

Security of tenure for radio licences: transition policy

Notice of revocation

1. This policy will apply to radio licences that are to be revoked for public policy reasons:
 - either
 - within a five year period;
 - or
 - should the licence revocation date be prior to the relevant date of expiry.
1. The policy will apply to radio licences granted by the Crown.
2. As a first step, the Chief Executive will notify the affected licensee in writing of:
 - the intention to revoke the licence;
 - the reasons for revocation;
 - the planned date of revocation.

Replacement licences

1. In addition, the Chief Executive will notify the licensee in writing of the options for replacement of the revoked licence, that may (but do not necessarily) include, in order of preference:
 - where possible, the offer of a replacement licence of the same power and coverage at the same frequency (eg, where a radio licence is replaced by a spectrum licence under a newly created management right); or
 - where possible, the offer of a replacement licence of different power and coverage at the same frequency; or
 - where possible, the offer of a replacement licence of the same power and coverage in the same frequency band; or
 - where possible, the offer of a replacement licence of different power and coverage in the same frequency band; or
 - where possible, the offer of a replacement licence of the same power and coverage in an alternative frequency band; or
 - where possible, the offer of a replacement licence of different power and coverage in an alternative frequency band; or
 - no replacement offer (eg, where the band is to be put to a different use and no suitable frequency is available in any alternative band).
1. As a general principle, the Chief Executive will consult with the licensee at the earliest possible opportunity to discuss the circumstances of the proposed revocation and to confirm the option that causes a minimum of disruption to the radio service provided by the licensee.
2. Where the Chief Executive and the licensee cannot agree on any option offered, the decision of the Chief Executive will prevail.
3. The licensee will have three calendar months within which to respond to any offer made. Should no response be received by the end of that period, the licence will be revoked on the notified date of revocation.

Fees and charges

1. No administrative charge payable under legislation will be collected by the Chief Executive for processing any replacement licence granted under this policy, although, after creation of the licence, charges payable during its subsequent term will be levied.
2. Should the licence be revoked other than on the anniversary date of its registration, and only at the discretion of the Chief Executive, a proportion of any annual licence fee paid in advance will, subject to the agreement of the Minister, be refunded to the licensee.

Financial compensation

1. In exceptional circumstances and on a case-by-case basis, the Chief Executive may recommend that financial compensation be paid should he, upon application by a licensee, be satisfied that revocation of the licence caused a significant financial hardship to the licensee and that financial compensation is in the public interest.
2. Any such claim must be supported by a detailed financial analysis, certified by a Chartered Accountant at the expense of the applicant, showing the quantum of the losses.

3. The Chief Executive need not assess a claim until such additional evidence that he reasonably requires from the applicant has been provided to him.