2002 No. 1911

TELEGRAPHS

The Wireless Telegraphy (Public Fixed Wireless Access Licences) Regulations 2002

Made - - - - -	*22nd July 2002*
Laid before Parliament	*22nd July 2002*
Coming into force - -	*12th August 2002*

Whereas the Secretary of State has published in the London, Edinburgh and Belfast Gazettes the notice required by section 6(2) of the Wireless Telegraphy Act 1998 ("the 1998 Act")(**a**) and no representations were made to her within the time specified in that notice;

Now, therefore, the Secretary of State, in exercise of the powers conferred on her by sections 3 and 6 of the 1998 Act(**b**) and of all other powers enabling her in that behalf, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Public Fixed Wireless Access Licences) Regulations 2002 and shall come into force on 12th August 2002.

Interpretation

2. In these Regulations—

"the licences" means, in respect of each region of the United Kingdom as designated in the first column of Part I of the Schedule hereto and described by reference to the postcode areas and part areas (hereinafter referred to as "sectors") specified in the second column thereof, the wireless telegraphy licences specified in the third column thereof being licences to establish or use radio transmitting and receiving stations or install or use apparatus for Public Fixed Wireless Access at the frequencies specified in relation to each licence in Part II of the Schedule hereto and to be granted subject to the terms, provisions and limitations specified in a notice issued pursuant to regulation 4;

"Public Fixed Wireless Access" means the provision by means of a wireless communications system of wireless communications links over which data may be transmitted and received on demand and whereby end-users gain access to other telecommunication systems;

(**a**) 1998 c. 6.
(**b**) Section 3 and 6 of the 1998 Act were extended to Jersey by S.I. 1998/1512, to Guernsey by S.I. 1998/1511, and to the Isle of Man by S.I. 1999/1510.

"Radiocommunications Agency's Internet Website" means the Radiocommunications Agency's website located at www.radio.gov.uk on the Internet;

"telecommunication system" has the same meaning as in section 4(1) of the Telecommunications Act 1984(**a**); and

"wireless telegraphy licence" means any licence granted under the Wireless Telegraphy Act 1949(**b**) other than a television licence as defined in section 1(7) of that Act.

Application of the Regulations

3. These Regulations shall have effect in relation to applications for, procedures for the grant of, and the provision of refunds of fees payable in accordance with the terms of, the licences.

Notice

4.—(1) Applications for the grant of the licences shall only be made in accordance with a procedure which is set out in a notice issued by the Secretary of State under these Regulations.

(2) A notice issued pursuant to paragraph (1) shall—

(a) invite any body corporate to make an application to the Secretary of State to bid for a licence, in accordance with a specified procedure;

(b) specify criteria by which the Secretary of State shall determine whether an applicant is qualified to participate in a bidding procedure;

(c) specify criteria to determine whether a qualified applicant is associated with one or more other qualified applicants;

(d) specify criteria to determine whether any qualified applicants who fall within sub-paragraph (c) above shall be entitled to participate in the procedure referred to in sub-paragraph (e) below;

(e) specify a procedure by which qualified applicants may submit bids for licences;

(f) specify reserve prices for each of the licences;

(g) provide for the Secretary of State to determine minimum bids for each of the licences during the bidding procedure referred to in sub-paragraph (e) above;

(h) provide for the payment of a deposit on submission of an application and for payment of one or more additional deposits before a qualified applicant may submit a bid for each licence;

(i) provide for the payment of interest on the deposit and on any additional deposits;

(j) provide for the circumstances in which all, or part, of any deposit, and all, or part, of any interest which accrues to a deposit, is not to be refunded;

(k) specify the conditions which must be satisfied before a licence may be issued to a qualified applicant who submits the highest valid bid for a licence;

(l) provide for a qualified applicant who submits the highest valid bid for a licence to pay such sum on such date as shall be specified in or determined under the said notice;

(m) provide for the qualified applicant referred to in sub-paragraph (l) above to have the option to renew the licence for two successive periods of five years on such terms as shall be specified in or determined under the said notice;

(n) provide for the other terms, provisions and limitations subject to which each of the licences is to be issued; and

(o) provide for the other conditions with which qualified applicants must comply to participate, or to continue to participate, in the procedures referred to in sub-paragraph (e) above.

(3) A notice which is issued pursuant to paragraph (1) above shall be published by the Secretary of State on the Radiocommunications Agency's Internet Website.

(**a**) 1984 c. 12.
(**b**) 1949 c. 54.

Refunds

5. The Secretary of State may, in such cases as she thinks fit, refund, in whole or in part, sums which have been paid to her in accordance with any provision of the licences.

Channel Islands and Isle of Man

6. These Regulations shall not extend to the Channel Islands and the Isle of Man.

Stephen Timms
Minister of State for E-Commerce and Competitiveness,
22nd July 2002 Department of Trade and Industry

SCHEDULE

Regulation 2

PART I

THE REGIONS

Designation	*Region of the United Kingdom*								*Licences available*
Metropolitan Regions									
Central Scotland	EH1	EH19	EH51	G12	G46	G77	PA3		One
	EH2	EH20	EH52	G13	G51	G78	PA4		
	EH3	EH21	EH53	G14	G52	G81	PA5		
	EH4	EH22	EH54	G15	G53	G82	PA6		
	EH5	EH23	EH55	G20	G60	KY3	PA7		
	EH6	EH24	FK1	G21	G61	KY4	PA8		
	EH7	EH25	FK2	G22	G62	KY11	PA9		
	EH8	EH26	FK3	G23	G64	KY12	PA10		
	EH9	EH27	FK4	G31	G65	ML1	PA11		
	EH10	EH28	FK5	G32	G66	ML2	PA15		
	EH11	EH29	FK6	G33	G67	ML3	PA16		
	EH12	EH30	FK10	G34	G68	ML4	PA19		
	EH13	EH33	G1	G40	G69	ML5	G76		
	EH14	EH34	G2	G41	G71	ML6	PA14		
	EH15	EH35	G3	G42	G72	ML7			
	EH16	EH47	G4	G43	G73	ML9			
	EH17	EH48	G5	G44	G74	PA1			
	EH18	EH49	G11	G45	G75	PA2			
Greater London	**Areas**	AL	KT	SW	CR	IG	TW	SM	
		BR	NW	UB	DA	N	WC	HA	
		E	SE	W	EC	SL	WD	EN	
	Sectors	CM12	GU1	GU15	GU23	HP6	HP15	ME1	One
		CM13	GU2	GU16	GU24	HP7	LU1	ME2	
		CM14	GU4	GU17	GU25	HP8	LU2	ME3	
	RM9	CM15	GU9	GU18	GU46	HP9	LU3	ME4	
	RM10	CM16	GU11	GU19	GU47	HP10	LU4	ME5	
	RM11	CM18	GU12	GU20	HP1	HP11	LU5	ME6	
	RM12	CM19	GU13	GU21	HP2	HP12	RH1	ME7	
	RM13	CM20	GU14	GU22	HP3	HP13	RH2	ME8	
	RM14	RG1	RG30	RM1	SS0	TN13	RH3	ME14	
	RM15	RG2	RG31	RM2	SS1	TN14	RH4	ME15	
	RM16	RG4	RG40	RM3	SS2	TN15	RH8	ME16	
	RM17	RG5	RG41	RM5	SS6	TN16	RH9	ME19	
	RM18	RG6	RG42	RM6	SS7	SS11	SS14	ME20	
	RM19	RG10	RG45	RM7	SS8	SS12	SS15	SS17	
	RM20	RG12		RM8	SS9	SS13	SS16		
Midlands	B1	B23	B46	B78	CV13	DY5	NG8	WS11	One
	B2	B24	B47	B79	DE1	DY6	NG9	WS12	
	B3	B25	B48	B90	DE3	DY8	NG10	WS13	
	B4	B26	B60	B91	DE5	LE3	NG11	WS14	
	B5	B27	B61	B92	DE7	LE4	NG15	WV1	
	B6	B28	B62	B93	DE11	LE5	NG16	WV2	
	B7	B29	B63	B94	DE12	LE6	NG17	WV3	
	B8	B30	B64	B97	DE14	LE9	NG18	WV4	
	B9	B31	B65	B98	DE15	LE11	NG19	WV5	
	B10	B32	B66	CV1	DE21	LE12	ST19	WV6	
	B11	B33	B67	CV2	DE22	LE18	WS1	WV7	
	B12	B34	B68	CV3	DE23	LE65	WS2	WV8	
	B13	B35	B69	CV4	DE24	LE67	WS3	WV9	
	B14	B36	B70	CV5	DE72	NG1	WS4	WV10	
	B15	B37	B71	CV6	DE74	NG2	WS5	WV11	
	B16	B38	B72	CV7	DE75	NG3	WS6	WV12	
	B17	B40	B73	CV9	DY1	NG4	WS7	WV13	
	B18	B42	B74	CV10	DY2	NG5	WS8	WV14	
	B19	B43	B75	CV11	DY3	NG6	WS9	LE1	
	B20	B44	B76	CV12	DY4	NG7	WS10	LE2	
	B21	B45	B77						

Northern	**Areas**	L	M	OL	WF	WN		
	Sectors	DN1	LS1	PR1	S32	CH1	SK7	WF15
		DN2	LS2	PR2	S33	CH2	SK8	WF16
		DN3	LS3	PR4	S35	CH4	SK9	WF17
		DN4	LS4	PR5	S36	CH41	SK10	BB1
		DN5	LS5	PR6	S40	CH42	SK12	BB2
		DN6	LS6	PR7	S41	CH43	SK13	BB3
	BD16	DN11	LS7	PR8	S60	CH44	SK14	BB4
	BD17	FY1	LS8	PR9	S61	CH45	SK15	BB5
	BD18	FY2	LS9	S1	S62	CH46	SK16	BB6
	BD19	FY3	LS10	S2	S63	CH47	SK22	BB8
	BD20	FY4	LS11	S3	S64	CH48	SK23	BB9
	BD21	FY5	LS12	S4	S65	CH49	WA1	BB10
	BD22	FY7	LS13	S5	S66	CH60	WA2	BB11
	BL0	FY8	LS14	S6	S70	CH61	WA3	BB12
	BL1	HD1	LS15	S7	S71	CH62	WA4	BB18
	BL2	HD2	LS16	S8	S72	CH63	WA5	BD1
	BL3	HD3	LS17	S9	S73	CH65	WA6	BD2
	BL4	HD4	LS18	S10	S74	CH66	WA7	BD3
	BL5	HD5	LS19	S11	S75	BD11	WA8	BD4
	BL6	HD6	LS20	S12	SK1	BD12	WA9	BD5
	BL7	HD7	LS26	S13	SK2	BD13	WA10	BD6
	BL8	HD8	LS27	S14	SK3	BD14	WA11	BD7
	BL9	HX1	LS28	S17	SK4	BD15	WA12	BD8
	HX5	HX2	LS29	S18	SK5	DN12	WA13	BD9
	HX6	HX3	S26	S20	SK6	WA15	WA14	BD10
	HX7	HX4	S25					
Severnside	BS1	BS6	BS11	BS20	BS31	CF10	CF24	NP10
	BS2	BS7	BS13	BS21	BS32	CF11	CF38	NP18
	BS3	BS8	BS14	BS22	BS34	CF14	CF62	NP19
	BS4	BS9	BS15	BS23	CF3	CF15	CF63	NP20
	BS5	BS10	BS16	BS30	CF5	CF23	CF64	NP26
South Coast	BN9	BN41	PO8	PO19	SO18	SO52	BH9	BH23
	BN10	BN42	PO9	PO20	SO19	SO53	BH10	BH24
	BN11	BN43	PO10	PO21	SO30	BH1	BH11	BH25
	BN12	PO1	PO11	PO22	SO31	BH2	BH12	BN1
	BN13	PO2	PO12	RH15	SO40	BH3	BH13	BN2
	BN14	PO3	PO13	RH16	SO41	BH4	BH14	BN3
	BN15	PO4	PO14	SO14	SO42	BH5	BH15	BN6
	BN16	PO5	PO15	SO15	SO43	BH6	BH17	BN7
	BN17	PO6	PO16	SO16	SO45	BH7	BH18	BN8
	BN18	PO7	PO18	SO17	SO50	BH8	BH22	PO30
	PO33		PO35	PO39	PO31	PO32	PO40	PO41
	PO34		PO36					
			PO37					
			PO38					
Tyne-Tees	DH1	DL5	NE7	NE23	NE34	SR1	TS4	TS19
	DH2	DL14	NE8	NE24	NE35	SR2	TS5	TS20
	DH3	DL15	NE9	NE25	NE36	SR3	TS6	TS21
	DH4	DL16	NE10	NE26	NE37	SR4	TS7	TS22
	DH5	DL17	NE11	NE27	NE38	SR5	TS8	TS23
	DH6	NE1	NE12	NE28	NE39	SR6	TS10	TS24
	DH7	NE2	NE15	NE29	NE40	SR7	TS11	TS25
	DH9	NE3	NE16	NE30	NE41	SR8	TS12	TS26
	DL1	NE4	NE17	NE31	NE62	TS1	TS14	TS27
	DL3	NE5	NE21	NE32	NE63	TS2	TS17	TS28
	DL4	NE6	NE22	NE33	NE64	TS3	TS18	TS29
	TS13							

Provincial Regions		
Midlands and Mid Wales	**Areas** LE WS TF B WR DE NN DY ST WV CV NG SY LD HR Except the postcodes in the Midlands Metropolitan Region	One
Northern Ireland	**Area** BT	One
North of England	**Areas** DL CA TS DH LA NE Except the postcodes in the Tyne-Tees Metropolitan Region	One
North West, Yorkshire and North Wales	**Areas** LL SK S HU FY BB CH WA YO PR DN LN HX CW BD LS HD HG BL Except the postcodes in the Northern Metropolitan Regions	One
Scotland	**Areas** ML TD PA KY DD HS EH KA G FK AB KW PH IV ZE DG Except the postcodes in the Central Scotland Metropolitan Region	One
South East	**Areas** PE HP TN CO SG MK NR LU ME CM RG RM IP OX CT CB GU RH Except the postcodes in the Greater London and South Coast Metropolitan Regions and the Southern Provincial Region	One
Southern	**Areas** DT SP PO BN Except the postcodes in the South Coast Metropolitan Region Plus Sectors RH13 GU32 TN22 TN21 TN34 TN39 RH14 RH17 GU36 TN20 TN19 TN35 TN40 RH20 GU24 GU31 TN37 TN32 TN36 GU29 GU27 GU28 TN31 TN33 TN38	One
South West and South Wales	**Areas** TR TA SN CF NP EX TQ BA GL SA BS PL Except the postcodes in the Severnside Metropolitan Region	One

PART II

THE FREQUENCEIS FOR EACH OF THE LICENCES IN EACH OF THE REGIONS SPECIFIED IN PART I

3480–3500 MHz and 3580–3600 MHz

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for a procedure for the grant in each of the regions of the United Kingdom described in Part I of the Schedule by reference to their post codes of wireless telegraphy licences authorising the use of apparatus at specified frequencies for the provision by means of a wireless communications system of Public Fixed Wireless Access wireless communications links over which data may be transmitted and received on demand and whereby end users gain access to other telecommunication systems.

Regulation 4(1) provides that applications for the grant of the licences shall only be made in accordance with a procedure which is set out in a notice issued by the Secretary of State.

Regulation 4(2) provides for the matters which such notice shall contain, including: a procedure for a body corporate to make an application to participate in a bidding procedure; criteria for determining whether an applicant is qualified to participate in a bidding procedure; criteria for determining whether a qualified applicant is associated with any other qualified applicants and if so whether they may participate in a bidding procedure; provision for payment of deposits and the circumstances in which such deposits may not be refunded; procedures for submitting bids for the licences, including the determination of reserve prices and minimum bids; further conditions which, following completion of the bidding procedures, must be satisfied before a licence is issued; payment for the licences; an option to successful qualified applicants to renew the licences for two successive periods of five years; provision for other terms, provisions and limitations subject to which the licences are to be issued; and provision for the other conditions with which participants must comply to participate, or continue to participate, in the procedures specified in the notice.

Regulation 4(3) provides for publication of the notice on the Radiocommunications Agency's Internet website.

Regulation 5 provides that the Secretary of State may, in such cases as she thinks fit, refund fees paid to her for one or more of the licences.

STATUTORY INSTRUMENTS

2002 No. 1911

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The Wireless Telegraphy (Public Fixed Wireless Access Licences) Regulations 2002

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