

1985 No. 717

## TELECOMMUNICATIONS

**The Telecommunication Apparatus (Marking and Labelling)  
Order 1985**

<i>Made - - - - -</i>	<i>7th May 1985</i>
<i>Laid before Parliament</i>	<i>10th May 1985</i>
<i>Coming into Operation</i>	<i>3rd June 1985</i>

Whereas it appears to the Secretary of State expedient that telecommunication apparatus to which this Order applies should be marked with or accompanied by certain information and instructions relating to that apparatus and its connection and use:

Now, therefore, the Secretary of State, in exercise of the power conferred on him by section 28 of the Telecommunications Act 1984(a), hereby makes the following Order:—

*Citation, commencement and revocation*

1.— (1) This Order may be cited as the Telecommunication Apparatus (Marking and Labelling) Order 1985 and shall come into operation on 3rd June 1985.

(2) The Telecommunication Apparatus (Marking and Labelling) Order 1982(b) is hereby revoked, except for the purposes of Article 6.

*Interpretation*

2. In this Order—

“the Act” means the Telecommunications Act 1984;

“the 1981 Act” means the British Telecommunications Act 1981(c);

“approved apparatus” means apparatus in respect of which—

(a) an approval has been given under section 22(1) of the Act; or

(b) an approval has been issued under section 16(2) of the 1981 Act for direct or indirect connection to a telecommunication system run by

(a) 1984 c.12.

(b) S.I. 1982/491, which by virtue of paragraph 3(1) of Schedule 5 to the Act had effect as if made under section 28 of the Act.

(c) 1981 c.38.

British Telecommunications and has effect as if given under section 22(1) of the Act

and that approval is, or has effect as, an approval for its connection to a relevant system or a relevant branch system;

“dialling” includes any equivalent operation;

“message” means anything falling within paragraphs (a) to (d) of section 4(1) of the Act;

“mobile wireless telegraphy apparatus” means wireless telegraphy apparatus which is designed to be used while in motion;

“offer to supply” and “supply” shall be construed in accordance with subsections (5) and (6) of section 28 of the Act respectively, and related expressions shall be construed accordingly;

“the 1982 Order” means the Telecommunication Apparatus (Marking and Labelling) Order 1982;

“relevant branch system” means a telecommunication system which is connected to, but does not form part of, a relevant system and which is run under a licence granted, or having effect as if granted, under section 7 of the Act such that apparatus comprised in that telecommunication system must be approved apparatus;

“relevant system” means—

- (a) a public telecommunication system run by British Telecommunications plc or Kingston-upon-Hull City Council; or
- (b) in relation to apparatus approved for connection to—
  - (i) a public telecommunication system run by Mercury Communications Limited as well as to such a system run by British Telecommunications plc or Kingston-upon-Hull City Council; or
  - (ii) to any cellular radio system run by Telecom Securicor Cellular Radio Limited or Racal Vodafone Limited

that system;

“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; and

“wireless telegraphy apparatus” has the same meaning as in the Wireless Telegraphy Act 1949(a).

### *Application*

3.— (1) Subject to paragraph (2) below, this Order applies to telecommunication apparatus of any of the descriptions set out in Schedule 1 to this Order which—

- (a) is capable of being connected to a relevant system or relevant branch system; and
- (b) is supplied or offered for supply to a person in the United Kingdom (whether the supplier is within or outside the United Kingdom).

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(a) 1949 c.54.

- (2) This Order does not apply to:—
- (a) any apparatus which is approved only for connection to a telecommunication system run by Mercury Communications Limited; or
  - (b) any apparatus which for a period of not less than three months immediately preceding the supply or offer for supply was connected to a relevant system and which is supplied or offered for supply on the same premises where it was so connected.

*Marking and Labelling requirements*

4.— (1) Apparatus to which this Order applies shall be marked or labelled as the case may require 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.

*Information and instructions*

5.— (1) When supplying, otherwise than by retail, any apparatus to which this Order applies, the supplier shall, in addition to complying with the marking and labelling requirements of this Order, give a written statement to the person to whom the apparatus is supplied, stating—

- (a) whether or not the apparatus is approved apparatus;
- (b) if it is approved apparatus—
  - (i) to which relevant systems and relevant branch systems it is approved for connection; and
  - (ii) particulars identifying the relevant approval, the date thereof and the name of the person who gave the approval under section 22 of the Act or, in the case of an approval having effect as if so given by virtue of paragraph 2 of Schedule 5 to the Act, the person by whom that approval was given;
- (c) whether the apparatus is marked or labelled in accordance with this Order; and
- (d) whether, where such apparatus is accompanied by instructions as to how to use it, such instructions comply with paragraph (2) below.

(2) Where 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 or, as the case may be, on the label in accordance with Schedule 2 to this Order.

*Transitional provisions*

6.— (1) This Article applies to apparatus to which both this Order and the 1982 Order apply.

- (2) In relation to—

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- (a) any supply of PBX telephone apparatus, or offer to supply such apparatus, in either case before 1st August 1985; or
- (b) any supply of other apparatus, or offer to supply such apparatus, in either case before 1st May 1986

the marking and labelling requirements of this Order shall be treated as complied with if the requirements of Article 4 of the 1982 Order are complied with in respect of that apparatus.

(3) In relation to—

- (a) any supply of PBX telephone apparatus before 1st August 1985; or
- (b) any supply of other apparatus before 1st May 1986

the requirements of Article 5 of this Order shall be treated as complied with if the requirements of the 1982 Order are complied with.

(4) In this Article, “PBX telephone apparatus” means telephone apparatus approved for connection to a private branch exchange forming part of a relevant branch system but not for direct connection to a relevant system.

*John Butcher,*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry.

7th May 1985.

## Article 3

## SCHEDULE 1

DESCRIPTIONS OF TELECOMMUNICATION APPARATUS  
TO WHICH THIS ORDER APPLIES

This Order applies to telecommunication 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 15 kilogrammes:—

1. Telephone apparatus, whether or not incorporating call routing 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, excluding multi-line recording machines.
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 paragraph 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, excluding apparatus falling within paragraph 1.
9. Analogue facsimile machines other than the apparatus described in paragraph 11(c) below.
10. Discrete modems, excluding modems:
  - (a) simultaneously capable of two or more analogue connections to public telecommunication systems run by British Telecommunications plc or

Kingston-upon-Hull City Council (although it is not necessary for both or all to convey messages at the same time).

- (b) incorporating a connection facility requiring the connection of at least four electrical conductors to a public telecommunication system run by British Telecommunications plc or Kingston-upon-Hull City Council, such connection including connection via other intervening apparatus or systems; or
- (c) for connection to 2-wire interfaces of the public switched telephone networks run by British Telecommunications plc or Kingston-upon-Hull City Council such that the aggregate rate of communication in equilibrium is capable of being at least 4.6 kilobits per second.

**11. Apparatus incorporating non-discrete modems, excluding apparatus of the following descriptions—**

- (a) telex apparatus designed or constructed for Single Channel Voice Frequency transmission or reception;
- (b) approved apparatus comprising or incorporating a modem which may only be connected to private circuits or the public switched telex network run by British Telecommunications plc or both, if the approval is to apply;
- (c) facsimile apparatus capable of operating in one or more modes in accordance with the following Recommendations of the International Telegraph and Telephone Consultative Committee (CCITT):

Recommendation T.4—Standardisation of Group 3 facsimile apparatus for document transmission: CCITT 7th Plenary Assembly Geneva, 1980.

Recommendation T.5—General aspects of Group 4 facsimile apparatus: CCITT 8th Plenary Assembly Malaga Torremolinos, 1984.

Recommendation T.6—Facsimile coding schemes and coding control functions for Group 4 facsimile apparatus: CCITT 8th Plenary Assembly Malaga Torremolinos, 1984.

- (d) apparatus designed to be capable of incorporating at least two non-discrete modems, whether or not such modems are actually incorporated.
- (e) apparatus incorporating non-discrete modems provided with:
  - (i) two or more separate connection facilities, of which at least two may be connected at the same time to separate connection points to public telecommunication systems run by British Telecommunications plc or Kingston-upon-Hull City Council (although it is not necessary for both connection points to convey messages at the same time); or
  - (ii) a connection facility requiring the connection of at least four electrical conductors to a public telecommunication system run by British Telecommunications plc or Kingston-upon-Hull City Council, such connection including connection via other intervening apparatus or systems.
- (f) apparatus incorporating non-discrete modems, approved for connection to 2-wire interfaces of the public switched telephone networks run

by British Telecommunications plc or Kingston-upon-Hull City Council such that the aggregate rate of communication in equilibrium is capable of being at least 4.6 kilobits per second.

12. Mobile wireless telegraphy apparatus capable of connection to any cellular radio system run by Telecom Securicor Cellular Radio Limited or Racal Vodafone Limited.

13. Any apparatus of a description not included in 1 to 12 above which is capable of connection to a relevant system and which is not approved apparatus.

14. Kits of parts made up for retail sale supplied for the purpose of making apparatus of any of the description listed in 1 to 13 above.

#### Article 4

#### SCHEDULE 2

##### MARKING AND LABELLING REQUIREMENTS

1. Apparatus to which this Order applies shall be marked or labelled 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, the identifying particulars of the approval.

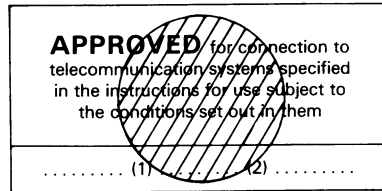
2. The mark shall:—

- (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 50 mm broad and 25 mm high, and:—

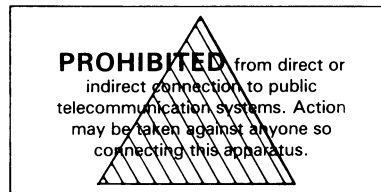
- (a) where the apparatus is approved apparatus, shall be in the form of Example A below, incorporating a circle not less than 22 mm in diameter, the area of which shall be coloured green having written across it the words, and only the words, there shown:—

## EXAMPLE A



- (1) here may be indicated the name or mark of the person who approved the apparatus to which the mark is applied or that of the person by whom the approval has effect as if given, by virtue of paragraph 2 of Schedule 5 to the Act;
- (2) here shall be inserted the identifying particulars of the relevant approval;
- or
- (b) where the apparatus is neither approved apparatus nor apparatus which has been approved under section 22 of the Act for the purposes of connection to a public telecommunication system run by Mercury Communications Limited, shall be in the form of Example B below, an equilateral triangle with sides not less than 22 mm 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, the line delineating the rectangle shall be black, 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 1.5 mm capital height, except for the words “APPROVED” and “PROHIBITED” which shall be in bold capitals of a height of not less than 2.5 mm.
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 is supplied or offered for supply on or after 1st May 1986 and is wholly or partially enclosed in packaging, in addition to the requirements set out in paragraphs 1 to 6 above, a label bearing a representation of the mark shall be firmly affixed to the outside of the packaging or, in a case where that is not practicable, the package shall be accompanied by such a label.

8. Where apparatus consists of more than one component and the components are not designed to be separated except for repair, maintenance or testing 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.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order replaces the Telecommunication Apparatus (Marking and Labelling) Order 1982. It imposes requirements upon suppliers of specified telecommunication apparatus capable of being connected to the public telecommunication systems run by British Telecommunications plc, Kingston-upon-Hull City Council or Mercury Communications Limited or to private branch systems connected to any of those public systems in respect of the information with which the apparatus is to be marked or accompanied. The Order contains transitional provisions.

Contravention of the Order by any supplier in the course of any trade or business is an offence under section 28(2) of the Telecommunications Act 1984.

Copies of the 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, Linford Wood, Milton Keynes, MK14 6LE (Telephone: Milton Keynes (0908) 320066). Copies of Recommendation T4 referred to in paragraph 11(c) of Schedule 1 to the Order can be obtained from the International Telecommunication Union, General Secretariat (Sales Section), Place des Nations, CH1211—Geneva 20, Switzerland. Recommendation T.4 was published in Volume VII—Fascicle VII.2 of the Yellow Book of the International Telegraph and Telephone Consultative Committee (“CCITT”) in Geneva in 1981. Recommendations T.5 and T.6, will be published in due course and will be available from the above address in Switzerland. Drafts of Recommendations T.5 and T.6 in the form in which they were ratified, were published in CCITT Document AP VIII-37-E in May 1984, also available from the above address.

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