
STATUTORY INSTRUMENTS

1997 No. 2137

TELEGRAPHS

The Wireless Telegraphy (Network User Stations) (Exemption) Regulations 1997

Made - - - - - *2nd September 1997*
Laid before Parliament *4th September 1997*
Coming into force - - - *1st October 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 (Network User Stations) (Exemption) Regulations 1997 and shall come into force on 1st October 1997.

Interpretation

2.—(1) In these Regulations—

“the 1949 Act” means the Wireless Telegraphy Act 1949;

“the 1984 Act” means the Telecommunications Act 1984;

“authorised person” means any person authorised by the Secretary of State for the purposes of regulation 5;

“BABT” means the British Approvals Board for Telecommunications(4);

“Common Technical Regulation (CTR)” shall be construed in accordance with regulation 3(3) of the Telecommunications Terminal Equipment Regulations 1992(5);

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- (1) 1949 c. 54; sections 1 and 3 were extended to the Channel Islands by S.I. 1952/1900, as amended by S.I. 1967/1279 and S.I. 1969/1369, and to the Isle of Man by 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) BABT was appointed by the Secretary of State on 10th September 1990 pursuant to section 25 of the 1984 Act for the purpose of approving telecommunication apparatus under section 22 of that Act.
- (5) S.I. 1992/2423, amended and extended by S.I. 1994/3129.

“EN45001 and EN45002” means European Standards (Normes Europeene) EN45001 and EN45002 published in September 1989 by the British Standards Institution;

“ETSI” means the European Telecommunications Standards Institute⁽⁶⁾;

“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;

“MPT 1324” means Department of Trade and Industry Performance Specification 1324 referred to in Part III of Schedule 2;

“MPT 1326” means Department of Trade and Industry Performance Specification 1326 referred to in Part IV of Schedule 2;

“NTR 13” means Designation No. 95/037 NTR 13 given under section 22(6) of the 1984 Act by the Secretary of State on 14th December 1995;

“relevant network” means a telecommunication system consisting exclusively of stations established and used under and in accordance with a licence, which has been granted under section 1(1) of the 1949 Act by the Secretary of State and is of a type specified in Schedule 1; and

“user station” means a mobile station for wireless telegraphy designed or adapted—

- (a) to be connected by wireless telegraphy to one or more relevant networks; and
- (b) to be used solely for the purpose of sending and receiving messages conveyed by a relevant network by means of wireless telegraphy.

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

Exemption

3. Subject to regulation 4, the establishment and use of user stations are hereby exempted from the provisions of section 1(1) of the 1949 Act.

Terms, provisions and limitations

4. The exemption provided for in regulation 3 shall be subject to the terms, provisions and limitations that—

- (a) the user stations shall not cause or contribute to any undue interference to any wireless telegraphy; and
- (b) the user station is subject to and complies with the Common Technical Regulations referred to in Part I of Schedule 2 as appropriate, failing which such user station:
 - (i) is for the time being approved by the Secretary of State under section 84 of the 1984 Act for the purposes of these Regulations; or
 - (ii) is approved to the ETSI standards or the draft ETSI standards referred to in Parts I to IV of Schedule 2 as appropriate by the national administration of a country listed in Part V 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; or
 - (iii) complies with the requirements of MPT 1324 or MPT 1326 as appropriate; or

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

(iv) complies with the BABT performance standards relating to such user station referred to in Part III of Schedule 2 as appropriate,
provided that sub-paragraph (i) above shall not apply in relation to user stations situated in the Bailiwick of Jersey.

Inspection and restrictions on use

5.—(1) Where an authorised person has reasonable cause to believe that a user station is not complying with regulation 4, any person who is in possession or control of the user station shall, on the demand of that authorised person—

(a) permit and facilitate its inspection by that authorised person; and

(b) cause its use to—

(i) cease; or

(ii) be restricted in the manner specified by that authorised person,

for a period of time ending either on a date or on the occurrence of an event specified by that authorised person.

(2) Any authorised person exercising powers under paragraph (1) above shall produce evidence of his authority, if so required by the person in possession or control of the user station.

2nd September 1997

Barbara Roche
Parliamentary Under Secretary of State for Small
Firms, Trade and Industry
Department of Trade and Industry

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SCHEDULE 1

Regulation 2(1)

TYPE OF LICENCE GRANTED UNDER SECTION 1(1) OF THE 1949 ACT
FOR THE ESTABLISHMENT AND USE OF RELEVANT NETWORKS

Public Mobile Operator Licences

1. Public mobile data systems licensed on the following frequency bands—

105—165 MHz

174—208 MHz

420—470 MHz

(for non-voice only operation)

2. Cellular radiotelephone systems licensed for use in the following services on the relevant frequency bands—

(a)	(a) cellular radiotelephones: Extended Total Access Communications System (ETACS):	872—888 MHz (MTx) 917—933 MHz (BTx)
	Total Access Communications System (TACS):	890—905 MHz (MTx) 935—950 MHz (BTx)
(b)	(b) digital cellular radiotelephones: Global System for Mobile communications (GSM):	905—915 MHz (MTx) 950—960 MHz (BTx)
(c)	(c) digital cellular PCN radiotelephones: Personal Communications Network (PCN):	1805—1880 MHz (MTx) 1710—1785 MHz (BTx)

For the purposes of this Schedule—

- (i) “MTx” means Mobile Transmit, the frequency on which a user station transmits and a base station receives; and
- (ii) “BTx” means Base Transmit, the frequency on which a base station transmits and a user station receives.

3. Public access mobile radio systems licensed on the following frequency bands—

174—208 MHz

410—430 MHz.

SCHEDULE 2

Regulation 4

PART I

GSM

CTR 005—Commission Decision of 21st December 1993 on a common technical regulation for the general attachment requirements for public pan-European cellular digital land-based mobile communications(7), including the ETSI Technical Basis for Regulation (TBR) TBR 005 published in November 1993.

CTR 009—Commission Decision of 21st December 1993 on a common technical regulation for the telephony application requirements for public pan-European cellular digital land-based mobile communications(8), including the ETSI Technical Basis for Regulation TBR 009 published in November 1993.

I-ETS 300 020-1 (Edition 2) published by ETSI in January 1995.

TBR 019 published by ETSI in October 1996.

TBR 020 published by ETSI in October 1996.

PART II

Public mobile data systems

Final Draft pr ETS 300 113 published by ETSI in March 1996.

ETS 300 113 published by ETSI in July 1996.

PART III

ETACS/TACS

Department of Trade and Industry Performance Specification MPT 1324 published in July 1989 and revised and reprinted in July 1994.

NTR13.

PCN

BABT Special Investigation Test Schedule (SITS) 92/50 published in March 1991 and revised and reprinted in June 1995.

Final Draft pr TBR 031: 1996—02 published by ETSI in February 1996.

Final Draft pr TBR 032: 1996—02 published by ETSI in February 1996.

(7) OJ No. L8, 12.1.94, p. 20.

(8) OJ No. L8, 12.1.94, p. 23.

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PART IV

Public access mobile radio systems

ETS 300 086 published by ETSI in January 1991.

ETS 300 113 published by ETSI in July 1996.

I-ETS 300 219 published by ETSI in October 1993.

Department of Trade and Industry Performance Specification MPT 1326 published in November 1985 and revised and reprinted in May 1993.

PART V

<i>Country</i>	<i>Symbol</i>
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

<i>Country</i>	<i>Symbol</i>
Norway	N
Poland	PL
Portugal	P
Romania	RO
San Marino	RSM
Slovakia	SK
Slovenia	SLO
Spain	E
Sweden	S
Switzerland	CH
Turkey	TR
United Kingdom of Great Britain and Northern Ireland	GB
Vatican City	SCV

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the exemption from the licensing requirements of section 1(1) of the Wireless Telegraphy Act 1949 (c. 54) of stations (“user stations”) designed or adapted for use by customers of certain telecommunication networks. Accordingly it will not be necessary to hold a licence to establish and use the user stations (regulation 3).

Regulation 4 provides that for the exemption to apply, certain requirements must be complied with. The user station must not cause or contribute to any undue interference to any wireless telegraphy, and unless subject to and complying with the relevant Common Technical Regulation referred to in Part I of Schedule 2 the user station must either be approved by the Secretary of State under section 84 of the Telecommunications Act 1984 (c. 12), comply with the European Telecommunications Standards or the draft European Telecommunications Standards referred to in Parts I to IV of that Schedule, comply with the requirements of Performance Specifications MPT 1324 or MPT 1326 or comply with the performance standards of the British Approvals Board for Telecommunications (BABT) referred to in Part III of that Schedule.

Regulation 5 requires that the user stations must be available for inspection, and that their use must cease, or their operation must be restricted, on the demand of a person authorised in that behalf by the Secretary of State. Failure to comply with such a demand is an offence under section 3 of the Wireless Telegraphy Act 1949.

In addition to the requirements set out in regulation 4, the user stations will have to comply with the provisions of regulation 8 of the Telecommunications Terminal Equipment Regulations 1992

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(S.I.1992/2423, as amended and extended by S.I. 1994/3129), if applicable, before being supplied, connected or permitted to remain connected to a public telecommunication network or put into service. From 1st January 1996 the user stations have to comply with the type approval requirements set out in Part VI of the Electromagnetic Compatibility Regulations 1992 (S.I. 1992/2372, as amended by S.I. 1994/3080) before being supplied or taken into service to the extent that they are not duplicated by the applicable provisions of the Telecommunications Terminal Equipment Regulations.

Copies of the European Telecommunications Standards and the draft European Telecommunications Standards for GSM systems, public mobile data systems, PCN systems, and public access mobile radio systems referred to in 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).

Copies of Performance Specifications MPT 1324 and MPT 1326 may be obtained from the Radiocommunications Agency Library at New King's Beam House, 22 Upper Ground, London SE1 9SA (Tel: 0171-211 0211).

Copies of NTR13 and BABT/SITS/92/50 may be obtained from BABT at Claremont House, 34 Molesey Road, Hersham, Walton-on-Thames, Surrey KT12 4RQ (Tel: 01932-222289).

Copies of CTR 005 and CTR 009 contained within the Official Journal may be obtained from The Stationery Office Books, P.O. Box 276, London SW8 5DT (Tel: 0171-873 9090) and from the European Information Centres (EICs) situated in the United Kingdom.