

Reference: 1673484

Information Rights
Information.requests@ofcom.org.uk

19 October 2023

Freedom of Information: Right to know request.

Thank you for your request for information about Mobile Service Operator License Termination.

We received this request on 21 September 2023 and have considered it under the Freedom of Information Act 2000 (“the Act”).

Your request

Below are a number of questions relating to Ofcom or the Secretary of State terminating a Mobile Service Operator License.

- a) Has the Secretary of State or Ofcom ever terminated the license of a Mobile Service Operator?*
- b) If so, what termination notice period was given to the Service Operator?*
- c) Does Ofcom make such terminations public knowledge?*

Background

By way of background there are two different authorisations which a Mobile Network Operator (“MNO”) can obtain in the UK:

- 1 Authorisation under the Wireless Telegraphy Act 2006 (“WTA 2006”) for the use of radio frequencies (spectrum) to deliver a service, this authorisation is known as a Wireless Telegraphy Act licence (“WT Act licence”); and
- 2 Authorisation under the Communications Act 2003 (“CA 2003”) to provide Electronic Communications Networks and/or Electronic Communications Services.

MNO WT Act licences and other major licences are published on our website at [Mobile and wireless broadband](#), however, not all MNO WT Act licences are published. For further information, you can visit our website: [Spectrum information](#).

1 Spectrum Authorisation (WT Act licence)

One of the terms included in all WT Act licences that Ofcom issues is that we can revoke (or vary) a licence for a number of reasons including, inter alia, for 1) contraventions of a term, provision or limitation of a licence, 2) with appropriate notice for spectrum management reasons and for 3) “*the purpose of complying with a direction by the Secretary of State given to Ofcom under section 5 of the Act (WTA 2006) or section 5 of the Communications Act 2003.*”

It is not common for Ofcom to revoke an MNO WT Act licence and we have done so only in circumstances to do with spectrum trading, licence administrative re-issues etc and then, only with the consent of the licensee(s) concerned (please see 40 GHz example below). Ofcom has never received a direction from Government in connection with revocation of a WT Act licence.

Where we revoke a WT Act licence, we must follow the process set out in Schedule 1 to the WTA 2006¹, including giving notice to the licensee involved and allowing at least one month notice for them to make representations. Where Ofcom proposes to revoke a number of licences, such as the recent 40 GHz band exercise (for spectrum management reasons), we would expect to consult on our proposals to do so and all information would be published on the Ofcom website. An example for 40 GHz can be found [here](#).

2 Service Authorisation

Whether or not an MNO is using spectrum, the authorisation to operate an Electronic Communications Network or to provide an Electronic Communications Service in the UK derives from a framework of telecommunications regulation under the CA 2003.

The [General Conditions of Entitlement](#) are the regulatory conditions that all providers of electronic communications networks and services must comply with if they want to provide services in the UK.

They replaced the former licensing regime which applied under the Telecommunications Act 1984 until 25 July 2003, when the EU communications regulatory framework was implemented in the UK through the Communications Act 2003.

Because the General Conditions are of general application, they apply equally to any and all service providers, so cannot be applied / revoked for individual operators.

Our response

We have interpreted your request as relating to MNO service (service authorisation) for individual operators. Our responses to your questions are as follows:

- a) *Has the Secretary of State or Ofcom ever terminated the license of a Mobile Service Operator?*

¹ <https://www.legislation.gov.uk/ukpga/2006/36/schedule/1>

Ofcom has never withdrawn an MNO service (authority to provide communication services) from individual operators before.

b) If so, what termination notice period was given to the Service Operator?

Not applicable. Please refer to our response at question a) above.

c) Does Ofcom make such terminations public knowledge?

The General Conditions of Entitlement cannot be revoked for individual MNOs.

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely,

Information requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF