

Cover sheet for response to a DTI consultation

BASIC DETAILS

Consultation title: **Fixed Penalty Notice Consultation**

To (DTI contact): **Bob Barron, Spectrum Technology and Equipment,
Communications and Content Industries, Department of Trade and Industry
Floor 2, 151 Buckingham Palace Road, LONDON, SW1W 9SS
e-mail: DTIFPNConsultation@dti.gsi.gov.uk
Tel: 020 7215 1742 Fax: 020 7215 1814**

Name of respondent: **Murray Niman G6JYB & John Bowen G8DET**

Representing (self or organisation/s): **Chelmsford Amateur Radio Society (CARS)**

Address (if not received by email):

CONFIDENTIALITY

What do you want DTI to keep confidential?

Nothing Name/address/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 DTI 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)?

Yes No

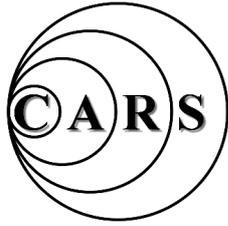
DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full, unless otherwise specified on this cover sheet, and I authorise the DTI to make use of the information in this response to meet its legal requirements. If I have sent my response by email, the DTI can disregard any standard e-mail text about not disclosing email contents and attachments.

DTI can publish my response: on receipt once the consultation ends

Name *Murray Niman & John Bowen pp CARS*

Signed (if hard copy)



Chelmsford Amateur Radio Society

Established 1936

Affiliated to the RSGB

Club Callsign: G0MWT

President: Harry Heap G5HF

Chairman: John Bowen G8DET

Secretary: Martyn Medcalf G1EFL Treasurer: Brian Thwaites G3CVI

CARS Ref: 20060331

Web Address: www.g0mwt.org.uk

31-March-2006

Response to DTI Fixed Penalty Notice Consultation

Introduction

Chelmsford Amateur Radio Society (CARS) is a vibrant club with over 100 active members holding amateur radio licences. Based in and around Chelmsford, Essex, it is nationally recognised as playing a very active role in amateur radio across a wide range activities including social, operational and development/training aspects. The club is affiliated to the national body, the Radio Society of Great Britain (RSGB).

CARS members collectively have a huge range of technical experience and operate from HF to the microwave bands. With roots going back to the 1930s, the club draws much of its membership from professionals in the electronics and radio field.

CARS has a Training team consist of a team of eleven volunteers (tutors and assistants) who have worked hard over the past three years to enthusiastically implement the joint Ofcom/RSGB three-tier training and examination system. Training amateurs in Licence and Operating conditions and encouraging best practice can only be done in an environment of regulatory certainty and an effective enforcement regime.

We therefore welcome this opportunity to enclose our response to the DTI consultation overleaf:-

Questions & Answers:

Q1 *Do you agree that the Secretary of State should introduce a fixed penalty regime for certain minor WT Act 1949 offences?*

A1 YES, we support measures which permit easier enforcement of the WT Act, particularly as we have observed a decline in Ofcom's willingness and resources for enforcement matters, compared to the former DTI Radiocommunications Agency.

Q2 *Do you agree the proposal that section 1(1) offences, when triable summarily only, other than receive only ones, are appropriate for a fixed penalty regime and should be the subject of the first Fixed Penalty Regulations?*

A2 YES, although we would prefer clarity as to what appeal procedure is available.

Q3 *Do you consider that the proposed level of penalty is proportionate and appropriate?*

A3 YES, for one-off offences. We would highlight however that in many cases removal of equipment can constitute a financially greater and in practice more effective means of enforcement.

Q4 *The CA 2003 permits other matters incidental to the operation of the fixed penalty regime to be covered in regulations. Do you think that anything else needs inclusion?*

A4 As currently proposed, payment of a fixed penalty means there is no further liability to prosecution for that particular offence. CARS feel that once a £100 payment has been made, the record should NOT be totally wiped clean for, say a five-year period.

As it stands a scenario is possible where an officer serves a penalty notice that effectively absolves a person of liability, leaving an offender free to almost immediately repeat the same offence.

The rules as currently proposed would enable a persistent offender to nominally (or even willingly) keep paying £100 fines which would hinder the ability of a court to take such previous actions into account should a more substantial enforcement action be desired at a later date.

This appears to be somewhat inconsistent with other civil/criminal procedures such as driving penalty points etc., which are cumulative for a given time period and where past records can be taken into account.

Implementation of the new penalty regime should also be in the context of the ability to easily confiscate or disable equipment that had facilitated the offence.

We would also advocate a review after a suitable period to ascertain the effectiveness of the new regime, including its operation and extent.

Chelmsford Amateur Radio Society, 31-March-2006