



Notice of Ofcom's proposal to
make the Wireless Telegraphy
(Licensing Procedures)
(Amendment) Regulations 2015

Consultation

Publication date: 5 November 2015

Closing Date for Responses: 7 December 2015

About this document

This is a statutory notice of Ofcom's proposal to amend the Wireless Telegraphy (Licensing Procedures) Regulations 2010 (S.I. 2010/1823), which set out the procedures under which Ofcom determines applications for wireless telegraphy licences.

The amendments explained in this document also relate to updating Ofcom's publication entitled the "Wireless Telegraphy Act Licences (Terms, Provisions and Limitations)" of July 2010, which includes a sample licence for each class of licences to which it applies, showing the terms, provisions and limitations that apply.

Ofcom will consider any responses to this consultation before deciding whether to implement our proposals.

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Section 1

Notice

Notice of proposals

- 1.1 This document consults on Ofcom's proposal to make the Wireless Telegraphy (Licensing Procedures) (Amendment) Regulations 2015 (the "Proposed Regulations"), that would amend the Wireless Telegraphy (Licensing Procedures) Regulations 2010¹ (the "Principal Regulations").
- 1.2 Under paragraph 1(1) of Schedule 1 to the Wireless Telegraphy Act 2006 (the "WT Act"), an application for a grant of a WT Act licence is to be determined in accordance with procedures prescribed in regulations made by Ofcom. These must specify:
- a) the time limits within which Ofcom must make a decision on the application for the grant of a WT Act licence, notify the applicant and publish the decision;
 - b) the requirements that must be met by prospective licensees applying for the grant of a WT Act licence; and
 - c) particulars on the terms, provisions and limitations to which a licence may be subject.
- 1.3 The current licensing procedures are set out in the Principal Regulations. These include, in particular, a reference to Ofcom's document entitled "The Wireless Telegraphy Act Licensing (Terms, Provisions and Limitations)" of July 2010 (the "2010 Terms and Provisions Booklet")². The 2010 Terms and Provisions Booklet includes a sample licence for each class of licences to which the Booklet applies, showing the terms, provisions and limitations that apply.
- 1.4 We are also proposing to replace the 2010 Terms and Provisions Booklet with the updated "Wireless Telegraphy Act Licensing (Terms, Provisions and Limitations) 2015" (the "Proposed Terms and Provisions Booklet") in light of the changes that we have introduced since 2010 to the licence conditions in respect of certain licence classes. A copy of the Proposed Terms and Provisions Booklet can be found as a separate document accompanying this statutory notice on our website.

Proposed regulations

- 1.5 In summary, the Proposed Regulations would make the following changes:
- remove the requirement on prospective licensees to provide certain information under regulation 5; such as information required for 'station site clearance' as well as the requirement to indicate on a application in respect of a mobile station whether or not the station is to be established on board a train, both of which are no longer relevant in line with our current policies and practices;

¹ <http://www.legislation.gov.uk/uksi/2010/1823/made/data.pdf>

² <http://licensing.ofcom.org.uk/binaries/spectrum/regulations-technical-reference/rules/licensing-procedures2010.pdf>

- insert new licence classes relating to the Aeronautical, Maritime and Satellite Services licences in the light of policy decisions taken by Ofcom since 2010;
 - make some minor editorial changes; and
 - replace reference to the 2010 Terms and Provisions Booklet with a reference to the Proposed Terms and Provisions Booklet, so that the proposed changes to the Booklet would be incorporated in the Proposed Regulations.
- 1.6 In accordance with the requirements of section 122(4) and (5) of the WT Act, this document gives notice of our proposal to make the Proposed Regulations and sets their general effect.
- 1.7 A draft of the Proposed Regulations is attached at Annex 6. Hard copies of this Notice, the Proposed Regulations and the Proposed General Licence Conditions Booklet can also be obtained from Ofcom at Riverside House, 2a Southwark Bridge Road, London SE1 9HA.
- 1.8 A regulatory impact assessment for the Proposed Regulations is available at Annex 5 to this document.

Comments or representations

- 1.9 Comments on the Proposed Regulations are invited **by 5pm on 7 December 2015**. Comments should be sent to:

Paul Chapman
Spectrum Group
Ofcom Riverside House
2a Southwark Bridge Road
London SE1 9HA

E-mail: Paul.Chapman@ofcom.org.uk

Tel: 020 79813069

- 1.10 Subject to consideration of responses, we intend to bring the new Regulations into force in January 2016.

Section 2

The general effect of the Proposed Regulations

Legal framework

- 2.1 We are responsible for authorising civil use of the radio spectrum. We achieve this by granting wireless telegraphy licences under the WT Act and by making regulations exempting users of particular equipment from the requirement to hold such a licence. Under section 8(1) of the WT Act, it is an offence to establish, install or use a wireless telegraphy station or wireless telegraphy apparatus without holding a WT Act licence granted by us unless the establishment, installation or use of such equipment is exempt.
- 2.2 Under paragraph 1(1) of Schedule 1 to the WT Act (which is given effect by section 10 of the WT Act), an application for the grant of a WT Act licence is determined in accordance with procedures prescribed in regulations made by Ofcom. The regulations must specify the time limits for us to deal with the grant of a licence, the requirements that must be met by the applicant for the grant of a licence and particulars of the terms, provisions and limitations to which a licence may be made subject.
- 2.3 Under paragraph 1(3) of Schedule 1 to the WT Act, the procedures must be open, objective, transparent, not such as to discriminate unduly against particular persons or against a particular description of persons, and proportionate to what they are intended to achieve.
- 2.4 The current licensing procedures are set out in the Principal Regulations (S.I. 2010/1823), which we made in 2010. The Proposed Regulations would amend certain provisions of the Principal Regulations.
- 2.5 In accordance with the requirements of sections 122(4) and (5) of the WT Act, this document gives notice of our proposal to make the Proposed Regulations. We are required to publish a notice of our proposal to make any orders or regulations, setting out their general effect and giving those likely to be affected by their implementation an opportunity to make representations.

Proposed regulations and their general effect

- 2.6 We are proposing to amend the Principal Regulations in order to take into account a number of changes that have been implemented since they came into force in 2010. We explain below the regulations that we are proposing to make, setting out their general effect.
- 2.7 A draft of the Proposed Regulations is included in Annex 6 of this document.

Extent of application

- 2.8 The Principal Regulations apply in the United Kingdom, the Channel Islands and Isle of Man. The Proposed Regulations will have the same territorial extent, subject to formal agreement of the Island Authorities.

Reg. 1 – Citation and commencement

- 2.9 Regulation 1 of the Proposed Regulations sets out the full citation of the Regulations (i.e. 'The Wireless Telegraphy (Licensing Procedures) (Amendment) Regulations 2015') and the date for when they would come into force (which is, normally, 21 calendar days following the date of making). For ease of reference, it also defines the Wireless Telegraphy (Licensing Procedures) Regulations 2010 as the 'Principal Regulations'.

Reg. 2 - Amendments to the Principal Regulations

- 2.10 Regulation 2 of the Proposed Regulations provides that the Principal Regulations shall be amended in accordance with the Proposed Regulations.

Reg. 3 - Amendments to Regulation 5 of the Principal Regulations

- 2.11 Regulation 3 of the Proposed Regulations amends regulation 5(3) of the Principal Regulations, which sets out the specific requirements that must be met for the grant of a licence in respect of a station, in addition to the requirements set out in regulation 5(2) (which must be met for the grant of every licence, whether in respect of a station or apparatus).
- 2.12 Specifically, we propose to amend regulations 5(3) of the Principal Regulations by removing the following requirements on prospective licensees:
- a) the requirement on the applicant for the grant of a licence in respect of a station to provide the information required for 'station site clearance' as described in regulation 5(3)(j) of the Principal Regulations; and
 - b) the requirement on the applicant for the grant of a licence in respect of a mobile station to specify whether or not the station is to be established on board of a train, as currently required under regulation 5(3)(k)(iii) of the Principal Regulations.
- 2.13 This is because this information is no longer required as part of the application process. The removal of Site Clearance requirement was due to the decision to close the National Frequency Assignment Panel (NFAP) and the Working Group on Radio Site Clearance (WGRSC). The information required for whether a mobile device was to be installed on a train was needed for a specific satellite licence product that is no longer offered by Ofcom.
- 2.14 Regulation 3 of the Proposed Regulations makes also some minor editorial changes which are consequential to the changes set out in paragraph 2.12 above.

Reg. 4 - Amendments to Regulations 6 of the Principal Regulations

- 2.15 Regulation 4 of the Proposed Regulations amends regulation 6 of the Principal Regulations. Specifically, we propose to replace the expression "licences *are* granted" with the expression "licences *may be* granted" in regulations 6(1) and 6(2) of the Principal Regulations to clarify our legal power.
- 2.16 In addition, we also propose to update the reference to the 2010 Terms and Provisions Booklet by replacing it with reference to the Proposed Terms and Provisions Booklet, on which we are consulting stakeholders. In paragraphs 2.26-

2.27 below, we set out how we propose to update the 2010 Terms and Provisions Booklet.

Reg. 5 - Amendments to Part 1 of the Schedule to the Principal Regulations (Aeronautical sector)

2.17 Regulation 6 of the Proposed Regulations amends paragraph (1) of Part 1 of the Schedule to the Principal Regulations, which sets out the additional information required for the grant of an Aeronautical licence.

2.18 Specifically, we propose to make these changes:

- a) adding reference to the new 'Aeronautical Station' licence classes introduced in 2012 in relation to the Aeronautical sector³ whilst retaining reference to the existing 'Aeronautical Ground Station' licence classes (which remain available for the licensees in the Channel Islands and the Isle of Man)⁴. This proposed change would extend the requirement to provide the additional information set out in paragraphs 1 of the Schedule to the Principal Regulations also to the prospective licensees for the new licence classes;
- b) removing the requirement to provide information on 'the expected intensity of aviation activity, including number of aircraft and aircraft movements', as currently set out in paragraph 1(b) of the Schedule to the Principal Regulations.

2.19 Regulation 6 of the Proposed Regulations makes also some minor editorial changes which are consequential to the changes set out in the paragraph above.

Reg. 6 - Amendment to Part 2 of the Schedule to the Principal Regulations (Ship Portable Radio licence class)

2.20 Regulation 6 of the Proposed Regulations amends paragraph 4 of Part 2 of the Schedule to the Principal Regulations, which sets out the additional information required for the grant of a Ship Portable Radio licence, so that it will require applicants for that licence class to specify whether 'digital selective calling'⁵ is to be used by the station. This is in line with the requirement set out in paragraph 3(e) of Part 2, in relation to the Ship Radio licence class.

2.21 Regulation 6 of the Proposed Regulations retains the requirement on the applicant for a Ship Portable Radio licence to specify the information on 'beacon equipment' set out in paragraph (4) of the Principal Regulations.

³ These new licence classes are: Aeronautical Station (Aerodrome Surface and Operational Control), Aeronautical Station (Aeronautical Broadcast), Aeronautical Station (Aircraft Communications Addressing and Reporting System), Aeronautical Station (Air/Ground, Aerodrome Flight Information Service and Tower), Aeronautical Station (Approach), Aeronautical Station (Area Control), Aeronautical Station (High Frequency), Aeronautical Station (Fire and Emergency), Aeronautical Station (Offshore), Aeronautical Station (Recreational Aviation) and Aeronautical Station (Very High Frequency Data Link).

⁴ *Fees for aeronautical radio licences*, published by Ofcom on 14 December 2010 at

http://stakeholders.ofcom.org.uk/binaries/consultations/spectrum_pricing/statement/statement.pdf

⁵ Digital Select Calling DSC is a standard for sending pre-defined digital messages via the medium frequency (MF), high frequency (HF) and very high frequency (VHF) maritime radio systems. It is a core part of the Global Maritime Distress Safety System (GMDSS).

Reg. 7 - Amendments to Part 3 of the Schedule to the Principal Regulations (Programme Making and Special Events sector)

2.22 Regulation 7 of the Proposed Regulations amends paragraph (5) of Part 3 of the Schedule to the Principal Regulations, which sets out the additional information required for the grant of a Programme Making and Special Events ('PMSE') licence, in order to insert reference to three additional licence classes belonging to the PMSE sector: the UK Wireless Microphone (Biennial), UK Wireless Microphone (Annual) and Audio Distribution System licence classes. The applicants for these licence classes will be required to provide the same additional information which is currently required under the Principal Regulations from the applicants for a PMSE (Fixed Site), PMSE (Link) or PMSE (Lower Power) licence (i.e. the location or proposed area of apparatus use and the proposed dates and times of apparatus use).

Reg. 8 - Amendment to Part 4 of the Schedule to the Principal Regulations (Satellite sector)

2.23 Regulation 8 of the Proposed Regulations amends paragraph (6) and (7) of Part 4 of the Schedule to the Principal Regulations, which set out the additional information required for the grant of a Satellite Services licence, in order to remove the following requirements:

- a) the requirement on the applicants for the grant of a Satellite (Earth Station Network) licence to provide information on the satellite beam service area⁶ as currently required under paragraph 6(d) of Part 4 of the Schedule to the Principal Regulations, since we no longer require this information; and
- b) the requirement on the applicants for the grant of a licence belonging to the Satellite (Permanent Earth Station), Satellite (Earth Station – Non Fixed Satellite Service) and Satellite (Earth Station – Non-Geostationary) licence classes to provide information on the name and location of any associated satellite transponders together with their operating angles or their range of operating angles, as currently required under paragraph 7(d) of Part 4 of the Schedule to the Principal Regulations, since we no longer require this information.

2.24 Regulation 8 of the Proposed Regulations makes also some minor editorial changes which are consequential to the changes set out in the paragraph above.

Reg. 9 - Amendment to Part 5 of the Schedule to the Principal Regulations (Science and Technology sector)

2.25 Regulation 8 of the Proposed Regulations amends paragraph (8) of Part 5 of the Schedule to the Principal Regulations, which sets out the additional information required for the grant of a Science and Technology licence, in order to remove reference to the Ground Probing Radar licence class, as we no longer require the additional information set out in that paragraph⁷ from the applicants for a Ground Probing Radar licence.

⁶ This is the intended coverage area of the satellite service.

⁷ The additional information set out in paragraph (8) of Part 5 of the Schedule to the Principal Regulations is: a description of the configuration of any apparatus for which authorisation is sought, the purpose for which it will transmit and the intended geographical range of operation.

Proposed Terms and Provisions Booklet

2.26 The Principal Regulations refer to the 2010 Terms and Provisions Booklet, which specifies the conditions under which each class of licence is granted and includes a sample licence for each class to which the Booklet applies. We propose to replace the 2010 Terms and Provisions Booklet with the Proposed Terms and Provisions Booklet to reflect a number of changes that we have introduced since 2010. The changes in the Proposed Booklet reflect current policies that were introduced through consultation, and include:

- replacing the previous Amateur Radio licence terms and conditions with the current version of these terms and conditions;
- adding new licence classes, namely:
 - ten Aeronautical Station licence classes⁸;
 - the 'Maritime International' and 'UK Area Defined' licence classes;
 - the 'Satellite Global Navigation Satellite System (GNSS) Repeaters' licence class; and
 - the 'High Duty Cycle Network Relay Points' licence class.

2.27 A copy of the Proposed Terms and Provisions Booklet can be found on our website as a separate Annex to this document⁹. Further copies may be obtained from Ofcom at Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

Next steps

2.28 Following the publication of this consultation document, stakeholders are invited to provide comments on the Proposed Regulations and the Proposed Terms and Provisions Booklet. The deadline to submit responses to us is **5pm on 7 December 2015**. Subject to consideration of responses, we intend to bring the new Regulation into force in January 2016.

Question: Do you have any comments on the drafting of the Proposed Regulations and/or the Proposed Terms and Conditions Booklet?

⁸ New classes are Aeronautical Ground Station (Air Traffic/Ground Movement Control), Aeronautical Ground Station (Air /Ground Communications Services), Aeronautical Ground Station (Airfield Flight Information Service), Aeronautical Ground Station (General Aviation), Aeronautical Ground Station (Fire), Aeronautical Ground Station (High Frequency), Aeronautical Ground Station (Offshore Platform), Aeronautical Navigation Aid Stations, Aeronautical Radar, Aeronautical Ground Station (Operations Control), Aeronautical Station (Aeronautical Broadcast), Aeronautical Station (Aircraft Communications Addressing and Reporting System), Aeronautical Station (Air/Ground, Aerodrome Flight Information Service and Tower), Aeronautical Station (Approach), Aeronautical Station (Area Control), Aeronautical Station (High Frequency), Aeronautical Station (Fire and Emergency), Aeronautical Station (Offshore), Aeronautical Station (Recreational Aviation) and Aeronautical Station (Very High Frequency Data Link)

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 7 December 2015**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/amendment-regulations-2015/> 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 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data – please send them to Paul.Chapman@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Paul Chapman
Ofcom, Floor 3, Spectrum Group
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Paul Chapman on 020 7981 3069.

Confidentiality

- A1.8 We believe 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, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement in January 2016.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 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, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email Graham.Howell@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 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

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 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 Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom 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. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 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 coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. 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

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. 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 4

Consultation question

- A4.1 As required by Section 122 of the WT Act, we must give notice of proposals that we intend to make and consider any representations that we receive. This document gives notice of our proposal to make the Wireless Telegraphy (Licensing Procedures) (Amendment) Regulations 2015.

Do you have any comments on the drafting of the Proposed Regulations and/or the Proposed Terms and Provisions Booklet?

Annex 5

Regulatory Impact Assessment

Introduction

- A5.1 In accordance with government practice, where a statutory instrument is proposed, an Impact Assessment must be undertaken.
- A5.2 The analysis presented here, when read in conjunction with the rest of this document, represents an impact assessment as defined by section 7 of the Communications Act 2003 (the “Comms Act”). This impact assessment relates to the Wireless Telegraphy (Licensing Procedures) (Amendment) Regulations 2015 (the “Proposed Regulations”).
- A5.3 You should send any comments on this impact assessment to us by the closing date for this consultation. We will consider all comments before deciding whether to implement our proposals.
- A5.4 Impact assessments 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. This is reflected in section 7 of the Comms Act, which imposes a duty on Ofcom to carry out impact assessments 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 our activities. As a matter of policy we are also committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom’s approach to impact assessment, which are on our website:
http://stakeholders.ofcom.org.uk/binaries/consultations/better-policy-making/Better_Policy_Making.pdf

Background

- A5.5 Paragraph 1(1) of Schedule 1 of the Wireless Telegraphy Act 2006 (the “WT Act”) says that an application for a grant of a WT Act licence is determined in accordance with procedures prescribed in regulations made by Ofcom. These procedures must include, among other things, details of the terms, provisions and limitations of a licence.
- A5.6 This impact assessment relates to a draft of the Proposed Regulations that would amend and update the existing legislation. Current procedures are outlined in the Wireless Telegraphy (Licensing Procedures) Regulations 2010 (the “Principal Regulations”).

Proposal

- A5.7 The Proposed Regulations reflect changes to the information required by Ofcom as part of a licence application process for certain licence classes as well as changes to the name of certain licence classes that have been introduced since the Principal Regulations were made in 2010. In particular, the proposed regulations would introduce the following changes:

- a) they would insert reference to the new licence classes introduced for the Aeronautical sector and the Programme Making and Special Events sector (to assist with stakeholder understanding of the Principal Regulations and to maintain consistency with other related regulations);
- b) they would remove the following requirements on prospective licensees applying for the grant of a WT Act licence:
 - (i) the requirement on the applicants for the grant of a licence in respect of a station to provide the information required for station site clearance under reg. 5(3)(j) of the Principal Regulations;
 - (ii) the requirement on the applicants for the grant of a licence in respect of a mobile station to specify 'whether or not the station is to be established on board of a train' under reg. 5(3)(k)(iii) of the Principal Regulations;
 - (iii) the requirement on the applicants for an aeronautical licence to provide information on whether the application is for a temporary station and 'the expected intensity of aviation activity, including number of aircraft and aircraft movements' under paragraph 1(b) of the Schedule to Principal Regulations;
 - (iv) the requirement on the applicants for the grant of a Satellite (Earth Station Network) licence to provide information on the 'satellite beam service area' under paragraph 6(d) of the Schedule to Principal Regulations;
 - (v) the requirement on the applicants for the grant of a licence belonging to the Satellite (Permanent Earth Station), Satellite (Earth Station – Non Fixed Satellite Service) and Satellite (Earth Station – Non-Geostationary) licence classes to provide information on 'the name and location of any associated satellite transponders together with their operating angles or their range of operating angles' under paragraph 7(d) of the Schedule to Principal Regulations;
 - (vi) the requirements on the applicants for a Ground Probing Radar licence to provide the additional information required under paragraph (8) of Part 8 of the Schedule to the Principal Regulations; and
- c) they would require the applicants for a Ship Portable Radio licence to specify whether 'digital selective calling' is to be used by the station (in addition to specifying the information on 'beacon equipment'¹⁰ which is currently required under paragraph (4) of the Principal Regulations).

The citizen and/or consumer interest

A5.8 Ofcom's principal duty under section 3 of the Comms Act is to further the interests of citizens in relation to communications matters; and of consumers in relevant markets, where appropriate by promoting competition.

A5.9 The Proposed Regulations have been drafted in accordance with our statutory obligations, taking account of the impact that they may have upon both citizen and consumer interests in the markets we regulate.

¹⁰ This information includes its code which identifies its country of authorisation, its manufacturer, its serial number, and whether or not it operates using a global positioning system.

- A5.10 We must, in particular, secure the optimal use for wireless telegraphy of spectrum and have regard to the principle under which all regulatory activities should be targeted only at cases in which action is needed. In proposing changes to the Principal Regulations, we have also considered the wider impact beyond immediate stakeholders in the radiocommunications community.
- A5.11 We consider that the proposed changes will make it easier for stakeholders to find the information relevant to the grant of a licence belonging to each licence class and encourage more efficient use of the radio spectrum. This should reduce the regulatory burden placed on stakeholders.

Ofcom's policy objective

- A5.12 The Proposed Regulations have been drafted in accordance with our statutory obligations, so as to take account of the impact that they may have on citizens and consumers.
- A5.13 This assessment relates to the impact of the options Ofcom has considered in connection with amending to the existing licensing procedures regulations.

Options considered

- A5.14 The options open to us in relation to the Proposed Regulations are as follows:
- i) to make the Proposed Regulations; or
 - ii) to do nothing, leaving in place the Principal Regulations in their current form.

Analysis of the different options

Make new regulations

- A5.15 The changes proposed apply to all licensed users of spectrum. The proposals in this document do not in themselves impose any additional burden on licensees. Our proposals either reflect technical, regulatory and policy developments or existing administrative practice.
- A5.16 However, we would incur direct administrative costs associated with making the Proposed Regulations. These direct costs would include the one off costs of making a Statutory Instrument. We consider that the costs of implementation are relatively small and should be offset against the benefits.
- A5.17 The qualitative benefits of making the Proposed Regulations include the following:
- Improved compliance (lower costs) for stakeholders by reducing uncertainty and possible confusion through, for example, aligning names of sectors, classes and products which were consulted on and changed previously; and
 - Better reflect spectrum developments such as the introduction of new technologies, changes in spectrum usage and licence products.
- A5.18 Although these benefits are difficult to quantify, we consider it likely that the increased certainty arising from bringing the Principal Regulations in line with changes to regulations since 2010 will generate benefits that are likely to be

material and as the one-off costs of implementation will be negligible, it would be reasonable to expect the benefits will outweigh the costs.

Do nothing

A5.19 The Proposed Regulations will have important benefits for all persons applying for a WT Act licence, including both domestic and overseas applicants, particularly in terms of increased transparency and legal certainty. Although difficult to quantify, the benefits are likely to be material in assisting stakeholders.

The preferred option

A5.20 Therefore, the preferred option is to make the Proposed Regulations. For the reasons identified in the preceding paragraphs, we consider the benefits of making the Proposed Regulations outweigh the costs. We therefore propose to make the Proposed Regulations.

Equality Impact Assessment

A5.21 Ofcom is required by statute to assess the potential impact of all our functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.

A5.22 We have not identified any particular impact of our proposals for amending the Principal Regulations in relation to the identified equality groups. Specifically, we do not envisage the impact of any outcome to be to the detriment of any particular group of society.

A5.23 Nor have we seen the need to carry out separate EIAs in relation to the additional equality groups in Northern Ireland: religious belief, political opinion and dependants. This is because we anticipate that our proposals will not have a differential impact in Northern Ireland compared to consumers in general.

Annex 6

Draft Wireless Telegraphy (Licensing Procedures) (Amendment) Regulations 2015

STATUTORY INSTRUMENTS

2015 No. 0000

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Licensing Procedures) (Amendment) Regulations 2015

Made - - - - - ***

Coming into force - - - - - ***

The Office of Communications (“OFCOM”), in exercise of the powers conferred by section 10 and paragraph 1 of Schedule 1 to the Wireless Telegraphy Act 2006⁽¹⁾ (the “Act”), make the following Regulations.

Before making these Regulations, OFCOM have given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, published notice of their proposal in accordance with section 122(4)(b) of the Act, and have considered the representations made to them before the time specified in that notice in accordance with section 122(4)(c) of the Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Licensing Procedures) (Amendment) Regulations 2015 and shall come into force on [0000].

(2) In these Regulations, “the principal Regulations” means the Wireless Telegraphy (Licensing Procedures) Regulations 2010⁽²⁾.

Amendment of the Wireless Telegraphy (Licensing Procedures) Regulations 2010

2. The principal Regulations shall be amended in accordance with the following Regulations.

⁽¹⁾ 2006 c. 36. Schedule 1 of the Act was extended to the Bailiwick of Jersey by article 2 of the Wireless Telegraphy (Jersey) Order 2006 (S.I. 2006/3324); and to the Bailiwick of Guernsey by article 2 of the Wireless Telegraphy (Guernsey) Order 2006 (S.I. 2006/3325); and to the Isle of Man by article 2 of the Wireless Telegraphy (Isle of Man) Order 2007 (S.I. 2007/278).

⁽²⁾ S.I. 2010/1823.

Amendment of regulation 5

3. In regulation 5(3) of the principal Regulations—

- (a) omit sub-paragraph (j);
- (b) renumber sub-paragraph (k) as (j) and amend it as follows—
 - (i) at the end of sub-paragraph (k)(i), insert the word “or”;
 - (ii) at the end of sub-paragraph k(ii), substitute the word “and” for “or”; and
 - (iii) omit sub-paragraph k(iii); and
- (c) renumber sub-paragraph (l) as (k).

Amendment of regulation 6

4.—(1) Regulation 6 of the principal Regulations is amended as follows.

(2) In paragraph (1), for “Licences are granted” substitute “Licences may be granted”.

(3) For paragraph (2), substitute—

“(2) Licences may also be granted subject to the other terms, provisions and limitations in the case of any particular licence which are contained in the publication Wireless Telegraphy Act Licences (Terms, Provisions and Limitations) 2015 published by OFCOM⁽³⁾.”

Amendment of Part 1 of the Schedule

5.—(1) For paragraph (1) of Part 1 of the Schedule to the principal Regulations, substitute—

“**1.** For the licence classes Aeronautical Ground Station (Air Traffic/Ground Movement Control), Aeronautical Ground Station (Air/Ground Communications Services), Aeronautical Ground Station (Airfield Flight Information Service), Aeronautical Ground Station (General Aviation), Aeronautical Ground Station (Fire), Aeronautical Ground Station (High Frequency), Aeronautical Ground Station (Offshore Platform), Aeronautical Navigation Aid Stations, Aeronautical Radar, Aeronautical Ground Station (Operations Control), Aeronautical Station (Aerodrome Surface and Operational Control), Aeronautical Station (Aeronautical Broadcast), Aeronautical Station (Aircraft Communications Addressing and Reporting System), Aeronautical Station (Air/Ground, Aerodrome Flight Information Service and Tower), Aeronautical Station (Approach), Aeronautical Station (Area Control), Aeronautical Station (High Frequency), Aeronautical Station (Fire and Emergency), Aeronautical Station (Offshore), Aeronautical Station (Recreational Aviation) and Aeronautical Station (Very High Frequency Data Link), the following information shall be provided—

- (a) whether authorisation of a temporary or permanent station is sought; and
- (b) the type of air traffic service that the applicant intends to provide”.

Amendment of Part 2 of the Schedule

6. For paragraph (4) of Part 2 of the Schedule to the principal Regulations, substitute—

“**4.** For the licence class Ship Portable Radio, applicants shall specify—

- (a) if authorisation of emergency position indicating radio beacon equipment or personal locator beacon equipment is sought and, if so, the type of beacon equipment for which authorisation is sought, its code which identifies its country of authorisation, its manufacturer, its serial number, and whether or not it operates using a global positioning system; and
- (b) whether digital selective calling is to be used by the station.”

⁽³⁾ Wireless Telegraphy Act Licensing (Terms, Provisions and Limitations), 2015.

Amendment of Part 3 of the Schedule

7. In paragraph (5) of Part 3 of the Schedule to the principal Regulations, for the words before sub-paragraph (a), substitute—

“5. For the licence classes Programme Making and Special Events (Fixed Site), Programme Making and Special Events (Link), Programme Making and Special Events (Low Power), UK Wireless Microphone (Annual), UK Wireless Microphone (Biennial) and Audio Distribution System, the following information shall be provided—”.

Amendment of Part 4 of the Schedule

8.—(1) Part 4 of the Schedule to the principal Regulations is amended as follows.

(2) In paragraph (6)—

- (a) omit sub-paragraph (d); and
- (b) renumber sub-paragraphs (e), (f) and (g) as (d), (e) and (f).

(3) In paragraph (7)—

- (a) omit sub-paragraph (d); and
- (b) renumber sub-paragraphs (e) and (f) as (d) and (e).

Amendment of Part 5 of the Schedule

9. In paragraph (8) of Part 5 of the Schedule to the principal Regulations—

- (a) for the comma between the words “Non-Operational Temporary Use” and “Non-Operational Development”, substitute “and”; and
- (b) omit the words “and Ground Probing Radar”.

[date and signature]