act 2006.

Philip Rutnam
Partner, Spectrum Policy
15 December 2008 For and by authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 29 of the Wireless Telegraphy Act 2006 (c.36) ("the Act"). Section 29 of the Act implements Article 7(1)(c) of the Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (OJ No L 108, 24.4.02, p21). Under section 29(1) of the Act OFCOM may, if they consider it appropriate for the purpose of securing the efficient use of the electromagnetic spectrum to impose limitations on the use of particular frequencies, make an order imposing those limitations.

Article 2 of this Order specifies the frequency bands for the use of which OFCOM will grant a wireless telegraphy licence at Wenvoe, Cardiff and Winter Hill, Bolton, Manchester.

The Ordnance Survey national grid reference site locations can be found on the Ordnance Survey website at www.ordnancesurvey.co.uk. The Ordnance Survey can be contacted at Ordnance Survey Service Centre, Romsey Road, Southampton SO16 4GU (Tel: 08456 050505).

A full regulatory impact assessment of the effect that this Order will have on the costs to business is available from the OFCOM library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on the OFCOM internet website at www.ofcom.org.uk. Copies of the report have also been placed in the libraries of both Houses of Parliament.

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