
STATUTORY INSTRUMENTS

1999 No. 2934

TELEGRAPHS

The Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) Order 1999

<i>Made</i>	- - - -	<i>27th October 1999</i>
<i>Laid before Parliament</i>		<i>29th October 1999</i>
<i>Coming into force</i>	- -	<i>1st December 1999</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 certain wireless telegraphy apparatus specified in this Order for the purpose of preventing or reducing the risk of interference with wireless telegraphy and to impose marking requirements in relation to such apparatus in accordance with the provisions of section 85 of the Telecommunications Act 1984⁽²⁾;

And whereas the Secretary of State is satisfied as required by section 7(9) of the 1967 Act that this Order is compatible with the international obligations of the United Kingdom;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 7(2) of the 1967 Act and section 85(1) of the 1984 Act 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 1999 and shall come into force on 1st December 1999.

Revocation

2. The Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) Order 1992⁽³⁾ is hereby revoked.

Interpretation

3.—(1) In this Order—

(1) 1967 c. 72; section 7 was substituted by section 77 of the Telecommunications Act 1984 (c. 12).
(2) 1984 c. 12.
(3) S.I. 1992/2009.

“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;

“the 1999 Regulations” means the Wireless Telegraphy (Exemption) Regulations 1999(5);

“CT1” means cordless telephone apparatus described in paragraph 1 or 2 (as the case may be) of Part III of Schedule 4 to the 1999 Regulations which is exempt from the provisions of section 1(1) of the 1949 Act by virtue of the 1999 Regulations;

“cordless telephone apparatus” means wireless telegraphy apparatus consisting of a 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 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 described in paragraph 3 of Part III of Schedule 4 to the 1999 Regulations which is exempt from the provisions of section 1(1) of the 1949 Act by virtue of the 1999 Regulations;

“MPT 1322” means Department of Trade and Industry Performance Specification MPT 1322 published in August 1982 and revised and reprinted in August 1994;

“MPT 1371” means Department of Trade and Industry Performance Specification MPT 1371 published in May 1989 and revised and reprinted in August 1994;

“MPT 1384” means Department of Trade and Industry Performance Specification MPT 1384 published in November 1997; and

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

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

Actions restricted

4.—(1) 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.

(2) Nothing in this article prevents having in one’s custody or control and importation of restricted cordless telephone apparatus for the sole purpose of re-export from the United Kingdom.

(4) 1949 c. 54.

(5) S.I. 1999/930.

Marking

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

(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).

Channel Islands and Isle of Man

6. This Order shall not extend to the Channel Islands and the Isle of Man.

27th October 1999

Patricia Hewitt
Minister of State for Small Business and E-
Commerce,
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 of—

- (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 conforming to MPT 1322, the following words—

“This apparatus conforms to Performance Specification MPT 1322 as amended and is exempt from licensing under the Wireless Telegraphy Act 1949”;
 - (ii) in the case of every CT1 conforming to MPT 1384, the following words—

“This apparatus conforms to Performance Specification MPT 1384 and is exempt from licensing under the Wireless Telegraphy Act 1949”; or
 - (iii) 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 on the apparatus in a visible place;
- (b) be legible, tamperproof and durable; and
- (c) have a letter and figure height not less than 2 mm.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) Order 1992 (S.I.1992/2009).

That Order imposed restrictions on all cordless telephone apparatus operating on frequencies not exceeding 853 MHz except for that which is exempt from wireless telegraphy licensing under section 1 of the Wireless Telegraphy Act 1949 (c. 54; “the 1949 Act”) pursuant to the Wireless Telegraphy (Exemption) Regulations 1999 (S.I. 1999/930). This Order continues the exception from the restrictions for such apparatus, and also excepts cordless telephone apparatus which conforms to Department of Trade and Industry Performance Specification MPT 1384.

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 1949 Act and which is not designed for use on frequencies exceeding 853 MHz (article 4(1)). The restrictions do not prevent, however, having custody or control and importation of restricted cordless telephone apparatus for the sole purpose of re-export from the United Kingdom (article 4(2)).

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Under article 5 of the Order, exempt cordless telephone apparatus (as defined in article 3(1)) is required to be marked to show compliance with the requirements of the Order in the manner indicated in the Schedule.

Under section 7 of the Wireless Telegraphy Act 1967 (c. 72), the Secretary of State may by authority limit the effect of the Order in the manner specified in the authority. Apparatus which is held in breach of the Order or an authority is liable to seizure and may be subject to forfeiture. A person who contravenes the Order or an authority may be guilty of an offence under the 1949 Act and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Copies of MPTs 1322, 1371 and 1384 may be obtained from the Radiocommunications Agency Library at Wyndham House, 189 Marsh Wall, London E14 9SX (Tel: 0207 211 0211). The Agency's Internet web site is: www.radio.gov.uk

In addition to the requirements set out in this Order, exempt cordless telephone apparatus which is available commercially has to comply with the requirements of the Electromagnetic Compatibility Regulations 1992 (S.I. 1992/2372, as amended by S.I. 1994/3080 and S.I. 1995/3180) from 1st January 1996 before being supplied or taken into service.