STATUTORY INSTRUMENTS

1999 No. 3162

TELEGRAPHS

The Wireless Telegraphy (Third Generation Licences) Regulations 1999

Made - - - - -	*24th November 1999*
Laid before Parliament	*25th November 1999*
Coming into force - -	*19th December 1999*

The Secretary of State, in exercise of the powers conferred by sections 3 and 6 of the Wireless Telegraphy Act 1998(**a**) as enacted(**b**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Third Generation Licences) Regulations 1999 and shall come into force on 19th December 1999.

Interpretation

2. In these Regulations—

"GSM" means Global Standard for Mobile Communications, a public pan-European cellular digital mobile communications system as described in Council Directive 87/372/EEC;

"the licences" means five wireless telegraphy licences to establish or use radio transmitting and receiving stations or instal or use apparatus for the provision of Third Generation at the frequencies specified in the Schedule to these Regulations and to be granted subject to the terms, conditions and limitations specified in a notice issued pursuant to regulation 4;

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

"Third Generation" means a mobile and wireless communications system capable of supporting innovative multimedia services beyond the capability of GSM, and capable of supporting the characteristics referred to in Annex 1 of the UMTS Decision;

"UMTS Decision" means Decision No. 128/1999/EC of the European Parliament and of the Council of 14th December 1998 on the co-ordinated introduction of a third generation mobile and wireless communications system (UMTS) in the Community; and

"wireless telegraphy licence" means any licence under the Wireless Telegraphy Act 1949 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.

(**a**) 1998 c. 6.

(**b**) Sections 3 and 6 of the Wireless Telegraphy Act 1998 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. 1998/1510. These Regulations do not, however, extend to these Islands.

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) above 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 by which the Secretary of State shall determine which of the qualified applicants may bid for which of the licences;

(d) specify a procedure by which a qualified applicant who is associated, in accordance with specified criteria, with one or more other qualified applicants, may submit prescribed bids to determine whether he shall be entitled to participate in the bidding procedure referred to in sub-paragraph (f) below;

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

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

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

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

(i) provide for payment of a deposit on submission of an application and for the payment of one of more additional deposits before a qualified applicant may submit a bid for a licence above a specified sum;

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

(k) 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;

(l) 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;

(m) provide for a qualified applicant who submits the highest valid bid for a licence to elect whether he wishes to pay such sum—

(i) as a single cash sum on issue of the licence; or

(ii) as one half of such sum on issue of the licence with the balance payable as periodic sums calculated in accordance with a specified formula;

(n) specify a guarantee which a qualified applicant who elects to pay the licence fee other than as a single cash sum is to provide to the Secretary of State on issue of the licence;

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

(p) provide for the other conditions with which qualified applicants must comply to participate, or continue to participate, in the procedures referred to in sub-paragraphs (d) and (f) 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.

Refunds

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

Patricia Hewitt,
Minister for Small Business and E-Commerce,
Department of Trade and Industry

24th November 1999

SCHEDULE

Regulation 2

DESCRIPTION OF FREQUENCIES FOR EACH OF THE LICENCES

Column	*1*	*2*	*3*
Licence	**(MHz)**	**(MHz)**	**(MHz)**
Licence A	1920.0–1934.9	2110.3–2124.9	1914.9–1920.0
Licence B	1944.9–1959.7	2134.9–2149.7	
Licence C	1934.9–1944.9	2124.9–2134.9	1909.9–1914.9
Licence D	1959.7–1969.7	2149.7–2159.7	1899.9–1904.9
Licence E	1969.7–1979.7	2159.7–2169.7	1904.9–1909.9

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for a procedure for the grant of five wireless telegraphy licences authorising the use of apparatus at specified frequencies for the provision of Third Generation, a mobile communications system supporting services beyond the capability of the current Global Standard for Mobile Communications system.

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 a 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 to determine which of any qualified applicants may bid for which of the licences; a procedure to determine which of any qualified applicants who are associated with each other, as determined in accordance with specified criteria, may participate in a bidding procedure; provision for the payment of deposits, including provision for the payment of interest on 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 of minimum and maximum bids; further conditions which, following completion of the bidding procedures, must be satisfied before a licence is issued; methods of payment for the licences, including the provision of a guarantee in respect of deferred licence fees; provision for the other terms and limitations subject to which the licences are to be issued; provision for the other conditions with which participants must comply to participate, or continue to participate, in the procedures specified in the notice.

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

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

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