

**2009 No. 65**

**ELECTRONIC COMMUNICATIONS**

**The Wireless Telegraphy (Vehicle Based Intelligent Transport Systems) (Exemption) Regulations 2009**

*Made* - - - - *20th January 2009*

*Coming into force* - - *4th February 2009*

The Office of Communications (“OFCOM”), make the following Regulations in exercise of the power conferred by section 8(3) of the Wireless Telegraphy Act 2006(a) (“the Act”).

Before making these Regulations OFCOM have given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, published notice of their proposal in accordance with section 122(4)(b) of the Act and have considered the representations made to them before the time specified in that notice in accordance with section 122(4)(c) of the Act.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Wireless Telegraphy (Vehicle Based Intelligent Transport Systems) (Exemption) Regulations 2009 and shall come into force on 4th February 2009.

(2) These Regulations shall not extend to the Bailiwick of Guernsey.

**Interpretation**

2. In these Regulations—

“dBm” means decibels of power referenced to one milliWatt;

“e.i.r.p.” means equivalent isotropic radiated power;

“ETSI” means the European Telecommunications Standards Institute;

“intelligent transport system” means a system or service, based on information and communications technologies, including processing, control, positioning, communication and electronics, that is applied to a road transportation system;

“MHz” means megahertz; and

“vehicle” means any motor vehicle intended for travel on land and propelled by mechanical power, but not running on rails, and any trailer, whether or not coupled.

## **Exemption**

3. The installation and use of apparatus within the frequency band 5875 MHz to 5905 MHz complying with the terms, provisions and limitations in regulation 4 is hereby exempt from the provisions of section 8(1) of the Wireless Telegraphy Act 2006.

## **Terms, provisions and limitations**

4. The apparatus must—
- (a) be, or be part of, a safety-related intelligent transport system;
  - (b) be within or fixed to a vehicle;
  - (c) only emit emissions which when measured in any direction have—
    - (i) a maximum mean e.i.r.p. density of 23 dBm per MHz; and
    - (ii) a maximum mean e.i.r.p. of 33 dBm;
  - (d) use techniques to mitigate interference that provide at least equivalent performance to the techniques described in ETSI standard EN 302 571(a); and
  - (e) not cause or contribute to undue interference to any wireless telegraphy.

20th January 2009

*Ed Richards*  
Chief Executive of the Office of Communications  
For and by authority of the Office of Communications

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(a) EN 302 571 (Version 1.1.1) was published by ETSI on 9th September 2008

## EXPLANATORY NOTE

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

These Regulations exempt the installation and use of wireless telegraphy apparatus within the frequency band 5875 MHz to 5905 MHz complying with certain terms, provisions and limitations, from the requirement to be licensed under section 8(1) of the Wireless Telegraphy Act 2006 (c.36).

The terms, provisions and limitations include requirements that the apparatus be used as part of a safety-related intelligent transport system (Regulation 4(a)), that it be within or attached to a vehicle, (Regulation 4(b)), that it only emit transmissions in accordance with the maximum power levels set out in the Regulations (Regulation 4(c)); and that it comply with the European Telecommunications Standards Institute (“ETSI”) standard EN 302 571 (regulation 4(d)).

The ETSI standard is available to the public from ETSI on their website at <http://www.etsi.org> or from the ETSI Secretariat at 650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France (Tel: +33 4 92 94 42 00).

In making these Regulations, OFCOM is carrying out functions, as required by The 5875-5905 MHz Frequency Band (Management) Regulations 2009 (SI 2009/11), so as to give effect to EU obligations contained in the Commission Decision of 5 August 2008 on the harmonised use of radio spectrum in the 5875 – 5905 MHz frequency band for safety-related applications of Intelligent Transport Systems (ITS) (OJ No L 220 15.8.2008, p. 24).

A full regulatory impact assessment of the effect that these Regulations will have on the costs to business is available to the public from OFCOM’s website at <http://www.ofcom.org.uk> or from the OFCOM library at Riverside House, 2A Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000). Copies of this assessment have also been placed in the libraries of both Houses of Parliament.

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STATUTORY INSTRUMENTS

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