

2016 No. 486

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Exemption) (Amendment)
Regulations 2016**

Made - - - - *6th April 2016*

Coming into force - - *28th April 2016*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by sections 8(3) and 122(7) 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 the notice in accordance with section 122(4)(c) of the Act.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Exemption) (Amendment) Regulations 2016 and shall come into force on 28th April 2016.

Amendment of the Wireless Telegraphy (Exemption) Regulations 2003

2. The Wireless Telegraphy (Exemption) Regulations 2003(b) (the “principal Regulations”) shall be amended in accordance with the following Regulations.

Amendment of regulation 3

3. In regulation 3(1) of the principal Regulations, insert the following definition between the definitions of “apparatus” and “eirp”—

““body” means a body corporate or an unincorporated association;”.

Amendment of regulation 4

4.—(1) For regulation 4(2) of the principal Regulations substitute—

“(2) With the exception of—

- (a) relevant apparatus operating in the frequency bands specified in paragraph (3); and
- (b) the situation set out in paragraph (5),

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 telegraphy link between

(a) 2006 c. 36.

(b) S.I. 2003/74, amended by S.I. 2003/2155, 2005/3481, 2006/2994, 2008/236, 2008/2426, 2010/2512, 2011/2950, 2013/1254.

electronic communications apparatus or an electronic communications network and other such apparatus or system by means of which an electronic communications service is provided by way of business to another person”.

(2) After regulation 4(4) of the principal Regulations, insert the following paragraph—

“(5) The situation mentioned in paragraph (2) is a situation where relevant apparatus is established, installed or used to provide an electronic communications service by way of business to more than one person within a single body.”.

Philip Marnick

Group Director, Spectrum Group

6th April 2016

For and by the authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Exemption) Regulations (S.I. 2003/74, amended by S.I. 2003/2155, 2005/3481, 2006/2994, 2008/236, 2008/2426, 2010/2512, 2011/2950, 2013/1254) (the “principal Regulations”).

Regulation 3 of these Regulations amends regulation 3(1) of the principal Regulations by inserting the definition of “body”.

Regulation 4 of these Regulations amends regulation 4 of the principal Regulations by introducing additional circumstances in which the exemption in regulation 4(1) of the principal Regulations shall apply.

A full regulatory impact assessment of the effect that these Regulations will have on cost 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. Copies of this assessment have also been placed in the library of the House of Commons.

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