



Notice on proposal to make the Wireless Telegraphy (Limitations of Number of Licences) Order

Consultation

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Section 1

Executive summary

- 1.1 This document consults on Ofcom's proposal to make the Wireless Telegraphy (Limitation of Number of Licences) Order [2014] (the "Proposed Order"). The Proposed Order details key aspects of the United Kingdom's (UK) arrangements for spectrum authorisation, particularly the limitations imposed on the number of licences to be granted. This includes the criteria to be applied by Ofcom in determining the limit on the number of licences and the persons to whom licences will be granted.
- 1.2 The Proposed Order will be made in accordance with section 29(1) of the Wireless Telegraphy Act 2006 (the "WT Act") which provides that Ofcom must make an order imposing limitations on the use of particular frequencies if it considers it appropriate for the purpose of securing the efficient use of the electro-magnetic spectrum in the UK. Sections 26 (6) and (7) require Ofcom to keep any such order under review and to make an order revoking or amending its provisions if, on reviewing it, they consider it necessary to do so for the purpose of securing the efficient use of electromagnetic spectrum.
- 1.3 The Proposed Order would revoke and replace the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 (SI 2003/1902)¹ (the "2003 Limitations Order") and the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006 (S.I. 2006/2786)² (the "Amending Order").
- 1.4 The Proposed Order consolidates the limitations that apply to the authorisation of spectrum use³ and brings them up to date with current wireless telegraphy licensing practice and policy. It is intended to reflect changes to the frequency allocations, uses and Technical Frequency Assignment Criteria (TFAC) which have been made for various classes of licences since the Amending Order was made in 2006. Additionally, the Proposed Order incorporates a number of new products that have been created since then.
- 1.5 In summary, the Proposed Order would make the following changes:
 - Revoke and replace the 2003 Limitations Order and Amending Order;
 - Insert new licence products in the light of policy decisions taken by Ofcom since 2006;
 - Update existing licence products;
 - Update references to applicable TFAC and the relevant legislation;
 - Remove licence products from the Limitations Order where licences are no longer available and have been replaced by newer products; and
 - Make editorial changes to correct errors or inaccuracies.

¹ <http://www.legislation.gov.uk/ukSI/2003/1902/made/data.pdf>

² <http://www.legislation.gov.uk/ukSI/2006/2786/made/data.pdf>

³ Spectrum awards issued by auction and grants of Restricted Spectrum Access (RSA) are set out in separate Limitation Orders.

- 1.6 A draft of the Proposed Order is attached at Annex 6.
- 1.7 In accordance with the requirements of section 122(4) and (5) of the WT Act, this document gives notice of our intention to make the Proposed Order. Comments on the Proposed Order are invited by 5pm on 10 January 2014. Subject to consideration of responses we intend to bring the new Order into force in March 2014.
- 1.8 An impact assessment for the Proposed Order is available at Annex 5 to this document. The Proposed Order is included in this document at Annex 6. Further copies may be obtained from www.ofcom.org.uk or from Ofcom at Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

Section 2

Notice Background

Legal Framework

- 2.1 Ofcom is responsible for authorising civil use of the radio spectrum and achieves this by granting wireless telegraphy licences under the Wireless Telegraphy Act 2006 (the “WT Act”).
- 2.2 In accordance with the requirements of section 122(4) of the WT Act, this document gives notice of Ofcom’s intention to revoke and replace the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 (SI 2003/1902) (the “2003 Limitations Order”)⁴ as amended by the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006 (S.I. 2006/2786) (the “Amending Order”)⁵ through the creation of a new statutory instrument, the Wireless Telegraphy (Limitation of Number of Licences) Order [2014] (the “Proposed Order”).
- 2.3 The Proposed Order will be made under section 29 of the WT Act. Section 29 implements Article 7(1) (c) of the Directive of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services 2002/20/EC (the ‘Authorisation Directive’)⁶ which places a requirement on all Member States to publish any decision that limits the granting of rights of use stating the reasons for doing so.
- 2.4 As set out in section 29(1), Ofcom may limit the number of licences it issues for the use of particular frequencies where it considers it appropriate for the purpose of securing the efficient use of the electro-magnetic spectrum in the UK.
- 2.5 Sections 29(6) and (7) of the WT Act require Ofcom to keep any order under review and to revoke or amend its provisions if necessary for the purpose of ensuring the efficient use of the radio spectrum.
- 2.6 As required under section 122(5) of the WT Act, this notice must state that Ofcom proposes to make the order in question, set out its general effects, specify an address from which a copy of the order may be obtained, and specify a time of at least one month before which any representations with respect to the proposal must be made to Ofcom.

Document structure

- 2.7 The document is structured as follows:
 - Section 3 outlines the proposed changes to the 2003 Limitations Order as amended;
 - Section 4 sets out the general effects of the Proposed Order;
 - Annexes 1 to 3 provide information on our approach to consultation;

⁴ <http://www.legislation.gov.uk/ukSI/2003/1902/made/data.pdf>

⁵ <http://www.legislation.gov.uk/ukSI/2006/2786/made/data.pdf>

⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:108:0021:0021:EN:PDF> as amended by Directive 2009/140/EC

- Annex 4 provides a summary of the consultation question;
- Annex 5 details the impact assessment of the options considered; and
- Annex 6 contains a copy of the Proposed Order.

Next steps

- 2.8 Following the publication of this consultation document, stakeholders are invited to provide their feedback on the proposed order. The deadline to submit responses to us is **5pm on 10 January 2014**. We expect to release a statement on this consultation in **March 2014**, having taken into account the stakeholder responses to our proposals and bring into force.

Section 3

Proposed changes

General overview

- 3.1 Ofcom proposes to make the Proposed Order which will revoke and replace the 2003 Limitations Order and the Amending Order in the light of changes that have been made to technical and regulatory arrangements in this area.
- 3.2 More specifically, as part of our spectrum management responsibilities, in order to allow the introduction of new technologies and to assist with harmonisation of radio services within the European Union (EU), it is necessary to review the use to which spectrum is put. As radio technology advances, or the needs of the market change, some licence products have become obsolete and have been withdrawn or are no longer available for new applications. Consequently, we propose to remove from the Proposed Order certain licence products listed in the 2003 Limitations Order (as amended).
- 3.3 Similarly, the names of some licence sectors and licence products within them have changed to better reflect Ofcom's licensing practice and organisational requirements and as a consequence of changes in radio use, convergence of technology and liberalisation policies.
- 3.4 Moreover, a number of new licence products have been introduced by Ofcom since the Amending Order was made, which are included in the Proposed Order. These changes are being made to ensure consistency with other related regulations and prevent any confusion that might otherwise result.
- 3.5 In order to improve clarity and consistency, we propose to simplify the Proposed Order by consolidating the frequency bands where possible. We also propose to remove some details relating to frequency bands contained in the 2003 Limitations Order (as amended), which we think are unnecessary. In many cases frequency bands quoted in the 2003 Limitations Order (as amended) for a particular use of radio are contiguous (i.e. they run consecutively) with no specified difference in the limitations between them. In other cases, small frequency ranges listed are close to each other, but are not contiguous, however the individual licence will continue to specifically define the appropriate frequency range. It is proposed to combine these ranges wherever possible to reduce the level of complexity.
- 3.6 In addition, we propose to update the references to the Technical Frequency Assignment Criteria (TFAC) as well as the relevant legislation where appropriate.
- 3.7 Lastly, we are proposing a number of editorial changes to the description of the frequency ranges in the Proposed Order, which have no material effect upon the availability of the spectrum concerned.
- 3.8 Spectrum awards issued by auction and grants of Restricted Spectrum Access (RSA) are the subjects of separate Limitations Orders detailing the frequencies assigned in that particular auction and are therefore not included in the Proposed Order.
- 3.9 In summary, the Proposed Order makes the following changes:
 - Revokes and replaces the 2003 Limitations Order and Amending Order;

- Inserts some new licence products in light of policy decisions taken by Ofcom since 2006;
- Updates existing licence products;
- Removes licence products from the Limitations Order where licences are no longer available;
- Updates references to applicable TFAC and the relevant legislation; and
- Makes editorial changes to correct errors or inaccuracies.

3.10 A draft of the Proposed Order is set out in Annex 6.

Proposed changes by sector

3.11 We have highlighted below, the sectors where relevant changes have occurred since the Amending Order was made and how these have been reflected in the Proposed Order.

Aeronautical

3.12 In 2012, we introduced Administered Incentive Pricing (AIP), and as part of the process, we introduced a new range of licence products to which existing licences were assigned with the exception of licensees in the Channel Islands and the Isle of Man, who remained on the existing products⁷. Ten new licence products have therefore been introduced in the Aeronautical sector to address changing operational requirements.

Amateur Radio

3.13 We propose to add two licence products; the “Amateur Radio Full (Club) Licence” and “Full (Reciprocal) Licence”, to the Proposed Order. This proposal reflects the current licensing practice.

3.14 Under Schedule 1 Paragraph 6 of the WT Act, Ofcom has the power to vary or revoke WT Act licences. The Proposed Order would set out specific criteria in relation to re-applications for an Amateur Radio licence by persons whose previous licence has been revoked for reasons relating to a breach of any of the terms, conditions or limitation of the licence. This will bring the Proposed Order in line with Ofcom’s existing Amateur Radio Guidance on Licence Revocation⁸.

Business Radio

3.15 In 2008 as part of Business Radio reform⁹, we introduced changes to simplify and rationalise the Business Radio licensing arrangements. This reduced the Business Radio licence products from twenty-one licence products to five broader and more

⁷ *Fees for aeronautical radio licences*, published by Ofcom on 14 December 2010 at http://stakeholders.ofcom.org.uk/binaries/consultations/spectrum_pricing/statement/statement.pdf

⁸ <http://licensing.ofcom.org.uk/radiocommunication-licences/amateur-radio/guidance-for-licensees/amateur-radio-licence-revocation/>

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

flexible licence types¹⁰. As a result of these changes we are now removing the old licence products and updating references to include the new products.

- 3.16 All other changes to the Business Radio sector are minor changes to either consolidate contiguous bandwidths or merge bandwidths separated by small frequency ranges.

Broadcasting

- 3.17 Since the Amending Order, the UK has completed the migration from analogue to digital broadcasting of television services as part of Digital Switchover (DSO). This freed spectrum in the 800 MHz band that could be used by mobile services to provide 4G services.
- 3.18 As DSO is now complete we propose to make amendments to the Broadcasting sector's "Transmission of Terrestrial UHF Analogue TV Services and Digital TV Multiplexes" licence product, which will now read as "Terrestrial TV Broadcast Transmission (UHF Digital)". The associated frequencies will change from 470.0-854.0 MHz and will now be split into 470-606 MHz and 614-806 MHz.
- 3.19 We have also added "Restricted Television Services" to the Proposed Order to reflect our current Broadcasting licensing practice.

Fixed Links

- 3.20 The frequency band 31.80 to 33.40 GHz in the 2003 Limitations Order as amended, is no longer allocated for "Point to Point Fixed Links" use and has therefore been removed from the Proposed Order. The frequency bands 64.00 to 66.00 GHz previously allocated to Point to Point Fixed Links use in the Amending Order have also been moved and will now be used only for "Self Co-ordinated Links".
- 3.21 In the Amending Order, Self Co-ordinated Links were allocated only in the 65.00 GHz frequency band. Since the Amending order, Self Co-ordinated Links have been further extended to cover 64.00 to 66.00 GHz, 71.00 to 76.00 GHz and 81.00 to 86.00 GHz.
- 3.22 Following the Spectrum Review¹¹, completed in 2012, the allocation of Self Co-ordinated Links in frequency bands between 71 to 76GHz and 81 to 86GHz (70 / 80GHz) is currently under review.
- 3.23 Ofcom is consulting on proposals to change the management and authorisation approach within the 70 / 80GHz bands ("70 / 80GHz Consultation")¹². The 70 / 80 GHz Consultation is proposing that the current 70 / 80 GHz part of the Self Co-ordinated Links band is split into two paired blocks (73.375 to 75.875 GHz and 83.375 to 85.875 GHz); and the (Ofcom Co-ordinated) Point to Point Fixed Links band is extended, with the addition of two paired blocks (71.125 to 73.125 GHz and 81.125-83.125 GHz).
- 3.24 The Proposed Order refers to the current position of frequencies allocated to Fixed Links use. However, we intend that the final Order should reflect the outcome of the 70 / 80GHz Consultation.

¹⁰ Three of these are collectively called "Light Licences"

¹¹ <http://stakeholders.ofcom.org.uk/consultations/spectrum-review/>

¹² <http://stakeholders.ofcom.org.uk/binaries/consultations/70-80ghz-review/summary/condoc.pdf>

Maritime

- 3.25 With regard to Maritime sector, “Coastal Station Radio (International) (Training School)”, will now read as “Coastal Station Radio (Training School)” omitting “International”. This is purely an editorial amendment to reflect current licensing practice.

Programme Making and Special Events (PMSE)

- 3.26 We have made editorial changes in the Programme Making and Special Events (PMSE) sector. In addition, frequency bands 854.25 to 862.00 MHz and 2500 to 2690 MHz have been removed to reflect the fact that following the 800 MHz and 2.6 GHz awards¹³, access to these bands for PSME is no longer permitted.
- 3.27 A new licence product “Audio Distribution Systems” has been added to the PMSE sector since the 2006 updates to the Limitations Order. This is reflected in the Proposed Order.

Satellite Services

- 3.28 “Global Navigation Satellite System (GNSS) Repeaters”¹⁴ and “Complementary Ground Components of a Mobile Satellite System”¹⁵ are two new products in the Satellite Services sector that have been introduced to meet the evolving requirements of stakeholders which could not be accommodated under existing licences.
- 3.29 “Satellite (Transportable Very Small Aperture Terminal)”, “Satellite (Aircraft Earth Station)”, “Satellite (Earth Station on Board Vessel)” and “Satellite (Earth Station on Train)” are all licence products that have been removed and are now covered under the new product name “Satellite (Transportable Earth Station)”.
- 3.30 Some frequency bands have been consolidated where possible and some editorial changes have taken place through updates to frequency bands and assignments.

Science and Technology

- 3.31 The “Miscellaneous Class” licence class has been added to the Proposed Order since the Amending Order was made to accommodate the allocation of licences for miscellaneous uses. This is a reflection of current practices in the Science and Technology sector.

¹³ <http://stakeholders.ofcom.org.uk/consultations/combined-award/>

¹⁴ <http://stakeholders.ofcom.org.uk/consultations/gnss-repeaters/>

¹⁵ <http://stakeholders.ofcom.org.uk/consultations/cgcs/summary>

Section 4

General effect of the Wireless Telegraphy (Limitation of the number of Licences) Order

The legislative framework

- 4.1 Under section 29(1) of the WT Act, Ofcom must make an order imposing limitations on the use of particular frequencies, if they consider it appropriate for the purpose of securing the efficient use of the electro-magnetic spectrum in the UK. Section 29 implemented Article 7(1) (c) of the Directive of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (the 'Authorisation Directive'¹⁶) (2002/20/EC) which places a requirement on all Member States to publish any decision that limits the granting of rights of use, stating the reasons for doing so.
- 4.2 Under section 29(2), an order may specify frequencies or uses on specified frequencies, for which Ofcom will grant only a limited number of wireless telegraphy licences. Where Ofcom makes an order under this section, the order must set out the criteria which Ofcom will apply in determining the limit on the number of licences and the persons to whom licences will be granted. Those criteria must be objectively justifiable, not unduly discriminatory, proportionate and transparent (section 29(4)).
- 4.3 Sections 29(6) and (7) of the WT Act require Ofcom to keep the Limitations Order under review and to revoke or amend its provisions as appropriate to reflect changes made to the frequencies, uses and criteria specified in it as part of its duty to secure the efficient use of the radio spectrum.
- 4.4 A draft of the Proposed Order is included in Annex 6 of this document.

Extent of application

- 4.5 The Proposed Order will apply in the United Kingdom, the Channel Islands and Isle of Man subject to formal agreement of the Island Authorities.

The Proposed Order

- 4.6 Regulation 1 sets out the date when the Proposed Order would come into force.
- 4.7 Regulation 2 revokes the 2003 Limitations Order and the Amending Order.
- 4.8 Regulation 3 sets out the interpretation of the terms used in the Proposed Order.
- 4.9 Regulation 4 sets out that Ofcom will grant only limited number of wireless telegraphy licences at the frequencies and uses specified in Part 1 of each of Schedules 1 to 9 of the Proposed Order. The frequencies are listed under the corresponding class of licence in each Schedule;

¹⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:108:0021:0021:EN:PDF> as amended by Directive 2009/140/EC

- Schedule 1 relates to the Broadcasting;
 - Schedule 2 relates to Programme Making and Special Events;
 - Schedule 3 relates to Fixed Links;
 - Schedule 4 relates to Satellite Services;
 - Schedule 5 relates to Maritime;
 - Schedule 6 relates to Aeronautical;
 - Schedule 7 relates to Amateur Radio;
 - Schedule 8 relates to Science and Technology; and
 - Schedule 9 relates to Business Radio.
- 4.10 Regulation 5 relates to the criteria that Ofcom shall apply for limiting the number of licences and the persons to whom licences will be granted. In particular it sets out that:
- 4.10.1 Part 1 of each Schedule in the Proposed Order outlines frequencies and uses to which the limitations apply;
 - 4.10.2 Part 2 of each Schedule specifies the criteria relating to persons to whom wireless telegraphy licences may be granted; and
 - 4.10.3 Part 3 of each Schedule sets out the criteria limiting persons the number of wireless telegraphy licences.
 - 4.10.4 Ofcom shall also take into account the ability of each applicant for a wireless telegraphy licence to meet the licence terms, provisions and limitations applying to that wireless telegraphy licence.
- 4.11 Regulation 6 sets out criteria for determining the limitations on the number of licences specified in Parts 2 and 3 of each of the Schedules in the Proposed Order.

Question: Do you have any comments on the drafting of the Proposed Order?

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 10 January 2014**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/limitation-order/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please Eniola.Odusina@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Eniola Odusina
Floor 3
Spectrum Policy Group
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Eniola Odusina on 020 783 4650.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement in March 2014.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email Graham.Howell@ofcom.org.uk

Annex 2

Ofcom's consultation principles

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

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

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

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing Name/contact details/job title

Whole response Organisation

Part of the response If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

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

Name

Signed (if hard copy)

Annex 4

Consultation question

- A4.1 As required by Section 122 of the WT Act, we must give notice of proposals that we intend to make and consider any representations that we receive. This document gives notice of our proposal to make the Wireless Telegraphy Limitation of the number of Licences) Order [2014].

Do you have any comments on the drafting of the Proposed Order?

Annex 5

Impact Assessment

Introduction

- A5.1 In accordance with government practice, where a statutory regulation is proposed, an Impact Assessment must be undertaken.
- A5.2 The analysis presented here, when read in conjunction with the rest of this document, represents an impact assessment as defined by section 7 of the Communications Act 2003 (the “Comms Act”). This impact assessment relates to the Wireless Telegraphy (Limitation of Number of Licences) Order [2014] (the “Proposed Order”).
- A5.3 You should send any comments on this impact assessment to us by the closing date for this consultation. We will consider all comments before deciding whether to implement our proposals.
- A5.4 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Comms Act, which imposes a duty on Ofcom to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in our activities. As a matter of policy we are also committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom’s approach to impact assessment, which are on our website:
http://www.ofcom.org.uk/consult/policy_making/guidelines.pdf.

Background

- A5.5 This impact assessment relates to a draft of the Proposed Order that would revoke and replace the current the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 (SI 2003/1902) (the “2003 Limitations Order”), as amended by the Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006 (S.I. 2006/2786) (the “Amending Order”).
- A5.6 Ofcom is required, under section 29 of the Wireless Telegraphy Act 2006 (the “WT Act”) to make an order imposing limitations where it considers it appropriate for the purpose of securing the efficient use of the electromagnetic spectrum. In so doing, Ofcom has regard to the need to ensure that sufficient spectrum is available to potential users to provide viable communication services fit for each type of licence specified.
- A5.7 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 objectively justifiable in relation to the frequencies, non-discriminatory, proportionate and transparent.

Proposal

- A5.8 The Proposed Order reflects changes to the frequencies, uses and criteria which have been made to various licence products since the Amending Order. In particular, it would incorporate the following changes:
- Changes to licence product structure (to more closely reflect current patterns of radio usage and our organisational requirements);
 - Changes to licence product names (to assist with stakeholder understanding of this regulation, to maintain consistency with other related regulations or orders, and to reflect changes in the use of radio and convergence of technology);
 - Addition of new licence products (as the market for radio equipment changes and advances in technology are made, it is sometimes necessary to introduce new licences products);
 - Reflect new or changed use of spectrum (these changes have been made as part of our review of spectrum use, pursuant to our spectrum management responsibilities, in order to allow the introduction of new technologies and to assist with harmonisation of radio services within the EU);
 - Removing licence products that have been discontinued or are no longer available (as radio technology advances or the needs of the market change, certain licence products have become obsolete and have been withdrawn. In addition, our policy of deregulation and liberalisation of licensing at times results in the discontinuation of certain licence products).
 - Consolidating frequency bands where appropriate (in many cases frequency bands quoted in the 2003 Limitations Order for a particular use of radio are contiguous (i.e. run consecutively), with no specified difference in the limitations between these frequency bands. In other cases small frequency ranges are close to each other, but are not contiguous, however the licence will continue to specifically define the appropriate frequency range).

The citizen and/or consumer interest

- A5.9 Ofcom's principal duty under section 3 of the Comms Act is to further the interests of citizens in relation to communications matters; and of consumers in relevant markets, where appropriate by promoting competition.
- A5.10 The Proposed Order has been drafted in accordance with our statutory obligations and proportionately, taking account of the impact that it may have upon both citizen and consumer interests in the markets we regulate.
- A5.11 We must, in particular, secure the optimal use for wireless telegraphy of spectrum and have regard to the principle under which all regulatory activities should be targeted only at cases in which action is needed. In proposing changes to the existing 2003 Limitations Order we have also considered the wider impact beyond immediate stakeholders in the radiocommunications community.
- A5.12 These changes will make it easier for stakeholders to find the appropriate licence information and encourage more efficient use of the radio spectrum. Without this change, citizens and consumers would need to reference two or more orders to find

the necessary information they were after and may be unable to access up to date spectrum information. This should reduce the regulatory burden placed on stakeholders.

Ofcom's policy objective

- A5.13 This assessment relates to the impact of the options Ofcom has considered in connection with making an order imposing limitations on the use of particular frequencies as well as putting limitations on how many licences can be issued within the spectrum allocated for each type of licence.
- A5.14 Section 29(1) of the WT Act permits Ofcom to make an order imposing limitations, if it considers it appropriate for the purpose of securing the efficient use of the electromagnetic spectrum in the UK on the use of particular frequencies.
- A5.15 We have previously consulted, and made decisions, on the policy behind imposing these limitations on the use of particular frequencies that we propose to implement.

Options considered

A5.16 The options open to us in relation to the Proposed Order are as follows:

- i) to make the Proposed Order; or
- ii) to do nothing, leaving in place the 2003 Limitations Order, as amended

Analysis of the different options

Make Proposed Order

- A5.17 The changes proposed apply to all licensed users of spectrum. The proposals in this document do not in themselves impose any additional burden on licensees. Our proposals either consolidate existing regulations or reflect technical, regulatory and policy developments or existing administrative practice.
- A5.18 However, we would incur direct administrative costs associated with making the Proposed Order. These direct costs would include the one off costs of making a Statutory Instrument. We consider that the costs of implementation are relatively small and should be offset against the benefits.
- A5.19 The qualitative benefits of making the Proposed Order include the following:
- Improved compliance (lower costs) for stakeholders by reducing uncertainty and possible confusion through, for example, aligning names of sectors, classes and products which were consulted on and changed previously under the Wireless Telegraphy (Licence Charges) Regulations (SI 2011/1128)¹⁷, as amended¹⁸. The Wireless Telegraphy (Spectrum Trading) Regulations 2012 (SI2012 /2187)¹⁹ and the Wireless Telegraphy (Register) Regulations 2012 (SI2012/2186)²⁰; and

¹⁷ <http://legislation.data.gov.uk/ukxi/2011/1128/made/data.pdf>

¹⁸ The Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2013 (SI 2013/917) http://www.legislation.gov.uk/ukxi/2013/917/pdfs/ukxi_20130917_en.pdf

¹⁹ <http://legislation.data.gov.uk/ukxi/2012/2187/made/data.pdf>

²⁰ <http://legislation.data.gov.uk/ukxi/2012/2186/made/data.pdf>

- Better reflect spectrum developments such as the introduction of new technologies changes in spectrum usage and licence product names.

- A5.20 Although these benefits are difficult to quantify, we consider 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 as the one-off costs of implementation will be negligible, it would be reasonable to expect the benefits will outweigh the costs.
- A5.21 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.
- A5.22 The most efficient route to compliance with our statutory obligations is to make the Proposed Order.

Do Nothing

- A5.23 By doing nothing, we would be in breach of our statutory obligations under the WT Act.
- A5.24 The Proposed Order 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

The Preferred Option

- A5.25 Therefore, the preferred option is to make the Proposed Order. The benefits of this option are that we remain compliant with our statutory obligations. For the reasons identified in the preceding paragraphs, we consider the benefits of making the Proposed Order outweigh the costs. We therefore propose to make the Proposed Order to reflect changes in its authorisation arrangements.

Equality Impact Assessment

- A5.26 Following an initial assessment of our policy proposals we consider that it is reasonable to assume that any impacts on consumers and citizens arising from the Proposed Order would not differ significantly between groups or classes of UK consumers and citizens, all of whom would have access to these services, potentially at end-user prices reflective of all general input costs, including opportunity costs of spectrum used.
- A5.27 In addition, we note that there is no available evidence to suggest the decision to replace the Limitations Order with the Proposed Order would have any greater direct impact on certain groups, including groups based on gender, race or disability or for consumers in Northern Ireland relative to consumers in the UK more generally.
- A5.28 There is no evidence to suggest that costs imposed on operators, would differ significantly across these aforementioned groups of consumers and citizens relative to consumers in general. This is because we would not expect the impact of supplying these groups of consumers and citizens to differ significantly from the impact of supplying consumers in general. Nor would cost reflective end-user prices

therefore be expected to impact significantly differently on these groups as a result of charging for WT Act licences.

- A5.29 We have not carried out a full Equality Impact Assessment in relation to race equality, equality schemes in Northern Ireland and disability equality schemes at this stage. This is because, following our initial assessment, we do not believe that the proposals being considered here are intended (or would, in practice) have a significant differential impact on different gender or racial groups, on consumers in Northern Ireland or on disabled consumers compared to consumers in general.

Annex 6

Draft Wireless Telegraphy (Limitations of the Number of Licences) Order

STATUTORY INSTRUMENTS

[..] No. 0000

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Limitation of Number of Licences) Order [..]

Made - - - - *Date [..]*

Coming into force - - *Date [..]*

The Office of Communications (“Ofcom”), in exercise of the powers conferred by section 29(1) to (3) of the Wireless Telegraphy Act 2006 (the “Act”)⁽²¹⁾, makes the following Order:

Before making the Order, Ofcom have given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, published notice of their proposal in accordance with section 122(4)(b) of the Act and considered the representations made to them before the time specified in the notice in accordance with section 122(4)(c) of the Act.

Citation and commencement

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

Revocation

2. The Wireless Telegraphy (Limitation of Number of Licences) Order 2003⁽²²⁾ and The Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006⁽²³⁾ are hereby revoked.

Interpretation

3. In this Order—

⁽²¹⁾ 2006 c.36; section 29(1) to (3) of the Act was extended to the Bailiwick of Guernsey by article 2 of the Wireless Telegraphy (Guernsey) Order 2006 (S.I. 2006/3325); to the Bailiwick of Jersey by article 2 of the Wireless Telegraphy (Jersey) Order 2006 (S.I. 2006/3324); and to the Isle of Man by article 2 of the Wireless Telegraphy (Isle of Man) Order 2007 (S.I. 2007/278).

⁽²²⁾ S.I. 2003/1902.

⁽²³⁾ S.I. 2006/2786.

“electronic communications network”, “electronic communications service” and “associated facility” have the meaning given to them by section 32 of the Communications Act 2003⁽²⁴⁾;

“Ofcom” means the Office of Communications;

“the Radio Regulations” means the 2012 edition of the Radio Regulations made under Article 13 of the Constitution of the International Telecommunications Union⁽²⁵⁾; and

“wireless telegraphy licence” means any licence granted under section 8 of the Act.

Wireless telegraphy licences to be limited in number

4. Ofcom will grant only a limited number of wireless telegraphy licences at the frequencies and for the uses specified in Part 1 of each of Schedules 1 to 9.

Criteria for limiting the number of wireless telegraphy licences

5. Ofcom shall in relation to the frequencies and uses set out in Part 1 of each of Schedules 1 to 9—

(a) apply the criteria relating to the persons to whom wireless telegraphy licences may be granted specified in Part 2 of the Schedule concerned;

(b) apply the criteria limiting the number of wireless telegraphy licences specified in Part 3 of the Schedule concerned; and

(c) take into account the ability of each applicant for a wireless telegraphy licence to meet the licence terms, provisions and limitations applying to that wireless telegraphy licence,

in determining the limit on the number of wireless telegraphy licences to be granted and the persons to whom wireless telegraphy licences will be granted.

Determination of limitations on the number of wireless telegraphy licences

6. Ofcom will consider applications for each category of licence (and apply any criteria specified in Parts 2 and 3 of Schedules 1 to 9) in the order of receipt of each correctly completed application form.

[Name]

Group Director, Spectrum Policy Group of the Office of Communications

[Date]

For and by authority by the Office of Communications

⁽²⁴⁾ 2003 C.21.

⁽²⁵⁾ Constitution and Convention of the International Telecommunications Union (published in Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992)), ratified by the United Kingdom in 1994 (Cm3145); as amended by the 1994 Plenipotentiary Conference in Kyoto in (amending instrument ratified by the United Kingdom in 1997 (Cm3779)).

SCHEDULE 1 BROADCASTING

PART 1

FREQUENCIES ALLOCATED TO BROADCASTING USE

Terrestrial TV Broadcast Transmission (UHF Digital)

Restricted Television Services

470-550 MHz

614-790 MHz

Transmission of National and Local Radio Broadcasting Services

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)

Community Radio

526.5-1605.5 kHz (MW)

87.5-108.0 MHz (FM)

Restricted Radio Services Transmission (Class A — Freely Radiating)

Restricted Radio Services Transmission (Class B — Radiating Cable)

Restricted Radio Services Transmission (Class C — Freely Radiating Very Low Power)

526.5-1605.5 kHz

87.5-108.0 MHz

PART 2

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

1. A wireless telegraphy licence may only be granted to the British Broadcasting Corporation (BBC) and persons who possess one of the following Broadcasting Act licences:

- (a) Licence to provide Television Multiplex Services under Part I of the Broadcasting Act 1996⁽²⁶⁾;
- (b) Licence to provide Restricted Television Services under Part I of the Broadcasting Act 1990⁽²⁷⁾;
- (c) Licence to provide Independent Radio Services under Part III of the Broadcasting Act 1990;
- (d) Licence to provide Radio Multiplex Services under Part II of the Broadcasting Act 1996;

²⁶ 1996 c. 55.

²⁷ 1990 c. 42.

- (e) Licence to provide Restricted Radio Services under Part III of the Broadcasting Act 1990; and
- (f) Community Radio Licence under Part III of the Broadcasting Act 1990.

2. Applicants must be seeking authority to use the assigned frequencies solely for the transmission and reception of signals as part of a broadcasting service as defined in Article 1.38 of the Radio Regulations.

PART 3

CRITERIA LIMITING NUMBER OF WIRELESS TELEGRAPHY LICENCES

3. The availability of wireless telegraphy licences at these frequencies and for these uses is limited by the technical frequency assignment criteria set out in the Technical Frequency Assignment Criteria for Television and Sound Broadcasting published by OFCOM⁽²⁸⁾.

SCHEDULE 2

PROGRAMME MAKING AND SPECIAL EVENTS

PART 1

FREQUENCIES ALLOCATED TO PROGRAMME MAKING AND SPECIAL EVENTS USE

Programme Making and Special Events (Fixed Site)

Programme Making and Special Events (Link)

Programme making and Special Events (Low Power)

	176.3–176.5 MHz	
47.55–48.8 MHz	176.5- 176.9 MHz	470– 606 MHz
	176.9- 177.1 MHz	
52–52.95 MHz	181.69375–181.80625 MHz	606.6- 606.8 MHz
		606.9- 607.1 MHz
53.75–55.75 MHz	184.5–185.1 MHz	614– 790 MHz
		1517–1525 MHz
60.75–62.75 MHz	189.69375–189.80625 MHz	1785 1800 MHz
		2010- 2025 MHz
67.75–67.8375 MHz	191.6–191.8 MHz	
	191.8- 192 MHz	2025–2110 MHz
69.15625–69.18125 MHz	192– 193.1 MHz	2200– 2300 MHz
		2390–2500 MHz
74.68125–74.71875 MHz	199.6– 200.2 MHz	3400- 3440 MHz
	200.2- 201.1 MHz	3500- 3580 MHz
75.2625–75.3 MHz	207.6– 210.2 MHz	5472–5588 MHz
		5682.5– 5702.5 MHz
		5705- 5725 MHz
76.80625–76.84375 MHz	425.3125–425.5625 MHz	5732.5- 5752.5 MHz
		5770-5790 MHz
		5795- 5815 MHz
		5850-5925 MHz
78.18375–78.25875 MHz	427.7625–428.0125 MHz	7110–7250 MHz
		7300- 7425 MHz

⁽²⁸⁾ RA 244 Technical Frequency Assignment Criteria (TFAC) for Television and Sound Broadcasting (March 2006).

82.65625–82.68125 MHz	442.2625–442.5125 MHz	8460–8500 MHz
86.66875–86.68125 MHz	446.425–447.5125 MHz	10.3–10.36 GHz
86.80625–86.84375 MHz	454.9875–455.475 MHz	12.2–12.5 GHz
139.54375–139.55625 MHz	457.25–457.475 MHz	24.25–24.5 GHz
139.56875–139.58125 MHz	461.23125–461.25625 MHz	48–48.4 GHz
139.64375–139.66875 MHz	462.75–463 MHz	
140.9875–141.4875 MHz	467.2625–469.875 MHz	
148.5625–148.5875 MHz		
148.7125–148.7375 MHz		
175.15 – 175.35 MHz		
175.425- 175.625 MHz		

UK Wireless Microphone (Annual)

175.15–175.35 MHz	199.6–199.8 MHz	209.1–209.3 MHz
175.425–175.625 MHz	200.2–200.4 MHz	209.5–209.7 MHz
176.5–176.7 MHz	200.5–200.7 MHz	209.7–209.9 MHz
		606- 614 MHz
191.8–192 MHz	208.2–208.4 MHz	
192.7–192.9 MHz	208.5–208.7 MHz	
192.9–193.1 MHz	208.9–209.1 MHz	

UK Wireless Microphone (Biennial)

606- 614 MHz

Audio Distribution System

26-65 MHz

65-470 MHz

470-1000 MHz

1517-1525 MHz

PART 2

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

1. None

PART 3

CRITERIA LIMITING NUMBER OF WIRELESS TELEGRAPHY LICENCES

2. The availability of wireless telegraphy licences for these uses and at these frequencies is limited by the technical frequency assignment criteria set out in the Technical Frequency Assignment Criteria for Programme Making and Special Events published by OFCOM⁽²⁹⁾, with the exception of the UK Wireless Microphone (Annual) Licence and the UK Wireless Microphone (Biennial) Licence for which the technical frequency assignment criteria do not limit the number of licences.

⁽²⁹⁾ OfW 275 Technical Frequency Assignment Criteria for Programme Making and Special Events (PMSE) (October 2009).

SCHEDULE 3

FIXED LINKS

PART 1

FREQUENCIES ALLOCATED TO FIXED LINKS USE

Point-to-Point Fixed Links

1350–1517 MHz	12.75–13.25 GHz	37.00–39.50 GHz
3600–4200 MHz	14.50–15.35 GHz	51.40–52.60 GHz
5925–6425 MHz	17.70–19.70 GHz	55.78–57.00 GHz
6425–7125 MHz	22.00–23.60 GHz	
7425–7900 MHz	24.50–26.50 GHz	

Point-to-Point Security CCTV Services

31.00–31.80 GHz

Self Co-ordinated Links

64.00–66.00 GHz

71–76 GHz

81–86 GHz

Scanning Telemetry

457.50–464.00 MHz

PART 2

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

1. 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.
2. Applicants must be seeking authority to use the assigned frequencies solely for the transmission and reception of signals as part of a “fixed service” as defined in Article 1.20 of the Radio Regulations.

PART 3

CRITERIA LIMITING NUMBER OF WIRELESS TELEGRAPHY LICENCES

3. The availability of wireless telegraphy licences is limited at these frequencies and for these uses by the technical frequency assignment criteria set out in the OFCOM publications applying to the frequencies concerned⁽³⁰⁾, with the exception of the Self Co-ordinated Links Licence.

⁽³⁰⁾ The publications are: 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); OfW446 Fixed point-to-point radio services with digital modulation (August 2012); and OfW 49 Fixed Point-to-Point and Point-to-Multipoint Scanning Telemetry Radio Services with Analogue Modulation Operating in the Frequency Ranges 457.5 to 458.5 MHz paired with 463.0 to 464.0 MHz (September 2004).

SCHEDULE 4 SATELLITE SERVICES

PART 1

FREQUENCIES OPERATION FOR SATELLITE SERVICES

Global Navigation Satellite System (GNSS) Repeaters

1164-1215MHz
1215-1300MHz
1559-1610MHz

Satellite (Permanent Earth Station)

3600-4200 MHz
5150-5250 MHz
5725-7075 MHz
10.70-12.75 GHz
12.75-13.25 GHz
13.75-14.50 GHz
17.30-20.20 GHz
27.5-27.8185 GHz
28.4545-28.8265 GHz
29.4625-30 GHz

Satellite (Earth Station — Non-Geostationary)

3600-4200 MHz	10.7-12.75 GHz	27.5-27.8185 GHz
	12.75-13.25GHz	
5150-5250 MHz	13.75-14.50 GHz	28.4545-28.8265 GHz
5725-7075 MHz	17.30-20.20 GHz	29.4625-30 GHz

Satellite (Earth Station — Non-Fixed Satellite Service)

2025-2110 MHz
2200-2290 MHz

Satellite (Transportable Earth Station)

5925-7075 MHz
13.78-14.5 GHz
27.50-27.8185 GHz
28.4545-28.8265 GHz
29.4625-30 GHz

Satellite (Earth Station Network)

14.00-14.25 GHz
27.5-27.8185 GHz
28.4545-28.8265 GHz
29.4625-30 GHz

Complementary Ground Components of a Mobile Satellite System

1980-2010 MHz

2170-2200 MHz

PART 2

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

1. 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⁽³¹⁾.

2. The availability of a Mobile Satellite Service Licence is limited to persons identified in Article 2 of Decision 2009/449/EC of the Commission on the selection of operators of pan-European systems providing mobile satellite services⁽³²⁾ and authorised in accordance with the requirements of the Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) Regulations 2010⁽³³⁾.

PART 3

CRITERIA LIMITING NUMBER OF WIRELESS TELEGRAPHY LICENCES

3. 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 and Satellite (Earth Station Network) Licences is limited at any particular location at these frequencies by the relevant technical criteria set out in OFCOM publications⁽³⁴⁾.

SCHEDULE 5

MARITIME

PART 1

FREQUENCIES ALLOCATED TO MARITIME USE

Coastal Station Radio (UK)

156.00-163.00 MHz

Coastal Station Radio (Marina)

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)

⁽³¹⁾ 2003 c.21.

⁽³²⁾ OJ No L 149, 12.6.2009, p65.

⁽³³⁾ S.I. 2010/672.

⁽³⁴⁾ The publications are: Licensing Procedures Manual For Satellite (Network Earth Station) Applications (July 2010); Licensing Procedures Manual For Satellite (Non Fixed Satellite Service Earth Station) Applications (April 2006); Licensing Procedures Manual For Satellite (Non Geostationary Earth Station) Applications (April 2006); Licensing Procedures Manual For Satellite (Permanent Earth Station) Applications (March 2013); and Licensing Procedures Manual For Satellite (Transportable Earth Station) Applications (August 2011).

Coastal Station Radio (International)

156.025-162.05 MHz

Coastal Station Radio (Training School)

415-535 kHz
 1605-27500 kHz
 156.00-162.05 MHz

Differential Global Positioning System

283.5-315.0 kHz
 1606.5-4000 kHz

Ship Portable Radio

121.5 MHz
 123.1 MHz
 156.00-162.05 MHz
 243.0 MHz
 406.0-406.1 MHz

1645.5-1646.5

Maritime Navigational Aids and Radar

283.5-315.0 kHz
 2900-3100 MHz
 9000-9500 MHz

Automatic Identification System

156.525 MHz
 161.975 MHz
 162.025 MHz

Maritime Radio (Suppliers and Demonstration)

283.5-315.0 kHz	243.0 MHz	467.550 MHz
415.0-526.5 kHz	406.0-406.1 MHz	467.575 MHz
1606.5-27500 kHz	457.525 MHz	467.5375 MHz
121.5 MHz	457.5375 MHz	467.5625 MHz
121.5 and 123.1 MHz	457.55 MHz	1626.5-1660.5 MHz (with associated downlink frequencies: 1525-1559 MHz)
156.00-163.0 MHz	457.5625 MHz	
162.4375-162.4625 MHz	457.575 MHz	
163.0125-163.03125 MHz	467.525 MHz	

Ship Radio

415-526.5 kHz	457.525 MHz	467.575 MHz
1605-27500 kHz	457.5375 MHz	467.5375 MHz
121.5 MHz	457.55 MHz	467.5625 MHz
123.1 MHz	457.5625 MHz	2900-3100 MHz
156.00-162.05 MHz	457.575 MHz	9200-9500 MHz
243.0 MHz	467.525 MHz	1626.5-1660.5 MHz (with associated downlink)

406.0-406.1 MHz

467.550 MHz

frequencies: 1525-1559 MHz)

PART 2

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

1. Applicants must be seeking authority to use the assigned frequencies solely for the transmission and/or reception of signals as part of a “maritime mobile services” (including maritime related mobile-satellite services) or “maritime radio navigation service” (including maritime related radio navigation services) as defined in Article 1 of the Radio Regulations.
2. An applicant for a Coastal Station Radio (UK) Licence must be seeking authority to use the assigned frequency solely to communicate with vessels on commercial matters using a private maritime channel.
3. An applicant for a Coastal Station Radio (Marina) Licence must be seeking authority to operate a sailing or yacht club, marina or similar organisation and must propose to transmit solely for the purpose of communications concerning the movement and berthing of pleasure craft and to control races.
4. An applicant for a Coastal Station Radio (International) Licence must be seeking authority to operate coast station(s) for the purposes of port operations or ship movement, the operational handling, movement and safety of ships and, in an emergency, the safety of persons.
5. An applicant for a Ship Radio Licence (as distinct from a Ship Portable Radio Licence) may be granted a licence only if the ship is registered in the United Kingdom, Channel Islands or the Isle of Man.
6. An applicant for a Maritime Navigational Aids and Radar Licence or an Automatic Identification System Licence must have an official position in the operation of ports or harbours, and be responsible for ship movement or coastal surveillance.
7. An applicant for a Maritime Radio (Suppliers and Demonstration) Licence must be engaged in the manufacture, development, repair, demonstration or supply of maritime radio equipment.

PART 3

CRITERIA LIMITING NUMBER OF WIRELESS TELEGRAPHY LICENCES

8. The availability of the Coastal Station Radio (UK) Licence, Coastal Station Radio (Marina) Licence, Coastal Station Radio (International) Licence and Differential Global Positioning System Licence is limited in any particular location at these frequencies by the frequency-co-ordination requirements and any technical frequency assignment criteria set out in the Coastal Station Radio Ofcom information booklet published by OFCOM.
9. The availability of Automatic Identification System Licences is limited in any particular location at these frequencies by the availability of time slots. An application for an Automatic Identification System Licence will be assessed by the Maritime and Coastguard Agency for determining the appropriate category and time slot details.

SCHEDULE 6
AERONAUTICAL

PART 1

FREQUENCIES ALLOCATED TO AERONAUTICAL USE

Aircraft

2850-3025 kHz	11275-11400 kHz	960-1215 MHz
3400-3500 kHz	13260-13360 kHz	1626.5-1660.5 MHz
4650-4700 kHz	17900-17970 kHz	1525-1559 MHz
5480-5680 kHz	21924-22000 kHz	4200-4400 MHz
6525-6685 kHz	117.975-137.000 MHz	5350-5470 MHz
8815-8965 kHz	243 MHz	9300-9500 MHz
10005-10100 kHz	406-406.1 MHz	13250-13400 MHz

Aircraft (Transportable)

117.975-137.000 MHz

Aeronautical Station- (Recreation Aviation)

Aeronautical Station- (A/G, AFIS and Tower)

Aeronautical Station- (Approach)

Aeronautical Station- (Area Control)

Aeronautical Station- (Aeronautical Broadcast)

Aeronautical Station- (ACARS)

Aeronautical Station- (VDL)

Aeronautical Station-(Aerodrome Surface and Operational Control)

Aeronautical Station- (Offshore)

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 (Offshore Platform)

Aeronautical Ground Station (Operations Control)

117.975-137.000 MHz

Aeronautical Ground Station (Fire)

Aeronautical Station- (Fire and Emergency)

121.600 MHz

Aeronautical Ground Station (High Frequency)

2850-3025 kHz	6525-6685 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 Navigation Aid Stations

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

Aeronautical Radar

1030 MHz	2700-3100 MHz	15400-15700 MHz
1090 MHz	9000-9200 MHz	
1215-1350 MHz	9300-9500 MHz	

PART 2

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

Aircraft Licence (including Aircraft (Transportable))

1. An applicant must propose to use the radio equipment in an aircraft or similar airborne apparatus.
2. An applicant for an Aircraft Radio Licence (as distinct from an Aircraft (Transportable) Radio Licence) may be granted a licence only if the aircraft is registered in the United Kingdom, Channel Islands or the Isle of Man.

Aeronautical Ground Station (Air Traffic/Ground Movement Control)

Aeronautical Ground Station (General Aviation)

Aeronautical Ground Station (Air/Ground Communication Services)

Aeronautical Ground Station (Airfield Flight Information Service)

3. The station must be situated in the Isle of Man, the Bailiwick of Jersey or the Bailiwick of Guernsey.
4. An applicant must be in an official position in air traffic control capacity.
5. An applicant must demonstrate that the station forms part of an aerodrome operating in accordance with the Air Navigation Order 2009⁽³⁵⁾.

Aeronautical Station - (Recreational Aviation)

Aeronautical Station - (A/G, AFIS and Tower)

Aeronautical Station - (Approach)

Aeronautical Station (Area Control)

Aeronautical Station - (Aeronautical Broadcast)

6. An applicant must be in an official position in an air traffic control capacity.
7. An applicant must demonstrate that the station forms part of an aerodrome operating in accordance with the Air Navigation Order 2009.

⁽³⁵⁾ S.I. 2009/3015.

Aeronautical Ground Station (High Frequency)

8. An applicant must be seeking authority to use the assigned frequencies solely for the purposes of communication with aircraft.
9. An applicant must demonstrate that the station forms part of an aerodrome operating in accordance with the Air Navigation Order 2009.

Aeronautical Ground Station (Offshore Platform)

10. The station must be situated in the Isle of Man, the Bailiwick of Jersey or the Bailiwick of Guernsey.
11. An applicant must be the owner or operator of an offshore platform 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 Civil Aviation Authority.
12. An applicant must demonstrate that the station forms part of an aerodrome operating in accordance with the Air Navigation Order 2009.

Aeronautical Station (Offshore)

13. An applicant must be the owner or operator of an offshore platform and must be seeking authority 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 Civil Aviation Authority.
14. An applicant must demonstrate that the station forms part of an aerodrome operating in accordance with the Air Navigation Order 2009.

Aeronautical Navigational Aid Stations

Aeronautical Radar

15. An applicant must demonstrate that the equipment he intends to use under an Aeronautical Navigational Aid Stations Licence or an Aeronautical Radar Licence is an aeronautical navigation installation approved by the Civil Aviation Authority.

Aeronautical Ground Station (Operations Control)

16. The station must be situated in the Isle of Man, the Bailiwick of Jersey or the Bailiwick of Guernsey.

Aeronautical Station – (ACARS)

Aeronautical Station (VDL)

Aeronautical Station (Aerodrome Surface and Operational Control)

17. An applicant must be seeking 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.
18. An applicant must demonstrate that the station forms part of an aerodrome operating in accordance with the Air Navigation Order 2009.

PART 3

CRITERIA LIMITING NUMBER OF WIRELESS TELEGRAPHY LICENCES

19. The availability of the Aeronautical Station (Recreational Aviation), Aeronautical Station (A/G, AFIS and Tower), Aeronautical Station (Approach), Aeronautical Station (Area Control), Aeronautical Station (Aeronautical Broadcast), Aeronautical Station (Offshore), Aeronautical Station (ACARS), Aeronautical Station (VDL), Aeronautical Station (Aerodrome Surface and Operational Control), 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 in accordance with the processes set out in the Airspace Charter published by the Civil Aviation Authority **(36)**.

20. Applicants must intend to operate a station solely for the transmission and reception of signals as part of an “aeronautical mobile service”, “aeronautical mobile-satellite service” or an “aeronautical radio navigation service” as defined in Article 1 of the Radio Regulations.

SCHEDULE 7 AMATEUR RADIO

PART 1

FREQUENCIES ALLOCATED TO AMATEUR RADIO USE

Amateur Radio Foundation

0.1357-0.1378 MHz	18.068-18.168 MHz	144.0-146.0 MHz
1.810-2.000 MHz	21.000-21.450 MHz	430.0-440.0 MHz
3.500-3.800 MHz	24.890-24.990 MHz	10000-10125 MHz
7.000-7.200 MHz	28.000-29.700 MHz	10225-10500 MHz
10.100-10.150 MHz	50.00-52.00 MHz	
14.000-14.350 MHz	70.00-70.50 MHz	

Amateur Radio Intermediate

0.1357-0.1378 MHz	50.00-52.00 MHz	10000-10125 MHz
1.810-2.000 MHz	70.00-70.50 MHz	10225-10500 MHz
3.500-3.800 MHz	144.0-146.0 MHz	24000-24250 MHz
7.000-7.200 MHz	430.0-440.0 MHz	47000-47200 MHz
10.100-10.150 MHz	1240-1325 MHz	75500-81000 MHz
14.000-14.350 MHz	2310-2450 MHz	122250-123000 MHz
18.068-18.168 MHz	3400-3475 MHz	134000-141000 MHz
21.000-21.450 MHz	5650-5680 MHz	241000-250000 MHz
24.890-24.990 MHz	5755-5765 MHz	
28.000-29.700 MHz	5820-5850 MHz	

Amateur Radio Full

0.1357-0.1378 MHz	50.00-52.00 MHz	10000-10125 MHz
1.810-2.000 MHz	70.00-70.50 MHz	10225-10500 MHz
3.500-3.800 MHz	144.0-146.0 MHz	24000-24250 MHz
7.000-7.200 MHz	430.0-440.0 MHz	47000-47200 MHz
10.100-10.150 MHz	1240-1325 MHz	75500-81000 MHz
14.000-14.350 MHz	2310-2450 MHz	122250-123000 MHz
18.068-18.168 MHz	3400-3475 MHz	134000-141000 MHz

⁽³⁶⁾ Directorate of Airspace Policy CAP 724 Airspace Charter published by the Civil Aviation Authority.

21.000-21.450 MHz
24.890-24.990 MHz
28.000-29.700 MHz

5650-5680 MHz
5755-5765 MHz
5820-5850 MHz

241000-250000 MHz

PART 2

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

Amateur Radio Foundation

1. An applicant must possess a valid pass certificate for the Foundation Amateur Radio Examination or equivalent examination.

Amateur Radio Intermediate

2. An applicant must possess:

- (a) a valid pass certificate for the Foundation Amateur Radio Examination or equivalent examination; and
- (b) a valid pass certificate for the Intermediate Radio Amateur Examination or equivalent examination.

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 7307(37)-Radio Amateur Examination or equivalent examination.

Amateur Radio Foundation, Amateur Radio Intermediate and Amateur radio Full

4. An applicant for a licence under this Part who previously held an Amateur Radio Licence which has been revoked at the time of the application on grounds relating to a breach of any of the terms, conditions or limitations of the licence, must meet the criteria in paragraph 5 below, as Ofcom may require.

5. The criteria referred to in paragraph 4 are as follows:

- (a) the applicant may be required to provide a statement outlining their proposed use of Amateur Radio, should a licence be issued;
- (b) the applicant may be required to provide references from one or more other Amateur Radio Full Licence holders, confirming the applicant's suitability to be a person who would operate radio under the terms of the licence;
- (c) the applicant may be required to re-sit and pass a relevant Amateur Radio Examination;
- (d) any additional criterion or criteria that Ofcom may determine.

6. The requirement in paragraph 4, above will not apply where the licence was a paper licence and was revoked for failure by the licensee to pay the licence fee on or before the date of issue of the licence.

⁽³⁷⁾ The City and Guilds of London Institute can be contacted at 1 Giltspur Street, London EC1A 9DD.

PART 3

CRITERIA LIMITING NUMBER OF WIRELESS TELEGRAPHY LICENCES

7. None.

SCHEDULE 8

SCIENCE AND TECHNOLOGY

PART 1

FREQUENCIES ALLOCATED TO SCIENCE AND TECHNOLOGY USE

Non-Operational Development

Non-Operational Temporary Use

Miscellaneous Class

1 kHz-250 GHz

Ground Probing Radar

150-4000 MHz

Radar Level Gauges

10.7-10.85 GHz

PART 2

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

Non-Operational Development

8. Applicants must be seeking authority to use the assignment frequencies on a non-commercial, non-permanent basis to build innovative spectrum apparatus or equipment or undertake academic or scientific research.

Non-Operational Temporary Use

9. Applicants must be seeking authority to use spectrum on a non-commercial, non-permanent basis to trial a new system or radio concept or demonstrate a new system or radio concept.

Ground Probing Radar

Miscellaneous Class

10. 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⁽³⁸⁾.

⁽³⁸⁾ 2003 c.21.

PART 3

CRITERIA LIMITING NUMBER OF WIRELESS TELEGRAPHY LICENCES

11. The availability of Non-Operational Development Licences, Non-Operational Temporary Use Licences and Miscellaneous Class Licences is limited in any particular location on a case by case basis, depending upon the nature of the product being developed and the technical frequency assignment criteria which are set out in the OFCOM publications applying to the frequencies concerned.

SCHEDULE 9 BUSINESS RADIO

PART 1

FREQUENCIES ALLOCATED TO BUSINESS RADIO

Business Radio (Public Safety)

380- 385 MHz

390- 395 MHz

Business Radio (Police and Fire)

70.50 – 71.50 MHz	457.00 – 457.250 MHz	3442.00 – 3475.00 MHz
80.00 – 81.50 MHz	457.47500 – 457.50 MHz	
86.30625 – 86.31875 MHz	459.49375 – 459.50625 MHz	8340.00 – 8360.00 MHz
138.08750 – 138.11250 MHz	459.50625 – 459.51875 MHz	8400.00 – 8460.00 MHz
138.28750 – 138.31250 MHz	459.53125 – 459.54375 MHz	10.250 – 10.270 GHz
	459.76875- 459.78125 MHz	
	459.81875- 459.83125 MHz	
	459.86875- 459.88125 MHz	
143.00 – 144.00 MHz	460.50 – 460.750 MHz	10.360 – 10.4 GHz
		10.4- 10.46 GHz
146.00 – 148.00 MHz	462.50 – 462.750 MHz	
152.00 – 153.01250 MHz	464.00 – 466.06250 MHz	24.050 – 24.150 GHz
153.03750 – 153.06250 MHz	466.08750 – 467.250 MHz	50.200 – 50.400 GHz
154.00 – 156.00 MHz	469.87500 – 470.00 MHz	51.200 – 51.400 GHz
155.34375 – 155.35625 MHz		
	862.00 – 863.00 MHz	
	1668.00 – 1670.00 MHz	
168.31250 – 168.83750 MHz	1677.00 – 1685.00 MHz	
173.98750 – 174MHz	1698.00 – 1700.00 MHz	
380 – 385 MHz		
390 – 395 MHz		
410 – 412 MHz		
420 – 422 MHz		
450.00 – 453.00 MHz	1790.00 – 1798.00 MHz	
453.26875- 453.28125 MHz		
453.31875- 453.33125 MHz		

453.36875- 453.38125 MHz

455.87500 – 456.00 MHz 2302.00 – 2310 MHz

2310- 2320 MHz

2320-2360 MHz

2360- 2380 MHz

Business Radio (Area Defined)

132.00 – 134.00 kHz

146.00 – 148.00 kHz

26.20 – 87.50 MHz

136.00 – 208.00 MHz

425.00 – 470.00 MHz

Business Radio (Simple Site)

Business Radio (Simple UK)

Business Radio (Suppliers Light)

Business Radio (Technically Assigned)

26.20 – 87.50 MHz

136.00 – 208.00 MHz

425.00 – 470.00 MHz

PART 2

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

1. An applicant for a Business Radio (Technically Assigned) Licence or a Business Radio (Area Defined) 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⁽³⁹⁾.

2. Applicants for licences must be seeking authority to operate under any licence granted solely for the purposes of business radio.

Business Radio (Suppliers Light)

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

Business Radio (Public Safety)

Business Radio (Police and Fire)

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

⁽³⁹⁾ 2003 c.21.

PART 3

CRITERIA LIMITING NUMBER OF WIRELESS TELEGRAPHY LICENCES

5. The availability of licences (save in respect of the Business Radio (Suppliers Light) Licence, the Business Radio (Simple UK) Licence and the Business Radio (Simple Site) 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⁽⁴⁰⁾.

⁽⁴⁰⁾ OfW 165 Business Radio Technical Frequency Assignment Criteria (December 2008).