

Reference: 616968

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Information Rights
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Freedom of Information: Right to know request

Thank you for your request for information about The Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2016, SI 2016 No. 426. This was received on 16 September and has been considered under the Freedom of Information Act 2000.

You asked:

“Since adding Statutory Instrument 2016 No. 426 The Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2016 to statute, please list how many times this law has been used to:

- 1. remove offending equipment causing radio frequency interference;*
- 2. prosecute users of equipment found to be creating radio frequency interference.*

Please list any other information relevant to Ofcom's usage of Statutory Instrument 2016 No. 426 The Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2016.”

Our response:

1. Since The Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2016, SI 2016 No. 426 (“the Regulations”) came into force in on 18 April 2016, Ofcom has investigated and resolved, 48 cases of harmful interference to wireless telegraphy. Ofcom has done so by removing the offending apparatus or requiring the responsible person to decommission or repair it.
2. In the vast majority of the cases referred to in response to “1.” we have “used” the Regulations in so far as we have actively alerted the person using the apparatus of the need for them to comply with the Regulations’ requirement, including emphasising the possibility of a prohibition notice should they fail to do so and the possible threat of prosecution.

We have fortunately found this to have been a very effective deterrence to continued use of apparatus causing harmful interference. So much so that of the cases that were investigated,

we have been able to resolve them without pursuing prosecutions. Accordingly, the response to this question “2.” is none.

In terms of “other information relevant to Ofcom’s usage”, please see the explanatory text we have provided on how we have resolved harmful interference cases and the part the Regulations have played in obtaining resolution.

If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Julia Snape

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

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

Timing

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

Jacqui Gregory
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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