

## **SCHEDULE 1, PARAGRAPHS 6 AND 7 OF THE WIRELESS TELEGRAPHY ACT 2006 – NOTICE OF VARIATION TO A WIRELESS TELEGRAPHY ACT LICENCE**

1. In accordance with Schedule 1, paragraphs 6(b) and 7(10) and (11) of the Wireless Telegraphy Act 2006 (as amended - "the Act") and Clause 4(3) of the Amateur Radio Licence, ("the Licence"), we have made a decision to vary the Licence, as described below.
2. On 30<sup>th</sup> January Ofcom notified certain Licence holders of its proposals to vary the Licence, as set out in the Annex to that Notification ("the First Notification"). The reason that Ofcom proposed to vary the Licence was to give effect to:
  - 2.1. The policy Statement, *Public Sector Spectrum Release* ("the PSSR Statement"), published on 7<sup>th</sup> April 2014, setting out Ofcom's decisions to remove certain frequency bands from all Amateur Radio Licences<sup>1</sup>; and
  - 2.2. The policy Statement, *Updating the Amateur Radio Licence*, ("the Amateur Radio Statement"), published on 5<sup>th</sup> December 2014, setting out Ofcom's decisions further to update the Amateur Radio Licence<sup>2</sup>.
3. Further, in relation to the decision in the PSSR Statement to vary Tables B and C of the Licence, Ofcom also proposed to vary the Table in Schedule 2 of the Licence (Additional restrictions which apply to the Unattended Operation of Beacons) by removing access to the 2350 to 2390 and 3410 to 3475 MHz frequency bands. This was to ensure consistency across the Licence and to facilitate public sector spectrum release by the Ministry of Defence, as set out in the PSSR Statement.
4. Licence holders had one month in which to make representations on Ofcom's proposals to vary the Licence. The First Notification was issued on 10<sup>th</sup> February 2015. The deadline for receiving representations was therefore 11<sup>th</sup> March 2015.
5. Ofcom has considered the representations it has received in relation to the proposals set out in the First Notification.
6. Ofcom now gives Notification in accordance with Schedule 1, paragraphs 6(b), 7(10) and (7)(11) of the Act, and in accordance with Clause 4(3) of the Licence, of its decision to vary the Licence as set out in Annex A to this Notification.
7. The reason that Ofcom is varying the Licence is to give effect to the decisions contained in the Statements set out at paragraph 2 above. These Statements have both been made following public consultations undertaken by Ofcom in relation to the policy matters contained therein. It is for this reason that, where representations on the First Notification may contradict the policy decisions which have been taken in the Statements, we have decided that it would not be appropriate to vary the Licence in accordance with those representations.
8. Similarly, where representations appear to raise new proposals which, in Ofcom's view, would need to be further consulted upon, we have decided that it would not be appropriate to vary the Licence in accordance with those representations.
9. Where Ofcom is varying the Licence in a manner which is different from that proposed in the First Notification (either on the basis of representations received or otherwise), or

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<sup>1</sup> <http://stakeholders.ofcom.org.uk/consultations/public-sector-spectrum-release/?a=0>.

<sup>2</sup> <http://stakeholders.ofcom.org.uk/consultations/amateur-radio-licence>

Ofcom has received representations suggesting changes to the proposals in the First Notification but has decided not to adopt those changes, we have set out our reasons for these decisions in Annex B.

10. Ofcom shall now re-issue the Licence(s) to you with the relevant variations included. Where we have an e-mail address for you, we shall send the Licence(s) to you by e-mail. Otherwise, we shall send the Licence(s) to you by post.
11. The variations to the Licence shall take effect from **7 April 2015**.