
STATUTORY INSTRUMENTS

2016 No. 1074

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Mobile Satellite System
Equipment) (Exemption) Regulations 2016**

Made - - - - *8th November 2016*

Coming into force - - *29th November 2016*

The Office of Communications (OFCOM), in exercise of the powers conferred by section 8(3) of the Wireless Telegraphy Act 2006 (“the Act”)(1), makes the following Regulations.

Before making these Regulations Ofcom have given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, published notice on their proposal in accordance with section 122(4)(b) of the Act and have considered the representations made to them before the time specified in that notice in accordance with section 122(4)(c) of the Act.

Citation and commencement

1. The Regulations may be cited as the Wireless Telegraphy (Mobile Satellite System Equipment) (Exemption) Regulations 2016 and shall come into force on 29th November 2016.

Interpretation

2. In these Regulations—

“associated facilities” and “electronic communications network” have the meaning given to them by section 32 of the Communications Act 2003(2).

“dBm” means decibels of power referenced to one milliwatt;

“EchoStar” means EchoStar Mobile Limited, a company incorporated in the Republic of Ireland with number 426976, whose registered office is situated at 25/28 North Wall Quay, Dublin 1, Republic of Ireland;

“e.i.r.p.” means equivalent isotropic radiated power;

“equipment” means a wireless telegraphy station or wireless telegraphy apparatus;

“MHz” means megahertz;

(1) 2006 c.36. Section 8(3) was extended to the Bailiwick of Guernsey by article 2 of the Wireless Telegraphy (Guernsey) Order 2006 (S.I. 2006/3325); and to the Bailiwick of Jersey by article 2 of the Wireless Telegraphy (Jersey) Order 2006 (S.I. 2006/3324); and to the Isle of Man by article 2 of the Wireless Telegraphy (Isle of Man) Order 2007 (S.I. 2007/278).

(2) 2003 c.21.

“Inmarsat” means Inmarsat Ventures Limited, a company incorporated in England and Wales with number 03674573, whose registered office is situated at 99 City Road, London, EC1Y 1AX;

“mobile satellite system” means an electronic communications network and associated facilities which—

- (a) is capable of providing radio-communications services between a mobile earth station and one or more space stations, or between mobile earth stations by means of one or more space stations; and
- (b) is operated by Inmarsat or EchoStar using the relevant radio frequencies.

“relevant radio frequencies” means—

- (a) the frequencies from 1980 to 2010 MHz for earth to space communications; and
- (b) the frequencies from 2170 to 2200 MHz for space to earth communications.

Exemption

3. The establishment, installation and use of equipment complying with the terms, provisions and limitations in regulation 4 is hereby exempted from the provisions of section 8(1) of the 2006 Act.

Terms, provisions and limitations

4.—(1) The exemption provided in regulation 3 shall apply to equipment which complies with both the requirements in paragraphs (2) and (3).

(2) The equipment must—

- (a) only connect to a space station which forms part of a mobile satellite system;
- (b) not cause or contribute to any undue interference to any wireless telegraphy;
- (c) transmit on the relevant frequencies; and
- (d) only emit transmissions which, when measured in any direction—
 - (i) have a maximum mean e.i.r.p. density no greater than 45 dBm per 200 kHz, for equipment that operates with a bandwidth of less than 1 MHz;
 - (ii) have a maximum mean e.i.r.p. density no greater than 47 dBm per 5 MHz, for equipment that operates with a bandwidth of 1 MHz or greater.

(3) Use of the equipment shall not be airborne.

Philip Marnick
Group Director, Spectrum Group
For and by the authority of the Office of
Communications

8th November 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations exempt the establishment, installation or use of wireless telegraphy apparatus and wireless telegraphy stations from the requirement to be licensed under section 8(1) of the Wireless Telegraphy Act 2006 (c.36) (“the Act”). Regulation 4 sets out the terms under which this exemption applies.

Ofcom has granted authorisations for use of the relevant frequencies under The Authorisation of Frequency Use for the Provision of Mobile Satellite Services (European Union) Regulations 2010 (S.I. 2010/672) (“the 2010 Regulations”). The 2010 Regulations implemented in the United Kingdom the European Parliament and Council Decision 626/2008/EC of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (OJ L 172 2.7.2008 p. 15) and the Commission Decision 2009/449/EC of 13 May 2009 on the selection of operators of pan-European systems providing mobile satellite services (OJ L 149 12.6.2009 p. 65).

A full regulatory impact assessment of the effect that these Regulations will have on costs to business is available to the public from OFCOM’s website at <http://www.ofcom.org.uk> or from the OFCOM library at Riverside House, 2a Southward Bridge Road, SE1 9HA (Tel: 020 7981 3000). Copies of this assessment have also been placed in the library of the House of Commons.