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STATUTORY INSTRUMENTS

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2001 No.

TELEGRAPHS

The Wireless Telegraphy (Control of Interference from Material Substances forming part of Telecommunication Systems) Regulations 2001

<i>Made</i>	- - - -	<i>2001</i>
<i>Laid before Parliament</i>		<i>2001</i>
<i>Coming into force</i>		<i>2001</i>

The Secretary of State, in exercise of the powers conferred by section 10(1)(a) of the Wireless Telegraphy Act 1949¹, and now vested in him², hereby makes the following Regulations:

Citation, commencement and purpose

1.-(1) These Regulations may be cited as the Wireless Telegraphy (Control of Interference from Material Substances forming part of Telecommunication Systems) Regulations 2001 and shall come into force on [] 2001.

(2) These Regulations are made for the purpose specified in the said section 10(1)(a) (that is to say, for prescribing the requirements to be complied with in the case of any apparatus to which the said section 10 applies if the apparatus is to be used).

Interpretation

¹ 1949 c.54; section 10 was extended to the Channel Islands by S.I. 1952/1900 (to which there are amendments not relevant to these Regulations), and to the Isle of Man by S.I. 1952/1899 (to which there are also amendments not relevant to these Regulations); section 10 was amended by sections 89 and 109(6) of, and Part IV of Schedule 7 to, the Telecommunications Act 1984 (c.12).

² Post Office Act 1969 (c.48), section 3; S.I. 1969/1369, article 3; S.I. 1969/1371, article 2; and S.I. 1974/691, article 2.

2.-(1) In these Regulations -

“the 1984 Act” means the Telecommunications Act 1984³;

“material substance” means a metallic medium which does not form part of any other equipment and along which any of the matters referred to in section 4(1)(a) to (d) of the 1984 Act are conveyed by means of electromagnetic energy in the frequency range of 9 kHz to 1.6 MHz;

“MPT 1570” means Department of Trade and Industry Performance Specification 1570 published on 3 August 2001; and

“relevant system” means a telecommunication system of a type specified in the Schedule hereto.

(2) In these Regulations, “convey” and “telecommunication system” shall be construed in accordance with section 4 of the 1984 Act, and “public telecommunication system” shall be construed in accordance with section 9 of the 1984 Act.

Compliance with limits for emissions of electromagnetic energy

3.-(1) The requirements specified in MPT 1570 shall, except as provided in paragraph (2), be complied with in the case of a material substance forming part of a relevant system (other than by forming part of any other equipment which forms part of the system) where the system has first been put into service on or after the date on which these Regulations come into force.

(2) Paragraph (1) shall not apply in any case in which the material substance is relevant apparatus within the meaning of regulation 6(1) of the Electromagnetic Compatibility Regulations 1992⁴ or apparatus to which the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000⁵ apply.

Minister of State for E-Commerce and Competitiveness,
Department of Trade and Industry

2001

³ 1984 c.12

⁴ S.I. 1992/2372; the relevant amending instrument is S.I. 1999/1957.

⁵ S.I. 2000/730.

1. Digital Subscriber Line (DSL) - being a telecommunication system in which the material substance forming part of it (other than by forming part of any other equipment) is used, irrespective of any other function, for the purpose of providing a digital connection between an end user and a public telecommunication system.
2. Power Line Technology system (PLT) - being an electricity distribution system in which the material substance forming part of it (other than by forming part of any other equipment) is used, irrespective of any other function, for the purpose of providing a digital connection between an end user and a public telecommunication system.
3. Home Local Area Network (Home LAN) - being a system in the form of telephone extension wiring or an electricity distribution system in which (in either case) the material substance forming part of it (other than by forming part of any other equipment) is used, irrespective of any other function, for the purpose of providing a digital connection between two or more points within a single set of premises.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations prescribe requirements for the limits of emissions of electromagnetic energy from a metallic "material substance" (as defined in regulation 2(1)), such as an electricity cable or a telephone line, which forms part of a telecommunication system and can be used to carry Internet or other data at relatively high speeds (often called "broadband"). The requirements for these limits are specified in Department of Trade and Industry Performance Specification MPT 1570. The Schedule to these Regulations sets out the types of telecommunication system within the scope of these requirements.

The Regulations apply to a material substance forming part of a system put into service on or after the date that the Regulations come into force (regulation 3(1)). The Regulations do not apply where the Electromagnetic Compatibility Regulations 1992 or the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 apply (regulation 3(2)).

The Regulations are made under section 10(1)(a) of the Wireless Telegraphy Act 1949 for the purpose of ensuring that use of "apparatus" (which includes any "material substance" under these Regulations) will not cause undue interference with wireless telegraphy. Section 10(4) provides that use of apparatus which does not comply with the Regulations is not unlawful. Under section 11, any person in possession of non-complying apparatus may be served with a notice requiring it not to be used if in the Secretary of State's opinion-

- (i) its use is likely to cause undue interference to a "safety of life" service or to use of wireless telegraphy for a purpose upon which safety may depend, or
- (ii) its use is likely to cause, and in fact has caused or is causing, interference to any other wireless telegraphy despite the taking of reasonable steps to minimise the interference.

Any person who uses the apparatus knowing of the notice is guilty of an offence.

Copies of MPT 1570 referred to in these Regulations may be obtained from the Radiocommunications Agency Library at Wyndham House, 189 Marsh Wall, London E14 9SX (Tel: 020 7211 0211). Also available to the public at the Library and on the Agency's Internet web site at www.radio.gov.uk is a full regulatory impact assessment report of the effect that these Regulations would have on the costs to business. Copies of the report have also been placed in the libraries of both Houses of Parliament.

The Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC, as amended by Directive 98/48/EC.