

2006 No. 2994

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Exemption) (Amendment)
Regulations 2006**

Made - - - - *16th November 2006*

Coming into force - - *8th December 2006*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred on OFCOM by section 1(1) of the Wireless Telegraphy Act 1949(a) (“the 1949 Act”).

Before making these Regulations OFCOM have given notice of their proposal to do so in accordance with section 403(4)(a) of the Communications Act 2003(b) (“the 2003 Act”) as applied by section 16(1A) of the 1949 Act, published notice of their proposal in accordance with section 403(4)(b) of the 2003 Act as applied by section 16(1A) of the 1949 Act and have considered the representations made to them before the time specified in that notice in accordance with section 403(4)(c) of the 2003 Act as applied by section 16(1A) of the 1949 Act.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Exemption) (Amendment) Regulations 2006 and shall come into force on 8th December 2006.

Amendment of the Wireless Telegraphy (Exemption) Regulations 2003

2. The Wireless Telegraphy (Exemption) Regulations 2003(c) shall be amended in accordance with the following provisions of these Regulations.

Amendment of regulation 3

3. In regulation 3 (interpretation), in paragraph (1)—

- (a) omit the entries that define “authorised person”, “CEPT”, “erp” and “RA”;
- (b) in the definition of “Interface Requirement”, for “RA” substitute “OFCOM”;
- (c) in the definition of “the Radio Regulations”, for “the 2001 edition” substitute “the 2004 edition”;

(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) S.I. 2003/74, amended by S.I. 2003/2155 and S.I. 2005/3481.

- (d) in the definition of “relevant apparatus”, for “Schedules 3 to 9” substitute “Schedules 3 to 10”.

Amendment of regulation 4

4. In regulation 4 (exemption), for paragraph (4) substitute the following paragraph—

“(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 bands 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 Wide Band Modulation Techniques, published by OFCOM in November 2006;
- (b) in the case of the frequency bands specified at sub-paragraphs (b) and (c), IR 2006 – UK Interface Requirement 2006 for Wireless Access Systems (WAS) including RLANs operating in the frequency range 5150 – 5725 MHz, published by OFCOM in November 2006;
- (c) in the case of the frequency band specified at sub-paragraph (d), IR 2000 – UK Interface Requirement 2000 for Point-to-Point Radio-Relay Systems Operating in Fixed Service Frequency Bands Administered by OFCOM, published by OFCOM in July 2005.”.

Amendment of regulation 5

5. In regulation 5 (terms, provisions and limitations), in paragraph (1)(b), for “unless otherwise stated in Schedule 6” substitute “unless non-terrestrial use is permitted under Part III of Schedule 6”.

Amendment of Schedule 3

6. In Schedule 3 (network user stations)—

- (a) in Part III (type of licence granted under section 1(1) of the 1949 Act for the establishment and use of relevant networks), omit paragraph 5;
- (b) for Part IV (interface requirement), substitute the following Part—

PART IV

Interface Requirement

IR 2014 – Public Wireless Networks, published by OFCOM in August 2005.

IR 2017 – Remote Meter Reading Operator Services, published by OFCOM in October 2004.

IR 2019 – Third Generation Mobile, published by OFCOM in June 2005.

IR 2044 – 12.5 kHz And 25 kHz Channel spacing for Land Mobile Services, Covering CBS, Analogue PAMR, National Paging, Data Networks, TETRA/TEDS Networks, and National & Regional PMBR Authorisations, published by OFCOM in November 2006.”.

Amendment of Schedule 4

7. In Schedule 4 (cordless telephone apparatus)—

- (a) in Part I (interpretation) omit the entry that defines “data message”;

(b) in Part III (interface requirement), for the entry relating to IR 2011 substitute the following entry—

“IR 2011 – UK Interface Requirement 2011 Analogue and digital cordless telephony service, published by OFCOM in June 2005.”.

Amendment of Schedule 5

8. In Schedule 5 (land mobile-satellite service stations), in Part III (interface requirement) for the entry relating to IR 2016 substitute the following entry—

“IR 2016 – UK Radio Interface Requirement for Land Mobile Satellite Systems, published by OFCOM in April 2006.”.

Amendment of Schedule 6

9. In Schedule 6 (short range devices), in Part III (interface requirement) for “published by RA in October 2002” substitute “published by OFCOM in November 2006”.

Amendment of Schedule 8

10. In Schedule 8 (fixed terrestrial links apparatus in the 57.1 to 58.9 GHz frequency band), in Part III (interface requirement), for the entry relating to IR 2000 substitute the following entry—

“IR 2000 – UK Interface Requirement 2000 for Point-to-Point Radio-Relay Systems Operating in Fixed Service Frequency Bands Administered by OFCOM, published by OFCOM in July 2005.”.

Amendment of Schedule 9

11.—(1) For the heading to Schedule 9 substitute the heading “Wireless Access Systems including Radio Local Area Networks”.

(2) In Part I (interpretation), for “radio local area network (RLAN) apparatus” substitute “apparatus providing wireless access systems including radio local area networks”.

(3) In Part III (interface requirement), for the entries relating to IR 2005 and IR 2006 substitute the following entries—

“IR 2005 - UK Interface Requirement for Wideband Transmission Systems operating in the 2400 – 2483.5 MHz Band, published by OFCOM in November 2006.

IR 2006 - UK Interface Requirement 2006 for Wireless Access Systems (WAS) including RLANs operating in the frequency range 5150 – 5725 MHz, published by OFCOM in November 2006.”.

Addition of Schedule 10

12. After Schedule 9 (Wireless Access Systems involving Radio Local Area Networks) add the following Schedule—

CITIZENS’ BAND RADIO EQUIPMENT

PART I

Interpretation

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

PART II

Additional Terms, Provisions and Limitations

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

PART III

Interface Requirement

UK Radio Interface Requirement 2027 – UK Radio Interface Requirement 2027 for Citizens’ Band (CB) radio for use in the Citizens’ Band Radio Service, published by OFCOM in November 2006.”.

Ed Richards

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

16th November 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Exemption) Regulations 2003 (“the principal Regulations”) to widen the classes of wireless telegraphy apparatus whose establishment, installation and use are exempted from the provisions of section 1(1) of the Wireless Telegraphy Act 1949 (“the 1949 Act”). Section 1(1) of the 1949 Act requires a licence to be granted by OFCOM for these purposes, except where exemptions are prescribed by regulations. The Schedules to the principal Regulations prescribe the apparatus to which the exemptions apply, subject to the prescribed additional terms, provisions and limitations.

Both the principal Regulations and these Regulations do not specify the detailed technical requirements directly, but instead refer to published interface requirements (IRs) where those technical requirements are fully set out.

Regulations 3, 4 and 5 make minor drafting and updating changes to, respectively, regulations 3, 4 and 5 of the principal Regulations.

Regulations 6, 7 and 10 make minor drafting and updating changes to, respectively, Schedules 3, 4 and 8 to the principal Regulations.

Regulation 8 amends Part III (interface requirement) of Schedule 5 to the principal Regulations (land-mobile satellite service stations) to refer to the updated IR 2016, which makes provision for Inmarsat BGAN terminals.

Regulation 9 amends Part III (interface requirement) of Schedule 6 to the principal Regulations (short range devices) to refer to the updated IR 2030, which makes provision for “micro” FM transmitters designed to facilitate easy connection between audio sources and normal FM broadcast receivers, and makes provision for radar level gauges. These amendments also ensure compliance with Commission Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices (OJ No L 312, 11,11,2006 p. 66) and Commission Decision 2005/928/EC on the harmonisation of the 169,4-169,8125 MHz frequency band in the Community (OJ No L 344, 27,12,2005 p. 47) with regard to harmonisation of the low power part of the 169.4 – 169.8125 MHz frequency band in the Community.

Regulation 11 amends Schedule 9 to the principal Regulations, to implement the changes that are required to ensure compliance with the Commission Decision 2005/513/EC on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of wireless access systems including radio local area networks (OJ No L 187, 19,7,2005, p 22). Part III of the Schedule (interface requirement) is amended to refer to the updated IR 2005 and IR 2006.

Regulation 12 adds Schedule 10 to the principal Regulations. Schedule 10 provides for Citizens’ Band Radio Equipment as defined in Part III of the Schedule (which specifies UK Radio Interface Requirement 2027) to be exempt from the licensing requirement.

Copies of the Interface Requirements referred to in these Regulations may be obtained from OFCOM at Riverside House, 2a Southwark Bridge Road, London SE1 9HA and available on the OFCOM website at <http://www.ofcom.org.uk>.

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 website at <http://www.ofcom.org.uk>. Copies of the regulatory impact assessment have also been placed in the libraries of both Houses of Parliament.

2006 No. 2994

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Exemption) (Amendment)
Regulations 2006**

£3.00

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1438 11/2006 161438T 19585