
 STATUTORY INSTRUMENTS

1982 No. 490

TELECOMMUNICATIONS

The Telecommunication Apparatus (Advertisements) Order 1982

<i>Made</i>	- - - -	31st March 1982
<i>Laid before Parliament</i>		31st March 1982
<i>Coming into Operation</i>		1st July 1982

The Secretary of State, in exercise of the powers conferred on him by section 18 of the British Telecommunications Act 1981(a), hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Telecommunication Apparatus (Advertisements) Order 1982 and shall come into operation on 1st July 1982.

(2) In this Order:—

“the Act” means the British Telecommunications Act 1981;

“approved apparatus” means any subscriber’s apparatus of a description specified in Schedule 1 hereto which either:—

- (a) pursuant to section 16(1) of the Act conforms to the standard for the time being approved by the Secretary of State, or by a person or body appointed by him for the purpose, for apparatus of that description which is, or is to be, connected (either directly or indirectly) to a Corporation system and complies with any condition relating to the apparatus or its connection or use which may be specified in the approval; or
- (b) pursuant to section 16(2) of the Act, has itself been approved for connection (either directly or indirectly) to a Corporation system by the Secretary of State, by a person or body appointed by him for the purpose or by the Corporation:

“the Corporation” means British Telecommunications;

“Corporation system” means a telecommunication system run by the Corporation;

“statement of approval” means a statement in the form set out in paragraph (a) of Schedule 2 to this Order and a “statement of non-approval” means a statement in the form set out in paragraph (b) of that Schedule;

(a) 1981 c. 38.

“subscriber’s apparatus” means apparatus owned by or supplied to a person other than the Corporation;

“symbol of approval” means a symbol in the form set out in paragraph (a) of Schedule 3 to this Order and a “symbol of non-approval” means a symbol in the form set out in paragraph (b) of that Schedule.

Application

2.—(1) Subject to paragraph (2) below, this Order applies to any advertisement which indicates that any person is willing to supply to persons in the United Kingdom subscriber’s apparatus of any of the descriptions set out in Schedule 1 to this Order, being apparatus capable of being connected (either directly or indirectly) to any Corporation system.

(2) This Order shall not apply to advertisements which:—

- (a) are published by or on behalf of the Kingston-upon-Hull City Council Telephone Undertaking where such advertisements relate to the supply of subscriber’s apparatus on terms that it remains the property of that Undertaking;
- (b) appear in a catalogue, diary or work of reference first published before 1st December 1982;
- (c) are contained in a cinematograph film or radio or television broadcast exhibited or broadcast before 1st December 1982, having been first so exhibited or broadcast before 1st July 1982;
- (d) relate to approved apparatus which is to be supplied by the Corporation, being advertisements published by or on behalf of the Corporation in a telephone directory before 1st April 1983;
- (e) relate only to approved apparatus to the extent that the advertisements are published (by whatever means) before (but not after) 1st December 1982; or
- (f) advertise only the carrying on of a business of supplying telecommunication apparatus.

Advertisements in written form etc.

3.—(1) Subject to paragraph (3) of this Article and to Article 5 below, where an advertisement to which this Order applies is not contained in a cinematograph film or radio or television broadcast, it shall:—

- (a) if it relates to approved apparatus, contain a symbol of approval and a statement of approval;
- (b) if it relates to apparatus that is not approved apparatus, contain a symbol of non-approval and a statement of non-approval;
- (c) if it relates both to apparatus that is approved apparatus and to apparatus that is not approved apparatus, contain a symbol of approval and a statement of approval clearly referable to the former and a symbol of non-approval and a statement of non-approval clearly referable to the latter.

(2) Every statement of approval or of non-approval shall be conspicuous and legible.

(3) Where an advertisement to which this Order applies is composed only of words written against a plain background it need not contain either a symbol of approval or a symbol of non-approval.

Advertisements in cinematograph films or radio or television broadcasts

4.—(1) Where an advertisement to which this Order applies is contained only in a cinematograph film or television broadcast and is conveyed only by visual means, it shall:—

- (a) where it relates to approved apparatus, contain a symbol of approval and a statement of approval;
- (b) where it relates to apparatus that is not approved apparatus, contain a symbol of non-approval and a statement of non-approval;
- (c) where it relates both to approved apparatus and to apparatus that is not approved apparatus, contain a symbol of approval and a statement of approval clearly referable to the former and a symbol of non-approval and a statement of non-approval clearly referable to the latter;

and in each such case the said symbol and statement shall appear in the advertisement for an uninterrupted period of not less than ten seconds or, if the advertisement itself lasts for less than ten seconds, throughout the whole of its duration.

(2) Where such an advertisement is accompanied by words audible by persons looking at the advertisement, the statement of approval or, as the case may be, the statement of non-approval may either be conveyed to those persons by visual means as specified in paragraph (1) above or be contained in the accompanying words.

(3) Where an advertisement to which this Order applies is contained in a radio broadcast it shall:—

- (a) where it relates to approved apparatus, contain a statement of approval;
- (b) where it relates to apparatus that is not approved apparatus, contain a statement of non-approval;
- (c) where it relates both to approved apparatus and to apparatus that is not approved apparatus, contain a statement of approval clearly referable to the former and a statement of non-approval clearly referable to the latter.

(4) Every such statement as is referred to in paragraphs (1), (2) and (3) above shall, in the case of a statement conveyed visually, be conspicuous and legible and, in the case of a statement conveyed by means of sound, be clear and audible.

Advertisements in catalogues etc.

5. Where a catalogue, diary or work of reference (or any supplement thereto) contains:—

- (a) no advertisements relating to non-approved apparatus, then each page thereof may be treated as a single advertisement for the purposes of complying with Article 3(1)(a) and (2) above and Article 6 below;

- (b) advertisements relating to non-approved apparatus or relating both to approved apparatus and to non-approved apparatus, then each advertisement on each page thereof shall comply with the requirements of Article 3(1)(b) and (c) and (2) above and Article 6 below.

Advertisements in supplements to catalogues etc.

6. Where an advertisement not complying with the requirement of Article 3 above forms part of a catalogue, diary or work of reference first published before 1st December 1982, any document supplemental thereto first published after 1st July 1982 shall set out in a prominent position all amendments or additions necessary to make the said advertisement comply with those requirements.

John Wakeham,
Parliamentary Under Secretary of State,
Department of Industry.

31st March 1982.

Article 2(1)

SCHEDULE 1

DESCRIPTIONS OF SUBSCRIBER'S APPARATUS TO WHICH THIS ORDER APPLIES

This Order applies to subscriber's apparatus of any of the following descriptions, where the total weight of any apparatus, together with any device integral to its operation which is incorporated within it, does not exceed 40 kilogrammes.

1. Telephone apparatus.
2. Apparatus to be used in association with telephone apparatus and incorporating one or more of the following facilities, namely, a telephone handset, speech transducing or speech amplifying capability, dialling, fee collecting or ringing.
3. Telephone call answering and/or telephone call recording machines capable of transmitting and/or recording speech or any apparatus incorporating such facilities.
4. Analogue speech scramblers or apparatus incorporating such facilities.
5. Telephone call barring or limiting apparatus or apparatus incorporating such facilities except where the apparatus is a telephone call routing system not included in 8 below.
6. Telephone call diverters.

7. Telephone call metering or telephone call information logging apparatus for use on single lines or multi-line systems with ultimate design capacity allowing for no more than 64 circuit connections, including extension lines and connections to private circuits.
8. Telephone call routing systems, the ultimate design capacity of which allows for no more than 64 circuit connections, including extension lines, exchange lines and connections to private circuits.
9. Analogue facsimile machines.
10. Discrete modems.
11. Apparatus incorporating non-discrete modems.
12. Any apparatus of a description not included in 1 to 11 above which is capable of direct connection to a Corporation system and which is not approved apparatus.
13. Kits of parts made up for retail sale supplied for the purpose of making apparatus of any of the descriptions listed in 1 to 12 above.

SCHEDULE 2

Articles 3 and 4

FORM OF STATEMENTS OF APPROVAL AND OF NON-APPROVAL

(a) Statement of approval

“APPROVED for use with (1) run by (2) in accordance with the conditions in the instructions for use”

(1) Here shall be inserted either the words “PRIVATE CIRCUITS ONLY” if the statement relates to subscriber’s apparatus approved only for connection to any class of private circuit run by the Corporation or, in lower case, the words “telecommunication systems” if the statement relates to the subscriber’s apparatus approved for connection to any Corporation system other than a private circuit.

(2) Here shall be inserted either the words “British Telecommunications” or “Hull City Council”.

(b) Statement of non-approval

“PROHIBITED from direct or indirect connection to any telecommunication system run by British Telecommunications. Action may be taken against anyone so doing”.

When the statement of approval or the statement of non-approval is given in written form, the words shown in capital letters in paragraphs (a) and (b) of this Schedule shall be written in capital letters.

Articles 1(2), 3 and 4

SCHEDULE 3

FORM OF SYMBOLS OF APPROVAL AND OF NON-APPROVAL

a Symbol of approval

The symbol of approval shall be in the form of a circle occupying an area not less than 2 per cent of the total area of the advertisement, and in any case the diameter of which shall be not less than 4 mm. The area within the circle shall be coloured green, except where the advertisement is written in a single colour other than green, when the area may be of that other colour, provided that the statement of approval is readily legible. The symbol shall appear against a background of contrasting colour.

b Symbol of non-approval

The symbol of non-approval shall be in the form of an equilateral triangle with sides not less than 4 mm long, occupying not less than 2 per cent of the total area of the advertisement. The area within the triangle shall be coloured red, except where the advertisement is written in a single colour other than red, when the area may be of that other colour, provided that the statement of approval is readily legible. The symbol shall appear against a background of contrasting colour.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order imposes requirements regarding the contents of advertisements for the supply, in the course of any trade or business, of any of the descriptions of telecommunication apparatus to which the Order applies. Provision is made for all such advertisements to contain a statement as to whether or not the particular apparatus is approved for use with a telecommunication system run by British Telecommunications.

Publication of an advertisement, in the course of any trade or business, in contravention of the Order is an offence under section 18(2) of the British Telecommunications Act 1981.

SI 1982/490
ISBN 0-11-026490-8

