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STATUTORY INSTRUMENTS

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**1996 No. 316**

**TELEGRAPHS**

**The Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1996**

<i>Made</i>	- - - -	<i>15th February 1996</i>
<i>Laid before Parliament</i>		<i>19th February 1996</i>
<i>Coming into force</i>	- -	<i>11th March 1996</i>

The Secretary of State, in exercise of the powers conferred by sections 1(1) and 3(1)(a) and (b) of the Wireless Telegraphy Act 1949<sup>(1)</sup> as enacted, and as extended by the Wireless Telegraphy (Channel Islands) Order 1952<sup>(2)</sup> and the Wireless Telegraphy (Isle of Man) Order 1952<sup>(3)</sup>, and now vested in him<sup>(4)</sup>, the power conferred on him by section 84(1)(b) of the Telecommunications Act 1984<sup>(5)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1996 and shall come into force on 11th March 1996.

**Revocation**

2. The Regulations set out in Schedule 1 are hereby revoked.

**Interpretation**

3.—(1) In these Regulations—

“the 1984 Act” means the Telecommunications Act 1984;

“apparatus” means wireless telegraphy apparatus;

“authorised person” means any person authorised by the Secretary of State for the purposes of regulation 6;

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(1) 1949 c. 54; there are amendments to section 1(1) not relevant to these Regulations.

(2) S.I. 1952/1900.

(3) S.I. 1952/1899.

(4) Post Office Act 1969 (c. 48), section 3; S.I. 1969/1369, article 3; S.I. 1969/1371, article 2; S.I. 1974/691, article 2.

(5) 1984 c. 12; section 84 was extended to Guernsey and the Isle of Man by S.I. 1994/1064 and S.I. 1995/268 respectively.

“common technical regulation” shall be construed in accordance with regulation 3(3) of the Telecommunications Terminal Equipment Regulations 1992(6);

“data message” means a non-voice message;

“EN45001 and EN45002” means European Standards (Normes Europeene) EN45001 and 45002 published in 1989 by the British Standards Institution;

“ETSI” means the European Telecommunications Standards Institute(7);

“ISO guides 25 and 38” means the International Organization for Standardization Guides 25 and 38 published by the International Organization for Standardization in 1990 and 1993 respectively;

“MPTs 1322, 1334 and 1371” means Department of Trade and Industry Performance Specifications 1322, 1334 and 1371 referred to in Part I of Schedule 3;

“public switched telephone network” means a public telecommunication system by means of which two-way voice telephony services are provided whereby messages are switched incidentally to their conveyance;

“relevant apparatus” means any station or apparatus described in Schedule 2; and

“station” means a station for wireless telegraphy.

(2) In these Regulations, “connected”, “convey”, “telecommunication apparatus”, “telecommunication service” and “telecommunication system” shall be construed in accordance with section 4 of the 1984 Act, and “public telecommunication system” shall be construed in accordance with section 9(1) of the 1984 Act.

### **Exemption**

4.—(1) Subject to paragraph (2) below and regulation 5, the establishment, installation and use of relevant apparatus are hereby exempted from the provisions of section 1(1) of the Wireless Telegraphy Act 1949.

(2) The exemption in paragraph (1) shall not apply to relevant apparatus which is established, installed or used to provide or to be capable of providing a wireless telephony link between telecommunication apparatus, or a telecommunication system, and a public switched telephone network, by means of which a telecommunication service is provided by way of business to another person.

### **Terms, provisions and limitations**

5. The exemption provided for in regulation 4 shall be subject to the terms, provisions and limitations that—

- (a) the relevant apparatus shall not cause or contribute to any undue interference to any wireless telegraphy; and
- (b) unless there is a common technical regulation in force in respect of the relevant apparatus, such apparatus—
  - (i) is approved for the time being by the Secretary of State under section 84 of the 1984 Act for the purposes of these Regulations;
  - (ii) complies with the requirements of MPTs 1322, 1334 and 1371 as appropriate; or
  - (iii) is approved to the European Telecommunications Standards referred to in Part I of Schedule 3 as appropriate by the national administration of a country listed in Part II

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(6) S.I. 1992/2423, amended and extended by S.I. 1994/3129.

(7) ETSI was set up in 1988 on the joint initiative of the European Commission and the European Postal and Telecommunications Conference (CEPT).

of that Schedule following type testing at a test laboratory, which has been accredited in accordance with ISO guides 25 and 38 or EN45001 and EN45002 or a national standard conforming to ISO guides 25 and 38 or EN45001 and EN45002.

### **Inspection and restrictions on use**

6.—(1) Where an authorised person has reasonable cause to believe that any relevant apparatus is not complying with regulation 5, any person who is in possession or control of the relevant apparatus shall, on the demand of that authorised person—

(a) permit and facilitate its inspection by that authorised person; and

(b) cause its use to—

(i) cease; or

(ii) be restricted in the manner specified by that authorised person,

for a period of time ending either on a date or on the occurrence of an event specified by that authorised person.

(2) Any authorised person exercising powers under paragraph (1) above shall produce evidence of his authority, if so required by the person in possession or control of the relevant apparatus.

Department of Trade and Industry  
15th February 1996

*Ian Taylor*  
Parliamentary Under-Secretary of State for Trade  
and Technology,

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SCHEDULE 1

Regulation 2

REVOCATIONS

(1) Regulations revoked	(2) References
The Wireless Telegraphy (Exemption) Regulations 1982	S.I.1982/1697
The Wireless Telegraphy (Exemption) (Amendment) (Cordless Telephone Apparatus) Regulations 1987	S.I. 1987/775
The Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1988	S.I. 1988/1648
The Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1992	S.I. 1992/2008

SCHEDULE 2

Regulation 3(1)

DESCRIPTIONS OF THE RELEVANT APPARATUS

**Analogue Cordless Telephone Apparatus (CT1)**

1. Apparatus consisting of a base station and one or more portable stations designed or adapted in accordance with MPT 1322—

- (a) to be used to send and receive voice or data messages to be conveyed over a telecommunication system to which the base station is connected; and
- (b) so as to operate on one or more of the pairs of frequencies set out below—

Channel No.	Base station transmission frequency	Portable station transmission frequency
1.	1642.00 kHz	47.45625 MHz
2.	1662.00 kHz	47.46875 MHz
3.	1682.00 kHz	47.48125 MHz
4.	1702.00 kHz	47.49375 MHz
5.	1722.00 kHz	47.50625 MHz
6.	1742.00 kHz	47.51875 MHz
7.	1762.00 kHz	47.53125 MHz or 47.44375 MHz
8.	1782.00 kHz	47.54375 MHz

**Analogue Cordless Telephone Extended Range Apparatus (Extended Range CT1)**

2. Apparatus consisting of a base station and one or more portable stations designed or adapted in accordance with MPT 1371—

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- (a) to be used to send and receive voice or data messages to be conveyed over a telecommunication system to which the base station is connected; and
- (b) so as to operate on either of the pairs of frequencies set out below—

Channel No.	Base station transmission frequency	Portable station transmission frequency
1.	47.43125 MHz	77.51250 MHz
2.	47.41875 MHz	77.55000 MHz

### **Digital Cordless Telephone Apparatus (CT2)**

3. Apparatus conforming, at the time it is manufactured, to MPT 1334 or the Interim European Telecommunications Standard I-ETS 300 131 referred to in Part I of Schedule 3 and consisting of a base station and one or more portable stations designed or adapted—

- (a) to be used to send and receive voice or data messages or visual images in digitised packets in time division duplex mode bi-directionally to be conveyed over a telecommunication system to which the base station is connected; and
- (b) so as to operate in a 100 kHz channel within the frequency band 864.1—868.1 MHz.

### **Digital European Cordless Telecommunications Apparatus (DECT, also known as Digital Enhanced Telecommunications Apparatus)**

4. Apparatus conforming, at the time it is manufactured, to the ETSI Technical Basis for Regulation TBR 006 referred to in Part I of Schedule 3(8) and consisting of one or more base stations, repeater stations and portable stations designed or adapted—

- (a) to be used to send and receive voice or data messages or visual images either directly between a base station and a portable station or between a base station and a portable station by relay through a repeater station in digitised packets in time division duplex mode bi-directionally to be conveyed over a telecommunication system to which the base station is connected; and
- (b) so as to operate within the frequency band 1880—1900 MHz(9).

For the purposes of this paragraph, “repeater station” means a station which relays the voice or data message or visual image between the base station and one or more portable stations.

## SCHEDULE 3

Regulation 5(b)

## PART I

### **CT1**

Department of Trade and Industry Performance Specification MPT 1322 published in August 1982 and revised and reprinted in August 1994.

(8) Council Recommendation 91/288/EEC of 3rd June 1991 (OJ No. L144, 8.6.91, p.47) referred to the coordinated introduction of DECT into the European Community.

(9) Council Directive 91/287/EEC of 3rd June 1991 (OJ No. L144, 8.6.91, p.45) designated the frequency band for the coordinated introduction of DECT into the European Community.

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### **Extended range CT1**

Department of Trade and Industry Performance Specification MPT 1371 published in May 1989 and revised and reprinted in August 1994.

### **CT2**

Department of Trade and Industry Performance Specification MPT 1334 published in December 1987 and revised and reprinted in July 1994.

Interim European Telecommunications Standard I-ETS 300 131 published in April 1992 and revised and reprinted in November 1994.

### **DECT**

ETSI Technical Basis for Regulation TBR 006 published in December 1993 and revised and reprinted in December 1995.

## **PART II**

Country	Symbol
Albania	AL
Austria	A
Belgium	B
Bosnia and Herzegovina	BH
Bulgaria	BG
Croatia	HR
Cyprus	CY
Czech Republic	CZ
Denmark	DK
Estonia	EST
Finland	FI
France	F
Germany	D
Greece	GR
Hungary	H
Iceland	IS
Ireland	IRL
Italy	I
Liechtenstein	FL
Lithuania	LT
Luxembourg	L

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Country	Symbol
Malta	M
Moldova	MLD
Monaco	MC
Netherlands	NL
Norway	N
Poland	PL
Portugal	P
Romania	RO
San Marino	RSM
Slovakia	SK
Slovenia	SLO
Spain	E
Sweden	S
Switzerland	CH
Turkey	TR
United Kingdom of Great Britain and Northern Ireland	GB
Vatican City	SCV

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## EXPLANATORY NOTE

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

These Regulations provide for the exemption from the licensing requirements of section 1(1) of the Wireless Telegraphy Act 1949 of certain cordless telephone apparatus referred to as relevant apparatus. Accordingly it will not be necessary to hold a licence to establish, install and use relevant apparatus. The relevant apparatus is described in Schedule 2.

The Regulations provide that the exemption shall not apply to relevant apparatus which is established, installed or used to provide or is capable of providing a local loop by-pass by way of business (regulation 4(2)).

The Regulations extend the categories of relevant apparatus to include cordless telephone apparatus which conforms to the European Telecommunications Standard for Digital European Cordless Telecommunications (regulation 4 and paragraph 4 of Schedule 2).

Regulation 5 provides that for the exemption to apply, certain requirements must be complied with. The relevant apparatus must not cause or contribute to undue interference to any wireless telegraphy, and (unless there is a common technical regulation in force in respect of such apparatus) must either

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be approved by the Secretary of State under section 84 of the Telecommunications Act 1984, comply with the requirements of Performance Specifications MPT 1322, 1334 or 1371, or be approved to European Telecommunications Standards I-ETS 300 131 or TBR 006.

Regulation 6 requires that the relevant apparatus must be available for inspection, and that its use must cease, or its operation must be restricted, on the demand of a person authorised in that behalf by the Secretary of State. Failure to comply with such a demand is an offence under section 3 of the Wireless Telegraphy Act 1949.

These Regulations revoke and replace the Wireless Telegraphy (Exemption) Regulations 1982, the Wireless Telegraphy (Exemption) (Amendment) (Cordless Telephone Apparatus) Regulations 1987, the Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1988 and the Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1992.

In addition to the requirements set out in regulation 5, the relevant apparatus will have to comply with the provisions of regulation 8 of the Telecommunications Terminal Equipment Regulations 1992 (S.I. [1992/2423](#), as amended and extended by S.I. [1994/3129](#)), if applicable, before being supplied, connected or permitted to remain connected to a public telecommunication network or put into service. From 1st January 1996 the apparatus has to comply with the type approval requirements set out in Part VI of the Electromagnetic Compatibility Regulations 1992 (S.I. [1992/2372](#), as amended by S.I. [1994/3080](#)) before being supplied or taken into service to the extent that they are not duplicated by the applicable provisions of the Telecommunications Terminal Equipment Regulations.

The use of the relevant apparatus remains subject to the licensing requirements set out in section 7 of the Telecommunications Act 1984. Details of the licensing requirements which may be applicable may be obtained from the Office of Telecommunications, Export House, 50 Ludgate Hill, London EC4M 7JJ (Tel: 0171-634 8700).

Copies of Performance Specifications MPT 1322, 1334 and 1371 may be obtained from the Radiocommunications Agency Library at South Quay Three, 189 Marsh Wall, London E14 9SX (Tel: 0171-211 0211).

Copies of the European Telecommunications Standards for CT2 and DECT apparatus may be obtained from the British Standards Institution, 389 Chiswick High Road, London W4 4AL (Tel: 0181-996 7000) or from ETSI at 06921 Sophia Antipolis, Cedex, France (Tel: 00-33 92 94 42 00).