

2018 No. 44

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Ultra-Wideband Equipment)
(Exemption) (Amendment) Regulations 2018**

Made - - - - *16th January 2018*

Coming into force - - *6th February 2018*

The Office of Communications (“OFCOM”), in exercise of the powers conferred by sections 8(3) and 122(7) of the Wireless Telegraphy Act 2006(a) (the “Act”) and in the exercise of those sections of the Act(b) as extended to the Bailiwick of Guernsey, to the Bailiwick of Jersey, and to the Isle of Man, makes the following Regulations.

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 (Ultra-Wideband Equipment) (Exemption) (Amendment) Regulations 2018 and shall come into force on 6th February 2018.

Amendment of the Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2015

2.—(1) The Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2015(c) (the “principal Regulations”) are amended in accordance with paragraphs (2) to (8) of this regulation.

(2) In regulation 3 of the principal Regulations, in the definition of “total radiated power spectral density”—

(a) for the words “contained within harmonised standard EN302 435-1(b)” substitute “contained within harmonised standard ETSI EN302 065-4(b)”; and

(b) omit footnote (b) and insert the following footnote (b)—

“(b) ETSI EN 302 065-4 (version 1.1.1) published in July 2017.”.

(3) In regulation 25(2)(b) of the principal Regulations—

(a) 2006 c. 36

(b) Section 8(3) and section 122(7) were extended to the Bailiwick of Guernsey by article 2 of the Wireless Telegraphy (Guernsey) Order 2006 (S.I. 2006/3325); to the Bailiwick of Jersey by article 2 of the Wireless Telegraphy (Jersey) Order 2006 (S.I. 2006/3324); and to the Isle of Man by article 2 of the Wireless Telegraphy (Isle of Man) Order 2007 (S.I. 2007/278).

(c) S.I. 2015/591.

- (a) for the words “as described in harmonised standard EN 302 498-2(a)” substitute “as described in harmonised standard ETSI EN 302 065-4 for material sensing devices”; and
 - (b) omit footnote (a).
- (4) In regulation 26 of the principal Regulations—
- (a) in paragraph (4), omit the words “that are radiated into the air”; and
 - (b) in paragraph (4)(b)—
 - (i) for the words “(as defined within Annex D of harmonised standards EN 302-435-1(a) and EN 302 498-1 (b))” substitute “(as defined within ETSI EN 302 065-4)”; and
 - (ii) omit footnotes (a) and (b).
- (5) In regulation 27(d)(i)(bb) of the principal Regulations, for the words “described in harmonised standard EN 302 435-1” substitute “described in harmonised standard ETSI EN 302 065-4”.
- (6) In regulation 28 of the principal Regulations—
- (a) in paragraph (d)(i)(bb) —
 - (i) for the words “described in harmonised standard EN 302 435-1(a)” substitute “described in harmonised standard ETSI EN 302 065-4”; and
 - (ii) omit footnote (a).
 - (b) in paragraph (g)(i)(bb), for the words “described in harmonised standard EN 302 435-1” substitute “described in harmonised standard ETSI EN 302 065-4”.
- (7) In regulation 30 of the principal Regulations—
- (a) in paragraph (4), omit the words “that are radiated into the air”; and
 - (b) in paragraph (4)(a)—
 - (i) for the words “(as defined within Annex D of harmonised standard EN 302 435-1(a))” substitute “(as defined within harmonised standard ETSI EM 302 065-4)”; and
 - (ii) omit footnote (a).
- (8) In regulation 31 of the principal Regulations—
- (a) in paragraph (b)(i)(bb), for the words “described in harmonised standard EN 302 435-1” substitute “described in harmonised standard ETSI EN 302 065-4”;
 - (b) in paragraph (e)(i)(bb), for the words “described in harmonised standard EN 302 435-1” substitute “described in harmonised standard ETSI EN 302 065-4”; and
 - (c) in paragraph (g)(i)(bb), for the words “described in EN 302 435-1” substitute “described in harmonised standard ETSI EN 302 065-4”.

16th January 2018

Philip Marnick
Group Director Spectrum
For and by authority of the Office of Communications

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Commission Decision 2017/1438(a) amending Decision 2007/131/EC on allowing the use of radio spectrum equipment using ultra-wideband technology in a harmonised manner in the Community.

The Regulations amend the Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2015, which exempt the establishment, installation or use of equipment using ultra-wideband technology from the requirement to be licensed under section 8(1) of the Wireless Telegraphy Act 2006 (c.36) (“the Act”). The amendments change the harmonised European Telecommunications Standards Institute (“ETSI”) standards which are referred to in the principal Regulations.

The harmonised ETSI standards are 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).

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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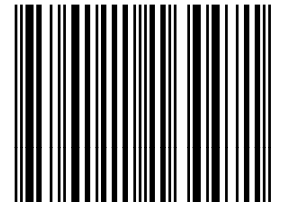
(a) OJ No L 205, 8.8.2017, p89.

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