

2023 No. 243

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Exemption) (Amendment)
Regulations 2023**

Made - - - - *2nd March 2023*

Coming into force *23rd March 2023*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by section 8(3) and section 122(7) of the Wireless Telegraphy Act 2006(a) (the “Act”).

Before making these Regulations, OFCOM gave 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 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) (Amendment) Regulations 2023 and shall come into force on 23rd March 2023.

Revocation of the Wireless Telegraphy (Intelligent Transport Systems) (Exemption) Regulations 2011

2. The Wireless Telegraphy (Intelligent Transport Systems) (Exemption) Regulations 2011(b) are revoked.

Amendment of the Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2013

3. In the Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2013(c), in regulation 5 (second exemption), in paragraph (2)(b), for “after IP completion day” substitute “during the period starting on IP completion day and ending on 24th March 2023”.

(a) 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. 2006/3325); 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).

(b) S.I. 2011/2949.

(c) S.I. 2013/1437, amended by S.I. 2020/818 and S.I. 2020/1583.

Amendment of the Wireless Telegraphy (Exemption) Regulations 2021

4.—(1) The Wireless Telegraphy (Exemption) Regulations 2021 are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation), at the appropriate place insert—

““*MHz*” means megahertz; and

“*non-geostationary satellite*” means a satellite that does not remain fixed relative to a position on the surface of the earth.”

(3) In regulation 4 (short range devices) for “IR 2030 – UK Interface Requirements 2030 Licence Exempt Short Range Devices”, published by OFCOM in June 2021, are exempt” substitute “IR 2030 – UK Interface Requirements 2030 Licence Exempt Short Range Devices”, published by OFCOM in March 2023, is exempt”.

(4) Omit regulation 5.

(5) In regulation 6 (high density fixed satellite service systems)—

(a) for “IR 2066 – UK Interface Requirement 2066, High Density Fixed Satellite Service Systems (HDFSS)”, published by OFCOM in June 2021, are exempt” substitute “IR 2066 – UK Interface Requirement 2066, High Density Fixed Satellite Service Systems (HDFSS)”, published by OFCOM in March 2023, is exempt”;

(b) at the end of paragraph (a) omit “and”;

(c) at the end of paragraph (b) insert “; and”;

(d) after paragraph (b) insert—

“(c) it is not connected to a non-geostationary satellite.”

(6) In regulation 8 (earth stations on mobile platforms)—

(a) in the heading, for “on mobile platforms” substitute “in motion”;

(b) for “IR 2093 – UK Interface Requirement 2093 Earth Stations on Mobile Platforms”, published by OFCOM in June 2021” substitute “UK Interface Requirement (IR) 2093 Earth Stations in Motion”, published by OFCOM in March 2023”;

(c) at the end of paragraph (b) omit “and”;

(d) at the end of paragraph (c) insert “; and”;

(e) after paragraph (c) insert—

“(d) it is not connected to a non-geostationary satellite.”

(7) After regulation 9 insert—

“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.”

2nd March 2023

David Willis
Group Director, Spectrum Group
Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend and consolidate existing legislation which exempt the establishment, installation and use of wireless telegraphy stations or apparatus 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) (the “licensing requirement”).

Regulation 2 revokes the Wireless Telegraphy (Intelligent Transport Systems) (Exemption) Regulations 2011 (the “2011 Regulations”), which exempted the establishment, installation and use of certain wireless telegraphy stations or wireless telegraphy apparatus within the frequency band 5875 to 5905 megahertz (“MHz”) from the licensing requirement.

Regulation 3 amends the Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2013 to limit the scope of the exemption at regulation 5(2)(b), so that short range radar equipment using the frequency band between 24.25 and 26.65 gigahertz cannot be established or installed in a vehicle registered, placed on the market, or put into service after 24th March 2023.

Regulation 4 amends the Wireless Telegraphy (Exemption) Regulations 2021 to update the publication dates and names of relevant Interface Requirement documents, in order to incorporate changes to some of the technical conditions in the Interface Requirements. It also revokes the previous exemption from the licensing requirement for fixed wireless systems, as well as high density fixed satellite systems and earth stations in motion (previously referred to as earth stations on mobile platforms) where these are connected to a non-geostationary satellite. In addition to this, regulation 4 re-enacts the provisions from the 2011 Regulations, with amendments made to extend the spectrum assignment to 5925 MHz, and to refer to the Interface Requirement document for intelligent transport systems.

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

A full regulatory impact assessment of the effect of these Regulations is available to the public from OFCOM’s website at <https://www.ofcom.org.uk/home> 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.

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