STATUTORY INSTRUMENTS

2016 No. 495

ELECTRONIC COMMUNICATIONS

The 1452-1492 MHz and 3400-3800 MHz Frequency Bands (Management) Regulations 2016

Made - - - -	*6th April 2016*
Laid before Parliament	*13th April 2016*
Coming into force - -	*6th May 2016*

The Secretary of State, being a Minister designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in respect of matters relating to electronic communications, in exercise of the powers conferred by that section makes the following Regulations:

F1 S.I. 2001/3495. This has been amended, but the amendments are not relevant for the purposes of these Regulations.

F2 1972 c. 68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

Citation, commencement and interpretation

1. These Regulations may be cited as the 1452-1492 MHz and 3400-3800 MHz Frequency Bands (Management) Regulations 2016 and come into force on 6th May 2016.

2. In these Regulations—

"the Act" means the Wireless Telegraphy Act 2006 [F3];

"Commission Decision 2008/411/EC" means Commission Decision 2008/411/EC of 21st May 2008 on the harmonisation of the 3400-3800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community [F4] as amended by Commission Implementing Decision 2014/276/EU of 2nd May 2014 [F5];

"Commission Implementing Decision (EU) 2015/750" means Commission Implementing Decision (EU) 2015/750 of 8th May 2015 on the harmonisation of the 1452-1492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union [F6];

"OFCOM" means the Office of Communications as established by the Office of Communications Act 2002 [F7].

F3 2006 c. 36.
F4 OJ No L 144, 4.6.2008, p77.
F5 OJ No L 139, 14.5.2014, p18.
F6 OJ No L 119, 12.5.2015, p.27.
F7 2002 c. 11.

Revocation

3. The 3400—3800 MHz Frequency Band (Management) Regulations 2008 [F8] are revoked.

F8 S.I. 2008/2794.

Designation of the 1452-1492 MHz frequency band

4.—(1) OFCOM must carry out their functions under the Act so as to give effect to the obligations of the United Kingdom under Commission Implementing Decision (EU) 2015/750.

(2) OFCOM must, in particular—

(a) designate and make available, on a non-exclusive basis, the 1452-1492 MHz frequency band for terrestrial systems capable of providing electronic communications services in compliance with the parameters set out in the Annex to Commission Implementing Decision (EU) 2015/750; and

(b) ensure that the terrestrial systems referred to in sub-paragraph (a) give appropriate protection to systems in adjacent frequency bands.

Designation of the 3400-3800 MHz frequency band

5.—(1) OFCOM must carry out their functions under the Act so as to give continued effect to the obligations of the United Kingdom under Commission Decision 2008/411/EC.

(2) In particular, OFCOM must, subject to paragraphs (3), (4) and (5), continue to designate and make available, on a non-exclusive basis, the 3400-3800 MHz frequency band for terrestrial electronic communications networks, in compliance with the parameters set out in the Annex to Commission Decision 2008/411/EC.

(3) Paragraph (2) is without prejudice to the protection and continued operation of other existing use of the 3400-3800 MHz frequency band.

(4) OFCOM is not obliged to apply the parameters set out in the Annex to Commission Decision 2008/411/EC in respect of rights of use for terrestrial electronic communications networks in the 3400-3800 MHz frequency band existing on 2nd May 2014 to the extent that the exercise of those rights does not prevent the use of the band according to that Annex.

(5) OFCOM must ensure that the networks referred to in paragraphs (2) and (4) give appropriate protection to systems in adjacent bands.

Department for Culture, Media and Sport
6th April 2016

Ed Vaizey
Minister of State