

Amateur Radio Licensing
Ofcom
Riverside House
2a Southwark Bridge Road
London

PK/SC

17 August 2005

Dear Sirs

Re: Ofcom Consultation ‘Proposal to reform amateur radio licensing (Of243)’

The Radio Society of Great Britain (RSGB) is pleased to have this opportunity to respond to Ofcom’s public consultation document “Proposal to reform amateur radio licensing (Of243)”.

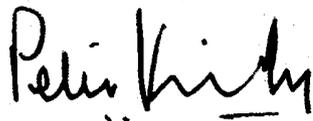
The RSGB has over 25,000 members, the majority of whom hold a amateur radio licence.

The RSGB acknowledges its position and role of representing all UK radio amateurs, not just its own members and to facilitate this role the Society carried out a programme of public meetings and club visits right across Great Britain and Northern Ireland to ensure the widest input to the consultation from RSGB members and non members was achieved.

The views expressed in this submission are first and foremost from “grass roots” radio amateurs.

If you require further information or amplification of any aspect of this response, then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Kirby'.

Peter Kirby, G0TWW
General Manager



A RESPONSE BY THE RADIO SOCIETY OF GREAT BRITAIN (RSGB) TO THE OFCOM CONSULTATION ON A PROPOSAL TO REFORM AMATEUR RADIO LICENSING (Of243)

In preparing this submission the RSGB has taken into account the inputs received from the regional road shows, club visits and the large volume of correspondence received from members and non-members.

During the consultation period the RSGB held 15 public meetings across the United Kingdom including Northern Ireland. These were open meetings and at 6 of the meetings Ofcom staff were in attendance. The Society's Regional Teams carried out 71 club visits during the period.

Regulatory Impact Assessment.

The consultation document as published (Of243) was written prior Ofcom's official change of policy with regards to Regulatory Impact Assessment. This policy change was laid down in the Ofcom document "Better Policy Making" published on the 21 July 2005 and effective from 1 August 2005.

Section 5 sub paragraph 5.13 of "Better Policy Making" states: "When identifying the possible options, we will generally start by considering the option of not changing the regulatory framework, either by not introducing regulation or by retaining existing regulation. This option – no new intervention – will be the benchmark or base case against which other options will be judged i.e. what costs and benefits would be incurred additional to those which would be incurred if there were no new intervention"

In the consultation document (Of243) Ofcom is heavily biased in recommending 'Licences for Life' and summarily dismisses the option to "Maintain the existing licensing regime" (Alternative 3)

The RSGB requests that Ofcom take note of the reply to question 4 of this response which gives the view of the majority of inputs received by the RSGB that radio amateurs would prefer that the existing regime remain in place or if it is to be replaced the option preferred would be a licence for an extended period.

ANSWERS TO OFCOM QUESTIONS

Q1 Do you agree with the proposal to introduce a lighter, electronic licensing process? If not, please explain why.

Answer: Yes (qualified) Agree with a lighter licensing process but serious concerns exist regarding the security of the electronic process being considered by Ofcom, especially any linkage with the security and integrity of the Radio Communications examination database. There are also concerns with the possible financial discrimination against those amateurs who do not have access to a computer.

This question raises a number of concerns, however the primary concern is the security and integrity of the Radio Communications examination. Under the current proposal Ofcom have not made any provision to verify the identity or authenticity of a new applicant applying for an amateur radio licence. There is no link between the licensing database and the examination database. This will enable anyone to apply for an amateur radio licence and will lead to wide spread piracy of call signs.

Q2 Do you agree with the proposal to issue licences which remain valid for the life of the licensee? If not, please explain why.

Answer: No. We see a lifetime licence as potentially a step towards WT licence exemption and we would want to see safeguards are in place to ensure that this did not follow and also that licence particulars are kept up to date. Under the Ofcom proposal it will continue to be the licensee's responsibility to ensure licence details are amended as and when necessary. At the present time amateurs do this on an annual basis. The assumption by Ofcom that a zero-cost, web-based, self service licensing system would help ensure licensees would keep the data up to date is erroneous.

There are a number of issues which in the opinion of the RSGB will cause problems if a life time licence is introduced. Currently, within reason the whereabouts of all licence holders is known. Experience is showing that a large number of people change their email addresses and ISPs on a regular basis and do not notify their correspondents. Any licence updates sent electronically by Ofcom are likely to result in a large percentage of undeliverable emails. Ofcom has stated that they do not consider it a problem if the amateur radio database becomes dated, but other areas of government do not agree with this position. Amateur operation in certain bands may be curtailed by the primary user if an accurate listing of amateur radio station locations is not immediately available. The RSGB would wish to see the role of the amateur enhanced under the provisions of the Home Defence Plan. This is unlikely to be the case should these proposals go ahead.

There is also a potential problem in investigating cases of interference to other services if an accurate database of the locations of Amateur Radio stations is not held.

Q3 Do you agree with the proposal to issue electronic amateur radio licences free of charge? If not, please explain why.

Answer: No. The message was very clear from all the inputs received by the RSGB and reactions from the floor at the public meetings. The majority of radio amateurs in the UK feel that abolishing the licence fee will devalue the Amateur Radio Service and Amateur Satellite Service and diminishes the voice of

amateurs in future consultations. Amateur radio is a hobby, and to participate in hobbies where you require a licence, as an example, fishing, payment of a fee is required. Abolish the fee and any cost cutting measures by Ofcom in the future could lead to an early decision to abolish the licence.

Further, as in question one, financial discrimination against those radio amateurs who do not have access to a computer is unfair.

The RSGB has not received one input from any amateur complaining about paying for the licence. In fact the majority of amateurs have said that they feel uncomfortable with the proposal to issue the licence free of charge. Comments received range from “no fee, no say”, “no fee, easy to take away” “drop fee, lose status” “why free for me and not amateurs without web access” “I have to pay a fee for all my other hobbies why not amateur radio, it gives me some protection” “no licence fee, no help from Ofcom on interference and EMC matters” These are just some of the concerns raised.

Q4 *Do you agree with the proposal to apply an administrative charge when processing postal applications for amateur radio licences? If no please explain why.*

Answer: No, If the licence fee is abolished this would be discrimination against those radio amateurs unable to use or have access to on-line computers.

It has been widely felt that if there is going to be a free licence it should be free for all and not just those who have web access.

Q5 *Do you agree that WT Act licence exemption for radio amateurs is not currently practical?*

Answer: Agree, WT Act licence exemption is not practical at present for two reasons. Firstly, under the WT Act radio amateurs must currently be issued with and hold a licence to operate. Secondly, all UK licensed radio amateurs would be disenfranchised from the benefits of operating abroad. They would no longer have a licence document for inspection by foreign administrations.

There are other obvious concerns with WT Act licence exemption such as no band plans, no power restrictions, no Repeater and Packet NoV system to be able to provide a co-ordinated service. The words “specific and targeted partial de-regulation”, “partial de-regulation” and WT Act licence exempt” have been used by Ofcom – the exact definition of these phrases still require clarification by Ofcom. Refer to Q6 for further concerns.

Q6 *What are your views regarding the possibility of WT Act Licence exemption for radio amateurs in the longer term?*

Answer: Disagree with the possibility of WT Act licence exemption in the longer term for radio amateurs because of the implications to existing international agreements. There would be a requirement for HM Government to re-negotiate long established international agreements with; The European Union (EU), The International Telecommunications Union (ITU), and the European Conference

of Postal and Telecommunications Administration (CEPT). As well as these agreements, the Foreign Office has also negotiated a number of reciprocal operating agreements with countries outside of the EU. Also to achieve WT Act licence exemption parliamentary time would have to be found to change the Act to reflect the non requirement to hold a licence. Deregulation or WT Act licence exemption, would spell the end of amateur radio in the UK and it's dependencies, as there would be no requirement for entrants into the hobby to take any formal examinations. Amateur radio operators could and would operate at will outside of the harmonised amateur radio bands. There would be no control of transmitter power levels, and there would be widespread interference. Unless deregulation was the chosen route of all other foreign administrations the UK amateur would be disenfranchised as described in the answer to question 5

Amateur Radio is a practical and experimental leisure and training pursuit. An essential feature is that participants can design and build their own equipment. This is permitted by exemption from the regulations relating to the European R&TTE Directive. If the requirement to hold an entry qualification is abolished this exemption will be lost and the hobby will cease to exist.

Q7 Is maintaining the existing licensing regime but with an extended renewal period your preferred option? If so please state the renewal period that you believe would be appropriate and explain why.

Answer: The belief is that the status quo is the best option, and would serve the best interests of amateur radio. However, a limited period licence of up to 5 years encompassing the best features of the Ofcom proposal ie, an on-line web based self service licence structure with printable options issued free of charge with a similar free of charge postal service would be acceptable. Financial discrimination because someone does not have web based access is not acceptable. A licence with any validity longer than 5 years will quickly lead to the degradation of the amateur radio database.

The RSGB is committed to five key objectives;

- 1. Maintain the status of amateur radio and radio amateurs in the UK*
- 2. Maintain the requirement for examination*
- 3. Ensure that a licence requirement remains in place*
- 4. Protect the integrity of the amateur radio licence database*
- 5. Safeguard the future of the hobby*

It is the Society's belief that a 5 year renewable licence is best placed to achieve all the objectives set out above. The Society would not oppose the introduction of such a licence if it was delivered both electronically for those with web access and by post for those without web access. The Society believes, that a fee structure should remain in place.

Q8 *Do you agree that the current licensing system is over-burdensome? If not, please explain why.*

Answer: No. The majority view is that the current licensing system is far from over burdensome for licensed radio amateurs and there is no evidence to support such a case. The only action imposed on an radio amateur is to return the paper renewal document within a specified period, and this cannot be seen as onerous. Direct Debit payers have no burden of any kind. Only the administrator of the licensing/renewal system can suffer from any form of burden and this can be transferred if necessary by delegation to any third party or Ofcom could apply their own options for efficiency gains.

Q9 *Do you agree with the proposal to apply an administrative charge when processing applications for a Notice of Variation to an amateur radio licence? If not please explain why.*

Answer: The administration of any Notice of Variation (NoV) will incur cost to whoever carries out such administration. Accordingly a fair administrative charge would be supported.

The majority of inputs received to date support charges for NoVs. The majority of radio amateurs recognise that the hobby cannot continue to be subsidised by Ofcom.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Proposal to reform amateur radio licensing (Of243)

To (Ofcom contact): Amateur Radio Licensing

Name of respondent: Peter Kirby. G0TWW

Representing (self or organisation/s): Radio Society of Great Britain

Address (if not received by email): RSGB, Lambda House, Cranborne Road, Potters Bar, Hertfordshire, EN6 3JE

CONFIDENTIALITY

What do you want Ofcom 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?

Note that Ofcom may still refer to the contents of responses in general terms, without disclosing specific information that is confidential. Ofcom also reserves its powers to disclose any information it receives where this is required to carry out its functions. Ofcom will exercise due regard to the confidentiality of information supplied.

DECLARATION

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

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name Peter Kirby

Signed (if hard copy)