STATUTORY INSTRUMENTS

2009 No. 1812

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Short Range Devices) (Exemption) Regulations 2009

Made - - - -	*7th July 2009*
Coming into force - -	*17th July 2009*

The Office of Communications ("OFCOM") make the following Regulations in exercise of the power conferred by section 8(3) of the Wireless Telegraphy Act 2006(**1**) ("the Act").

Before making these Regulations OFCOM have given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, published notice of their proposal in accordance with section 122(4)(b) of the Act and have considered the representations made to them before the time specified in that notice in accordance with section 122(4)(c) of the Act.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Short Range Devices) (Exemption) Regulations 2009 and shall come into force on 17th July 2009.

Interpretation

2. In these Regulations—

"Act" means the Wireless Telegraphy Act 2006;

"dBm" means decibels of power referenced to one milliWatt;

"e.i.r.p." means equivalent isotropic radiated power;

"ETSI" means the European Telecommunications Standards Institute;

"equipment" means a wireless telegraphy station or wireless telegraphy apparatus;

"GHz" means gigahertz;

"kHz" means kilohertz;

"MHz" means megahertz;

"mW" means milliWatt;

(**1**) 2006 c.36

"radio determination equipment" means equipment designed or adapted for use for determining the position, velocity or other characteristics of an object;

"tank level probing radar equipment" means equipment designed or adapted for measuring the level of the contents of a tank; and

"wide band data transmission systems equipment" means equipment for wireless networking between two or more devices.

Exemption for wide band data transmission systems equipment

3.—(1) The establishment, installation or use of wide band data transmission systems equipment complying with paragraph (2) of this regulation is hereby exempt from the provisions of section 8(1) of the Act.

(2) The wide band data transmission systems equipment must—

(a) only operate in the frequency band 57.0 to 66.0 GHz;

(b) not cause or contribute to undue interference with wireless telegraphy;

(c) not form part of a fixed outdoors installation; and

(d) only emit emissions which, when measured in any direction—

(i) for equipment located outdoors, have a maximum e.i.r.p. of 25 dBm and a maximum e.i.r.p. density of -2 dBm per MHz; and

(ii) for equipment located indoors, have a maximum e.i.r.p of 40 dBm and a maximum e.i.r.p. density of 13 dBm per MHz.

Exemption for radio determination equipment

4.—(1) The establishment, installation or use of radio determination equipment complying with paragraph (2) of this regulation is hereby exempt from the provisions of section 8(1) of the Act.

(2) The radio determination equipment must—

(a) only operate in the frequency band 2400 to 2483.5 MHz or the frequency band 17.1 to 17.3 GHz;

(b) not cause or contribute to undue interference with wireless telegraphy;

(c) when operating in the frequency band 2400 to 2483.5 MHz, only emit emissions which, when measured in any direction, have a maximum e.i.r.p. of 25 mW; and

(d) when operating in the frequency band 17.1 to 17.3 GHz—

(i) only emit emissions which, when measured in any direction, have a maximum e.i.r.p. density of 26 dBm;

(ii) form part of a ground-based radio determination system; and

(iii) use techniques to access spectrum and mitigate interference described in ETSI standard EN 300 440(**2**) or techniques that provide at least equivalent performance.

Exemption for tank level probing radar equipment

5.—(1) The establishment, installation or use within a closed tank of a description referred to in paragraph (2) of this regulation, of tank level probing radar equipment complying with paragraph (3) of this regulation is hereby exempt from the provisions of section 8(1) of the Act.

(**2**) EN 300 440 (V1.3.1) was published on 23rd March 2009

(2) Paragraph (1) applies to a tank if its purpose is to contain a substance and it is made of metal or reinforced concrete or any other material with attenuation characteristics that are at least as strong as those of either metal or reinforced concrete.

(3) The equipment must—

(a) only operate in one or more of the frequency bands specified in Column 1 of the Table in the Schedule;

(b) not cause or contribute to undue interference with wireless telegraphy;

(c) only emit emissions which, when measured in any direction, for each frequency band listed in Column 1 of the Table in the Schedule, have the maximum e.i.r.p. density listed in Column 2 adjacent to that frequency band; and

(d) only emit emissions which would (if the equipment were used within a closed tank, which has the specifications set out in Annex E of ETSI standard EN 302 372-1(**3**)), when measured in any direction, have a maximum e.i.r.p. density of -41.3 dBm per MHz.

Exemption for airborne use

6.—(1) The establishment and installation and the airborne use of equipment complying with paragraphs (2) to (5) of this regulation is hereby exempt from the provisions of section 8(1) of the Act.

(2) The equipment must only operate in one or more of the frequency bands—

(a) 26990 to 27000 kHz;

(b) 27040 to 27050 kHz;

(c) 27090 to 27100 kHz;

(d) 27140 to 27150 kHz;

(e) 27190 to 27200 kHz;

(f) 2400 to 2483.5 MHz; or

(g) 2446 to 2454 MHz.

(3) Where the equipment operates in a frequency band listed in paragraphs (2)(a) to (e), it must—

(a) be for controlling the movement of a model;

(b) only emit emissions which, when measured in any direction, have a maximum effective radiated power level of 100 mW; and

(c) not cause or contribute to undue interference with wireless telegraphy.

(4) Where the equipment operates in the frequency band listed in paragraph (2)(f), it must—

(a) be wide band data transmission systems equipment;

(b) only emit emissions which, when measured in any direction, have a maximum e.i.r.p. density of 100 mW;

(c) only emit emissions which, when measured in any direction, have a maximum e.i.r.p. density of—

(i) 100 mW per 100 kHz when frequency hopping modulation is used; and

(ii) 10 mW per MHz when other types of modulation are used;

(d) use techniques to mitigate interference that provide at least equivalent performance to the techniques described in ETSI standard EN 300 328(**4**); and

(**3**) EN 302 372-1 (V1.1.1) was published on 3rd April 2006
(**4**) EN 300 328 (V1.7.1) was published on 31st October 2006

(e) not cause or contribute to undue interference with wireless telegraphy.

(5) Where the equipment operates in the frequency band listed in paragraph (2)(g), it must—

(a) be designed or adapted for radio frequency identification use;

(b) only emit emissions which, when measured in any direction, have a maximum e.i.r.p. density of 100 mW; and

(c) not cause or contribute to undue interference with wireless telegraphy.

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

7th July 2009

SCHEDULE Regulation 5

Tank level probing radar equipment

Column 1 *Frequency band*	*Column 2* *Maximum e.i.r.p. density*
4.5 – 7.0 GHz	24 dBm
8.5 – 10.6 GHz	30 dBm
24.05 – 27.0 GHz	43 dBm
57.0 – 64.0 GHz	43 dBm
75.0 – 85.0 GHz	43 dBm

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations exempt the establishment, installation and use of wireless telegraphy equipment within specified frequency bands, from the requirement to be licensed under section 8(1) of the Wireless Telegraphy Act 2006 (c.36).

Regulation 3 exempts the establishment, installation or use of wideband data transmission systems equipment in the frequency band 57.0 – 66.0 GHz if it complies with paragraph (2) of the regulation.

Regulation 4 exempts the establishment, installation or use of radio determination equipment in either of the frequency bands 2400 – 2483.5 MHz and 17.1 – 17.3 GHz if it complies with paragraph (2) of the regulation.

Regulation 5 exempts the establishment, installation or use within a closed tank, described in paragraph (2) of the regulation, of tank level probing radar equipment in one or more of the frequency bands specified in Column 1 of the Table in the Schedule, if it complies with paragraph (3) of the regulation.

Regulation 6 exempts the establishment, installation or airborne use of equipment in the frequencies specified in paragraph (2) of the regulation if it complies with paragraphs (3) to (5) of the regulation.

The ETSI standards are available to the public from ETSI on their website at http://www.etsi.org or from the ETSI Secretariat at 650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France (Tel: +33 4 92 94 42 00).

OFCOM is making these Regulations so as to give effect to EU obligations contained in the Commission Decision of 13 May 2009 amending Decision 2006/771/EC of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices (OJ No L 119 14.5.2009, p.32).

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