
STATUTORY INSTRUMENTS

1996 No. 316

The Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1996

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Cordless Telephone Apparatus) (Exemption) Regulations 1996 and shall come into force on 11th March 1996.

Revocation

2. The Regulations set out in Schedule 1 are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“the 1984 Act” means the Telecommunications Act 1984;

“apparatus” means wireless telegraphy apparatus;

“authorised person” means any person authorised by the Secretary of State for the purposes of regulation 6;

“common technical regulation” shall be construed in accordance with regulation 3(3) of the Telecommunications Terminal Equipment Regulations 1992(1);

“data message” means a non-voice message;

“EN45001 and EN45002” means European Standards (Normes Europeene) EN45001 and 45002 published in 1989 by the British Standards Institution;

“ETSI” means the European Telecommunications Standards Institute(2);

“ISO guides 25 and 38” means the International Organization for Standardization Guides 25 and 38 published by the International Organization for Standardization in 1990 and 1993 respectively;

“MPTs 1322, 1334 and 1371” means Department of Trade and Industry Performance Specifications 1322, 1334 and 1371 referred to in Part I of Schedule 3;

“public switched telephone network” means a public telecommunication system by means of which two-way voice telephony services are provided whereby messages are switched incidentally to their conveyance;

“relevant apparatus” means any station or apparatus described in Schedule 2; and

“station” means a station for wireless telegraphy.

(2) In these Regulations, “connected”, “convey”, “telecommunication apparatus”, “telecommunication service” and “telecommunication system” shall be construed in

(1) S.I.1992/2423, amended and extended by S.I. 1994/3129.

(2) ETSI was set up in 1988 on the joint initiative of the European Commission and the European Postal and Telecommunications Conference (CEPT).

accordance with section 4 of the 1984 Act, and “public telecommunication system” shall be construed in accordance with section 9(1) of the 1984 Act.

Exemption

4.—(1) Subject to paragraph (2) below and regulation 5, the establishment, installation and use of relevant apparatus are hereby exempted from the provisions of section 1(1) of the Wireless Telegraphy Act 1949.

(2) The exemption in paragraph (1) shall not apply to relevant apparatus which is established, installed or used to provide or to be capable of providing a wireless telephony link between telecommunication apparatus, or a telecommunication system, and a public switched telephone network, by means of which a telecommunication service is provided by way of business to another person.

Terms, provisions and limitations

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

- (a) the relevant apparatus shall not cause or contribute to any undue interference to any wireless telegraphy; and
- (b) unless there is a common technical regulation in force in respect of the relevant apparatus, such apparatus—
 - (i) is approved for the time being by the Secretary of State under section 84 of the 1984 Act for the purposes of these Regulations;
 - (ii) complies with the requirements of MPTs 1322, 1334 and 1371 as appropriate; or
 - (iii) is approved to the European Telecommunications Standards referred to in Part I of Schedule 3 as appropriate by the national administration of a country listed in Part II of that Schedule following type testing at a test laboratory, which has been accredited in accordance with ISO guides 25 and 38 or EN45001 and EN45002 or a national standard conforming to ISO guides 25 and 38 or EN45001 and EN45002.

Inspection and restrictions on use

6.—(1) Where an authorised person has reasonable cause to believe that any relevant apparatus is not complying with regulation 5, any person who is in possession or control of the relevant apparatus shall, on the demand of that authorised person—

- (a) permit and facilitate its inspection by that authorised person; and
- (b) cause its use to—
 - (i) cease; or
 - (ii) be restricted in the manner specified by that authorised person, for a period of time ending either on a date or on the occurrence of an event specified by that authorised person.

(2) Any authorised person exercising powers under paragraph (1) above shall produce evidence of his authority, if so required by the person in possession or control of the relevant apparatus.

Department of Trade and Industry
15th February 1996

Ian Taylor
Parliamentary Under-Secretary of State for Trade
and Technology,