

Ofcom consultation on

Updating the Amateur Radio Licence Maintaining licence terms and conditions



Response from the Radio Society of Great Britain

October 2014

Introduction

This response to the above Ofcom consultation is from the Radio Society of Great Britain (RSGB, www.rsqb.org). The RSGB is the principal UK stakeholder representative body for Amateur Radio operators, with over 20,000 members, including many affiliated clubs and special interest groups. Whilst some of our Members will have responded to the consultation individually, a number have indicated that they expect the Society to reply on their behalf

RSGB is also recognised as one of the leading organisations in the world in the field of amateur radio. It collaborates with its fellow national societies via the International Amateur Radio Union (IARU) through IARU Region-1 (www.iaru-r1.org).

Amateur radio is a science based technical hobby enjoyed by over three million people worldwide. From a statutory point of view it is fully recognised by the International Telecommunication Union (ITU) as a Service and is listed in the ITU Radio Regulations as the Amateur Service and the Amateur-Satellite Service. Consequently the RSGB take an active interest the ITU/CEPT process for new amateur allocations such as 470 kHz and 5 MHz.

The Society takes great interest in the wording of Licence conditions as they form a key foundation for amateur radio activities, training, operating procedures, licence variations etc. We thus have a deep interest in the clarity and consistency of licence conditions, and avoidance of potentially disruptive consequences, as demonstrated in our answers to certain key issues.

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RSGB, October 2014

Questions and Answers

Question 1: Do you agree with the proposal to include, as a matter of course, the 470 kHz and 5 MHz bands into the Licence for all Amateur Radio (Full) licensees?

No, not as proposed...

The main thrust of this proposal is that the Licence be varied for all Full licensees (including Club and Reciprocal licensees), authorising the use of the 470 kHz and 5 MHz bands as a matter of course. However it proposes to achieve this by a 'copy+paste' of existing NoV clauses, which are not necessarily appropriate in the main licence/schedule and in places could present serious difficulties for radio amateurs. It also conflicts with other top-level objectives of clarifying the licence and removing 'clutter'.

This question is essentially also a double one. The distinction arises since 470 kHz is now an agreed ITU secondary allocation, whilst we are highly cognisant that the 5 MHz band may still be subject to change as a result of ongoing CEPT/ITU studies for WRC-15. We have members and specific discussion fora including Yahoo-groups covering both the LF and 5 MHz communities and thus we respond more specifically in each case:-

Q1 – 470 kHz

The proposals do not align with the Wireless Telegraphy Act, nor are they the minimum necessary under the ITU Radio Regulations.

Paragraph 2.26.3 proposes a dangerous precedent in relation to interference namely:

“The station must not cause interference to, and may not claim protection from other wireless telegraphy or electronic equipment.”

The key words are 'electronic equipment' which implies that we must not cause interference to non-radio equipment. This has never been included in the licence schedule and is at variance with Ofcom's normal practice in not investigating interference to non-radio related equipment.

Further, the reference to electronic equipment is considered to be contrary to the EMC Directive Recitals and as it is not part of the Wireless Telegraphy Act should not be a part of the licence conditions.

Paragraph 2.26.6 also proposes that:

“The licensee must take suitable precautions, particularly in locations to which people have access, to minimise the risks associated with exposure to Radio Frequency (“RF”) radiation”

This seems to have been carried over from an earlier application form for special research permits and should be omitted. Such issues are not a part of the Wireless Telegraphy Act and as such should not be a part of the licence conditions. RSGB considers that Schedule 1 Note (e) of the existing licence, to be sufficient if the reference to the HPA is updated.

The RSGB is thus strongly concerned regarding the precedent set by incorporating such terms into the amateur licence.

From an ITU regulatory point of view, the relevant Radio Regulations for 470 kHz do not include the aforementioned terms. Furthermore the countries listed are all in excess of the 800 km limit for main station addresses (similar to the 136 kHz band), which is why the 5W eirp limit already applies.

The standard wording applicable to other amateur bands should therefore suffice:

“Secondary. Available on the basis of non-interference to other services inside and outside the UK”

RSGB already provide guidance for the distant 136 kHz countries and believe that similar guidance would also be a more appropriate solution for the country list for 470 kHz. The standard 'secondary' wording above would also be closer to the approach being taken by Ofcom for the PSSR changes in the frequency schedule.

Q1 – 5 MHz

The situation and proposals for this band differ from the 470 kHz case.

The timeline for the proposals does not match the November 2015 WRC-15 date when the outcome of the ongoing studies in CEPT and ITU will be known. However it is already clear that the 5250-5275 kHz section (which includes new HF surface wave radars allocated by WRC-12) is unlikely to be included and may require some reconsideration of the current UK-specific frequencies.

Whilst we are of course respectful of and sensitive to Primary User concerns, we also believe some of the proposed terms could be simplified, or even removed given an appropriate outcome from Q6 and Q10, regarding clearer station identification and interactions with User Services (which could be interpreted to include military/cadets).

Some of our members have also indicated that retaining the flexibility of a NoV may be a more appropriate approach at this stage, rather than an early incorporation into the main licence.

As per 470 kHz,

“Secondary. Available on the basis of non-interference to other services inside and outside the UK”

should be part of a simpler approach. Therefore given the above and ongoing CEPT/ITU work, we are keen to discuss this particular band further with Ofcom prior to any incorporation into the main licence.

Question 2: *Do you agree that expressly linking a Full (Club) Licensee’s authorisation to use the spectrum to his or her representation of a named club, and by adding a further ground for revoking the Licence to include circumstances where the licensee no longer represents the club, will help ensure that a club’s callsign remains with the club?*

Agreed - This proposal would be a useful contribution in view of the many club issues that we hear about on a regular basis.

Question 3: *Do you agree that Ofcom should include a further ground of revocation in the Licence as proposed above in order better to align Clause 4 with the definition of ‘Disqualified Person’?*

Agreed - This also seems reasonable in order to remove current anomalies as described.

Question 4: *Do you agree that the word “automatically” should be removed from Clause 4(5) of the Licence, in relation to the revocation of the Licence for failure to comply with the revalidation requirements?*

Agreed – as this will more accurately reflect due-process and practice with respect to revocation of licences due to non-revalidation.

Question 5: *Do you agree that Clause 15 of the Licence should be updated to reflect the wording included in Ofcom’s General Licence Conditions Booklet?*

We note that this question relates to the fee-charging regime with the proposed new wording:

“The Licensee shall pay to Ofcom the relevant sums as provided in section 12 of the [WT] Act and the regulations made thereunder.”

Ofcom state they have no intention of changing the charging regime, but simply to bring the amateur licence into line with the other WT licenses. On the face of it this seems reasonable.

We therefore agree, providing that the fee-charging regime does not change significantly.

Question 6: *Do you agree that Clause 13 of the Licence should be amended to allow for a simpler, more flexible approach for identifying Amateur Radio stations?*

No we do not fully agree. The proposal suggests a less prescriptive approach than the long-established requirement for transmission of callsigns at the beginning of a contact and at 15-minute intervals etc.

The requirement would now be that a station must be 'clearly identifiable at all times', that a valid callsign for the station be transmitted 'as frequently as is practicable during transmissions' to ensure that the station is clearly identified; and that the station's identity be given in 'voice, Morse Code or a format consistent with whatever form of modulation is in use'.

Our observations are:-

- 'as frequently as practicable' is open to too great a range of interpretation (and in some cases might be more burdensome than the well known 15-minute rule).
- Licence terms that refer to specific modes such as CW or Voice are unwelcome, nor are they 'technologically neutral'
- Ofcom notes in Para 2.62 that these relaxations would in any case not apply to the 5 MHz band, so complicating the regulation of use (whereas our view below would render this distinction unnecessary)
- There is currently ambiguity regarding embedding callsign data in modes such as Digital Voice
- Suggestions that 'slow modes' need an exception to the 15-minute rule ignore the ability to either locally pre-identify and/or use a parallel channel (akin to the multiple tones used by other Machine Generated Modes - MGM)

Our position is that On-air identification by and of amateurs is a key concern and a cornerstone of good operating practice. Our view is that:-

- a) a station must be clearly identifiable at all times
- b) the station's identity be given in a format consistent with the modulation in use
- c) clear definitions for callsign use (and a maximum time interval) are essential

Therefore a clear definition of callsign usage and the current maximum interval of 15-minutes should be retained. However the requirements that a station must be clearly identifiable at all times and that the identity be given in a format consistent with the modulation in use are eminently sensible (but that technology-specific terms such as voice or Morse code should not be used).

Question 7: *Do you agree that Clause 13 of the Licence should be amended to allow for a simpler, more flexible approach for identifying Amateur Radio stations?*

No – there is no need to change current mandated and widely accepted practice

Q7 and Q8 (for Intermediate Licensees) both affect the use of RSLs, where the RSGB contends that any confusion arises out of Ofcom's use of the term for what is the second nationality character, under the terms of the ITU Radio Regulations, and lack of consistency in its use when issuing some licences. The amateur community term the characters ahead of the middle numeral(s) in a callsign the prefix.

Callsign prefixes that denote regional identification have been mandated for many decades and are widely understood by the amateur community at home and overseas. The implications of making the regional prefix characters optional could be huge, including causing confusion in DXCC, contests and within the VHF/UHF community in easily determining beam headings, etc. We understand that the ARRL (the USA equivalent of the RSGB) and the CQ Worldwide DX Contest Director have independently submitted responses to Ofcom to stress the importance of considering the impact outside the UK.

The RSGB contends that the current licence conditions in respect of the callsign prefix is compliant with the ITU Radio Regulations and because of the mandatory nature of Clause 2(2) means that the identification is particularly unambiguous. Because of Ofcom's lack of vigilance over the formation of callsigns in some licences the wording of Clause 2(2) could be amended to recover clarity for this error.

"The Licensee shall use the following appropriate Regional Secondary Locator after the United Kingdom Callsign prefix "G", "M" or "2" as specified in Section 1, modifying any regional identifier incorporated in the callsign or as changed by a variation to the Licence, when identifying the Radio Equipment in accordance with Clause 13(1):"

The proposed additions are underlined. This amendment would also overcome the issue of Intermediate Licences covered in Q8. It would also address the long established practice of exceptional use of national identifiers.

It is clear that the changes outlined in both Question-7 and Question-8 below constitute a major impact for both UK/global amateur radio and thus Ofcom's expectation for the 'Impact Assessment' is questionable. The RSGB's view is that the arrangements for the callsign prefix in our current licence meets the requirements laid down in the ITU Radio Regulations. We thus have the opinion that no change is necessary. We consider Ofcom should listen to and respect the Stakeholder position for "no change" and "if it is not broken don't fix it". A better approach would be for Ofcom to fix the root cause of the problem mentioned in the paragraph above.

Any change of current practice will lead to both confusion and disruption both nationally and internationally. Additionally it is important that the region of RF transmission should be retained in any definition and use of a RSL – not the main station address. To do otherwise would do away with more than 50 years of practice, widely understood throughout the world and would create far more confusion than is currently alleged to exist.

We therefore emphasise that there is no need to change current mandated and widely accepted RSL practice.

Finally - We would also support any appropriate Ofcom IT-change or decision should other licences need to be varied to 'core' callsigns to achieve consistency in future - as already proposed by Ofcom for Intermediates in Question-8 Para-2.80.

***Question 8:** Do you agree with Ofcom's proposal to amend Clause 2(3) of the Licence to require Intermediate licensees to transmit a callsign that reflects the location of their main station?*

No – We Disagree (and also refer to our answer for Q7)

Compared to the proposal in Question-7, this introduces a totally different (and potentially discriminatory) requirement for Intermediate Licensees. Furthermore by a mandated locking of the callsign to the main station address, rather than the actual region of the RF transmission, serious confusion arises (with for example a 2W0xxx station operating as that in Scotland).

We also see the proposal as being in conflict with the Q6 requirement for clear identification and would be inconsistent with the proposals for Foundation and Full licensees.

Whilst we support the Para-2.80 proposal regarding 'core' callsigns, the callsign when used on-air should normally reflect the location (ie. the Region) of the RF transmission, as per current conditions and long established practice. Furthermore all callsign classes should be treated in the same way by retaining the current clause 2(2), as modified in Q7, in respect of the callsign prefix. This would provide clarity both on-air and for the Ofcom-endorsed syllabuses for amateur training and exams.

Question 9: *Do you agree that replacing Clauses 2(1) and 16(1) with a new Clause to simplify and bring together all of the licence conditions relating to the operation of radio equipment away from the Main Station address will make these provisions clearer?*

Agreed – and furthermore Ofcom should go further

We note that this proposal includes a more general tidying up and clarification of the Licence and in Ofcom's own words "are unlikely to have a significant impact for most stakeholders". Unfortunately it does not necessarily tidy up all known issues, and the review represents a key opportunity for doing so.

Ofcom should address other known editorial issues including:-

- Deletion of Clause 17(1)(kk) on 'Tidal Water', which is redundant
- Clarification around 17(1)(d) and 11(1) so that communications can more clearly be with any licensed amateur, rather than just UK ones
- Making a clearer distinction between Remote Control and Unattended Operation in Section-10
- Correcting an omission of Full(Club) in 13(1) that effectively requires the holder of a Club Licence to make all CQ calls – it should be any authorised club member

Note that whilst we agree with the overall approach, we do reserve our position regarding further discussions on airborne use (potentially by NoV).

Question 10: *Do you agree that the proposed changes will clarify RAYNET operation under the Licence?*

Rather than being RAYNET specific, we note that the relevant wording in the proposal actually is:

2.97.1 allowing Radio Equipment to be used to address messages to other than Amateurs for the purposes of Clauses 1(2) and 1(3); and

We agree with 2.97.1. This will more clearly allow messages to be exchanged between Amateurs and members of the User Services and is to be welcomed.

The other proposal is:

2.97.2 enabling messages to be encrypted for the purposes of Clauses 1(2)

We note that this will allow the content of messages (such as the confidentiality of casualties and their location/condition) to be passed in whatever form the User Service requires.

For 2.97.2: Should this be implemented, it should be absolutely clear that this 'message content' does not affect the requirement that amateur stations be clearly and regularly identified by their call signs etc (as per our position on Q6). We also see this as an area where Ofcom guidance could helpfully contribute.

We also see an 'interesting' interaction between these Q10 proposals and Q1 (particularly 5 MHz). If Q10 is implemented it may be able to contribute to a review of the terms applicable to 5 MHz, which is a topic we would welcome discussions on.