

STATUTORY INSTRUMENTS

2021 No. 493

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Exemption) Regulations 2021

Made - - - - *20th April 2021*

Coming into force - - *12th May 2021*

The Office of Communications (“OFCOM”), makes the following Regulations in exercise of the powers conferred by sections 8(3) and 122(7) of the Wireless Telegraphy Act 2006 ^{M1} (“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 the notice in accordance with section 122(4)(c) of the Act.

Marginal Citations

M1 2006 c. 36. Section 8(3) and section 122(7) were extended to the Bailiwick of Guernsey by Article 2 of the [Wireless Telegraphy \(Guernsey\) Order 2006 \(S.I. 2006/3324\)](#); and to the Isle of Man by Article 2 of the [Wireless Telegraphy \(Isle of Man\) Order 2007 \(S.I. 2007/278\)](#).

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Exemption) Regulations 2021 and shall come into force on 12th May 2021.

Commencement Information

I1 Reg. 1 in force at 12.5.2021, see [reg. 1](#)

Interpretation

2. In these Regulations—
“the Act” means the Wireless Telegraphy Act 2006; and
“GHz” means gigahertz.
[^{F1}“MHz” means megahertz; and]

[^{F1}“non-geostationary satellite” means a satellite that does not remain fixed relative to a position on the surface of the earth.]

F1 Words in [reg. 2](#) inserted (23.3.2023) by [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2023 \(S.I. 2023/243\)](#), regs. 1, [4\(2\)](#)

Commencement Information

I2 Reg. 2 in force at 12.5.2021, see [reg. 1](#)

Revocations

3. The Regulations specified in the Schedule are revoked to the extent specified.

Commencement Information

I3 Reg. 3 in force at 12.5.2021, see [reg. 1](#)

Short range devices

4. The establishment, installation and use of wireless telegraphy stations and wireless telegraphy apparatus complying with an interface requirement which forms part of the publication [^{F2}“IR 2030 – UK Interface Requirements 2030 Licence Exempt Short Range Devices”, published by OFCOM in March 2023, 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.

F2 Words in [reg. 4](#) substituted (23.3.2023) by [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2023 \(S.I. 2023/243\)](#), regs. 1, [4\(3\)](#)

Commencement Information

I4 Reg. 4 in force at 12.5.2021, see [reg. 1](#)

Fixed wireless systems

^{F3}5.

F3 [Reg. 5](#) omitted (23.3.2023) by virtue of [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2023 \(S.I. 2023/243\)](#), regs. 1, [4\(4\)](#)

Commencement Information

I5 Reg. 5 in force at 12.5.2021, see [reg. 1](#)

High density fixed satellite service systems

6. The establishment, installation and use of wireless telegraphy stations and wireless telegraphy apparatus complying with the interface requirements which form part of the publication [^{F4}“IR 2066 – UK Interface Requirement 2066, High Density Fixed Satellite Service Systems (HDFSS)”, published by OFCOM in March 2023, is exempt] from the provision of section 8(1) of the Act, if—

- (a) it does not cause or contribute to any undue interference to any wireless telegraphy; ^{F5}...
- (b) use is not airborne [^{F6}; and]
- [^{F7}(c) it is not connected to a non-geostationary satellite.]

- F4** Words in [reg. 6](#) substituted (23.3.2023) by [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2023 \(S.I. 2023/243\)](#), [regs. 1, 4\(5\)\(a\)](#)
- F5** Word in [reg. 6\(a\)](#) omitted (23.3.2023) by virtue of [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2023 \(S.I. 2023/243\)](#), [regs. 1, 4\(5\)\(b\)](#)
- F6** Words in [reg. 6\(b\)](#) inserted (23.3.2023) by [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2023 \(S.I. 2023/243\)](#), [regs. 1, 4\(5\)\(c\)](#)
- F7** [Reg. 6\(c\)](#) inserted (23.3.2023) by [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2023 \(S.I. 2023/243\)](#), [regs. 1, 4\(5\)\(d\)](#)

Commencement Information

- I6** [Reg. 6](#) in force at 12.5.2021, see [reg. 1](#)

Personal locator beacons

7. The use of wireless telegraphy apparatus in the frequency band 406 to 406.1 megahertz complying with the interface requirements which form part of the publication [^{F8}“IR 2084 – UK Interface Requirement 2084 Cospas-Sarsat locator beacons for use on land”, published by OFCOM in June 2021], 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) it is not used on board a ship.

- F8** Words in [reg. 7](#) substituted (30.8.2021) by [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2021 \(S.I. 2021/948\)](#), [regs. 1, 3\(5\)](#)

Commencement Information

- I7** [Reg. 7](#) in force at 12.5.2021, see [reg. 1](#)

Earth stations [^{F9}in motion]

8. The use of wireless telegraphy apparatus complying with the interface requirements which form part of the publication [^{F10}“UK Interface Requirement (IR) 2093 Earth Stations in Motion”, published by OFCOM in March 2023], is exempt from the provisions of sections 8(1) of the Act, if—

- (a) it does not cause or contribute to any undue interference to any wireless telegraphy;
- (b) it is not used on board an aircraft and use is not otherwise airborne; ^{F11}...
- (c) it is not used on board a ship [^{F12}; and]
- [^{F13}(d) it is not connected to a non-geostationary satellite.]

- F9** Words in [reg. 8](#) heading substituted (23.3.2023) by [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2023 \(S.I. 2023/243\)](#), [regs. 1, 4\(6\)\(a\)](#)
- F10** Words in [reg. 8](#) substituted (23.3.2023) by [The Wireless Telegraphy \(Exemption\) \(Amendment\) Regulations 2023 \(S.I. 2023/243\)](#), [regs. 1, 4\(6\)\(b\)](#)

- F11** Word in reg. 8(b) omitted (23.3.2023) by virtue of The Wireless Telegraphy (Exemption) (Amendment) Regulations 2023 (S.I. 2023/243), regs. 1, 4(6)(c)
- F12** Word in reg. 8(c) inserted (23.3.2023) by The Wireless Telegraphy (Exemption) (Amendment) Regulations 2023 (S.I. 2023/243), regs. 1, 4(6)(d)
- F13** Reg. 8(d) inserted (23.3.2023) by The Wireless Telegraphy (Exemption) (Amendment) Regulations 2023 (S.I. 2023/243), regs. 1, 4(6)(e)

Commencement Information

- I8** Reg. 8 in force at 12.5.2021, see [reg. 1](#)

Citizens' Band Radio Equipment

9. The use of wireless telegraphy apparatus complying with the interface requirements [^{F14}which form part of the publication “IR 2027.2 – UK Radio Interface Requirement 2027.2 for AM/SSB and DSB use in the Citizens’ Band Radio Service”, published by OFCOM in June 2021], is exempt from the provisions of section 8(1) of the Act, if it does not cause or contribute to any undue interference to any wireless telegraphy.

- F14** Words in reg. 9 substituted (30.8.2021) by The Wireless Telegraphy (Exemption) (Amendment) Regulations 2021 (S.I. 2021/948), regs. 1, 3(7)

Commencement Information

- I9** Reg. 9 in force at 12.5.2021, see [reg. 1](#)

[^{F15}**Safety related intelligent transport systems**

10.—(1) The establishment, installation and use of wireless telegraphy stations or wireless telegraphy apparatus within the frequency band 5875 MHz to 5925 MHz is exempt from the provisions of section 8(1) of the Act, if—

- (a) it complies with the interface requirements which form part of the publication “IR 2086 – UK Interface Requirement 2086 Safety Related Applications of Intelligent Transport Systems”, published by OFCOM in March 2023;
- (b) it does not cause or contribute to undue interference to any wireless telegraphy; and
- (c) the wireless telegraphy stations or wireless telegraphy apparatus are, or are part of, a safety-related intelligent transport system.

(2) In paragraph (1)(c) “intelligent transport system” means a system or service, based on information and communication technologies, including processing, control, positioning, communication and electronics, that is applied to a road transportation system.]

- F15** Reg. 10 inserted (23.3.2023) by The Wireless Telegraphy (Exemption) (Amendment) Regulations 2023 (S.I. 2023/243), regs. 1, 4(7)

SCHEDULE

Regulation 3

Revocations

Commencement Information

I10 Sch. in force at 12.5.2021, see [reg. 1](#)

<i>Regulations</i>	<i>References</i>	<i>Extent of revocation</i>
Wireless Telegraphy (Exemption and Amendment) Regulations 2010	S.I. 2010/2512	Regulation 4 Regulation 5 Regulation 6 Regulation 7 Regulation 8 Regulation 9 Regulation 10
Wireless Telegraphy (Exemption and Amendment) Regulations 2011	S.I. 2011/3035	The whole Regulations
Wireless Telegraphy (Exemption and Amendment) Regulations 2013	S.I. 2013/1253	The whole Regulations
Wireless Telegraphy (Exemption and Amendment) Regulations 2014	S.I. 2014/1448	The whole Regulations
Wireless Telegraphy (Exemption and Amendment) Regulations 2017	S.I. 2017/746	The whole Regulations
Wireless Telegraphy (Exemption and Amendment) Regulations 2018	S.I. 2018/263	Regulation 2 Regulation 3(2)
Wireless Telegraphy (Exemption and Amendment)(No.2) Regulations 2018	S.I. 2018/1140	The whole Regulations
Wireless Telegraphy (Exemption and Amendment) Regulations 2020	S.I. 2020/549	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

Changes to legislation: *There are currently no known outstanding effects for the The Wireless Telegraphy (Exemption) Regulations 2021. (See end of Document for details)*

These Regulations introduce new provisions and consolidate existing legislation which exempts the establishment, installation and use of certain radio equipment which comply with certain terms, provisions and limitations, from the requirement to be licensed under section 8(1) of the Wireless Telegraphy Act 2006 (c. 36).

Regulation 4 exempts the establishment, installation and use of short-range devices, subject to certain terms and limitations set out in the new Interface Requirements published in 2021. These Regulations also consolidate existing legislation by revoking previous regulations (the revocation is in regulation 3) and by exempting (in regulations 5 to 9) the establishment, installation and use of fixed wireless systems, high-density fixed satellite service systems, personal locator beacons, earth stations on mobile platforms, and citizens' band radio equipment, which comply with certain technical requirements, from the requirement to be licenced under section 8(1) of the Wireless Telegraphy Act 2006 (c 36).

Technical requirements are set out in Interface Requirement documents. The Interface Requirements are published by OFCOM and available from OFCOM's website at <https://www.ofcom.org.uk> or from the OFCOM library at Riverside House, 2a Southwark Bridge Road, London, SE1 9HA.

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 <https://www.ofcom.org.uk> or from the OFCOM library at Riverside House, 2a Southwark Bridge Road, London, SE1 9HA. Copies of the assessment have also been placed in the libraries of both Houses of Parliament.

Changes to legislation:

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