

*This Statutory Instrument has been made in consequence of defects in S.I.1992/2423 and of errors and defects in S.I. 1994/3129 and is being issued free of charge to all known recipients of those Statutory Instruments.*

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STATUTORY INSTRUMENTS

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**1995 No. 144**

**TELECOMMUNICATIONS**

**The Telecommunications Terminal  
Equipment (Amendment) Regulations 1995**

<i>Made</i>	- - - -	<i>23rd January 1995</i>
<i>Laid before Parliament</i>		<i>24th January 1995</i>
<i>Coming into force</i>	- -	<i>30th January 1995</i>

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to measures relating to the approval of telecommunications terminal equipment<sup>(2)</sup> and satellite earth station equipment<sup>(3)</sup>, in exercise of the powers conferred on him by the said section 2(2) 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 Telecommunications Terminal Equipment (Amendment) Regulations 1995 and shall come into force on 30th January 1995.

**Interpretation**

2. In these Regulations—

- (a) “the Amendment and Extension Regulations” means the Telecommunications Terminal Equipment (Amendment and Extension) Regulations 1994<sup>(4)</sup>; and
- (b) “the principal Regulations” means the Telecommunications Terminal Equipment Regulations 1992<sup>(5)</sup>.

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(1) 1972 c. 68.  
(2) S.I. 1989/1327.  
(3) S.I. 1994/757.  
(4) S.I. 1994/3129.  
(5) S.I. 1992/2423.

### **Amendment of the principal Regulations**

3. The principal Regulations are hereby amended as follows:—
- (a) in regulation 2(3A), for the reference to regulation 3 of the Amendment and Extension Regulations there shall be substituted a reference to regulation 4 of those Regulations;
  - (b) in regulation 3(2) there shall be inserted after the definition of “the Commission” the following definition:—
    - ““the Community” means the European Community;”;
  - (c) for regulation 73(2) (as it was originally enacted and continues to have effect pursuant to regulation 8 of the Amendment and Extension Regulations in a case where the responsible person elects, pursuant to Article 14.2 of the CE Marking Directive, to affix the CE mark) there shall be substituted the following—
    - “(2) Any person who issues an EC declaration of conformity to type or an EC declaration of conformity—
      - (a) in relation to applicable terminal equipment which does not satisfy the essential requirements or in respect of which the conformity assessment requirements have not been complied with; or
      - (b) in contravention of regulation 36 or 48 above,
        - shall be guilty of an offence.”; and
  - (d) for regulation 73(2) (as substituted by regulation 7(e) of the Amendment and Extension Regulations in a case where the responsible person elects to affix the CE marking) there shall be substituted the following—
    - “(2) Any person who issues an EC declaration of conformity to type or an EC declaration of conformity—
      - (a) in relation to applicable terminal equipment which does not satisfy the essential requirements or in respect of which the conformity assessment requirements have not been complied with; or
      - (b) in contravention of regulation 36 or 48 above,
        - shall be guilty of an offence.”.

### **Amendment of the Amendment and Extension Regulations**

4. The Amendment and Extension Regulations are hereby amended as follows:—
- (a) in the headpiece to regulation 3, for “regulation 6(a)” there shall be substituted “regulation 7(a)”;
  - (b) in regulation 8(3), for the words “regulation 12 and Schedule 2 of the principal Regulations as substituted by regulation 7 above” there shall be substituted the words “regulation 10 of the principal Regulations as substituted by regulation 7 above, or regulation 12 of those Regulations and Schedule 2 to those Regulations as so substituted”;
  - (c) in regulation 10(a)(i)(bb), there shall be inserted after the definition of “Community internal production control procedure” the following definition:—
    - ““declaration of conformity” means a written declaration that receive-only equipment satisfies the relevant requirements of the TTE Directive and the Satellite Earth Station Equipment Directive drawn up pursuant to the Community internal production control procedure by a manufacturer or his authorized representative where the manufacturer has chosen pursuant to Article 9 or 10 of the latter Directive to comply with the conformity assessment requirements pursuant to that procedure;”;

- (d) for regulation 10(e) there shall be substituted the following—
  - “(e) regulation 12 shall (in addition to regulations 7 to 11 and Parts III, IV and IVA) have effect in relation to satellite earth station equipment which is capable of terrestrial connection to the public telecommunications network but which is not intended for such connection as if it were connection-capable equipment or radio connection-capable equipment as the case may require, but as if paragraph (4) were omitted;”
- (e) after regulation 10(e), there shall be inserted the following paragraph—
  - “(ee) in regulation 73(2) (as substituted by regulation 3(d) of the Telecommunications Terminal Equipment (Amendment) Regulations 1995 in relation to applicable terminal equipment in a case where the responsible person elects to affix the CE marking)—”
  - (a) in the headpiece, for the words “EC declaration of conformity to type or an EC declaration of conformity” there were substituted the words “EC declaration of conformity to type, EC declaration of conformity or declaration of conformity”; and
  - (b) in sub-paragraph (b), for “36 and 48” there were substituted “36, 48 and 49D”; and
- (f) in the Schedule, in the provisions inserted into the principal Regulations as they have effect in relation to satellite earth station equipment—
  - (i) in regulation 49B(2), for the word “or” there shall be substituted the word “nor”;
  - (ii) in the fourth indent of regulation 49C(2), for the words “this Directive” there shall be substituted the words “that Directive”; and
- (iii) for regulation 49D there shall be substituted the following—

**“Declaration of conformity**

**49D.** The manufacturer or his authorized representative shall—

- (a) make the declaration of conformity (which shall, where it is drawn up in the United Kingdom, be in English) for equipment in respect of which the Community internal production control procedure has been applied and which complies with the essential requirements; and
- (b) keep a copy of the declaration with the technical documentation.”.

23rd January 1995

*Ian Taylor*  
Parliamentary Under Secretary of State for Trade  
and Technology  
Department of Trade and Industry

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

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## EXPLANATORY NOTE

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

These Regulations correct defects in the Telecommunications Terminal Equipment Regulations 1992 (S.I. 1992/2423: “the principal Regulations”), and errors and defects in the Telecommunications Terminal Equipment (Amendment and Extension) Regulations 1994 (S.I. 1994/3129: “the Amendment and Extension Regulations”).

The principal changes are as follows—

- (a) regulation 73(2) of the principal Regulations is amended, so that it is an offence to make an EC declaration of conformity to type or an EC declaration of conformity in circumstances where the terminal equipment does not comply with the essential requirements or the conformity assessment requirements have not been complied with. Regulation 73(2) has effect both where the CE mark is affixed during the transitional period set by Council Directive 93/68/EEC (“the CE Marking Directive”), and where the CE marking is affixed in accordance with that provision as substituted by regulation 7(c) of the Amendment and Extension Regulations. This amendment is in respect of both cases (regulation 3(c) and (d) respectively);
- (b) the declaration of conformity which a manufacturer or his authorised representative must make in relation to receive-only satellite earth station equipment if he elects to conform with the Community internal production control procedure pursuant to point 1 of the Annex to Council Directive 93/97/EEC (“the Satellite Earth Station Equipment Directive”) is defined (regulation 4(c));
- (c) it is made clear that, in relation to satellite earth station equipment capable of terrestrial connection to the public telecommunications network but not intended to be so connected that the conformity assessment requirements (in Parts III, IV or IVA of the principal Regulations as extended to satellite earth station equipment) must be complied with as well as regulation 12 of the principal Regulations (regulation 4(d));
- (d) regulation 73(2) of the principal Regulations as extended to satellite earth station equipment is amended so far as to allow for proceedings to be brought where a person makes the declaration of conformity referred to in point (b) above where the equipment does not comply with the essential requirements or the conformity assessment requirements have not been complied with (regulation 4(e)); and
- (e) regulation 49D of the principal Regulations as so extended is amended so that the declaration of conformity is required to be made (regulation 4(1)(iii)).

The remaining provisions correct clerical errors.