

2005 No. 353

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Automotive Short Range Radar)
(Exemption) Regulations 2005**

Made - - - - - *22nd February 2005*

Coming into force - - - *17th March 2005*

Whereas the Office of Communications (“OFCOM”) have under section 403(4)(a) of the Communications Act 2003(a) (“the 2003 Act”), as applied by section 16(1A) of the Wireless Telegraphy Act 1949(b) (“the 1949 Act”), given notice of their proposal to make these Regulations and, under section 403(4)(b) of the 2003 Act, as applied by section 16(1A) of the 1949 Act, published notice of their proposal and have considered the representations made to them before the time specified in the notice(c);

Now, therefore, OFCOM, in exercise of the powers conferred upon them by section 1(1) of the 1949 Act(d) hereby make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2005 and shall come into force on 17th March 2005.

Interpretation

2. In these Regulations —

- (a) “automotive short range radar equipment” means equipment providing vehicle radar functions for collision mitigation and traffic safety applications;
- (b) “dBm” means decibel milliWatt;
- (c) “dBm/MHz” means decibel milliWatt per megahertz; and
- (d) “eirp” means effective isotropically radiated power.

(a) 2003 c. 21.
(b) 1949 c. 54.
(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.
(d) 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.

Exemption

3. Subject to regulation 4, the establishment or installation of automotive short range radar equipment in a vehicle and the use of automotive short range radar equipment so established or installed is hereby exempt from the provisions of section 1(1) of the Wireless Telegraphy Act 1949.

4. The exemption provided for in regulation 3 shall be limited to automotive short range radar equipment which —

- (a) operates within the frequency band between 77 gigahertz and 81 gigahertz;
- (b) emits a mean power density no greater than —
 - (i) -3 dBm/MHz eirp associated with a peak limit of 55 dBm eirp; and
 - (ii) -9 dBm/MHz eirp outside the vehicle in which it is established or installed; and
- (c) does not cause undue interference to other users of the frequency band between 77 gigahertz and 81 gigahertz.

22nd February 2005

Stephen Carter
Chief Executive of the Office of Communications
For and by authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations exempt the establishment or installation of automotive short range radar equipment in a vehicle and the use of automotive short range radar equipment so established or installed from the requirement to be licensed under section 1(1) of the Wireless Telegraphy Act 1949 (c. 54). The equipment must operate within the frequency band between 77 gigahertz and 81 gigahertz, meet the mean power density requirements and not cause undue interference to other users of the frequency band.

These Regulations implement the Commission Decision of 8th July 2004 on the harmonisation of radio spectrum in the 79 GHz range for the use of automotive short-range radar equipment in the Community (2004/545/EC).

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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