

This Statutory Instrument has been amended by SI 1998/722 which is printed herein as pages 5 to 8 and is being issued free of charge to all known recipients of SI 1997/1842.

STATUTORY INSTRUMENTS

1997 No. 1842

TELEGRAPHS

The Wireless Telegraphy (Control of Interference from Videosenders) Order 1997

<i>Made</i>	- - - -	<i>28th July 1997</i>
<i>Laid before Parliament</i>		<i>29th July 1997</i>
<i>Coming into force</i>	- -	<i>1st September 1997</i>

Whereas it appears to the Secretary of State to be expedient to apply restrictions under section 7 of the Wireless Telegraphy Act 1967⁽¹⁾ to certain wireless telegraphy apparatus specified in this Order for the purpose of preventing or reducing the risk of interference with wireless telegraphy;

And whereas the Secretary of State is satisfied as required by section 7(9) of the 1967 Act that this Order is compatible with the international obligations of the United Kingdom;

Now, therefore, the Secretary of State, in exercise of the powers conferred on her by section 7(2) of the 1967 Act and of all other powers enabling her in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Wireless Telegraphy (Control of Interference from Videosenders) Order 1997 and shall come into force on 1st September 1997.

Interpretation

2. In this Order—

“the 1967 Act” means the Wireless Telegraphy Act 1967;

“television set” has the meaning given to it by section 6(1) of the 1967 Act⁽²⁾;

“video camera” means apparatus designed or adapted for capturing visual images (with or without sound) and converting the same into signals;

⁽¹⁾ 1967 c. 72; section 7 was substituted by section 77 of the Telecommunications Act 1984 (c. 12).

⁽²⁾ Section 6(1) was amended by Part II, paragraph 7 of Schedule 18 and paragraph 9 of Schedule 20 to the Broadcasting Act 1990 (c. 42).

“video recorder” means apparatus designed or adapted to be used for the purposes of making or playing back video recordings;

“video recording” means any disc, magnetic tape or any other device capable of storing data electronically containing information by the use of which the whole or a part of a video work may be produced;

“videosender” means wireless telegraphy apparatus which is designed or adapted, or is capable of being adapted, for the purpose of transmitting visual images (with or without sound) in the frequency band 470-854 MHz from a video camera, a video recorder or other equipment to a television set or other receiving apparatus and which is neither licensed under the provisions of section 1(1) of the Wireless Telegraphy Act 1949(3) nor exempt therefrom; and

“video work” means any series of visual images (with or without sound)—

- (a) produced electronically by the use of information contained on any disc, magnetic tape or any other device capable of storing data electronically; and
- (b) shown as a moving picture.

Actions restricted

3. No person shall take any of the actions listed below in relation to videosenders—

- (a) manufacture (whether or not for sale);
- (b) selling or offering for sale, letting on hire or offering to let on hire, or indicating (whether by display of the apparatus or by any form of advertisement) one’s willingness to sell or let on hire;
- (c) having in one’s custody or control; and
- (d) importation (other than for the purpose of re-export from the United Kingdom),

provided that paragraph (d) above shall not apply to videosenders which are imported from a Member State of the European Community or the European Economic Area.

28th July 1997

Barbara Roche
Parliamentary Under Secretary of State for Small
Firms, Trade and Industry,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order restricts for the purposes of section 7 of the Wireless Telegraphy Act 1967 (c. 72) actions in relation to certain wireless telegraphy apparatus known as videosenders, which transmit in the frequency band 470—854 MHz. The restricted actions are importation (other than for the purpose of re-export from the United Kingdom), manufacture, sale, hire, offer or advertisement for sale or hire and having in one's custody or control (article 3). The restriction on the importation of videosenders does not apply, however, to imports from a Member State of the European Community or the European Economic Area.

A person who contravenes the Order may be guilty of an offence under the Wireless Telegraphy Act 1949 (c. 54) and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

In addition to any other penalty, restricted apparatus is liable to forfeiture either under sections 14(3) or 14(3)(A) of the Wireless Telegraphy Act 1949 following a conviction or under sections 80 or 81 of the Telecommunications Act 1984 (c. 12) following seizure of the restricted apparatus under a warrant or pursuant to section 79(3) of the Telecommunications Act 1984.

A full compliance cost assessment report of the effect that this Order would have on the costs of business is available to the public from the Radiocommunications Agency Library at New King's Beam House, 22 Upper Ground, London SE1 9SA (Tel: 0171—211 0211).