
STATUTORY INSTRUMENTS

1989 No. 1842

The Wireless Telegraphy (Testing and Development Under Suppressed Radiation Conditions) (Exemption) Regulations 1989

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Testing and Development Under Suppressed Radiation Conditions) (Exemption) Regulations 1989 and shall come into force on 1st November 1989.

Interpretation

2. In these Regulations –

“the Act” means the Wireless Telegraphy Act 1949;

“apparatus” means wireless telegraphy apparatus; and “relevant apparatus” means apparatus to which these Regulations apply;

“authorised person” means any person authorised by the Secretary of State for the purposes of the Act, the Wireless Telegraphy Act 1967(1) and the Telecommunications Act (1984)(2);

“field strength” means the magnitude of a component of the electric or magnetic field;

“premises” includes a vehicle, vessel or aircraft;

“spurious emission” means an emission –

- (a) on a frequency which is outside the necessary bandwidth; and
- (b) the level of which may be reduced without affecting the corresponding transmission of information,

and, without prejudice to the generality of the foregoing, includes harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products;

“station” means a station for wireless telegraphy; and “relevant station” means a station to which these Regulations apply;

“suppressed radiation conditions” means conditions under which the electromagnetic energy emitted by any station or apparatus is suppressed, reduced or contained at or to such a level that it is incapable, under all reasonably foreseeable operational conditions, of causing interference with any station or apparatus which is situated outside the boundary of the premises in which the first mentioned station or apparatus is situated; and

“testing or development” includes:

- (a) modifying, servicing or repairing, and
- (b) scientific research, training, instruction or experimentation in radio theory or practice.

(1) 1967 c. 72. The relevant amendments to the Wireless Telegraphy Acts of 1949 and 1967 are contained in section 3 of the Post Office Act 1969, Part VI of the Telecommunications Act 1984 and S.I.1974/691, article 2.

(2) 1984 c. 12.

Application

3.—(1) Subject to paragraph (2), these Regulations apply to any station or apparatus for the testing or development of that, or any other, station or apparatus under suppressed radiation conditions.

(2) These Regulations shall not extend to any station or apparatus the establishment, installation or use of which is exempted from the provisions of section 1(1) of the Act by –

- (a) the Wireless Telegraphy (Exemption) Regulations 1980(3);
- (b) the Wireless Telegraphy (Exemption) Regulations 1982(4);
- (c) the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984(5);
- (d) the Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1988(6)
- (e) the Wireless Telegraphy Apparatus (Receivers) (Exemption) Regulations 1989(7); or
- (f) the Wireless Telegraphy Apparatus (Low Power Devices) (Exemption) Regulations 1989(8).

Exemption

4. Subject to regulation 5, the establishment, installation and use of any relevant station or relevant apparatus are hereby exempted from the provisions of section 1(1) of the Act.

Terms, provisions and limitations

5. The exemption provided for in regulation 4 shall be subject to the terms, provisions and limitations that the relevant station or relevant apparatus shall –

- (a) be operated –
 - (i) only on those frequencies;
 - (ii) at a maximum field strength no greater than the limit;
- (iii) so as not to radiate spurious emissions in excess of the limits, specified in the Schedule; and
- (b) not cause undue interference with any wireless telegraphy.

Inspection and Restrictions on Use

6. Where the Secretary of State has reasonable cause to believe that a relevant station or relevant apparatus is –

- (a) causing undue interference with any wireless telegraphy; or
- (b) emitting signals which are capable of causing interference with any station or apparatus which is situated outside the boundary of the premises on which the relevant station or relevant apparatus is situated,

any person who is in possession or control of the relevant station or the relevant apparatus shall on the demand of any authorised person:–

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

(3) S.I. 1980/1848, regulation 3 (amended by S.I. 1987/776).

(4) S.I. 1982/1697, regulation 3 (amended by S.I. 1987/775, regulations 3 and 4).

(5) S.I. 1984/1053, regulations 3 and 4. There are amendments to this instrument not relevant to these regulations.

(6) S.I. 1988/1648, regulations 3 and 4.

(7) S.I. 1989/123, regulation 3.

(8) S.I. 1989/604, regulation 3.

- (ii) cause its use to:
 - (aa) cease; or
 - (bb) be restricted in the manner specified by the authorised person.

Measurement of emissions

7. Any person using a relevant station or relevant apparatus pursuant to the exemption provided for in regulation 4 above shall conduct such measurements as are reasonably necessary to ascertain whether the terms, provisions and limitations set out in the Schedule are being complied with.

6th October 1989

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Department of Trade and Industry