

2011 No. 3035

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Exemption and Amendment)
(Amendment) Regulations 2011**

Made - - - - *19th December 2011*

Coming into force - - *12th January 2012*

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 (“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 (Exemption and Amendment)(Amendment) Regulations 2011 and shall come into force on 12th January 2012.

Amendment of the Wireless Telegraphy (Exemption and Amendment) Regulations 2010

2. The Wireless Telegraphy (Exemption and Amendment) Regulations 2010(b) are amended as follows—

- (a) in regulation 5, for ““IR 2030 – UK Interface Requirements 2030, Licence Exempt Short Range Devices”” substitute ““IR 2030 – UK Interface Requirements 2030 Licence Exempt Short Range Devices (December 2011)” published by OFCOM in December 2011”;
- (b) omit the footnote in regulation 5; and
- (c) after regulation 7, insert—

“Personal locator beacons

8. The use of wireless telegraphy apparatus in the frequency band 406 to 406.1 megahertz complying with the publication “IR 2084 - UK Interface Requirement 2084 Cospas-Sarsat locator beacons for use on land (December 2011)” published by OFCOM in December 2011, 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;

(a) 2006 c. 36
(b) S.I. 2010/2512

- (b) use is not airborne; and
- (c) it is not used on board a ship.”.

19th 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 amend the Wireless Telegraphy (Exemption and Amendment) Regulations 2010 (S.I. 2010/2512) (“the Principal Regulations”) to widen the classes of wireless telegraphy apparatus whose use is exempted from the requirement to be licensed under section 8(1) of the Wireless Telegraphy Act 2006 (c.36).

Regulation 5 of the Principal Regulations exempts short range devices complying with technical requirements set out in a published interface requirement, IR 2030. IR 2030 has been amended to reflect Commission Decision 2011/829 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short range devices (OJ No L 329, 13.12.2010, p.10) and to extend the exemption to non-specific short range devices in the 138.2 to 138.45 megahertz (MHz) band. Regulation 2(a) of these Regulations amends regulation 5 of the Principal Regulations to refer to the updated IR 2030.

Regulation 2(c) amends the Principal Regulations in order to exempt personal locator beacons in the frequency band 406 to 406.1 MHz from the requirement to be licensed subject to certain terms, provisions and limitations. These include requirements that the apparatus comply with a published interface requirement (IR 2084), does not cause or contribute to undue interference to any wireless telegraphy, and its use is neither airborne nor on board a ship.

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>.

In making these Regulations, OFCOM is carrying out its functions so as to give effect to EU obligations contained in the Commission Implementing Decision of 2011/829 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short range devices (OJ No L 329, 13.12.2011, p.10).

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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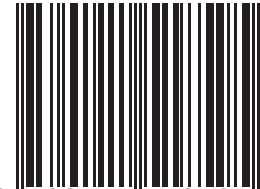
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