



Consultation on a proposal to reform amateur radio licensing (Of 243)

A lighter, electronic licensing process

Consultation document

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Section 1

Foreword

Amateur radio is an important and popular hobby; it can provide the stimulus for future technical careers and for individual involvement in wireless communications research. More than 63,000 people currently hold amateur radio licences within the UK, many of whom communicate with fellow amateurs at home and abroad using a broad range of technologies.

Radio amateurs have a long and significant history of contributing to developments in radio communications; they were amongst the first radio operators to exploit the ionosphere for long range communications. Despite the growth in mobile telecommunications over the last decade, it is radio amateurs who can often provide the first links between stricken communities and the rest of the world after natural disasters such as the Boxing Day tsunami in South-East Asia.

Ofcom wishes to see amateur radio prosper. Our proposals, set out in this public consultation, are intended to safeguard the controls which matter in ensuring the integrity of amateur radio, whilst removing unnecessary bureaucracy and cost which add little to the hobby and may even dissuade newcomers from taking part.

We are seeking the right balance between maintaining appropriate regulatory control over spectrum licensing for amateur radio and a lighter regime for radio amateurs. That is Ofcom's statutory responsibility; and we believe that – if we get it right – it will be to everyone's benefit.

Whilst the consultation document explores all the options, Ofcom is not recommending licence exemption but partial deregulation. Licence exemption could damage the integrity of amateur radio operations and conflict with the UK's international obligations. What Ofcom is proposing is a specific and targeted partial deregulation, and in one area only; that appropriately qualified and licensed amateur radio enthusiasts should benefit from a licence for life rather than one which is renewable annually.

As part of our consultation, we are commissioning independent market research to find out what radio amateurs think. This will be added to the views of those who respond to our formal consultation over the next 12 weeks. Both will inform our final decisions on the appropriate regulatory regime for the next 20 years. We look forward to hearing from you (further information on how to respond to this consultation may be found in section 9).

Section 2

Summary

Ofcom regards the amateur radio community as an important radio spectrum user group and will ensure that the needs of the community are reflected in policymaking.

Ofcom wishes to seek the least intrusive means of regulating wherever possible and is committed (as directed in the Communications Act 2003) to reducing the regulatory burden (and therefore, costs) for all of its stakeholders. However, Ofcom will balance this against the need to retain all necessary safeguards to ensure the integrity of radio spectrum use, including use by the amateur radio community.

We outline four options for reform in this consultation document:

A proposal to introduce a lighter, electronic licensing process – ‘licences for life’

This proposal would reduce costs to licensees, reduce bureaucracy for licensees and enable Ofcom to serve the community more efficiently. It would mean:

1. Amateur radio licences would be valid for life, thereby avoiding the need for renewals. A ‘licence for life’ would remain valid for the lifetime of the licensee. Licences would only be updated where amendments to licence details were necessary (e.g. changes of name, address or licence level);
2. Electronic, printable licences would be available online. This would provide an alternative to the postal service;
3. Electronic, printable licences (probably PDF¹ documents) would be available to users of the online, web-based, self-service licensing service free of charge;
4. Ofcom would continue to be able to process applications received by other means but in order to cover the extra administration of such applications a small fee would be charged. We would of course continue to make special provision for disabled applicants so that they would not be disadvantaged by any arrangements of this type;
5. Ofcom would continue to hold a database of the names and addresses of amateur radio users.

¹ The Adobe PDF[®] format produces graphically rich, platform-independent content. PDF[®] is a registered trademark of Adobe.

Alternative 1 – WT Act licence exemption

This alternative would mean:

1. There would be no licence document available for inspection by foreign administrations;
2. Ofcom would no longer hold a database of the names and addresses of amateur radio users;
3. It would still be necessary to allocate call-signs;
4. There would still be the need for conditions to be attached to the Licensing Exemption Regulations such as the need for a valid Radio Amateur Examination Pass Certificate;
5. There would be no charge for radio use to the amateur radio user.

Alternative 2 – Maintain the existing licensing regime but with an extended renewal period

This alternative would mean:

1. The licence application process would be familiar and all existing safeguards on standards and competence to operate would be retained;
2. The cost of the licensing process would be slightly reduced;
3. Ofcom would continue to notify amateur radio licence holders of changes to their licence terms and conditions;
4. Ofcom would continue to hold a database of the names and addresses of amateur radio users.

Alternative 3 – Maintain the existing licensing regime

This alternative would mean:

1. The licence application process would be familiar and all existing safeguards on standards and competence to operate would be retained;
2. The present cost structure and charging mechanisms would remain unchanged;
3. Ofcom would continue to notify amateur radio licence holders of changes to their licence terms and conditions;
4. Ofcom would continue to hold a database of the names and addresses of amateur radio users.

On balance, and having considered all four options, Ofcom is minded to recommend 'Licences for Life'. This proposal would reduce the regulatory burden on the amateur radio community whilst retaining the necessary safeguards to ensure the integrity of this important use of the radio spectrum. It would also be consistent with the level of regulatory intervention required to manage amateur radio spectrum and also with the UK's international obligations.

Specifically, Ofcom believes the following would not change if this proposal was put into effect:

- Existing standards would be maintained.
- There would still be a legal requirement for radio amateurs to hold a valid WT Act amateur radio licence.
- The licensee would retain the responsibility for ensuring that licence details are amended as and when necessary (upon a change of address for example).
- Ofcom would retain the power to revoke the licence should the radio amateur breach the terms of the licence.
- It would still be a requirement to hold a valid Radio Amateur Examination Pass Certificate in order to obtain a licence.
- For radio amateurs who wish to operate overseas, there would still be a licence document available for inspection by foreign administrations.
- Ofcom would continue to hold a database of the names and addresses of all licensed radio amateurs.
- Every amateur would continue to hold their own unique call-sign(s).
- Ofcom would continue to notify amateur radio licence holders of changes to their licence terms and conditions.
- It would still be possible for radio amateurs to apply for a Notice of variation to the licence if required.
- It would still be possible to operate amateur radio repeaters.
- It would still be possible to operate packet radio.
- Current spectrum access rights would be maintained. Ofcom's spectrum management and enforcement activities are not determined according to the level of the licence fee.
- All licensed radio amateurs would automatically receive a 'licence for life'. No action would be required on their part unless their licence had lapsed at the point when 'licences for life' were introduced.
- Ofcom, or its agents, would continue to provide a postal service for applicants who do not have access to the internet or who prefer not to use the internet.

In summary, Ofcom believes that radio amateurs must continue to hold a valid WT Act amateur radio licence and must hold a valid Radio Amateur Examination Pass Certificate in order to obtain a licence.

We welcome your views on whether you agree with our analysis and conclusions and hope that you will respond to this consultation. Following the end of the consultation period, and after first considering each of the responses received during the consultation, we will publish a statement. The statement will summarise the views expressed during the consultation, provide Ofcom's response to each of these views and set out Ofcom's decision regarding the future of amateur radio licensing. We regret that it will not be possible for Ofcom to write back to each respondent individually although we will confirm receipt of any electronic submissions. Further information on how to respond to this consultation may be found in section 9.

Section 3

Background

Why do Radio Amateurs need a licence?

Ofcom as the regulator is responsible for the authorisation of use of amateur radio in the UK. Amateur radio transmissions may travel worldwide so these arrangements also need to comply with the International Telecommunication Union (ITU) Radio Regulations (RRs). The ITU is a specialised Agency of the United Nations. It is an inter-governmental organisation and has responsibility for co-ordinating global telecommunication networks and services. It manages the use of the radio frequency spectrum internationally. This is done through the Radio Regulations. Article 18 of the RRs in particular stipulates the requirement for a licence and this requirement is also reflected in the Wireless Telegraphy Act 1949 (WT Act)² as amended.

A similar licensing requirement is made on all other administrations (regulatory authorities). This means that whether a radio amateur is operating within the UK or within the territory of another administration, it is necessary to be in possession of a valid amateur radio licence.

Regulatory authorities may ask to inspect the amateur radio licence and have the power to seize radio equipment if the documentation is not in order.

What is the purpose of the amateur radio licence?

The purpose of the licence is:

1. To ensure consistency with the arrangements set out in the Radio Regulations;
2. To ensure that only persons meeting the required competency levels are permitted to operate amateur radio transmitters;
3. To provide documentary evidence of the status and competence of the licensee. This is particularly important for licensees who wish to operate outside the UK.
4. To ensure that details of the licensee and call-sign are recorded for administrative purposes;

A list of regulations and agreements that are applicable to amateur radio may be found in Annex 4.

² In accordance with Section 1 of the WT Act 1949 (c 54).

Section 4

Amateur Radio licensing today

Amateur radio licence levels

There are three levels of amateur radio licence; Foundation, Intermediate and Full. These levels are progressive and are only issued to applicants who have demonstrated the appropriate level of practical ability and have also passed the necessary examinations in radio theory, radio operating techniques, electromagnetic compatibility and in the legal aspects of licence regulations. These examinations and assessments are carried out on behalf of Ofcom by the Radio Society of Great Britain (RSGB).

The licence grants the holder authorisation to transmit on specified frequencies or frequency bands in the range 135.7 kHz to 250 GHz using the modes and maximum powers specified in the licence. The level of authorisation varies according to the level of licence held.

The 'Foundation Licence' has been designed for people of all ages and abilities. There is an optional training course, leading to the assessment and examination. The aim of the Foundation Licence is to facilitate a simple entry into amateur radio as a hobby.

Following further assessment and examination, the 'Intermediate Licence' permits access to an increased range of frequency bands and at higher power levels.

The 'Full Licence' covers the widest range of frequency bands and at the maximum power levels permitted for radio amateurs. In order to be eligible for a 'full licence' the applicant must first pass the advanced examination. New radio amateurs must pass the levels progressively, commencing with the Foundation level.

The Full licence is also designated as a 'CEPT³ licence' allowing the holder to operate in other CEPT signatory administrations and to obtain a licence from the host country if residence is proposed. Equally, radio amateurs holding a CEPT licence issued by a foreign administration are eligible to operate in the UK and, if resident, to obtain a UK Full licence.

Operation outside the standard Terms of the licence (e.g. Repeaters, Beacons etc.) may be permitted by a Notice of Variation to the licence.

The establishment or use of radio equipment other than in accordance with a licence (or general authorisation granted by the Exemption Regulations) is an offence under the Wireless Telegraphy Act⁴. Use of amateur radio equipment without a licence is therefore unlawful.

Summary of the licensing process

Licences are currently issued on application and are renewable annually. On initial application, applicants are required to provide documentary evidence of passing the relevant examination.

³ European Conference of Postal and Telecommunications Administrations.

⁴ Sections 1 and 1A of the Wireless Telegraphy Act 1949 (c 54).

A licence fee of £15 is payable although this fee is waived for applicants under 21 or over 75 years of age.

A call sign is issued as part of the licence and denotes the level of licence held. Foundation licensees currently have call signs in the M%3### series; Intermediate licensees in the 2%0### series and Full licensees the M%0### series. The '%' is a regional identifier (e.g. W for Wales) and ### is any combination of 3 letters (with some exclusions). Once issued, the call sign is permanently associated with the individual concerned and is not re-issued. An individual's call sign will only be changed under exceptional circumstances. Similarly, the transfer of a call sign from one radio amateur to another is not normally permitted except under exceptional circumstances. Should a radio amateur allow their licence to lapse, their call sign will be re-instated if they subsequently choose to renew their licence.

Amateur radio licences are currently issued on behalf of Ofcom by the Radio Licensing Centre (RLC), a wholly owned subsidiary of the Royal Mail Group plc.

Renewals and amendments

Licences are renewed annually for a fee of £15 although this fee is waived for applicants under 21 or over 75 years of age. Licences may be amended on request.

Section 5

The future of amateur radio licensing

Proposal to introduce a lighter, electronic licensing process – ‘licences for life’

Ofcom proposes to introduce the following reforms to amateur radio licensing:

1. To issue amateur radio licences which are valid for life, thereby avoiding the need for renewals. A ‘licence for life’ would remain valid for the lifetime of the licensee. Licences would only be reissued where amendments to licence details were necessary (e.g. changes of name, address or licence level);
2. To provide an online, web-based, self-service licensing service as an alternative to the postal service;
3. To issue electronic licences (probably PDF® documents) to users of the online, web-based, self-service licensing service free of charge;
4. Ofcom would continue to be able to process applications received by other means but in order to cover the extra administration of such applications a small fee would be charged. We would of course continue to make special provision for disabled applicants so that they would not be disadvantaged by any arrangements of this type.

The introduction of ‘licences for life’ would in no way reduce standards. It would still be a requirement to hold a valid Radio Amateur Examination Pass Certificate⁵ in order to obtain a licence.

It would still be possible to apply for a Notice of variation to a licence if required. The Notice of Variation would be subject to an administrative charge to cover the cost of processing the request.

The introduction of ‘licences for life’ free of charge would in no way alter the licensees’ spectrum access rights. Ofcom’s spectrum management and enforcement activities are not determined according to the level of the licence fee.

Ofcom would continue to notify amateur radio licence holders of changes to their licence terms and conditions. The existing radio amateur population would continue to receive notifications by post free of charge although they could elect to receive electronic notifications if they preferred. Future licence holders would have the option to either accept electronic notifications (in which case the licence would be issued free of charge) or to make a postal application for the licence and to receive postal notifications (in which case an administrative charge would be payable).

⁵ Issued by or on behalf of Ofcom.

The purpose of the administrative charge would be to cover the direct costs associated with providing the postal service - there would be no charge for the use of amateur radio spectrum. Ofcom would consider a range of factors when determining the administrative charge including the cost of providing a dedicated customer support team, the cost of processing administrative fee payments and postal costs (both for the licence and for future notifications). Whilst there would be some residual cost associated with the delivery of the on-line service, Ofcom believes that these costs would be sufficiently low that it would be unduly burdensome to recover these from radio amateurs.

The level of the administrative charge would be the subject of a separate (Spectrum Pricing) consultation after which the administrative charge would be detailed in the WT (Licence Charges) Regulations⁶.

The licensee would be responsible for ensuring that licence details are amended as and when necessary. Ofcom considers that the provision of a zero-cost, web-based, self-service licensing system would help to ensure that licensees would keep their licences up to date.

Ofcom can impose a range of sanctions for breaching licence conditions and is currently considering a consultation on the introduction of fixed penalty fines for the illegal use of certain types of radio. This may be the subject of a future, joint Ofcom / DTI consultation.

In our view these proposals are consistent with the level of regulatory intervention required to manage amateur radio spectrum and to satisfy the UK's international obligations.

The Canadian regulator⁷ has introduced a similar 'licence for life' system whereby licences are issued free of charge.

Question 1: *Do you agree with the proposal to introduce a lighter, electronic licensing process? If not, please explain why.*

Question 2: *Do you agree with the proposal to issue licences which remain valid for the life of the licensee? If not, please explain why.*

Question 3: *Do you agree with the proposal to issue electronic amateur radio licences free of charge? If not, please explain why.*

Question 4: *Do you agree with the proposal to apply an administrative charge when processing postal applications for amateur radio licences? If not, please explain why.*

⁶ The Wireless Telegraphy (Licence Charges) Regulations S.I. 2002/1700, are expected to be replaced by new regulations in June 2005 and would require further amendment if these proposals are accepted.

⁷ <http://www.ic.gc.ca>

Alternative 1 – WT Act licence exemption

Ofcom could remove the requirement for a WT Act amateur radio licence by the inclusion of amateur radio equipment in the Licensing Exemption Regulations⁸. Under Section 1AA of the WT Act, Ofcom should exempt if it is satisfied that no undue interference would result.

The WT Act licence exemption of amateur radio equipment would have the following implications:

1. There would be no licence document available for inspection by foreign administrations;
2. Ofcom would no longer hold a database of the names and addresses of amateur radio users;
3. It would still be necessary to allocate call-signs;
4. There would still be the need for conditions to be attached to the Licensing Exemption Regulations such as the need for a valid Radio Amateur Examination Pass Certificate;
5. There would be no charge for radio use to the amateur radio user.

Ofcom does not believe that the WT Act licence exemption of the amateur radio service is currently practical for the following reasons:

1. We are concerned that this would not be consistent with the UK's international obligations;
2. We are concerned that there may be a risk that other administrations would no longer permit UK radio amateurs to operate in their territories.

Question 5: *Do you agree that WT Act licence exemption for radio amateurs is not currently practical?*

Question 6: *What are your views regarding the possibility of WT Act licence exemption for radio amateurs in the longer term?*

⁸ The Wireless Telegraphy (Exemption) Regulations S.I. 2003/74.

Alternative 2 – Maintain the existing licensing regime but with an extended renewal period

Ofcom could retain the present system of licensing and renewal but extend the renewal period. This alternative would have the following implications:

1. The licence application process would be familiar and all existing safeguards on standards and competence to operate would be retained;
2. The cost of the licensing process would be slightly reduced;
3. Ofcom would continue to notify amateur radio licence holders of changes to their licence terms and conditions;
4. Ofcom would continue to hold a database of the names and addresses of amateur radio users.

Ofcom considers that a renewal period of three years or less would not offer any significant advantage nor provide any real cost benefit to amateur radio licensees compared with the existing licensing process.

Another option would be for a longer time period such as a ten year licence. This would be less burdensome than three years, but provides no significant advantages to Ofcom compared with a lifetime licence. Ofcom believes that a renewal period of ten years or more may offer some cost benefit to amateur radio licensees that choose to use the postal renewal service although the saving may not be significant.

In our view this alternative goes beyond the level of regulatory intervention required to manage amateur radio spectrum and to satisfy the UK's international obligations. Ofcom does not see a requirement for this level of regulation.

Question 7: *Is maintaining the existing licensing regime but with an extended renewal period your preferred option? If so, please state the renewal period that you believe would be appropriate and explain why.*

Alternative 3 – Maintain the existing licensing regime

Ofcom is committed to implementing the least intrusive regulatory mechanisms consistent with policy objectives. Ofcom believes that the requirement to renew the amateur radio licences each year goes beyond what is required to satisfy policy objectives and results in an unnecessary regulatory burden for radio amateurs.

Since there is no direct spectrum management requirement for issuing annually renewable amateur radio licences, Ofcom does not propose to maintain the current licensing system.

Question 8: *Do you agree that the current licensing system is over-burdensome? If not, please explain why.*

Section 6

Spectrum management

Amateur radio equipment is designed to satisfy international standards and operation is generally on internationally harmonised frequency bands. The issuing of a licence does not in general involve any direct spectrum management functions such as frequency co-ordination issues. Providing that the applicant has filled in the application form correctly, has demonstrated the relevant degree of competence, that the appropriate fee has been paid, and that there is no valid reason that a licence should not be granted, the applicant will receive a licence.

Ofcom, as the UK spectrum manager, has to take account of a number of factors in undertaking its statutory duties for spectrum management functions. Its prime duty is to optimise use of the spectrum but Ofcom must consider a broad range of issues when developing spectrum management policy. Ofcom may also be directed to make a spectrum management decision from time to time. This may arise from a European Community Decision or from a Decision taken by the Secretary of State for Trade and Industry.

Ofcom has powers to change the use of the radio spectrum where this is in the best interests of UK citizen-consumers or in line with a Decision. These changes may result in more spectrum being made available to radio amateurs or they may result in the loss of some amateur radio spectrum.

Where possible, Ofcom will ensure that the allocation of amateur radio spectrum is consistent with EU, ITU and CEPT arrangements. However, from time to time Ofcom may determine that this would not be in the best interests of the UK, in which case, Ofcom may decide not to follow ITU or CEPT arrangements (except where such decisions are binding on the UK).

Ofcom will continue to notify spectrum users of any changes to spectrum access and will amend licence terms and conditions where necessary.

Whenever spectrum is re-farmed, Ofcom will consider whether the displaced spectrum users should be offered some alternative arrangements. Ofcom will determine on a case by case basis what action is appropriate. It may be that alternative bands can be found. Wherever possible, Ofcom will endeavour to give as much notice as possible.

The introduction of 'licences for life' would in no way alter the licensees' spectrum access rights. In addition, the introduction of licences free of charge would in no way alter the way in which Ofcom determines what alternative arrangements are appropriate. Ofcom's spectrum management and enforcement activities are not determined according to the level of the licence fee.

It would still be possible to apply for a Notice of variation to a licence if required. The Notice of Variation would be subject to an administrative charge to cover the cost of processing the request.

Amateur radio equipment (unless placed on the market for commercial sale) is excluded from the provisions of the EC Radio Equipment & Telecommunications Terminal Equipment Directive (R&TTED) which is incorporated in the UK by the R&TTE Regulations S.I. 2000/730 as amended. Intermediate and Full licensed radio

amateurs are permitted to design, construct and modify their own equipment, and the private sale of this equipment between radio amateurs is also permitted.

This exemption from the provisions of the European R&TTED can only be granted because radio amateurs are required to demonstrate a high level of technical competence. The willingness of many services to share with radio amateurs is also based on their operational competence.

Question 9: *Do you agree with the proposal to apply an administrative charge when processing applications for a Notice of Variation to an amateur radio licence? If not, please explain why.*

Section 7

Spectrum pricing

Amateur radio frequency bands are shared by radio amateurs, there being no exclusive use. Many bands are also shared with other radio services. In addition, the amateur radio service is not intended for commercial benefit. For these reasons, Ofcom does not believe that Administrative Incentive Pricing is appropriate for amateur radio licences.

During 1999 the previous regulator (the Radiocommunications Agency) issued a consultation document entitled 'Spectrum Pricing: Implementing the Third Stage and Beyond'⁹. This consultation made reference to a separate study in which Smith and NERA confirmed our view that Administrative Incentive Pricing would not be appropriate in the context of amateur radio.

⁹<http://www.ofcom.org.uk/static/archive/ra/topics/spectrum-price/spec-pric/1999/maindoc.htm>

Section 8

Regulatory impact assessment

The analysis presented in this section when read in conjunction with the rest of the document, represents a Regulatory Impact Assessment (RIA), as defined by section 7 of the Communications Act 2003. You should send any comments on this RIA to us by the closing date for this consultation. We will consider all comments before deciding whether to implement our proposals.

RIAs provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making and are commonly used by other regulators. This is reflected in section 7 of the Act, which means that generally we have to carry out RIAs where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. In accordance with section 7 of the Act, in producing the RIA in this document Ofcom has had regard to such general guidance as it considers appropriate, including related Cabinet Office guidance.

Options	Costs	Benefits	Risks
<p>Proposal to introduce a lighter, electronic licensing process – ‘licences for life’</p>	<p>The main costs associated with this Option would be the design, implementation and maintenance of a web-based, self-service licensing system together with the provision of resources to process non-web-based licence applications. This is additional to the loss of a very small amount of net licensing income which would have to be borne by the Government.</p>	<p>On-line users would be able to apply for a licence and amend licence details for re-issue electronically, at no cost and without the time delay associated with the postal service.</p> <p>Reduced regulatory burden for amateur radio users both in terms of administrative tasks and financial contribution.</p> <p>A licence would be available for inspection by foreign administrations.</p> <p>Ofcom would continue to hold a database of licensees. This information is currently made available to the Ofcom regional offices when investigating reports of radio interference.</p> <p>This option would reduce Ofcom’s operational costs.</p>	<p>There is a risk that the licensing database would become less accurate over time. This issue has been addressed in the main text.</p>

Options	Costs	Benefits	Risks
<p>Alternative 1 – WT Act licence exemption</p>	<p>Ofcom would no longer hold a database of licensees.</p>	<p>Reduced regulatory burden for radio amateurs both in terms of administrative tasks and financial contribution.</p> <p>Amateur radio licensees would no longer pay a WT Act licence fee which would result in a loss of revenue to the Government. This would be partially offset by lower administrative costs.</p> <p>There would be minimal costs to Ofcom.</p>	<p>There would be an increased risk that amateur radio equipment would be operated by users who have not achieved the required level of technical competence.</p> <p>A licence would no longer be available for inspection by foreign administrations with subsequent risk of penalty fines and/or seizure of radio equipment.</p> <p>Possible breach of international obligations.</p>
<p>Alternative 2 – Maintain the existing licensing regime but with an extended renewal period</p>	<p>Ofcom would need to maintain a licensing system.</p>	<p>The workload and administrative inconvenience of annual renewal would be reduced.</p>	<p>There is a risk that the licensing database would become less accurate over time.</p> <p>Due to the administrative costs associated with longer term licensing renewals, there is risk that the licence fees could prove to be a disincentive to take up this hobby.</p>

Alternative 3 – Maintain the existing licensing regime	The main costs associated with this option would be the maintenance of Ofcom's existing operational costs (including the cost of the licensing service contract).	This option would not result in any benefit to amateur radio users.	No risks have been identified.
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Assessment of the RIA Options

Proposal

The proposal to introduce a lighter, electronic licensing process – ‘licences for life’, is consistent with the level of regulatory intervention required to manage amateur radio spectrum and to satisfy the UK’s international obligations. On-line users would be able to apply for a licence and amend licence details for re-issue electronically, at no cost and without the time delay associated with the postal service. Operational cost savings in licensing provide an additional advantage.

Alternative 1 – WT Act licence exemption

Ofcom does not believe that this option is currently practical. This is mainly due to international requirements and has been addressed in the text.

Alternative 2 – Maintain the existing licensing regime but with an extended renewal period

In our view this alternative goes beyond the level of regulatory intervention required to manage amateur radio spectrum and to satisfy the UK’s international obligations. Ofcom does not see a requirement for this level of regulation.

Alternative 3 – Maintain the existing licensing regime

Since there is no direct spectrum management requirement for issuing annually renewable amateur radio licences, Ofcom does not propose to maintain the current licensing system.

Section 9

Responding to this consultation

How to respond

Ofcom invites written views and comments on the issues raised in this document, to be made by **5pm on 18 August 2005**.

Ofcom strongly prefers to receive responses as e-mail attachments, in Microsoft Word format, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 2), among other things to indicate whether or not there are confidentiality issues. The cover sheet can be downloaded from the 'Consultations' section of our website.

Please can you send your response to **amateurradio@ofcom.org.uk** with the title of the consultation as the subject.

Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation:

Amateur Radio Licensing
Ofcom
Riverside House
2A Southwark Bridge Road,
London SE1 9HA

Fax: 020 7981 3061

Note that we do not need a hard copy in addition to an electronic version. Also note that Ofcom will not routinely acknowledge receipt of responses.

It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 3. It would also help if you can explain why you hold your views, and how Ofcom's proposals would impact on you.

Further information

If you have any want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact the amateur radio team on Tel: 020 7981 3169.

Confidentiality

Ofcom thinks it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk. We will do this on receipt of responses, unless respondents request otherwise on their response cover sheet.

All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place any

confidential parts of a response in a separate annex, so that non-confidential parts may be published along with the respondent's identity.

Ofcom reserves its power to disclose any information it receives where this is required to carry out its functions. Ofcom will exercise due regard to the confidentiality of information supplied.

Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use, to meet its legal requirements. Ofcom's approach on intellectual property rights is explained further on its website, at www.ofcom.org.uk/about_ofcom/gov_accountability/disclaimer

Next steps

Following the end of the consultation period, Ofcom intends to publish a statement during September 2005.

Please note that you can register to get automatic notifications of when Ofcom documents are published, at http://www.ofcom.org.uk/static/subscribe/select_list.htm.

Ofcom's consultation processes

Ofcom is keen to make responding to consultations easy, and has published some consultation principles (see Annex 1) which it seeks to follow, including the length of consultations.

If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk. We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, whose views are less likely to be obtained in a formal consultation.

If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact Tony Stoller, Director of External Relations, who is Ofcom's consultation champion:

Tony Stoller
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Riverside House
2A Southwark Bridge Road
London SE1 9HA
Tel: 020 7981 3550
Fax: 020 7981 3630
tony.stoller@ofcom.org.uk

Annex 1

Ofcom's consultation principles

Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

1. Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

2. We will be clear about who we are consulting, why, on what questions and for how long.
3. We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.
4. We will normally allow ten weeks for responses to consultations on issues of general interest.
5. There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.
6. If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

7. We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 2

Consultation response cover sheet

- A2.1 In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.
- A2.2 We have produced a cover sheet for responses (see below) and would be very grateful if you could send one with your response. This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed cover sheets confidential.
- A2.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their cover sheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A2.4 We strongly prefer to receive responses in the form of a Microsoft Word attachment to an email. Our website therefore includes an electronic copy of this cover sheet, which you can download from the 'Consultations' section of our website.
- A2.5 Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing

Name/address/contact
details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

Note that Ofcom may still refer to the contents of responses in general terms, without disclosing specific information that is confidential. Ofcom also reserves its powers to disclose any information it receives where this is required to carry out its functions. Ofcom will exercise due regard to the confidentiality of information supplied.

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 3

Consultation questions

Question 1: *Do you agree with the proposal to introduce a lighter, electronic licensing process? If not, please explain why.*

Question 2: *Do you agree with the proposal to issue licences which remain valid for the life of the licensee? If not, please explain why.*

Question 3: *Do you agree with the proposal to issue electronic amateur radio licences free of charge? If not, please explain why.*

Question 4: *Do you agree with the proposal to apply an administrative charge when processing postal applications for amateur radio licences? If not, please explain why.*

Question 5: *Do you agree that WT Act licence exemption for radio amateurs is not currently practical?*

Question 6: *What are your views regarding the possibility of WT Act licence exemption for radio amateurs in the longer term?*

Question 7: *Is maintaining the existing licensing regime but with an extended renewal period your preferred option? If so, please state the renewal period that you believe would be appropriate and explain why.*

Question 8: *Do you agree that the current licensing system is over-burdensome? If not, please explain why.*

Question 9: *Do you agree with the proposal to apply an administrative charge when processing applications for a Notice of Variation to an amateur radio licence? If not, please explain why.*

Annex 4

Regulations and agreements

Extracts from the 2004 Radio Regulations define the amateur service as:

- Art.1.56** amateur service: A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorised persons interested in radio technique solely with a personal aim and without pecuniary interest.
- Art.1.57** amateur-satellite service: A radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service.
- Art.19.4** 3) All transmissions in the following services should, carry identification signals:
- Art.19.5** a) amateur service, etc.;
- Art.19.29** § 12 1) All stations open to international public correspondence, all amateur stations, and other stations which are capable of causing harmful interference beyond the boundaries of the territory or geographical area in which they are located, shall have call signs from the international series allocated to its administration as given in the Table of Allocation of International Call Sign Series.
- Art.25.2** § 2 1) Transmissions between amateur stations of different countries shall be limited to communications incidental to the purposes of the amateur service, as defined in Art.1.56 and to remarks of a personal character. (WRC-03)
- Art.25.2A** 1A) Transmissions between amateur stations of different countries shall not be encoded for the purpose of obscuring their meaning, except for control signals exchanged between earth command stations and space stations in the amateur-satellite service. (WRC-03)
- Art.25.3** 2) Amateur stations may be used for transmitting international communications on behalf of third parties only in case of emergencies or disaster relief. An administration may determine the applicability of this provision to amateur stations under its jurisdiction. (WRC 03)
- Art.25.5** § 3 1) Administrations shall determine whether or not a person seeking a licence to operate an amateur station shall demonstrate the ability to send and receive texts in Morse code signals. (WRC-03)
- Art.25.6** 2) Administrations shall verify the operational and technical qualifications of any person wishing to operate an amateur station. Guidance for standards of competence may be found in the most recent version of Recommendation ITU R M.1544. (WRC-03)
- Art.25.7** § 4 The maximum power of amateur stations shall be fixed by the administrations concerned. (WRC-03)

Art.25.8 § 5 1) All pertinent Articles and provisions of the Constitution, the Convention and of these Regulations shall apply to amateur stations. (WRC-03)

Art.25.9 2) During the course of their transmissions, amateur stations shall transmit their call sign at short intervals.

The following also applies to the amateur service:

RRs Resolution 642 Relating to the bringing into use of earth stations in the amateur-satellite service.

The European Conference of Postal and Telecommunications Administrations (CEPT) also makes Recommendations, those relating to the amateur service are T/R 61-01 and T/R 61-02 (to which the UK is a signatory).

Rec. T/R 61-01 CEPT RADIO AMATEUR LICENCE covers temporary operation by licensees (equivalent to the UK Full licence) in signatory countries.

Rec. T/R 61-02 CEPT HARMONISED AMATEUR RADIO EXAMINATION CERTIFICATE covers mutual recognition of examination certificates (and licences) for issue of a licence by the host country (where the applicant proposes to take up residence) and the syllabus of the examinations enjoying mutual recognition.

As indicated in Section 5, Amateur radio equipment (unless placed on the market for commercial sale) is excluded from the provisions of the Radio Equipment & Telecommunications Terminal Equipment Directive (R&TTED) which is incorporated in the UK by the R&TTE Regulations S.I. 2000/730 as amended. Intermediate and Full licensed radio amateurs are however permitted to design, construct and modify their own equipment, and the private sale of such equipment between radio amateurs is also permitted.

Annex 5

Glossary

CEPT	The European Conference of Postal and Telecommunications Administrations. www.cept.org
EC	European Community
EU	European Union
DTI	Department of Trade and Industry. www.dti.gov.uk
ITU	The International Telecommunication Union. It has responsibility internationally for the Radio Regulations which govern the use of the radio spectrum. www.itu.int
NoV	Notice of Variation (to a WT Act licence).
RLC	The Radio Licensing Centre. The RLC is a wholly owned subsidiary of the Royal Mail Group plc and act as Ofcom's agents for amateur radio licensing.
RR	ITU Radio Regulations Edition 2004 (published by the International Telecommunication Union).
RSGB	Radio Society of Great Britain. www.rsgb.org
R&TTED	The Radio Equipment and Telecommunications Terminal Equipment Directive 1999/5/EC of the European Parliament and of the Council.