

1985 No. 719

TELECOMMUNICATIONS

The Telecommunication Apparatus (Advertisements) 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 advertisements of telecommunication apparatus to which this Order applies should contain or refer to certain information relating to the apparatus or its connection or use:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 29 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 (Advertisements) Order 1985 and shall come into operation on 3rd June 1985.

(2) The Telecommunication Apparatus (Advertisements) Order 1982 (b) is hereby revoked, except for the purposes of Article 7.

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 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;

(a) 1984 c.12.

(b) S.I. 1982/490, which by virtue of paragraph 3(2) of Schedule 5 to the Act had effect as if made under section 29 of the Act.

(c) 1981 c.38.

“non-approved apparatus” means telecommunication apparatus of any of the descriptions set out in Schedule 1 to this Order which is neither approved apparatus nor apparatus approved under section 22 of the Act for the purposes only of connection to a public telecommunication system run by Mercury Communications Limited;

“the 1982 Order” means the Telecommunication Apparatus (Advertisements) 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 apparatus which is approved under section 22 of the Act;

“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;

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

“supply” shall be construed in accordance with section 28(6) of the Act;

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

“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

3.—(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 telecommunication apparatus of any of the descriptions set out in Schedule 1 to this Order, being apparatus capable of being connected to a relevant system.

(2) This Order does not apply to:

- (a) advertisements which do not identify any particular product;
- (b) advertisements for apparatus which is approved for the purposes of connection only to a telecommunication system run by Mercury Communications Limited.

(a) 1949 c.54.

Advertisements in written form etc.

4.—(1) This Article applies to advertisements which are not contained in a cinematograph film or a radio or television broadcast.

(2) Subject to paragraphs (3) and (4) of this Article and to Article 6 below, an advertisement shall—

- (a) if it relates to approved apparatus only, contain a symbol of approval and a statement of approval;
- (b) if it relates to non-approved apparatus only, contain a symbol of non-approval and a statement of non-approval;
- (c) if it relates to both approved apparatus and non-approved apparatus, contain
 - (i) a symbol of approval and a statement of approval clearly referable to the former and which could not reasonably be taken to be referable to the latter; and
 - (ii) a symbol of non-approval and a statement of non-approval clearly referable to the latter and which could not reasonably be taken to be referable to the former.

(3) Where an advertisement 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.

(4) Where the conditions referred to in paragraph (5) below are complied with, an advertisement to which Article 6 below does not apply need not contain a statement of approval or a statement of non-approval, but shall contain either a symbol of approval or a symbol of non-approval or both such symbols, as appropriate, each of which shall—

- (a) not be less than the minimum size permitted in Schedule 3 to this Order;
- (b) be so placed that a symbol of approval is clearly referable to each item of approved apparatus which is advertised, and a symbol of non-approval is clearly referable to each item of non-approved apparatus which is advertised.

(5) The said conditions are that—

- (a) the area of the advertisement is less than 50 square centimetres;
- (b) the advertisement is displayed in a material form together with any other advertisement to which this Order applies, whether or not the advertisements are all made by or on behalf of the same person, and there appears in connection with those advertisements but not as part of either of them—
 - (i) where the advertisements all relate to approved apparatus, a symbol of approval and a statement of approval clearly related to them, the symbol of approval occupying an area of not less than 1 per cent of the total area of the display;
 - (ii) where the advertisements all relate to non-approved apparatus, a symbol of non-approval and a statement of non-approval clearly related to them, the symbol of non-approval occupying an area of not less than 1 per cent of the total area of the display;

- (iii) where the advertisements relate both to approved and non-approved apparatus,
 - (A) a symbol of approval and a statement of approval both clearly referable to the approved apparatus and not reasonably capable of being taken to be referable to the non-approved apparatus, the symbol of approval occupying an area of not less than 1 per cent of the total area of the display;
 - (B) a symbol of non-approval and a statement of non-approval both clearly referable to the non-approved apparatus and not reasonably capable of being taken to be referable to the approved apparatus, the symbol of non-approval occupying an area of not less than 1 per cent of the total area of the display;

(6) Every statement of approval and every statement of non-approval shall be conspicuous and legible.

Advertisements in cinematograph films or radio or television broadcasts

5.—(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 only to approved apparatus, contain a symbol of approval and a statement of approval;
- (b) where it relates only to non-approved apparatus, contain a symbol of non-approval and a statement of non-approval;
- (c) where it relates both to approved apparatus and non-approved apparatus, contain—
 - (i) a symbol of approval and a statement of approval clearly referable to the approved apparatus and not reasonably capable of being taken to be referable to the non-approved apparatus; and
 - (ii) a symbol of non-approval and a statement of non-approval clearly referable to the non-approved apparatus and not reasonably capable of being taken to be referable to the approved apparatus;

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, 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 only, state that the apparatus is approved apparatus and the systems for connection to which it is approved;
- (b) where it relates to non-approved apparatus, contain a statement of non-approval;

(c) where it relates to both approved apparatus and non-approved apparatus—

- (i) state which of the apparatus is approved apparatus and the systems for connection to which it is approved; and
- (ii) state which of the apparatus is non-approved apparatus and contain a statement of non-approval clearly referable to such apparatus.

(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

6. Where a catalogue, diary or work of reference (or any supplement thereto) contains advertisements relating only to approved apparatus, then each page thereof may be treated as a single advertisement for the purposes of complying with Article 4(2)(a) and (3) above.

Transitional provisions

7.—(1) This Article applies to any advertisement to which both this Order and the 1982 Order apply.

(2) In relation to—

- (a) any publication before 1st August 1985 of an advertisement which relates to PBX telephone apparatus (whether or not it also relates to other apparatus), or
- (b) any publication before 1st May 1986 of an advertisement which does not relate to PBX telephone apparatus

that advertisement shall be treated as complying with this Order if it also complies with the requirements of the 1982 Order.

(3) In this Article, “PBX telephone apparatus” means telephone apparatus which is 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.

SCHEDULE 1

Article 3

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) 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.
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);
 - (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 descriptions listed in 1 to 13 above.

Articles 2, 4 and 5

SCHEDULE 2

FORM OF STATEMENTS OF APPROVAL AND NON-APPROVAL

(a) Statement of approval.

“APPROVED for connection to telecommunication systems specified in the instructions for use subject to the conditions set out in them.”

(b) Statement of non-approval.

“PROHIBITED from direct or indirect connection to public telecommunication systems. Action may be taken against anyone so connecting this apparatus.”

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.

SCHEDULE 3

Articles 2, 4 and 5

FORM OF SYMBOLS OF APPROVAL AND NON-APPROVAL

(a) Symbol of approval.

The symbol of approval shall be in the form of a circle occupying an area not less than 1 per cent of the total area of the advertisement, and in any case the symbol's diameter shall be not less than 4mm. 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 4mm long, where one such side shall be parallel to the bottom edge of the display in which the advertisement appears, occupying not less than 1 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 non-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 replaces the Telecommunication Apparatus (Advertisements) Order 1982. Provision is made for advertisements for the supply of telecommunication apparatus of the descriptions to which the Order applies to contain statements and symbols to indicate to whether or not the apparatus is approved for connection to certain telecommunication systems, including the public systems run by British Telecommunications plc, Mercury Communications Limited and Kingston-upon-Hull City Council, and also privately run branch systems which are themselves connected, directly or indirectly, to those public telecommunication systems. The Order contains transitional provisions.

Publication of an advertisement, in the course of any trade or business, in contravention of this Order, is an offence under section 29(2) of the Telecommunications Act 1984.

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 V11 – Fascicle V11.2 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. Recommendations T.5 and T.6, in the form in which they were ratified, were published in CCITT Document V111-37-E in May 1984, also available from the above address.

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