

Updating wireless telegraphy licensing procedures and criteria

Notice of Ofcom's proposal to amend the Wireless
Telegraphy Act (Limitation of Number of Licences) Order
and make regulations prescribing procedures for the grant
of a Wireless Telegraphy Act licence

Notice

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Section 1

Summary

Introduction

- 1.1 This document gives notice of Ofcom's proposal to make the following order and regulations related to granting Wireless Telegraphy licences:
 - the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006, amending the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 (SI 2003/1902) ("the Limitations Order"); and
 - the Wireless Telegraphy (Procedures) Regulations 2006, setting out the procedures under which Ofcom determines applications for wireless telegraphy licences.
- 1.2 Both the amending order and the regulations referred to above serve to formalise existing practice and reflect current processes and procedures. Through these proposals, Ofcom seeks both to discharge its legal obligations and to enhance transparency for prospective licensees and their legal advisers. The proposals are brought together in a single consultation document due to these shared objectives and common regulatory background.

The Limitations Order

- 1.3 The Limitations Order details key aspects of the UK's arrangements for spectrum authorisation, particularly where it is necessary to put limitations on how many licences can be issued within the spectrum allocated for each type of licence. From time to time it is necessary to update the Limitations Order to reflect subsequent changes in the authorisation arrangements. For this purpose an amending order has been drafted to reflect changes to the frequencies, uses and criteria which have been made to various classes of licence since the Limitations Order was first made in 2003.
- 1.4 The current Limitations Order was made by the Secretary of State, rather than Ofcom, in accordance with the transitional arrangements set out under section 408 of the Act and article 3(1) of the Communications Act 2003 "the Act" (Commencement No.1 Order) 2003 made under section 411 of the Act bringing section 164 into force. It was laid before Parliament in July 2003.
- 1.5 The Limitations Order specifies the uses and frequencies for which Ofcom will grant only a limited number of wireless telegraphy licences. This includes limitations to which a licence may be made subject and the criteria to be applied in determining the limit on the numbers of licences and the persons to whom they will be granted.

Proposed Amendments

- 1.6 The proposed amending order is intended to reflect changes to the frequency allocations, uses and criteria which have been made to various classes of licence since the original Limitations Order was made in 2003. Additionally, a number of new classes have been created since 2003. The changes are described in more detail in Section 3 and Annex 4 Figures 1 and 2. Ofcom proposes to make the amending order to bring the current order up to date.

- 1.7 In compliance with the requirements of section 403(4) and (5) of the Act, this consultation document contains notice of Ofcom's proposal to amend the Limitations Order, describes the general effect of the proposed amendments and invites stakeholders to make representations about them to Ofcom.
- 1.8 The proposed changes to the Limitations Order detailed in this document are categorised in summary below;
- new licence products available (introduced as a result of The Wireless Telegraphy (Licence Charges) consultation¹);
 - changes in radio use (updated to reflect outdated and redundant technology);
 - changes to licence nomenclature (introduced following the licence charges consultation)
 - the removal of services from the Limitations Order where licences are no longer available (introduced following the licence charges consultation).
 - consolidation of some of the frequency ranges; a presentational change for the purpose of aiding understanding only; and
 - editorial changes to correct errors and remove references to the legacy regulator (The Radiocommunications Agency) and replace these with references to Ofcom.
- 1.9 Additionally the amendment order:
- formalises existing authorisation arrangements to reflect the creation of a new licence product for "Ground Probing Radar"; and
 - introduces a new licence product; "Satellite (Earth Station on board train)" to enable the use of earth stations on trains.

The Procedures Regulations

- 1.10 Under section 1D of the Wireless Telegraphy Act 1949 ("the 1949 Act"), Ofcom is required to make regulations which prescribe procedures for the grant of a wireless telegraphy licence.
- 1.11 The Act made transitional provisions for Ofcom to set out its wireless telegraphy licensing procedures in a notice. The General Notice to Licensees² was published by the RA in December 2003 and will remain in force until the Wireless Telegraphy (Licensing Procedures) Regulations 2006 ("the proposed regulations") are made. The proposed regulations formally implement (but do not change) the current licensing procedures.
- 1.12 The proposed regulations set out:
- the time limits for Ofcom to deal with the grant of a licence; and
 - the specific requirements that must be met by the applicant for the grant of a licence.

¹ <http://www.ofcom.org.uk/consult/condocs/telegraphy2005/telegraphy2005.pdf>

² <http://www.ofcom.org.uk/static/archive/ra/topics/legislation/general-notice-dec03.htm>

- 1.13 The proposed regulations refer to the proposed Ofcom publication “Terms, Provisions and Limitations of Wireless Telegraphy Act Licences” which specifies the conditions under which every class of licence is granted and includes a sample licence for each class described in the proposed regulations showing the terms, provisions and limitations that apply. The draft publication can be accessed via the Ofcom website³.

Consultation

- 1.14 Under section 403(4) to (6) of the Act, Ofcom is required to publish a notice of its proposal to make any order or regulations setting out their general effect and giving an opportunity to make representations to those likely to be affected by their implementation. The time limit for making representations must be at least one month from publication of the notice. Accordingly, this consultation document includes a notice in respect of the proposed amendment order and the proposed regulations, sets out their general effect and invites written views and comments by **17th July 2006**.
- 1.15 A draft of the proposed amendment order and a draft of the proposed regulations is attached at Annex 5 and Annex 6 respectively.
- 1.16 Section 2 of this document discusses Ofcom’s proposals and notice of intention to make the proposed amendments to the Limitations Order.
- 1.17 Section 3 sets out the extent of application, scope and intended effect of the proposed amending order.
- 1.18 Section 4 discusses Ofcom’s proposals and notice of intention to make the proposed licensing procedures regulations.
- 1.19 Section 5 sets out the extent of application, scope and intended effect of the proposed regulations.
- 1.20 Regulatory Impact Assessments (RIAs) for the proposed amendment order and the proposed licensing procedures regulations are included at Annex 7.
- 1.21 **We invite written views and comments on the draft amendment order and the draft regulations by 17th July 2006.** We would particularly welcome comments concerning suggested omissions or additions. After considering any representations Ofcom will publish a statement of response and proceed with implementation of the order and the regulations.
- 1.22 Further hard copies of this document are available from Ofcom at 2a Southwark Bridge Road, London SE1 9HA, as detailed in Annex 1 which sets out guidance for responding to this consultation.

³ www.ofcom.org.uk

Section 2

Notice of Proposal to Amend the Wireless Telegraphy (Limitation of Number of Licences) Order 2003

- 2.1 In accordance with the requirements of section 403(4) and (5) of the Communications Act 2003 ("the Act") this document gives notice of Ofcom's intention to amend the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 (SI 2003/1902) ("the Limitations Order") through the creation of a new statutory instrument, the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006 ("the proposed amendment order").
- 2.2 The Limitations Order was made under section 164 of the Act. Section 164 implements article 7(1)(c) of the Authorisation Directive⁴ which places a requirement on all member states to publish any decision to limit the granting of rights of use stating the reasons.
- 2.3 Under section 164(1) Ofcom may, if it considers it appropriate for the purpose of securing the efficient use of the electro-magnetic spectrum in the UK to impose limitations on the use of particular frequencies, make an order imposing limitations.
- 2.4 The current Limitations Order was made by the Secretary of State, rather than Ofcom, in accordance with the transitional arrangements set out under section 408 of the Act and article 3(1) of the Act (Commencement No.1 Order) 2003 made under section 411 of the Act bringing section 164 into force. It was laid before Parliament in July 2003.
- 2.5 The Limitations Order specifies the uses and frequencies for which Ofcom will grant only a limited number of wireless telegraphy licences. This includes limitations to which a licence may be made subject and the criteria to be applied in determining the limit on the numbers of licences and the persons to whom they will be granted.
- 2.6 Section 164(6) of the Act requires Ofcom to keep the Limitations Order under review and to revoke or amend its provisions as appropriate to reflect changes made to the frequencies, uses and criteria specified in it as part of its duty to secure the efficient use of the radio spectrum. Accordingly, Ofcom has reviewed the Limitations Order in the light of changes that have been made to the technical and regulatory arrangements and now proposes to make the amendments set out in the draft amending order at Annex 5.
- 2.7 The proposed amendment order reflects regulatory and technical changes that have been incorporated into the Wireless Telegraphy (Licence Charges) Regulations 2005 (SI 2005/1378)⁵, the Wireless Telegraphy (Spectrum Trading) Regulations 2004 (2004/3154) and the Wireless Telegraphy (Register) Regulations 2004 (SI

⁴ Directive of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (2002/20/EC)

⁵ <http://www.ofcom.org.uk/consult/condocs/telegraphy2005/telegraphy2005.pdf>

2004/3155)⁶ including specifying the uses and frequencies in relation to new classes of licence that have been created since 2003.

2.8 The amendments proposed fall into the following categories:

- new licence products;
- changes in radio use;
- changes to licence nomenclature;
- the removal of services where licences are no longer available;
- consolidation of some of the frequency ranges (presentational change only);
- editorial changes to correct errors and remove references to the legacy regulator (Radiocommunications Agency) and replace these with references to Ofcom;
- formalisation of an existing authorisation arrangement for Ground Probing Radar through the introduction of a licence product
- introduction of a new licence product; “Satellite (Earth Station on board train)” to enable the use of earth stations on trains.

⁶ http://www.ofcom.org.uk/consult/condocs/spt_wtr/2spt_wtr/

Section 3

General Effect of the draft Wireless Telegraphy (Limitation of the number of Licences) (Amendment) Order 2006

The Proposed Regulations

- 3.1 Ofcom proposes to amend the Limitations Order by making the changes described in the following paragraphs and set out in the proposed amendment order. These reflect changes to the frequencies, uses and criteria specified for various classes of licence following a range of regulatory and technical changes made by Ofcom since 2003. The proposed order is included in Annex 5 of this document.

Extent of application

- 3.2 The proposed amendment order will apply in the United Kingdom. In future, a replacement order could be made to cover the Channel Islands and Isle of Man if the island authorities wish to be included. They were not included in the original order.

Proposals

New licences introduced

- 3.3 A number of new licence products have been introduced by Ofcom and are included in the proposed order; these are detailed individually in Annex 4. An overview of these new licences is as follows:
- 3.4 Community Radio has been added to the Broadcasting sector in accordance with section 262 of the Act. This licence enables Ofcom to facilitate the development of local, not for profit radio services;
- 3.5 Four new licences in the Satellite Services sector have been introduced to meet the evolving requirements of stakeholders which could not be accommodated under existing licences.
- 3.6 Similarly, in the aeronautical sector five new licence products have been introduced to address changing operational requirements. Two of these, focussing specifically on the authorisation of aeronautical radar and navigational aids respectively replace the previous single licence which dealt with both areas and which has been withdrawn.
- 3.7 Ground Probing Radar (GPR) has been added as a licence product to the Science and Technology licence category. GPR is currently being used in the UK in accordance with a Code of Practice maintained by EuroGPR, a trade association which manages the use of GPR by its members across the UK and Europe. GPR systems are used by trained professionals on a non-interference basis and there are no recorded instances of interference being caused to other spectrum users. The introduction of a formal licensing arrangement replaces an interim waiver granted by the legacy regulator permitting legal use of GPR in the UK.

- 3.8 The Satellite (Earth Station on board train) network operator licence is a new licence product anticipated to be available for application in late 2006. This new licence product will enable the use of earth stations on trains in a similar manner to terminals covered by the earth station network licence.
- 3.9 Self Coordinated Links has been added to the Amendment Order since it was not included as a licence product in the original Limitations Order.
- 3.10 Spectrum awards issued by auction will be the subject of a separate Limitations Order detailing the frequencies assigned in that particular auction.

Changes in Radio Use

- 3.11 As part of Ofcom's spectrum management responsibilities, to allow the introduction of new technologies and to assist with harmonisation of radio services within the European Union, it is sometimes necessary to review the use to which spectrum is put. This means that outdated and redundant technology can be replaced with new technologies, thus improving the value and efficiency of spectrum use.
- 3.12 It is proposed to make the following amendments to the Limitations Order to reflect these changes:

Fixed Links

- The use of the frequency range 14.25-14.50 for "Point-to-Point Fixed Links" has been discontinued and it is proposed to remove this frequency range;

Aeronautical

- With regard to "Aeronautical Ground Station (Air Traffic/Ground Movement Control)", "Aeronautical Ground Station (Airfield Flight Information Service)" and "Aeronautical Ground Station (Operations Control)" the frequency ranges 2850-3025, 3400-3500, 4650-4700, 5480-5680, 6525-6685, 8815-8965, 10005-10100, 11275-11400, 13260-13360, 17900-17970 and 21924-22000 kHz have been withdrawn and reassigned to the Licence Class Aeronautical Ground Station (High Frequency).
- With regard to "Aeronautical Ground Station (Air Traffic/Ground Movement Control)", "Aeronautical Ground Station (Airfield Flight Information Service)" and "Aeronautical Ground Station (Operations Control)" the frequency ranges 455.475-455.85 and 460.75-461.225 MHz have been discontinued.

Business Radio

- In the licence classes "Business Radio (National and Regional)", "Business Radio (On-Site Speech and Data Systems)", "Business Radio (Suppliers)", "Business Radio (UK General)", "Business Radio (Wide Area Speech and Data Systems)", "Business Radio (On-Site Local Communications Systems)", "Business Radio (IR 2008 Data)" and "Business Radio (Wide Area Distress Alarm Systems)" the use of the frequency band 208 – 215 MHz has been discontinued to allow the use of this band by Digital Audio Broadcasting (T-DAB).

New Licence Names

- 3.13 The names of some licence sectors and licence classes within them have changed to better reflect the way in which Ofcom is organised to regulate these areas and as a consequence of changes in radio use, convergence of technology and liberalisation policies.
- 3.14 These changes are being made to ensure consistency with other related regulations and prevent any confusion that might otherwise result. The changes are shown in Annex 4 fig.2
- 3.15 In addition to the changes outlined in Annex 4 fig.2 the following licences which were previously in the Public Wireless Network licence sector are now shown as belonging to the Business Radio sector:
- Common Base Station Operator;
 - Remote Meter Reading Operator (National Shared);
 - Remote Meter Reading Operator (Regional Shared)

Licences no longer available for new applications

- 3.16 As radio technology advances or the needs of the market change, certain licence classes become obsolete and can be withdrawn or are no longer available for new applications. Consequently, it is proposed to remove the following licence classes from the Limitations Order.
- Remote Meter Reading Operator (National Exclusive);
 - Public Mobile Operator for digital TETRA (Public Access Mobile Radio);
 - Public Mobile Operator for digital TETRA 2 (Public Access Mobile Radio);
 - Public Mobile Operator for Public Wide-Area Paging;
 - Public Mobile Operator for Public Mobile Data, Non-Voice only Operation;
 - Railways GSM-R;
 - Public Mobile Operator for CDMA Spread Spectrum Data/Asset Tracking Systems;
 - Public Mobile Operator for Public Access Mobile Radio.
- 3.17 It is proposed that the licence class “Aeronautical Navigational Aids and Radar” is closed and the current licences split between the two new licence classes “Aeronautical Navigation Aid Stations” and “Aeronautical Radar”.
- 3.18 Following the removal of the distinction between type A and type B in the Amateur Licence sector, it is proposed to withdraw the licence classes “Amateur Radio Intermediate (B)” and “Amateur Radio Full (B)”.

Consolidation of Frequency Ranges

- 3.19 The detail relating to frequency bands contained in the Limitations Order is in some cases disproportionate and unnecessary. In order to improve clarity and consistency it is proposed to simplify the Order by consolidating the frequency bands where possible.
- 3.20 In many cases frequency bands quoted for a particular use of radio are contiguous (i.e. they run consecutively) with no specified difference in the limitations between these frequency bands. In other cases small frequency ranges are close to each other, but are not contiguous, however the individual licence will continue to specifically define the appropriate frequency range. It is proposed to combine these ranges wherever possible to reduce the level complexity.
- 3.21 It is important to note that this is an editorial change to the description of the frequency ranges (e.g. between the range 175.15 MHz and 176.7 MHz becomes 175.1-176.7 MHz) and has no material effect upon the availability of the spectrum concerned. It is proposed to consolidate the frequency ranges where appropriate.

Editorial changes

- 3.22 In addition to correcting one or two typographical errors the proposed order makes the following changes:
- The Licence class “Restricted Radio Services Transmission (Class C Radiating Very Low Power)” now reads as “Restricted Radio Services Transmission (Class C – Freely Radiating Very Low Power)”;
 - With regard to Coastal Station Radio (Marina) the line “157.025 and 161.625 (CSR and Ship)” is now on two lines and reads as “157.850 (Ship and Coastal Station Radio)” and “161.425 MHz (Ship and Coastal Station Radio).
 - In the Maritime Radio (Suppliers and Demonstration) licence class, “415.526.5 kHz” has been replaced by “415.0-526.5 kHz”; and
 - In the Ship Radio licence class “456.525 MHz” has been replaced by “457.525 MHz”; “457.5626 MHz” replaced by “457.5625 MHz”; and “467.525 MHz” replaced by “467.5625 MHz”.
 - References to the Radiocommunications Agency are to be amended to read “Ofcom”.

Section 4

Notice of Proposal to make the Wireless Telegraphy (Licensing Procedures) Regulations 2006

Introduction

- 4.1 In accordance with the requirements of section 403(4) and (5) of the Communications Act 2003 ("the Act") this document gives notice of Ofcom's intention to make regulations prescribing the procedures for the determination of an application for the grant of a Wireless Telegraphy Act licence under section 1D of the Wireless Telegraphy Act 1949 ("the 1949 Act").
- 4.2 Under section 1D(3), as amended by paragraph 8 of Schedule 17 of the Act, an application for a grant of a wireless telegraphy licence must be determined in accordance with procedures prescribed in regulations made by Ofcom. In most cases, a decision on such an application must be made, notified to the applicant and published by Ofcom within six weeks, although as explained below there are some exceptions.
- 4.3 Paragraph 8 of schedule 17 of the Act implements Article 5 of the Authorisation Directive⁷ Which relates to rights of use for radio frequencies and numbers. In particular Article 5 of the directive sets out time limits for making and communicating decisions on rights of use and requires that such rights are granted through open, transparent and non-discriminatory procedures.
- 4.4 Paragraph 20 of Schedule 18 (transitional provisions) of the Act provides that any procedures set out in a notice under section 1D of the 1949 Act prior to the commencement of paragraph 8 of Schedule 17 (i.e. prior to section 1D being amended) should be treated as if prescribed by Ofcom by regulations made under the amended section 1D(3). The Radiocommunications Agency published a General notice to licensees⁸ in December 2003 which will remain in force until the Wireless Telegraphy (Licensing Procedures) Regulations 2006 ("the proposed regulations") are made and come into force.
- 4.5 The proposed regulations specify the time limits within which a decision on the application for the grant of a licence must be made, notified to the applicant and published by Ofcom and set out the requirements that must be met for prospective licensees applying for the grant of a licence and particulars of the terms, provisions and limitations to which licences may be issued and made subject.
- 4.6 The Act contains a number of provisions with regard to the need to publish information on the procedures used to process applications for wireless telegraphy licences. These provisions detailed in schedule 17 paragraphs 6 to 10 are to be brought together in the proposed consolidation of the Wireless Telegraphy Act and in turn reflect implementation of the requirements set out in Articles 5 and 7 of the Authorisation Directive.

⁷ Directive of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (2002/20/EC)

⁸ <http://www.ofcom.org.uk/static/archive/ra/topics/legislation/general-notice-dec03.htm>

- 4.7 The proposed regulations discharge Ofcom's statutory duty under section 1D(3) of the 1949 Act and give statutory effect to Ofcom's existing procedures as set out in the General Notice to Licensees (December 2003). The existing procedures will remain unchanged but the effect of including them in regulations will be to assist prospective licensees and their legal advisers in being able to follow Ofcom's licensing procedures and to understand the requirements which they need to meet for the grant of a licence.
- 4.8 The proposed regulations will replace Ofcom's General notice to licensees (December 2003) which will cease to have effect when the regulations come into force.

Section 5

General Effect of the draft Wireless Telegraphy (Licensing Procedures) Regulations 2006

Legislative Framework

- 5.1 Under section 1D of the Wireless Telegraphy Act, Ofcom is required to make regulations which prescribe procedures for the grant of a wireless telegraphy licence.
- 5.2 The proposed regulations will provide the legislative framework for the grant of wireless telegraphy licences, including time limits for dealing with the grant of licences, requirements that must be met for the grant of a licence, and particulars of the terms, provisions and limitations to which they may be issued and are to be subject.
- 5.3 The proposed regulations are included in Annex 6 of this document. The regulations also make reference to Ofcom's proposed publication "Terms, Provisions and Limitations of Wireless Telegraphy Act Licences" June 2006 which specifies the conditions under which every class of licence is granted and includes a sample licence for each class of licence described in the proposed regulations showing the terms, provisions and limitations that apply. The draft publication can be accessed via the Ofcom website.

Extent of application

- 5.4 The proposed regulations will apply in the United Kingdom. Depending on formal agreement with the Channel Island authorities the final regulations may be extended to the Channel Islands at the end of this consultation. However, the regulations may not be similarly extended to the Isle of Man because the power to make the proposed regulations under section 1D of the Wireless Telegraphy Act has not been extended to the Isle of Man as it has in relation to the Channel Islands.

Proposed Regulations

- 5.5 The regulations set out:
 - time limits for dealing with the grant of a wireless telegraphy licence (see below);
 - the requirements that must be met for the grant of a wireless telegraphy licence; and
 - particulars of the terms, provisions and limitations to which a licence may be made subject.
- 5.6 The time limits described above, require that a decision on the application is made, notified to the applicant and published;
 - For a licence relating to a frequency allocated by Ofcom, not more than six weeks after the day of the receipt of an application; and

- in the case of any licence granted in relation to a frequency in relation to broadcasting use, as soon as possible after the receipt of the application.
- 5.7 In terms of the information to be provided in connection with applications, if the applicant fails to provide information that Ofcom reasonably requires to ensure that the applicant is able to comply with the terms, provisions or limitations of the licence, Ofcom may refuse to grant the licence.

Annex 1

Responding to this Statutory Notice

How to respond

Ofcom invites written views and comments on the issues raised in this document, to be made by **5pm on 17th July 2006**. This timing is defined by the statutory requirements of section 403 of the Communications Act 2003.

Ofcom strongly prefers to receive responses as e-mail attachments, in Microsoft Word format, 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), among other things to indicate whether or not there are confidentiality issues. The cover sheet can be downloaded from the 'Consultations' section of our website.

Please can you send your response to Diana.Kennedy@ofcom.org.uk.

Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.

Diana Kennedy
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Fax: 020 7981 3921

Note that we do not need a hard copy in addition to an electronic version. Also note that Ofcom will not routinely acknowledge receipt of responses.

It would be helpful if your response could include direct answers to any questions asked in this document, which are listed together at Annex 3. It would also help if you can explain why you hold your views, and how Ofcom's proposals would impact on you.

Further information

If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Paul Chapman on 020 7981 3069.

Confidentiality

Ofcom thinks 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 (when respondents confirm on their response cover sheet that this is acceptable).

All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place any confidential parts of a response in a separate annex, so that non-confidential parts may be published along with the respondent's identity.

Ofcom reserves its power to disclose any information it receives where this is required to carry out its legal requirements. Ofcom will exercise due regard to the confidentiality of information supplied.

Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use, to meet its legal requirements. Ofcom's approach on intellectual property rights is explained further on its website, at www.ofcom.org.uk/about_ofcom/gov_accountability/disclaimer.

Next steps

Following the end of the consultation period, Ofcom intends to publish a statement within two months of the consultation closing.

Please note that you can register to get automatic notifications of when Ofcom documents are published, at http://www.ofcom.org.uk/static/subscribe/select_list.htm.

Ofcom's consultation processes

Ofcom is keen to make responding to consultations and statutory notices easy, and has published some consultation principles (see Annex 2) which it seeks to follow, including on the length of consultations.

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, whose views are less likely to be obtained in a formal consultation.

If you would like to discuss these issues, or Ofcom's consultation processes more generally, you can alternatively contact Vicki Nash, Director, Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom (Scotland)
Sutherland House
149 St. Vincent Street
Glasgow G2 5NW
Tel: 0141 229 7401
Fax: 0141 229 7433
E-mail: vicki.nash@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 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

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 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 version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will normally allow ten weeks for responses to consultations on issues of general interest.

A2.6 There will be a person within Ofcom who 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. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

A2.8 We will look at each response carefully and with an open mind. 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

- A3.1 In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.
- A3.2 We have produced a cover sheet for responses (see below) and would be very grateful if you could send one with your response. This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed cover sheets confidential.
- A3.3 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 cover sheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses in the form of a Microsoft Word attachment to an email. Our website therefore includes an electronic copy of this cover sheet, which you can download from the 'Consultations' section of our website.
- A3.5 Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. 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):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

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 to be confidential, 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. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. 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

Summary table of main changes to the limitations order

Figure 1

Licence Sector/Name	Frequency Range	Limitations
Broadcasting/Community Radio	148.5-283.5 kHz (LW) 526.5-1605.5 kHz (MW) 87.5-108.0 MHz (FM) 217.5-230.0 MHz (T-DAB)	Assigned only to persons holding a Community Radio Licence under the Broadcasting Act
Satellite Services/Satellite (Earth Station Non Geostationary)	137-138 MHz 149-149.9 MHz 2025-2110 MHz 2200-2290 MHz 3600-4200 MHz 5150-5250 MHz 5725-7075 MHz 10.70-11.70 GHz 12.50-13.25 GHz 13.75-14.50 GHz 19.7-20.2 GHz 27.5-30.0 GHz	The availability of these licences is limited at any particular location at these frequencies by the relevant technical frequency assignment criteria published by Ofcom
Satellite Services/Satellite (Earth Station Non Fixed Satellite Service)	All frequency bands available for Satellite Services as defined within the United Kingdom Frequency Allocation Table (excluding those specified for the Fixed Satellite Service).	
Satellite (Earth Station Network)	12.50-12.75 GHz 14.00-14.50 GHz 19.70-20.20 GHz 29.50-30.00 GHz	
Satellite (Transportable Very Small Aperture Terminal)	14.00-14.50 GHz	
Satellite (Earth Station on train)	14.00-14.25 GHz	
Coastal Station Radio (Marina)	157.025 MHz (Ship) 161.625 MHz (Coastal Station)	Applicants must undertake to use the assigned frequencies solely for the transmission and reception of signals as part of the maritime mobile,

Licence Sector/Name	Frequency Range	Limitations
	Radio) 157.850 MHz (Ship and Coastal Station Radio) 161.425 MHz (Ship and Coastal Station Radio)	(including satellite) and radio navigation services as defined in Article 1 of the Radio Regulations
Differential Global Positioning System	283.5-315.0 kHz 1606.5-4000 kHz 2900-3100 MHz 9300-9500 MHz	
Maritime Navigational Aids and Radar	283.5-315.0 kHz 2900-3100 MHz 1606.5-4000 kHz 9300-9500 MHz	
Automatic Identification System	156.525 MHz 161.975 MHz 162.025 MHz	
Aeronautical/ Aeronautical Ground Station (Air/Ground Communications Services)	117.975-137.000 MHz	An applicant must undertake to use the assigned frequencies solely for the purposes of Air/Ground communication services; and must prove that the equipment used under these licences is an aeronautical navigation installation assessed as fit for purpose under the Air Navigation Order 2000 by the Civil Aviation Authority's Air Traffic Safety Standards Department
Aeronautical Ground Station (High Frequency)	2850-3025 kHz 3400-3500 kHz 4650-4700 kHz 5480-5680 kHz 6525-6685 kHz 8815-8965 kHz 10005-10100 kHz 11275-11400 kHz 13260-13360 kHz 17900-17970 kHz 21924-22000 kHz	
Aeronautical/Aeronautical Ground Station (Offshore Platform)	117.975-137.000 MHz	An applicant must be an offshore platform operator and must undertake to use the assigned frequencies solely for the purposes of communication with aircraft or similar airborne apparatus; and must prove the equipment used under this licence is an aeronautical navigation installation assessed as fit for purpose under the Air Navigation Order 2000 by the Civil Aviation Authority's Air Traffic Safety Standards Department
Aeronautical/Aeronautical Navigation Aid Stations	255-495 kHz 505-526.5 kHz 74.8-75.2 MHz	An applicant must prove that the equipment used under this licence is an aeronautical navigation installation assessed as fit for purpose under the Air Navigation Order 2000 by the Civil Aviation Authority's Air Traffic Safety

Licence Sector/Name	Frequency Range	Limitations
	108.000-117.975 MHz 328.6-335.4 MHz 960-1215 MHz 5000-5250 MHz	Standards Department
Aeronautical/Aeronautical Radar	1030 MHz 1090 MHz 1215-1350 MHz 2700-3100 MHz 9300-9500 MHz 15400-15700 MHz	
Amateur and Citizen's Band/Amateur Radio Temporary	As dictated by the Grade of Licence	An applicant must possess: either a valid Amateur Radio Licence issued by an administration which is a member of the European conference of Postal and Telecommunications Administrations (CEPT); or a valid Amateur Radio Licence issued by an administration, which is not a member of CEPT, but that has a reciprocal agreement with the UK in respect of Amateur Radio Licensing.
Science and Technology/Ground Probing Radar	150 – 4000 MHz	<p>An applicant cannot be a person whose entitlement to provide electronic communications networks or electronic communications services, or to make associated facilities available is suspended or restricted under the Communications Act 2003.</p> <p>An applicant must intend to operate the Ground Probing Radar in accordance with a Code of Practice recognised by Ofcom.</p> <p>All applicants for licences are considered in the order of receipt of each correctly completed application form.</p>

Figure 2

Old Licence Class/ Name	New Licence Class/ Name
Broadband Fixed Wireless Access	Fixed Wireless Access
Public Electronic Communications Networks	Public Wireless Networks
Fixed Terrestrial Radio Links	Fixed Links
Private Business Radio	Business Radio

Old Licence Class/ Name	New Licence Class/ Name
Point to Multipoint Services	Point to Point Security CCTV Services
Permanent Earth Station	Satellite (Permanent Earth Station)
Transportable Earth Station	Satellite (Transportable Earth Station)
Network	Satellite (Earth Station Network)
Aircraft Earth Station Network Operators	Satellite (Aircraft Earth Station)
Earth Station on board a Vessel	Satellite (Earth Station on Board a Vessel)
	Satellite (Earth Station on Board a train)
Coastal Station Radio	Coastal Station Radio (UK)
Aeronautical Ground Station Air Traffic/Ground Movement Control	Aeronautical Ground Station (Air Traffic/ Ground Movement Control)
Aeronautical Ground Station Airfield Flight Information Service	Aeronautical Ground Station (Airfield Flight Information Service)
Aeronautical Ground Station (General Aviation) (Fire Service)	Aeronautical Ground Station (Fire)
Amateur Radio Intermediate (A) and (B)	Amateur Radio Intermediate
Amateur Radio Full (A) and (B)	Amateur Radio Full
Non-Operational Temporary	Non-Operational Temporary Use
National and Regional Private Business Radio	Business Radio (National and Regional)
On-site Private Business Radio for Speech and Data Systems	Business Radio (On Site Speech and Data Systems)
Private Business Radio Suppliers	Business Radio (Suppliers)
Private Business Radio UK General	Business Radio (UK General)
Wide Area Private Business Radio for Speech and Data Systems	Business Radio (Wide Area Speech and Data Systems)
On Site Private Business Radio for Local Communications Systems	Business Radio (On Site Local Communications Systems)
Private Business Radio IR 2008 Data	Business Radio (IR 2008 Data)

Old Licence Class/ Name	New Licence Class/ Name
Wide Area Private Business Radio for Distress Alarm Systems	Business Radio (Wide Area Distress Alarm Systems)
Self Select One Way Paging	Business Radio (Self Select)
On Site Private Business Radio for One Way Paging and Speech Systems	Business Radio (On Site One Way Paging and Speech Systems)
Wide Area Private Business Radio for One Way Paging and Speech Systems	Business Radio (Wide Area One Way Paging and Speech Systems)
On Site Private Business Radio for Hospital Paging and Emergency Speech Systems	Business Radio (On Site Hospital Paging and Emergency Speech Systems)
Public Safety Radio	Public Safety and Emergency Services Radio
Common Base Station Operator	Business Radio (Common Base Station)
Remote Meter Reading Operator (National Shared)	Business Radio (Remote Meter Reading Operator (National Shared))
Remote Meter Reading Operator (Regional Shared)	Business Radio (Remote Meter Reading Operator (Regional Shared))

Proposed Amendment Order

STATUTORY INSTRUMENTS

2006 No. xxxx

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006

Made - - - - *DATE 2006*

Coming into force - - *DATE 2006*

The Office of Communications (“OFCOM”) make the following order in exercise of the powers conferred by section 164(1) to (3) of the Communications Act 2003⁽⁹⁾ (“the Act”) in performance of the duty imposed on them by section 164(7) of the Act.

Before making the Order, OFCOM have given notice of their proposal to do so in accordance with section 403(4)(a) of the Act, published notice of their proposal in accordance with section 403(b) of the Act, and considered the representations made to them before the time specified in the notice in accordance with section 403(4)(c) of the Act.

Citation and commencement

1. This Order may be cited as the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006 and shall come into force on [] 2006.

Amendment of the Wireless Telegraphy (Limitation of Number of Licences) Order 2003

2.—(1) The Schedule, which contains amendments of the Wireless Telegraphy (Limitation of Number of Licences) Order 2003⁽¹⁰⁾ shall have effect.

(2) A reference in the Schedule to an entry relating to a licence class shall be construed as a reference to the sub-heading designating that licence class and the frequencies specified in respect of that licence class.

[] 2006

For and on the authority of the Office of Communications

⁽⁹⁾ 2003 c.21

⁽¹⁰⁾ S.I. 2003/1902. The Wireless Telegraphy (Limitation of Number of Licences) Order 2003 was made by the Secretary of State, rather than Ofcom, in accordance with section 408 of the Act and article 3(1) of the Communications Act 2003 (Commencement No. 1) Order 2003 (S.I. 2003/1900) made under section 411 of the Act bringing section 164 into force).

SCHEDULE

Article 2

Amendment of the Wireless Telegraphy (Limitation of Number of Licences) Order 2003

1. In article 2 (interpretation)—
 - (a) omit “—1”;
 - (b) insert ““OFCOM” means the Office of Communications”; and
 - (c) omit the definition of “RA”.
2. In article 3 (wireless telegraphy licences to be limited in number) for “The Secretary of State” substitute “OFCOM”.
3. In article 4 (criteria for limiting the number of wireless telegraphy licences)—
 - (a) omit “—1”; and
 - (b) for “The Secretary of State” substitute “OFCOM”.

Schedule 1 (Broadcasting)

4. In Part 1 of Schedule 1 (Frequencies Allocated to Broadcasting Use)—
 - (a) after the entry relating to Transmission of National and Local Broadcasting Services insert the following entry—

“Community Radio

148.5-283.5 kHz (LW)
526.5-1605.5 kHz (MW)
87.5-108.0 MHz (FM)
217.5-230.0 MHz (T-DAB)”; and

 - (b) in the sub-heading “Restricted Radio Services Transmission (Class C Radiating Very Low Power)” after “Class C” insert “-Freely”.
5. In Part 2 of Schedule 1 (Criteria Relating to Persons to Whom Wireless Telegraphy Licences May Be Granted)—
 - (a) in paragraph 1(d) omit “and” after “1996;”;
 - (b) in paragraph 1(e) after “Broadcasting Act 1990” insert “; and”; and
 - (c) after “and” in paragraph 1(e) insert “(f) Community Radio Licence under Section 262 of the Communications Act 2003”.
6. In Part 3 of Schedule 1 (Criteria Limiting Number of Wireless Telegraphy Licences), in paragraph 2 for “the RA(c)” substitute “OFCOM⁽¹¹⁾”.

Schedule 2 (Broadband Fixed Wireless Access)

7. Omit Schedule 2 (Broadband Fixed Wireless Access).

Schedule 3 (Programme Making and Special Events)

8. For Part 1 of Schedule 3 (Frequencies Allocated to Programme Making and Special Events Use) substitute the following Part—

⁽¹¹⁾ Technical Frequency Assignment Criteria (TFAC) for Television and Sound Broadcasting (March 2006)

“PART 1

FREQUENCIES ALLOCATED TO PROGRAMME MAKING AND SPECIAL EVENTS USE

Programme Making and Special Events Fixed Site

47.5-86.9 MHz	1488-1525 MHz	10.3-12.5 GHz
139.5-224.5 MHz	2025-2690 MHz	24.25-24.5 GHz
425.3-862.0 MHz	3400-8500 MHz	48.0-48.4 GHz

Programme Making and Special Events Link

47.5-86.9 MHz	1488-1525 MHz	10.3-12.5 GHz
139.5-224.5 MHz	2025-2690 MHz	24.25-24.5 GHz
425.3-862.0 MHz	3400-8500 MHz	48.0-48.4 GHz

Programme Making and Special Events Low Power

47.5-86.9 MHz	1488-1525 MHz	10.3-12.5 GHz
139.5-224.5 MHz	2025-2690 MHz	24.25-24.5 GHz
425.3-862.0 MHz	3400-8500 MHz	48.0-48.4 GHz

UK Wireless Microphone (Annual)

UK Wireless Microphone (Biennial)

175.1-176.7 MHz	199.6-200.7 MHz	216.0-216.9 MHz
191.8-193.1 MHz	208.2-209.1 MHz	854.2-862.0 MHz

9. In Part 3 of Schedule 3 (Criteria Limiting Number of Wireless Telegraphy Licences), in paragraph 2—

- (a) for “availability” substitute “availability”; and
- (b) for the “RA(a)” substitute “OFCOM⁽¹²⁾”.

Schedule 4 (Public Electronic Communications Networks)

10. Omit Schedule 4 (Public Electronic Communications Networks).

Schedule 5 (Fixed Terrestrial Radio Links)

11. In Schedule 5 (Fixed Terrestrial Radio Links), for the heading “Fixed Terrestrial Radio Links” substitute “Fixed Links”.

12. In Part 1 of Schedule 5 (Frequencies Allocated to Fixed Terrestrial Radio Links Use)—

- (a) in the heading omit “Terrestrial Radio”; and
- (b) in the entry relating to Point to Point Fixed Links—
 - (i) omit “14.25-14.50 GHz”; and
 - (ii) below “55.78-57.00 GHz” insert “64.00-66.00 GHz”;
- (c) for the entry relating to Point-to-Multipoint Services substitute the following entry—

“Point-to-Point Security CCTV Services

31.00-31.80 GHz”; and

- (d) after for the entry relating to Point-to-Point Security CCTV Services insert the following entry—

⁽¹²⁾ The publication is Technical Frequency Assignment Criteria for Programming and Special Events (PMSE) (April 2004)

“Self Co-ordinated Links

65 GHz”.

13. In Part 3 of Schedule 5 (Criteria Limiting the Number of Wireless Telegraphy Licences), in paragraph 2—

- (a) at the beginning of the paragraph, for “The” substitute “Except in the case of Self Co-ordinated Links, the”; and
- (b) for “the RA publication applying to the frequencies concerned” substitute “OFCOM publications applying to the frequencies concerned⁽¹³⁾”.

Schedule 6 (Satellite Services)

14. For Part 1 of Schedule 6 (Satellite Services) substitute the following Part—

“PART 1**FREQUENCIES OF OPERATION FOR SATELLITE SERVICES****Satellite (Permanent Earth Station)**

3600-4200 MHz
 5150-5250 MHz
 5725-7075 MHz
 10.70-11.70 GHz
 12.50-13.25 GHz
 13.75-14.50 GHz
 17.30-20.20 GHz
 27.05-30.00 GHz

Satellite (Earth Station - Non-Geostationary)

137-138 MHz	5150-5250 MHz	17.30-18.40 GHz
149-149.9 MHz	5725-7075 MHz	19.70-20.20 GHz
2025-2110 MHz	10.70-11.70 GHz	27.50-30.00 GHz
2200-2290 MHz	12.50-13.25 GHz	
3600-4200 MHz	13.75-14.50 GHz	

Satellite (Earth Station - Non-Fixed Satellite Service)

All frequency bands available for satellite services as defined within the United Kingdom Frequency Allocation Table⁽¹⁴⁾ (excluding those specified for the Fixed Satellite Service).

⁽¹³⁾ The publications are: OfW30 Fixed Point-to-Point Radio Services with Digital Modulation Operating in the Frequency Ranges 3.6 to 3.875 GHz paired with 3.925 to 4.2 GHz (September 2004), OfW31 Fixed Point-to-Point Radio Services with Analogue Modulation Operating in the Frequency Ranges 31.0 to 31.3 GHz paired with 31.5 to 31.8 GHz (September 2004) OfW32 Fixed Point-to-Point Radio Services with Digital Modulation Operating in the Frequency Ranges 51.4 to 51.944 GHz paired with 52.056 to 52.6 GHz and 55.78 to 56.346 GHz paired with 56.458 to 57.0 GHz (March 2006), OfW42 Fixed Point-to-Point Radio Services with Digital Modulation Operating in the Frequency Ranges 32.319 to 32.571 GHz paired with 33.131 to 33.383 GHz and 37.0 to 38.178 GHz paired with 38.318 to 39.50 GHz (March 2006), OfW43 Fixed Point-to-Point Radio Services with Digital Modulation Operating in the Frequency Ranges 22.00 to 22.60 GHz paired with 23.00 to 23.60 GHz and 24.50 to 25.445 GHz paired with 25.557 to 26.50 GHz (March 2006), OfW44 Fixed Point-to-Point Radio Services with Digital Modulation Operating in the Frequency Ranges 12.75 to 12.931 GHz paired with 13.031 to 13.250 GHz and 14.5 to 14.613 GHz paired with 15.229 to 15.35 GHz (March 2006), OfW45 Fixed Point-to-Point Radio Services with Digital Modulation Operating in the Frequency Ranges 5925 to 6167.58 MHz paired with 6182.42 to 6425 MHz and 6425 to 6760 MHz paired with 6770 to 7125 MHz (March 2006), OfW46 Fixed Point-to-Point Radio Services with Digital Modulation Operating in the Frequency Ranges 1350 to 1375 MHz paired with 1492 to 1517 MHz (March 2006) OfW47 Fixed Point-to-Point Radio Services with Digital Modulation Operating in the Frequency Ranges 7.425 to 7.652 GHz paired with 7.673 to 7.900 GHz (March 2006), OfW49 Fixed Point-to-Point and Point-to-Multipoint Scanning Telemetry Radio Services with Analogue Modulation Operating in the Frequency Ranges 457.5 to 458.5 MHz paired with 463.0 to 464.0 MHz (September 2004) OfW50 Fixed Point-to-Point Radio Services with Digital Modulation Operating in the Frequency Ranges 17.7 to 18.6725 GHz paired with 18.71 to 19.7 GHz (March 2006)

⁽¹⁴⁾ United Kingdom Frequency Allocation Table 2004 Issue no.13, issued by the National Frequency Planning Group on behalf of the Cabinet Official Committee on UK Spectrum Strategy.

Satellite (Transportable Earth Station)

Satellite (Transportable Very Small Aperture Terminal)

14.00-14.50 GHz

Satellite (Earth Station Network)

12.50-12.75 GHz

14.00-14.50 GHz

19.70-20.20 GHz

29.50-30.00 GHz

Satellite (Aircraft Earth Station)

Satellite (Earth Station on Board Vessel)

Satellite (Earth Station on Train)

14.00-14.25 GHz (Earth to Space)".

15. In Part 3 of Schedule 6 (Criteria Limiting Number of Wireless Telegraphy Licences), for paragraph 2 substitute—

"2. The availability of Satellite (Permanent Earth Station) Licences, Satellite (Earth Station - Non-Geostationary) Licences, Satellite (Earth Station – Non-fixed Satellite Service) Licences, Satellite (Transportable Earth Station) Licences, Satellite (Aircraft Earth Station), Satellite (Earth Station on Board Vessel), Satellite (Earth Station on Train) and Satellite (Earth Station Network) Licences is limited at any particular location at these frequencies by the relevant technical frequency assignment criteria set out in OFCOM Publications⁽¹⁵⁾".

Schedule 7 (Maritime)

16. In Part 1 of Schedule 7 (Frequencies Allocated to Maritime Use)—

- (a) in the sub-heading "Coastal Station Radio" at the end add "(UK)";
- (b) in the entry relating to Coastal Station Radio (Marina) substitute the following frequencies for the frequencies in that entry—

"157.025 MHz (Ship)

161.625 MHz (Coastal Station Radio)

157.850 MHz (Ship and Coastal Station Radio)

161.425 MHz (Ship and Coastal Station Radio)";

- (c) in the entry relating to Coastal Station Radio (Training School), at the end of "Coastal Station Radio" add "(International)";
- (d) in the entry relating to Differential Global Positioning System substitute the following frequencies for the frequencies in that entry—

"283.5-315.0 kHz

1606.5-4000 kHz

2900-3100 MHz

9300-9500 MHz";

- (e) for the entry relating to "Maritime (Navigational Aids and Radar)" substitute the following entry—

⁽¹⁵⁾ The OFCOM publications are Licensing Procedures Manual for: Satellite (Permanent Earth Station) Applications (15 June 2006), Satellite (Earth Station Non-Fixed Satellite Service) Applications (15 June 2006), Satellite (Earth Station Non-geostationary) Applications (15 June 2006), Satellite (Earth Station Network) Applications (15 June 2006), Satellite (Transportable Earth Station) Applications (15 June 2006), Satellite (Transportable Very Small Aperture Terminal) Applications (15 June 2006), Satellite (Aircraft Earth Station) Applications (June 2006), Satellite (Earth Station on Board a Vessel) Applications (June 2006) and Satellite (Earth Station on Train) Applications (June 2006).

“Maritime Navigational Aids and Radar

283.5-315.0 kHz
1606.5-4000 kHz

2900-3100 MHz
9300-9500 MHz”;

- (f) after the entry relating to Maritime Navigational Aids and Radar insert the following entry—

“Automatic Identification System

156.525 MHz
161.975 MHz
162.025 MHz”;

- (g) in the entry relating to Maritime Radio (Suppliers and Demonstration), for “415.526.5 kHz” substitute “415.0-526.5 kHz”; and
(h) in the entry relating to Ship Radio—
(i) for “456.525 MHz” substitute “457.525 MHz”;
(ii) for “457.5626 MHz” substitute “457.5625 MHz”; and
(iii) for “467.525 MHz” in the third column, substitute “467.5625 MHz”.

17. In Part 2 of Schedule 7 (Criteria Relating to Persons to Whom Wireless Telegraphy Licences May Be Granted)—

- (a) in paragraph 2 after “Coastal Station Radio” insert “(UK)”;
- (b) in paragraph 6 after “Maritime Radio (Navigational Aids and Radar) Licence” insert “or an Automatic Identification System Licence”.

18. In Part 3 of Schedule 7 (Criteria Limiting Number of Wireless Telegraphy Licences)—

- (a) for paragraph 8 substitute—
“8. Applicants must undertake to use the assigned frequencies solely for the transmission and reception of signals as part of the maritime mobile, (including satellite) and radio navigation services as defined in Article 1 of the Radio Regulations.”;
- (b) in paragraph 9 after “Coastal Station Radio” insert “(UK)” and for “the RA(a)” substitute “OFCOM⁽¹⁶⁾”; and
- (c) after paragraph 9 insert—
“9A. The availability of Automatic Identification System Licences is limited in any particular location at these frequencies by the availability of time slots”.

Schedule 8 (Aeronautical)

19. In Part 1 of Schedule 8 (Frequencies Allocated to Aeronautical Use)—

- (a) omit the sub-heading “Aircraft (Transportable)”;
- (b) in the entry relating to Aircraft —
(i) for “10050-10100 kHz” substitute “10005-10100 kHz”; and
(ii) omit “(with associated downlink frequencies:”;
- (iii) omit “)” after “1525-1559 MHz”.
- (c) after the entry relating to Aircraft insert the following entry—

“Aircraft (Transportable)

117.975-137.000 MHz”;

⁽¹⁶⁾ Coastal Station Radio Ofcom information booklet Of18 (December 2003)

- (d) for the entry relating to Aeronautical Ground Station Air Traffic/Ground Movement Control and Aeronautical Ground Station Airfield Flight Information Service substitute the following entry—

“Aeronautical Ground Station (Air Traffic /Ground Movement Control)

Aeronautical Ground Station (Air/Ground Communications Services)

Aeronautical Ground Station (Airfield Flight Information Service)

117.975-137.000 MHz”;

- (e) in the entry relating to Aeronautical Ground Station (General Aviation) omit “121.600 MHz (Fire Service)”;
- (f) after the entry relating to Aeronautical Ground Station (General Aviation) insert the following entries—

“Aeronautical Ground Station (Fire)

121.600 MHz

Aeronautical Ground Station (High Frequency)

2850-3025 kHz	6524-6685 kHz	13260-13360 kHz
3400-3500 kHz	8815-8965 kHz	17900-17970 kHz
4650-4700 kHz	10005-10100 kHz	21924-22000 kHz
5480-5680 kHz	11275-11400 kHz	

Aeronautical Ground Station (Offshore Platform)

117.975-137.000 MHz”;

- (g) for the entry relating to Aeronautical Navigational Aids and Radar substitute the following entry—

“Aeronautical Navigation Aid Stations

255.0-495 kHz	328.6-335.4 MHz
505-526.5 kHz	960-1215 MHz
74.8-75.2 MHz	5000-5250 MHz
108.000-117.975 MHz”;	

- (h) after the entry relating to Aeronautical Navigation Aid Stations insert the following entry—

“Aeronautical Radar

8750-8850 MHz	2700-3100 MHz
1030 MHz	9000-9200 MHz
1090 MHz	9300-9500 MHz
1215-1350 MHz	15400-15700 MHz”;

- (i) for the entry relating to Aeronautical Ground Station (Operations Control) substitute the following entry—

“Aeronautical Ground Station (Operations Control)

117.975-137.000 MHz”.

20. In Part 2 of Schedule 8 (Criteria Relating to Persons to Whom Wireless Telegraphy Licences May be Granted)—

- (a) for the heading to paragraphs 4 and 5 “Aeronautical Ground Station Air Traffic/Ground Movement Control” substitute “Aeronautical Ground Station (Air Traffic/Ground Movement Control)”;

- (b) for the heading to paragraphs 6 and 7 “Aeronautical Ground Station Airfield Flight Information Service” substitute “Aeronautical Ground Station (Air/Ground Communication Services)”;
- (c) for paragraph 6 substitute—

“6. An applicant must undertake to use the assigned frequencies solely for the purposes of communication with aircraft.”;

- (d) in paragraph 7, for “Aeronautical Ground Station Airfield Flight Information Service Licence” substitute “Aeronautical Ground Station (Air/Ground Communication Services) Licence”;
- (e) for the heading to paragraph 8 “Aeronautical Ground Station (General Aviation)” substitute “Aeronautical Ground Station (Airfield Flight Information Service)”;
- (f) immediately after the heading Aeronautical Ground Station (Airfield Flight Information Service), insert—

“7A. An applicant must undertake to use the assigned frequencies solely for the purposes of Airfield Flight Information Service.”;

- (g) in paragraph 8 for “Aeronautical Ground Station (General Aviation) Licence”, substitute “Aeronautical Ground Station (Airfield Flight Information Service) Licence”;
- (h) after paragraph 8 insert—

“Aeronautical Ground Station (General Aviation)

8A. An applicant must prove that the equipment he intends to use under an Aeronautical Ground Station (General Aviation) Licence is an aeronautical navigation installation assessed as fit for purpose under the Air Navigation Order 2005⁽¹⁷⁾ by the Civil Aviation Authority’s Air Traffic Standards Department.

Aeronautical Ground Station (High Frequency)

8B. An applicant must undertake to use the assigned frequencies solely for the purposes of communication with aircraft.

8C. An applicant must prove that the equipment he intends to use under an Aeronautical Ground Station (High Frequency) Licence is an aeronautical navigation installation assessed as fit for purpose under the Air Navigation Order 2005 by the Civil Aviation Authority’s Air Traffic Standards Department.

Aeronautical Ground Station (Offshore Platform)

8D. An applicant must be an offshore platform operator and must undertake to use the assigned frequencies solely for the purposes of communication with aircraft.

8E. An applicant must prove that the equipment he intends to use under an Aeronautical Ground Station (Offshore Platform) Licence is an aeronautical navigation installation assessed as fit for purpose under the Air Navigation Order 2005 by the Civil Aviation Authority’s Air Traffic Standards Department.

Aeronautical Navigational Aid Stations

Aeronautical Radar

8F. An applicant must prove that the equipment he intends to use under an Aeronautical Navigational Aid Stations Licence or an Aeronautical Radar Licence is an aeronautical navigation installation assessed as fit for purpose under the Air Navigation Order 2005 by the Civil Aviation Authority’s Air Traffic Standards Department.

⁽¹⁷⁾ S.I.2005/1970

Aeronautical Ground Station (Operations Control)

8G. An applicant must undertake to use the assigned frequencies solely for the purposes of operation control, where “operation control” means the exercise of authority over the initiation, continuation, or diversion of a flight in the interest of safety of the aircraft and the regularity and efficiency of the flight.

8H. An applicant must prove that the equipment he intends to use under an Aeronautical Ground Station (Operations Control) Licence is an aeronautical navigation installation assessed as fit for purpose under the Air Navigation Order 2005 by the Civil Aviation Authority’s Air Traffic Standards Department.”; and

- (i) omit the entry relating to Aeronautical Navigational Aids and Radar.

21. In Part 3 of Schedule 8 (Criteria Limiting the Number of Wireless Telegraphy Licences)—

- (a) for paragraph 10 substitute—

“**10.** The availability of the Aeronautical Ground Station (Air Traffic/Ground Movement Control) Licence, Aeronautical Ground Station (Air/Ground Communication Service) Licence, Aeronautical Ground Station (General Aviation) Licence, Aeronautical Ground Station (High Frequency) Licence, and Aeronautical Ground Station (Offshore Platform) Licence is limited in any particular location at these frequencies by the technical frequency assignment criteria set out in Aeronautical Wireless Telegraphy Act Radio Licences (Including Technical Frequency Assignment Criteria) published by OFCOM⁽¹⁸⁾”; and

- (b) in paragraph 12—

- (i) for “soley” substitute “solely”; and
- (ii) for “aeronatautical” substitute “aeronautical”.

Schedule 9 (Amateur Radio)

22. For Part 1 of Schedule 9 (Frequencies Allocated to Amateur Radio Use) substitute the following Part—

“PART 1**FREQUENCIES ALLOCATED TO AMATEUR RADIO USE****Amateur Radio Foundation**

0.1357-0.1378 MHz	14.00-14.350 MHz	70.00-70.50 MHz
1.810-2.000 MHz	18.068-18.168 MHz	144.0-146.0 MHz
3.500-3.800 MHz	21.000-21.450 MHz	430.0-440.0 MHz
7.000-7.200 MHz	24.890-24.990 MHz	50.00-52.00 MHz

Amateur Radio Intermediate

0.1357-0.1378 MHz	28.255-29.700 MHz	5820-5850 MHz
1.1810-2.000 MHz	50.000-52.000 MHz	1000-10125 MHz
3.500-3.800 MHz	70.00-70.50 MHz	10225-10500 MHz
7.000-7.200 MHz	144.0-146.00 MHz	24000-24250 MHz
10.100-10.150 MHz	430.0-440.0 MHz	47000-47200 MHz
14.000-14.350 MHz	1240-1325 MHz	75500-76000 MHz
18.068-18.168 MHz	2310-2450 MHz	142000-144000 MHz
21.000-21.450 MHz	3400-3475 MHz	248000-250000 MHz
24.890-24.990 MHz	5755-5765 MHz	
28.000-28.190 MHz	5650-5680 MHz	

⁽¹⁸⁾ Aeronautical Wireless Telegraphy Act Radio Licences (Including Technical Frequency Assignment) (Revised October 2004)

Amateur Radio Full

0.1357-0.1378 MHz	50.00-52.00 MHz	10000-10125 MHz
1.1810 MHz-2.000 MHz	70.00-70.50	10225-10500 MHz
3.500-3.800 MHz	144.0-146.0 MHz	24000-24250 MHz
7.000-7.200 MHz	430.0-440.0 MHz	47000-47200 MHz
10.100-10.150 MHz	1240-1325 MHz	75500-81000 MHz
14.000-14.350 MHz	2310-2450 MHz	122.250-123000 MHz
18.068-18.168 MHz	3400-3475 MHz	134.000-141000 MHz
21.000-21.450 MHz	5650-5680 MHz	142000-144000 MHz
24.890-24.990 MHz	5755-5765 MHz	241000-25000 MHz”.
28.000-29.700 MHz	5820-5850 MHz	

23. In Part 2 of Schedule 9 (Criteria Relating to Persons to Whom Wireless Telegraphy Licences May Be Granted)—

- (a) omit “Radiocommunications Agency” in each place in which it occurs;
- (b) in the heading to paragraph 2 omit “(A)”;
- (c) in paragraph 2—
 - (i) at the end of subparagraph (a) after “examination;” insert “and”;
 - (ii) at the end of subparagraph (b) for “examination; and” substitute “examination.”;
 - (iii) omit subparagraph (c);
- (d) for paragraph 3 substitute—

“Amateur Radio Full

3. An applicant must possess—

- (a) a valid pass certificate for the Intermediate and Full Radio Amateur Examination or equivalent examination; or
- (b) a valid pass certificate for the City and Guilds Institute⁽¹⁹⁾ 7307-Radio Amateur Examination or equivalent examination.”; and

(e) omit paragraphs 4 and 5.

Schedule 10 (Technology Development)

24. In Schedule 10 (Technology Development), for the heading “Technology Development” substitute “Science and Technology”.

25. In Part 1 of Schedule 10 (Frequencies Allocated to Technology Development Use)—

- (a) in the heading omit for “Technology Development” substitute “Science and Technology”;
- (b) in paragraph 1 after “Temporary” insert “Use”;
- (c) after paragraph 1 add the following entry—

“Ground Probing Radar

150-4000 MHz”.

26. In Part 2 of Schedule 10 (Criteria Relating to Persons to Whom Wireless Telegraphy Licences May Be Granted)—

- (a) in the heading to paragraph 3 “Non-Operational Temporary” after “Temporary” insert “Use”.
- (b) after paragraph 3 insert—

⁽¹⁹⁾ The City and Guilds of London Institute can be contacted at 1 Giltspur Street, London EC1A 9DD

“Ground Probing Radar

4. An applicant cannot be a person whose entitlement to provide electronic communications networks or electronic communications services, or to make associated facilities available is suspended or restricted under the Communications Act 2003.”.

27. In Part 3 of Schedule 10 (Criteria Limiting Number of Wireless Telegraphy Licences)—

- (a) in paragraph 4 for “these licences” substitute “Non-Operational Development Licences and Non-Operational Temporary Use Licences”; and
- (b) after paragraph 4 insert—

“5. All applications for Ground Probing Radar Licences are considered in the order of receipt of each correctly completed application form.”.

Schedule 11 (Private Business Radio)

28. In Schedule 11 (Private Business Radio), in the heading “Private Business Radio” omit “Private”.

29. For Part 1 of Schedule 11 (Frequencies Allocated to Private Business Radio Use) substitute the following Part—

“PART 1

FREQUENCIES ALLOCATED TO BUSINESS RADIO USE

Business Radio (National and Regional)

Business Radio (On-Site Speech and Data Systems)

Business Radio (Suppliers)

Business Radio (UK General)

Business Radio (Wide Area Speech and Data Systems)

55.75-87.50 MHz

137.95-215.30 MHz

425.0-462.50 MHz

Business Radio (On-Site Local Communications Systems)

137.95-215.30 MHz

425.0-462.50 MHz

Business Radio (IR2008 Data)

55.75-87.50 MHz

137.95-215.30 MHz

425.0-462.50 MHz

Business Radio (Wide Area Distress Alarm Systems)

137.95-215.30

Business Radio (Self-Select)

26.225-26.9325 MHz

48.968750-49.493750MHz

425.0-462.5 MHz

Business Radio (On-Site One-Way Paging and Speech Systems)

425.0-462.5 MHz

Business Radio (Wide Area One-Way Paging and Speech Systems)

137.96250-153.48750
425.0-462.5 MHz

Business Radio (On-Site Hospital Paging and Emergency Speech Systems)

31.71250-31.78750 MHz
48.968750-49.493750 MHz
159.63125-164.20625 MHz

Public Safety and Emergency Services Radio

171.59375-171.60625 MHz	450-470 MHz	4800-4900 MHz
173.9875-174.4125 MHz	862-863 MHz	8340-8460 MHz
380-395 MHz	1668-1798 MHz	10.25-10.46 GHz
410-412 MHz	2302-2380 MHz	24.05-24.15 GHz
420-422 MHz	3442-3475 MHz	50.2-51.4 GHz

Business Radio (Common Base Station)

55.75-87.5 MHz	165-173 MHz	425-449 MHz
157-165 MHz	177-192 MHz	

Business Radio (Remote Meter Reading Operator (National Shared)

Business Radio (Remote Meter Reading Operator (Regional Shared)

183.5-184.5 MHz”.

30. For Part 2 of Schedule 11 (Criteria Relating to Persons to Whom Wireless Telegraphy Licences May Be Granted) substitute the following Part—

“PART 2

**CRITERIA RELATING TO PERSONS TO WHOM WIRELESS TELEGRAPHY
LICENCES MAY BE GRANTED**

1A. An applicant for a Business Radio (Common Base Station) Licence or a Business Radio (Remote Meter Reading Operator) Licence cannot be a person whose entitlement to provide electronic communications networks or electronic communications services, or to make associated facilities available is suspended or restricted under the Communications Act 2003.

Business Radio (On-Site Hospital Paging and Emergency Speech Systems)

2. An applicant must be engaged in the management of a hospital or medical facility.

Business Radio (Suppliers)

3. An applicant must be engaged in the hire, supply or demonstration of private business radio equipment.

Public Safety and Emergency Services Radio

4. An applicant must be engaged in activities related to public safety.”.

31. In Part 3 of Schedule 11 (Criteria Limiting Number of Wireless Telegraphy Licences) for paragraph 7 substitute—

“7. The availability of licences (save in respect of the Business Radio (Suppliers) Licence, the Business Radio (UK General) Licence and the Business Radio (Self-Select Licence)) is limited in any particular location at these frequencies by the technical assignment criteria set out in Technical Frequency Assignment Criteria for Business Radio published by OFCOM⁽²⁰⁾”.

⁽²⁰⁾ Reference OFW 164 Business Radio Technical Frequency Criteria (February 2005)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 (S.I. 2003/1902) (“the principal Order”) which specifies the frequencies allocated by OFCOM for different uses, the criteria relating to persons to whom wireless telegraphy licences may be granted, and the criteria limiting the number of such licences.

The principal Order has been amended to provide for new licence classes that have been introduced by OFCOM for broadcasting, satellite services, and science and technology (formerly called aeronautical and technology) uses. The introduction of formal frequency assignments and criteria for ground probing radar (“GPR”) within the science and technology use replaces an interim waiver granted by the legacy regulator, the Radiocommunications agency, permitting legal use of GPR in the UK.

Frequency assignments for fixed terrestrial radio links (renamed fixed links), aeronautical and business radio use are amended to reflect changes made by OFCOM as part of its spectrum management responsibilities.

Other significant changes made by the Order provide for name changes for specific uses and licence classes, changes to remove or withdraw classes of licences that have become obsolete or are now no longer available and changes to consolidate certain frequency bands.

A full regulatory impact assessment and report of the effect that this Order will have on the costs to business is available to the public from the Office of Communications Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 202 7981 3000) or on the Office of Communications Internet web site at www.ofcom.org.uk. Copies of the report have also been placed in the libraries of both Houses of Parliament.

Annex 6

Proposed Procedures Regulations

STATUTORY INSTRUMENTS

2006 No. xxxx

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Licensing Procedures) Regulations 2006

Made - - - - *DATE 2006*

Coming into force - - *DATE 2006*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred on OFCOM by section 1D(3), (4), (4A), (4B) and (4C) of the Wireless Telegraphy Act 1949⁽²¹⁾ (“the 1949 Act”).

Before making the Regulations, OFCOM have given notice of their proposal to do so in accordance with section 403(a) of the Communications Act 2003⁽²²⁾ (“the 2003 Act”) as applied by section 16(1A) of the 1949 Act, published notice of their proposal in accordance with section 403(b) of the 2003 Act as applied by section 16(1A) of the 1949 Act, and considered the representations made to them before the time specified in the notice in accordance with section 403(4)(c) of the 2003 Act as applied by section 16(1A) of the 1949 Act.

Citation and commencement

32.—a) These regulations may be cited as the Wireless Telegraphy (Licensing Procedures) Regulations 2006 and shall come into force on [] 2006.

(2) [These regulations shall not extend to the Channel Islands.]

Interpretation

33. In these Regulations—

“the 1949 Act” means the Wireless Telegraphy Act 1949;

“the 2003 Act” means the Communications Act 2003;

“apparatus” means apparatus for wireless telegraphy;

“earth station” means a radio station situated either on the earth’s surface or within the earth’s atmosphere which is intended for communication with one or more—

(a) radio stations which are situated beyond, or are intended to be situated beyond, the earth’s atmosphere; or

⁽²¹⁾ 1949 c.54; section 1D was inserted by S.I. 1997/2930 and amended by paragraph 8 of Schedule 17 of the Communications Act 2003 (c. 21). The same paragraph also inserted subsections 4A, 4B and 4C into section 1D.

⁽²²⁾ 2003 c.21. 2003 c. 21.

- (b) radio stations of the same kind as each other by means of one or more reflecting satellites or objects in space;

“equipment” means a station for wireless telegraphy or apparatus;

“fixed station” means a station which only transmits from a fixed location; “licence” means a licence under section 1 of the 1949 Act;

“mobile station” means a station which transmits while in motion;

“signal” means a transmission from radio equipment which may be received by other radio equipment; and

“station” means a station for wireless telegraphy.

Time limits for dealing with the granting of licences

34. A decision on an application for the grant of a licence will be made, notified to the applicant and published—

- (a) not more than six weeks after the day of the receipt of an application for a licence relating to a frequency allocated by Ofcom⁽²³⁾; or
- (b) in the case of any licence granted in relation to a frequency allocated to broadcasting use, as soon as possible after the day of the receipt of the application for the licence.

Requirements that must be met for the grant of a licence

35.—a) Licences shall be granted by OFCOM, either—

- (a) in relation to particular equipment; or
- (b) in relation to any equipment falling within the description specified in the licence and expressed by reference to such factors (including factors confined to the manner in which it is established, installed or used) as described in the licence.

(2) An applicant for the grant of a licence must complete the licence application form which is appropriate for the class of licence being applied for and must provide—

- (a) particulars of the applicant including the name and address;
- (b) where the duration for which the licence is required is less than twelve months, the duration; and
- (c) where additional information is specified as being required in the Schedule to these Regulations for the class of licence concerned, that additional information.

(3) An applicant for the grant of a licence to establish a station must also provide—

- (a) the desired frequency range in which the applicant wants to operate the equipment;
- (b) the location of any fixed stations (including geographic position and altitude and address where relevant);
- (c) the purpose or type of service for which the station is intended;
- (d) the type of radio equipment proposed for use;
- (e) the intended geographical range of operation;
- (f) if the application is in relation to fixed stations, the length and direction of any intended fixed signal paths between stations;
- (g) the type, position, direction, signal strength or output power, and signal beam width of each antenna forming part of each station;
- (h) the position of any remote control points for base or fixed stations;
- (i) the modulation characteristics and data bit rate of the station and any other signalling systems applied to the station or between stations;

⁽²³⁾ For information, the licences are specified in the United Kingdom Plan for Frequency Allocation which is published on Ofcom’s website at <http://www.ofcom.org.uk/radiocomms/isu/ukpfa/?view=Search+form>

- (j) if the application is in relation to mobile stations, the numbers of mobile stations and equipment types, and whether or not the station is to be installed in any of an aircraft, ship, train or other vehicle;
- (k) the call sign desired by the applicant to recognise individual stations;
- (l) site information as specified in the publication UK Radio Site Clearance Procedure published by OFCOM⁽²⁴⁾.

Particulars of the terms, provisions and limitations of licences

36.—a) Licences are made subject to—

- (a) a term providing for the licence to commence on the date of its grant and continue in force until revoked by OFCOM or surrendered by the licensee;
- (b) terms, provisions and limitations as to the circumstances in which OFCOM may revoke or vary the licence;
- (c) terms providing for the manner and payment of fees;
- (d) terms, provisions and limitations as to the type and use of equipment that may be installed or used;
- (e) a term as to access and inspection by OFCOM of equipment; and
- (f) terms as to the modification or restriction in use of equipment and the circumstances in which OFCOM may require any such equipment to be temporarily closed down.

(2) Licences are also made subject to—

- (a) other terms, provisions and limitations in the case of any particular licence which are described in the publication Wireless Telegraphy Act Licences (Terms, Provisions and Limitations) published by OFCOM⁽²⁵⁾; and
- (b) terms, provisions and limitations as to the type and use of equipment, the times of use of such equipment and the strength or type of signal that may be used.

DATE 2006

For and by the authority of the Office of Communications

⁽²⁴⁾ UK Radio Site Clearance Procedure, (OFW191), November 2004
⁽²⁵⁾ Wireless Telegraphy Act Licences (Terms, Provisions and Limitations), June 2006

SCHEDULE Regulation 4(2)(a)

ADDITIONAL INFORMATION REQUIRED FOR THE GRANT OF A LICENCE

PART 1

AERONAUTICAL

37.—(1) For the licence classes Aeronautical Ground Station (Air traffic /Ground Movement Control), Aeronautical Ground Station (Air Ground Communication Services), Aeronautical Ground Station (Airfield Flight Information Service), Aeronautical Ground Station (General Aviation), Aeronautical Ground Station (Fire), Aeronautical Ground Station (High Frequency), Aeronautical Ground Station (Offshore Platform), Aeronautical Navigation Aid Stations, Aeronautical Radar, and Aeronautical Ground Station (Operations Controls), the following additional information shall be provided—

- (a) the aerodrome or site name and location; and
- (b) whether authorisation of a temporary or permanent installation is sought.

(2) Where an application for one of the classes of licence described in paragraph 1(1) is in relation to a specific period of time of less than 12 months, the following additional information shall be provided—

- (a) the name and date of the event;
- (b) the name and address of the event organiser;
- (c) the expected number of aircraft and expected number of movements;
- (d) expected radio traffic levels; and
- (e) if the installation is a permanent installation—
 - (i) the expected number of aircraft and expected number of movements; and
 - (ii) expected radio traffic levels.

38.—a) For the licence classes Aircraft, Aircraft (Transportable), Aircraft Radio, Aircraft Radio (Registered Aircraft), and Aircraft Radio (Unregistered Aircraft), the following additional information shall be provided—

- (a) the required airspace needed operationally in order to identify the area of service; and
- (b) in relation to the apparatus, the make, model, serial number, and registration number.

(2) Where an application is for an Aircraft Radio licence or an Aircraft Radio (Registered Aircraft) licence the following information shall be provided in addition to the information described in paragraph 2(1)—

- (a) the aircraft registration number and make and model of the aircraft; and
- (b) the take off weight of the aircraft, the intended use of the aircraft and details of any VHF equipment to be used on board.

PART 2

MARITIME

39. For the licence classes Coastal Station Radio (Marina), Coastal Station Radio (International) and Coastal Station Radio (UK), applicants shall state which of the available frequency channels the applicant would prefer to be assigned for use.

40. For the licence class Coastal Station Radio (Training School) applicants shall identify the type of equipment proposed for use.

41. For the licence classes Differential Global Positioning System, Maritime Navigational Aids, Automatic Identification Systems and Radar, applicants shall identify the type of radio equipment proposed for use in relation to apparatus installed in ships and vessels.

42. For the licence class Maritime Radio (Suppliers and Demonstration) applicants shall provide an MMSI number.

43. For the licence class Ship Radio the following information shall be provided—

- (a) the current name and any previous name and registration number of the vessel;
- (b) the type of vessel, its gross tonnage or approximate weight, the maximum number of persons the vessel is capable of carrying, and the number of lifeboats;
- (c) the intended use of the vessel;
- (d) the allocated selective calling number to identify the vessel;
- (e) the current and any previous call sign of the vessel;
- (f) the maritime mobile service identity number of the vessel;
- (g) whether digital selective calling radio is to be used; and
- (h) for Emergency Position Indicating Radio Beacon and Personal Locator Beacon, registration of the vessel (for search and rescue purposes), the category and type of beacon, the Hex ID (which provides the country code, serial number, and if the Emergency Position Indicating Radio Beacon has Global Positioning Satellite, position information), and the name of the beacon manufacturer.

44. For the licence class Ship Portable Radio the following information shall be provided—

- (a) whether any portable digital selective calling was purchased new; and
- (b) whether any location beacon is to be used and if so, specification of the chosen frequency range.

PART 3

PROGRAMME MAKING AND SPECIAL EVENTS

45. For the licence classes Programme Making and Special Events Fixed Site, Programme Making and Special Events Link, Programme Making and Special Events Low Power, UK Wireless Microphone (Annual) and UK Wireless Microphone (Biennial) the following information shall be provided—

- (a) the location or proposed area of equipment use; and
- (b) the proposed dates and times of equipment use.

PART 4

SATELLITE SERVICES

46.—a) For the licence class Satellite (Aircraft Earth Station) the following information shall be provided—

- (a) details of relevant satellite networks and associated characteristics for each, including the nominal orbital longitude, the beam service area, the maximum aggregated accessible transmit bandwidth and details of any associated stations;
- (b) a postal address for each person controlling the network; and
- (c) the airline operator name and the country in which the aircraft is registered, the antenna terminal type, the aircraft call sign and the aircraft type .

47. For the licence class Satellite (Earth Station Network) the following information shall be provided—

- (a) the date when satellite operations will start; and
- (b) the relevant satellite station located in space, the type of satellite network and the hub station address.

48. For the licence class Satellite (Earth Station On Board a Vessel) the following information shall be provided—

- (a) the date from which the licence is sought;
- (b) the name of the satellite and network link;
- (c) a postal address for each person controlling the network;
- (d) the vessel name and country in which the vessel is registered, the type of antenna, the vessel call sign and the maritime mobile service identity number; and
- (e) a list of every station requiring further clearance together with the range of frequencies, direction and power required for each.

49. For the licence classes Satellite (Permanent Earth Station), Satellite (Earth Station – Non-Fixed Satellite Service), and Satellite (Earth Station Non-Geostationary) the following information shall be provided—

- (a) the name and location of earth stations, the range of frequencies, the direction and power required for each, and the name and location of any associated satellite transponders together with their operating angles or their range of operating angles;
- (b) whether any satellite transmission signals are to be received by individual earth stations; and
- (c) the designation of signals to be received at the earth station.

PART 6

SCIENCE AND TECHNOLOGY

50.—a) For the licence classes Non-Operational Temporary Use, Non-Operational Development, and Ground Probing Radar the applicant shall provide a full description of the type of system and geographical range of operation proposed.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedures for the determination by OFCOM of an application for a grant of a wireless telegraphy licence. The Regulations include provision for time limits for dealing with the granting of licences, requirements that must be met for the grant of a licence; and particulars of the terms, provisions and limitations to which a licence may be made subject.

The procedures prescribed in these Regulations are compliant with requirements of Articles 7 (scope) and 8 (conditions) of Directive 97/13/EC of the European Parliament and of the Council on a common framework for general authorisations and individual licences.

These Regulations should be read in conjunction with the publication “Terms, Provisions and Limitations of Wireless Telegraphy Act Licences” published by OFCOM, June 2006 which includes a sample licence for each class of licence described in these Regulations.

Licence application forms can be obtained from OFCOM’s central licensing team at Riverside House, Southwark Bridge Road, SE1 9HA (Tel 020 7981 3000) www.ofcom.org.uk

Applications forms for Amateur radio and CB licences are available from the Radio Licensing Centre, PO Box 885, Bristol BS99 5LG, (Tel 0117 925 8333) www.radiolicencecentre.co.uk

Application forms for Ship licences are available from the Radio Licensing Centre, PO Box 1494, Bristol BS99 3QS, (Tel 0870 2434433) www.radiolicencecentre.co.uk

Application forms for Aeronautical licences are available from the Civil Aviation Authority, CAA House, 45-59 Kingsway, London WC2B 6TE, (Tel 020 7379 7311)

A full impact assessment of the effect of these Regulations is available from the OFCOM library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on the OFCOM website. Copies of the report have also been placed in both libraries of the Houses of Parliament.

Annex 7

Regulatory Impact Assessments

Introduction

- A7.1 In accordance with government practice, where a statutory regulation is proposed, a Regulatory Impact Assessment ("RIA") must be undertaken. The analysis presented here, when read in conjunction with the rest of this document, represents a Regulatory Impact Assessment as defined by section 7 of the Communications Act 2003 ("the Act") for amending the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 ("the Limitations Order") and for the Wireless Telegraphy (Procedures for Grant of Licences) Regulations 2006. You should send any comments on this RIA to Ofcom.
- A7.2 RIAs are a valuable way of assessing different options for regulation and showing why the preferred policy option was chosen. They form part of best practice policy-making and are commonly used by other regulators. This is reflected in section 7 of the Act, which means that Ofcom will generally carry out RIAs where proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. In accordance with section 7 of the Act, in producing the RIA in this document, Ofcom has had regard to such general guidance as it considers appropriate, including related Cabinet Office guidance.

Regulatory Impact Assessment - the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006 ("the proposed order")

Proposal, purpose and intended effect

- A7.3 The draft order to which this RIA relates amends the Limitations Order which was made under Section 164 of the "the Act". Section 164 requires Ofcom to make an order imposing limitations where Ofcom considers it appropriate to limit the number of wireless telegraphy licences on certain frequencies, or for certain uses, for the purpose of securing efficient spectrum use. The purpose of this duty is to ensure sufficient spectrum is available to potential users to provide viable communication services fit for the type of licence specified. The order must set out the criteria Ofcom will apply in limiting the number of licences and grants and deciding to whom to issue licences or grants of recognised spectrum access. The criteria must be objective, non-discriminatory, proportionate and transparent.
- A7.4 The proposed order reflects changes to the frequencies, uses and criteria which have been made to various classes of licence since the Limitations Order was first made in 2003, in particular it incorporates the following changes: :
- changes to licence sector names (to assist with Stakeholder understanding of this regulation, to maintain consistency with other related regulations, and to reflect changes in the use of radio and convergence of technology),
 - changes to licence class structure (to more closely reflect current patterns of radio usage and Ofcom's organisational requirements),
 - changes to licence class names (to assist with Stakeholder understanding of this regulation, to maintain consistency with other related regulations, and to reflect changes in the use of radio and convergence of technology),

- new licence classes (as the market for radio equipment changes and advances in technology are made, it is sometimes necessary to introduce new licences classes),
- new or changes use of spectrum (as part of Ofcom's spectrum management responsibilities, to allow the introduction of new technologies and to assist with harmonisation of radio services within the European Union, it is sometimes necessary to review the use to which spectrum is put. This means that outdated and redundant technology can be replaced with new market lead technologies, thus improving the value and efficiency of the spectrum), and
- licence classes discontinued or no longer available (as radio technology advances or the needs of the market change, certain licence classes become obsolete and can be withdrawn. In addition, Ofcom's policy of deregulation and liberalisation of licensing at times results in the discontinuation of certain license classes).
- In many cases frequency bands quoted for a particular use of radio are contiguous (i.e. they run consecutively) with no specified difference in the limitations between these frequency bands. In other cases small frequency ranges are close to each other, but are not contiguous, however the licence will continue to specifically define the appropriate frequency range.
- the creation of a new licence product for Ground Probing Radar (to formalise existing arrangements)

Costs and benefits

Costs to business

A7.5 Ofcom considers that the decision to make these amendments in respect of changes 1 through 8 at paragraph A7.4, is made simply to reflect existing regulations and/or formalise existing arrangements, thus there are no additional costs to business as a result of the proposed order. Accordingly, the cost-benefit analysis in this RIA does not re-examine the in-principle costs and benefits of the policy underlying the proposed order,.

Costs to Ofcom

A7.6 There are direct administrative costs associated with making the amendments. These direct costs would include the one off costs of making the amendments. Ofcom considers that the costs of implementation are relatively small and should be offset against the benefits detailed below.

Benefits

A7.7 The qualitative benefits of making the regulations include the following:

- Improved compliance (lower costs) for customers by reducing uncertainty and possible confusion through, for example, aligning names of sectors, products and classes which were consulted on and changed previously under the Wireless Telegraphy (Licence Charges) Regulations 2005 (SI 2005/1378) ("the Fees Regulations");
- Better reflect spectrum market developments (e.g. changes in user/licence names and changes in spectrum usage); and

A7.8 These benefits are difficult to quantify. However, Ofcom considers it likely that the increased certainty arising from bringing the order into line with recent changes to regulations will generate benefits that are likely to be material and the one-off costs of

implementation will be negligible, it would be reasonable to expect the benefits will outweigh the costs.

A7.9 In respect of the amendments to consolidate frequency ranges, the costs include the direct one-off administrative costs of making the amendments. Ofcom considers that the costs of implementation will not be material.

A7.10 There are no additional restrictions on the number of licences that can be granted arising from the consolidation of spectrum bandwidths. The amendments seek only to consolidate either contiguous bandwidths or merge bandwidths separated by small frequency ranges.

Business sectors affected

A7.11 The changes proposed apply to all licensed users of spectrum. The main business sectors affected are likely to be fixed and mobile communications services provision and broadcasting services provision.

Conclusion

A7.12 For the reasons identified in the preceding paragraphs, Ofcom considers the benefits of making the Amendment Order outweigh the costs. Ofcom therefore proposes to amend the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 to reflect changes in its authorisation arrangements.

Regulatory Impact Assessment - the Wireless Telegraphy (Procedures) Regulations 2006 (“the proposed regulations”)

Proposal, purpose and intended effect

A7.13 Ofcom is required to make the proposed regulations under Section 1D of the Wireless Telegraphy Act 1949.

A7.14 The proposed regulations prescribe the procedures for the determination by OFCOM of an application for a grant of a wireless telegraphy licence and include provision for time limits for dealing with the granting of licences, requirements that must be met for the grant of a licence; and particulars of the terms, provisions and limitations to which a licence may be made subject

Costs and benefits

Costs to business

A7.15 There are no additional costs to operators as the proposed regulations formalise existing procedures.

Costs to Ofcom

A7.16 Ofcom considers that the costs of prescribing procedures include only the once-off administrative costs of making the regulations for the regulator. Ofcom considers that these direct administrative costs of implementation will not be material and include only the preparation of regulations and related documentation. There are no additional

ongoing costs for the regulator, as these regulations simply place existing informal procedures into formal regulations.

Benefits

A7.17 The principle benefit of making the regulations is improved transparency and information provision through better signposting of requirements for stakeholders by making the procedures permanent and formal as intended under the Act. Specifically, these benefits include the following:

- Greater transparency in the way licences are granted as time limits on publishing decisions on the granting of licences and requirements to be met by prospective licence holders will be formalised in the proposed regulations (reducing confusion and uncertainty, thereby lowering costs to operators).
- Making it easier for operators to plan their businesses through enhanced legal certainty. Specifically, the proposed regulations require Ofcom to ensure that any application for a grant of a licence under the WT Act is met with a published decision within 6 weeks - except where specific exceptions are permitted. They also provide certainty through formalising the requirements that must be met by the prospective licensee, and the particulars of the terms, provisions and limitations applicable to the licence.

A7.18 In summary, the proposed regulations will have important benefits for all persons applying for a WT Act licence, including both domestic and overseas applicants, particularly in terms of increased transparency and legal certainty. Although difficult to quantify, the benefits are likely to be material in assisting stakeholders to understand the requirements for the grant of a WT Act licence.

Business sectors affected

A7.19 The proposed regulations apply to applicants, both domestic and international, in all business sectors that require the grant of a wireless telegraphy licence in relation to use of spectrum. The main business sectors affected are likely to be fixed and mobile communications services provision and broadcasting services provision.

Conclusion

A7.20 Ofcom has assessed the impact of making the proposed regulations and considers that the relatively low administrative costs of making the regulations outweigh the considerable benefits they will have for applicants.