

2000 No. 1012

TELEGRAPHS

**The Wireless Telegraphy (Exemption) (Amendment)
Regulations 2000**

<i>Made - - - -</i>	<i>6th April 2000</i>
<i>Laid before Parliament</i>	<i>10th April 2000</i>
<i>Coming into force</i>	<i>1st May 2000</i>

The Secretary of State, in exercise of the powers conferred by sections 1(1) and 3(1)(a) and (b) of the Wireless Telegraphy Act 1949(a) as enacted, and now vested in him(b), the power conferred on him by section 84(1)(b) of the Telecommunications Act 1984(c), and of all other powers enabling him in that behalf, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Exemption) (Amendment) Regulations 2000 and shall come into force on 1st May 2000.

Interpretation

2. In these Regulations, “the Principal Regulations” means the Wireless Telegraphy (Exemption) Regulations 1999(d).

Amendment

3. The Principal Regulations are hereby amended as follows—

(a) in regulation 3(1)—

(i) the following definition shall be inserted after the definition of “the 1984 Act”—

““the Directive” means Directive 1999/5/EC of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity(e);”;

(a) 1949 c. 54; sections 1 and 3 were extended to the Channel Islands by S.I. 1952/1900, as amended by S.I. 1967/1279 and S.I. 1969/1369, and to the Isle of Man by S.I. 1952/1899; there are amendments to section 1(1) not relevant to these Regulations.

(b) Post Office Act 1969 (c. 48), section 3; S.I. 1969/1369, article 3; S.I. 1969/1371, article 2; S.I. 1974/691, article 2.

(c) 1984 c. 12; section 84 was extended to the Bailiwick of Guernsey and the Isle of Man by S.I. 1994/1064 and S.I. 1995/268 respectively but has not been extended to the Bailiwick of Jersey.

(d) S.I. 1999/930.

(e) O.J. No. L91, 7.4.99, p.10; the Directive was largely implemented in the United Kingdom by the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 (S.I. 2000/730).

- (ii) “and” shall be deleted at the end of the definition of “station”;
- (iii) “EN45002; and” shall be substituted for “EN45002.” at the end of the definition of “test laboratory”; and
- (iv) the following definition shall be inserted after the definition of “test laboratory”—

““United Kingdom Radio Interface Requirement (IR)” means the interface requirement published by the Radiocommunications Agency of the Department of Trade and Industry (RA) in accordance with Article 4.1 of the Directive.”;
- (b) for regulation 4(2), there shall be substituted the following paragraph—

“(2) The exemption in paragraph (1) shall not apply to relevant apparatus which is established, installed or used to provide or to be capable of providing a wireless telegraphy link between telecommunication apparatus or a telecommunication system and other such apparatus or system, by means of which a telecommunication service is provided by way of business to another person.”;
- (c) in Schedule 3—
 - (i) the following definition shall be substituted for the definition of “prescribed apparatus” in Part I—

““prescribed apparatus” means a user station as defined below and any station or apparatus described in the appropriate IR referred to in Part V of this Schedule.”;
 - (ii) the following Part shall be substituted for Part II—

“PART II

ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

1. The prescribed apparatus shall be subject to and comply with the appropriate IR referred to in Part V of this Schedule.

2. Prescribed apparatus taken into service before 1st May 2000 must also comply with the Common Technical Regulations referred to in Part IV of this Schedule, and in the absence of a Common Technical Regulation applying to such apparatus, the prescribed apparatus must—

- (a) be approved by the Secretary of State under section 84 of the 1984 Act for the purposes of these Regulations;
- (b) be approved to the ETSI standards or the draft ETSI standards referred to in Part IV as appropriate by a national administration following type testing at a test laboratory;
- (c) comply with the requirements of MPT 1324 or MPT 1326 as appropriate in relation to prescribed apparatus taken into service before section 84 of the 1984 Act came into force^(a); or
- (d) comply with the BABT performance standards referred to in Part IV as appropriate,

provided that paragraph (a) above shall not apply in relation to prescribed apparatus situated in the Bailiwick of Jersey.”;

- (iii) for “872–888 MHz (MTx)
917–933 MHz (BTx)”

in paragraph 2(a) of Part III, there shall be substituted—

“872–890 MHz (MTx)
917–935 MHz (BTx)”;

- (iv) for “905–915 MHz (MTx)
950–960 MHz (BTx)”

in paragraph 2(b) of Part III, there shall be substituted—

“880–915 MHz (MTx)
925–960 MHz (BTx)”;

^(a) Section 84 of the 1984 Act came into force on 16th July 1984 pursuant to S.I. 1984/876.

(v) the following Part shall be inserted after Part IV—

“PART V

UNITED KINGDOM RADIO INTERFACE REQUIREMENT

IR 2012 – UK Radio Interface Requirement for Public Mobile Data, published by RA in March 2000.

IR 2013 – UK Radio Interface Requirement for Public Access Mobile Radio, published by RA in March 2000.

IR 2014 – UK Radio Interface Requirement for Public Cellular Radiotelephone Services, published by RA in March 2000.

IR 2018 – UK Radio Interface Requirement for Common Base Stations, published by RA in March 2000.”;

(d) in Schedule 4—

(i) the following definition shall be substituted for the definition of “prescribed apparatus” in Part I—

““prescribed apparatus” means a station or apparatus described in the IR referred to in Part III of this Schedule.”;

(ii) the following Part shall be substituted for Part II—

“PART II

ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

1. The prescribed apparatus shall be subject to and comply with the IR referred to in Part III of this Schedule.

2. Prescribed apparatus taken into service before 1st May 2000 must also comply with the Common Technical Regulations referred to in Part IV of this Schedule, and in the absence of a Common Technical Regulation applying to such apparatus, the prescribed apparatus must—

(a) be approved by the Secretary of State under section 84 of the 1984 Act for the purposes of these Regulations;

(b) be approved to the ETSI standards referred to in Part IV as appropriate by a national administration following type testing at a test laboratory; or

(c) comply with the requirements of MPT 1322, MPT 1334, MPT 1371 or MPT 1384 as appropriate in relation to prescribed apparatus taken into service before section 84 of the 1984 Act came into force,

provided that paragraph (a) above shall not apply in relation to prescribed apparatus situated in the Bailiwick of Jersey.”;

(iii) the following Part shall be substituted for Part III—

“PART III

UNITED KINGDOM RADIO INTERFACE REQUIREMENT

IR 2011 – UK Radio Interface Requirement for the Cordless Telephony Service, published by RA in March 2000.”; and

(iv) the following shall be inserted under the heading “**DECT**” in Part IV—

“CTR 006—Commission Decision of 9th July 1997 on a common technical regulation for the general terminal attachment requirements for DECT(**a**), including the ETSI Technical Basis for Regulation TBR 006.

CTR 010—Commission Decision of 9th July 1997 on a common technical regulation for the telephony application requirements for DECT(**b**), including the ETSI Technical Basis for Regulation TBR 010.

CTR 022—Commission Decision of 9th July 1997 on a common technical regulation for the attachment requirements for DECT generic access profile (GAP)(**c**), including the ETSI Technical Basis for Regulation TBR 022.”;

(a) O.J. No. L215, 9.7.97, p. 48.

(b) O.J. No. L215, 9.7.97, p. 50.

(c) O.J. No. L215, 9.7.97, p. 52.

(e) in Schedule 5—

(i) the following definition shall be substituted for the definition of “Inmarsat” in Part I—

““Inmarsat” means Inmarsat Limited whose registered office is situated at 99 City Road, London EC1Y 1AX;”;

(ii) the definitions of “mean power” and “peak power” in Part I shall be deleted;

(iii) the following definition shall be substituted for the definition of “prescribed apparatus” in Part I—

““prescribed apparatus” means a Land Mobile Earth Station in a Land Mobile-Satellite Service described in the IR referred to in Part III of this Schedule.”;

(iv) the following Part shall be substituted for Part II—

“PART II

ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

1. The prescribed apparatus shall be subject to and comply with the IR referred to in Part III of this Schedule.

2. Prescribed apparatus taken into service before 1st May 2000 must also comply with the Common Technical Regulations referred to in Part IV of this Schedule, and in the absence of a Common Technical Regulation applying to such apparatus, the prescribed apparatus must—

(a) be approved by the Secretary of State under section 84 of the 1984 Act for the purposes of these Regulations; or

(b) be approved to the ETSI standards referred to in Part IV as appropriate by a national administration following type testing at a test laboratory,

provided that paragraph (a) above shall not apply in relation to prescribed apparatus situated in the Bailiwick of Jersey.

3. Prescribed apparatus in the Iridium and Globalstar Land Mobile-Satellite Services described in the appropriate IR referred to in Part III shall cease operation at or within a distance determined by the Secretary of State for each relevant radioastronomy site for the duration of any radioastronomy observation.”;

(v) the following Part shall be substituted for Part III—

“PART III

UNITED KINGDOM RADIO INTERFACE REQUIREMENT

IR 2016 – UK Radio Interface Requirement for Land Mobile Satellites, published by RA in March 2000.”; and

(vi) the following row shall be inserted at the end of the table under the heading “**Inmarsat**” in Part IV—

“

<i>Type of Inmarsat station</i>	<i>Maximum power (eirp)</i>	<i>ETSI standard (unless otherwise stated)</i>	<i>Date of publication</i>
M4	26dBW	TBR 44	

”

(f) in Schedule 6—

(i) the following Part shall be substituted for Part I—

“PART I
INTERPRETATION

In this Schedule, “prescribed apparatus” means a station or apparatus described in the appropriate IR referred to in Part III.”;

- (ii) the following Part shall be substituted for Part II—

“PART II
ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

1. The prescribed apparatus shall be subject to and comply with the appropriate IR referred to in Part III of this Schedule.

2. Prescribed apparatus taken into service before 1st May 2000 must also—

- (a) be approved by the Secretary of State under section 84 of the 1984 Act for the purposes of these Regulations; or
(b) be approved to the ETSI standards referred to in Part IV as appropriate by a national administration following type testing at a test laboratory, or otherwise complies with such standards in the case of non-manufactured apparatus used as metal detectors or model control apparatus referred to in the appropriate IR in Part III,

provided that paragraph (a) above shall not apply in relation to prescribed apparatus situated in the Bailiwick of Jersey.”;

- (iii) the following Part shall be substituted for Part III—

“PART III
UNITED KINGDOM RADIO INTERFACE REQUIREMENT

IR 2005 – UK Radio Interface Requirement for Wideband Transmission Systems operating in the 2.4 GHz ISM Band and Using Spread Spectrum Modulation Techniques, published by RA in March 2000.

IR 2030 – UK Radio Interface Requirement for Short Range Devices, published by RA in March 2000.”; and

- (iv) the following Part shall be inserted after Part III—

“PART IV
STANDARDS

European Telecommunications Standard EN 300 220–1 published by ETSI in November 1997.

European Telecommunications Standard EN 300 328 published by ETSI in November 1994, revised and reprinted in November 1996 and amended in July 1997.

European Telecommunications Standard EN 300 330 published by ETSI in April 1999.

European Telecommunications Standard EN 300 422 published by ETSI in September 1999.

European Telecommunications Standard I-ETS 300 440 published by ETSI in December 1995 and Corrigendum issued in April 1996.

European Telecommunications Standard EN 300 674 published by ETSI in November 1998.

European Telecommunications Standard EN 300 718 published by ETSI in March 1997.

European Telecommunications Standard EN 300 761 published by ETSI in January 1998.

European Telecommunications Standard EN 300 836–1 published by ETSI in May 1998.

European Telecommunications Standard EN 301 091 published by ETSI in June 1998.
European Telecommunications Standard EN 301 357, version 1.2.1 (1991) published by ETSI in 1999.”; and

(g) in Schedule 7—

(i) the following Part shall be substituted for Part I—

“PART I
INTERPRETATION

In this Schedule, “prescribed apparatus” means a station or apparatus described in the IR referred to in Part III.”;

(ii) the following Part shall be substituted for Part II—

“PART II
ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

1. The prescribed apparatus shall be subject to and comply with the IR referred to in Part III of this Schedule.

2. Prescribed apparatus taken into service before 1st May 2000 must also—

(a) be approved by the Secretary of State under section 84 of the 1984 Act for the purposes of these Regulations; or

(b) be approved to the standard referred to in Part IV by a national administration following type testing at a test laboratory,

provided that paragraph (a) above shall not apply in relation to prescribed apparatus situated in the Bailiwick of Jersey.”;

(iii) the following Part shall be substituted for Part III—

“PART III
UNITED KINGDOM RADIO INTERFACE REQUIREMENT

IR 2009 – UK Radio Interface Requirement for Private Business Mobile Radio Operating in the Licence Exempt PMR 446 MHz Band, published by RA in March 2000.”; and

(iv) the following Part shall be inserted after Part III—

“PART IV
STANDARD

ETS 300 296 published by ETSI in December 1994 and revised and reprinted in March 1997.”.

6th April 2000

Patricia Hewitt,
Minister of State for Small Business and E-Commerce,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

Directive 1999/5/EC (“the Directive”) of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity provides for the essential requirements, the procedures for conformity assessment, the placing on the market and the bringing into service in respect of such equipment.

Pursuant to the Directive (which was largely implemented in the United Kingdom by the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 (S.I. 2000/730) wireless telegraphy equipment is no longer required to be approved under section 84 of the Telecommunications Act 1984 (c. 12), and these Regulations make consequential amendments to the Wireless Telegraphy (Exemption) Regulations 1999 (S.I. 1999/930) (“the Principal Regulations”).

From 1st May 2000, wireless telegraphy equipment covered by the Principal Regulations (“equipment”) which is taken into service has to comply with the appropriate United Kingdom Radio Interface Requirement (“IR”) specified in these Regulations. Equipment which was taken into service before 1st May 2000 also has to comply with the requirements of the Principal Regulations relating thereto.

In addition, these Regulations substitute a wider restriction on the application of the exemption from licensing under section 1(1) of the Wireless Telegraphy Act 1949 (c. 54) provided by regulation 4(1) of the Principal Regulations, so that the exemption does not apply to relevant apparatus providing any radio link under which a telecommunication service is provided by way of business to another person (regulation 3(b)).

Copies of the IRs specified in these Regulations may be obtained from the Radiocommunications Agency Library at Wyndham House, 189 Marsh Wall, London E14 9SX (Tel: 020 7211 0211). The IRs are also available on the Agency’s Internet web site: www.radio.gov.uk

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