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STATUTORY INSTRUMENTS

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**2003 No. 74**

**TELEGRAPHS**

**The Wireless Telegraphy (Exemption) Regulations 2003**

*Made* - - - - 20th January 2003  
*Laid before Parliament* 21st January 2003  
*Coming into force* - - 12th February 2003

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(1) and now vested in her(2), the power conferred on her by section 84(1)(b) of the Telecommunications Act 1984(3), and of all other powers enabling her in that behalf, hereby makes the following Regulations—

**Citation and commencement**

1. These Regulations may be cited as the Wireless Telegraphy (Exemption) Regulations 2003 and shall come into force on 12th February 2003.

**Revocation**

2. The Regulations specified in Schedule 1 are hereby revoked.

**Interpretation**

3.—(1) In these Regulations—

“the 1949 Act” means the Wireless Telegraphy Act 1949;

“the 1984 Act” means the Telecommunications Act 1984;

“apparatus” means wireless telegraphy apparatus or apparatus designed or adapted for use in connection with wireless telegraphy apparatus;

“authorised person” means any person authorised by the Secretary of State for the purpose of regulation 6;

“CEPT” means the European Conference of Postal and Telecommunications Administrations;

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(1) 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.  
(2) 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.  
(3) 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.

“eirp” means equivalent isotropically radiated power, as defined in the Radio Regulations;

“EN45001 and EN45002” means European Standards (Normes Européenne) EN45001 and EN45002 published in September 1989 by the British Standards Institution;

“erp” means effective radiated power, as defined in the Radio Regulations;

“ETSI” means the European Telecommunications Standards Institute;

“Interface Requirement” means an interface requirement published by RA in accordance with Article 4.1 of 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<sup>(4)</sup>;

“ISO guides 25 and 58” means the International Organization for Standardization Guides 25 and 58 published by the International Organization for Standardization in 1990 and 1993 respectively;

“national administration” means the national administration of a country listed in Schedule 2;

“RA” means the Radiocommunications Agency of the Department of Trade and Industry;

“the Radio Regulations” means the 2001 edition of the Radio Regulations made under Article 13 of the Constitution of the International Telecommunication Union<sup>(5)</sup>;

“relevant apparatus” means the prescribed apparatus as defined in Schedules 3 to 9 hereto;

“station” means a station for wireless telegraphy; and

“test laboratory” means a test laboratory which has been accredited in accordance with ISO guides 25 and 58 or EN45001 and EN45002 or a national standard conforming to ISO guides 25 and 58 or EN45001 and EN45002.

(2) In these Regulations, “connected”, “convey”, “telecommunication apparatus”, “telecommunication service” and “telecommunication system” shall be construed in accordance with section 4 of the 1984 Act, and “public telecommunication system” shall be construed in accordance with section 9(1) of the 1984 Act.

### **Exemption**

4.—(1) Subject to regulation 5, the establishment, installation and use of the relevant apparatus are hereby exempted from the provisions of section 1(1) of the 1949 Act.

(2) With the exception of relevant apparatus operating in the frequency bands specified in paragraph (3), 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.

(3) The frequency bands specified for the purposes of paragraph (2) are—

- (a) 2400.0 to 2483.5 MHz;
- (b) 5150 to 5350 MHz;
- (c) 5470 to 5725 MHz;
- (d) 57.1 to 58.9 GHz.

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(4) 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).

(5) The Constitution and Convention of the International Telecommunication Union were adopted in Geneva in 1992 and ratified by the United Kingdom in 1994 (Cm 3145). They were modified by the Plenipotentiary Conference in Kyoto in 1994 as ratified by the United Kingdom in 1997 (Cm 3779).

(4) The exemption provided in the case of relevant apparatus operating in the frequency bands specified in paragraph (3) shall not apply unless such apparatus complies with the appropriate following Interface Requirement—

- (a) in the case of the frequency band specified at sub-paragraph (a), 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 in December 2000;
- (b) in the case of the frequency bands specified at sub-paragraphs (b) and (c), IR 2006—UK Radio Interface Requirement for Short Range, Broadband, Data Services (High Performance RLAN) operating in the frequency range 5150–5725 MHz, published in October 2002;
- (c) in the case of the frequency band specified at sub-paragraph (d), IR 2000—UK Radio Interface Requirement for Point-to-point radio-relay systems operating in specified frequency bands, published in February 2002.

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

5.—(1) The exemption provided in regulation 4(1) shall be subject to the terms, provisions and limitations that—

- (a) the relevant apparatus shall not cause or contribute to any undue interference to any wireless telegraphy; and
- (b) the use of the relevant apparatus is terrestrial use only, unless otherwise stated in Schedule 6.

(2) Such exemption shall also be subject to such additional terms, provisions and limitations as are specified in the Schedules hereto in respect of the relevant apparatus.

### **Inspection and restrictions on use**

6.—(1) Where an authorised person has reasonable cause to believe that any relevant apparatus is not complying with regulation 5, any person who is in possession or control of the relevant apparatus shall, on the demand of that authorised person—

- (a) permit and facilitate its inspection by that authorised person; and
- (b) cause its use to—
  - (i) cease; or
  - (ii) be restricted in the manner specified by that authorised person,for a period of time ending either on a date or on the occurrence of an event specified in either case by that authorised person.

(2) Any authorised person exercising powers under paragraph (1) above shall produce evidence of his authority, if so required by the person in possession or control of the relevant apparatus.

20th January 2003

*Stephen Timms,*  
Minister of State for E-Commerce and  
Competitiveness,  
Department of Trade and Industry

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## SCHEDULE 1

Regulation 2

## REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>
The Wireless Telegraphy (Exemption) Regulations 1999	<a href="#">S.I. 1999/930</a>
The Wireless Telegraphy (Exemption) (Amendment) Regulations 2000	<a href="#">S.I. 2000/1012</a>
The Wireless Telegraphy (Exemption) (Amendment) Regulations 2001	<a href="#">S.I. 2001/730</a>
The Wireless Telegraphy (Exemption) (Amendment) Regulations 2002	<a href="#">S.I. 2002/1590</a>

## SCHEDULE 2

Regulation 3(1)

## LIST OF NATIONAL ADMINISTRATIONS

<i>Country</i>	<i>Symbol</i>
Albania	AL
Andorra	AND
Austria	A
Belgium	B
Bosnia and Herzegovina	BH
Bulgaria	BG
Croatia	HR
Cyprus	CY
Czech Republic	CZ
Denmark	DK
Estonia	EST
Finland	FI
France	F
Germany	D
Greece	GR
Hungary	H
Iceland	IS
Ireland	IRL
Italy	I
Latvia	LV

<i>Country</i>	<i>Symbol</i>
Liechtenstein	FL
Lithuania	LT
Luxembourg	L
Malta	M
Moldova	MLD
Monaco	MC
Netherlands	NL
Norway	N
Poland	PL
Portugal	P
Romania	RO
Russian Federation	RUS
San Marino	RSM
Slovak Republic	SK
Slovenia	SLO
Spain	E
Sweden	S
Switzerland	CH
The Former Yugoslav Republic of Macedonia	MK
Turkey	TR
Ukraine	UA
United Kingdom of Great Britain and Northern Ireland	GB
Vatican City	SCV

SCHEDULE 3

Regulation 3(1)

NETWORK USER STATIONS

PART I

INTERPRETATION

In this Schedule—

“BABT” means the British Approvals Board for Telecommunications(6);

(6) BABT was appointed by the Secretary of State on 10th September 1990 pursuant to section 25 of the 1984 Act for the purpose of approving telecommunication apparatus under section 22 of that Act.

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“BTx” means Base Transmit, the frequency on which a base station transmits and a user station receives;

“CDMA” means Code Division Multiple Access as defined in the Radio Regulations;

“MTx” means Mobile Transmit, the frequency on which a user station transmits and a base station receives;

“prescribed apparatus” means a user station as defined below and any station or apparatus described in the appropriate Interface Requirement referred to in Part IV of this Schedule;

“relevant network” means a telecommunication system consisting exclusively of stations established and used under and in accordance with a licence, which has been granted under section 1(1) of the 1949 Act by the Secretary of State and is of a type specified in Part III of this Schedule;

“TDD” means Time Division Duplex as defined in the Radio Regulations; and

“user station” means a mobile station for wireless telegraphy designed or adapted—

- (a) to be connected by wireless telegraphy to one or more relevant networks; and
- (b) to be used solely for the purpose of sending and receiving messages conveyed by a relevant network by means of wireless telegraphy.

## PART II

### ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

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

2. Prescribed apparatus taken into service before 1st May 2000 must also comply with the appropriate Common Technical Regulations referred to in Part V 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 V of this Schedule as appropriate by a national administration following type testing at a test laboratory; or
- (c) comply with the BABT performance standards referred to in Part V of this Schedule as appropriate,

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

## PART III

### TYPE OF LICENCE GRANTED UNDER SECTION 1(1) OF THE 1949 ACT FOR THE ESTABLISHMENT AND USE OF RELEVANT NETWORKS

#### **Public Mobile Operator Licences**

1. Public mobile data systems licensed for use in the following frequency bands—  
105–165 MHz  
174–208 MHz

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420–470 MHz

(for non-voice only operation)

**2. Meteor burst data systems licensed for use on the following frequencies—**

39.025 MHz

39.050 MHz

46.400 MHz

46.950 MHz

46.975 MHz

**3. Cellular radiotelephone systems licensed for use in the following services on the relevant frequency bands—**

(a) digital cellular radiotelephones:

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Global System for Mobile Communications (GSM):	880–915 MHz (MTx)
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925–960 MHz (BTx)

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(b) digital cellular PCN radiotelephones:

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Personal Communications Network (PCN):	1710–1785 MHz (MTx)
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1805–1880 MHz (BTx)

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(c) Universal Mobile Telephony System radiotelephones (UMTS):

1899.9–1920 MHz (BTx/MTx in TDD)

1920–1980 MHz (MTx)

2110–2170 MHz (BTx)

**4. Public access mobile radio systems licensed for use in the following frequency bands—**

174–208 MHz

410–430 MHz

**5. CDMA spread spectrum data asset tracking systems licensed for use in the following frequency bands—**

177–191 MHz (MTx) paired with

866–868 MHz (BTx)

**6. Public two-way paging systems licensed for use in the following frequency bands—**

169.4–169.8 MHz (MTx) paired with

870–871 MHz (BTx).

**Common Base Station Operator Licence**

Common base station systems licensed for use in the following frequency bands—

55–56 MHz

81–87 MHz

162–167 MHz

171–191 MHz

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209–215 MHz

440–449 MHz

## PART IV

### INTERFACE REQUIREMENT

IR 2010—UK Radio Interface Requirement for Public Paging Services, published by RA in December 2000.

IR 2012—UK Radio Interface Requirement for Public Mobile Data Services, published by RA in December 2000.

IR 2013—UK Radio Licence Interface Requirement for Public Access Mobile Radio Services, published by RA in December 2000.

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

IR 2017—UK Radio Licence Interface Requirement for Remote Meter Reading Operator Services, published by RA in December 2000.

IR 2018—UK Radio Licence Interface Requirement for Common Base Stations Services, published by RA in December 2000.

IR 2019—UK Radio Licence Interface Requirement for Third Generation Mobile Services, published by RA in May 2001.

IR 2036—UK Radio Licence Interface Requirement for Mobile Asset Tracking Services, published by RA in December 2000.

## PART V

### COMMON TECHNICAL REGULATIONS AND STANDARDS

#### **GSM**

CTR 005—Commission Decision of 21st December 1993 on a common technical regulation for the general attachment requirements for public pan-European cellular digital land-based mobile communications(7), including the ETSI Technical Basis for Regulation (TBR) TBR 005 published in November 1993.

CTR 009—Commission Decision of 21st December 1993 on a common technical regulation for the telephony application requirements for public pan-European cellular digital land-based mobile communications(8), including TBR 009 published in November 1993.

TBR 019 published by ETSI in October 1996.

TBR 020 published by ETSI in October 1996.

#### **Public mobile data systems**

ETS 300 339 published by ETSI in June 1993.

ETS 300 113 published by ETSI in July 1996.

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(7) O.J. No. L8, 12.1.94, p. 20.

(8) O.J. No. L8, 12.1.94, p. 23.



### **Meteor burst data systems**

ETS 300 113 published by ETSI in July 1996.

### **PCN**

BABT Special Investigation Test Schedule (SITS) 92/50 published in March 1991 and revised and reprinted in June 1995.

TBR 031: 1996–02 published by ETSI in February 1996.

TBR 032: 1996–02 published by ETSI in February 1996.

### **Public access mobile radio systems**

ETS 300 086 published by ETSI in January 1991.

ETS 300 113 published by ETSI in July 1996.

I-ETS 300 219 published by ETSI in October 1993.

### **Common base station systems**

ETS 300 086 published by ETSI in January 1991.

ETS 300 113 published by ETSI in July 1996.

## SCHEDULE 4

Regulation 3(1)

### CORDLESS TELEPHONE APPARATUS

## PART I

### INTERPRETATION

In this Schedule—

“data message” means a non-voice message;

“MPTs 1322, 1334, 1371 and 1384” means Department of Trade and Industry Performance Specifications 1322, 1334, 1371 and 1384 referred to in Part IV of this Schedule; and

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

## PART II

### ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

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

2. Prescribed apparatus taken into service before 1st May 2000 must also comply with the appropriate 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—

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- (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 of this Schedule 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.

### PART III

#### INTERFACE REQUIREMENT

IR 2011—UK Radio Interface Requirement for the Cordless Telephony Service, published by RA in March 2000.

### PART IV

#### COMMON TECHNICAL REGULATIONS AND STANDARDS

##### **CT1**

Department of Trade and Industry Performance Specification MPT 1322 published in August 1982 and revised and reprinted in August 1994.

Department of Trade and Industry Performance Specification MPT 1384 published in November 1997.

##### **Extended range CT1**

Department of Trade and Industry Performance Specification MPT 1371 published in May 1989 and revised and reprinted in August 1994.

##### **CT2**

Department of Trade and Industry Performance Specification MPT 1334 published in December 1987 and revised and reprinted in July 1994.

I-ETS 300 131 published by ETSI in April 1992 and revised and reprinted in November 1994.

##### **DECT**

CTR 006—Commission Decision of 9th July 1997 on a common technical regulation for the general terminal attachment requirements for DECT(9), 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(10), including the ETSI Technical Basis for Regulation TBR 010.

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

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

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CTR 022—Commission Decision of 9th July 1997 on a common technical regulation for the attachment requirements for DECT generic access profile (GAP)(11), including the ETSI Technical Basis for Regulation TBR 022.

ETSI Technical Basis for Regulation TBR 006 published in December 1993 and revised and reprinted in December 1995.

## SCHEDULE 5

Regulation 3(1)

### LAND MOBILE-SATELLITE SERVICE STATIONS

#### PART I

##### INTERPRETATION

In this Schedule—

“Eutelsat” means Eutelsat S.A whose registered office is situated at 70 rue Ballard, 75502 Paris, Cedex 15, France;

“Globalstar” means Globalstar LP whose registered office is situated at 3200 Zanker Road, GS-06, San Jose, CA 95134, United States of America;

“ICO” means ICO Global Communications (Holdings) Limited whose registered office is situated at Clarendon House, 2 Church Street, Hamilton, Bermuda;

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

“Iridium” means Iridium Communications Germany GmbH whose registered office is situated at Jagerhofstrasse 19-20, 40479 Dusseldorf, Germany;

“Italsat” means the satellite network operated by Telespazio s.p.a. whose registered office is situated at via Tiburting, 965-00156 Rome, Italy;

“Land Mobile-Satellite Service”, “Land Earth Station” and “Land Mobile Earth Station” have the meanings given to them in the Radio Regulations;

“Orbcomm” means Orbcomm LLC whose registered office is situated at 21700 Atlantic Boulevard, Dulles, VA 20166, United States of America;

“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;

“SpaceChecker” means SpaceChecker NV whose registered office is situated at Interleuvenlaan 15A, B-3001 Leuven, Belgium; and

“Thuraya” means Thuraya Satellite Telecommunications Company whose registered office is situated at P.O. Box 33344, Abu Dhabi, United Arab Emirates.

#### PART II

##### ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

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

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

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2. Prescribed apparatus taken into service before 1st May 2000 must also comply with the appropriate 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 of this Schedule 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 Interface Requirement referred to in Part III of this Schedule 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.

## PART III

### INTERFACE REQUIREMENT

IR 2016—UK Radio Interface Requirement for Land Mobile Satellites, published by RA in January 2003.

## PART IV

### COMMON TECHNICAL REGULATIONS AND STANDARDS

#### Inmarsat

<i>Type of Inmarsat station</i>	<i>Maximum power (eirp)</i>	<i>ETSI standard (unless otherwise stated)</i>	<i>Date of publication</i>
A	+37 dBW	Technical Requirements for Inmarsat Standard-A Ship Earth Stations, edition 3	May 1988
		Ship Earth Station Technical Bulletin 26A	September 1991
		Ship Earth Station Technical Bulletin 27B	May 1998
B	+34 dBW (+1/−2 dB)	EN 301 444	May 1998
C	+16 dBW	EN 301 426	May 1998
D+	+9 dBW	EN 301 426	May 1998
M	+28 dBW (+3/−3 dB)	EN 301 444	May 1998
Mini M (phone)	+2.7 dBW	EN 301 444	May 1998

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<i>Type of Inmarsat station</i>	<i>Maximum power (eirp)</i>	<i>ETSI standard (unless otherwise stated)</i>	<i>Date of publication</i>
M4	26 dBW	EN 301 444	May 1998

#### **Eutelsat**

<i>Type of Eutelsat station</i>	<i>Maximum power (eirp)</i>	<i>ETSI standard</i>	<i>Date of publication</i>
Euteltracs (Omnitracs)	19 dBW	EN 301 426	May 1998

#### *Italsat*

<i>Type of Italsat station</i>	<i>Maximum power (eirp)</i>	<i>ETSI standard</i>	<i>Date of publication</i>
EMS-PRODAT	12 dBW	EN 301 426	May 1998
EMS-MSSAT	11.5 dBW	EN 301 444	May 1998

#### **Iridium**

CTR 41—Commission Decision of 3rd September 1998 on a common technical regulation for Satellite Personal Communications Networks (S-PCN) Mobile Earth Stations (MESS), including hand held earth stations, for S-PCN operating in the 1.6/2.4 GHz frequency bands under the Mobile Satellite Service (MSS)(12).

#### **ICO**

CTR 42—Commission Decision of 3rd September 1998 on a common technical regulation for Satellite Personal Communications Networks (S-PCN) Mobile Earth Stations (MESS), including hand held earth stations, for S-PCN operating in the 2.0 GHz frequency bands under the Mobile Satellite Service (MSS)(13).

#### **Globalstar**

CTR 41.

#### **Thuraya**

<i>Type of Thuraya station</i>	<i>Maximum power (eirp)</i>	<i>ETSI standard</i>	<i>Date of publication</i>
Hand held	7.0 dBW	EN 301 681	December 1999

#### **Orbcomm**

<i>Type of Orbcomm station</i>	<i>Maximum power (eirp)</i>	<i>ETSI standard</i>	<i>Date of publication</i>
Hand held	10 dBW/5 KHz	EN 301 721	December 1999

(12) O.J. No. L247, 5.9.98, p. 11.

(13) O.J. No. L247, 5.9.98, p. 13.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SpaceChecker

<i>Type of SpaceChecker station</i>	<i>Maximum power (eirp)</i>	<i>ETSI standard</i>	<i>Date of publication</i>
Hand held	12.5 dBW/15 KHz	EN 301 426	May 1998

### SCHEDULE 6

Regulation 3(1)

#### SHORT RANGE DEVICES

### PART I

#### INTERPRETATION

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

### PART II

#### ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

1. The prescribed apparatus shall be subject to and comply with the Interface Requirement 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 of this Schedule 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 Interface Requirement in Part III of this Schedule,

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

### PART III

#### INTERFACE REQUIREMENT

IR 2030—UK Radio Interface Requirement for Short Range Devices, published by RA in October 2002.

### PART IV

#### STANDARDS

European Telecommunications Standard EN 300 220-1 published by ETSI in November 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 301 091 published by ETSI in May 1998.  
European Telecommunications Standard EN 301 357, version 1.2.1 (1991) published by ETSI in 1999.

## SCHEDULE 7

Regulation 3(1)

PMR 446

### PART I

#### INTERPRETATION

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

### PART II

#### ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

1. The prescribed apparatus shall be subject to and comply with the Interface Requirement 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 of this Schedule 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.

### PART III

#### 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 December 2000.

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## PART IV STANDARD

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

### SCHEDULE 8

Regulation 3(1)

#### FIXED TERRESTRIAL LINKS APPARATUS IN THE 57.1 TO 58.9 GHZ FREQUENCY BAND

### PART I

#### INTERPRETATION

In this Schedule, “prescribed apparatus” means analogue or digital equipment for High Density Fixed Service (HDFS) applications.

### PART II

#### ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

1. The prescribed apparatus shall be subject to and comply with the Interface Requirement referred to in Part III of this Schedule for the frequency range 57.1 to 58.9 GHz.
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) comply with the requirements of the Department of Trade and Industry Performance Specification referred to in Part IV of this Schedule,

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

### PART III

#### INTERFACE REQUIREMENT

IR 2000—UK Radio Interface Requirement for Point-to-point radio-relay systems operating in specified frequency bands, published by RA in February 2002.

## PART IV STANDARD

MPT 1415 published in August 1998.



## SCHEDULE 9

Regulation 3(1)

### RADIO LOCAL AREA NETWORK APPARATUS

#### PART I

##### INTERPRETATION

In this Schedule, “prescribed apparatus” means radio local area network (RLAN) apparatus that provide wideband transmissions and short range broadband services.

#### PART II

##### ADDITIONAL TERMS, PROVISIONS AND LIMITATIONS

1. The prescribed apparatus shall be subject to and comply with the appropriate Interface Requirement 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 of this Schedule 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.

#### PART III

##### 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 December 2000.

IR 2006—UK Radio Interface Requirement for Short Range, Broadband, Data Services (High Performance RLAN) operating in the frequency range 5150–5725 MHz, published by RA in October 2002.

#### PART IV

##### STANDARDS

European Telecommunications Standard EN 300 328-1 published by ETSI in July 1997.

European Telecommunications Standard EN 300 328-2 published by ETSI in July 1997.

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

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## EXPLANATORY NOTE

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

These Regulations consolidate, with amendments, the Wireless Telegraphy (Exemption) Regulations 1999 (S.I. 1999/930), as amended by S.I.s 2000/1012, 2001/730 and 2002/1590 (“the 1999 Regulations”). The Regulations exempt certain wireless telegraphy stations and apparatus from the requirement to be licensed under section 1 of the Wireless Telegraphy Act 1949 (c. 54). These stations and apparatus are defined in Schedules 3 to 9 to the Regulations. Accordingly, it is not necessary to hold a licence to establish or use any such station or install or use any such apparatus (regulation 4). The exemption is subject to the terms specified in regulation 5. An exempted station or apparatus must be available for inspection and their use must cease, or their operation be restricted, on the demand of a person authorised in that behalf by the Secretary of State where such terms are not complied with (regulation 6). Failure to comply with such a demand is an offence under section 3 of the Wireless Telegraphy Act 1949.

The principal change made by these Regulations to the exemption regime under the 1999 Regulations is that the following additional apparatus is specified as being exempt from the requirement to be licensed:

- (a) fixed terrestrial (point-to-point) links apparatus in the uncoordinated 57.1 to 58.9 GHz frequency band, where it meets the technical criteria set out in Schedule 8; and
- (b) radio local area network apparatus in the frequency bands 5150 to 5350 MHz and 5470 to 5725 MHz, where it meets the technical criteria set out in Schedule 9.

The exemption in respect of such apparatus applies to the provision of public as well as private telecommunications services (regulation 4). The Regulations also extend the range of Land Mobile Earth Stations established in connection with the provision of a satellite service which have the benefit of the licence exemption to include Orbcomm and SpaceChecker terminals (Schedule 5). Finally, references to apparatus relating to the analogue first generation telecommunications network, which has now been taken out of service in the United Kingdom, are omitted in Schedule 3. A number of minor and typographical amendments are also made to the Regulations which are of no substantive effect.

Copies of the UK Radio Interface Requirements referred to in the Schedules may be obtained from the Radiocommunications Agency Library at Wyndham House, 189 Marsh Wall, London E14 9SX (Tel: 020 7211 0211) or by visiting the Agency’s Internet web site at [www.radio.gov.uk](http://www.radio.gov.uk). A full regulatory impact assessment of the effect that these Regulations would have on the costs to business is available from the Agency Library and can be found on the web site. Copies of this report have also been placed in the libraries of both Houses of Parliament.

Copies of the Radio Regulations may be obtained from the Sales Service, International Telecommunication Union, Place des Nations, CH-1211 Geneva 20, Switzerland (Tel: 0041 22 730 6141).

Copies of the European Telecommunications Standards and the draft European Telecommunications Standards referred to in the Schedules to these Regulations may be obtained from the British Standards Institution (BSI), 389 Chiswick High Road, London W4 4AL (Tel: 020 8996 9000) or from the European Telecommunications Standards Institute (ETSI) at F-06921 Sophia Antipolis, Cedex, France (Tel: 00334 92 94 42 00).

Copies of the Common Technical Regulations contained within the Official Journal and referred to in the Schedules may be obtained from the Stationery Office Books, PO Box 276, London SW8

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5DT (Tel: 020 7873 9090) and from the European Information Centres (EICs) situated in the United Kingdom.

Copies of BABT/SITS/92/50 referred to in Schedule 3 may be obtained from the British Approvals Board for Telecommunications (BABT) at Claremont House, 34 Molesey Road, Hersham, Walton-on-Thames, Surrey KT12 4RQ (Tel: 01932 222289).