
 STATUTORY INSTRUMENTS

1982 No. 491

TELECOMMUNICATIONS

**The Telecommunication Apparatus (Marking and Labelling)
Order 1982**

<i>Made</i> - - - - -	31st March 1982
<i>Laid before Parliament</i>	31st March 1982
<i>Coming into Operation</i>	
—Articles 1, 2, 3, and 6	1st June 1982
—Articles 4 and 5	1st November 1982

The Secretary of State, in exercise of the power conferred on him by section 17 of the British Telecommunications Act 1981(a), hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Telecommunication Apparatus (Marking and Labelling) Order 1982.

(2) This Article and Articles 2, 3 and 6 of this Order shall come into operation on 1st June 1982 and Articles 4 and 5 shall come into operation on 1st November 1982.

Interpretation

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 to this Order 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

(a) 1981 c. 38.

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;

“display notice” means a notice conforming with the requirements of Schedule 3 to this Order;

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

“supply” and related expressions shall be construed in accordance with section 9 of the Consumer Safety Act 1978(a) and, in the case of the Corporation, as also including supply in pursuance of a scheme made under section 21 of the Act;

“supply by retail” means, in relation to any apparatus, supply to a person who is not acquiring it for the purpose of supplying it to another person for valuable consideration.

Application

3.—(1) Subject to paragraph (2) below, this Order applies to subscriber’s apparatus of any of the descriptions set out in Schedule 1 to this Order, being apparatus which is:—

(a) capable of being connected (either directly or indirectly) to any Corporation system; and

(b) supplied to a person in the United Kingdom (whether the supplier is within or outside the United Kingdom) except where the person supplied is acquiring it for the purpose of supplying it to a person outside the United Kingdom.

(2) Paragraph (1) above does not apply in a case of:—

(a) the supply of any apparatus which for a period of not less than three months immediately preceding the supply was connected (either directly or indirectly) to a Corporation system and which is supplied for use on the premises where it is so connected; or

(b) the supply by retail of any apparatus by the Kingston-upon-Hull City Council Telephone Undertaking on terms that the apparatus remains the property of that Undertaking.

Marking and labelling requirements

4.—(1) Apparatus to which this Order applies shall be marked in accordance with the marking and labelling requirements set out in Schedule 2 to this Order.

(2) No person shall, in the course of a trade or business, supply or offer to supply any such apparatus with respect to which the said requirements are not complied with.

(a) 1978 c. 38.

Information and instructions

5.—(1) When supplying, otherwise than by retail, any apparatus to which this Order applies, the supplier shall, in addition to marking or labelling it in accordance with this Order, give written notification to the person to whom the apparatus is supplied, stating:—

- (a) whether or not it is approved apparatus, and
- (b) if it is approved apparatus, particulars identifying the relevant approval, the date of issue of that approval and the name of the person or body by whom the apparatus was approved under section 16 of the Act.

(2) When any apparatus to which this Order applies is supplied by retail and is accompanied by instructions as to how to use it, there shall be set out in the instructions in a prominent position the words which are to be written across the mark to be placed on the apparatus in accordance with paragraph 3 of Schedule 2 to this Order or, as the case may be, on the label in accordance with paragraph 6 of that Schedule.

Display notices

6. Before 1st November 1982 no apparatus to which this Order applies shall be displayed for supply by retail unless either:—

- (a) the requirements set out in Article 4(1) above are complied with in regard to that apparatus; or
- (b) a display notice is displayed in such a way as to be clearly associated with that apparatus.

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

31st March 1982.

SCHEDULE 1

Article 3

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 the 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.

Article 4

SCHEDULE 2

MARKING AND LABELLING REQUIREMENTS

1. Apparatus shall be marked in accordance with the following paragraphs so as to indicate:—
 - (a) whether or not it is approved apparatus; and
 - (b) if it is approved apparatus, by which person or body it has been approved under section 16 of the Act.
2. The mark shall:—
 - (a) be in one or other of the forms specified in paragraph 3 below;
 - (b) conform with the test of durability specified in sub-clause 7.14 of British Standard 5850 (1981);
 - (c) be placed upon the apparatus in such a manner that it cannot easily be removed; and

(d) be so placed that the mark is either:—

- (i) readily visible and legible when the apparatus is in normal use; or
- (ii) on an outside surface of the apparatus where it is readily accessible, in which case there shall be firmly affixed to the apparatus a label bearing the mark in such a manner that the mark is readily visible and legible at all times when the apparatus is displayed for supply.

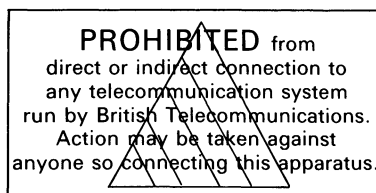
3. Except as provided for in paragraph 5 below, the mark shall be in the form of a rectangle twice as broad as it is high and not less than 50mm broad and 25mm high, and:—

- (a) where the apparatus is approved apparatus, shall be in the form of Example A below, incorporating a circle not less than 22mms in diameter, the area of which shall be coloured green, having written across it the words, and only the words, there shown:—

Example A

<p>APPROVED for use</p> <p>with (1)</p> <p>run by (2)</p> <p>in accordance with the conditions in the instructions for use</p>
<p>..... (3) (4)</p>

- (1) Here shall be inserted either in capital letters the words “PRIVATE CIRCUITS ONLY” if the mark is applied to subscribers’ 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 mark is applied to 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”.
 - (3) Here shall be indicated the person or body who approved the subscriber’s apparatus to which the mark is applied.
 - (4) Here shall be inserted the identifying particulars of the relevant approval;
- or (b) where the apparatus is not approved apparatus, shall be in the form of Example B below, incorporating an equilateral triangle with sides not less than 22mms in length the area of which shall be coloured red, having written across it the words, and only the words there shown:—

Example B

4. The background of any label or mark (other than an embossed mark) shall be plain white and all writing thereon shall be:—

- (a) black and clearly legible, and
- (b) in the same size of type which shall not be less than 1.5mm capital height, except for the words “APPROVED” and “PROHIBITED” which shall be in bold capitals of a height of not less than 2.5mm.

5. Where the mark is embossed upon the apparatus during manufacture, the mark shall be in the form specified in paragraph 3 of this Schedule, shall stand out from its background so as to be readily visible and legible but need not incorporate the colour green or red.

6. In the case of apparatus in respect of which it is not practicable to comply with the requirements of paragraphs 1 to 5 above without unreasonably interfering with the functions or appearance of the apparatus, those requirements shall be treated as complied with if the apparatus has firmly affixed to it or, in a case where that is not practicable, it is accompanied by, a label bearing a representation of the mark conforming with sub-paragraph (a) or, as the case may be, sub-paragraph (b) of paragraph 3 above.

7. Where apparatus consists of more than one component and the components are not designed to be separated except for repair, the requirement that the apparatus shall be marked or labelled shall be treated as complied with, if the mark is placed on, or, in the case mentioned in paragraph 6 above, the label is firmly affixed to or, as the case may be, accompanies any one of its principal components thereof.

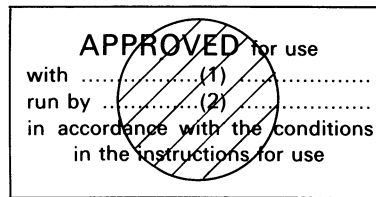
Articles 2 and 6

SCHEDULE 3

DISPLAY NOTICE REQUIREMENTS

1. A display notice shall be in the form of a rectangle not less than 300 mms broad and 150 mms high, and:—

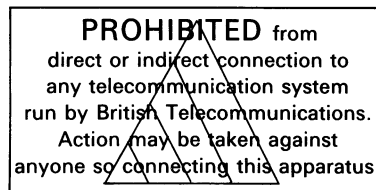
- (a) where the apparatus is approved apparatus, shall incorporate a circle not less than 130 mms in diameter, the area of which shall be coloured green having written across it the words, and only the words, in the form shown in Example A below:—

Example A

1. Here shall be inserted either in capital letters the words “PRIVATE CIRCUITS ONLY” if the mark is applied to subscriber’s apparatus approved only for connection to any class of private circuit run by the Corporation or the words “telecommunication systems” if the mark is applied to 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”;

or (b) where the apparatus is not approved apparatus, shall incorporate an equilateral triangle with sides of not less than 130 mms in length, the area of which shall be coloured red having written across it the words, and only the words, in the form shown in Example B below:—

Example B

2. The background of the notice shall be white and all writing thereon shall be black and readily legible.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order imposes requirements upon suppliers of apparatus which is capable of being connected (either directly or indirectly) to any telecommunication system run by British Telecommunications with respect to the information with which the apparatus is to be marked or accompanied.

Contravention of the Order by any supplier in the course of any trade or business is an offence under Section 17(2) of the British Telecommunications Act 1981.

Copies of British Standard 5850 (1981), referred to in paragraph 2(b) of Schedule 2 to the Order, can be obtained from the British Standards Institution Sales Department, 101 Pentonville Road, London NW1 9ND.

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