

2010 No. 2512

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Exemption and Amendment)
Regulations 2010**

Made - - - - *14th October 2010*

Coming into force - - *1st November 2010*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the power conferred by section 8(3) of the Wireless Telegraphy Act 2006(a)(“the Act”).

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 of 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. These Regulations may be cited as the Wireless Telegraphy (Exemption and Amendment) Regulations 2010 and shall come into force on 1st November 2010.

Interpretation

2. In these Regulations—

“the Act” means the Wireless Telegraphy Act 2006(b); and

“GHz” means gigahertz.

Revocations and amendments

3.—(1) The Regulations specified in the Schedule are revoked to the extent specified.

(2) The Wireless Telegraphy (Exemption) Regulations 2003(c) are amended as follows—

(a) in Regulation 3, for the definition of “relevant apparatus”, for “Schedules 3 to 11” substitute “Schedules 3 to 10”.

(b) in Schedule 3 (network user stations)—

(i) in Part III paragraph 3 sub-paragraph (c), under the last entry in the column, insert—

“880.1–914.9 (MTx)

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

(b) 2006 c.36.

(c) S.I. 2003/74 amended by S.I. 2003/2155, S.I. 2005/3481, S.I. 2006/2994, S.I. 2008/236 and S.I. 2008/2426.

925.1–959.9 (BTx)
1710.1–1785 (MTx)
1805.1–1880 (BTx)”

(ii) in Part IV (interface requirement), for “June 2005”, substitute “October 2010”.

Railway level crossing radar

4. The establishment, installation and use of wireless telegraphy stations and wireless telegraphy apparatus complying with the publication “IR 2080 – UK Interface Requirement 2080, Railway Level Crossing Radar Sensor Systems”(a), is exempt from the provisions of section 8(1) of the Act, if—

- (a) it does not cause or contribute to any undue interference to any wireless telegraphy; and
- (b) it is not established, installed or used within twenty kilometres of any of the following locations (expressed by latitude and longitude coordinates)—
 - (i) 02° 18' 22.8" W 53° 14' 06.7" N;
 - (ii) 00° 02' 12.4" E 52° 10' 00.0" N;
 - (iii) 02° 08' 40.1" W 52° 06' 02.0" N;
 - (iv) 02° 32' 08.5" W 53° 09' 22.7" N;
 - (v) 02° 59' 49.6" W 52° 47' 25.1" N; and
 - (vi) 02° 26' 43.5" W 53° 17' 19.1" N.

Short range devices

5. The establishment, installation and use of wireless telegraphy stations and wireless telegraphy apparatus complying with an interface requirement which forms part of the publication “IR2030 — UK Interface Requirements 2030, Licence Exempt Short Range Devices”(b), is exempt from the provisions of section 8(1) of the Act, if—

- (a) it does not cause or contribute to any undue interference to any wireless telegraphy; and
- (b) in cases where the interface requirement does not state that airborne use is permitted, use is not airborne.

Fixed wireless systems

6. The establishment, installation and use of wireless telegraphy stations and wireless telegraphy apparatus complying with the publication “IR 2078, UK Interface Requirement 2078, Fixed Wireless Systems in the frequency band 57.1 to 63.9 GHz”(c), is exempt from the provisions of section 8(1) of the Act, if—

- (a) it does not cause or contribute to any undue interference to any wireless telegraphy;
- (b) use is not airborne; and
- (c) any stations or apparatus operating in the frequency band 59 to 63.9 GHz are not established, installed or used within six kilometres of any of the following locations (expressed by latitude and longitude coordinates)—
 - (i) 07° 23' 36.6" W, 57° 21' 3.6" N;
 - (ii) 04° 58' 21" W, 51° 37' 16.8" N; and
 - (iii) 00° 36' 22.8" W, 52° 38' 1.8" N.

(a) published by OFCOM in October 2010.
(b) published by OFCOM in October 2010.
(c) published by OFCOM in October 2010.

High density fixed satellite service systems

7. The establishment, installation and use of wireless telegraphy stations and wireless telegraphy apparatus complying with the publication “IR 2066, UK Interface Requirement 2066, High Density Fixed Satellite Service Systems”(a), is exempt from the provisions of section 8(1) of the Act, if—

- (a) it does not cause or contribute to any undue interference to any wireless telegraphy; and
- (b) use is not airborne.

Ed Richards

Chief Executive of the Office of Communications
For and by authority of the Office of Communications

14th October 2010

SCHEDULE REVOCATIONS

Regulation 3

| <i>Regulations revoked</i> | <i>References</i> | <i>Extent of revocation</i> |
|---|-------------------|---|
| The Wireless Telegraphy (Short-Range Devices)(Exemption) Regulations 2009 | S.I. 2009/1812 | The whole Regulations |
| The Wireless Telegraphy (Exemption) Regulations 2003 | S.I. 2003/74 | Regulation 4(3)(d) Regulation 4(4)(c) Schedule 6 Schedule 8 Schedule 9 Schedule 11 |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations exempt the establishment, installation and use of wireless telegraphy stations and wireless telegraphy apparatus from the requirement to be licensed under section 8(1) of the Wireless Telegraphy Act 2006 (c.36).

Regulation 3(1) revokes the Wireless Telegraphy (Short Range Devices) (Exemption) Regulations 2009 (SI 2009/1812) and Regulation 3(2)(a) amends the Wireless Telegraphy (Exemption) Regulations 2003 (SI 2003/74), to remove provisions that are replaced by Regulations 5, 6 and 7 as set out below.

Regulation 3(2)(b) amends Schedule 3 of S.I. 2003/74, adding new frequencies to the list of frequencies within which UMTS user terminals are permitted to operate.

Regulation 4 exempts railway level crossing radar (a safety device), subject to terms and limitations including three exclusion zones.

Regulation 5 of these Regulations re-enacts, with modifications of substance, Schedules 6 and 9 of S.I. 2003/74 and S.I. 2009/1812. It extends the exemptions provided to give effect to EU obligations which are contained in Commission Decision 2010/368/EU amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices. In addition, it extends exemptions for underwater devices, inductive devices, vehicle radar, wireless cameras, technologies at 2.4 GHz and 5.8 GHz, Wireless Access Systems at 5 GHz, and technologies at 869.3 to 869.4 MHz.

(a) published by OFCOM in October 2010.

Regulations 6 and 7 of these Regulations re-enact, with modifications, Schedules 8 and 11 of S.I. 2003/74. They make the following changes of substance. Regulation 6 of these Regulations replaces Schedule 8 of S.I. 2003/74, extending the exempt frequency band of operation from 58.9 GHz to 63.9 GHz, subject to six exclusion zones. Regulation 7 of these Regulations replaces Schedule 11 of S.I. 2003/74, increasing the permitted power in the frequency band 29.4625 to 30 GHz from 50 dBW to 55 dBW.

Interface requirements are published by OFCOM in accordance with Article 4.1 of Directive 1999/5/EC of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity. Copies of interface requirements referred to in these Regulations may be obtained from OFCOM at Riverside House, 2a Southwark Bridge Road, London SE1 9HA and are available on the OFCOM website at <http://www.ofcom.org.uk>.

A full regulatory impact assessment of the effect that these Regulations will have on the 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 Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000). Copies of this assessment have also been placed in the libraries of both Houses of Parliament.

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ISBN 978-0-11-150286-0

£4.00

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