

2001 No. 3193

TELEGRAPHS

**The Wireless Telegraphy (Broadband Fixed Wireless
Access Licences) Regulations 2001**

Made - - - - - *19th September 2001*

Laid before Parliament *20th September 2001*

Coming into force - - *11th October 2001*

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(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 by sections 3 and 6 of the Wireless Telegraphy Act 1998 as enacted(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Broadband Fixed Wireless Access Licences) Regulations 2001 and shall come into force on 11th October 2001.

Interpretation

2. In these Regulations—

“Broadband Fixed Wireless Access” means the provision by means of a wireless communications system of two-way wireless communications links over which data may be transmitted and received at rates of at least 2Mbits/second on demand and whereby end users gain access to other telecommunication systems;

“the licences” means, in respect of each region of the United Kingdom as specified in column 1 of Part 1 of the Schedule hereto and described in column 2 thereof, the wireless telegraphy licences specified in column 3 thereof being licences to establish or use radio transmitting and receiving stations or install or use apparatus for Broadband Fixed Wireless Access at the frequencies specified in relation to each licence in Part 2 of the Schedule hereto 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; and

“wireless telegraphy licence” means any licence under the Wireless Telegraphy Act 1949(c) other than a television licence as defined in section 1(7) of that Act.

(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.

(c) 1949 c. 54.

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) 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 to determine whether a qualified applicant is associated with one or more other qualified applicants or with any person holding a wireless telegraphy licence awarded pursuant to the procedure provided for in the Wireless Telegraphy (Broadband Fixed Wireless Access Licences) Regulations 2000(a);
- (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 payment of a deposit on submission of an application;
- (i) provide for the payment of interest on the deposit;
- (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 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;
- (m) 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;
- (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 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.

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.

19th September 2001

Douglas Alexander,
Minister for E-Commerce and Competitiveness,
Department of Trade and Industry

(a) S.I. 2000/2039.

SCHEDULE

Regulation 2

PART 1

Description of the Regions		Licences Available
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Region D	That area of the United Kingdom comprising the Isle of Wight and the counties of Hampshire, Berkshire and Oxfordshire	3 Licences
Region E	That area of the United Kingdom comprising the counties of Essex, Hertfordshire and Buckinghamshire	3 Licences
Region F	That area of the United Kingdom comprising the counties of Suffolk, Norfolk, Bedfordshire, Cambridgeshire and Northamptonshire	3 Licences
Region G	That area of the United Kingdom comprising the counties of Derbyshire, Lincolnshire (other than the areas of the North Lincolnshire District Council and the North East Lincolnshire District Council), Leicestershire, Nottinghamshire and Rutland	3 Licences
Region H	That area of the United Kingdom comprising the counties of Kent, Surrey, East Sussex and West Sussex	3 Licences
Region I	That area of the United Kingdom comprising the East Riding of Yorkshire, North Yorkshire, South Yorkshire, West Yorkshire and the areas of the North Lincolnshire District Council and the North East Lincolnshire District Council	1 Licence
Region J	That area of the United Kingdom comprising Tyne and Wear, and the counties of Durham, Northumberland, Cumbria and Lancashire	2 Licences
Region K	That area of the United Kingdom comprising Bristol and the counties of Devon, Cornwall and the Isles of Scilly, Dorset, Somerset, Wiltshire and Gloucestershire	3 Licences
Region L	Scotland	2 Licences
Region M	Wales	3 Licences

PART 2

Description of the Frequencies for each of the Licences available in the respective Regions as specified in Part 1 above

<i>Column</i>	<i>1</i>	<i>2</i> (GHz)	<i>3</i> (GHz)
Regions D, E, F, G, H, K and M	Licence 1	28.0525-28.1645	29.0605-29.1725
	Licence 2	28.1925-28.3045	29.2005-29.3125
	Licence 3	28.3325-28.4445	29.3405-29.4525
Region I	Licence 3	28.3325-28.4445	29.3405-29.4525
Regions J and L	Licence 1	28.0525-28.1645	29.0605-29.1725
	Licence 3	28.3325-28.4445	29.3405-29.4525

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for a procedure for the grant of wireless telegraphy licences authorising the use of apparatus at specified frequencies for the provision by means of a wireless communications system of Broadband Fixed Wireless Access, two-way wireless communications links over which data may be transmitted and received at rates of at least 2Mbits/second on demand and whereby end users gain access to other telecommunication systems. The licences in question are those that remained unsold following the conclusion of a similar procedure pursuant to the Wireless Telegraphy (Broadband Fixed Wireless Access Licences) Regulations 2000 (S.I. 2000/2039) (the first BFWA Regulations). (The apparent omissions from the lists of regions and licences in the Schedule to the Regulations are of those where licences were granted under that earlier procedure.)

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 for determining whether a qualified applicant is associated with any other qualified applicants or with any person holding a wireless telegraphy licence awarded pursuant to the procedure provided for in the first BFWA Regulations 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 of minimum 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 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.

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.

£1.75

© Crown copyright 2001

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1600 9/2001 655455 19585

ISBN 0-11-029932-9



9 780110 299327