

1989 No. 123

TELEGRAPHS

The Wireless Telegraphy Apparatus (Receivers)
(Exemption) Regulations 1989.

<i>Made</i> - - - -	<i>27th January 1989</i>
<i>Laid before Parliament</i>	<i>3rd February 1989</i>
<i>Coming into force</i>	<i>27th February 1989</i>

The Secretary of State, in exercise of the power conferred by section 1 of the Wireless Telegraphy Act 1949(a) ("the Act") as enacted, and as extended by the Wireless Telegraphy (Channel Islands) Order 1952(b) and the Wireless Telegraphy (Isle of Man) Order 1952(c), and now vested in him(d), 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 Apparatus (Receivers) (Exemption) Regulations 1989 and shall come into force on 27th February 1989.

Interpretation

2. In these Regulations -

"authorised broadcasting station" means a station for the time being duly authorised to conduct a broadcasting service pursuant to the Radio Regulations published by the General Secretariat of the International Telecommunication Union for the time being in force(e); and

"transmission" means any intentional emission by wireless telegraphy.

Exemption

3. Subject to the terms, provisions and limitations contained in regulation 4 and except as provided for in regulations 5 and 6, there are hereby exempted from the provisions of section 1 of the Act -

- (a) the establishment or use for wireless telegraphy of any station; and
- (b) the installation or use for wireless telegraphy of any apparatus,

which is inherently incapable of transmission.

(a) 1949 c.54. (b) S.I. 1952/1900. (c) S.I. 1952/1899. (d) Post Office Act 1969 (c.48); S.I. 1969/1369, Article 3; S.I. 1969/1371, Article 2; and S.I. 1974/691, Article 2. (e) The Radio Regulations are annexed to the International Telecommunication Convention 1982 (Cmnd. 9557) pursuant to Articles 43 and 83 of the Convention, which was adopted by the International Telecommunication Union at Nairobi on 6th November 1982, and ratified by the United Kingdom on 15th November 1984. The 1982 edition of the Radio Regulations was revised in 1985, 1986 and 1988.

Terms, provisions and limitations

4. The terms, provisions and limitations to which the exemption provided for in regulation 3 shall be subject are that the station or apparatus for wireless telegraphy shall not –

- (a) infringe any requirements for the time being applied to it by or under any enactment for the purpose of preventing it from causing interference with any wireless telegraphy; or
- (b) cause undue interference with any wireless telegraphy.

Exceptions

5. The exemption provided for in regulation 3 shall not extend to the establishment or use of any station for wireless telegraphy, or the installation or use of any apparatus for wireless telegraphy –

- (a) for the primary purpose of receiving visual images (with or without sound) sent by television by authorised broadcasting stations for general reception; or
- (b) used for receiving broadcasts from any broadcasting station (other than a space station) which has not been licensed to transmit those broadcasts by the government of any country or territory.

6. The exemption provided for in regulation 3 shall not apply to any station or apparatus for wireless telegraphy which is exempted from the provisions of section 1(1) of the Act by –

- (a) the Wireless Telegraphy (Exemption) Regulations 1980(a); or
- (b) the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984(b).

27th January 1989.

Robert Atkins
Parliamentary Under Secretary of State,
Department of Trade and Industry

(a) S.I. 1980/1848, regulation 3. (b) S.I. 1984/1053, regulations 3 and 4. There are amendments to S.I. 1984/1053 not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the exemption from the provisions of section 1(1) of the Wireless Telegraphy Act 1949 of all wireless telegraphy apparatus which is capable only of receiving transmissions, except for the apparatus mentioned below. Accordingly it will not be necessary to hold a licence to install and use apparatus to which these Regulations apply.

These Regulations do not affect television receiving licences, for which the charges continue to be set under the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984 (S.I. 1984/1053, as amended by S.I. 1988/376 and 899).

These Regulations do not apply to apparatus which is already exempt from licensing by virtue of other Regulations. S.I. 1984/1053, referred to above, exempts apparatus used only for the reception of sound broadcasts made by authorised broadcasting stations, apparatus used only for receiving messages from licensed amateur stations, and broadcast relay apparatus. The Wireless Telegraphy (Exemption) Regulations 1980 (S.I. 1980/1848) exempt, inter alia, radio controlled models.

The exemption does not extend to apparatus used for listening to unlicensed broadcasting stations.

For these Regulations to apply, the apparatus must not cause undue interference, and must comply with any enactment which gives protection against its causing interference.

The Regulations do not affect –

- (a) the operation of either the Interception of Communications Act 1985, or section 5(b) of the Wireless Telegraphy Act 1949
- (b) the civil or criminal liability resulting from unauthorised reception or dealing.