
STATUTORY INSTRUMENTS

1991 No. 1523

TELEGRAPHS

The Wireless Telegraphy Apparatus (Low Power Devices) (Exemption) Regulations 1991

<i>Made</i>	- - - -	<i>3rd July 1991</i>
<i>Laid before Parliament</i>		<i>9th July 1991</i>
<i>Coming into force</i>	- -	<i>31st July 1991</i>

The Secretary of State, in exercise of the powers conferred by sections 1 and 3 of the Wireless Telegraphy Act 1949(1) and now vested in him(2), the power conferred on him by section 84 of the Telecommunications Act 1984(3), 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 (Low Power Devices) (Exemption) Regulations 1991 and shall come into force on 31st July 1991.

Interpretation

2. In these Regulations—

“the 1949 Act” means the Wireless Telegraphy Act 1949;

“the 1984 Act” means the Telecommunications Act 1984;

“authorised person” means any person authorised by the Secretary of State for the purposes of the 1949 Act, the Wireless Telegraphy Act 1967(4) and the 1984 Act.

“ERP” means effective radiated power, as defined in the Radio Regulations;

the “Radio Regulations” means the 1982 edition of the Radio Regulations, as revised in 1985, 1986, 1988 and 1990, and annexed to the International Telecommunication Convention 1982(5) pursuant to Articles 43 and 83 of that Convention;

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

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

(3) 1984 c. 12.

(4) 1967 c. 72. The relevant amendments to the Acts of 1949 and 1967 are contained in section 3 of the Post Office Act 1969, Part VI of the Telecommunications Act 1984, section 173 of the Broadcasting Act 1990 (c. 42) and S.I. 1974/691, article 2.

(5) Cmnd. 9557.

“relevant apparatus” means wireless telegraphy apparatus or apparatus designed or adapted for use in connection with wireless telegraphy apparatus; and

“restriction period” means a period of time ending either on a date, or the occurrence of an event, specified by an authorised person.

Exemption and Extent

3.—(1) Subject to paragraph (2) of this regulation and regulation 4, the establishment, installation and use of any apparatus for wireless telegraphy of a description set out in Part I or Part II of the Schedule hereto (hereinafter referred to as a “relevant low power device”) are hereby exempted from the provisions of section 1(1) of the 1949 Act.

(2) The exemption provided for in paragraph (1) shall not, in relation to the description of relevant low power device set out in Part II of the Schedule, extend to Northern Ireland.

Terms, provisions and limitations

4. The exemption provided for in regulation 3 shall be subject to the terms, provisions and limitations that—

- (a) the relevant apparatus comprised in the relevant low power device shall be for the time being approved under section 84 of the 1984 Act; and
- (b) the relevant low power device shall not—
 - (i) infringe any requirements for the time being applied to it under any enactment for the purpose of preventing it from causing interference with any wireless telegraphy; or
 - (ii) cause undue interference with any wireless telegraphy.

Restrictions on use

5. Where an authorised person has reasonable cause to believe that a relevant low power device is not complying with regulation 4, any person who is in possession or control of the relevant low power device shall, on the demand of that authorised person—

- (a) permit and facilitate its inspection by that authorised person;
- (b) cause its use to—
 - (i) cease; or
 - (ii) be restricted in the manner specified by that authorised person, for the restriction period determined by that authorised person.

3rd July 1991

John Redwood
Minister of State,
Department of Trade and Industry

SCHEDULE

Regulation 3

DESCRIPTIONS OF RELEVANT LOW POWER DEVICES

PART I

Car Theft Paging Alarms

1. Wireless telegraphy apparatus designed or adapted—
 - (a) for installation or location in or upon a motor vehicle for the transmission of non-verbal signals to a radio paging receiver giving warning that the motor vehicle is being interfered with; and
 - (b) so as to be capable of use only—
 - (i) at a power not exceeding 100 mW ERP; and
 - (ii) on one of the frequencies listed below—
47.40 MHz
458.90 MHz.

Radio Keys

2. Wireless telegraphy apparatus designed or adapted—
 - (a) for the transmission of non-verbal signals to wireless telegraphy receiving apparatus installed or located in or upon a motor vehicle for the purpose of—
 - (i) locking and unlocking the motor vehicle; and
 - (ii) setting and unsetting—
 - (aa) a car theft paging alarm; or
 - (bb) a car theft alarm which operates other than by wireless telegraphy; or both; and
 - (b) so as to be capable of use only—
 - (i) at a power not exceeding 1 mW ERP; and
 - (ii) on the 458.90 MHz frequency.

Mobile and Transportable Vehicle Alarms

3. Wireless telegraphy apparatus designed or adapted—
 - (a) for installation or location in or upon a motor vehicle or caravan for the transmission of non-verbal signals to wireless telegraphy receiving apparatus situated in a building or temporary structure giving warning that the motor vehicle is being interfered with; and
 - (b) so as to be capable of use only—
 - (i) at a power not exceeding 10 mW ERP on the 173.1875 MHz frequency; or
 - (ii) at a power not exceeding 100 mW ERP on the 458.8375 MHz frequency.

Lone Worker Safety Alarm

4. Wireless telegraphy apparatus designed or adapted—

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

- (a) for the transmission of non-verbal signals to wireless telegraphy receiving apparatus summoning assistance for workers at isolated locations or working in hazardous environments; and
- (b) so as to be capable of use only—
 - (i) at a power not exceeding 10 mW ERP on the 173.1875 MHz frequency; or
 - (ii) at a power not exceeding 100 mW ERP on the 458.8375 MHz frequency.

Marine Alarms

- 5. Wireless telegraphy apparatus designed or adapted—
 - (a) for the transmission of non-verbal signals from a vessel to wireless telegraphy receiving apparatus installed either onshore or in or upon another vessel in order to activate an alarm; and
 - (b) so as to be capable of use only—
 - (i) at a power not exceeding 10 mW ERP; and
 - (ii) on the 161.275 MHz frequency.

Fixed Alarms

- 6. Wireless telegraphy apparatus designed or adapted—
 - (a) for the transmission of non-verbal signals to wireless telegraphy receiving apparatus installed in or upon a building in order to activate an alarm; and
 - (b) so as to be capable of use only—
 - (i) at a power not exceeding 10 mW ERP on the 173.225 MHz frequency; or
 - (ii) at a power not exceeding 100 mW ERP on the 458.8250 MHz frequency.

PART II

Cordless Local Area Networks Apparatus

- 7. Wireless telegraphy apparatus designed or adapted—
 - (a) for providing for indoor use within one building a data link between computers, terminals and peripheral devices or any of them; and
 - (b) so as to be capable of use only—
 - (i) at a power not exceeding 1 W;
 - (ii) within the frequency band 2.445–2.475 GHz; and
 - (iii) employing either direct sequence or frequency hopping spread spectrum modulation.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the exemption from the provision of section 1(1) of the Wireless Telegraphy Act 1949 of various low power devices. Accordingly it will not be necessary to hold a licence to instal and use apparatus to which these Regulations apply. The descriptions of low power devices which are exempt are set out in the Schedule.

Regulation 4 provides that, for exemption to apply, certain requirements must be complied with. The low power device must be for the time being approved under section 84 of the Telecommunications Act 1984. Devices exempted from licensing by these Regulations must not cause interference.

The exemption provided for in these Regulations applies to England, Wales, Scotland and Northern Ireland except for the Low Power Device referred to in Part II of the Schedule where the exemption only extends to England, Scotland and Wales.

Regulation 5 requires that the use of the device 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.