

1 General Comments

1.1 R&TTE Interface Requirements

As the Interface Requirements required under the Radio & Telecommunications Terminal Equipment Directive define the radio licensing regime and associated frequencies, it is questionable whether the Wireless Telegraphy (Limitation of Number of Licences) Order needs to duplicate this information.

1.2 Ofcom Licensing Manuals

The existing Ofcom licensing manuals fulfil the requirement to publish the licensing process and have a much wider scope than the draft Wireless Telegraphy (Licensing Procedures) Regulations 2006 which are very inflexible in that it precludes any amendments to the process being made without amending the legislation.

1.3 WT Act Licences, Fees and Frequencies

There should be a clear explanation of the aeronautical licensing regime to indicate the relation between the various licence products, the associated licence fees and the type and number of frequency assignments permitted on a single licence.

At the present time there are some anomalies where some aeronautical licence fees appear to be based on the number of frequencies used where others are not.

Consideration ought to be given to other situations such as multiple sites using the same frequency at the same location in order to overcome radio coverage problems due to building clutter and networks of radio sites using the same frequency to provide wide area coverage.

1.4 UK & European Legislation

The Wireless Telegraphy (Limitation of Number of Licences) Order 2003 as amended includes requirements for compliance with the Air Navigation Order 2000. This needs to be amended to the current version of the ANO the Air Navigation Order 2005. It also does not include other European Legislation such as that of the Single European Sky (SES) Regulations, Radio & Telecommunications Terminal Equipment (R&TTE) Directive and European Aviation Safety Agency (EASA) Regulations.

It would be preferable not to include requirements or cross references to any other UK or European legislation, especially specific versions thereof, as this makes the regulatory regime too inflexible and requires constant maintenance of the legislative documents to ensure that they are consistent.

2 Section 1 Summary

The following comments refer to the draft 'Wireless Telegraphy Act Licences (Terms, Provisions and Limitations)' mentioned in Paragraph 1.13 under the heading of 'The Procedures Regulation'.

2.1 'Wireless Telegraphy Act Licences (Terms, Provisions and Limitations)'

2.1.1 Aircraft; and Aircraft (Transportable) Licences

The frequencies 455.475 – 455.850 MHz and 460.775 – 461.225 MHz are not aeronautical mobile allocations and should be deleted from the licence.

The reference to the Air Navigation Order and Article(s) concerning the operators qualifications should be deleted and replaced by a general reference to allow some flexibility in determining future requirements.

The references to ITU Radio Regulations and WT Act, Civil Aviation Act and Air Navigation Order do not serve any useful purpose. Any specific requirements which apply as a result of these should be included in the licence (which they currently are).

Under the heading 'Radio Equipment Use', it is inappropriate for the licensee to be required to consider the construction of the radio equipment which is determined by the designer and/or manufacturer in accordance with International and/or European Standards supplemented by industry specifications.

2.1.2 Aeronautical Ground Station Licences

The details of the radio equipment and associated parameters specified on the licence are specific to each application. Details such as the antenna characteristics, maximum power and class of emission should not be predetermined.

3 Section 2 Notice of Proposal to Amend the Wireless Telegraphy (Limitation of Number of Licences) Order 2003

No Comments

4 Section 3 General Effect of the draft Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006

4.1 Extent of application - Paragraph 3.2

The lack of consistency between the territorial application of the Wireless Telegraphy Act, the Wireless Telegraphy (Limitation of Number of Licences) Order 2003 as amended and the Wireless Telegraphy (Licensing Procedures) Regulations 2006 for the Isle of Man and the Channel Islands will result in an additional workload when dealing with applications for aeronautical licences and the associated air navigation order approvals and will only serve to confuse applicants.

4.2 Changes in Radio Use - Paragraph 3.12

4.2.1 Aeronautical – 2nd Bullet Point

It would be helpful to explain that the frequency ranges 455.475 – 455.85 MHz and 460.750 – 461.225 MHz have been discontinued in that, whilst the CAA continues to manage frequency assignments on behalf of the primary user within this range for certain UHF aerodrome communications applications, the associated Private Business Radio WT Act Licence is issued by Ofcom.

4.2.2 Consolidation of Frequency Ranges Paragraph 3.21

The truncation of frequencies is unnecessary and the format of all frequencies or ranges should be consistent with that of the UK Frequency Assignment Table, ERO (European Radiocommunications Office) Frequency Information System (EFIS) and ITU Radio Regulations as appropriate.

5 Section 5 General Effect of the draft Wireless Telegraphy (Licensing Procedures) Regulations 2006

5.1 Extent of application - Paragraph 5.4

See previous comments on Section 3 Paragraph 3.2

6 Annexes 1 - 7

6.1 Annex 1 Responding to this consultation

The consultation period of one month is insufficient to enable a full and comprehensive study of the proposals especially as they affect all categories of Wireless Telegraphy Act Licences.

6.2 Annex 4 Summary table of main changes to the limitations order

See following comments under Annex 5

6.3 Annex 5 Proposed Amendment Order

SI 2006 No XXXX Electronics Communications – The Wireless Telegraphy (Limitation of Number of Licences) (Amendment) Order 2006

6.3.1 Schedule 8 (Aeronautical)

Part 1 Frequencies allocated to aeronautical use

6.3.1.1 Paragraph 19 (b) Aircraft

The frequency 121.5 should be deleted as it is included in the frequency range 117.975 – 137.000 MHz.

6.3.1.2 Paragraph 19 (b) Aircraft

The following frequency ranges should be included:-

401.0 – 406.0 MHz

406.1 – 417.5 MHz

432.5 – 450.0 MHz

Explanation:-

The UK (FAT) 2004 (Frequency Allocation Table) for 410 to 420 MHz includes the footnote:-

- "UK60 The Aeronautical Mobile service is limited to airborne transmissions in connection with the telemetering operations in the bands 401 - 406 MHz and 406.1 - 417.5 MHz."

The UK (FAT) 2004 (Frequency Allocation Table) also indicates that 420 to 430 MHz may be used for the same purpose with the footnote:-

- "UK64. The Aeronautical Mobile service is limited to airborne transmissions in connection with the telemetry operations in the band 432.5-450.0 MHz."

These frequency allocations are not supported by the European Radiocommunications Office (ERO) and ITU Radio Regulations allocations and only appear to permit aircraft to ground transmissions for radio telemetry systems, whereas the transmissions may in fact be in the other direction.

Paragraph 19 (h) Aeronautical Radar

It would be helpful if the types of radar associated with the various frequency ranges were given.

The following entry is proposed to include the types of navigation aid :-

Aeronautical Radiolocation Land Station (Primary Surveillance Radar)

1215 – 1350 MHz

2700 – 3100 MHz

8750 – 8850 MHz

9000 – 9200 MHz

9300 – 9500 MHz

15400 – 15700 MHz

15700 – 16600 MHz

Aeronautical Radiolocation Land Station (Secondary Surveillance Radar)

1030 MHz

1090 MHz

Note: It is recognised that frequencies within the above allocations and others may be assigned according to special agreements between the primary user and other users in accordance with the UK Frequency Allocation Table and with the agreement of the National Frequency Planning Group.

6.3.2 Schedule 8 (Aeronautical)

Part 2 Criteria relating to persons to whom Wireless Telegraphy Licences may be granted

6.3.2.1 Aircraft Licence (including Aircraft (Transportable))

Delete complete entry consisting of paragraphs 1,2 & 3.

Explanation:-

The installation and operation of aircraft radio equipment is regulated by UK Legislation and European Regulations and it is unnecessary to duplicate any requirements in the WT Act or associated legislation. In addition the applicant for a WT Act Licence may or may not be the operator of the radio equipment.

6.3.2.2 Other paragraphs

Delete all other paragraphs and proposed new text associated with Aeronautical Ground Stations.

Explanation:-

The installation and operation of aeronautical radio equipment is regulated by UK Legislation and European Regulations and it is unnecessary to duplicate any requirements in the WT Act or associated legislation. In addition the applicant for a WT Act Licence may or may not be the operator of the radio equipment.

Note: Whilst the above proposed deletion of all the other paragraphs will also delete the proposed amendment in Paragraph 20 (c) to paragraph 6 of the Schedule 8 Part 2, it should be noted that communications between aeronautical stations and both aircraft stations and mobile surface stations¹ are part of the aeronautical mobile service and aeronautical telecommunication service

¹ Mobile Surface Station – is defined in ICAO Annex 10 Volume 2 as 'A station in the aeronautical telecommunication service, other than an aircraft station, intended to be used while in motion or during halts at unspecified points.'

**Ofcom Consultation – Updating Wireless Telegraphy Licensing Procedures and Criteria
Civil Aviation Authority, Safety Regulation Group, Air Traffic Standards Department**

as defined in the ITU Radio Regulations and ICAO Standards and Recommended Practices and should not be restricted to communications with aircraft. The use of vhf aeronautical mobile service frequency allocations for surface movement control service communications is essential to ensure the safety of vehicles and personnel on the aerodrome.

**6.4 Annex 6 Proposed Procedures Regulations
SI 2006 No XXXX Electronics Communications – The Wireless Telegraphy (Licensing
Procedures) Regulations 2006**

6.4.1 Time Limits for dealing with the granting of licences – 34

A new paragraph needs to specify the time limits for those licences whose frequency assignments are not managed by Ofcom. For example the UK CAA Radio Licensing and Frequency Management.

The use of the phrase 'as soon as possible' in sub-paragraph (b) does not really define a time limit and this should be amended.

6.4.2 Requirements that must be met for the grant of a licence – 35 (1)

The text of these paragraphs could be written:-

- (1) Licences shall be granted by OFCOM, either -
- (a) in relation to particular equipment; or
 - (b) in relation to any equipment falling within the description contained in the licence and expressed by reference to factors such as the manner in which it is installed or operated.

6.4.3 Requirements that must be met for the grant of a licence – 35 (2)

An additional sub-paragraph should be included for the particulars of the company or charity name and registration number where appropriate.

There appears to be an assumption that all WT Act Licences can be issued for any period of less than 12 months on application which is currently not the case. Some licences are by nature of short term use and thus in nearly every case will be issued for a period of less than 12 months.

Sub-paragraph (b) should be phrased such that a preferred starting date is given together with the duration or the option of giving start and finish dates.

6.4.4 Requirements that must be met for the grant of a licence – 35 (3)

The text of these paragraphs needs to be refined to ensure that it is generally applicable to all the licence categories. The present text includes phrases such as 'data bit rate' in paragraph (i) which are not applicable to all licences. e.g. Aeronautical Ground Stations and Aircraft Radio Stations. Where the text is specific to particular licences it should be transferred to the appropriate section of the Schedule Regulation 4(2)(a). There is also some duplication of information requested in this section and in those relating to particular licences.

For example:-

Sub-paragraph (b) – The location may be determined according to a variety of geographical datum and may need to be specifically defined for certain licence categories. e.g. Aeronautical Ground Station location latitude and longitude should be given referenced to WGS84.

Sub-paragraph (d) should be more specific and instead of 'type of radio equipment' the 'make and model' might be more appropriate.

Sub-paragraph (j) implies that a single licence permits the operation of a number of mobile stations; which may be true for business radio licences, but is not the current regime adopted for aeronautical ground station licences, although as previously mentioned ought to be considered. The installation of stations in an aircraft, ship, train or other vehicle, where this is not managed by a specific licence category, needs to be explained further.

6.4.5 Schedule Regulation 4(2)(a) - Part 1 Aeronautical

This section defines what is required to be provided on the licence application forms, which in the case of Aeronautical Ground Stations, have a dual purpose in that they are used to gather the necessary details for WT Act Licensing and Air Navigation Order (ANO) Approvals in addition to information required for the frequency assignment process.

If the format is defined in UK legislation it will be very difficult to change and will have to be right first time. Taking into account the time it took to develop the existing single application form for licensing and ANO approvals and the variety of information needed for the various classes of licence it is suggested that this section should be removed. If it is to remain CAA would need additional time to define the details of the information to be provided.