
STATUTORY INSTRUMENTS

1992 No. 2009

TELEGRAPHS

The Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) Order 1992

<i>Made</i>	- - - -	<i>18th August 1992</i>
<i>Laid before Parliament</i>		<i>21st August 1992</i>
<i>Coming into force</i>	- -	<i>18th September 1992</i>

Whereas it appears to the Secretary of State to be expedient to apply restrictions under section 7 of the Wireless Telegraphy Act 1967⁽¹⁾ to wireless telegraphy apparatus of the descriptions specified in this Order, being apparatus to which that section applies, for the purpose of preventing or reducing the risk of interference with wireless telegraphy:

And whereas the Secretary of State is satisfied, as required by subsection (9) of that section, that the provisions of this Order made pursuant to that section are compatible with the international obligations of the United Kingdom:

And whereas it appears to the Secretary of State to be expedient that such descriptions of apparatus, being relevant apparatus within the meaning of subsection (5)(a) of section 85 of the Telecommunications Act 1984⁽²⁾ should be marked with information relating to the apparatus and its installation and use in accordance with the requirements of this Order:

Now therefore, the Secretary of State, in exercise of the powers conferred on him by section 7(2) of the Wireless Telegraphy Act 1967 and section 85(1) of the Telecommunications Act 1984 and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) Order 1992 and shall come into force on 18th September 1992.

Revocation

2. The Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction) Order 1987⁽³⁾ is hereby revoked.

(1) 1967 c. 72; a new section 7 was substituted by section 77 of the Telecommunications Act 1984 (c. 12).
(2) 1984 c. 12.
(3) S.I.1987/774.

Interpretation

3.—(1) In this Order—

“the 1949 Act” means the Wireless Telegraphy Act 1949⁽⁴⁾;

“the 1967 Act” means the Wireless Telegraphy Act 1967;

“the 1984 Act” means the Telecommunications Act 1984;

“CT1” means cordless telephone apparatus which is exempt from the provisions of section 1(1) of the 1949 Act by the Wireless Telegraphy (Exemption) Regulations 1982⁽⁵⁾;

“cordless telephone apparatus” means wireless telegraphy apparatus consisting in base station and one or more mobile stations where—

(a) each of such stations is designed or adapted to be used—

(i) to send verbal messages to be conveyed over a telecommunication system; and

(ii) to receive verbal messages conveyed over a telecommunication system; and

(b) the base station only is capable of being connected to a telecommunication system;

“exempt cordless telephone apparatus” means a CT1 or an extended range CT1;

“extended range CT1” means cordless telephone apparatus which is exempt from the provisions of section 1(1) of the 1949 Act by the Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1992⁽⁶⁾;

“MPT 1322” means Department of Trade and Industry Performance Specification MPT 1322 as published in August 1982 and amended in February 1991 and September 1991;

“MPT 1371” means Department of Trade and Industry Performance Specification MPT 1371 as published in May 1989 and revised and reprinted in July 1992; and

“restricted cordless telephone apparatus” means cordless telephone apparatus which—

(a) is designed or adapted for use on frequencies not exceeding 853MHz; and

(b) is not exempt cordless telephone apparatus.

(2) In this Order, “connected”, “convey” and “telecommunication system” shall be construed in accordance with section 4 of the 1984 Act.

Restrictions on dealings and custody

4. The following actions in relation to restricted cordless telephone apparatus are hereby restricted for the purposes of section 7 of the 1967 Act—

(a) manufacture (whether or not for sale);

(b) selling or offering for sale, letting on hire or offering to let on hire, or indicating (whether by display of the apparatus or by any form of advertisement) one’s willingness to sell or let on hire;

(c) having in one’s custody or control; and

(d) importation.

Marking

5.—(1) Exempt cordless telephone apparatus shall be marked in accordance with the requirements specified in the Schedule.

⁽⁴⁾ 1949 c. 54.

⁽⁵⁾ S.I.1982/1697, as amended by S.I.1987/775 and 1992/2008.

⁽⁶⁾ S.I.1992/2008.

(2) No person shall in the course of any trade or business supply or offer to supply any exempt cordless telephone apparatus which does not comply with the requirements referred to in paragraph (1).

18th August 1992

T. Eggar
Minister of State,
Department of Trade and Industry

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

THE SCHEDULE

article 5

MARKING REQUIREMENTS FOR EXEMPT CORDLESS TELEPHONE APPARATUS

1. Subject to paragraph 2 below, exempt cordless telephone apparatus shall be marked with a mark consisting in—

- (a) the name of the manufacturer or his trade mark;
- (b) the type number of designation and serial number; and
- (c) either—

(i) in the case of every CT1, the following words—

“This apparatus conforms to Performance Specification MPT 1322 as amended and is exempt from licensing under the Wireless Telegraphy Act 1949”; or

(ii) in the case of every extended range CT1, the following words—

“This apparatus conforms to Performance Specification MPT 1371 as amended and is exempt from licensing under the Wireless Telegraphy Act 1949”.

2. The mark shall—

- (a) be placed upon the apparatus in such a manner that it is visible;
- (b) be legible, tamper proof and durable; and
- (c) printed with letters of uniform size and type not less than 2mm in height.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the scope of the restrictions imposed pursuant to section 7 of the Wireless Telegraphy Act 1967 (as substituted by section 77 of the Telecommunications Act 1984) on certain cordless telephone apparatus by the Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction) Order 1987 (S.I.1987/774) so as to exclude further cordless telephone apparatus from their application.

That Order, which is revoked by article 2 of this Order, imposed restrictions on all cordless telephone apparatus operating on frequencies not exceeding 853MHz except for that which is exempt from wireless telegraphy licensing under section 1 of the Wireless Telegraphy Act 1949 pursuant to the Wireless Telegraphy (Exemption) Regulations 1982 (S.I.1982/1697, as amended by 1987/775 and 1992/2008). This Order continues the exception from the restrictions for such apparatus, and also excepts cordless telephone apparatus which is so exempt pursuant to the Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1992 (S.I.1992/2008) (article 4).

This Order restricts the importation, manufacture, sale, hire, offer or advertisement for sale or hire, custody and control of the apparatus which is not exempt from the requirement for a licence under section 1 of the Act of 1949 and which is not designed for use on frequencies exceeding 853MHz (article 4). Subsection (5) of section 7 of the Act of 1967 prohibits the taking of a restricted action except with the authority of the Secretary of State.

Subsection (11) of section 7 provides that it is an offence under the Act of 1949 to take a prohibited restricted action. The maximum penalty on summary conviction is a fine not exceeding level 5 on the standard scale (section 14(1C) of the Act of 1949, inserted by paragraph 1 of Schedule 3 to the Act of 1984).

Restricted apparatus is liable to forfeiture following either conviction (section 14(3) of the Act of 1949, as substituted by section 172(4) of the Broadcasting Act 1990) or seizure under a warrant (section 15(1) of the Act of 1949) or pursuant to the power in section 79(3) of the Act of 1984 (section 80 of that Act for England, Wales and Northern Ireland; section 81 for Scotland).

This Order also continues the marking requirements imposed by S.I.1987/774 in relation to apparatus exempt from wireless telegraphy licensing pursuant to S.I.1982/1697, as amended, and imposes comparable marking requirements with respect to apparatus so exempt pursuant to S.I.1992/2008 (article 5). It is an offence under section 85(3) of the Act of 1984 to contravene the marking requirements, punishable on summary conviction with a fine not exceeding level 5 on the standard scale.

Copies of Performance Specifications MPT 1322 and MPT 1371, referred to in article 3 and the Schedule, may be obtained free of charge from the librarian, Radiocommunications Agency, Waterloo Bridge House, Waterloo Road, London SE1 8UA.