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STATUTORY INSTRUMENTS

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**2011 No. 316**

**ELECTRONIC COMMUNICATIONS**

**The Wireless Telegraphy (Mobile Communication Services on Board Ships) (Exemption) Regulations 2011**

*Made* - - - - *10th February 2011*

*Coming into force* - - *10th March 2011*

The Office of Communications (“OFCOM”), in exercise of the powers conferred by section 8(3) of the Wireless Telegraphy Act 2006(1) (“the Act”), make the following Regulations.

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 (Mobile Communication Services on Board Ships) (Exemption) Regulations 2011 and shall come into force on 10th March 2011.

**Interpretation**

2. In these Regulations—

“apparatus” means wireless telegraphy apparatus;

“baseline” has the meaning given in regulation 4(2)(b);

“dBi” means decibels of power referenced to the gain of an isotrope antenna;

“dBm” means decibels of power referenced to one milliWatt;

“ETSI” means the European Telecommunications Standards Institute;

“GSM system” means an electronic communications network, that complies with the GSM standard EN 301 511 published by ETSI(2);

“kHz” means kilohertz;

“MHz” means megahertz;

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(1) [2006 c.36](#). Section 8(3) was extended to the Bailiwick of Guernsey by article 2 of the Wireless Telegraphy (Guernsey) Order 2006 ([S.I. 2006/3325](#)); and 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](#)).

(2) EN 301 511 (version 9.0.2) was published 20th March 2003.

“mobile communication services on board ships” means electronic communications services provided to enable persons on board a ship to communicate via public communication networks using a GSM system without establishing direct connections with land-based mobile networks;

“ship base transceiver station” means a mobile pico-cell located on a ship supporting GSM services in the 900 MHz band or in the 1800 MHz band;

“the 900 MHz band” means the 880-915 MHz frequency band (for the uplink from the apparatus to the ship base transceiver station) and the 925-960 MHz frequency band (for the downlink from the ship base transceiver station to the apparatus); and

“the 1800 MHz band” means the 1710-1785 MHz frequency band (for the uplink from the apparatus to the ship base transceiver station) and the 1805-1880 MHz frequency band (for the downlink from the ship base transceiver station to the apparatus).

### Exemption

3. The use of any apparatus on board a ship which is—
  - (a) registered in the United Kingdom, the Isle of Man, or any of the Channel Islands; and
  - (b) within the limits of the British Islands and the territorial waters adjacent thereto, or, for the time being, beyond the British Islands and the territorial waters adjacent thereto;

is hereby exempt from the provisions of section 8(1) of the Wireless Telegraphy Act 2006 where the terms, provisions and limitations in regulation 4 are met.

### Terms, provisions and limitations

- 4.—(1) The apparatus shall operate in the 900 MHz band and the 1800 MHz band.
- (2) The apparatus shall be used—
  - (a) only for mobile communication services on board ships; and
  - (b) only when the ship is two nautical miles or more from the baseline for measuring the breadth of the territorial waters under the United Nations Convention on the Law of the Sea<sup>(3)</sup> (“baseline”).
- (3) When controlled by a ship base transceiver station, the apparatus shall operate with a maximum radiated output power which is no greater than—
  - (i) 5 dBm in the 900 MHz band; and
  - (ii) 0 dBm in the 1800 MHz band.
- (4) The apparatus shall connect directly to a ship base transceiver station which—
  - (a) only uses indoor antennas between two and twelve nautical miles from the baseline; and
  - (b) operates such that there is a maximum power density in external areas of the ship of –80 dBm per 200 kHz with reference to a 0 dBi measurement antenna gain.
- (5) The apparatus must form part of a GSM system which mitigates interference using the techniques in paragraph (6) or other techniques which provide at least an equivalent mitigation of interference.
- (6) The techniques referred to in paragraph (5) are—

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(3) Cmnd. 8941.

- (a) the receiver sensitivity and disconnection threshold (as described in the GSM standards TS 144 008(4) and TS 144 018(5) published by ETSI) of the apparatus when used on board a ship is—
    - (i) between two and three nautical miles from the baseline equal to or higher than  $-70$  dBm per 200 kHz; and
    - (ii) between three and twelve nautical miles from the baseline equal to or higher than  $-75$  dBm per 200 kHz;
  - (b) discontinuous transmission (as described in the GSM standard TS 144 008 published by ETSI) is activated in the uplink from the apparatus to the ship base transceiver station; and
  - (c) the timing advance (as described in the GSM standard TS 144 018 published by ETSI) is set to the minimum.
- (7) The apparatus shall not cause or contribute to undue interference to any wireless telegraphy.

*Ed Richards*  
Chief Executive of the Office of  
Communications  
For and by authority of the Office of  
Communications

10th February 2011

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(4) ETSI TS 144 008 (version 4) was published on 4 May 2001.  
(5) ETSI TS 144 018 (version 9.7.0) was published on 20 January 2011.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations give effect to EU obligations of the United Kingdom contained in the Commission Decision of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union (OJ No L 72 20.3.2010, p. 38).

These Regulations exempt the use of wireless telegraphy apparatus which complies 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 apparatus must be on board a ship which is registered in the United Kingdom, the Isle of Man or any of the Channel Islands and the exemption applies when the ship is within the limits of the British Islands and the territorial waters adjacent thereto, or, for the time being, beyond the British Islands and the territorial waters adjacent thereto (Regulation 3).

The apparatus must only be used when the ship is two nautical miles or more from the baseline for measuring the breadth of the territorial waters under the United Nations Convention on the Law of the Sea (Regulation 4(2)(b)). Further technical requirements are also specified in regulation 4.

The ETSI standards are available to the public from ETSI on their website at <http://www.etsi.org> or from the ETSI Secretariat at 650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France (Tel: +33 4 92 94 42 00).

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.