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# **General Notice of final decision to vary aircraft and aircraft (transportable) radiocommunications licences**

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**Publication date:** 18 March 2022

# 1. General Notice of final decision to vary aircraft and aircraft (transportable) radiocommunications licences

- 1.1 Ofcom issues aircraft licences to allow the use of radio equipment on aircraft. Ofcom also issues aircraft (transportable) licences, which allow the use of hand-held portable radios on any aircraft, as well as the use of electronic conspicuity devices<sup>1</sup> on piloted aircraft or unmanned aerial vehicles.
- 1.2 On 17 January 2022, we notified licensees of a [proposal to vary all aircraft and aircraft \(transportable\) radiocommunications licences](#) to update and simplify the licensing documentation that Ofcom issues. This document sets out our final decision relating to that proposal. It contains important information and licensees should read it carefully.

## What we have decided – in brief

We have decided to proceed with our proposal and vary all aircraft and aircraft (transportable) licences to make the following key changes:

- Remove standard terms and conditions from the main licence document and instead refer to the [Wireless Telegraphy Licence Conditions Booklet OfW 597](#) ('WT Licence Conditions Booklet'), a booklet of standard terms of conditions available on our website.
- Include all terms and conditions which apply to specific types of aircraft equipment in the schedule of the licence document.
- Ensure all licence terms and conditions are clear and up to date.
- Simplify the type of information we hold on licensees.

Alongside this decision, we have published on our website:

- an updated version of the [aircraft licence document](#);
- an updated version of the [aircraft \(transportable\) licence document](#); and
- an updated version of the [WT Licence Conditions Booklet](#).

- 1.3 We will shortly be writing to affected licensees to provide them with their new licence document.
- 1.4 In this document, we set out the background to our final decision, why we have made this decision and what this means for affected licensees.

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<sup>1</sup> This is an umbrella term for a range of technologies that can help users to be more aware of other aircraft in the same airspace.

## Our proposal

- 1.5 Before we vary licences, we are required by law to first notify licensees of our proposal. We did this by publishing a [General Notice](#) on our website on 17 January 2022 (our ‘January Proposal’).
- 1.6 Our January Proposal explained our proposal to make some changes to aircraft and aircraft (transportable) licences to improve the way we deliver these licences. We explained that the changes would make the licensing documentation more meaningful and easier to understand as well as streamline our licensing processes so that licences are easier to manage in the future.
- 1.7 We explained we were proposing to make the following key changes:
- a) update and align the structure and content in current licences with the style and standard terms and conditions applicable to other licence types; and
  - b) update and simplify the information we hold on aircraft and radio equipment in our licensing database.
- 1.8 We explained that to deliver these improvements, we would need to make administrative changes to licences but would not be changing the substance of the terms and conditions or licence fees. We also explained that if licensees were complying with all the current terms and conditions of their licence, then they would also comply with all the new terms and conditions.

## Summary of our proposed changes

- 1.9 Section 2 of our January Proposal set out the proposed changes in more detail, listed individually as proposals A to I. These changes were summarised as follows in paragraphs 2.8 – 2.11 of the January Proposal:

### Update and align the licences with other licences Ofcom issues

- 1.10 We proposed the following changes for both aircraft and aircraft (transportable) licences:
- **Proposal A:** Align standard terms and conditions, which are applicable to most other licence types, with the WT Licence Conditions Booklet and remove them from the aircraft and aircraft (transportable) licence documents.
  - **Proposal B:** Update and clarify standard terms and conditions in the licence document that are specific to aircraft and aircraft (transportable) licences.
  - **Proposal C:** Simplify text in the licence document on when licence fees are due to align it with other licence types.

### Update and simplify the terms and conditions for some equipment types

- 1.11 We proposed the following changes for aircraft licences only:
- **Proposal D:** Amend how the terms and conditions for certain equipment are set out in the licence by including them all in the schedule of the licence.

- **Proposal E:** Remove references to certain European Union (EU) Decisions and Directives that are no longer applicable to licensees and update the table of frequency bands licensees can use to operate Wireless Access System (WAS) or WiFi equipment.

### Update and simplify the type of information we display on licences

1.12 We proposed the following changes for both aircraft and aircraft (transportable) licences:

- **Proposal F:** Remove the Ofcom internal product codes and instead state the 'Product' name as aircraft or aircraft (transportable).

1.13 We proposed the following changes for aircraft licences only:

- **Proposal G:** State the aircraft make and model details in the licence separately, as recorded in the individual aircraft registries and International Civil Aviation Organisation (ICAO) database.
- **Proposal H:** Simplify how equipment types are presented by converting the description of radio equipment to a generic name for that equipment type.
- **Proposal I:** For gliders, we proposed to include the registration number in the licence document.

1.14 Annexes 1 and 2 of our January Proposal set out how the text in aircraft and aircraft (transportable) licences would change if we decided to proceed with our proposed changes.

### Variation process

1.15 Our January Proposal explained the licence variation process, including how licensees could make representations or provide comments to Ofcom in response to our proposal.

1.16 We also published on our website various questions and answers to help licensees understand the changes we were proposing.

1.17 Licensees had until 20 February 2022 to provide any representations to Ofcom.

### Summary of representations

1.18 Overall, the January Proposal was positively received by several stakeholder groups and no objections were raised in relation to any of the proposed changes.

1.19 One individual expressed concern that they may have to carry a 13-page licence document on their aircraft and queried which parts of the licence need to be available in hard copy on an aircraft for an inspection.

## Our response

- 1.20 In the January Proposal (Proposal A)<sup>2</sup>, we explained that we were proposing to change the structure of the licence so that, going forward, the licence consists of the following two parts:
- a) **the licence document:** This includes information specific to a licensee or specific to aircraft and aircraft (transportable) licensees. The length of this document now depends on the number of equipment types a licensee is allowed to use and whether those equipment types are subject to additional terms and conditions (see Proposal D). For many existing licensees, this document will only be 3 pages long. For licensees that select all equipment types subject to additional terms and conditions, the document will be 13 pages long.
  - b) **the WT Licence Conditions Booklet:** This includes the standard terms and conditions applicable to the installation and use of many licence types that Ofcom issues including all aircraft and aircraft (transportable) licences. These standard terms and conditions are available on our website via [Wireless Telegraphy Licence Conditions Booklet OfW 597](#). The document consists of eight pages.
- 1.21 As explained in paragraphs 2.5 – 2.7 of our January Proposal, many existing licences consist of more than two documents. Ensuring licences consist of a maximum of two separate documents will, for many licensees, reduce the number of separate documents which make up the licence.
- 1.22 Ensuring the licence document only includes additional terms and conditions relating to equipment options the licensee has selected will also make it shorter.
- 1.23 Moreover, we explained in paragraph 2.25 of our January Proposal that we have recently decided not to issue a new licence document every time licensees pay their fees.
- 1.24 In our view, the changes we proposed to the structure of aircraft and aircraft (transportable) licences:
- a) streamline the licensing documentation and make it simpler, clearer, and easier for licensees to understand; and
  - b) bring standard terms and conditions in line with other licences Ofcom issues. We do not therefore consider it necessary to amend any of our proposals to try and further reduce the length of the licence.
- 1.25 In any event, Ofcom does not require licensees to print out any part of their licence for the purposes of an Ofcom inspection. We provide further information on inspections in paragraphs 1.37 – 1.39 below.

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<sup>2</sup> In paragraphs 2.13 – 2.19.

## Final decision

- 1.26 We have concluded that no argument or evidence has been presented that might result in us deciding not to vary aircraft and aircraft (transportable) licences in accordance with our January Proposal.
- 1.27 We have therefore decided to vary all aircraft and aircraft (transportable) licences and make all the changes set out in our January Proposal.

## Variation of licences

- 1.28 In accordance with our final decision, this General Notice varies all aircraft and aircraft (transportable) licences. As explained in our January Proposal, licences now consist of the following two parts:
- a) **the licence document:** This includes information specific to a licensee or specific to aircraft and aircraft (transportable) licensees including:
    - i) licence details and validity: This section includes information such as the licensee's contact details, licence number and the date the licence was issued.
    - ii) Radio equipment: This section identifies the radio equipment authorised under the licence.
    - iii) Use of radio equipment: This section sets out standard terms and conditions relating to the use of the licensed equipment which do not apply to other licence types that Ofcom issues.
    - iv) For aircraft licensees (but not aircraft (transportable) licensees), the terms and conditions relating to specific equipment types the licensee is allowed to use.
  - b) **WT Licence Conditions Booklet OfW597:** This includes the following standard terms and conditions applicable to the installation and use of many licence types that Ofcom issues, including all aircraft and aircraft (transportable) licences:
    - i) Condition 1: Licence Term, Variation and Revocation
    - ii) Condition 2: Changes
    - iii) Condition 3: Licence Fee
    - iv) Condition 4: Radio Equipment Use
    - v) Condition 5: Access and Inspection
    - vi) Condition 6: Modification, Restriction and Closedown
    - vii) Condition 7: Electromagnetic Fields (EMF) Compliance
    - viii) Condition 8: Interpretation
- 1.29 These two documents together now form the licence.
- 1.30 We have published on our website:

- a) an updated version of the [aircraft licence document](#);
- b) an updated version of the [aircraft \(transportable\) licence document](#); and
- c) an updated version of the [Wireless Telegraphy Licence Conditions Booklet OfW 597](#), which confirms that it also contains standard terms and conditions applicable to aircraft and aircraft (transportable) licences.

1.31 We have also removed the separate document containing terms and conditions relating to specific equipment types from our website.

## Compliance with the new licence

1.32 The changes we have made are administrative. We do not therefore expect the new terms and conditions to require licensees to take any additional steps to ensure they comply. If licensees are already complying with all the current terms and conditions of their licence, then they will also comply with all the new terms and conditions of their varied licence.

## Next steps

1.33 We will shortly be writing to affected licensees to provide them with their new licence document and provide a link in the covering letter to the WT Licence Conditions Booklet.

1.34 We will contact licensees by email or post depending on what communication method they have told us they prefer.

1.35 Licensees can access the WT Licence Conditions Booklet from our website and can print or download it. If a licensee requires the Booklet in an alternative format (e.g., PDF, large print, easy read, audio recording or braille), they can send an email to [spectrum.licensing@ofcom.org.uk](mailto:spectrum.licensing@ofcom.org.uk), letting us know what information is required and in what format. We will consider the request and respond within 21 days.

1.36 We have also sent an email update to licensees that have signed up to our spectrum email updates to inform them of our final decision.

## Inspections

1.37 Condition 5 of the WT Licence Conditions Booklet explains that licensees are required to permit Ofcom to inspect a licence.

1.38 We do not require licensees to print a hard copy of any part of their licence for the purposes of an Ofcom inspection and can also inspect an electronic version. Licensees should, however, ensure that their licence is readily available and accessible for an inspection.

1.39 We note that inspectors other than Ofcom, within and outside the UK (such as inspectors for national aviation and other regulatory authorities), may ask to inspect an aircraft or aircraft (transportable) licence. Whilst those inspectors may take a similar approach to Ofcom and be happy to inspect an electronic version of the licence, Ofcom is not

responsible for the approach other inspectors may take. It is the licensee's responsibility to ensure they comply with any rules set by other authorities, both within and outside of the UK.

## Legal requirements

1.40 This document is a General Notice that gives notice of our final decision to vary aircraft and aircraft (transportable) licences. It has been issued in accordance with paragraphs 6, 6A and 7 of Schedule 1 of the Wireless Telegraphy Act 2006 (the Act) and the terms and conditions applicable to all aircraft and aircraft (transportable) licences. In particular:

- a) Paragraph 6(b) of Schedule 1 of the Act and the terms and conditions of all aircraft and aircraft (transportable) licences allow Ofcom to vary licences by publishing a General Notice on its website.
- b) For the reasons set out in paragraph 3.16 of our January Proposal, we consider our decision to be objectively justifiable and proportionate, non-discriminatory and transparent, in accordance with the requirements in section 9(7) and paragraph 6A of Schedule 1 of the Act.
- c) This General Notice constitutes our final decision, in accordance with the requirements in paragraph 7(10) and (11) of Schedule 1 of the Act; it gives notice of our final decision to affected licensees, explains the reasons for our decision and varies all aircraft and aircraft (transportable) licences.

## How to stay up to date

1.41 We encourage all licensees to [subscribe to spectrum email updates](#) to stay up to date with any future proposals relating to aircraft or aircraft (transportable) licences.