

SCHEDULE 1

Regulations 2(2) and 11(b)

REGULATIONS UNDER SECTION 10 OF THE WIRELESS TELEGRAPHY ACT 1949

The regulations made under section 10 of the Wireless Telegraphy Act 1949 which—

- (a) are disapplied by regulation 2(2) of these Regulations to the extent that they impose electromagnetic compatibility requirements (other than requirements concerning radio frequency spectrum planning or the implementation of Community obligations) which must be complied with if relevant apparatus is to be supplied, used or taken into service; and
- (b) where applicable, must be complied with if the transitional exemption in regulation 11(b) of these Regulations from the application hereof is to apply,

are as follows:—

1. The Wireless Telegraphy (Control of Interference from Ignition Apparatus) Regulations 1952(1);
2. The Wireless Telegraphy (Control of Interference from Electro Medical Apparatus) Regulations 1963(2);
3. The Wireless Telegraphy (Control of Interference from Radio Frequency Heating Apparatus) Regulations 1971(3);
4. The Wireless Telegraphy (Control of Interference from Household Appliances, Portable Tools, etc) Regulations 1978(4);
5. The Wireless Telegraphy (Control of Interference from Fluorescent Lighting Apparatus) Regulations 1978(5); and
6. The Wireless Telegraphy (Control of Interference from Citizens' Band Radio Apparatus) Regulations 1982(6).

SCHEDULE 2

Regulation 4(3)

PHENOMENA AND EFFECTS WHICH MAY BE REGARDED AS ELECTROMAGNETIC DISTURBANCE

Without prejudice to the generality of regulation 4(1), and in addition to the phenomena regarded as electromagnetic disturbance pursuant to regulation 4(2) (being phenomena expressly stated to be such in Article 1.2 of the EMC Directive), the following phenomena and effects may be regarded as electromagnetic disturbance—

1. Conducted low-frequency phenomena

- (1) S.I.1952/2023, as amended by S.I.1957/347.
- (2) S.I.1963/1895.
- (3) S.I.1971/1675.
- (4) 1978/1267; these Regulations implemented Council Directive 76/889/EEC on the approximation of the laws of the Member States relating to radio interference caused by electrical household appliances, portable tools and similar equipment (OJNo.L336, 4.11.76, p.1). They were amended by S.I.1985/808, which implemented Commission Directive 82/499/EEC (OJNo.L222, 30.7.82, p.1) and 1989/562, which implemented Commission Directive 87/308/EEC (OJNo.L155, 16.6.87, p.24). Council Directive 76/889/EEC was repealed by Article 11 of the EMC Directive.
- (5) S.I.1978/1268; these Regulations implemented Council Directive 76/890/EEC on the approximation of the laws of the Member States relating to the suppression of radio interference with regard to fluorescent lighting luminaires fitted with starters (OJNo.L336, 4.11.76, p.22). They were amended by S.I.1985/807, which implemented Commission Directive 82/500/EEC (OJNo.L222, 30.7.82, p.42) and 1989/561, which implemented Commission Directive 87/310/EEC (OJNo.L155, 16.6.87, p.27). Council Directive 76/890/EEC was repealed by Article 11 of the EMC Directive.
- (6) S.I.1982/635, as amended by S.I.1988/1216.

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- harmonics, interharmonics;
- signalling voltages;
- voltage fluctuations;
- voltage dips and interruptions;
- voltage unbalance;
- power—frequency variations;
- induced low—frequency voltages;
- DC in AC networks; and
- DC ground circuits;
- 2. Radiated low-frequency phenomena—
 - magnetic fields; and
 - electric fields;
- 3. Conducted high-frequency phenomena—
 - induced continuous wave (CW) voltages or currents;
 - unidirectional transients; and
 - oscillatory transients;
- 4. Radiated high frequency phenomena—
 - magnetic fields;
 - electric fields;
 - electromagnetic fields;
 - continuous waves; and
 - transients; and
- 5. Electrostatic discharge phenomena (ESD).

SCHEDULE 3

Regulation 5(4)(b)

DESCRIPTIONS OF APPARATUS THE OPERATION OF WHICH MUST NOT BE HINDERED BY RELEVANT APPARATUS

The descriptions of apparatus (being descriptions listed in the illustrative list of the principal protection requirements in Annex III of the EMC Directive) the operation of which must not be hindered by relevant apparatus where the first mentioned apparatus is constructed in such a way that it has an adequate level of immunity in its usual electromagnetic environment so as to allow its unhindered operation taking into account the levels of electromagnetic disturbance generated by relevant apparatus complying with applicable EMC standards is as follows:—

1. domestic radio and television receivers;
2. industrial manufacturing equipment;
3. mobile radio equipment;
4. mobile radio and commercial radiotelephone equipment;
5. medical and scientific apparatus;

6. information technology equipment;
7. domestic appliances and household electronic equipment;
8. aeronautical and marine radio apparatus;
9. subject to regulation 8, educational electronic equipment;
10. telecommunications networks and apparatus;
11. radio and television broadcast transmitters; and
12. lights and fluorescent lamps.

SCHEDULE 4

Regulation 33(7)

THE CE MARK

In the EC mark, the symbol “CE ” shall be set out in the form shown below and the figures of the year in which the mark was affixed.



—This mark should, where appropriate, be accompanied by the distinctive letters used by the notified body issuing the EC-type examination certificate.

SCHEDULE 5

Regulation 47(2)

MINIMUM CRITERIA FOR THE ASSESSMENT OF UNITED KINGDOM COMPETENT BODIES

The criteria (being the criteria for the assessment of the bodies to be notified listed in Annex II of the EMC Directive and the criteria which competent bodies are required by Article 1.5 of that Directive to meet) which a person is required to meet to be eligible for appointment as a United Kingdom competent body are as follows—

1. availability of personnel and of the necessary means and equipment;
2. technical competence and professional integrity of personnel;
3. independence, in carrying out the tests, preparing the reports, issuing the certificates and performing the verification function provided for in the EMC Directive, of staff and technical personnel in relation to all circles, groups or persons directly or indirectly concerned with the product in question;
4. maintenance of professional secrecy by personnel; and
5. possession of civil liability insurance unless such liability is covered by the government of the United Kingdom.

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SCHEDULE 6

Regulation 62 and 73(3)(a)

DESCRIPTIONS OF RADIOCOMMUNICATION TRANSMISSION
APPARATUS FOR WHICH UNITED KINGDOM NOTIFIED BODIES
ARE AUTHORISED AND OF WIRELESS TELEGRAPHY APPARATUS
FOR WHICH THE CAA IS THE ENFORCEMENT AUTHORITY

The descriptions of apparatus are as follows:—

1. the DRA is authorised (as a United Kingdom notified body) in relation to maritime radiodetermination, identification and position reporting apparatus of the following descriptions—

- radar systems
- harbour, port and coastal;
- ship-mounted;
- radar beacons (Racons); and
- Search and Rescue Transponders (SARTS); and
- non-radar systems
- hyperbolic navigation—
- Pulse 8;
- Decca Navigator;
- Omega;
- Loran;
- Satellite navigation;
- differential systems; and
- position reporting systems; and
- NDB (Non-directional Beacons); and
- emergency position indicating Radio Beacons.

2. the CAA is authorised (as a United Kingdom notified body and as an enforcement authority) in relation to aeronautical apparatus of the following descriptions—

- aeronautical mobile—
- associated ground communications;
- EPIRB/ELT (Emergency Position Indicating Radio Beacon/Emergency Locating Transmitter);
- ground and airborne equipment for primary and secondary radar for—
- the CAA;
- the Ministry of Defence; and
- private airfield operators;
- general communications—
- ground/air;
- ground/ground; and
- air/air; and
- aeronautical earth station equipment;
- radio navigation—
- radio altimeters;

- ILS (Instrument Landing System); and—
- aeronautical radiobeacons;
- satellite aeronautical mobile radio—
- EPIRB/ELT; and
- voice, medium speed data and low speed data in each case via INMARSAT (satellite operated by the International Maritime Satellite Organisation);
- aeronautical radionavigation—
- ILS/MLS (Microwave Landing System);
- ATC (Air Traffic Control) marker beacons for aircraft;
- radionavigation satellite equipment on board aircraft;
- hyperbolic navigation aids;
- NDB;
- VOR (VHF Omnidirectional Range);
- TACAN/DME (Tactical Air Navigation/Distance Measuring Equipment); and
- satellite navigation systems—
- ADS (Automatic Dependent Surveillance); and
- CIS (Co-operative Independent Surveillance); and
- radiolocation and radiodetermination—
- radar—
- primary;
- OTHR (Over the Horizon Radar);
- secondary;
- ground; and
- airborne; and

3. BABT is authorised (as a United Kingdom notified body) in respect of radiocommunication transmission apparatus which is telecommunications terminal equipment;

4. the RA is authorised (as a United Kingdom notified body) in relation to every description of radiocommunication transmission apparatus not provided for in paragraphs 1 to 3 above.

SCHEDULE 7

Regulation 78(2)

PROHIBITION NOTICES

- 1.** A prohibition notice in respect of any relevant apparatus shall—
 - (a) state that the Secretary of State considers that—
 - (i) where the notice is served on a manufacturer or supplier, the relevant apparatus does not comply with the protection requirements or the requirements of regulation 30 as the case may be; or
 - (ii) where the notice is served on a user, the relevant apparatus did not so comply at the time when it was supplied;
 - (b) set out the reasons why the Secretary of State so considers;

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- (c) specify the day on which the notice is to come into force: and
- (d) state that the manufacturer, supplier or user as the case may be may at any time make representations in writing to the Secretary of State for the purpose of establishing that that apparatus so complies or did so comply, as the case may require.

2.—(1) If representations in writing about a prohibition notice are made by the manufacturer, supplier or user to the Secretary of State, it shall be the duty of the Secretary of State to consider whether to revoke the notice and—

- (a) if he decides to revoke it, to do so;
- (b) in any other case, to appoint a person to consider those representations, any further representations made (whether in writing or orally) by the notified person about the notice and the statements of any witnesses examined under this Schedule.

(2) Where the Secretary of State has appointed a person to consider representations about a prohibition notice, he shall serve a notification on the notified person which—

- (a) states that the notified person may make oral representations to the appointed person for the purpose of establishing that the relevant apparatus to which the notice relates complies or did comply as the case may require with the protection requirements or regulation 30 as the case may be; and
- (b) specifies the place and time at which the oral representations may be made.

(3) The time specified in a notification served under sub-paragraph (2) above shall not be before the end of the period of twenty-one days beginning with the day on which the notification is served, unless the notified person otherwise agrees.

(4) A person on whom a notification has been served under sub-paragraph (2) above or his representative may, at the place and time specified in the notification—

- (a) make oral representations to the appointed person for the purpose of establishing that the apparatus in question complies or did so comply as the case may require; and
- (b) call and examine witnesses in connection with the representations.

3.—(1) Where representations in writing about a prohibition notice are made by the notified person to the Secretary of State at any time after a person has been appointed to consider representations about that notice, then, whether or not the appointed person has made a report to the Secretary of State, the following provisions of this paragraph shall apply instead of paragraph 2 above.

(2) The Secretary of State shall, before the end of the period of one month beginning with the day on which he receives the representations, serve a notification on the notified person which states—

- (a) that the Secretary of State has decided to revoke the notice, has decided to vary it or, as the case may be, has decided neither to revoke nor to vary it: or
- (b) that, a person having been appointed to consider representations about the notice, the notified person may, at a place and time specified in the notification, make oral representations to the appointed person for the purpose of establishing that the apparatus to which the notice relates complies or did so comply as the case may require with the protection requirements or regulation 30 as the case may be.

(3) The time specified in a notification served for the purposes of sub-paragraph (2)(b) above shall not be before the end of the period of twenty-one days beginning with the day on which the notification is served, unless the notified person otherwise agrees or the time is the time already specified for the purposes of paragraph 2(2)(b) above.

(4) A person on whom a notification has been served for the purposes of sub-paragraph (2)(b) above or his representative may, at the place and time specified in the notification—

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- (a) make oral representations to the appointed person for the purpose of establishing that the apparatus in question complies or did so comply as the case may require; and
- (b) call and examine witnesses in connection with the representations.

4.—(1) Where a person is appointed to consider representations about a prohibition notice, it shall be his duty to consider—

- (a) any written representations made by the notified person about the notice, other than those in respect of which a notification is served under paragraph 3(2)(a) above;
- (b) any oral representations made under paragraph 2(4) or 3(4) above; and
- (c) any statements made by witnesses in connection with the oral representations;

and, after considering any matters under this paragraph, to make a report (including recommendations) to the Secretary of State about the matters considered by him and the notice.

(2) It shall be the duty of the Secretary of State to consider any report made to him under sub-paragraph (1) above and, after considering the report, to inform the notified person of his decision with respect to the prohibition notice to which the report relates.

5.—(1) The Secretary of State may revoke or vary a prohibition notice by serving on the notified person a notification stating that the notice is revoked or, as the case may be, is varied as specified in the notification.

(2) The Secretary of State shall not vary a prohibition notice so as to make the effect of the notice more restrictive for the notified person.

(3) The service of a notification under sub-paragraph (1) above shall be sufficient to satisfy the requirement of paragraph 4(2) above that the notified person shall be informed of the Secretary of State's decision.

6.—(1) Where in a notification served on any person under this Schedule the Secretary of State has appointed a time for the making of oral representations or the examination of witnesses, he may, by giving that person such notification as the Secretary of State considers appropriate, change that time to a later time or appoint further times at which further representations may be made or the examination of witnesses may be continued; and paragraphs 2(4) and 3(4) above shall have effect accordingly.

(2) For the purposes of this Schedule the Secretary of State may appoint a person (instead of the appointed person) to consider any representations or statements, if the person originally appointed, or last appointed under this sub-paragraph, to consider those representations or statements has died or appears to the Secretary of State to be otherwise unable to act.

7. In this Schedule—

“the appointed person ” in relation to a prohibition notice means the person for the time being appointed under this Schedule to consider representations about the notice;

“notification ” means a notification in writing; and

“notified person ”, in relation to a prohibition notice, means the manufacturer, supplier or user on whom the notice is or was served.