

Reference: 641764

Jerin John
Information Rights Adviser
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Freedom of Information: Right to know request

Thank you for your request for information about successful court prosecutions concerning unlicensed use of radio microphones.

This was received by Ofcom on 27 November and it has been considered under the Freedom of Information Act 2000.

You asked:

I am asking for information on successful prosecution for licence dodgers using their radio microphones / IEMs on channel 38, Freq 606-648 MHz.

Ofcom is responsible for managing civilian use of the radio spectrum and our work includes ensuring that the spectrum is used efficiently. To use any radio transmitting device in the UK, it will need to either be licensed, or have a specific licence exemption. We issue licences so that frequencies can be coordinated, and interference avoided. By using unlicensed equipment, interference can be caused to licensed users.

Operating equipment without a licence can lead to a penalty of up to £5000 and/or serving a prison sentence, including seizure of such equipment¹.

In respect of the unlicensed use of radio microphone/IEMs on channel 38, when there have been complaints we have actively alerted the person using unlicensed equipment of the need for them to have a licence, including the possibility of prosecution. We have found this to be an effective deterrence to unlicensed use of such equipment. So much so that we have been able to resolve complaints without pursuing prosecutions. Accordingly, the response to your request is that we have not prosecuted anyone for unlicensed use of wireless/radio microphones to date, but we take other forms of enforcement action such as issuing warning letters for example. Please note that the channel 38 licence only allows operation in the 600MHz band in the range 606.500MHz to 613.500MHz.

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

¹ <https://www.ofcom.org.uk/manage-your-licence/radiocommunication-licences/pmse/pmse-licence-info>

Yours sincerely,

Jerin John

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:

Corporation Secretary
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