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STATUTORY INSTRUMENTS

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**2005 No. 1585**

**ELECTRONIC COMMUNICATIONS**

**The Wireless Telegraphy (Automotive Short Range Radar) (Exemption) (No. 2) Regulations 2005**

*Made* - - - - *10th June 2005*  
*Coming into force* - - *1st July 2005*

Whereas the Office of Communications (“OFCOM”) have under section 403(4)(a) of the Communications Act 2003<sup>(1)</sup> (“the 2003 Act”), as applied by section 16(1A) of the Wireless Telegraphy Act 1949<sup>(2)</sup> (“the 1949 Act”), given notice of their proposal to make these Regulations and, under section 403(4)(b) of the 2003 Act, as applied by section 16(1A) of the 1949 Act, published notice of their proposal and have considered the representations made to them before the time specified in the notice<sup>(3)</sup>;

Now, therefore, OFCOM, in exercise of the powers conferred upon them by section 1(1) of the 1949 Act<sup>(4)</sup> hereby make the following Regulations—

**Citation and commencement**

1. These Regulations may be cited as the Wireless Telegraphy (Automotive Short Range Radar) (Exemption) (No. 2) Regulations 2005 and shall come into force on 1st July 2005.

**Interpretation**

2. In these Regulations —

- (a) “equipment” means equipment providing vehicle radar functions for collision mitigation and traffic safety applications;
- (b) “dBm” means decibel milliWatt;
- (c) “dBm/MHz” means decibel milliWatt per megahertz;

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(1) 2003 c. 21.

(2) 1949 c. 54.

(3) Section 16(1A) of the 1949 Act does not extend to the Channel Islands so the procedures set out in section 403 of the 2003 Act, which it applies, are not requirements in so far as these Regulations extend to the Channel Islands.

(4) Section 1(1) was extended to the Channel Islands by S.I. 1952/1900, as amended by S.I. 1967/1279, S.I. 1974/691 and S.I. 1997/284 and to the Isle of Man by S.I. 1952/1899, as amended by S.I. 1967/1280 and S.I. 1997/285. Section 1(1) was amended by the Communications Act 2003 (c. 21), by section 406 and Schedule 17, paragraphs 6(1) and (2). These amendments were extended to Jersey by S.I. 2003/3197 article 6, to the Bailiwick of Guernsey by S.I. 2003/3195 article 6 and to the Isle of Man by S.I. 2003/3198 article 6. There are other amendments to section 1(1) not relevant to these Regulations.

- (d) “duty cycle” means the ratio of time during any one hour period when equipment is actively transmitting;
- (e) “eirp” means effective isotropically radiated power;
- (f) “exclusion zone”, in relation to each of the radio astronomy stations specified in Column 1 of the Schedule, means the zone within the circle whose centre is the location (expressed by longitude and latitude coordinates) of the radio astronomy station, as specified in Column 2 of the Schedule, and whose radius is the distance specified in Column 3 of the Schedule; and
- (g) “vehicle” has the meaning given by Article 2 of Council Directive [70/156/EEC](#) on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers<sup>(5)</sup>, as amended<sup>(6)</sup>.

### Exemption

3. Subject to the terms, provisions and limitations set out in regulation 4, the establishment or installation of equipment in a vehicle and the use of equipment so established or installed is hereby exempt from the provisions of section 1(1) of the Wireless Telegraphy Act 1949.

### Terms, provisions and limitations

4.—(1) The establishment or installation must be in a vehicle which has not yet been registered, placed on the market or put into service in the Community, or must be in a vehicle in which equipment was so established or installed in order to replace that equipment.

(2) Equipment must —

- (a) only operate when the vehicle in which it is established or installed is active;
- (b) only operate in the frequency band between 21.65 gigahertz and 26.65 gigahertz; and
- (c) not cause undue interference to other users of the frequency band between 21.65 gigahertz and 26.65 gigahertz.

(3) Transmissions from any ultra wide band part of the equipment must —

- (a) at frequencies between 22.00 gigahertz and 26.65 gigahertz have a mean power density no greater than -41.3 dBm/MHz eirp and a peak power density no greater than 0 dBm in any 50 megahertz; and
- (b) at frequencies between 21.65 gigahertz and 22.00 gigahertz have a mean power density no greater than -61.3 dBm/MHz eirp and a peak power density no greater than 0 dBm in any 50 megahertz.

(4) Any narrow band component of the equipment must —

- (a) only operate in the frequency band 24.05 gigahertz to 24.25 gigahertz;
- (b) transmit with a peak power no greater than 20 dBm eirp; and
- (c) where transmitting with a peak power greater than -10 dBm eirp have a duty cycle which does not exceed 10%.

(5) Any part of equipment which operates in the frequency band between 23.60 gigahertz and 24.00 gigahertz shall attenuate power emissions that appear 30 degrees or greater above the horizontal plane by at least 25 decibels.

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(5) OJ No L 42, 23.02.70, p1.

(6) Article 2 was amended by Council Directive No [92/53/EEC](#) amending Directive 70/156 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, OJ No. L 225, 10.8.92, p. 1. There are other amendments to Article 2 and to other parts of Council Directive [70/156/EEC](#) not relevant to these Regulations.

(6) The exemption from the provisions of section 1(1) of the Wireless Telegraphy Act 1949 does not apply to use of equipment operating in the frequency band between 22.21 gigahertz and 24.00 gigahertz when the vehicle in which that equipment is established or installed is within an exclusion zone.

(7) Equipment operating in the frequency band between 22.21 gigahertz and 24.00 gigahertz must —

- (a) automatically deactivate so that all emissions cease while the vehicle in which it is established or installed is within an exclusion zone; or
- (b) be capable of manual deactivation so that all emissions cease while the vehicle in which it is established or installed is within an exclusion zone.

*Stephen Carter*  
Chief Executive of the Office of  
Communications For and by authority of the  
Office of Communications

10th June 2005

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## SCHEDULE

Regulation 2

## EXCLUSION ZONES

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Radio Astronomy Station</i>	<i>Location</i>	<i>Distance</i>
Jodrell Bank	02° 18'26" W 53° 14'10" N	9 kilometres
Cambridge	00° 02'20" E 52° 09'59" N	9 kilometres
Darnhall	02° 32'03" W 53° 09'22" N	5 kilometres
Pickmere	02° 26'38" W 53° 17'18" N	5 kilometres
Knockin	02° 59'45" W 52° 47'24" N	5 kilometres

## EXPLANATORY NOTE

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

These Regulations exempt the establishment or installation of automotive short range radar equipment in a vehicle and the use of automotive short range radar equipment so established or installed from the requirement to be licensed under section 1(1) of the Wireless Telegraphy Act 1949 (c. 54).

The establishment or installation must be in a vehicle which has not yet been registered, placed on the market or put into service in the Community, or must be done to replace equipment so established or installed (regulation 4(1)). The equipment must only operate when the vehicle in which it is established or installed is active, only operate in the frequency band between 21.65 gigahertz and 26.65 gigahertz and not cause undue interference to other users of the frequency band (regulation 4(2)). The equipment must also meet the technical requirements set out in the regulations 4(3) to 4(5).

The exemption from the provisions of section 1(1) of the Wireless Telegraphy Act 1949 does not apply to use of equipment operating in the frequency band between 22.21 gigahertz and 24.00 gigahertz when the vehicle in which the equipment is established or installed is within an exclusion zone (regulation 4(6)). Such equipment must automatically deactivate so that emissions cease while the vehicle in which it is established or installed is within an exclusion zone or must be capable of manual deactivation (regulation 4(7)). The exclusion zones are the areas around radio astronomy stations listed in the Schedule.

These Regulations implement the Commission Decision [2005/50/EC](#) on the harmonisation of the 24 GHz radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community (OJ No L 21, 25.1.05, p. 15).

A full regulatory impact assessment and report of the effect that these Regulations will have on the costs to business is available to the public from the OFCOM Library at Riverside House, 2a Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000) or on the OFCOM internet web site at [www.ofcom.org.uk](http://www.ofcom.org.uk). Copies of the report have also been placed in the libraries of both Houses of Parliament.

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