



Statement concerning the update of Wireless Telegraphy licensing procedures and criteria

Statement

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Section 1

Summary

- 1.1 On 16 June 2006 Ofcom published a document, entitled 'Updating Wireless Telegraphy Licensing Procedures and Criteria' which contained two statutory notices ("the Statutory Notices"). The Statutory Notices detailed Ofcom's intention to make: regulations in relation to the procedures for granting Wireless Telegraphy Act licences; and an order amending the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 ("the 2003 Order").
- 1.2 Ofcom has carefully considered the six responses to the Statutory Notices and as a result, has made some changes to the drafting of both statutory instruments. These changes do not reflect substantive changes in policy, but are aimed at ensuring greater clarity and improved accuracy in the final version of both instruments. The changes are discussed in this Statement.
- 1.3 The final version of the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006 ("the Limitations Amendment Order") incorporates a number of minor corrections to the frequencies allocated to Aeronautical, Amateur and Maritime use. The final version of the Wireless Telegraphy (Licensing Procedures) Regulations 2006 ("the Procedures Regulations") makes small changes to the criteria relating to persons to whom a wireless telegraphy licence may be granted. A number of minor amendments have been made to Ofcom's publication; 'Wireless Telegraphy Act Licences (Terms, Provisions and Limitations)' ("the Terms, Provisions and Limitations publication")¹ which is referenced in the Procedures Regulations.
- 1.4 More general points related to two issues:
 - a) the overall length of the consultation period (which, as was explained in section 1.4 of the summary in the Statutory Notice, reflects the statutory requirement in section 403(6) of the Communications Act 2003 ("the 2003 Act") for giving notice of Ofcom's proposal to make a statutory instrument to which that section applies); and
 - b) the need for the statutory instruments themselves (which are made in exercise of Ofcom's powers under Wireless Telegraphy Act 1949 and the 2003 Act).
- 1.5 Ofcom has now made the Procedures Regulations and the Limitations Amendment Order. These will come into force on 16 November 2006.

¹ <http://www.ofcom.org.uk/radiocomms/ifi/wtf/>

Section 2

Introduction

- 2.1 This statement sets out Ofcom's decisions in relation to the two sets of statutory instruments it needs to make.
- 2.2 Ofcom is required under section 1D of the Wireless Telegraphy Act 1949 to make the Wireless Telegraphy (Licensing Procedures) Regulations setting out its procedures for determining applications for the grant of wireless telegraphy licences.
- 2.3 The Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order is being made in accordance with Ofcom's duty under section 164 of the 2003 Act to keep under review and amend as necessary the 2003 Order which was made under that section for the purpose of securing the efficient use of spectrum and which specifies the frequencies allocated for different uses and the limitations that apply to the use of those frequencies.
- 2.4 Ofcom published notice of its proposal to make the Procedures Regulations and the Limitations Amendment Order on 16 June 2006² and invited comments on these by 17 July 2006. Ofcom, in finalising the draft instruments, has carefully considered the submissions it received.

Overview of responses to the Statutory Notices

- 2.5 Ofcom received 6 responses to the Statutory Notices. A summary of all the points raised in the responses is provided at Annex 1. One respondent requested confidentiality; the other five responses, from the Civil Aviation Authority (the CAA) (the delegated licensing authority for aeronautical licence classes), the Maritime and Coastguard Agency (the delegated agency for maritime safety policy), National Air Traffic Services Limited (NATS), Mr John Gilliver and Mermaid Telecoms, are available in full on Ofcom's website³.
- 2.6 The majority of respondents expressed support for the need to update and clarify Ofcom's existing licensing procedures and criteria. There were a number of comments in relation to the detailed drafting, which we have taken into account and reflected as appropriate in the final revised instruments. The CAA and NATS provided a significant number of editorial suggestions in relation to the Limitations Amendment Order.

Document structure

- 2.7 The following section of the Statement provides an analysis of the main points raised by stakeholders in their responses to the Statutory Notices. It also sets out additional drafting changes that have been made to the Limitations Amendment Order and the Procedures Regulations. These changes do not reflect substantive changes in policy, but are aimed at ensuring greater clarity and improved accuracy in the final version of both instruments.

² Updating wireless telegraphy licensing procedures and criteria, Statutory Notice, Ofcom, 16 June 2006

³ http://www.ofcom.org.uk/consult/condocs/updating_wtf/responses/

- 2.8 Section 4 describes the decisions Ofcom has made in relation to the Statutory Notices.
- 2.9 Annex 1 provides a summary table of consultation responses.
- 2.10 Annex 2 includes copies of the Regulatory Impact Assessments for the two statutory instruments in the form placed in the libraries of both Houses of Parliament.
- 2.11 Annex 3 includes draft copies of the two statutory instruments in the form submitted for registration and publication after their making by Ofcom.

Section 3

Responses to the Statutory Notices

- 3.1 This section of the statement examines each of the main issues raised by respondents in more detail. In response to the comments received, Ofcom has made minor changes to both sets of statutory instruments as well as to the Terms, Provisions and Limitations publication. These changes are explained more fully in the context of the issues raised. The first part of this section looks at general comments. This is followed by a summary of the detailed comments regarding each of the documents consulted upon.

Consultation period

- 3.2 The CAA considered that the one month consultation period was insufficient to enable a full and comprehensive study of the proposals. NATs commented that Ofcom did not state why the consultation period was so short.
- 3.3 In section 1.4 of the Statutory Notices, Ofcom explained that, under section 403(4) to (6) of the Communications Act 2003, Ofcom is required to give one month's notice of its intention to make statutory regulations and orders (this is a separate procedure from a normal Ofcom consultation). In this case, as is usual for statutory notices, Ofcom did not think it was necessary to extend the notice period. Given the Statutory Notice procedure and the fact that there were no policy changes being implemented, a twelve week consultation was not considered necessary.
- 3.4 Another respondent suggested that we should have conducted a full policy consultation on the Terms, Provisions and Limitations publication. It is not Ofcom's policy to consult on such publications. These are not new provisions but simply a drawing together of all existing terms, provisions and limitations of licences. However, in this case, because the document accompanies the Procedures Regulations, we decided to follow the same consultation process for this document.

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

The need for the regulations

- 3.5 The CAA suggested that because the interface requirements set out in the European Radio & Telecommunications Terminal Equipment Directive⁴ define the radio licensing regime and associated frequencies, it is questionable whether the Limitations Amendment Order needs to duplicate this information.
- 3.6 However, Ofcom is responsible for securing the efficient use of the electromagnetic spectrum in the UK. Notwithstanding any duplication that may arise, having considered it appropriate to impose limitations on the use of frequencies, Ofcom is required under section 164 of the 2003 Act which also reflects and implements Article 7 of the Authorisation Directive⁵ to make and keep under review an order imposing such limitations. The Order is required to set out all the limitations that apply to each

⁴http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&numdoc=31999L0005&model=guichett

⁵ Directive 2002/20/EC of the European Parliament and Council on the Authorisation of Electronic Communications Networks and Services.

set of frequencies that are available for use. In order to comprehensibly set out all the limitations it is inevitable, therefore, that information may be duplicated from the Terminal Equipment Directive. Further, as explained in the Statutory Notices, there have been various changes to the technical and regulatory arrangements since the 2003 Order was made.

- 3.7 As a result, Ofcom considered it necessary to amend the 2003 Order in accordance with its duty to do so under section 164(7) of the 2003 Act. Consequently, any duplication in the 2003 Order, as amended by the Limitations Amendment Order, of information contained in the Terminal Equipment Directive continues to be necessary in Ofcom's view for the purposes of imposing limitations to secure efficient use of the spectrum.

Comments on the drafting of the regulations

- 3.8 The main substantive comments concerned: the need to verify the allocated frequencies to the various licence classes. Some of these comments concerned the omission or correction of certain frequencies. These changes have fully been taken into account and the final Limitations Amendment Order has been amended accordingly where appropriate.
- 3.9 Other comments related to aeronautical bands designated for Ministry of Defence use but also used for civil purposes. Although such frequencies may exceptionally be made available to the CAA for specific use such as national air traffic control through agreement with the Ministry of Defence, there is no general authorisation for licensing civil use of these bands in the UK Frequency Allocation Table (UKFAT), therefore we have not included these additional frequencies in the Limitations Amendment Order or in the UK Frequency Authorisation Plan. At the national level, the UKFAT is the definitive agreement on the allocation of spectrum and identifies the authority responsible for each frequency band. The UKFAT is based on the international frequency allocation table, contained in the ITU Radio Regulations, which determines the international framework within which the UK operates. Any changes to the Frequency Allocation Table need to be agreed through the National Frequency Planning Group, a sub-committee of the Cabinet Official Committee on UK Spectrum Strategy.
- 3.10 One respondent felt that it was not clear enough which changes were actual changes and which were a consolidation of changes. Another commented that most of the changes were administrative and did not change the way spectrum can be used. It is correct that although some licence products have been renamed to give more accurate descriptions, mainly as a result of the Spectrum Pricing consultation in September 2004⁶, such changes do not have any impact on spectrum use. Other changes to the regulations reflect changes made by other regulations and correct minor errors.
- 3.11 An individual respondent questioned what was meant by the term "outdated and redundant technology". In the past, some bands were allocated to a particular technology. Where this technology is no longer in use and there is no further demand for licences in the band, Ofcom's policy is to reassign the spectrum to a more appropriate use. Consistent with the respondent's concerns that Ofcom should not make any decisions as to which technology would be most suitable; Ofcom's current policy is to award new licences on a technology neutral basis. Such changes are the

⁶ http://www.ofcom.org.uk/consult/condocs/spec_pricing/

result of previous decision made by Ofcom which are being reflected in these regulations.

CDMA Spread Spectrum Data/Asset Tracking Systems licence class

- 3.12 The 2003 Order lists the CDMA Spread Spectrum Data/Asset Tracking systems as a licence class. The Limitations Amendment Order has removed this licence class from the regulations. Mermaid Telecoms requested that the proposal to withdraw the CDMA Spread Spectrum Data/Asset Tracking Systems licence class from the Limitations Amendment Order be reconsidered.
- 3.13 This licence class was created in May 2001 but ceased to exist when the only licensee had their licence revoked in May 2004. In October 2001 the RA consulted and made various services licence exempt in this band⁷ and in 2005 Ofcom consulted⁸ and also made radio frequency identification devices licence exempt in this band. In removing this licence class from the 2003 order, the Limitations Amendment Order reflects policy that has already been implemented.
- 3.14 Ofcom has no plans to make spectrum in this band available for licensing, especially as it is now designated for licence exempt services. In the Spectrum Framework Implementation Plan⁹ Ofcom published details of other frequencies which are being opened up to the market for licensing significant new networks and services. We would expect future applications for networks such as asset tracking systems to use these opportunities to bid for such spectrum as it is released.

The Wireless Telegraphy (Licensing Procedures) Regulations 2006

The need for the regulations

- 3.15 The CAA suggested that Ofcom's existing licensing policy manuals already fulfil the requirement to publish the licensing procedures. However, Ofcom has a statutory requirement to make these regulations. Under section 1D(3), as amended by paragraph 8 of schedule 17 of the Communications Act, an application for the grant of a Wireless Telegraphy Act licence must now be prescribed in regulations made by Ofcom. Ofcom recognises that it may be difficult to change information prescribed in regulations and we have therefore tried not to make the regulations overly prescriptive. Nonetheless, Ofcom will need to keep its procedures under review and amend the regulations, as necessary, as future changes to licensing occur.

Time limits for the grant of a licence

- 3.16 The Procedures Regulations stipulate that a decision on the grant of a licence must be made within six weeks of receipt of the application. Some respondents expressed concern that the regulations made no provision for international co-ordination requirements in certain licence classes. However this is unnecessary as section 1D of the Wireless Telegraphy Act allows Ofcom to extend the minimum period provided for in the regulations where international spectrum co-ordination is required. It is not necessary to repeat a power already contained in primary legislation.

⁷ Use of Licence-Exempt Spectrum For Provision of Public Telecommunication Services, October 2001

⁸ Notice of Ofcom's proposal to exempt the use of radio frequency identification equipment in the 865-868 MHz band from Wireless Telegraphy licensing, Consultation, 9 August 2005

⁹ <http://www.ofcom.org.uk/consult/condocs/sfrip/>

Other requirements

- 3.17 The CAA and NATs considered that those aspects of the aeronautical licensing process which relate to requirements set out in the Aeronautical Navigation Order rather than those that relate to requirements under the WT Act, such as the requirement to provide a serial number for certain aeronautical equipment, should not be included in the regulations. However, any term, provision or limitation upon which the grant of a licence is dependent must be reflected in Ofcom's procedures which Ofcom is required to prescribe in regulations in accordance with section 1D of the WT Act.

The “Terms, Provisions and Limitations of Wireless Telegraphy Act Licences” publication

- 3.18 The Procedures Regulations make reference to the terms, provisions and limitations publication which contains the terms, provisions and limitations subject to which licences for particular classes are granted and includes a sample licence for each class of licence that is available. Ofcom received a number of drafting comments concerning the publication which it has taken into account and has now amended the publication accordingly.

Conclusion

- 3.19 Ofcom has fully considered all of the points raised by respondents as discussed above and summarised in Annex 1. In the light of these comments, Ofcom has made minor amendments, as appropriate, to both statutory instruments and the terms, provisions and limitations publication.

Section 4

Ofcom's Decisions concerning the Statutory Notices

- 4.1 In the Statutory Notices, Ofcom gave notice of its intention to make an amendment to the 2003 Order and to make new regulations in relation to procedures for the grant of a WT Act licence.
- 4.2 The Statutory Notices detailed two draft statutory instruments;
- The Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006; and
 - The Wireless Telegraphy (Licensing Procedures) Regulations 2006.
- 4.3 Following substantial analysis of the responses detailed in section 2, Ofcom made the Limitations Amendment Order and the Procedures Regulations, on 16 October 2006. These will be available on the website of the Office of Public Sector Information (OPSI)¹⁰, under the titles listed at paragraph 4.2. Copies in draft form are also annexed to this Statement in the form submitted for registration and publication after their making by Ofcom. OPSI is the only authorised source for published statutory instruments.

The Limitations Amendment Order

- 4.4 The Limitations Amendment Order amends the 2003 Order to update the uses and the frequencies for which Ofcom will grant only a limited number of wireless telegraphy licences. The general effect of the Order will be to set out the position as at 16 October 2006 in relation to these uses and frequencies.
- 4.5 Under section 164(7) of the 2003 Act Ofcom has a duty to make an order amending the provision of the 2003 Order if, on reviewing it, Ofcom considers it necessary to do so for the purpose of securing the efficient use of the electro-magnetic spectrum. As explained in the Statutory Notice, there have been various changes to the technical and regulatory arrangements since the 2003 Order was made and Ofcom considered it necessary to amend the 2003 Order as a result of these changes. However, the Limitations Amendment Order does not seek to change or affect the underlying licensing regime.
- 4.6 The 2003 Order as amended by the Limitations Amendment Order will continue to be reviewed regularly by Ofcom, as required under section 164(6) and, if necessary, may be amended further in accordance with Ofcom's duty under section 164(7) (subject, of course, to Ofcom having given the appropriate statutory notice inviting representations from stakeholders and having duly considered all responses regarding the proposed amendments).
- 4.7 In particular, it is anticipated that further new opportunities for spectrum use will arise where it is appropriate to hold an auction or other form of competition. The 2003 Order as amended by the Limitations Amendment Order will need to be amended to reflect such changes. The uses and frequencies are set out in Part 1 of each of

¹⁰ <http://www.opsi.gov.uk>

Schedules 1 to 11 of the 2003 Order (as amended). The frequencies are listed under each licence sector.

Procedures Regulations

- 4.8 Under section 1D of the Wireless Telegraphy Act 1949, Ofcom is required to make regulations which prescribe procedures for the grant of a wireless telegraphy licence.
- 4.9 The Procedures Regulations 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.
- 4.10 The Procedures Regulations are included at Annex 2 of this document. The regulations also make reference to Ofcom's publication "Terms, Provisions and Limitations of Wireless Telegraphy Act Licences" October 2006 which contains the terms, provisions and limitations subject to which licences for particular classes are granted and includes a sample licence for each class of licence that is available. This publication can be accessed via the Ofcom website¹¹.

Next steps

- 4.11 Ofcom made the two statutory instruments described above on 16 October 2006 and they will come into force on 16 November 2006. Final versions of these statutory instruments are annexed to this statement, in the form Ofcom submitted for registration and publication after their making by Ofcom. The statutory instruments will be officially published on the Office of Public Sector Information's website in due course at www.opsi.gov.uk.

¹¹ <http://www.ofcom.org.uk/radiocomms/ifi/wtf/>

Annex 1

Summary of Responses

- A1.1 Ofcom received 1 confidential response and 5 non-confidential responses to the Statutory Notices published on 16 June 2006. Most respondents provided comments on specific parts or provisions of the draft Limitations Amendment Order and draft Procedures Regulations. Two respondents made general comments concerning the Amateur Radio licensing approach, expressing disagreement on the basis of points previously addressed by Ofcom in the Amateur Radio Licensing Proposals consultation document published in May 2005¹² and the Amateur Radio Licensing policy statement published in February 2006¹³.
- A1.2 This Annex sets out a summary of stakeholders' submissions and Ofcom's responses to these. The main issues are addressed in detail in section 3 of this Statement.

Issue raised	Comments	Ofcom's response
General issues raised		
Format of the document	Size of the document excessive for smaller organisations and individuals, a shorter version (more detailed than the summary text) should be provided otherwise they might not have the time to share their views.	Given the impact of the changes in the consultation, Ofcom does not consider it necessary to issue a shorter version. The impact of the regulations is minimal and would not merit the time needed to produce such a document. Future changes to these regulations would in future be likely to be much shorter
Changing references to the Radiocommunications Agency	Respondent suggested that these be changed to "the regulator" rather than to "Ofcom".	The 2003 Act specifically grants powers to "OFCOM", so the Regulations must follow suit.
Limitations Amendment Order		
References to other legislation.	It would be preferable to avoid referring to other legislation.	In drafting these regulations Ofcom has only referred to other legislation where necessary.
Changes to licence class names	Point to multipoint services is surely a different class to point to point security CCTV services. "Science and Technology" is a better description than "Test and Development services".	These changes reflect terminology used in the Licence Charges Regulations 2005 and reflect changes made following the Pricing consultation ¹⁴ . Licences in this class are already available for application under the names

¹² <http://www.ofcom.org.uk/consult/condocs/aradio/>

¹³ http://www.ofcom.org.uk/consult/condocs/aradio/statement/statement_amradio.pdf

¹⁴ http://www.ofcom.org.uk/consult/condocs/spec_pricing/spec_pricing/

Issue raised	Comments	Ofcom's response
		referenced.
Truncation of frequencies	The truncation of frequency ranges is unnecessary and the format should be consistent with the FAT (the UK Government's Frequency Allocation Table) and EFIS (the common European data base)	The frequencies are consistent with the presentation in the Ofcom published UKPFA (UK plan for Frequency Authorisation) which is the most detailed and up to date spectrum allocation plan published. Ofcom will suggest the FAT and EFIS be updated to reflect the changes.
Schedules 3 and 6	There is needless repetition of the frequency ranges. This section would be easier to follow in a table with columns.	Where they have been set out in full, the frequency ranges reflect the drafting of the 2003 Order. Notwithstanding, Ofcom must follow detailed drafting requirements for statutory instruments.
Schedule 7 part1, Differential Global Positioning System frequency allocation	1606.5-4000 kHz frequency band not used for DGPS	Ofcom does make assignments in this band for private DGPS users.
Schedule 7 part1, Differential Global Positioning System frequency allocation	2900-3100 MHz and 9300-9500 MHz frequency bands not used for DGPS	Frequency bands deleted
Schedule 7, part 1, Maritime Navigation Aids and Radar frequency allocations	1606.5-4000 kHz frequency band not used for this purpose	Frequency band deleted
Schedule 7 part 1, Ship Radio changes	Question as to whether the changes are corrections or actual operating changes	The changes to ship radio are purely editorial changes.
Schedule 8, part 1, Aeronautical Navigation Aid Stations and Aeronautical Radar titles	Types of radar associated with frequencies should be given	In order to simplify its approach to licensing, Ofcom is in the process of streamlining its licence classes. Therefore it would not be helpful to add any further sub-licence classes.
Schedule 8, part1, Aircraft frequency allocation	Following frequency ranges need to be added; 401.0-406.0 MHz, 406.1-417.5 MHz, 432.5-450.0 MHz	The UK Frequency Allocation Table designates the band primarily for military purposes and is not generally available for licence applications so these allocations have not been included in the Limitations Amendment Order (also see paragraph 3.8).
Schedule 8, part 1, Aircraft	The 121.5 MHz frequency	Frequency deleted.

Issue raised	Comments	Ofcom's response
frequencies	should be deleted as it is included in the frequency range 117.975-137.000 MHz	
Schedule 8, part 1, Aeronautical Radar frequency allocation	The 15700-16600 MHz band is missing	The UK Frequency Allocation Table designates the band for radio location use for military purposes and is not available for new licensing applications, so this band has not been included.
Schedule 8, part 1, incorrect entry in the table for Aeronautical Radar 8750-8850 MHz	Allocation is limited by article number 5.470 of the radio regulations to airborne navigation use and so should be removed from this table	This entry has been removed.
Schedule 8, part1, Aeronautical Radar frequency allocation	The 590-598 MHz band is missing	This band has not been included because it is not available for new applications. We can no longer get international clearance for allocations in this band.
Schedule 8, Part 2, paragraph 2	Requirement to possess a flight radio operator's certificate should be removed from the 2003 Order because this is not a requirement on the applicant.	This remains a licensing requirement and is therefore an implicit requirement on the applicant.
Under Schedule 8 Aeronautical, Part 2 paragraphs 5,7 and 9.	Clarification of wording requested for "assessed as fit for purpose under the ANO 2005 by CAA ATSSD"	Ofcom considers this to be a general licensing requirement which is already enacted in the 2003 Order.
Schedule 8, Part 2, Paragraph 8D phrase "solely for communication with the aircraft"	A restriction should not be placed on VHF frequencies for AGS licences	Wording has been amended to reflect this.
Schedule 8, Part 2, Paragraph 2 relating to aircraft licences (including aircraft transportable)	Applicant must possess a flight radiotelephony certificate of competence	This remains a licensing requirement and is therefore an implicit requirement on the applicant.
Schedule 8, part 2, references to 2000 and 2005 Air Navigation Order	References in other Ofcom documentation are not consistent with the references in the legislation.	We will endeavour to update all documentation where possible.
Schedule 8, part 3 paragraph 12, text which refers to ITU radiocommunication services	Text should be reworded	Wording has been changed in line with defined services in the Radio Regulations.
Schedule 9, Change to title of Amateur Radio Intermediate & Full A&B licence class	Respondent suggested amending to Amateur Radio Intermediate and Full B	This change is a minor clarification to bring the licence class name in line with the Wireless Telegraphy (Licence Charges) Regulations 2005.

Issue raised	Comments	Ofcom's response
Schedule 9, part 1, Amateur Radio frequency allocation changes for foundation and intermediate licensees	Frequencies need to be amended to reflect changes to licences to be introduced on 1 st October	Frequencies have not been amended because there has been a delay in the implementation of the new licences.
Procedures Regulations		
Regulation 3(b), time limits	The phrase "as soon as possible" does not really define a time limit	This is the actual wording used in the 2003 Act. The Regulations follow suit.
Regulation 4(3), requested information	Not all the information requested is meaningful to all aeronautical licence classes. The CAA are concerned that the information required may be too prescriptive in relation to frequencies requested.	Ofcom accepts this but for the purposes of the regulations considers it necessary to include a comprehensive list of information that may be requested.
Regulation 4(3)	Duplication of the information requested in (b) and (l)	Ofcom considers the site location and site clearance information to be separate considerations
Schedule, paragraph 2(1)(a)	The required airspace appears to be a reference to designated operation coverage.	Reference in regulations amended
Explanatory note	CAA telephone number should be amended	020 7453 6599 telephone number amended
"Terms, Provisions and limitations of Wireless Telegraphy Act licences" publication		
Link to Ofcom publication "Terms, Provisions and Limitations of Wireless Telegraphy Act Licences"	Link not working	The link is available in "related items" to the left of the title in the consultation home page.
Pages 105-135	Various numbering and editorial changes required	Changes implemented
Ship Portable Radio licence	Should there be a frequency band associated with DSC Portable Radio?	We are in the process of changing the licences and new licences have been included.
Aeronautical licence term is continuous but licence is reissued every year.	Is this not a contradiction in terms?	The rights and obligations conferred by Licence terms once a licence has been granted are not affected by the CAA's current practice of annually reissuing licences which is purely administrative.

Annex 2

Regulatory Impact Assessment – the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006

- A2.1 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.
- A2.2 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.

Proposal, objectives and intended effect

- A2.3 Following the publication of the Statutory Notice on 16 June 2006, Ofcom has decided to make an amendment order limiting the number of wireless telegraphy licences.
- A2.4 The Wireless Telegraphy Limitation of Number of Licences (Amendment) Order 2006 (“the Limitations Amendment Order”) to which this RIA relates amends the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 which was made under Section 164 of 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.
- A2.5 The Limitations Amendment 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 licence classes).
- New or changed 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 led technologies, thus improving the value and efficiency of the spectrum).
- 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).
- The creation of a new licence product for Ground Probing Radar (to formalise existing arrangements).
- The merging of certain frequency bands. In many cases, the 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. Where this is the case the frequency bands have been merged.

Costs to business

- A2.6 Ofcom considers that the decision to make these amendments in respect of the changes detailed in paragraph A3.5, 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 Limitations Amendment Order. Accordingly, the cost-benefit analysis in this RIA does not re-examine the in-principle costs and benefits of the policy underlying the Limitations Amendment Order.

Costs to Ofcom

- A2.7 There are direct administrative costs associated with making the amendments. These direct costs 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.

Costs and benefits to consumers

- A2.8 There will be no additional costs to consumers in the making of these regulations. Consumers will benefit from more up to date information concerning the limitations that Ofcom makes on spectrum use. The updating of the 2003 Order will improve the transparency and clarity of the licensing process.

Other benefits

A2.9 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"); and
- Better reflect spectrum market developments (e.g. changes in user/licence names and changes in spectrum usage).

A2.10 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 updating wireless telegraphy licensing procedures and criteria implementation will be negligible. It would therefore be reasonable to expect the benefits will outweigh the costs.

A2.11 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.

A2.12 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.

A2.13 The likely net benefits continue to apply in light of Ofcom's consultation on its Proposal where Ofcom has incorporated changes to the Statement arising from Stakeholder comments during the consultation to correct for minor inaccuracies and/or omissions.

Business sectors affected

A2.14 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

A2.15 For the reasons identified in the preceding paragraphs, Ofcom considers the benefits of making the Amendment Order outweigh the costs. Ofcom has therefore amended the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 by making the Limitations Amendment Order to reflect changes in its authorisation arrangements.

Annex 3

Regulatory Impact Assessment - the Wireless Telegraphy (Licensing Procedures) Regulations 2006

- A3.1 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 making the Wireless Telegraphy (Licensing Procedures) Regulations 2006 ("The Procedures Regulations").
- A3.2 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.

Proposal, objectives and intended effect

- A3.3 Following the publication of the Statutory Notice on 16 June 2006, Ofcom has decided to make the Procedures Regulations.
- A3.4 Ofcom is required to make the Procedures Regulations under Section 1D of the Wireless Telegraphy Act 1949.
- A3.5 The Procedures 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 to business

- A3.6 There are no additional costs to operators as the Procedures Regulations formalise existing procedures.

Costs to Ofcom

- A3.7 Ofcom considers that the costs of prescribing procedures include only the one-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.

- A3.8 Updating the Procedures Regulations will not constitute a substantial ongoing cost for the regulator, as these regulations simply place existing informal procedures into formal regulations.

Costs and benefits to consumers

- A3.9 There will be no cost to consumers in implementing the regulations. Consumers will benefit from clearer licensing procedures. Bringing all application procedures into a single document will considerably improve the transparency and clarity of the licensing process.

Other benefits

- A3.10 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 Procedures 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 Procedures 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.
- A3.11 In summary, the Procedures 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. These likely net benefits continue to apply in light of Ofcom's consultation on its proposal, where Ofcom has incorporated changes to the statement arising from stakeholder comments during the consultation to correct minor inaccuracies and omissions.

Business sectors affected

- A3.12 The Procedures 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

- A3.13 Ofcom has assessed the impact of making the Procedures Regulations and considers that the relatively low administrative costs of making the regulations outweigh the considerable benefits they will have for applicants.

Annex 4

Draft Statutory Instruments

A4.1 This Annex includes a copy of the statutory instruments as made by Ofcom on 16 October 2006 in the form submitted for registration and publication. OPSI is the only authorised source for published statutory instruments, therefore these are marked as draft versions.

A4.2 The statutory instruments are:

- The Wireless Telegraphy (Limitation of number of licences) (Amendment) Order 2006; and
- The Wireless Telegraphy (Licensing Procedures) Regulations 2006.

2006 No.

ELECTRONIC COMMUNICATIONS

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

Made - - - - *16th October 2006*

Coming into force - - *16th November 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(a) (“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(4)(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 16th November 2006.

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

2.—(1) The Schedule, which contains amendments to the Wireless Telegraphy (Limitation of Number of Licences) Order 2003(b) 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.

16th October 2006

Kip Meek
Chief Policy Partner
For and on the authority of the Office of Communications

(a) 2003 c.21.

(b) 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”; and
 - (b) for the definition of “RA”, substitute the definition ““OFCOM” means the Office of Communications”.
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(a)”.
6. In Part 3 of Schedule 1 (Criteria Limiting Number of Wireless Telegraphy Licences), in paragraph 2 for “the RA(c)” substitute “OFCOM(b)”.

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—

(a) 2003 c.21.
(b) Version 2.0 published 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 “availablity” substitute “availability”;
- (b) for “—” insert “and”; and
- (c) for the “RA(a)” substitute “OFCOM(a)”.

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 “55.78-57.64 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

(a) Published April 2004.

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

“Self Co-ordinated Links

65.00 GHz”.

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

“2. Except in the case of Self Co-ordinated Links, the availability of wireless telegraphy licences is limited at these frequencies by the technical frequency assignment criteria set out in the OFCOM publications applying to the frequencies concerned(a).”.

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)

-
- (a) 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 (March 2006); and 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).

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

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(b).”.

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—

“157.025 MHz (Ship)

157.850 MHz (Ship and Coastal Station Radio)

161.425 MHz (Ship and Coastal Station Radio)

161.625 MHz (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—

(a) United Kingdom Frequency Allocation Table 2004 Issue no.13, published by Ofcom on behalf of the National Frequency Planning Group, a sub-committee of the Cabinet Official Committee on United Kingdom Spectrum Strategy.

(b) The publications are: Licensing Procedures Manual for Satellite (Permanent Earth Station) Applications (June 2006); Licensing Procedures Manual for Satellite (Non-Fixed Satellite Service Earth Station) Applications (June 2006); Licensing Procedures Manual for Satellite (Non-geostationary Earth Station) Applications (June 2006); Licensing Procedures Manual for Satellite (Network Earth Station) Applications (June 2006); Licensing Procedures Manual for Satellite (Transportable Earth Station) Applications (June 2006); Licensing Procedures Manual for Satellite (Transportable Very Small Aperture Terminal) Applications (June 2006); Licensing Procedures Manual for Satellite Service Network Operator Licence for Earth Station on Aircraft, OFW 341 (September 2006); Licensing Procedures Manual for Satellite Service Network Operator Licence for Earth Station on Vessel(s), OFW 340 (September 2006); and Licensing Procedures Manual for Satellite Service Network Operator Licence for Earth Station on Trains, OFW 342 (September 2006).

“283.5-315.0 kHz
1606.5-4000 kHz”;

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

“Maritime Navigational Aids and Radar

283.5-315.0 kHz
2900-3100 MHz
9300-9500 MHz

Automatic Identification System

156.525 MHz
161.975 MHz
162.025 MHz”;

- (f) in the entry relating to Maritime Radio (Suppliers and Demonstration), for “415.526.5 kHz” substitute “415.0-526.5 kHz”; and
(g) 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)”; and
(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—

- (i) after “The availability of the Coastal Station Radio” insert “(UK)”; and
(ii) for “Coastal Station Radio (Including Technical Frequency Assignment Criteria) published by the RA(a)” substitute “Coastal Station Radio Ofcom information booklet published by OFCOM(a)”; 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)”;

(a) Reference Of 18 (December 2003).

- (b) in the entry relating to Aircraft—
- (i) for “10050-10100 kHz” substitute “10005-10100 kHz
 - (ii) omit “121.5”;
 - (iii) omit “(with associated downlink frequencies:”;
 - (iv) omit “)” after “1525-1559 MHz;
- (c) after the entry relating to Aircraft insert the following entry—
- “Aircraft (Transportable)**
- 117.975-137.000 MHz”;
- (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 | 108.000-117.975 MHz |
| 505-526.5 kHz | 328.6-335.4 MHz |
| 74.8-75.2 MHz | 960-1215 MHz |
| | 5000-5250 MHz”; |
- (h) after the entry relating to Aeronautical Navigation Aid Stations insert the following entry—
- “Aeronautical Radar**
- | | |
|----------|---------------|
| 1030 MHz | 2700-3100 MHz |
| 1090 MHz | 9000-9200 MHz |

1215-1350 MHz

9300-9500 MHz

15400-15700 MHz”; and

- (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) in paragraph 5, for “navigation” substitute “communications”;
- (c) for the heading to paragraphs 6 and 7 “Aeronautical Ground Station Airfield Flight Information Service” substitute “Aeronautical Ground Station (Air/Ground Communication Services)”;
- (d) omit paragraph 6;
- (e) in paragraph 7—
 - (i) for “Aeronautical Ground Station Airfield Flight Information Service Licence” substitute “Aeronautical Ground Station (Air/Ground Communication Services) Licence”; and
 - (ii) for “navigation” substitute “communications”;
- (f) for the heading to paragraph 8 “Aeronautical Ground Station (General Aviation)” substitute “Aeronautical Ground Station (Airfield Flight Information Service)”;
- (g) in paragraph 8—
 - (i) for “Aeronautical Ground Station (General Aviation) Licence”, substitute “Aeronautical Ground Station (Airfield Flight Information Service) Licence”; and
 - (ii) for “navigation” substitute “communications”;
- (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 communications installation assessed as fit for purpose under the Air Navigation Order 2005^(a) 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 communications installation assessed as fit for purpose under the Air Navigation Order 2005 by the Civil Aviation Authority’s Air Traffic Standards Department.

^(a) S.I. 2005/1970.

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 as well as emergency mobile ground stations and airport vehicles within the confines of aerodromes authorised by the CAA.

8E. An applicant must prove that the equipment he intends to use under an Aeronautical Ground Station (Offshore Platform) Licence is an aeronautical communications 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.

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(a).

8H. An applicant must prove that the equipment he intends to use under an Aeronautical Ground Station (Operations Control) Licence is an aeronautical communications 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(b)."; and

- (b) in paragraph 12—

- (i) for "solely" substitute "solely"; and

- (ii) For "aeronautical radio or radio navigation (including satellite) service" substitute "aeronautical mobile service, aeronautical mobile-satellite service and the aeronautical radio navigation service".

Schedule 9 (Amateur Radio)

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

(a) The same definition of "operation control" appears at Annex 6, Part 1 and 3, chapter 1a of the Convention on International Civil Aviation (also known as the Chicago Convention) (Doc 7300/8 Eighth edition published 2000).
(b) Published October 2004.

“PART 1

FREQUENCIES ALLOCATED TO AMATEUR RADIO USE

Amateur Radio Foundation

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

Amateur Radio Intermediate

0.1357-0.1378 MHz	28.000-29.700 MHz	5755-5765 MHz
1.810-2.000 MHz	50.000-52.000 MHz	5820-5850 MHz
3.500-3.800 MHz	70.00-70.50 MHz	1000-10125 MHz
7.000-7.200 MHz	144.0-146.00 MHz	10225-10500 MHz
10.100-10.150 MHz	430.0-440.0 MHz	24000-24250 MHz
14.000-14.350 MHz	1240-1325 MHz	47000-47200 MHz
18.068-18.168 MHz	2310-2450 MHz	75500-81000 MHz
21.000-21.450 MHz	3400-3475 MHz	142000-144000 MHz
24.890-24.990 MHz	5650-5680 MHz	248000-250000 MHz

Amateur Radio Full

0.1357-0.1378 MHz	28.000-29.700 MHz	5755-5765 MHz
1.810 MHz-2.000 MHz	50.00-52.00 MHz	5820-5850 MHz
3.500-3.800 MHz	70.00-70.50 MHz	10000-10125 MHz
7.000-7.200 MHz	144.0-146.0 MHz	10225-10500 MHz
10.100-10.150 MHz	430.0-440.0 MHz	24000-24250 MHz
14.000-14.350 MHz	1240-1325 MHz	47000-47200 MHz
18.068-18.168 MHz	2310-2450 MHz	75500-81000 MHz
21.000-21.450 MHz	3400-3475 MHz	122250-123000 MHz
24.890-24.990 MHz	5650-5680 MHz	134000-141000 MHz
		142000-144000 MHz
		241000-250000 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 sub-paragraph (a) after “examination;” insert “and”;
 - (ii) at the end of sub-paragraph (b) for “examination; and” substitute “examination.”;
 - (iii) omit sub-paragraph (c);
- (d) for paragraphs 3 and 4 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(a) 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 for “Technology Development” substitute “Science and Technology”;
- (b) in paragraph 1 after “Temporary” insert “Use”; and
- (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—

“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(b).”

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. 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)

(a) The City and Guilds of London Institute can be contacted at 1 Giltspur Street, London EC1A 9DD.
(b) 2003 c.21.

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^(a).

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

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

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 Business Radio Technical Frequency Assignment Criteria published by OFCOM^(b).”.

^(a) 2003 c.21.

^(b) Reference Of 164, Version 1.10 (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.

Article 2 of this Order amends the principal Order to reflect changes in the wireless telegraphy licence classes which are now available and changes have been made in respect of the following uses of spectrum:

- (a) broadcasting;
- (b) fixed links;
- (c) satellite services;
- (d) aeronautical;
- (e) maritime; and
- (f) science and technology (formerly called test and development).

Copies of the publications referred to in the Schedule are available from OFCOM at Riverside House, 2a Southwark Bridge Road, London SE1 9HA and available on the OFCOM website at <http://www.ofcom.org.uk> except in the case of the Convention on International Civil Aviation, referred to in paragraph 20 of the Schedule, which is available from the International Civil Aviation Organization, Document Sales Unit, 999 University Street, Montreal, Quebec H3C 5H7, Canada or on the ICAO website at <http://icao.int>.

A full regulatory impact assessment of the effect of this Order is available from the OFCOM information centre at Riverside House, 2a Southwark Bridge Road, London SE1 9HA, telephone 202 7981 3000 or on the OFCOM website at <http://www.ofcom.org.uk>. Copies of the regulatory impact assessment have also been placed in the libraries of both Houses of Parliament.

2006 No.

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Licensing Procedures) Regulations
2006**

Made - - - - *16th October 2006*

Coming into force - - *16th November 2006*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred on OFCOM by section 1D(3) of the Wireless Telegraphy Act 1949(a) (“the 1949 Act”).

Before making the Regulations, OFCOM have given notice of their proposal to do so in accordance with section 403(4)(a) of the Communications Act 2003(b) (“the 2003 Act”) as applied by section 16(1A) of the 1949 Act, published notice of their proposal in accordance with section 403(4)(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

1. These Regulations may be cited as the Wireless Telegraphy (Licensing Procedures) Regulations 2006 and shall come into force on 16th November 2006.

Interpretation

2. In these Regulations—

“apparatus” means apparatus for wireless telegraphy;

“earth station” means a station situated either on the earth’s surface or within the earth’s atmosphere which is intended for communication with a station beyond the earth’s atmosphere;

“equipment” means a station or apparatus;

“fixed station” means a station which only transmits from a fixed location;

“licence” means a licence under section 1 of the Wireless Telegraphy Act 1949;

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

“station” means a station for wireless telegraphy.

(a) 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.
(b) 2003 c.21.

Time limits for dealing with the grant of licences

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

- (a) in the case of any licence relating to radio frequencies allocated for use in the United Kingdom Plan for Frequency Authorisation^(a), not more than six weeks after the day of the receipt of the application; and
- (b) in any other case as soon as possible after the day of the receipt of the application.

Requirements that must be met for the grant of a licence

4.—(1) 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 are described in the licence.

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

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

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

- (a) the frequencies on which the applicant wishes to operate the station;
- (b) the location of any proposed fixed station;
- (c) the position of any remote control point for a fixed station;
- (d) the purpose or type of service for which the proposed station is intended;
- (e) the type of station proposed for use;
- (f) the intended geographical range of operation;
- (g) the type, position, direction, signal strength, output power and signal beam width of each antenna forming part of the proposed station;
- (h) the modulation characteristics and data bit rate of—
 - (i) transmissions by the proposed station; and
 - (ii) any transmissions which are for the purpose of station recognition;
- (i) the call sign desired by the applicant;
- (j) information required for station site clearance in accordance with the publication UK Radio Site Clearance Procedure published by OFCOM^(b);
- (k) in the case of an application in respect of a mobile station, an indication of whether or not the station is to be established on board—
 - (i) an aircraft,
 - (ii) a ship; or
 - (iii) a train; and

^(a) The United Kingdom Plan for Frequency Authorisation is published by Ofcom in accordance with section 153(1) of the Communications Act 2003 (c.21).

^(b) UK Radio Site Clearance Procedure, (OFW191), November 2004.

- (l) if the application is in relation to more than one fixed station, the length and direction of proposed transmission signal paths between stations.

Particulars of the terms, provisions and limitations of licences

5.—(1) Licences are granted subject to—

- (a) a limitation as to the type of equipment which is authorised;
- (b) a limitation as to the circumstances of use;
- (c) 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;
- (d) terms, as to the circumstances in which OFCOM may revoke or vary the licence;
- (e) terms providing for the manner and payment of fees;
- (f) a term as to access and inspection by OFCOM of equipment;
- (g) 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; and
- (h) terms, provisions and limitations as to strength and type of signal.

(2) Licences are also granted subject to the other terms, provisions and limitations in the case of any particular licence which are contained in the publication Wireless Telegraphy Act Licences (Terms, Provisions and Limitations) published by OFCOM(a).

16th October 2006

Kip Meek
Chief Policy Partner
For and on the authority of the Office of Communications

(a) Wireless Telegraphy Act Licences (Terms, Provisions and Limitations), October 2006.

SCHEDULE

Regulation 4(2)(c)

ADDITIONAL INFORMATION REQUIRED FOR THE GRANT OF A LICENCE

PART 1

AERONAUTICAL

1. For the licence classes Aeronautical Ground Station (Air traffic/Ground Movement Control), Aeronautical Ground Station (Air/Ground Communications 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 information shall be provided—

- (a) whether authorisation of a temporary or permanent station is sought;
- (b) the number of aircraft with which the station is intended to communicate in any day; and
- (c) the level of radio traffic for which authorisation is sought.

2. For the licence classes Aircraft and Aircraft (Transportable) the following information shall be provided—

- (a) the make, model, and serial number of station or apparatus for which authorisation is sought;
- (b) the registration number and make and model of the aircraft on which the station will be established or apparatus installed; and
- (c) the take off weight of that aircraft and the intended use of that aircraft.

PART 2

MARITIME

3. 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 on which a station will be established or apparatus installed;
- (b) the type of vessel, its gross tonnage or approximate weight and the maximum number of persons the vessel is capable of carrying;
- (c) the intended use of the vessel;
- (d) the current and any previous call sign of the vessel;
- (e) whether digital selective calling is to be used by the station; and
- (f) for emergency position indicating radio beacon equipment and personal locator beacon equipment, the type of beacon equipment for which authorisation is sought, its code which identifies its country of authorisation, its manufacturer, its serial number, and whether or not it operates using a global positioning system.

4. For the licence class Ship Portable Radio applicants shall specify if authorisation of emergency position indicating radio beacon equipment or personal locator beacon equipment is sought and if so the type of beacon equipment for which authorisation is sought, its code which

identifies its country of authorisation, its manufacturer, its serial number, and whether or not it operates using a global positioning system.

PART 3

PROGRAMME MAKING AND SPECIAL EVENTS

5. 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 apparatus use; and
- (b) the proposed dates and times of apparatus use.

PART 4

SATELLITE SERVICES

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

- (a) the date when satellite network operations will start;
- (b) the name of the satellite network which the earth station will use;
- (c) the orbital longitude of all satellites in the network;
- (d) the satellite beam service area;
- (e) the maximum bandwidth which is accessible by the earth station;
- (f) identification of any other earth stations which are associated with the station; and
- (g) a postal address for the control centre for the satellite network and the name of the person controlling the network at that address.

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

- (a) the name of the satellite network which the aircraft earth station will use;
- (b) the orbital longitude of all satellites in the network;
- (c) the satellite beam service area;
- (d) the maximum bandwidth which is accessible by the earth station;
- (e) identification of any other earth stations which are associated with the earth station;
- (f) a postal address for the control centre for the satellite network and the name of the person controlling the network at that address; and
- (g) in the case of an aircraft which it is proposed will carry an earth station which will use the satellite network, in relation to that aircraft—
 - (i) the aircraft call sign;
 - (ii) the model of the aircraft;
 - (iii) the name of the aircraft operator; and
 - (iv) the country in which the aircraft is registered.

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

- (a) the name of the satellite network to be used by the earth station which is proposed to be carried on board the vessel;

- (b) the orbital longitude of the satellites in the network;
- (c) the satellite beam service area;
- (d) the maximum bandwidth which is accessible by the earth station;
- (e) identification of any other earth stations which are associated with the station;
- (f) a postal address for the control centre for the satellite network and the name of the person controlling the network at that address; and
- (g) in the case of a vessel which it is proposed will carry an earth station which will use the satellite network, in relation to that vessel—
 - (i) the name of the vessel;
 - (ii) the vessel call sign;
 - (iii) the maritime mobile service identity number of the vessel; and
 - (iv) the country in which the vessel is registered.

9. 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 the proposed earth stations;
- (b) the range of frequencies;
- (c) the direction and power required for each earth station;
- (d) the name and location of any associated satellite transponders together with their operating angles or their range of operating angles;
- (e) whether any satellite transmission signals are to be received by earth stations; and
- (f) in relation to the signals to be received at the earth station, the International Telecommunication Union classification of emissions and necessary bandwidths set out in Appendix 1 of the Appendices to the Radio Regulations of the International Telecommunication Union(a).

PART 5

SCIENCE AND TECHNOLOGY

10. For the licence classes Non-Operational Temporary Use, Non-Operational Development, and Ground Probing Radar the applicant shall provide a description of the configuration of any apparatus for which authorisation is sought, the purpose for which it will transmit and the intended geographical range of operation.

(a) Edition of 2004. The Radio Regulations are published by the International Telecommunication Union and made under Article 13 of the Constitution of the International Telecommunication Union. The Constitution and Convention of the International Telecommunication Union were adopted in Geneva in 1992 and ratified by the United Kingdom in 1994 (Cm 3145). They were modified by the Plenipotentiary Conference in Kyoto in 1994 as ratified by the United Kingdom in 1997 (Cm 3779).

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.

Regulation 3 makes provision for time limits within which OFCOM will make, notify to the applicant and publish a decision on an application for the grant of a licence.

Regulation 4(2) sets out the requirements that must be met for the grant of every licence (whether in respect of a station or apparatus) and regulation 4(3) contains specific requirements that must be met for the grant of a licence in respect of a station.

Regulation 5 gives particulars of the terms, provisions and limitations to which a licence are made subject.

Except in the case of Aeronautical licences, application forms are available from OFCOM at Riverside House, 2a Southwark Bridge Road, London SE1 9HA and available on the OFCOM website at <http://www.ofcom.org.uk>.

Application forms for Aeronautical licences are available from the Civil Aviation Authority, CAA House, 45-59 Kingsway, London WC2B 6TE, telephone 020 7453 6599.

Copies of the publications referred to at:

- (a) paragraph (a) of regulation 3;
- (b) paragraph (3)(j) of regulation 4; and
- (c) paragraph (2) of regulation 5

are available from OFCOM at Riverside House, 2a Southwark Bridge Road, London SE1 9HA and available on the OFCOM website at <http://www.ofcom.org.uk>.

The Radio Regulations referred to in paragraph (f) of regulation 8 can be obtained from the International Telecommunication Union Sales Service, Place des Nations, 1211 Geneva 20, Switzerland.

A full regulatory impact assessment of the effect of these Regulations is available from the OFCOM information centre at Riverside House, 2a Southwark Bridge Road, London SE1 9HA, telephone 020 7981 3000 or on the OFCOM website at www.ofcom.org.uk. Copies of the regulatory impact assessment have also been placed in both libraries of the Houses of Parliament.