

1989 No. 1842

TELEGRAPHS

The Wireless Telegraphy (Testing and Development Under Suppressed Radiation Conditions) (Exemption) Regulations 1989

<i>Made</i> - - - -	<i>6th October 1989</i>
<i>Laid before Parliament</i>	<i>10th October 1989</i>
<i>Coming into force</i>	<i>1st November 1989</i>

The Secretary of State, in exercise of the powers conferred by sections 1 and 3 of the Wireless Telegraphy Act 1949(a), as extended by the Wireless Telegraphy (Channel Islands) Order 1952(b) and the Wireless Telegraphy (Isle of Man) Order 1952(c) and now vested in him(d), 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 (Testing and Development Under Suppressed Radiation Conditions) (Exemption) Regulations 1989 and shall come into force on 1st November 1989.

**Interpretation**

2. In these Regulations -

“the Act” means the Wireless Telegraphy Act 1949;

“apparatus” means wireless telegraphy apparatus; and “relevant apparatus” means apparatus to which these Regulations apply;

“authorised person” means any person authorised by the Secretary of State for the purposes of the Act, the Wireless Telegraphy Act 1967(e) and the Telecommunications Act (1984)(f);

“field strength” means the magnitude of a component of the electric or magnetic field;

“premises” includes a vehicle, vessel or aircraft;

“spurious emission” means an emission -

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(a) 1949 c.54. (b) S.I. 1952/1900. (c) S.I. 1952/1899. (d) Post Office Act 1969(c.48), section 3; S.I. 1969/1369, article 3 1371, article 2 1974/691, article 2. (e) 1967 c.72. The relevant amendments to the Wireless Telegraphy Acts of 1949 and 1967 are contained in section 3 of the Post Office Act 1969, Part VI of the Telecommunications Act 1984 and S.I. 1974/691, article 2. (f) 1984 c.12.

- (a) on a frequency which is outside the necessary bandwidth; and
  - (b) the level of which may be reduced without affecting the corresponding transmission of information,
- and, without prejudice to the generality of the foregoing, includes harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products;

“station” means a station for wireless telegraphy; and “relevant station” means a station to which these Regulations apply;

“suppressed radiation conditions” means conditions under which the electromagnetic energy emitted by any station or apparatus is suppressed, reduced or contained at or to such a level that it is incapable, under all reasonably foreseeable operational conditions, of causing interference with any station or apparatus which is situated outside the boundary of the premises in which the first mentioned station or apparatus is situated; and

“testing or development” includes:

- (a) modifying, servicing or repairing, and
- (b) scientific research, training, instruction or experimentation in radio theory or practice.

### **Application**

3.—(1) Subject to paragraph (2), these Regulations apply to any station or apparatus for the testing or development of that, or any other, station or apparatus under suppressed radiation conditions.

(2) These Regulations shall not extend to any station or apparatus the establishment, installation or use of which is exempted from the provisions of section 1(1) of the Act by –

- (a) the Wireless Telegraphy (Exemption) Regulations 1980(a);
- (b) the Wireless Telegraphy (Exemption) Regulations 1982(b);
- (c) the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984(c);
- (d) the Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1988(d);
- (e) the Wireless Telegraphy Apparatus (Receivers) (Exemption) Regulations 1989(e); or
- (f) the Wireless Telegraphy Apparatus (Low Power Devices) (Exemption) Regulations 1989(f).

### **Exemption**

4. Subject to regulation 5, the establishment, installation and use of any relevant station or relevant apparatus are hereby exempted from the provisions of section 1(1) of the Act.

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(a) S.I. 1980/1848, regulation 3 (amended by S.I. 1987/776). (b) S.I. 1982/1697, regulation 3 (amended by S.I. 1987/775, regulations 3 and 4). (c) S.I. 1984/1053, regulations 3 and 4. There are amendments to this instrument not relevant to these regulations. (d) S.I. 1988/1648, regulations 3 and 4. (e) S.I. 1989/123, regulation 3. (f) S.I. 1989/604, regulation 3.

### **Terms, provisions and limitations**

5. The exemption provided for in regulation 4 shall be subject to the terms, provisions and limitations that the relevant station or relevant apparatus shall –

- (a) be operated –
  - (i) only on those frequencies;
  - (ii) at a maximum field strength no greater than the limit;
  - (iii) so as not to radiate spurious emissions in excess of the limits, specified in the Schedule; and
- (b) not cause undue interference with any wireless telegraphy.

### **Inspection and Restrictions on Use**

6. Where the Secretary of State has reasonable cause to believe that a relevant station or relevant apparatus is –

- (a) causing undue interference with any wireless telegraphy; or
- (b) emitting signals which are capable of causing interference with any station or apparatus which is situated outside the boundary of the premises on which the relevant station or relevant apparatus is situated,

any person who is in possession or control of the relevant station or the relevant apparatus shall on the demand of any authorised person:–

- (i) permit and facilitate its inspection by that authorised person;
- (ii) cause its use to:
  - (aa) cease; or
  - (bb) be restricted in the manner specified by the authorised person.

### **Measurement of emissions**

7. Any person using a relevant station or relevant apparatus pursuant to the exemption provided for in regulation 4 above shall conduct such measurements as are reasonably necessary to ascertain whether the terms, provisions and limitations set out in the Schedule are being complied with.

6th October 1989

*Eric Forth*  
Parliamentary Under Secretary of State,  
Department of Trade and Industry

TERMS, PROVISIONS AND LIMITATIONS OF EXEMPTION

1. Use of relevant stations and relevant apparatus for emission shall be limited to use –
  - (a) on a frequency within a frequency band specified in table 1 below; and
  - (b) where the maximum field strength of the emission does not exceed the limit specified in relation to that frequency band when measured at the distance specified in relation thereto.

TABLE 1

<i>Frequency Band (MHz)</i>	<i>Limit for maximum field strength (dB<math>\mu</math> V/m)</i>	<i>Distance at which measurement taken (m)</i>
0.150 – 0.2835	34	100
0.5265 – 1.605	34	100
1.605 – 2.1735	48	100
2.1905 – 3.950	48	100
22.00 – 29.999	34	100
30.00 – 70.50	30	30
71.50 – 74.60	30	30
75.40 – 80.00	30	30
84.00 – 108.00	30	30
137.00 – 143.00	30	30
144.00 – 146.00	30	30
148.00 – 153.00	30	30
156.8375 – 225.00	30	30
400.00 – 405.50	30	30
406.50 – 450.00	30	30
453.00 – 464.00	30	30
467.00 – 960.00	30	30

2. Relevant stations and relevant apparatus shall not radiate, in any frequency band, spurious emissions of a maximum field strength in excess of the limit, when measured at the distance specified in table 2 below in relation to each frequency band –

TABLE 2

<i>Frequency Band (MHz)</i>	<i>Limit for maximum field strength (dB<math>\mu</math> V/m)</i>	<i>Distance at which measurement taken (m)</i>
below 30	23	100
30 and above	23	30

3. In paragraphs 1 and 2 above –

“distance” means the distance from the relevant station or relevant apparatus; and

“measured” means ascertained by making measurements of all components of the emission from such number of directions –

(a) in a horizontal plane; or

(b) where the configuration of the site is such that it is not reasonably practicable to make measurements in an exactly horizontal plane, in a plane which is as near to horizontal as reasonably practicable,

including at least four –

(i) orthogonal directions; or

(ii) where the configuration of the site is such that it is not reasonably practicable to make measurements from exactly orthogonal directions, directions which are as near to orthogonal as reasonably practicable,

as is reasonably necessary to determine the maximum field strength of the emission at the distance specified, and the highest value obtained shall be taken to be the maximum field strength.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the exemption from the provisions of section 1(1) of the Wireless Telegraphy Act 1949 of stations or apparatus for wireless telegraphy operated under suppressed radiation conditions on specified frequencies for testing or development purposes (which are defined to include the modifying, servicing or repairing of such stations or apparatus and scientific research, training, instruction or experimentation in radio theory or practice). Accordingly, it will not be necessary to hold a licence to establish, instal and use such stations or apparatus.

The Regulations do not apply to apparatus which is exempt from the licensing requirement under certain other instruments (regulation 3).

Regulation 5 provides for the terms, provisions and limitations of exemption. It requires that the apparatus must not cause undue interference with any wireless telegraphy. The Schedule sets out in detail certain minimum requirements concerning suppressed radiation.

Regulation 6 requires that the station or apparatus must be available for inspection and that its use must cease, or its operation must be restricted, on the demand of a person authorised in that behalf by the Secretary of State. Regulation 7 requires a person using the station or apparatus to conduct measurements to ascertain whether minimum requirements concerning suppressed radiation are being complied with. Failure to comply with regulation 6 or 7 is an offence under section 3 of the Wireless Telegraphy Act 1949.