



# Amateur radio licensing

Policy statement

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## Section 1

# Executive summary

## Reform of amateur radio licensing

- 1.1 This Ofcom statement sets out our new approach to the licensing of amateur radio.
  - 1.2 It follows on from Ofcom's consultation on amateur radio licensing that was launched on 26 May 2005.
  - 1.3 As a result of the consultation, Ofcom has decided to implement the following reforms:
    - To issue lifetime amateur radio licences which will remain valid for as long as the licence details remain correct or until such time as the licence is either revoked by Ofcom or surrendered by the licensee. There shall be no end date on the amateur radio licence. Such licences will be personal to the licensee and will not be transferable.
    - To provide an online, web-based, self-service licensing service as an alternative to the postal service.
    - To issue electronic licences (probably PDF<sup>1</sup> documents) to users of the online, web-based, self-service licensing service. Users of this service would print a hard copy of the licence which must be kept at the main station address.
    - To continue to make paper licences available (but subject to a small administrative charge).
    - To modify the original proposal by requiring licensees to validate their licence details at least once every five years in order to maintain their lifetime licence.
- Ofcom's full policy decision is set out on page 7.
- 1.4 At present the Radio Licensing Centre (RLC), a wholly owned subsidiary of Royal Mail Group plc, processes amateur radio licences. However, it is Ofcom's intention that from 1 October 2006 (the intended implementation date), all amateur radio licences will be issued by Ofcom. Licences issued, renewed or amended on or after the implementation date will be subject to the revised licence terms and conditions (above).
  - 1.5 Any licences which are due to expire before the implementation date must be renewed by contacting the RLC. Licences issued, renewed or amended before the implementation date will be subject to existing licence terms and conditions.
  - 1.6 Ofcom believes that the new approach to amateur radio licensing will reduce unnecessary bureaucracy and cost associated with this important hobby. Ofcom regards the amateur radio community as a key radio spectrum user group and wishes to see amateur radio prosper.
  - 1.7 This policy statement summarises the views expressed during the consultation, provides Ofcom's response to these views and sets out our decision regarding the future of amateur radio licensing. The statement also summarises the results of the

<sup>1</sup> The Adobe PDF<sup>®</sup> format produces graphically rich, platform-independent content. PDF<sup>®</sup> is a registered trademark of Adobe.

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research carried out by MORI and describes how this has been balanced against the views expressed during the consultation process.

- 1.8 The 12 week consultation closed on 18 August 2005. Ofcom received 1,466 responses during the consultation period, many of which were in favour of Ofcom's key proposals although the majority were in favour of maintaining the existing licensing regime but with a proposed extended renewal period of five years.
- 1.9 In addition to the consultation process, on 26 May 2005, MORI sent a questionnaire and accompanying material to 4,500 amateur radio licence holders. The survey sought licensees' views on Ofcom's proposals and also gathered other information such as membership of societies.
- 1.10 MORI received 1,572 completed questionnaires by the closing date of 20 June 2005 which showed that when licensees were asked specifically whether they supported or opposed Ofcom issuing licences that remain valid for the life of the licensee, 58% claimed to support this move.
- 1.11 Ofcom has carefully considered representations about the proposals that it has received from stakeholders. Each consultation response was considered with equal weight, regardless of whether the response was attributed to an individual or organisation, published anonymously or submitted as a confidential response.

## Section 2

# The amateur radio licence

### The requirement for the amateur radio licence

- 2.1 Ofcom is responsible for the authorisation of use of amateur radio in the UK. Amateur radio transmissions may travel worldwide so these arrangements also need to comply with the International Telecommunication Union (ITU) Radio Regulations (RRs). The ITU is a specialised Agency of the United Nations. It is an inter-governmental organisation and has responsibility for co-ordinating global telecommunication networks and services. It manages the use of the radio frequency spectrum internationally. This is done through the Radio Regulations. Article 18 of the RRs in particular stipulates the requirement for a licence and this requirement is also reflected in the Wireless Telegraphy Act 1949 (WT Act)<sup>2</sup> as amended.
- 2.2 A similar licensing requirement is made on all other administrations (regulatory authorities). This means that whether a radio amateur is operating within the UK or within the territory of another administration, it is necessary to be in possession of a valid amateur radio licence.
- 2.3 Regulatory authorities may ask to inspect the amateur radio licence and have the power to seize radio equipment if the documentation is not in order.

### The purpose of the amateur radio licence

- 2.4 The purpose of the licence is:
  - To ensure consistency with the requirements and other arrangements set out in the Radio Regulations;
  - To ensure that only persons meeting the required competency levels are permitted to operate amateur radio transmitters;
  - To provide documentary evidence of the status and competence of the licensee. This is particularly important for licensees who wish to operate outside the UK.
  - To ensure that details of the licensee and call-sign are recorded for administrative purposes.

### Amateur radio licence classes

- 2.5 There are three levels of amateur radio licence; Foundation, Intermediate and Full. These levels are progressive and are only issued to applicants who have demonstrated the appropriate level of practical ability and have also passed the necessary examinations in radio theory, radio operating techniques, electromagnetic compatibility and in the legal aspects of licence regulations. These examinations and assessments are carried out on behalf of Ofcom by the Radio Society of Great Britain (RSGB).
- 2.6 The licence grants the holder authorisation to transmit on specified frequencies or frequency bands in the range 135.7 kHz to 250 GHz using the modes and maximum

<sup>2</sup> In accordance with Section 1 of the WT Act 1949 (c 54).

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powers specified in the licence. The level of authorisation varies according to the level of licence held.

- 2.7 The 'Foundation Licence' has been designed for people of all ages and abilities. There is an optional training course, leading to the assessment and examination. The aim of the Foundation Licence is to facilitate a simple entry into amateur radio as a hobby.
- 2.8 Following further assessment and examination, the 'Intermediate Licence' permits access to an increased range of frequency bands and at higher power levels.
- 2.9 The 'Full Licence' covers the widest range of frequency bands and at the maximum power levels permitted for radio amateurs. In order to be eligible for a 'full licence' the applicant must first pass the advanced examination. New radio amateurs must pass the levels progressively, commencing with the Foundation level.
- 2.10 The Full licence is also designated as a 'CEPT licence' allowing the holder to operate in other CEPT signatory administrations and to obtain a licence from the host country if residence is proposed. Equally, radio amateurs holding a CEPT licence issued by a foreign administration are eligible to operate in the UK and, if resident, to obtain a UK 'full licence'.
- 2.11 Operation outside the standard terms of the licence (e.g. Repeaters, Beacons etc.) may be permitted by an individual Notice of Variation to the licence.
- 2.12 The establishment or use of radio equipment other than in accordance with a licence (or general authorisation granted by the Exemption Regulations) is an offence under the Wireless Telegraphy Act. Establishing or using amateur radio equipment without a licence is therefore unlawful.

## Section 3

# The consultation process

## Summary

- 3.1 On 26 May 2005, Ofcom published a consultation document on amateur radio licensing. In that document, Ofcom proposed the reform of amateur radio licensing in order to reduce the regulatory burden on radio users. Key proposals were as follows:
- To issue amateur radio licences which are valid for life, thereby avoiding the need for renewals. A 'licence for life' would remain valid for the lifetime of the licensee. Licences would only be reissued where amendments to licence details were necessary (e.g. changes of name, address or licence level);
  - To provide an online, web-based, self-service licensing service as an alternative to the postal service;
  - To issue electronic licences (probably PDF® documents) to users of the online, web-based, self-service licensing service free of charge;
  - Ofcom would continue to be able to process applications received by other means but in order to cover the extra administration of such applications a small fee would be charged. We would of course continue to make special provision for disabled applicants so that they would not be disadvantaged by any arrangements of this type.
- 3.2 Views were also sought on a number of additional options, those being:
- To make amateur radio WT Act licence exempt;
  - Maintain the existing licensing regime but with an extended renewal period;
  - To maintain the existing licensing regime.
- 3.3 Ofcom discussed these proposals informally with a number of stakeholders before the formal 12 week consultation. Ofcom promoted the consultation in a number of periodicals prior to and during the consultation period and also alerted further groups of the document's publication via email and post.
- 3.4 Non confidential consultation responses have been published on Ofcom's website at the following address: <http://www.ofcom.org.uk/consult/condocs/aradio/responses/>
- 3.5 Each consultation response was considered with equal weight, regardless of whether the response was attributed to an individual or organisation, published anonymously or submitted as a confidential response.



## Section 4

# The MORI survey

## Summary

- 4.1 On 26 May 2005, MORI sent a questionnaire and accompanying material to 4,500 amateur radio licence holders.
- 4.2 MORI was commissioned in order to assess the views and opinions of a carefully selected sample of licence holders. Specifically, the objectives of the research were as follows:
  - To undertake an independent and authoritative research study, the results of which would inform Ofcom's policy decision and complement the findings of the formal consultation process;
  - Select a representative sample of amateur radio licensees within each of the three licence types (Full, Intermediate and Foundation) and identify their views on subjects key to Ofcom's understanding of this population in preparation for the review;
  - Place the consultation responses in the overall context of the general population of amateur radio licensees;
  - Raise Ofcom's understanding of the type of people who hold an amateur radio licence and to consider specifically membership of societies, demand for advanced licences and what will be their future requirements.
- 4.3 The MORI report has been published on Ofcom's website at the following address: <http://www.ofcom.org.uk/radiocomms/ifi/licensing/classes/amateur/morireport/#content>
- 4.4 The report is also available on the MORI website at <http://www.mori.co.uk>

## Section 5

# Ofcom's policy decision

## Summary

- 5.1 Ofcom received 1,466 responses before the consultation period closed on 18 August 2005, many of which were in favour of Ofcom's key proposals although the majority were in favour of maintaining the existing licensing regime but with an extended renewal period of 5 years.
- 5.2 MORI received 1,572 completed questionnaires by the closing date of 20 June 2005 which showed that when licensees were asked specifically whether they supported or opposed Ofcom issuing licences that remain valid for the life of the licensee, 58% claimed to support this move.
- 5.3 Following the consultation Ofcom held further informal discussions with several key stakeholders to ensure that plans were developed appropriately.
- 5.4 Following these discussions Ofcom has decided to implement the following reforms:
  - To issue lifetime amateur radio licences which will remain valid for as long as the licence details remain correct or until such time as the licence is either revoked by Ofcom or surrendered by the licensee. There shall be no end date on the amateur radio licence. Such licences will be personal to the licensee and will not be transferable.
  - To provide an online, web-based, self-service licensing service as an alternative to the postal service;
  - To issue electronic licences (probably PDF® documents) to users of the online, web-based, self-service licensing service. Users of this service would print a hard copy of the licence which must be kept at the main station address;
  - To make paper lifetime licences available (but subject to a small administrative charge);
  - To modify the original proposal by requiring licensees to validate their licence details at least once every five years in order to maintain their lifetime licence<sup>3</sup>;
- 5.5 The licence charge will be determined as part of the Wireless Telegraphy Licence Charges consultation process.
- 5.6 The administrative charge applied to partially offset the direct costs associated with processing paper based licence applications will be determined as part of the Wireless Telegraphy Licence Charges consultation process.
- 5.7 The Notice of Variation (NoV) fee structure will be determined as part of the Wireless Telegraphy Licence Charges consultation process.
- 5.8 These proposals are consistent with the level of regulatory intervention required to manage amateur radio spectrum and also with the UK's international obligations.

<sup>3</sup> Licensees who validate or amend their licence details at least once every five years will not receive a five year reminder / revocation notice from Ofcom.

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5.9 These proposals are also consistent with balancing the views expressed during the consultation process with the results of the MORI research.

## Legal requirements

5.10 The establishment or use of amateur radio equipment without a licence or outside the conditions of the licence is an offence under wireless telegraphy legislation. Depending on the nature of the offence, a warning or official caution may be issued. For serious cases of misuse, Ofcom will prosecute, for which the maximum penalty on conviction is a £5,000 fine and/or six months imprisonment. The courts may also order forfeiture of any radio apparatus used in connection with an offence.

5.11 Apart from clauses establishing 'lifetime' licensing there will be no substantial changes to the current legal framework for amateur radio licences:

- There will still be a legal requirement for radio amateurs to hold a valid WT Act amateur radio licence;
- The licensee will retain responsibility for notifying Ofcom and ensuring that licence details are amended as and when necessary (upon a change of address for example);
- It will still be a requirement to hold a valid Radio Amateur Examination Pass Certificate in order to obtain and to retain a licence<sup>4</sup>;
- For radio amateurs who wish to operate overseas, there will still be a licence document available for inspection by foreign administrations;
- Ofcom will continue to hold the database of the names and addresses of all licensed radio amateurs;
- Every amateur will continue to hold their own unique call-sign(s);
- Ofcom will continue to notify amateur radio licence holders of changes to their licence terms and conditions;
- It will still be possible for radio amateurs to apply for an individual variation to the licence for additional services if required (for the operation of voice repeaters for example);
- The current arrangements for notifying any proposed changes to spectrum used by amateurs will continue. Ofcom's spectrum management and enforcement activities are not determined according to the level of the licence fee.

5.12 Ofcom will retain the power to revoke the licence should the radio amateur breach the terms and conditions of the licence.

## Publicity

5.13 Ofcom will ensure adequate publicity regarding the legal requirement for ensuring that licence details are kept up to date.

<sup>4</sup> Ofcom will maintain a database of Radio Amateur Examination (RAE) certificate holders. The online licensing system will not issue a licence unless the applicant is listed on the RAE database and is able to provide the correct RAE certificate number. The online licensing system will only issue one licence against each RAE certificate.

## **Enforcement**

- 5.14 Licences issued for the lifetime of the licensee will have no effect on the continuing ability of Ofcom to take effective enforcement action. Ofcom will still take action against operators who cause interference by using equipment outside the terms and conditions of the licence.
- 5.15 Operating amateur radio equipment without a licence or outside the conditions of a licence remains an offence under wireless telegraphy legislation. Depending on the nature of the offence, a warning or official caution may be issued. Subject to consultation, Ofcom is also proposing the introduction of fixed penalty, on-the-spot fines in the region of £100 for such offences. For serious cases of misuse, Ofcom will prosecute, for which the maximum penalty on conviction is a £5,000 fine and/or six months imprisonment. The courts may also order forfeiture of any radio apparatus used in connection with an offence.

## **Data integrity issues**

- 5.16 Ofcom will establish user friendly, online help guides to ensure that users of the online licensing system are able to input information accurately and expediently. Telephone support will also be available.
- 5.17 Ofcom will ensure that electronic licensees are sent e-notifications at regular intervals to serve as reminders that they are required to keep their licences up to date. Ofcom will consider sending postal reminders to those opting to apply and receive licences by post. These processes will help to ensure that the integrity of the amateur radio licence database is maintained.

## **Development of the licensing system**

- 5.18 Ofcom is working on the new electronic licensing system in order to ensure that the system is in place by 1 October 2006 (the intended implementation date).
- 5.19 A description of user requirements will be captured through meetings with key stakeholders.
- 5.20 Key stakeholders will also be invited to test the system during the incremental User Acceptance Testing (UAT) phase of the project to ensure that the system satisfies user requirements. These tests will cover each part of the system build including user interface functionality, user interface look and feel, access to databases, failover processes etc.

## **Spectrum management**

- 5.21 The change from annual to lifetime licences will not confer any other additional rights to the use of frequencies. Ofcom intends to continue to decide the allocation of amateur frequencies and bands in line with international agreements. The use of frequencies and bands may be changed from time to time, but it is currently normal practice to make such changes only when the relevant international discussions have been held and we would anticipate notice of any change to then be given, unless there is some urgent reason for making changes (such as a local or national emergency).
- 5.22 The change from annual to lifetime licences will not alter the way in which Ofcom deals with any breach of licence condition.

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### **Spectrum licence fees**

5.23 Ofcom does not presently consider that Administered Incentive Pricing (AIP) is appropriate for amateur radio licences. This reflects the fact that many amateur radio bands are shared with other radio services, and the lack of exclusive use in these bands. The application of AIP would also require significant administrative effort which would be at odds with the aim of simplifying administrative arrangements.

### **Determination of fees**

5.24 The following fees will be the subject of a separate (Licence Charges) consultation which is anticipated within the next few months:

- The amateur radio licence fee;
- The administrative charge applied to partially offset the direct costs associated with processing paper based licence applications;
- The fee structure applicable to individual applications to vary the amateur radio licence (NoVs).

5.25 Following the licence charges consultation the WT (Licence Charges) Regulations would be amended to reflect any changes in fee levels that are determined to be appropriate.

5.26 We will of course continue to make special provision for disabled applicants so that they will not be disadvantaged by any new arrangements.

## Section 6

# Licence delivery

### **The delivery of amateur radio licences before 1 October 2006 (the intended implementation date)**

- 6.1 Although Ofcom is responsible for amateur radio licensing, the processing function has been contracted out to the Radio Licensing Centre (a wholly owned subsidiary of the Royal Mail Group plc.). The Radio Licensing Centre (RLC) will continue to issue amateur radio licences until the day before the implementation date. Any licences which are due to expire before the implementation date must be renewed by contacting the RLC. Licences issued, renewed or amended before the implementation date will be subject to existing licence terms and conditions:
- The licence will remain valid for one year;
  - The fee for the amateur radio licence will remain at £15 for licensees aged between 21 and 75;
  - Licensees who are either less than 21 years of age or over 75 years of age will not be charged for the amateur radio licence but will still be required to sign and return the remittance advice slip.

### **The delivery of amateur radio licences from 1 October 2006 (the intended implementation date)**

- 6.2 From the implementation date (intended to be 1 October 2006), all amateur radio licences will be issued by Ofcom. Licences issued, renewed or amended from the implementation date will be subject to revised licence terms and conditions:
- Amateur radio licences shall remain valid for as long as the licence details remain correct or until such time as the licence is either revoked by Ofcom or surrendered by the licensee. There shall be no end date on the amateur radio licence. Such licences will be personal to the licensee and will not be transferable.
  - An online, web-based, self-service licensing service will be provided as an alternative to the postal service;
  - Ofcom will make paper lifetime licences available (but subject to a small administrative charge);
  - Licensees will be required to validate their licence details at least once every five years in order to maintain their lifetime licence;
- 6.3 Ofcom will post lifetime amateur radio licences 6 weeks before the date when the licence is due to expire. Ofcom will only send these licences to licensees whose licence expires on or after the implementation date. Any licences which expire before the implementation date must be renewed with the RLC.
- 6.4 Ofcom will post user account information 6 weeks before the date when the amateur radio licence is due to expire. This user account information will enable the licensee to access the online, web-based, self-service licensing service.

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- 6.5 Ofcom will not post lifetime licences or user account information to licensees who have allowed their licence to lapse.
- 6.6 Ofcom will support applicants and licensees with their application and licence queries through the Ofcom Contact Centre.
- 6.7 Paper based applications and amendment forms will be available to download from Ofcom's website, or they may be requested from Ofcom's Contact Centre.
- 6.8 Ofcom will continue to advise licence holders of changes to their licence terms and conditions where necessary. Those with an amateur radio licence which remains valid on the implementation date will continue to receive notifications of any changes to licence terms and conditions by post free of charge (although they will be free to switch to an electronic notification process if they prefer). Future licence holders will have the option to accept electronic notifications or to make a postal application for the licence and receive postal notifications.

### **Maintenance of licence details**

- 6.9 Licensees will be required to validate their licence details at least once every five years in order to maintain their lifetime licence. Meanwhile licensees must continue to update their licence as and when necessary.
- 6.10 Ofcom will invoke the licence revocation procedure five years after the date when the licensee last amends the licence or last confirms that the licence is still valid (depending on which of these events occurs last). Licensees who either amend their licence at least once every five years or who confirm that the licence is still valid at least once every five years should not receive a five year reminder / revocation notice from Ofcom.
- 6.11 Ofcom will ensure that licensees with electronic licences are sent e-notifications at regular intervals to serve as reminders that they are required to keep their licences up to date. Ofcom will consider sending postal reminders to those opting to apply and receive licences by post. These processes will help to ensure that the integrity of the amateur radio licence database is maintained.

### **The use of Agents**

- 6.12 Ofcom may allow large organisations to act as agents on behalf of amateur radio licence holders.
- 6.13 Agents would have online access to Ofcom's amateur radio licence database enabling them to create, amend and cancel amateur radio licences. Agents would only be granted access to the licence records of licensees who have provided their consent for the agent to act on their behalf.
- 6.14 The agent would be free to issue both electronic licences and hard copy licences (which would be printed by the agent) to its customers.
- 6.15 The agent would be entitled to charge its clients for providing this service.
- 6.16 When determining whether to provide an agent with secure, online access to the amateur licensing database Ofcom would have regard to the following:
  - The impact on the integrity of licence data;

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- The impact on Ofcom's operational cost base.
- 6.17 Ofcom believes that this facility may be of value to those who do not have access to the internet or who prefer not to use the internet.
- 6.18 Licensees who employ an agent to ensure that their licence details are maintained should not receive a five year reminder / revocation notice from Ofcom.



## Section 7

# Analysis of consultation responses

### **Question 1: Do you agree with the proposal to introduce a lighter, electronic licensing process? If not, please explain why.**

- 7.1 950 out of the 1466 responses agreed in principle with Ofcom's proposal to introduce a lighter electronic licensing process, compared to 409 that disagreed, and 107 that made no comment. Those in support thought that the introduction of an on-line licensing system would undoubtedly minimise bureaucracy and bring a reduction in costs for both Ofcom and amateur licensees. Some of those who agreed with the proposal emphasised the need to implement processes to maintain contact details for policy updates and avoid licence forgery.
- 7.2 Those who disagreed expressed a number of concerns. Firstly that the electronic system would rapidly become out of date because there would be less incentive for licensees to amend their details without the annual receipt of a renewal reminder.
- 7.3 A further concern regarding the electronic system was the continuing requirement to hold a Radio Amateur Examination (RAE) pass certificate to qualify for a licence. Any electronic system would need to have a facility that would check the validity of the applicant's credentials.
- 7.4 Other issues mentioned related more closely to the "lighter" licensing process, where respondents felt that this had the potential to downgrade the maintenance of standards and training leading to the eventual downgrading of the hobby itself.

### **Policy decision**

- 7.5 Considering the high level of approval received for the proposal Ofcom has decided to proceed with the implementation of the lighter, electronic licensing process. Ofcom believes that these reforms will result in a reduction of bureaucracy and cost of the licensing process for both the regulator and the licensee.
- 7.6 Ofcom will take steps to ensure that the system satisfies user requirements and will liaise widely with stakeholders during the requirements capture, design and testing phases of delivering the new system.
- 7.7 The requirement to hold a RAE pass certificate will remain. The licensing system will maintain a database of successful RAE candidates and will not issue a licence unless the applicant is listed on the database.

### **Question 2: Do you agree with the proposal to issue licences which remain valid for the life of the licensee? If not, please explain why.**

- 7.8 558 out of 1466 responses agreed with the proposal to issue licences that remain valid for the life of the licensee compared with 873 who disagreed, 35 did not answer the question specifically. Those in support thought that the issuing of licences valid for the life of the licensee had been successful in other parts of the world and that there would be no reason why it could not be in the UK. Indeed many respondents in favour of life licensing saw the issue of annual licences as an unnecessary tax on the amateur that brought no benefit to either themselves or Ofcom.

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- 7.9 Some of those in support of this proposal did however express similar concerns to those who objected to it – that licensees would forget to update their details and that the licence database would become increasingly inaccurate over time.
- 7.10 It was widely held that interference monitoring and resolution would become more difficult if the licence database became out of date. Other respondents felt that a lack of knowledge of the whereabouts of amateur radio stations could have national security implications.
- 7.11 Others were concerned with the potential loss of the credibility of amateur radio.
- 7.12 Concern that life long licensing would in time lead to the full deregulation of amateur radio (i.e. licence exemption) appeared to be a major barrier to respondent's approving of the proposal.

## Policy decision

- 7.13 Whilst many of the responses to this question were in favour of the proposal, Ofcom recognises that the majority were not. Concern that lifetime amateur radio licensing would reduce the integrity of the amateur radio licence database was a major barrier to agreeing with this proposal.
- 7.14 The response received to question seven demonstrated that the majority of respondents would be content with a five year licence renewal process. Many respondents viewed five years as a reasonable compromise between the need to minimise regulation and the need to maintain an accurate licence database.
- 7.15 Ofcom has therefore decided to introduce lifetime amateur radio licences but in order to address concerns relating to the integrity of the amateur radio licence database, Ofcom will modify the original proposal by requiring licensees to validate their licence details at least once every five years in order to maintain their lifetime licence.
- 7.16 This decision is consistent with the response to the consultation and is also consistent with balancing the views expressed during the consultation with the results of the MORI research. The following conclusions appear in the executive summary of the MORI research report:
- *“When asked which of four options they consider to be the best way forward for amateur radio licensing, 45% of licensees opt for life-time licensing. Just over a quarter would prefer to keep the existing licensing arrangement and the same proportion would prefer to replace the existing arrangement with a longer renewal period (26% in each case).”*
  - *“Only 1% of licensees think that the licence should be abolished altogether and fewer than 1% think the current licence should be replaced with something else.”*
  - *“When specifically asked whether they supported or opposed Ofcom issuing licences that remain valid for the life of the licensee, 58% claim to support this move.”*
- 7.17 Ofcom believes that radio amateurs must continue to hold a valid WT Act amateur radio licence and must hold a valid Radio Amateur Examination Pass Certificate in order to obtain a licence. Ofcom does not have any plans to make the use of amateur radio equipment WT Act licence exempt.

**Question 3: Do you agree with the proposal to issue electronic amateur radio licences free of charge? If not, please explain why.**

- 7.18 457 out of 1466 respondents agreed with the proposal to issue electronic amateur radio licences free of charge, compared with 902 who disagreed and 107 who didn't answer the question specifically. Those in favour state that there are already categories of radio amateurs who are entitled to free licences, therefore the introduction of free online applications would not appear particularly revolutionary. In addition many respondents felt that amateurs are already required to pay a significant amount to train and take the examinations to be eligible for a licence and that it would make sense to eliminate the additional charge associated with the licence.
- 7.19 Many of those who disagreed with the introduction of a free electronic licence felt that payment of the licence fee indicated a contract that would give the licensee access to specific frequency bands and the right to ask for assistance when required. It was also felt that the removal of the fee would reduce the status of the amateur radio hobby.
- 7.20 Once again the issue of deregulation featured heavily amongst the reasons why a free online licence was not preferred. Some respondents felt that removing the fee would lead to WT Act exemption.

**Policy decision**

- 7.21 Whilst many of the responses to this question were in favour of the proposal, Ofcom recognises that the majority were not. Concern that the removal of the fee would reduce spectrum access rights was a major barrier to agreeing with this proposal as was concern that the removal of the fee would lead to the WT Act exemption of amateur radio equipment.
- 7.22 Ofcom's spectrum management and enforcement activities are not determined according to the level of the licence fee and unlike contract law; the payment of a consideration is not required in order for a WT Act licence to be legally binding (unless it is required to pay a fee as a condition of the licence).
- 7.23 The level of the licence fee will be the subject of a separate (Licence Charges) consultation and will be considered as part of a package which will also include consideration of the administrative charge applied to paper based licence applications as well as the fee structure for individual applications to vary the amateur radio licence (NoVs).
- 7.24 Following the Licence Charges consultation the WT (Licence Charges) Regulations would be amended to reflect any changes in fee levels that are determined to be appropriate.
- 7.25 Ofcom does not have any plans to make the use of amateur radio equipment WT Act licence exempt. In reaching this decision, Ofcom has carefully considered its duties under the Wireless Telegraphy Act and under the Communications Act 2003.

**Question 4: Do you agree with the proposal to apply an administrative charge when processing postal applications for amateur radio licences? If not, please explain why.**

- 7.26 732 out of 1466 respondents agreed with the proposal to apply an administrative charge when processing postal applications, compared to 571 that disagreed. 163 respondents did not answer the question posed specifically. The majority of respondents felt that it was fair to pay for the additional work entailed in processing postal applications, and felt that it would still be possible for those who did not have access to the internet at home to go to their amateur club, internet cafes or libraries to avoid the extra cost if they so wished. However, it was felt that the charge should be minimal to cover costs only. It was also felt that allowances should be made for the disabled, old and young and those on low incomes.
- 7.27 Many of those who disagreed with the proposal to introduce an administrative charge for postal applications did so because they felt all applications should be subject to a charge. The reason for this being as explained above that they felt the levy of a charge would guarantee them a certain level of service and secure them spectrum rights. A number of respondents suggest the application of a postal charge with the introduction of discounts for those who choose to apply via the online system instead.
- 7.28 Some respondents objected on the basis that the application of a charge was discriminatory, penalising those amateurs who do not have access to the internet.

**Policy decision**

- 7.29 Whilst many of the responses to this question were in favour of the proposal, Ofcom recognises that many were not. Concern that the removal of the licence fee would reduce spectrum access rights was a major barrier to agreeing with the proposal to introduce an administrative charge for paper based applications.
- 7.30 Ofcom's spectrum management and enforcement activities are not determined according to the level of the licence fee and unlike contract law, the payment of a consideration is not required in order for a WT Act licence to be legally binding (unless it is required to pay a fee as a condition of the licence).
- 7.31 The MORI research showed that 86% of radio amateurs have access to the internet either at home or at work. Access to the internet is also readily available in libraries and internet cafes. Many amateur radio clubs will have access to the internet and could help members who do not have access to the internet themselves.
- 7.32 The level of the administrative charge applicable to paper based licence applications will be the subject of a separate (Licence Charges) consultation and will be considered as part of a package which will also include consideration of the amateur radio licence fee as well as the fee structure for applications to vary the amateur radio licence (NoVs).
- 7.33 Following the licence charges consultation the WT (Licence Charges) Regulations would be amended to reflect any changes in fee levels that are determined to be appropriate.

Policy statement on amateur radio licensing.

### **Question 5: Do you agree that WT Act licence exemption for radio amateurs is not currently practical?**

- 7.34 1292 out of the 1466 responses agreed that WT Act licence exemption for radio amateurs was not currently practical, compared with 62 that disagreed and 112 that made no comment on the issue.
- 7.35 Those that felt exemption was currently impractical gave various reasons, but it was widely held that amateur radio required some form of regulation and that exemption would lead to an increase in call sign piracy, and to an increase in the levels of radio interference.
- 7.36 Many respondents were concerned that exemption would lead to UK amateurs being disenfranchised from the global amateur radio community.

### **Policy decision**

- 7.37 Ofcom has no plan to make amateur radio equipment WT Act licence exempt and believes that any marginal benefits that exemption may bring in the future can be achieved by the light licensing regime proposed. Ofcom has carefully considered its duties under the Wireless Telegraphy and Communications Acts and considers the continuation of licences to be justified, particularly taking account of its international obligations and in order to avoid harmful interference.

### **Question 6: What are your views regarding the possibility of WT Act licence exemption for radio amateurs in the longer term?**

- 7.38 1336 out of 1466 responses felt that WT Act licence exemption for radio amateurs would never be feasible, whilst 51 thought that it would be a possibility in the long term. 79 respondents did not wish to comment.
- 7.39 Those who felt exemption could be a long term possibility highlighted that it would only be feasible if it was harmonised world-wide.
- 7.40 Those who felt WT Act licence exemption would never be a possibility cited the international implications as a major factor.
- 7.41 Further concerns regarding the loss of the examination requirement could lead to self constructed amateur radio equipment being brought within scope of the R&TTED which would make it difficult for radio amateurs to build their own equipment.

### **Policy decision**

- 7.42 Ofcom has no plan to make amateur radio equipment WT Act licence exempt and believes that any marginal benefits that exemption may bring in the future can be achieved by the light licensing regime proposed.

**Question 7: Is maintaining the existing licensing regime but with an extended renewal period your preferred option? If so, please state the renewal period that you believe would be appropriate and explain why.**

- 7.43 1018 out of the 1466 respondents agreed that they would prefer to keep the current system but with an extended renewal period. 388 disagreed and felt the current system should remain exactly as it is. 60 respondents did not answer the question specifically.
- 7.44 Those who preferred to keep the status quo could see no good reason for changing the system and implementing an extended renewal period as there would still be costs incurred in maintaining adequate staffing levels for this option. Others stated that they felt the current system adequately controlled the issue and renewal of licences, whilst maintaining an up to date database. One respondent suggested that Ofcom should allow licensees to choose the renewal period that best suits them.
- 7.45 Amongst those who said they would prefer an extended renewal period a significant number stated that they would prefer to have life long licensing implemented. Stating that if the Canadian administration had been able to successfully implement a licence for life policy then there was no reason why the UK could not do the same. Another respondent gave the example of the driving licence being valid up until the age of 70 (virtually life) barring health problems and so there could be no reason why the amateur licence could not be the same.
- 7.46 Many respondents believed that a renewal period of between three and five years would offer the best compromise between reducing regulatory burden and maintaining the integrity of the amateur radio licence database.
- 7.47 A number of respondents noted that the American amateur radio licensing system was based on a ten year renewal period and that this appeared to operate successfully.

**Policy decision**

- 7.48 Ofcom recognises that the majority of respondents would be content with a five year licence renewal process. Many respondents viewed five years as a reasonable compromise between the need to minimise regulation and the need to maintain an accurate licence database.
- 7.49 Ofcom has therefore decided to introduce lifetime amateur radio licences but in order to address concerns relating to the integrity of the amateur radio licence database Ofcom will modify the original proposal by requiring licensees to validate their licence details at least once every five years in order to maintain their lifetime licence.
- 7.50 This decision is consistent with the response to the consultation and is also consistent with balancing the views expressed during the consultation with the results of the MORI research. The following conclusions appear in the executive summary of the MORI research report:
- *“When asked which of four options they consider to be the best way forward for amateur radio licensing, 45% of licensees opt for life-time licensing. Just over a quarter would prefer to keep the existing licensing arrangement and the same proportion would prefer to replace the existing arrangement with a longer renewal period (26% in each case).”*

Policy statement on amateur radio licensing.

- *“Only 1% of licensees think that the licence should be abolished altogether and fewer than 1% think the current licence should be replaced with something else.”*
- *“When specifically asked whether they supported or opposed Ofcom issuing licences that remain valid for the life of the licensee, 58% claim to support this move.”*

**Question 8: Do you agree that the current licensing system is over-burdensome? If not, please explain why.**

- 7.51 348 out of 1466 respondents agreed that the current licensing system was over-burdensome. 984 respondents were content with the current system and 134 made no comment.
- 7.52 Those who agreed that the current system was over-burdensome felt that over the coming years the problem would become more noticeable. Many respondents felt the annual renewal process was unnecessary and generated wasteful paper reminders. Many felt that paper copies should only be issued when they were actually needed. Other respondents felt that the system was expensive and overly complex given today’s technical environment, indeed one respondent felt that it adds nothing to spectrum management and is, in effect a tax on radio amateurs.
- 7.53 Many of those who felt that the system was not overly burdensome explained that it was easy for them to renew their licence, especially for those who paid by direct debit. Others felt that a single communication for renewal and records management purposes was far from onerous. Those who were happy with the current system felt the licence was inexpensive and that there had already been a reduction of burden to new licensees in recent years so any further changes would put the service into jeopardy. One respondent felt that there could be some confusion about where the burden lay within the amateur process stating that the licensing system was in no way problematic, but that the licence regulations (BR68) were extremely burdensome and in need a complete overhaul.
- 7.54 Amongst those who were content with the current system it was highlighted that it was Ofcom who find the system burdensome and not the licensee.
- 7.55 Some criticism was made of the way that Ofcom currently allows radio amateurs to hold more than one class of amateur licence making it complicated to administer.

**Policy decision**

- 7.56 Ofcom recognises that the majority of respondents did not regard the current licensing system to be overly burdensome. However the current system does impose a significant regulatory burden on the regulator.
- 7.57 Ofcom is committed to implementing the least intrusive regulatory mechanisms consistent with policy objectives. Ofcom believes that the requirement to renew the amateur radio licences each year goes beyond what is required to satisfy policy objectives and results in an unnecessary regulatory burden for radio amateurs.
- 7.58 Since there is no direct spectrum management requirement for issuing annually renewable amateur radio licences, Ofcom does not propose to maintain the current licensing system.
- 7.59 Ofcom will examine the terms and conditions of the amateur radio licence (BR68) and will consult on any further material changes that may be required.

**Question 9: Do you agree with the proposal to apply an administrative charge when processing applications for a Notice of Variation to an amateur radio licence? If not, please explain why.**

- 7.60 1057 out of 1466 respondents agreed with the proposal to apply an administrative charge when processing applications for an individual Notice of Variation to an amateur radio licence, whilst 212 disagreed and 197 made no comment.
- 7.61 Many of those in favour of introducing a charge stated that the application of a charge would reduce the number of frivolous NoV applications.
- 7.62 Some respondents against the introduction of a fee stated that a fee would have a significant impact on youth organisations.
- 7.63 A number of other respondents echoed the value of NoVs to develop technology and felt that the cost of NoVs should be absorbed into other licensing overheads. It was held that many NoVs are issued for repeaters, beacons and gateways, the developers of which allow access to the wider amateur community.
- 7.64 Some respondents suggested abolishing NoVs altogether. They felt that the need for many NoVs could be avoided by revising the licence terms and conditions.

**Policy decision**

- 7.65 Considering the high level of approval received for the proposal, Ofcom may decide to introduce an administrative charge to cover the direct costs associated with processing individual applications to vary the amateur radio licence.
- 7.66 The Notice of Variation (NoV) fee structure will be the subject of a separate (Licence Charges) consultation and will be considered as part of a package which will also include consideration of the amateur radio licence fee and the administrative charge applied to paper based licence applications.
- 7.67 Following the licence charges consultation, the WT (Licence Charges) Regulations would be amended to reflect any changes in fee levels that are determined to be appropriate.
- 7.68 Ofcom will examine the terms and conditions of the amateur radio licence (BR68) and will consult on any material changes that may be required.



## Annex 1

# Glossary

<b>AIP</b>	Administered Incentive Pricing
<b>CEPT</b>	The European Conference of Postal and Telecommunications Administrations.  <a href="http://www.cept.org">www.cept.org</a>
<b>ITU</b>	The International Telecommunication Union. It has responsibility internationally for the Radio Regulations which govern the use of the radio spectrum.
<b>NoV</b>	Notice of Variation (to a WT Act licence).
<b>RLC</b>	The Royal Mail Radio Licensing Centre. The RLC act as Ofcom's agents for amateur radio licensing.
<b>RR</b>	ITU Radio Regulations Edition 2004 (published by the International Telecommunication Union).
<b>RSGB</b>	Radio Society of Great Britain.  <a href="http://www.rsgb.org">www.rsgb.org</a>
<b>R&amp;TTED</b>	The Radio Equipment and Telecommunications Terminal Equipment Directive 1999/5/EC of the European Parliament and of the Council.