

# THE RADIO SOCIETY OF GREAT BRITAIN

## RESPONSE TO THE DRAFT OFCOM “FUTURE OF AMATEUR RADIO LICENSING” CONSULTATIVE DOCUMENT

The Radio Society of Great Britain (RSGB) understands and supports the desire of Ofcom to ease Ofcom’s regulatory burden for licensing of amateur radio. The RSGB has examined the options suggested by Ofcom for simplifying that burden and within this document comments on the options designed to meet Ofcom’s stated desire to ‘**move away from central management**’ (Spectrum Framework Review p.3) whilst ‘**radically simplifying access to amateur radio licences**’ (Spectrum Framework Review p.28).

This document will review each option individually and make comment on the four options put forward for consideration by Ofcom.

### ***Option 1 – Full license deregulation.***

Ofcom statement:

By this we mean the complete deregulation of amateur radio licensing. As described, this would mean the need for the inclusion of amateur radio equipment, both commercial and home constructed or modified, under the Licensing Exemption regulations, with no amateur radio licence being issued.

The full deregulation of amateur radio licensing would mean that:

1. changes would be required to the Licensing Exemption regulations, the Licensing Charges regulations (The Fees Order), and the Limitation of Licence Numbers regulations;
2. the terms of the ITU Radio Regulations would not be complied with;
3. call signs would not be issued;
4. checks on the competence of those using amateur bands would not be verified.

Due to the considerations above and specifically due to the second, third and fourth, Ofcom does not believe that Option 1 is feasible. An alternative considered was the process of changing the Radio Regulations to obviate the requirement for amateur licenses; however, the process is quite lengthy and likely to take in the region of over seven years, providing that sufficient administrations were to support this move. This is regarded as highly unlikely.

However the major difficulty with this option is in the fourth consideration, of allowing anybody to have access to amateur radio with no requirement to demonstrate any form of competence. This is a key radio regulation requirement for the simple reason that without such checks extensive interference to domestic electronic equipment and both domestic and other radio services is inevitable. This is evidenced

by the fact that in Europe, where radio usage is particularly intense, the CEPT have seen fit to more closely define the syllabus requirements in terms of both the breadth of coverage (as given in ITU Recommendation M 1544) but also the depth of knowledge required as laid down in CEPT Recommendation T/R 61-02.

Amateurs are permitted to build their own equipment and to modify equipment. They are the only radio users permitted to do so and this privilege is fundamental to the nature of amateur radio. This exemption, which includes exemption from the provisions of the European RTTED can only be granted because amateurs are required to demonstrate a high level of technical competence. Similarly, the willingness of many services to share with amateurs is based, in part on, their operational competence.

## **RSGB Observation/comment**

*The RSGB fully agrees with Ofcom's assessment that this option is not feasible.*

*Complete deregulation would also disenfranchise all licensed amateurs in the UK by preventing them from travelling abroad to enjoy their hobby either as an occasional activity whilst on holiday or as part of a planned activity with other amateurs in competitions or special occasions, such as activating rare and unusual locations. It would also prevent UK amateurs from helping aid agencies such as the Red Cross, Oxfam and Save the Children and from assisting in providing communications in the cases of natural disasters such as the recent events in South East Asia, The earthquake in Turkey in 2003. It must also be remembered that it was a British radio amateur operating under a reciprocal agreement who was responsible for coordinating the re establishment of communications in New York following the 9/11 attack.*

## **Option 2 – Licence for life**

Ofcom statement:

By this we mean that initial licensing and attendant examinations continue broadly as at present (options on the details are discussed later) but the licence is issued with indefinite validity.

### **Licensing for life would mean that**

1. the application process would be familiar and all the existing safeguards on standards and competence to operate are retained;
2. the need for renewal and the handling of renewal payments is avoided
3. the need to advise of changes of address becomes more pressing since the opportunity to do this (albeit belatedly) at the renewal stage is lost;
4. there would be a progressive loss of accurate information on the total numbers and actual whereabouts of amateurs as the numbers of deceased amateurs increases;
5. other procedures will be required to advise amateurs of changes to their licence terms and conditions;
6. transfer of call signs will become more difficult to administer and, in some cases may not be possible;
7. amateurs at higher levels would have one (or no) opportunity to retain or dispose/transfer the call sign of their lower licence level;

8. the risk of writing to deceased amateurs and consequent distress to their next-of-kin is increased unless suitable procedures to avoid this can be devised.

This option will remove the administrative and financial burden of maintaining a renewal process from both Ofcom and the amateur licensee. However there is a real difficulty of advising amateurs of changes to their licences which Ofcom is obliged to do, in writing, within a reasonable timescale (such as annual renewal currently)

This leads to subsidiary options, discussed later below, of registering for electronic delivery of licence updates, including the option to notify of changes of address etc on-line so that the entire process, once licensed, is entirely on-line. Alternatively opt for a manual, postal process for which a fee rather greater than the current renewal fee would have to be charged on a regular basis (annually or some longer period) but with the option to choose the electronic method at some future date.

### **RSGB Observation/comment.**

*The mechanism for achieving compliance with this part of the option may have to involve some form of sanction if any amateur, particularly elderly ones, declined or were incapable of registering for on-line service. Some adverse publicity may result if an enforced system of payment for a manual process were required for those who would not or could not register for an electronic system of notification. Some may argue that this two tier system which financially penalised those that did not wish to use the on-line service was an offence under the Human Rights Act. This aspect of Option 2 may require new or additional legislation to achieve the compliance intended. Resistance to this option because of the aspect noted above may be expected from the amateur community.*

*It should also be noted that within this option there is a cost implication for Ofcom of providing and maintaining a data-base, hardware and resources, even if of a minimal nature. It would mean that with a life-licence coupled with electronic updating the amateur would be exempted from any cost. Some opinion exists that this may be viewed in some quarters, as tax-payers subsidising the licensing process of a hobby thereby creating a precedent which might eventually prove unfavourable to the Exchequer.*

### **Option 3 – Existing licensing method but with a 10 (or other long) validity.**

Ofcom statement:

By this we mean the retention of the present system of licensing and renewal but the validity of a licence and the renewal period will be extended to 10 years.

10 year licensing would mean that

1. the application process would be familiar and all the existing safeguards on standards and competence to operate are retained;
2. the burden and cost of renewals for Ofcom would be considerably reduced;
3. disused and deceased licences would lapse, albeit up to 10 years later;
4. some mechanism will still need to be found to update licence changes.

This is a compromise between option 2 and the current system of annual renewal. It does remove some of the workload but still introduces the requirement to advise amateurs of changes to their licenses and for amateurs to advise Ofcom of changes of address. The on-line, web-based renewal and registration for electronic receipt of updates or fee paid postal alternative of option 2 still apply.

There is a risk that this is not sufficiently distinguished from option 2 to be worth pursuing unless almost all amateurs register for on-line renewals and licence updates.

## **RSGB Observations/comments.**

*The RSGB agree with Ofcom that with this option there is a risk that the option is not sufficiently distinguished from Option 2 to be worth pursuing especially if all amateurs will be required to register with Ofcom for on-line renewals and licence updates. However, if amateurs were expected to register with the organisation responsible for licensing to receive their updates, this would further reduce the burden placed upon Ofcom. There exists within this option a real opportunity to further devolve Ofcom's obligations to directly supporting amateurs and give those obligations to the license issuing body.*

*The question of long periods of validity might also involve deciding if any commercially driven organisation would be prepared to tender for licensing faced with uncertainties about profit in the realisation that income would be sporadic, not easy to define and liable to be irregular. This strategy would leave Ofcom with two alternatives. A. Bring the issuing of licensing 'in house' which would bring with it the cost of establishing an IT platform to support the activity and the ensuing personnel costs. Or B. Devolve licensing so that it can co-exist within other amateur radio administrative activities.*

## **Option 4 – The “do nothing” option**

Ofcom statement:

We considered whether it would be appropriate to continue the existing amateur radio licensing system in its present state with no changes.

We decided that this would not be appropriate for the following reasons;

1. We indicated previously that wherever possible we would implement the least intrusive style of regulation and we felt that renewing radio licenses year in year out under the existing system, where no licensing changes were required, in addition to higher costs being incurred do not align with Ofcom's ethos;
2. As there is no direct spectrum management necessary, we still need to consider how we could simplify the licensing process.

## **RSGB Observation/comment**

*The RSGB recognises that Ofcom is under pressure to meet its objective as a “light touch” regulator and to reduce dramatically the costs of managing and administering the radio spectrum within the UK. These aims are clearly laid down in Ofcom's annual plan 2005/6*

## **Summary:**

*The RSGB acknowledge that a radical approach to the system of licensing Radio Amateurs that will further develop Ofcom's commitment of being a light touch regulator whilst substantially reducing Ofcom's resource commitment in this area is considered to be essential by Ofcom's senior management.*

*The Communications Act 2003 requires that this area of activity be examined and several options have been developed which can be broken down into the following categories;*

1. complete deregulation;
2. free licence for life;
3. renewable licence valid for a fixed period
4. maintain the 'status quo'

*Each option has been seen to have certain opportunities and strengths but the weakness and threats, described after each option, militate against three of the options and create a situation in which a renewable licence valid for a fixed period should be preferred. It is in the opinion of the RSGB that the fixed period having the best potential for regulating Amateur Radio licences, whilst substantially easing the regulatory burden for Ofcom, is considered to be FIVE years. Taking all the other considerations into effect this option also allows Ofcom to comply with its International obligations under treaty arrangements to which Ofcom/UK is a signatory.*

*The fee for such a licence should continue to be set at a moderate level with all amounts remaining after administrative costs accruing to the Exchequer. Raising the fee substantially would only tend to increase the regulatory burden and may become self-defeating. Maintaining the fee at a moderate level will, in all probability, make administration of the amateur radio licensing system unattractive to commercial enterprises creating a situation in which only Ofcom or a special interest group committed to and having expertise in amateur radio might be suitable for the task.*

*If Ofcom wishes to either substantially reduce its regulatory burden or extract itself entirely from a resource or other financial commitment to amateur radio and meet its regulatory obligations, protect the interest of a 'spectrum stakeholder' then it must either outsource the work to a third party or take the work 'in house' Each has its merits and its costs.*

PETER KIRBY.  
General Manager,  
For and on behalf of the  
Radio Society of Great Britain.

24 January 2004.

