



Updating the Amateur Radio Licence

Maintaining licence terms and conditions

Consultation

Publication date: 9 September 2014

Closing Date for Responses: 20 October 2014

About this document

This consultation sets out our proposals for updating the terms and conditions of the amateur radio licence.

These proposals include changes which would provide amateurs with access to some frequency bands previously available only through the variation of individual licences.

The consultation follows changes announced in our April statement on *Public Sector Spectrum Release*¹, where we set out our decision to remove access for amateur radio operators to certain frequencies in the 2300 MHz and 3400 MHz ranges in order to support the release of these bands by the Ministry of Defence.

This consultation, which is likely to be of interest to those in the amateur radio community, closes on 20 October 2014.

¹ http://stakeholders.ofcom.org.uk/binaries/consultations/public-sector-spectrum-release/statement/PSSR_amateur_statement.pdf

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Section 1

Executive summary

- 1.1 Ofcom has functions under the Wireless Telegraphy Act 2006 (“the WT Act”) to grant licences for the purposes of authorising individuals to use the radio spectrum in the UK. From time to time, we review those licences to ensure that they are clear and that they remain fit for purpose. The Amateur Radio Licence (the “Licence”) was last reviewed in 2006². We wish to ensure that the Licence continues to meet our needs and those of our stakeholders. This consultation document outlines our proposed changes to the Licence.
- 1.2 On 7th April 2014 we published our statement, *Public Sector Spectrum Release*³ (“the PSSR Statement”). This set out our decision to remove from the Licence the bands from 2350 MHz to 2390 MHz and from 3410 MHz to 3475 MHz, respectively. The PSSR Statement gave 12 months’ notice that licences will be varied to remove these bands and set out our decision formally to vary individual licences so that the changes would become effective from April 2015⁴. We also announced that we planned to re-issue the Licence to reflect the new terms and conditions.
- 1.3 We are using the opportunity afforded by the PSSR process to review the Licence more generally, with a view to updating it further. We propose that any changes resulting from this Consultation be implemented at the same time as those announced in the PSSR Statement. To be clear, we are not proposing in this Consultation to remove access to any spectrum from Radio Amateurs beyond that already determined in the PSSR Statement.
- 1.4 In summary, this consultation proposes to update the Licence to:
 - 1.4.1 provide for Full Licence holders⁵ to have access to additional frequencies, in the 470 kHz and 5 MHz bands respectively;
 - 1.4.2 provide a mechanism by which a Radio Amateur club’s call sign can remain with the club;
 - 1.4.3 update the provisions on revocation by:
 - a) introducing a further ground of revocation, where the licensee has been convicted of an offence under the WT Act; and
 - b) clarify the provision for revoking the Licence on the basis of failing to revalidate it every five years;
 - 1.4.4 ensure consistency with other Ofcom licences with respect to the provision on fees;
 - 1.4.5 clarify certain provisions in relation to call signs, namely:
 - a) relaxing the rules around the frequency of transmitting call signs;

² <http://stakeholders.ofcom.org.uk/consultations/aradio>

³ <http://stakeholders.ofcom.org.uk/consultations/public-sector-spectrum-release/>

⁴ §1.3 of http://stakeholders.ofcom.org.uk/binaries/consultations/public-sector-spectrum-release/statement/PSSR_amateur_statement.pdf

⁵ See paragraphs 2.14 *et seq* where we explain the different categories of Licences.

- b) clarifying the use of Regional Secondary Locators (“RSLs”) and suffixes for Foundation, Full, Full (Club) and Full (Reciprocal) Licences; and
 - c) clarifying the use of RSLs in the call signs of Intermediate Licences.
- 1.4.6 clarify the rules around the use of Licences in multiple locations; and
- 1.4.7 update certain provisions better to facilitate RAYNET⁶ operation.
- 1.5 We also explain how we intend to update our published Guidance in relation to areas where do not currently believe that amendments to the Licence are needed, in particular:
- a) the provisions in the Licence relating to Unattended and Remote Control Operations; and
 - b) assisting overseas officials recognise the Licence as an official document.

⁶ <http://www.raynet-uk.net/>

Section 2

Proposed changes to the Licence

Introduction

- 2.1 The radio spectrum is a scarce and valuable resource. Ofcom is under a statutory duty to the secure optimal use for wireless telegraphy of the electromagnetic spectrum and to have regard to promoting the efficient management and use of the spectrum⁷. One of the ways that we seek to fulfil these duties is by including appropriate terms and conditions in the licences we issue under the WT Act. Such conditions must be objectively justifiable, not unduly discriminatory, proportionate and transparent⁸.
- 2.2 Under the WT Act, Ofcom may grant a Licence subject to such terms, provisions and limitations as it thinks fit. In the case of a licence to establish a station, the limitations may include those relating to the purposes for which, the circumstances in which, and the persons by whom, the station may be used. In relation to any other licence, the limitations may include those relating to the places where, the purposes for which, the circumstances in which, and the persons by whom, the apparatus may be used⁹.
- 2.3 Ofcom must also ensure that the UK complies with the applicable requirements of the Radio Regulations agreed at the International Telecommunication Union¹⁰ (“the Radio Regulations”) and this is reflected in how we exercise our powers under the WT Act to set licence conditions for Amateur Radio operators.
- 2.4 The WT Act provides a procedure by which Ofcom may vary the terms and conditions that are contained in the Licence¹¹. Before invoking that procedure, the purpose of this Consultation is to determine our policy as to which (if any) terms and conditions might usefully be clarified by making a variation to those provision(s).

Scope of this Consultation

- 2.5 Ofcom is not, at this stage, proposing to undertake a comprehensive policy review of the Licence. Rather, the scope of the consultation is to make a number of minor changes in order to clarify and update the Licence.
- 2.6 Over the course of the last year or so, Ofcom has carried out a pre-consultation exercise with the Radio Society of Great Britain (“RSGB”)¹² and several individual Amateur Radio clubs to identify whether or not there were any provisions of the Licence which Radio Amateurs felt could be further clarified. A number of suggestions were made, some of which now form the basis of the consultation questions contained in this document. Other suggestions do not, in our view, require

⁷ See section 3 of the Communications Act 2003 and section 3 of the Wireless Telegraphy Act 2006.

⁸ Section 9(7) of the WT Act.

⁹ Section 9 of the WT Act.

¹⁰ <http://www.itu.int/pub/R-REG-RR>

¹¹ See paragraphs 6 -7 of Schedule 1 to the WT Act. Generally, Ofcom may vary the terms and conditions of a Licence where it has first served a notification or embarked on a consultation with the licensee.

¹² <http://rsqb.org> The RSGB is the principal UK stakeholder representative body for Amateur Radio operators.

the Licence to be amended though we are proposing to update our published Guidance to reflect these matters (explained further in Section 3). Finally, some suggestions that were made fall outside the scope of this document, as they are likely to involve a more substantive review of the Licence than is currently contemplated. We are grateful to the RSGB, the amateur radio clubs and individual radio amateurs who contributed to that pre-consultation.

Impact assessment

- 2.7 The analysis presented in this document constitutes an impact assessment as defined in section 7 of the Communications Act.
- 2.8 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.
- 2.9 We are required to carry out an impact assessment 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. However, as a matter of policy, we are committed to carrying out 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 website¹³.

Equality Impact Assessment

- 2.10 We are 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.
- 2.11 We have not identified any particular impact of our proposals to authorise the spectrum in the manner which we have described, 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.
- 2.12 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.
- 2.13 If you have any questions regarding the information presented in this document please contact amateurreview@ofcom.org.uk

Background

- 2.14 Ofcom issues three classes of Amateur Radio Licences - 'Foundation', 'Intermediate' and 'Full'. These levels are progressive and a particular class of licence is only issued to an applicant who has demonstrated the appropriate level of practical

¹³ <http://stakeholders.ofcom.org.uk/consultations/better-policy-making/>

- ability¹⁴. Each Licence authorises an individual station and each station has a call sign. A call sign is a unique means of identifying the station to which it relates.
- 2.15 In addition, Ofcom issues Full (Club) and Full (Reciprocal) licences. Full (Club) licences are granted to an individual in respect of an Amateur Radio club. Although this licence is issued to, and in the name of, an individual, the call sign associated with this licence identifies the transmissions of the club. A Full (Club) Licence enables the club to offer facilities to its members.
- 2.16 Finally, a Full (Reciprocal) Licence authorises those who have attained a mutually recognised level of competence in another country to operate under a UK licence.
- 2.17 All of the different classes of the Licences are covered by one licence document. This document includes the terms and conditions that apply to all licensees, as well as terms and conditions that apply only to certain licence classes.
- 2.18 The current version of the Licence¹⁵ was introduced in 2006, following a consultation. It was introduced as a 'lifetime licence', replacing the previous annually renewable licence which was supplemented by the BR68 terms and conditions booklet¹⁶. The BR68 was published in three different versions, depending on the class of Amateur Radio licence, with the version for the Full licence including provision for Full (Club) and Full (Reciprocal) licences. The new licence consolidated these three versions into one licence document. It was more flexible and simplified the numerous provisions of the BR68.
- 2.19 Given the feedback that Ofcom has received from Radio Amateurs as to how certain terms and conditions of the Licence may be further clarified, and given that changes will already need to be made to the Licence in order to give effect to the PSSR Statement, it seems timely for Ofcom to consult on proposals for updating the Licence more generally. We propose that any consequent changes arising from this consultation be implemented at the same time as the changes needed to implement the policy decisions in the PSSR Statement.

Proposed changes to the Licence

Additional frequencies in the 470 kHz and 5 MHz bands

- 2.20 At present, Full licensees (including Full (Club) and Full (Reciprocal) licensees) may apply to Ofcom for a variation to their Licences, authorising them to use frequencies in the 470 kHz and 5 MHz spectrum bands^{17,18}, respectively. Such applications are made on an individual basis, which means that some Full licensees have access to these bands, while others do not. Although the variations are granted by Ofcom, applications are processed via the RSGB website¹⁹.

¹⁴ This is assessed through examinations designed to test the applicant on radio theory, radio operating techniques, electromagnetic compatibility and the legal aspects of licence regulations.

¹⁵ <http://licensing.ofcom.org.uk/binaries/spectrum/amateur-radio/guidance-for-licensees/samplelicence07.pdf>

¹⁶ <http://www.ofcom.org.uk/static/archive/ra/topics/amateur/amateur-index.htm>

¹⁷ The bands: 472 to 479 kHz, 5258.5 to 5264 kHz, 5276 to 5284 kHz, 5288.5 to 5292 kHz, 5298 to 5307 kHz, 5313 to 5323 kHz, 5333 to 5338 kHz, 5354 to 5358 kHz, 5362 to 5374.5 kHz, 5378 to 5382 kHz, 5395 to 5401.5 kHz, 5403.5 to 5406.5 kHz

¹⁸ <http://licensing.ofcom.org.uk/radiocommunication-licences/amateur-radio/guidance-for-licensees/archived-notice/full-licence-jan-2013/>

¹⁹ <http://rs.gb.org/main/operating/licensing-novs-visitors/online-nov-application/>

- 2.21 The 470 kHz band was allocated to the Amateur Radio service on a secondary basis by the last World Radio Conference, WRC12²⁰. The 5 MHz band is not allocated to the Amateur Radio service. The primary allocated user of both the 470 kHz and the 5 MHz bands in the UK is the MOD.
- 2.22 In 2002, Ofcom agreed with the MOD that variations for access to the 5 MHz band could be granted to Radio Amateurs, as the risk of interference was relatively low. In 2012, we renewed this agreement and also secured MOD agreement over the use of the 470 kHz band. Variations for both of these bands are, therefore, currently granted to licensees upon application.
- 2.23 We do not believe that it is necessary to continue requiring Full licensees to apply specifically to Ofcom in order to use these frequencies. There are no bespoke conditions which apply in relation to the use of these frequencies by individual Full licensees; rather, where a variation is granted, a uniform set of terms and conditions applies that allows for such use. In Ofcom's view, it would be more efficient to include a provision in all Full Licences which allows for these frequencies to be used, so that it is easier for those Full licensees who wish to use the bands to do so.
- 2.24 We therefore propose that the Licence be varied for all Full licensees (including Club and Reciprocal licensees), authorising the use of the 470 kHz and 5 MHz bands as a matter of course. This would mean that these licensees would no longer need to apply for an individual variation. To achieve this, we propose to add the frequencies to Table C in Schedule 1 of the Licence.
- 2.25 We also propose to retain the same terms, conditions and restrictions which currently apply to the specific use of the 470 kHz and 5 MHz spectrum bands respectively, when licence variations are made on an individual basis and we therefore propose to incorporate these into the Licence for Full licensees. If we do decide to include the 470 kHz and 5 MHz bands in the Licence, this variation will supersede the variations that have already been granted to some Full licensees on an individual basis. This is because Clause 3(c) of each variation provides that the individual licence variation will remain in force unless

“Ofcom further varies the Licence, such that the effect of this Variation is altered or cancelled”

- 2.26 For the 470 kHz band, the relevant terms, conditions and restrictions are:
- 2.26.1 Where the Equipment is used within 800 kilometres of any border of any of the countries listed below, the maximum power level must not exceed 1 Watt eirp:
- Algeria, Saudi Arabia, Azerbaijan, Bahrain, Belarus, China, Comoros, Djibouti, Egypt, United Arab Emirates, the Russian Federation, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Uzbekistan, Qatar, Syrian Arab Republic, Kyrgyzstan, Somalia, Sudan, Tunisia, Ukraine and Yemen
- 2.26.2 Any use of the station in another country is subject to the laws of that country.

²⁰ <https://www.itu.int/pub/R-ACT-WRC.9-2012/en>

- 2.26.3 The station must not cause interference to, and may not claim protection from, other wireless telegraphy or electronic equipment.
 - 2.26.4 In particular, the radio equipment must not cause interference to stations operating in the aeronautical radionavigation service or on 490 kHz in the maritime mobile service.
 - 2.26.5 If the licensee is notified that the radio equipment is causing interference to the services described in paragraph 2.26.4 above, the licensee must close down the radio equipment and not use it until it can be used without causing such interference.
 - 2.26.6 The licensee must take suitable precautions, particularly in locations to which people have access, to minimise the risks associated with exposure to Radio Frequency (“RF”) radiation. Advice concerning safe levels of exposure to RF radiation is provided by the Health Protection Agency.
- 2.27 For the 5 MHz band, the relevant terms, conditions and restrictions are:
- 2.27.1 When operating double sideband, the maximum bandwidth must not exceed 6kHz.
 - 2.27.2 Notwithstanding the maximum power levels expressed in Table C of Schedule 1 to the Licence, the maximum radiated power must not exceed 200 Watts eirp.
 - 2.27.3 The antenna height must not exceed 20 metres above ground level
 - 2.27.4 The use of apparatus in the 5 MHz band is subject in particular to the provisions of clause 7(3) of the Licence, which requires the station not to cause undue interference to any wireless telegraphy. In the case of the 5 MHz band this applies in particular to the use made of that band by the MOD.
 - 2.27.5 The licensee should close down any apparatus that operates in the 5 MHz band if he or she becomes aware that such use is causing undue interference to the MoD’s use of the band.
 - 2.27.6 Communication may also be established with military or military cadet organisations by transmitting and receiving only in the 5 MHz band.
 - 2.27.7 Particular care must be taken to ensure radiation does not take place outside the specified frequencies within the 5 MHz band.
 - 2.27.8 Where the Licensee intends to operate within a “net” (a network), the Licensee shall observe the following requirements in relation to the transmission of his call sign²¹:
 - a) the licensee shall transmit the station call sign when he first joins the net and on leaving it;

²¹ The rules on call signs when using this band therefore differ from the more general rules, described in the section on “Transmission of Call signs”, below

- b) subject to sub-clause (c) below, whilst participating in the net, the licensee shall not be required to transmit the station call sign when making contact with other participants;
 - c) where the licensee's transmissions have been other than in speech mode for at least fifteen minutes, the licensee shall transmit his call sign when next he transmits speech
- 2.27.9 The licensee shall operate the station only at the main station address or at a temporary location within the United Kingdom²².
- 2.27.10 At a temporary location within the UK, the licensee shall give the location of the Station every 30 minutes to an accuracy of at least 5km by a generally used identifier as indicated in Note (e) to the "Notes to the licence"²³.
- 2.27.11 The licensee shall only operate the station to the extent that the licensee can be contacted on a telephone which is located in close proximity to the station.
- 2.28 In considering the potential impact of this proposal, we are satisfied that the MOD, (being the primary allocated user of these spectrum bands in the UK) will be adequately protected against any undue interference to its operations. We also believe that by including in the Licence the conditions which currently apply on the grant of an individual variation, we can manage the risk of interference to other services, in the same way as those conditions currently apply when variations are sought on an individual basis.
- 2.29 Further, for those Full licensees who do not wish to use the 470 kHz and 5 MHz bands, the impact of this proposal is likely to be negligible. While the Licence authorises licensees to make use of certain frequency bands should they wish, it does not *require* them to do so.
- 2.30 Making these bands available only to Full licensees is consistent with the availability of the variations hitherto and the availability of other variations that give licensees access to additional bands. It also reflects the agreement that we reached with the MOD over the use of these bands.
- 2.31 On the 5 MHz band, we are aware that the next World Radio Conference will consider allocating the band from 5250 kHz to 5450 kHz to the Amateur Radio service²⁴. That is an additional 10 kHz at the lower end and 40 kHz at the upper end of the band that we are proposing to add to the Licence here. Ofcom would seek the prior agreement of the MOD before making any further spectrum available in this band. We are unlikely to consider seeking that agreement, unless WRC decided to allocate the additional spectrum to the Amateur Radio service.

Q1. Do you agree with the proposal to include, as a matter of course, the 470 kHz and 5 MHz bands into the Licence for all Amateur Radio (Full) licensees?

²² In other words, not whilst mobile.

²³ The "Notes to the Licence" are included in the Licence itself and set out further detail for the purposes of interpreting and applying the requirements of the terms and conditions.

²⁴ ITU Resolution 649; see <http://www.itu.int/en/ITU-R/seminars/rrs/Documents/Intro/WRC-15-Booklet.pdf>.

Ensuring continuity of authorisation for Full (Club) Licences

- 2.32 A Licence is issued to, and in the name of, an individual person, on the strength of that person's attainment in an examination. The Licence includes (amongst other things) a reference to the specific call sign that will be used to identify the station; the call sign therefore forms part of the overall Licence. Licences (and therefore call signs) may not be transferred from one person to another²⁵.
- 2.33 Accordingly, a Full (Club) Licence is issued in the name of the individual who applies for it. If that individual then leaves the club, he or she will take the Licence and the associated call sign with them. This effectively leaves the club without a licence and without an available call sign, as the licence cannot be transferred. If the licensee dies, it has the same effect, as the licence dies with the licensee. This means that Radio Amateurs who enjoy participating in radio amateur activities as a club can no longer do so. Further, the call sign may not be reused by another club, as it would be confusing to have two stations which appear to be using the same identity. This means that the club's call sign may effectively remain in limbo.
- 2.34 When the person who holds the club's Licence leaves the club, Ofcom may be asked by another club member to issue the club with a replacement call sign against a fresh licence. As the club will have established its identity under its old call sign, a new identity under a second sign could be misleading, as other users will not know about the change of call sign. Misleading identities are expressly prohibited by the Radio Regulations²⁶.
- 2.35 Ofcom has up to half a dozen cases referred to us each year, where Amateur Radio clubs are seeking replacement call signs and licences. These applications can create significant work for us and for club members, as well as uncertainty for the club and the wider amateur radio community. For example, a club member who operates the club station and gives out the 'old' call sign, unaware that the person who actually holds the licence has left the club, may be acting without authorisation. There are 1487²⁷ club licences, so the problem has the potential to be significant.
- 2.36 In order to address the issue identified above and provide continuity for Amateur Radio clubs that wish to continue operating under their established call signs, Ofcom proposes to vary the terms of the Full (Club) Licence, so that it authorises an individual, *but only* insofar as that individual is representing a named club. Specifically, we propose to add wording to Section 1 of Licence, which makes this explicit.
- 2.37 In addition, Ofcom proposes to insert into Clause 4 of the Licence a new ground upon which we may vary or revoke the licence, namely where the individual licensee is no longer representing the club. This would mean that a new Licence could be issued, which included the club's call sign²⁸. The constitution of the club would

²⁵ Under section 30 of the WT Act, Ofcom may make regulations, authorising the transfer of licences from one person to another. Amateur Radio licences are not currently included in these regulations.

²⁶ Art 19.1 of the Radio Regulations, published by the International Telecommunication Union provides "All transmissions shall be capable of being identified either by identification signals or by other means"; Art 19.2 provides "All transmissions with false or misleading identification are prohibited".

²⁷ Figure for July 2014 - <http://licensing.ofcom.org.uk/radiocommunication-licences/amateur-radio/guidance-for-licensees/monthly-stats/>

²⁸ This is because the old Licence would be defunct, such that the call sign would no longer need to form part of it.

remain intact and the call sign would be available only to that group, even if the membership and officers of the club changed²⁹.

- 2.38 In practice, Ofcom would only consider proceeding with the revocation of the original Licence if we were first satisfied that the licensee had in fact ceased to represent the relevant club. The onus would be on the club members to demonstrate this.
- 2.39 In considering the potential impact of this proposal, the primary benefit is likely to be to Radio Amateur clubs, which will be able to continue using their established calls signs, even if the individual member holding the licence ceases to be associated with the club's activities. This should create certainty, not just for the club itself, but for the wider Amateur Radio community, who will continue to be able to communicate with the club station by its established identity.
- 2.40 To the extent that there may be any negative impacts of this proposal, it is potentially in relation to the incumbent licensees of a Full (Club) Licensee, if Ofcom were to consider it appropriate to revoke that Licence. However, as stated above, Ofcom would only consider relying on the new revocation provision in circumstances where we were first satisfied that the licensee had in fact ceased to be associated with the club. In these cases, it is unclear why the licensee would necessarily wish to retain the Licence, as he or she will have a licence that will not be able to be used other than to authorise the operation of a station by the club and a call sign that will not be able to be used other than to identify the club station.
- 2.41 Further, Ofcom would need to act in accordance with the statutory procedure set down in the WT Act³⁰, which (in the absence of the licensee consenting to the revocation) requires Ofcom to invite the individual licensee to comment on the proposal to revoke the licence before any decision to revoke the Licence is made. In our view, these safeguards are likely to be sufficient to ensure that licensees are treated fairly.

Q2. Do you agree that expressly linking a Full (Club) Licensee's authorisation to use the spectrum to his or her representation of a named club, and by adding a further ground for revoking the Licence to include circumstances where the licensee no longer represents the club, will help ensure that a club's call sign remains with the club?

Revocation of the Licence for any offence under the WT Act

- 2.42 Currently, where a licensee holds a Full or Full (Club) Licence, he or she may permit the operation of the radio equipment by someone else, if that licensee has reasonable grounds to believe that that other person is not a 'Disqualified Person'³¹.
- 2.43 A 'Disqualified Person' is defined in the Licence as any person: a) whose Licence is currently revoked or varied as a result of revocation action; b) whose last application for a Licence was refused as a result of revocation action; or c) who, in the last six months, has been convicted of an offence under the WT Act³².

²⁹ We apply a similar approach to ship radio licences – a call sign remains with a ship for its life, even though licensees may change as the ship is bought and sold.

³⁰ Schedule 1(6)-(7).

³¹ Clause 3(3)(c) of the Licence.

³² Clause 17(j) of the Licence.

- 2.44 Given the way that the Licence is currently drafted, anomalies may arise where an individual who has been convicted of an offence under the WT Act is precluded (as a Disqualified Person) from operating radio equipment under someone else's Full or Full (Club) licence, but is still able to operate such equipment under their own licence.
- 2.45 In order better to align the provisions on revocation (Clause 4) with the reference to 'Disqualified Person' in Clause 3, we considered redefining 'Disqualified Person' to remove the provision relating to convictions under the WT Act. However, given the privileges enjoyed by licensed radio amateurs, notably the wide spread of bands and the high powers that they may use, we concluded that it was necessary to be able to continue to place restrictions on those who demonstrate that they are not prepared to abide by the rules.
- 2.46 We therefore propose that the grounds for revocation in the licence should be aligned more closely with the definition of 'Disqualified Person'. Specifically, we propose to amend Clause 4 of the Licence to add a ground for revoking the Licence if a person has been convicted of any offence under the WT Act.
- 2.47 This proposal is, in Ofcom's view, both objectively justified and proportionate for a number of reasons. First, by adding a further ground of revocation in relation to convictions for offences under the WT Act, we are helping to ensure that the policy underlying the definition of "Disqualified Person" is not undermined, where individuals who have committed an offence under the WT Act should not be able to continue using the spectrum.
- 2.48 Secondly, in circumstances where Ofcom was minded to revoke an individual's licence on the basis that they had convicted an offence under the WT Act, that individual would first be given an opportunity to make representations to us, in accordance with the procedure set down in Schedule 1 of the WTA.
- 2.49 Finally, where an individual's Licence is revoked, he or she may potentially, obtain another Licence in future. Ofcom considers Licence applications in accordance with our statutory framework, including Article 5 of the Wireless Telegraphy (Limitation of Number of Licences) Order 2014³³, where we are under a duty to "take into account the ability of each applicant for a wireless telegraphy licence to meet the licence terms, provisions and limitations applying to that wireless telegraphy licence."

Q3. Do you agree that Ofcom should include a further ground of revocation in the Licence as proposed above in order to better align Clause 4 with the definition of 'Disqualified Person'?

Automatic revocation for failing to revalidate every 5 years

- 2.50 In 2006 when we introduced the Licence, it included a requirement that the licensee 'revalidate' the Licence every five years³⁴. Revalidating means that the licensee has updated their details or has been in touch with us to confirm that the existing details remain valid.
- 2.51 Revalidation is important to Ofcom as it helps keep our records up to date and prevents them from becoming unreliable. If, for example, we need to send out a notification to an individual Radio Amateur (or to all Radio Amateurs), the revalidation

³³ SI 2014/774 - <http://www.legislation.gov.uk/uksi/2014/774/contents/made>

³⁴ Reflected in Clause 4(5) and note (i) of the Licence.

process helps us ensure that this information is sent to a licensee's current address. Similarly, we need to know where main stations are situated, so that we can address complaints of interference and so that we can manage the radio spectrum efficiently. Having unreliable records may also add to the cost of managing licensing information. It is for these reasons that Ofcom included a specific provision enabling us to revoke a Licence in circumstances where the licensee does not revalidate their Licence³⁵.

- 2.52 As currently drafted, however, Clause 4(5) of the Licence states that Ofcom may “automatically” revoke a Licence if the licensee fails to revalidate their details. This does not, in fact, reflect accurately the way that the revocation process works, either as a matter of law, or in practice.
- 2.53 Should a licensee fail to revalidate their Licence, Ofcom's general policy is first to seek to contact that individual, reminding him or her of the relevant obligations and allowing them a reasonable period of time in which to take action. Licensees may be aware that Ofcom has been conducting such an exercise over the past year. In circumstances where revocation might subsequently be considered, Ofcom's general practice is to serve a notice on the relevant licensee(s), setting out our reasons for proposing the revocation and to allow that individual an opportunity to make representations. It is only after Ofcom has duly considered those representations that we might then decide to revoke the Licence.
- 2.54 Consequently we propose to change the wording in the Licence to reflect how the revocation process actually works. This is by removing the references to “automatically”, where it appears in Clause 4(5) of the Licence. By doing so, we believe that the Licence will more accurately reflect the way that the revocation process works in practice and avoid the risk of licensees being misled in this regard.

Q4. Do you agree that the word “automatically” should be removed from Clause 4(5) of the Licence, in relation to the revocation of the Licence for failure to comply with the revalidation requirements?

Reference to fees

- 2.55 Currently, Licences that Ofcom issues in paper form incur a fee, whilst Licences issued electronically are free of charge³⁶. Although we have no immediate plans to change this³⁷, the current wording in Clause 15 of the Licence is inconsistent with the general terms that are included in most other licences that are issued under the WT Act. There is no reason why this difference should exist and, in order to improve consistency across our licensing regime generally, we believe it would make sense to amend the wording so as to follow our “standard” format.
- 2.56 Ofcom therefore proposes to update the Licence, replacing the existing Clause 15 with wording taken from our General Licence Terms booklet³⁸. This booklet details

³⁵ See §6.9 *et seq* of

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

³⁶ <http://licensing.ofcom.org.uk/radiocommunication-licences/amateur-radio/guidance-for-licensees/fees-information/>

³⁷ We intend to review the cost-based fees for several types of licences, including amateur radio licences, in due course, probably after 2016. See §5.10 *et seq* of our consultation *Spectrum Pricing – A framework for setting cost based fees* -

<http://stakeholders.ofcom.org.uk/binaries/consultations/cbffframework/summary/condoc.pdf>.

³⁸ <https://licensing.ofcom.org.uk/binaries/spectrum/regulations-technical-reference/rules/licensing-procedures2010.pdf>

the terms, provisions and limitations which apply to each class of licence that it lists. The new wording we propose to include is:

“The Licensee shall pay to Ofcom the relevant sums as provided in section 12 of the [WT] Act and the regulations made thereunder.”

- 2.57 By updating this wording, Ofcom is not seeking to change the existing fee structure for issuing either paper or electronic Licences. Rather, we are simply taking the opportunity to update the wording of the relevant Clause. This wording is more generic than that of the existing Clause 15 and would therefore remain applicable, even if the structure of fees were to change in the future.
- 2.58 Having assessed the impact on licensees (and stakeholders generally) of this proposal, we think that is likely to be negligible, given that we are not seeking to change the substantive charges themselves.

Q5. Do you agree that Clause 15 of the Licence should be updated to reflect the wording included in Ofcom’s General Licence Conditions Booklet?

Transmission of call signs

- 2.59 Currently, under Clause 13 of the Licence, licensees must transmit their call sign and any applicable modifier at prescribed times and intervals. These include: a) during initial calls, or calls to establish contact with another Amateur; b) at least once every 15 minutes when the period of the communication is longer than 15 minutes; c) whenever the frequency of transmission is changed, at the beginning of transmission on the new frequency; d) by the same type of transmission that is being used for the communication; and e) on the same frequency that is being used for communication. Stakeholders have questioned the frequency with which they should give out the call sign and the format in which it must be given.
- 2.60 The purpose of a call sign is to identify the station unambiguously. We believe that the existing licence provisions are over-prescriptive and would benefit from simplification. In our view, within a broad requirement, individual Radio Amateurs are best placed to decide how to go about identifying their stations, in the context of their particular operation.
- 2.61 We are therefore proposing to clarify the use of station identities. Specifically, we propose to replace the provisions of Clause 13 with simpler requirements that a) a station must be clearly identifiable at all times; b) a valid call sign for the station be transmitted as frequently as is practicable during transmissions to ensure that the station is clearly identified; and c) the station’s identity be given in voice, Morse Code or a format consistent with the modulation in use. This approach reflects the provisions of the Radio Regulations³⁹.
- 2.62 However, we are maintaining stricter requirements for the use of the 5 MHz band, as described in section 2.27, above. This is because the 5 MHz band is not allocated to the Amateur Radio service. If interference were to be cause, we must be able quickly to identify the station responsible.

³⁹ Art 19 .17 of the Radio Regulations states “...each station shall transmit its identification as frequently as practicable during the course of transmissions...”

- 2.63 In considering the impact of this proposal, the main benefit is likely to be to Amateur Radio licensees, who are likely to be able to use their stations more freely or flexibly, rather than having to ensure that a call sign is transmitted at precise intervals. We are not aware of any negative impacts this proposal is likely to have for other stakeholders.

Q6 Do you agree that Clause 13 of the Licence should be amended to allow for a simpler, more flexible approach for identifying Amateur Radio stations?

Use of suffixes and Regional Secondary Locators

- 2.64 The Licence can currently be interpreted as actively requiring individual licensees to use certain RSLs⁴⁰ for the purposes of identifying their stations. The Licence also provides that Clubs may use other RSLs and that any station may use one of a number of suffixes to describe the location of a station when not at the main station address. Specifically, Clause 2(2) provides that:

“2(2) The Licensee shall use the following appropriate Regional Secondary Locator after the United Kingdom Callsign prefix “G”, “M” or “2” as specified in Section 1, when identifying the Radio Equipment in accordance with Clause 13(1):”

It then lists the available RSLs.

Notes (c) and (d) to the Licence provide that:

“(c) If the Radio Equipment is used solely by a Club then the following Regional Secondary Locators may be used instead of those described in Clause 2(2):

[list of RSLs]

(d) When operating at locations other than the Main Station Address, it is recommended that the following suffixes be used:

[list of suffixes]”

- 2.65 The RSLs denote a constituent part of the UK or Crown Dependencies⁴¹. A ‘suffix’ is one or two letters added to the call sign, to indicate that the station is not at its main station address. It is important that, when an RSL or suffix is used, the identity of the station remains clear. Amateur Radio has global reach and overseas licensees, in particular, may be confused by a proliferation of embellishments if they result in call sign formats that are not readily recognised or understood. This means that anyone (anywhere in the world) who hears the identity of the station must be able readily to identify the station.
- 2.66 On the basis of the feedback Ofcom has received from the Amateur Radio community, it appears that there may be two points that need addressing in relation to the current drafting of Clause 2(2).
- 2.67 First, we understand that there is confusion as to exactly what Clause 2(2) means; whether this imposes a duty on licensees *per se* to use an RSL for the purposes of

⁴⁰ The Licence defines an RSL as “a letter used by the licensee to convey the location of the Radio Equipment in accordance with Clause 2(2) and note (c) to this Licence”.

⁴¹ The Crown Dependencies are Guernsey, the Isle of Man and Jersey

identifying their stations, or whether there is a duty simply to ensure that, if the licensee *chooses* to use an RSL for identification purposes, that RSL conforms to the list of prescribed RSLs set down in Clause 2(2).

- 2.68 The policy intention of Clause 2(2) was to create clarity and consistency around the use of RSLs and suffixes, so that where a licensee *chose* to use one for the purposes of identifying their station, this would be done in a uniform way. In particular, we intended that if an RSL were used, the licensee would do so in accordance with those RSLs listed in order to identify the corresponding area. We did not, therefore, intend to impose a duty on licensees to use an RSL *per se*.
- 2.69 The second issue Ofcom has identified is that, despite our intention to create consistency in the way that RSLs and suffixes are used, this does not appear to have been the case in practice. In particular, stakeholders have expressed confusion as to whether the RSL should reflect the location of their main base station, or if it should reflect the current location of the station. In our view, if used, an RSL should describe the location of the main station address. Otherwise, a station could have many different identities in a short period of time, if the Licensee is mobile.
- 2.70 Having considered the issues identified above, Ofcom has come to the view that it may not be necessary to retain Clause 2(2). This is because (with the exception of Intermediate call signs, discussed in the next section) the optional use of RSLs and suffixes are not necessary in order to identify an amateur radio station⁴², and there are no other regulatory reasons why Ofcom needs to retain the provision (for example, in terms of preventing interference or ensuring the proper use of the spectrum). Further, it appears that the confusion this Clause causes to Amateur Radio operators (and the associated risk that a station's identity could be misleading) outweighs any benefit that it might serve.
- 2.71 Ofcom's proposal, therefore, is to remove Clause 2(2) from the Licence. This would mean that (with the exception of Intermediate licensees, discussed in the next section) Radio Amateurs would be free to decide for themselves whether or not they wish to use RSLs and suffixes.
- 2.72 From a regulatory perspective, the main concern for Ofcom is that, where RSLs or suffixes are used, the station remains clearly identifiable (in other words, that the use of the RSL or suffix does not interfere with, or obscure, the station's licensed call sign so that the station cannot be recognised.) On that basis, we also propose to amend Clause 13 of the Licence to include wording to the effect that a station must be clearly identifiable at all times. This would make clear that, regardless of the decisions licensees may make with respect to using RSLs and suffixes, the bottom line is that they must always ensure that their stations are clearly identifiable.
- 2.73 In addition to the amendments to the Licence proposed above, we may also update our published Guidance, where this would be helpful in explaining the general circumstances in which RSLs and suffixes are sometimes used. The RSLs referred

⁴² Full and Foundation Licences are issued with call signs that already conform to the format for a UK amateur radio call sign, prescribed in Art 19 of the RRs, eg "M6ABC" or "G3ABC". This means that, while the use of an RSL by a Full or Foundation licensee provides further granularity as to the station's whereabouts, it is not strictly necessary in order for other Radio Amateurs (or Ofcom) to identify it. In the case of Intermediate Licences, however, the call signs that are issued do not conform to the format for a UK amateur radio call sign, prescribed in Art 19 of the RRs. This means that, the RSL used by an Intermediate licensee becomes important in helping to identify its station. This is discussed further in the next section.

to in the Guidance would be limited to those that have been published (for example in European Conference of Postal and Telecommunications Administrations ('CEPT') Recommendation T/R 61-01). These are the RSLs currently listed in Clause 2(2) of the Licence. Although the Guidance is not binding on licensees, Ofcom would expect licensees to have regard to it when considering how best to comply with the terms of their licences. This is particularly where, under the amendments to Clause 13 as proposed above, Licensees may be under an express duty to ensure that their stations are clearly identified at all times.

- 2.74 We believe that these proposals will have a positive impact on Amateur Radio operators, as they will simplify and clarify provisions relating to the identification of stations. They will make clear to licensees that the use of RSLs and suffixes is optional. By updating our published Guidance, we can also clarify how RSLs and suffixes should be used, if they are. There is also likely to be a positive impact on other Radio Amateurs, particularly those operating in other countries, where UK stations may be able to be identified in a manner that is more readily recognised. It is not apparent to Ofcom that these proposals will result in any negative impacts for other stakeholders.

Q7 Given the current uncertainty amongst Radio Amateur licensees in relation to Clause 2(2), do you believe that it would be a practical solution for Ofcom to remove this Clause and to insert additional wording into Clause 13, as proposed above?

Clarifying Intermediate call signs

- 2.75 Currently, the call signs we issue with an Intermediate Licence are in the format 20aaa or 21aaa⁴³, which is the call sign that appears on the licence. This format was chosen some years ago, as it stood apart from the series of call signs being used for Full and Foundation licences respectively⁴⁴.
- 2.76 However, the format chosen for Intermediate call signs (ie a call sign starting with the number 2, followed by another number) does not conform to the requirements of the Radio Regulations⁴⁵. This means that the call sign that is issued with the Intermediate Licence is for Ofcom's administrative purposes only. When transmitting their call sign, Intermediate licensees must insert a second character, denoting the part of the UK or Crown Dependencies in which the main station address is located. So, for example, where a station has a main station address was transmitting in England, its licensed call sign '20ABC' would become '2E0ABC' to identify it as an English station. This requirement is currently provided for by Clause 2(3) of the Licence, and reflects the fact that (unlike Foundation and Full call signs), the use of an RSL is actually important in identifying the station. It also means that the call sign that is transmitted (and which is used to identify the station to other users) conforms with the requirements of the Radio Regulations. .

⁴³ See <http://licensing.ofcom.org.uk/radiocommunication-licences/amateur-radio/guidance-for-licensees/amateur-radio-call-signs/737317>

⁴⁴ See footnote 42 above.

⁴⁵ In particular, Article 19.68 of the Radio Regulations states that a call sign for a Radio Amateur station may be either a) one character (provided that it is the letter B, F, G, I, K, M, N, R or W) and a single digit (other than 0 or 1), followed by a group of not more than four characters, the last of which shall be a letter; or b) two characters and a single digit (other than 0 or 1), followed by a group of not more than four characters, the last of which shall be a letter. Under Article 19.50, the first two "characters" may either be two letters, a letter followed by a digit, or a digit followed by a letter.

- 2.77 Despite the general approach that Ofcom has taken above in issuing Intermediate Licences, we have become aware that, in some cases, Intermediate Licences have been issued with a country identifier already inserted into the call sign. While this might not be problematic in cases where the country identifier matches the country in which the station is actually located (and the licensee transmits this accordingly), it could be misleading in other cases where there is a disparity between the licensed call sign and the location of the station. Any licensee with such a call sign should ensure that the call sign actually used on air reflects the location of the main station address.
- 2.78 In order to clarify the position in relation Intermediate call signs, Ofcom proposes to amend Clause 2(3) of the Licence to the effect that, when used on air, an Intermediate call sign must always contain the country identifier of its main station as the second character (even if this means substituting the second character of its licensed call sign in order to achieve this).
- 2.79 We also propose making it clear that further RSLs may not be used with an Intermediate licence call sign.
- 2.80 Ofcom may, in due course, seek to contact individual licensees who have been issued call signs that already include a country identifier with a view to replacing that call sign for a 'core' Intermediate call sign without the regional identifier. This may take some time to achieve, however, and we would first need to review the more than 8,000 Intermediate licences that are on issue. A practical solution in the meantime may be to amend the Licence to ensure that Intermediate stations are being correctly identified.

Q8 Do you agree with Ofcom's proposals to amend Clause 2(3) of the Licence to require Intermediate licensees to transmit a call sign that reflects the location of their main station?

Use of radio equipment in multiple locations

- 2.81 Clause 2(1) of the Licence sets out the places and circumstances in which the licensee may operate radio equipment; these are the Main Station Address; an Alternative Address; a Temporary Location; when the licensee is Mobile; and (where the licensee holds a Full Licence) a Maritime Mobile Location⁴⁶. Some Full licensees may also operate temporarily in countries with which the UK has reciprocal arrangements in place, for example under CEPT Recommendation T/R 61-01⁴⁷ ("T/R 61-01").
- 2.82 Stakeholders have raised concerns that Clause 2(1) of the Licence is ambiguous, for a couple of reasons. First, the Clause could be interpreted to mean either that it is permissible to transmit *simultaneously* from several locations other than from the main station address, or that these are unique alternatives. Secondly, a recurring question from Full (Club) licensees is whether or not they are permitted to operate overseas, under the CEPT Recommendation. It may be that some of this confusion has arisen as a result of possible ambiguity between Clause 2(1)(f) and Clause 16(1), where both Clauses relate to the operation of radio equipment by UK licensees overseas.

⁴⁶ See Clause 17(1) of the Licence for the specific definitions of these terms.

⁴⁷ "The Recommendation as approved in 1985 enables radio amateurs from CEPT countries to operate during short visits in other CEPT countries without obtaining an individual temporary licence from the visited CEPT country – see: www.erodocdb.dk/docs/doc98/official/pdf/TR6101.pdf .

- 2.83 In relation to the first issue, an individual cannot transmit from several locations simultaneously, other than by remote or unattended operation. However, Ofcom understands that the members of a club may do so. For example, clubs organise 'Direction Finding' hunts, where club members will seek radio targets, to test their skills. We see no harm - and much benefit - in this, as it enhances the skills of club members.
- 2.84 In relation to the second issue, Clause 2(1)(f) of the Licence states that "where this Licence is a Full Licence only, and unless it is a Temporary Licence⁴⁸, the Licensee may operate in countries which have implemented [the CEPT Recommendation] in accordance with Clause 16(1)". Clause 16(1) then states "Where this Licence is a Full Licence, but not a Full (Reciprocal) Licence⁴⁹, a Full (Temporary Reciprocal) Licence or a Full Club Licence, the Licensee may operate in countries which have implemented [T/R 61-01]..." So, while Clause 2(1) seems to leave open the possibility that a range of Full Licences may be entitled to operate overseas under T/R 61-01, Clause 16(1) then limits it, by excluding certain types of Full Licensees from this entitlement. We believe it would be useful to clarify exactly which Full Licences are authorised under the Licence to operate overseas under T/R 61-01.
- 2.85 Under T/R 61-01, the Licence must make it clear that the licensee is authorised to operate under that Recommendation. The licensee must also be able to present the Licence to the relevant local authorities in the country in which they are operating⁵⁰. Ofcom has notified CEPT that the only type of UK Licence to authorise overseas operation is the Amateur Radio (Full) Licence. We have excluded the Full (Club) Licence on the basis that T/R 61-01 is only for the purpose of authorising the *individual* use of the spectrum (rather than usage by a club). Where a person holds a Full (Club) Licence, he or she will also hold a Full Licence in his or her own right; it is that individual Full Licence which will be authorised for CEPT purposes.
- 2.86 Ofcom may issue a Full (Reciprocal) Licence to foreign individuals who have obtained the relevant examination qualification in another country. For countries participating in CEPT Recommendation T/R 61-02 ("T/R 61-02"), this qualification is in the form of a Harmonised Amateur Radio Examination Certificate ("HAREC")⁵¹, which is generally recognised by all relevant States. The Full (Reciprocal) Licence that Ofcom issues against a HAREC is valid indefinitely. If a country does not participate in T/R 61-02, then we may issue a Full (Temporary Reciprocal) Licence on proof of a licence or qualification granted by the other country. This will be agreed bilaterally between the UK and the other country. However, because the standards of that other country may not be recognised by all countries that participate in T/R 61-02, the Reciprocal Licence that we issue will only be valid temporarily⁵².
- 2.87 As stated above, Clause 16(1) of the Licence prohibits holders of Full (Reciprocal) Licences⁵³ from operating in countries that have implemented T/R 61-01. In the case

⁴⁸ Defined in the Licence as "a Licence which is issued to a radio amateur who is already licensed by a foreign (non-UK) licensing administration and who wishes to operate on a temporary basis in the UK. A UK call sign will not be issued with a Temporary Licence."

⁴⁹ Discussed further at paragraph 2.86.

⁵⁰ Clause 2.1 of the CEPT Recommendation provides that "On request the licence holder shall present his CEPT radio amateur licence to the appropriate authorities in the country visited."

⁵¹ A Harmonised Amateur Radio Examination Certificate is a certificate issued by an administration as evidence that the holder has achieved a specified level of qualification consistent with the requirements of CEPT Recommendation T/R 61-02

⁵² <http://licensing.ofcom.org.uk/radiocommunication-licences/amateur-radio/faq/759498>

⁵³ We grant these licence to Radio Amateurs from countries that do not participate in T/R 61-01 and with which, instead, we have separate bilateral arrangements.

of a Temporary Reciprocal Licence, we maintain that this restriction is necessary, as the country against whose examination qualification the licence was issued does not participate in T/R 61-01 and there is no certainty that the qualification would be acceptable to all CEPT countries. However, where the Licence is not a Temporary Reciprocal Licence, it will have been issued against a HAREC. We do not believe that any purpose is served by restricting these licensees from operating overseas, like any Full licensee. We therefore propose to clarify this in the Licence.

- 2.88 In particular, Ofcom proposes to replace Clauses 2(1) and 16(1) with a single new Clause 2(1), prohibiting licensees' use of radio equipment, other than in the UK or Crown Dependencies (including their territorial seas), unless the Licence is a Full (including Full (Reciprocal)) Licence). Ofcom also intends to retain in the Licence the substance of the current Clauses 2(1)(e) and (f), where only holders of Full Licences (except Full (Club) Licences or Temporary Licences) are authorised to operate from a Maritime Mobile location, or in countries that have implemented T/R 61-01.
- 2.89 In reviewing the current definition of "Maritime Mobile" in the Licence, we have also noticed that there is currently a separate definition of the term "At Sea", which does not appear to be necessary to the Licence. We are, therefore, also proposing to remove the definition of "At Sea."
- 2.90 In addition, Ofcom proposes to incorporate into the new Clause the current prohibition in Clause 9(3) of the Licence against the establishment or use of radio equipment in any aircraft or airborne vehicle. This is to consolidate the provisions relating to the locations in which radio equipment may be used, as opposed to having these provisions in a number of places throughout the Licence.
- 2.91 Finally, Ofcom proposes to update its published Guidance in relation to the new Clause above. This Guidance will clarify the purpose of the Clause and describe the various types of locations currently covered by Clause 2(1) by way of illustration of the types of location from which licensees may transmit. To address the specific question posed by stakeholders, the Guidance will also clarify that club members may operate simultaneously, other than at the main station address
- 2.92 We believe that our proposals simplify and clarify current conditions, grouping related licence provisions. The only substantive change is that holders of Full (Reciprocal) Licences (but not Full (Temporary Reciprocal) Licences) may now operate overseas under the CEPT Recommendation. On that basis, our proposals are unlikely to have a significant impact for most stakeholders. We believe that addressing the uncertainty by simplifying the Licence conditions and publishing supporting guidance is proportionate to the issues identified above. We are not introducing any new restrictions and licensees are unlikely to be required to adopt any new behaviour. The supporting Guidance can be updated, if necessary, in light of experience.

Q9. Do you agree that replacing Clauses 2(1) and 16(1) with a new Clause to simplify and bring together all of the licence conditions relating to the operation of radio equipment away from the Main Station address will make these provisions clearer?

Provisions relating to use by RAYNET operators

- 2.93 Some Radio Amateurs support the emergency services by providing supplementary communications through their participation in the Radio Amateurs' Emergency

Network (“RAYNET”)⁵⁴. For example, they may provide HF communications to mountain rescue teams (‘MRTs’) if those teams’ own VHF or UHF systems are unable to provide a service.

- 2.94 The use of the Licence for RAYNET purposes is specifically provided for in Clauses 1(2) and 1(3) of the Licence. Despite this, Ofcom has become aware that other Clauses of the Licence may be inconsistent with Clauses 1(2) and 1(3), or otherwise cause confusion as to the way in which licensees are permitted to transmit their messages. This is principally in relation to Clause 11(2), which says that the licensee is only permitted to address messages to other Amateurs, or to the stations of those Amateurs and which prohibits the encryption of messages. These restrictions may be problematic for two reasons.
- 2.95 First, in order for RAYNET licensees to be able to participate properly in User Service (as defined in the Licence) operations, they may need to be able to communicate with individuals other than Amateur Radio licensees (for example, members of MRTs). Currently, Clause 11(2) could be interpreted to mean that it would not allow for this to happen, despite the provision of Clause 1(2), which provides for the use of the Radio Equipment by or on behalf of members of User Services.
- 2.96 Secondly, there may be circumstances in which a licensee needs to encrypt their messages, for example, where a local incident commander requests that this happen for operational reasons. Clause 11(2) would prevent a licensee from complying.
- 2.97 In order to address the issues identified above, Ofcom therefore proposes to vary Clause 11(2) of the Licence by
- 2.97.1 allowing Radio Equipment to be used to address messages to other than Amateurs for the purposes of Clauses 1(2) and 1(3); and
- 2.97.2 enabling messages to be encrypted for the purposes of Clauses 1(2) and 1(3).
- 2.98 Stakeholders have also asked whether Clause 10(3) of the Licence (which prohibits the establishment of equipment that is capable of remote control operation for general unsupervised access by other Amateurs) could prevent them from complying with a request from an MRT to use a repeater. Ofcom understands that repeaters may sometimes be useful in order to circumvent topographical obstacles or to help penetrate certain weather conditions.
- 2.99 In Ofcom’s view, Clause 10(3) would not prohibit the use of a repeater, as contemplated in paragraph 2.95 above. This is because the establishment of a repeater to assist a User Service is unlikely to constitute the installation of Radio Equipment that is capable of remote control operation for general unsupervised use by other Amateurs. Consequently, we do not propose to change this provision.
- 2.100 We believe that these proposals will help remove any current inconsistencies between Clauses 1(2), 1(3) and 11(2) and clarify the way in which licensees can operate Radio Equipment for RAYNET purposes. A positive impact is likely to be increased certainty for RAYNET operatives that they are not inadvertently breaching the terms and conditions of their licences. The User Services may also benefit, as they will be able to rely on RAYNET operatives for a wider range of communication.

⁵⁴RAYNET is the UK’s national voluntary communications service provided for the community by licensed radio amateurs – see: <http://www.raynet-uk.net>

Finally, the wider public may also benefit, as better communications will assist the efficiency of the emergency services. We have not identified any potential negative impacts from these proposals.

Q10. Do you agree that the proposed changes will clarify RAYNET operation under the Licence?

Section 3

3. Other matters raised in pre-consultation

2.101 During pre-consultation, a number of issues were raised by stakeholders as to how the Licence might be further clarified. As stated earlier, some of these suggestions fall outside the scope of this Consultation, as they are likely to involve a more comprehensive review of the Licence than is currently being undertaken. Other suggestions may be within scope, but may not necessarily require amendments to be made to the Licence. Ofcom has considered all the suggestions that were made, and sets out in this section how we propose to address those areas where we do not currently believe that an amendment to the Licence is needed.

Remote control operation

2.102 Under Clause 10 of the Licence, Radio Amateurs may operate their equipment “Unattended⁵⁵” or by “Remote Control⁵⁶”. However, there are restrictions on this. For example, a licensee may not normally establish remote control apparatus for the general unsupervised use by other Radio Amateurs. Further, any use must also be consistent with the other conditions of the licence, for example the requirement in Clause 11(2) that messages may be addressed only to other Radio Amateurs.

2.103 Specific issues that stakeholders have raised include whether it is permissible to allow remote computers (possibly even overseas) to control their licensed stations, and what arrangements should be implemented to identify the station when it is being operated remotely.

2.104 With the increasing use of internet connections and computer networks to operate Amateur Radio, and in response to these stakeholder questions, we have reviewed the Licence to ensure that it satisfactorily caters for these new ways of working. We have been asked whether our licensing arrangements adequately cover remote control working.

2.105 Our conclusion, at this stage, is that the current licence conditions are sufficient to cater for all forms of Unattended and Remote Control Operations. Even if a computer is in another country and is being used to operate a UK-based station remotely, that station will still be subject to the licence conditions contained in the UK Licence. General, unsupervised access to a station by other Amateurs is prohibited by Clause 10(3) of the Licence. So, if the UK Licensee wanted to make its station available as a general, open facility (to all intents and purposes, a repeater), the UK Licensee would need a variation. Similarly, if the UK transmitter were set up with the intention of allowing messages to be sent other than to other Amateurs⁵⁷, again, a variation would be needed. Both of these variations are already available. So, we believe that we can already cover these remote ways of operation.

⁵⁵ “Unattended Operation” is defined in the Licence to mean the operation of radio equipment by the licensee where the licensee is in a different location to that where the radio equipment is located.

⁵⁶ “Remote Control Operation” is defined in the Licence to mean Unattended Operation, but where the licensee has the ability to control the radio equipment from a different location to that where the radio equipment is located. Remote access can, for example, allow a computer user to cause an Amateur Radio station to operate so that it transmits data, video or the computer operator’s voice

⁵⁷ Clause 11(2)

- 2.106 As stated above, Ofcom proposes to change the provisions of the licence relating to transmitting call signs, simply to require the call sign to be transmitted as frequently as is practicable. We believe that this requirement can sensibly be applied to remote control operation, too. It would be for the licensee to determine how to comply. We note that repeaters, for example, transmit their identity periodically when active. While not prescribing the solution, we are content that an individual station could employ a similar solution, in order to comply with the requirement to transmit the station's identity as frequently as is practicable.
- 2.107 On that basis, we are not currently proposing to amend the Licence with respect to the provisions on Unattended and Remote Operations. We do, however, propose to update our published Guidance to describe these ways of working in the context of the licence conditions and the available variations. We shall also publish guidance that a UK station being operated remotely from overseas (but not wirelessly) need only transmit the call sign of the UK station.

Ease with which foreign authorities can understand the licence

- 2.108 As described above, UK licensed Radio Amateurs may operate in countries with which the UK has mutual recognition agreements in place for that purpose. This may be under the CEPT Recommendation or it may be a bilateral agreement. We describe these arrangements above.
- 2.109 Although Ofcom has published Guidance⁵⁸ designed to assist both UK Radio Amateurs and overseas officials in understanding how the Licence works, there have been occasions where officials overseas have apparently had difficulty recognising the Licence as an official document. We are not a UK government organisation and the licence does not, therefore, bear the Crown or other official mark. Further, as our Licences are valid indefinitely, they do not include an expiry date. Licensees report that some overseas officials expect to see a formal expiry date or bearing an official stamp.
- 2.110 We have reviewed the Licence against our international obligations, as set out in Annex 1 to the CEPT Recommendation and we are satisfied that the document meets those requirements. Further, the Radio Regulations do not make any recommendations for the layout of an Amateur Radio licence (as they do, for example, for ship radio licences), so again we are satisfied that the Licence complies with that legislation.
- 2.111 Although we believe that our licence document is adequate, it may be that adding a date (the next revalidation date, for example) to Section 1 could be helpful. However, we are not proposing any changes, now, as we need to study the practicalities of doing so. Subject to that, we may look into ways of incorporating a date into Section 1 of the licence, at some stage in the future.
- 2.112 In the meantime, given that the Licence conforms to international requirements, we believe that it is sufficient to rely on our published Guidance. This is because, while there have been reports of licensees encountering difficulties overseas, these have been relatively few in number. So, delaying any changes to the document until we have had a chance to study the relevant practicalities is unlikely to have a significant impact on licensees.

⁵⁸ <http://licensing.ofcom.org.uk/binaries/spectrum/amateur-radio/guidance-for-licensees/FKM.pdf>

Updating the status of frequency bands

2.113 At the World Radio Conference in 2012, the status of a number of frequency bands currently allocated to Amateur Radio were changed from “secondary” to “primary” or vice versa. As this decision has already been taken, it is not a matter for consultation in this document. We will, however, be updating the Licence accordingly in order to reflect this change in status.

Section 4

Next steps

Our proposed timetable

- 3.1 This consultation runs until 20 October 2014. We shall then consider any responses that we have received. Unless they are confidential, we shall publish these as soon as practicable, after we receive them.
- 3.2 We aim to publish a statement in November. This will set out our policy decisions, based on this consultation and the responses that we receive to it.
- 3.3 In November 2014, we intend to start writing to all licensed Radio Amateurs, formally notifying them of our proposal(s) to vary the licence and setting out that variation. We intend to reflect in that notification the variations that have already been decided under the PSSR Statement, together with any further changes that we decide to make as a result of this Consultation. Licensees will then have the opportunity to make representations on our proposals. However, as we will have already consulted upon the substantive policy underlying the variation, licensees will be invited to make representations on the wording of the variation only, rather than on the policy itself.
- 3.4 We expect that licensees will have approximately one month to make any representations. Once this period has finished and Ofcom has had an opportunity to consider the responses (and make any changes as necessary), we will start sending out new Licences. We envisage that this will be in the early part of 2015.
- 3.5 We currently intend that any changes to the Licence will come into effect at the same time and will follow the timetable set out in the PSSR Statement. This means that we anticipate that the variations to Amateur Radio licences, reflecting all of these changes (the PSSR changes, the extra bands and the licence clarifications) will come into effect in April 2015. This is reflected in the timetable that we have set out above.

Annex 1

Responding to this consultation

How to respond

- A2.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 20th October, 2014**.
- A2.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/amateur-radio-licence/>, 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.
- A2.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email amateurreview@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A2.4 Responses may alternatively be posted to the address below, marked with the title of the consultation.
- Amateur Radio Team
3rd Floor
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A2.5 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.
- A2.6 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

- A2.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact the Amateur Team at amateurreview@ofcom.org.uk.

Confidentiality

- A2.8 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.

- A2.9 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.
- A2.10 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

- A2.11 Following the end of the consultation period, Ofcom intends to publish a statement in November 2014. To the extent that we consider it appropriate to adopt any of the policy proposals in this consultation, these will be implemented at the same time as we implement the variations that are designed to give effect to the decisions in the PSSR Statement.
- A2.12 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

- A2.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A2.14 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.
- A2.15 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

A3.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A3.2 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

A3.3 We will be clear about who we are consulting, why, on what questions and for how long.

A3.4 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.

A3.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A3.6 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.

A3.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A3.8 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

- A4.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A4.2 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.
- A4.3 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.
- A4.4 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/.
- A4.5 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):

Amateur radio call sign or class of amateur radio licence (optional)

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 questions

A5.1 In providing answers to these questions, if you are a licensed radio amateur, it would be helpful if you could provide your call sign or at least the level of your licence (Foundation, Intermediate or Full). This is not a requirement, however.

Q1. Do you agree with the proposal to include, as a matter of course, the 470 kHz and 5 MHz bands into the Licence for all Amateur Radio (Full) licensees?

Q2. Do you agree that expressly linking a Full (Club) Licensee's authorisation to use the spectrum to his or her representation of a named club, and by adding a further ground for revoking the Licence to include circumstances where the licensee no longer represents the club, will help ensure that a club's call sign remains with the club?

Q3. Do you agree that Ofcom should include a further ground of revocation in the Licence as proposed above in order better to align Clause 4 with the definition of 'Disqualified Person'?

Q4. Do you agree that the word "automatically" should be removed from Clause 4(5) of the Licence, in relation to the revocation of the Licence for failure to comply with the revalidation requirements?

Q5. Do you agree that Clause 15 of the Licence should be updated to reflect the wording included in Ofcom's General Licence Conditions Booklet?

Q6. Do you agree that Clause 13 of the Licence should be amended to allow for a simpler, more flexible approach for identifying Amateur Radio stations?

Q7. Given the current uncertainty amongst Radio Amateur licensees in relation to Clause 2(2), do you believe that it would be a practical solution for Ofcom to remove this Clause and to insert additional wording into Clause 13, as proposed above?

Q8. Do you agree with Ofcom's proposal to amend Clause 2(3) of the Licence to require Intermediate licensees to transmit a call sign that reflects the location of their main station?

Q9. Do you agree that replacing Clauses 2(1) and 16(1) with a new Clause to simplify and bring together all of the licence conditions relating to the operation of radio equipment away from the Main Station address will make these provisions clearer?

Q10. Do you agree that the proposed changes will clarify RAYNET operation under the Licence?