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STATUTORY INSTRUMENTS

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**1997 No. 1996**

**TELEGRAPHS**

**The Wireless Telegraphy (Short Range Devices)  
(Exemption) (Amendment) Regulations 1997**

*Made - - - - 17th August 1997*  
*Laid before Parliament 20th August 1997*  
*Coming into force - - 15th September 1997*

The Secretary of State, in exercise of the powers conferred by sections 1(1) and 3(1)(a) and (b) of the Wireless Telegraphy Act 1949(1) as enacted, and now vested in her(2), the power conferred on her by section 84(1)(b) of the Telecommunications Act 1984(3), and of all other powers enabling her in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Wireless Telegraphy (Short Range Devices) (Exemption) (Amendment) Regulations 1997 and shall come into force on 15th September 1997.

**Interpretation**

2. In these Regulations “the Principal Regulations” means the Wireless Telegraphy (Short Range Devices) (Exemption) Regulations 1993(4).

**Amendment of the Wireless Telegraphy (Short Range Devices) (Exemption) Regulations 1993**

3. Regulation 1 of the Principal Regulations shall be re-numbered as regulation 1(1) and there shall be added the following paragraph —

“(2) These Regulations shall extend to the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man.”.

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(1) 1949 c. 54; sections 1(1) and 3(1)(a) and (b) were extended to the Channel Islands and the Isle of Man, respectively, by S.I. 1952/1900, amended by S.I. 1967/1279, S.I. 1969/1369 and S.I. 1952/1899; there are amendments to section 1(1) not relevant to these Regulations.  
(2) Post Office Act 1969 (c. 48), section 3; S.I. 1969/1369, article 3; S.I. 1969/1371, article 2; S.I. 1974/691, article 2.  
(3) 1984 c. 12; section 84 was extended to the Bailiwick of Guernsey and the Isle of Man by S.I. 1994/1064 and S.I. 1995/268 respectively, but has not been extended to the Bailiwick of Jersey.  
(4) S.I. 1993/1591 as amended by S.I. 1994/2250 and S.I. 1995/1081.

4. In regulation 3 of the Principal Regulations—

- (a) after the definition of “direct sequence spread spectrum modulation” there shall be inserted the following—

““EN45001 and EN45002” means European Standards (Normes Europeene) EN45001 and 45002 published in 1989 by the British Standards Institution;”;
- (b) after the definition of “eirp” there shall be inserted the following—

““ETSI” means the European Telecommunications Standards Institute(5);”;
- (c) after the definition of “frequency hopping spread spectrum modulation” there shall be inserted the following—

““ISO guides 25 and 58” means the International Organization for Standardization Guides 25 and 58 published by the International Organization for Standardization in 1990 and 1993 respectively;”;
- (d) for the words “public telecommunication system” and the definition which follows them, there shall be substituted—

““public switched network” means a public telecommunication system by means of which one-way or two-way telecommunication services are provided whereby messages are switched incidentally to their conveyance;”;

 and
- (e) in the definition of “relevant short range device” for the words “the Schedule” there shall be substituted the words “Schedule 1”.

5. Regulation 3 of the Principal Regulations shall be re-numbered as regulation 3(1) and there shall be added the following paragraph —

“(2) In these Regulations, “telecommunication apparatus”, “telecommunication service” and “telecommunication system” shall be construed in accordance with section 4 of the Telecommunications Act 1984.”.

6. For paragraph (2) of regulation 4 of the Principal Regulations there shall be substituted the following—

“(2) The exemption in paragraph (1) above shall not apply to any relevant short range device which is established, installed or used to provide or to be capable of providing a wireless telephony link between telecommunication apparatus, or a telecommunication system, and a public switched network, by means of which a telecommunication service is provided by way of business to another person.”.

7. For regulation 5 of the Principal Regulations there shall be substituted the following—

**“Terms, provisions and limitations**

5. The exemption provided for in regulation 4 shall be subject to the terms, provisions and limitations that—

- (a) the relevant short range device shall not cause or contribute to any undue interference to any wireless telegraphy; and
- (b) the relevant apparatus comprised in the relevant short range device is either—
  - (i) for the time being approved under section 84 of the Telecommunications Act 1984; or
  - (ii) approved to the European Telecommunications Standards referred to in Part I of Schedule 2 as appropriate by the national administration of a country

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(5) ETSI was set up in 1988 on the joint initiative of the European Commission and the European Postal and Telecommunications Conference (CEPT).

listed in Part II of that Schedule following type testing at a test laboratory, which has been accredited in accordance with ISO guides 25 and 58 or EN45001 and EN45002 or a national standard conforming to ISO guides 25 and 58 or EN45001 and EN45002,

provided that sub-paragraph (i) above shall not apply in relation to an apparatus for the time being situated in the Bailiwick of Jersey.”.

8. The Schedule to the Principal Regulations shall be re-named as Schedule 1 and—

(a) to the table in paragraph 1 there shall be added the following—

“863.00-864.00 MHz	10mW”;
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(b) in the table in paragraph 3—

(i) after Category 5 there shall be inserted the following category—

“5A	Apparatus designed for fixed, mobile or portable applications	13.4-14.0 GHz	1 W eirp”;
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(ii) in Category 9 for “100 mW eirp” there shall be substituted “500 mW eirp”;

(c) to the table in paragraph 14 there shall be added the following category—

“5	High Performance Radio Local Area Networks (HIPERLANs) designed as short range, very high data rate sub-systems	5.15-5.30 GHz	1 W”;
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(d) in the table in paragraph 15—

(i) to Category 2 there shall be added the following—

“40.66-40.7 MHz	10mW”;
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(ii) after Category 4 there shall be inserted the following category—

“4A	Narrow band domestic telemetry and telecommand devices	173.20-173.35 MHz	1mW”;
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(e) there shall be added the following paragraphs—

**“Visual Image Transmission Equipment**

17. Wireless telegraphy apparatus designed or adapted—

(a) for the transmission of visual images with or without speech to wireless telegraphy receiving apparatus installed in or upon any close circuit television apparatus; and

(b) so as to be capable of use only—

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- (i) within a frequency band of 1389 to 1399 MHz; and
- (ii) at a power not exceeding 500 mW eirp.

### **Narrow Band Audio Apparatus**

**18.** Any wireless telegraphy apparatus incorporating a microphone which is designed or adapted—

- (a) with non-locking push to talk key or voice operated carrier;
- (b) for the transmission within a channel bandwidth not exceeding 12.5 kHz; and
- (c) so as to be capable of use only on one of the frequencies and at a power not exceeding the maximum for such frequencies specified in the table below—

<b>Frequencies</b>	<b>Maximum Power erp</b>
173.5875 MHz	10mW
173.6 MHz	10mW <sup>2</sup> .

**9.** There shall be added to the Principal Regulations the following schedule—

“SCHEDULE 2

Regulation 5

## PART I

ETSI Technical Standard I-ETS 300 220 “Radio Equipment and Systems (RES); Short range devices; Technical characteristics and test methods for radio equipment to be used in the 25 MHz to 1000 MHz frequency range with power levels ranging up to 500 mW” dated October 1993.

ETSI Technical Standard I-ETS 300 330 “Radio Equipment and Systems (RES); Short range devices; Technical characteristics and test methods for radio equipment to be used in the frequency range 9 kHz to 25 MHz and inductive loop systems in the frequency range 9 kHz to 30 MHz.” dated December 1994.

ETSI Technical Standard I-ETS 300 440 “Radio Equipment and Systems (RES); Short range devices; Technical characteristics and test methods for radio equipment to be used in the 1 GHz to 25 GHz frequency range.” dated December 1995.

ETSI Technical Standard ETS 300 328 “Radio Equipment and Systems (RES); Wideband data transmission systems; Technical characteristics and test conditions for data transmission equipment operating in the 2.4 GHz ISM band and using spread modulation techniques.” dated November 1996.

ETSI Technical Standard I-ETS 300 422 “Radio Equipment and Systems (RES); Technical characteristics and test methods for wireless microphones in the 25 MHz to 3GHz frequency range.” dated December 1995.

ETSI Technical Standard ETS 300 652 “Radio Equipment and Systems (RES); High Performance Radio Local Area Network (HIPERLAN): Functional specification.” dated October 1996.

## PART II

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Country	Symbol
Albania	AL
Austria	A
Belgium	B
Bosnia and Herzegovina	BH
Bulgaria	BG
Croatia	HR
Cyprus	CY
Czech Republic	CZ
Denmark	DK
Estonia	EST
Finland	FI
France	F
Germany	D
Greece	GR
Hungary	H
Iceland	IS
Ireland	IRL
Italy	I
Liechtenstein	FL
Lithuania	LT
Luxembourg	L
Malta	M
Moldova	MLD
Monaco	MC
Netherlands	NL
Norway	N
Poland	PL
Portugal	P
Romania	RO
San Marino	RSM
Slovakia	SK
Slovenia	SLO
Spain	E

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Country	Symbol
Sweden	S
Switzerland	CH
Turkey	TR
United Kingdom of Great Britain and Northern Ireland	GB
Vatican City	SCV”

*Simon of Highbury*  
Minister for Trade and Competitiveness in  
Europe,  
Department of Trade and Industry

17th August 1997

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Wireless Telegraphy (Short Range Devices) (Exemption) Regulations 1993 (S.I.1993/1591) as amended by the Wireless Telegraphy (Short Range Devices) (Exemption) (Amendment) Regulations 1994 (S.I. 1994/2250) and the Wireless Telegraphy (Short Range Devices) (Exemption) (Amendment) Regulations 1995 S.I. 1995/1081 (“the Principal Regulations”). The Principal Regulations provide for the exemption from the licensing requirements of section 1(1) of the Wireless Telegraphy Act 1949 (c. 54) of various short range devices, formerly known as low power devices, so that it is not necessary to hold a licence to establish, install and use the short range devices to which the Principal Regulations apply.

The Regulations add to the categories of exempted short range devices certain visual image transmission equipment and narrow band audio apparatus capable of use within specified frequency bands and at powers not exceeding the maximums specified (regulation 8).

The Regulations add a further frequency band at a specified maximum power to the category of exempted Cordless Audio Apparatus (regulation 8).

The Regulations extend the categories of exempted field disturbance and doppler apparatus to include apparatus designed for fixed, mobile or portable applications within a specified frequency band and at a specified maximum power and increase the maximum permitted power for any such apparatus not within any of the specified categories (regulation 8).

The Regulations also extend the categories of Short Range Data Links exempted to include apparatus designed to allow high performance wireless networks to be created without existing wired infrastructure or as an extension of a wired LAN and further extend the categories of telemetry and telecommand apparatus exempted to include narrow and domestic telemetry and telecommand devices within a specified frequency band and to a maximum specified power and increase the permitted power for general telemetry and telecommand devices (regulation 8).

Regulation 6 amends the Principal Regulations to provide that the exemption shall not apply to any short range device established, installed or used to provide a link between telecommunication apparatus, or a telecommunication system, and a public switched network by means of which a telecommunication service is provided by way of business to another person.

Regulation 7 amends regulation 5 of the Principal Regulations which provides that one of the conditions of exemption is that the apparatus must be approved by the Secretary of State under section 84 of the Telecommunications Act 1984. The amendment provides that as an alternative to such approval the apparatus may be approved to the European Telecommunications Standards referred to in Part I of Schedule 2 as appropriate by the national administration of a country listed in Part II of that Schedule following type testing at a test laboratory accredited in accordance with certain specified standards.

The Regulations also extend the Principal Regulations to the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man.

Copies of the European Telecommunications Standards referred to in Part I of Schedule 2 may be obtained from the British Standards Institution, 389 Chiswick High Road, London W4 4AL (Tel: 0181-996 7000) or from ETSI at 06921 Sophia Antipolis, Cedex, France (Tel: 00-33 92 94 42 00).