

2011 No. 2949

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Intelligent Transport Systems)
(Exemption) Regulations 2011**

Made - - - - *8th December 2011*

Coming into force - - *31st December 2011*

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

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 (Intelligent Transport Systems) (Exemption) Regulations 2011 and shall come into force on 31st December 2011.

Revocation

2. The Wireless Telegraphy (Vehicle Based Intelligent Transport Systems) (Exemption) Regulations 2009(b) are revoked.

Interpretation

3. In these Regulations—

- (a) “dBm” means decibels of power referenced to one milliWatt;
- (b) “e.i.r.p.” means equivalent isotropic radiated power;
- (c) “ETSI” means the European Telecommunications Standards Institute;
- (d) “intelligent transport system” means a system or service, based on information and communications technologies, including processing, control, positioning, communication and electronics, that is applied to a road transportation system; and
- (e) “MHz” means megahertz.

(a) 2006 c.36
(b) S.I. 2009/65

Exemption

4. The establishment, installation and use of wireless telegraphy stations or wireless telegraphy apparatus within the frequency band 5875 MHz to 5905 MHz complying with the terms, provisions and limitations in regulation 5 is hereby exempt from the provisions of section 8(1) of the Wireless Telegraphy Act 2006.

Terms, provisions and limitations

5. The wireless telegraphy stations or wireless telegraphy apparatus must—
- (a) be, or be part of, a safety-related intelligent transport system;
 - (b) only emit emissions which when measured in any direction have—
 - (i) a maximum mean e.i.r.p. density of 23 dBm per MHz; and
 - (ii) a maximum mean e.i.r.p. of 33 dBm;
 - (c) use techniques to mitigate interference that provide at least equivalent performance to the techniques described in ETSI standard EN302 571 (version 1.1.1)(a); and
 - (d) not cause or contribute to undue interference to any wireless telegraphy.

8th December 2011

Hyacinth S. Nwana
Group Director, Spectrum Policy Group of the Office of Communications
For and by authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations exempt the establishment, installation and use of wireless telegraphy stations or wireless telegraphy apparatus within the frequency band 5875 MHz to 5905 MHz complying 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 terms, provisions and limitations include requirements that the stations and apparatus be used as part of a safety-related intelligent transport system (Regulation 5(a)), that it only emit emissions in accordance with the maximum power levels set out in the Regulations (Regulation 5(b)), and that it uses certain mitigation techniques (Regulation 5(c)).

Regulation 5(c)(i) refers to European Telecommunications Standards Institute (“ETSI”) standard EN302 571. This standard is available to the public from ETSI on their website at <http://etsi.org> or from the ETSI Secretariat at 650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France (Tel: +33 4 92 94 42 00).

Regulation 2 revokes the Wireless Telegraphy (Vehicle Based Intelligent Transport Systems) (Exemption) Regulations 2009 (S.I. 2009/65).

In making these Regulations, the Office of Communications (“OFCOM”) is carrying out its functions so as to give effect to EU obligations contained in the Commission Decision of 5 August 2008 on the harmonised use of radio spectrum in the 5875 – 5905 MHz frequency band for safety-related applications of Intelligent Transport Systems (OJ No L 220 15.8.2008, p.24).

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 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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STATUTORY INSTRUMENTS

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