

2005 No. 3471

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Radio Frequency Identification
Equipment) (Exemption) Regulations 2005**

Made - - - - *16th December 2005*

Coming into force - - *31st January 2006*

These Regulations are made in exercise of the powers conferred on the Office of Communications (“OFCOM”) by section 1(1) of the Wireless Telegraphy Act 1949(a) (“the 1949 Act”);

Under section 403(4)(a) of the Communications Act 2003(b) (“the 2003 Act”), as applied by section 16(1A) of the 1949 Act, OFCOM have given notice of their proposal to make these Regulations;

Under section 403(4)(b) of the 2003 Act, as applied by section 16(1A) of the 1949 Act, OFCOM have published notice of their proposal;

Under section 403(4)(c) of the 2003 Act, as applied by section 16(1A) of the 1949 Act, OFCOM have considered the representations made to them before the time specified in the notice(c);

Accordingly OFCOM make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Radio Frequency Identification Equipment) (Exemption) Regulations 2005 and shall come into force on 31st January 2006.

Interpretation

2. In these Regulations—

- (a) “beam-width” means the smallest angle between points in the radiation pattern emitting from the equipment’s antenna where at such points emissions from the antenna are half the power of the peak radiation;

(a) 1949 c. 54. Section 1(1) was extended to the Channel Islands by S.I. 1952/1900, as amended by S.I. 1967/1279, S.I. 1974/691 and S.I. 1997/284 and to the Isle of Man by S.I. 1952/1899, as amended by S.I. 1967/1280 and S.I. 1997/285. Section 1(1) was amended by the Communications Act 2003 (c. 21), by section 406 and Schedule 17, paragraphs 6(1) and (2). These amendments were extended to Jersey by S.I. 2003/3197 article 6, to the Bailiwick of Guernsey by S.I. 2003/3195 article 6 and to the Isle of Man by S.I. 2003/3198 article 6. There are other amendments to section 1(1) not relevant to these Regulations.

(b) 2003 c. 21.

(c) Section 16(1A) of the 1949 Act does not extend to the Channel Islands and therefore the procedures set out in section 403 of the 2003 Act, which it applies, are not requirements in so far as these Regulations extend to the Channel Islands.

- (b) “dBm” means decibel milliWatt;
- (c) “equipment” means a station for wireless telegraphy or apparatus for wireless telegraphy;
- (d) “erp” means effective radiated power;
- (e) “interrogator” means equipment which is capable of initiating communication with other equipment;
- (f) “kHz” means kilohertz;
- (g) “MHz” means megahertz; and
- (h) “mW” means milliWatt.

Exemption

3. The establishment or installation of equipment complying with the terms, provisions and limitations in regulation 4 and the use of such equipment so established or installed is hereby exempt from the provisions of section 1(1) of the Wireless Telegraphy Act 1949.

Terms, provisions and limitations

- 4.—(1) The exemption provided for in regulation 3 shall be limited to equipment which —
- (a) operates in the frequency band between 865 MHz and 868 MHz;
 - (b) operates using one or more of the frequency channels which have a centre frequency specified in the Schedule and which have a bandwidth no greater than 200 kHz;
 - (c) does not cause or contribute to any undue interference to any wireless telegraphy; and
 - (d) emits transmissions which —
 - (i) at frequencies between 865 MHz and 865.6 MHz have an erp no greater than 100 mW;
 - (ii) at frequencies between 865.6 MHz and 867.6 MHz have an erp no greater than 2 Watts; and
 - (iii) at frequencies between 867.6 MHz and 868 MHz have an erp no greater than 500 mW.
- (2) Where equipment is an interrogator, the exemption provided for in regulation 3 shall, additionally, be limited to equipment which —
- (a) transmits with a beam-width which —
 - (i) at an erp less than or equal to 500 mW is less than or equal to ninety degrees; and
 - (ii) at an erp greater than 500 mW is less than or equal to seventy degrees;
 - (b) only begins transmitting in any channel—
 - (i) at an erp greater than 500mW, if the signal level at the receiver of the interrogator from other equipment operating within that channel is less than or equal to –96 dBm for a period of not less than five milliseconds immediately prior to transmission;
 - (ii) at an erp greater than 100mW, but less than or equal to 500mW, if the signal level at the receiver of the interrogator from other equipment operating within that channel is less than or equal to –90 dBm for a period of not less than five milliseconds immediately prior to transmission; and
 - (iii) at an erp less than or equal to 100mW, if the signal level at the receiver of the interrogator from other equipment operating within that channel is less than or equal to –83 dBm for a period of not less than five milliseconds immediately prior to transmission;
 - (c) operates so that the duration of each transmission is no longer than four seconds; and
 - (d) operates with an interval between each transmission on the same frequency channel of not less than 100 milliseconds.

16th December 2005

David Currie
Chairman of the Office of Communications
For and by authority of the Office of Communications

SCHEDULE

Regulation 4(1)

CENTRE FREQUENCIES

865.1
865.3
865.5
865.7
865.9
866.1
866.3
866.5
866.7
866.9
867.1
867.3
867.5
867.7
867.9

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations exempt the establishment or installation of radio frequency identification equipment and the use of radio frequency identification equipment so established or installed from the requirement to be licensed under section 1(1) of the Wireless Telegraphy Act 1949 (c.54).

Under regulation 4(1) the exemption is limited to equipment which operates in the frequency band 865 MHz to 868 MHz (regulation 4(1)(a)), using one or more of the frequency channels which have a centre frequency specified in the Schedule and a bandwidth no greater than 200 kHz (regulation 4(1)(b)), which does not cause or contribute to any undue interference to wireless telegraphy (regulation 4(1)(c)) and which emits transmissions at the specified frequencies with the power levels set out in regulation 4(1)(d).

In the case of equipment which is capable of initiating communication with other equipment (an interrogator) further technical limitations apply. Such equipment must meet requirements as to beam-width (regulation 4(2)(a)), commencement of transmission (regulation 4(2)(b)), timing of transmission (regulation 4(2)(c)) and time between transmissions (regulation 4(2)(d)).

A full regulatory impact assessment and report of the effect that these Regulations will have on the costs to business is available to the public from the OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on the OFCOM internet web site at www.ofcom.org.uk. Copies of the report have also been placed in the libraries of both Houses of Parliament.

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