



Notice of proposals to make
The Wireless Telegraphy
(Control of Interference from
Apparatus)(the London Olympic
Games and Paralympic Games)
Regulations 2012

Consultation

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Closing Date for Responses: 28 May 2012

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Section 1

Executive summary

- 1.0 This document consults on draft regulations to make the Wireless Telegraphy (Control of Interference from Apparatus) (the London Olympic Games and Paralympic Games) Regulations 2012 (the “Proposed Regulations”).
- 1.1 For the duration of the 2012 Olympic and Paralympic Games (referred to in this document collectively as the “Games”) the Proposed Regulations will regulate the intensity of the electromagnetic energy at which electrical and electronic apparatus operates such that it does not cause undue interference with wireless telegraphy apparatus used for public safety purposes within a specified radius of the Games’ venues.
- 1.2 In summary, between 26 July 2012 and 10 September 2012 apparatus in use must operate at a sufficiently low intensity of electromagnetic energy such that it does not cause undue interference with wireless telegraphy apparatus used for public safety purposes within a defined radius of the Games.
- 1.3 In accordance with the requirements of section 122(4) and (5) of the Wireless Telegraphy Act 2006 (the “Act”), this document gives notice of our intention to make the Proposed Regulations. Comments on the Proposed Regulations are invited by **5pm on 28 May 2012**. Subject to consideration of responses, and to acceptance by the European Commission and other Member States of the Proposed Regulations¹, we intend to bring the new regulations into force before the Games commence in July 2012.
- 1.4 An impact assessment for the Proposed Regulations is available at Annex 5 to this document. The Proposed Regulations are included in this document at Annex 6. Further copies may be obtained from <http://stakeholders.ofcom.org.uk/consultations/undueinterference-olympics-2012/> or from Ofcom at Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

¹Notified in accordance with Article 4(2) of Directive 2004/108/EC.

Section 2

Notice

Introduction

- 2.1 The Proposed Regulations would be made under section 54(1) of the Act. Section 54 allows Ofcom to make regulations prescribing the requirements to be complied with in respect of apparatus specified in the regulations, if the apparatus is to be used. The operation of the enforcement provisions under section 55 of the Act are dependent on secondary legislation made under section 54.
- 2.2 Before making any regulations we are required by section 122(4) of the Act to give notice of our proposal to do so. We must give that notice to those we think representative of the persons likely to be affected by the implementation of the proposal, and publish notice of our proposal in the way we think appropriate for bringing it to the attention of those persons who we think are likely to be affected by it. We have to consider any representations that are made to us about our proposal.
- 2.3 Under section 122(5), the notice must state that Ofcom propose to make the regulations in question, set out their general effect, specify an address from which a copy of the proposed regulations or order may be obtained, and specify a time before which any representations with respect to the proposal must be made to Ofcom. That time must be at least one month beginning with the day after that on which the notice is given or published.
- 2.4 This document gives notice of our proposal to make the Proposed Regulations. It is given to those we think representative of the persons likely to be affected by the Proposed Regulations, and published on Ofcom's website. Those who wish to do so have until **5pm on 28 May 2012** to make representations on our proposal. This document sets out the general effect of the Proposed Regulations in particular in section 3. A copy of the Proposed Regulations is in Annex 6 of this document, and further copies may be obtained from <http://stakeholders.ofcom.org.uk/consultations/undueinterference-olympics-2012/> or from Ofcom at Riverside House, 2a Southwark Bridge Road, London SE1 9HA.
- 2.5 This consultation is about whether the Proposed Regulations correctly give effect to the policy proposals referred to in this document and to the other intentions set out in this document. We seek responses to this consultation in that respect.

Document structure

- 2.6 The document is structured as follows:
 - Section 3 sets out the general effects of the Proposed Regulations;
 - Annex 1 sets out the consultation question;
 - Annexes 2 to 4 provide information on our approach to consultation;
 - Annex 5 sets out an impact assessment of the options considered; and
 - Annex 6 has a copy of the Proposed Regulations.

Next steps

- 2.7 Following the publication of this consultation document, stakeholders are invited to provide their feedback on the Proposed Regulations. The deadline to submit responses to us is 5pm **on 28 May 2012**. We expect to release a statement on this consultation by May 2012, having taken into account the stakeholder responses to our proposals and, subject to those responses and to acceptance by the European Commission and other Member States of the Proposed Regulations, to bring into force the regulations in time for the London 2012 Olympic and Paralympic Games.

Section 3

Background

The Proposed Regulations

- 3.1 We propose to make regulations under section 54(1) of the Act which prescribe a requirement imposed on the use of apparatus *after* it has already been placed on the market² or put into service³.
- 3.2 The Proposed Regulations set out a requirement at Regulation 4 that applies to apparatus in relation to a Games' "event zone." That requirement relates to the intensity of the electromagnetic energy at which apparatus operates, for the purpose of ensuring that apparatus does not cause undue interference with certain wireless telegraphy. Where the use of apparatus does not meet that requirement Ofcom may serve on the person in possession of the apparatus a notice prohibiting its use, breach of which would be a criminal offence.
- 3.3 The general effect of the Proposed Regulations is described in more detail below. A draft of the Regulations is included in Annex 6 of this document.

Electromagnetic compatibility (EMC)

- 3.4 Electrical and electronic apparatus produces electromagnetic energy and can influence other apparatus, such as wireless telegraphy apparatus. The purpose of electromagnetic compatibility is to keep this side effect under reasonable control.
- 3.5 Electromagnetic compatibility is the engineering process which limits the natural electromagnetic fields produced by electrical equipment and enhancing immunity ensuring interoperability of equipment.
- 3.6 There are legal requirements about acceptable levels of electromagnetic disturbance.

The EMC legal requirements

Under European Union law

- 3.7 E.U. law, by way of Directive 2004/108/EC (OJ No L390, 31.12.2004, p.27) (the "EMC Directive") aims to regulate the compatibility of apparatus regarding EMC. The EMC Directive sets requirements for apparatus at the time of its placing on the market and of its being put into service. These requirements effectively limit the electromagnetic emissions of apparatus at those times, in order to ensure that, when used as intended, such apparatus does not disturb radio and telecommunication as well as other apparatus.

Under U.K. law

- 3.8 *Before* electrical and electronic apparatus can be placed on the market or put into service in the United Kingdom, it is required to comply with the Electromagnetic

² "A product is placed on the [European] Community market when it is made available for the first time." Guide to the Implementation of Directives based on the New Approach and the Global Approach, p. 18.

³ "Putting into service takes place at the moment of first use within the [European] Community by the end user." Guide to the Implementation of Directives based on the New Approach and the Global Approach, p.19.

Compatibility Regulations 2006 (S.I. 2006 No. 3418) (the “EMC Regulations”) which implemented the EMC Directive.

- 3.9 The EMC Regulations aim to ensure that the electromagnetic disturbance generated by electronic apparatus does not exceed a level above which other apparatus (including radio and telecommunications apparatus) cannot operate as intended (and that the apparatus itself has an adequate level of immunity to electromagnetic disturbance).
- 3.10 The EMC Regulations set out a number of requirements (the “essential requirements”) with which apparatus must conform before it can be placed on the market or put into service in the UK.
- 3.11 The essential requirements define the results to be attained, but do not specify the detailed technical requirements. The appropriate technical solutions to meet the requirements are not imposed as long as the apparatus complies with the essential requirements. This mechanism of defining results to be attained, serves to facilitate technological progress as it allows scope for change, for example through updates in product design.
- 3.12 The essential requirements include that apparatus must:
- meet electromagnetic compatibility requirements, e.g. that it does not generate electromagnetic disturbances above the level which stops radio, telecommunications or other equipment operating as intended; and
 - that the apparatus itself has an adequate level of immunity to electromagnetic disturbance.
- 3.13 In short therefore, the above EMC regime provides a set of rules across the European Union to ensure the levels of electromagnetic disturbance are regulated in relation to the placing of apparatus on the market and its being placed on the market. These rules are designed to secure the free movement of safe and compliant products.

The Act

- 3.14 The Act regulates wireless telegraphy in the UK. Wireless telegraphy is defined in section 116 of the Act. It is the emitting or receiving, over paths that are not provided by any material substance constructed or arranged for the purpose (e.g. not via wires), of electromagnetic energy of a frequency not exceeding 3,000 gigahertz and which is used, for example, to convey messages, sound or visual images or for controlling machinery or determining the location of objects.
- 3.15 For example police, security and ambulance radios, and broadcast television are wireless telegraphy apparatus.
- 3.16 The Act gives Ofcom a number of functions relating to the management of the electromagnetic spectrum and in relation to wireless telegraphy and wireless telegraphy apparatus. Part 3 of the Act contains provisions relating to the regulation of apparatus for the purpose of ensuring that it does not cause undue interference to wireless telegraphy.
- 3.17 Under section 54 of the Act, Ofcom may make regulations prescribing the requirements with which apparatus must comply, if the apparatus is to be used.

Under section 55, where apparatus does not comply with any such requirements and certain conditions relating to undue interference are met, Ofcom may serve a notice prohibiting its use. Failure to comply with such a notice is a criminal offence under section 58.

- 3.18 Wireless telegraphy is considered to be interfered with if the purpose of the telegraphy is prejudiced. By virtue of section 115(3) – (5) of the Act, interference is regarded as “undue interference” where it creates dangers, or risks of danger, in relation to the functioning of a wireless telegraphy service or it degrades, obstructs or repeatedly interrupts anything broadcast or transmitted by licensed wireless telegraphy.
- 3.19 Although it is not defined by the Act, wireless telegraphy used for safety purposes includes wireless telegraphy apparatus used for the purposes of mitigating, managing, averting and/or resolving danger to physical safety and well-being, security, life and/or property. For example, radio communications systems used by the emergency services, police and security services.

General effect of the Proposed Regulations

- 3.20 The general effect of the Proposed Regulations is to impose a requirement in respect of the use of apparatus. Where the use of apparatus does not comply with that requirement Ofcom may, if certain conditions relating to undue interference are met, take enforcement action against the person in possession of the apparatus, including prosecution for a criminal offence. The Proposed Regulations therefore provide part of the means by which apparatus is regulated and by which Ofcom may take action in respect of undue interference.
- 3.21 In particular:
- (Proposed) Regulation 4 provides that, between 26 July and 10 September 2012, apparatus must, when in use, operate at a sufficiently low intensity of electromagnetic energy such that it does not cause undue interference with wireless telegraphy used for public safety purposes within the “protection radius” of an “event zone.”
 - This requirement in the Proposed Regulations would apply even if the maximum intensity of electromagnetic energy emitted by the apparatus is lower than a level permissible under the essential requirements set out above.
 - The “protection radius” of an “event zone” is defined in Table 1 in the Schedule to the Proposed Regulations. The event zones are the areas within which Games’ events will take place. The protection radii are between 25 and 35 kilometres.
 - Where, in Ofcom’s opinion, apparatus does not comply with the requirement in Proposed Regulation 4 Ofcom would, if certain conditions are met, be able to serve on the person in possession of the apparatus a notice under section 55 of the Act. We may do so where we think the apparatus has caused, is causing or is likely to cause undue interference to certain kinds of wireless telegraphy. These include wireless telegraphy used for the purposes of a safety of life service, or for a purpose on which the safety of a person, or of a ship, aircraft or vehicle may depend. The notice may prohibit the use of the apparatus. Failure to comply with a notice is a criminal offence under section 58 of the Act.

- The imposition of the requirement by the Proposed Regulations and its breach are pre-conditions of such enforcement action. The effect of the Proposed Regulations would, therefore, be to enable Ofcom to take specific action that we otherwise could not.
- The Proposed Regulations will apply in the United Kingdom. Section 54 of the Act is extended, with modifications, to the Channel Islands and the Isle of Man⁴.

⁴ See further, in relation to the extension of section 54 of the Act, with modifications, to Jersey: the Wireless Telegraphy (Jersey) Order 2006, SI 2006/3324; to Guernsey: the Wireless Telegraphy (Guernsey) Order 2006, SI 2006/3325; to the Isle of Man: the Wireless Telegraphy (Isle of Man) Order 2007, SI 2007/278.

Section 4

Policy objectives and how the Proposed Regulations achieve them

Policy objectives

- 4.1 The policy objective of the Proposed Regulations is to regulate the electromagnetic energy emitted by apparatus, to ensure that it does not affect the correct function of communication networks used for safety purposes, by causing undue interference to it, during the Games. The Games will be an historic, sporting and cultural event, attracting in excess of eight million spectators, thousands of broadcasters and billions of viewers worldwide. This in turn raises public safety issues for those in attendance at the Games. The estimated budget for safety and security at the Games is £553 million⁵ and there will be circa 23,700 personnel employed in safety and security roles.
- 4.2 A key aspect of the safety and security arrangements is the communications networks on which they will depend for their organisation and operation. It is therefore of vital importance, both in terms of the numbers of persons in attendance at the Games, and the extensive arrangements made for their safety, that electromagnetic interference does not compromise communications used for safety purposes.
- 4.3 The policy objective is to be achieved by regulating, for a defined period of time and within a defined area, the intensity of the electromagnetic energy at which electrical and electronic apparatus operates, which has already been made available (after it has been placed on the market and/or put into service), whilst maintaining the underlying free movement and electromagnetic compatibility objectives of the EMC Directive.
- 4.4 The Proposed Regulations should assist in securing the safety of members of the public attending the Games. The risk to public safety arising from interference to wireless telegraphy (e.g. radio communications) used for safety purposes, and possible emergencies, will be mitigated as Ofcom will be able to take prompt enforcement action to require the cessation of relevant interference, enabling communications used for public safety purposes to be restored to an interference-free state and therefore to fulfil their safety purposes.

Problems under consideration and why intervention is necessary

- 4.5 In summary, and in addition to over-riding general reason described in the preceding paragraphs of this section, the reasons new secondary legislation is necessary are:
 - 4.5.1 certain apparatus placed on the market and/or put into service may cease to function correctly or be used as other than intended,⁶ causing excessive levels of electromagnetic disturbance. This may cause undue interference to wireless telegraphy used for safety purposes, such that it cannot function properly, and which disturbance and interference is not regulated under the EMC (or other) legislation described elsewhere in this document;

⁵ Public accounts committee report, 74th Report, printed 29 February 2012.

⁶ As intended at the time it was first made available.

- 4.5.2 dealing with any such interference under the enforcement provisions in section 55 of the Act is dependent on the existence of secondary legislation made under section 54;
 - 4.5.3 existing secondary legislation made under section 547 has failed to keep pace with technological developments⁸; and
 - 4.5.4 such existing secondary legislation regulates apparatus, such as household appliances, which are not particularly relevant to addressing public safety concerns at the Games.
- 4.6 As to the first reason, circumstances where apparatus is on the market and/or in service and is causing electromagnetic disturbance and interference to wireless telegraphy used for safety purposes, such that it cannot function as intended, are not subject to undue interference regulation (unless the apparatus falls within the narrow range existing statutory instruments made under section 54 of the Act, as explained further below).
- 4.7 Rather, apparatus in the United Kingdom is required to comply with the EMC Regulations which, as described above, set out a number of requirements, including the “essential requirements”, with which apparatus must conform before it can be placed on the market and/or put into service in the United Kingdom. The EMC Regulations concern a particular point in time: when the apparatus is first made available (placed on the market and/or put into service). They do not address circumstances where electromagnetic disturbance and interference is caused to wireless telegraphy apparatus used for safety purposes by apparatus already in use.
- 4.8 Apparatus already in use may, nonetheless, issue excessive levels or intensity of electromagnetic energy for a number of reasons, including for example as a result of deterioration over time, poor installation, maintenance, in appropriate location or improper use. This falls outside the EMC Regulations. Consequently, there is a shortfall in the regulation of apparatus in use, which causes undue interference to wireless telegraphy.
- 4.9 Ofcom considers the electromagnetic energy (and disturbance) generated by apparatus could compromise communications systems used for safety purposes, raising major concerns about securing public safety. This is of particular significance given the expectation that in excess of 8.8 million people will attend the Games and the extensive safety and security arrangements in place to protect those people, which arrangements are reliant on effective communications systems.
- 4.10 As to the second reason, and as set out elsewhere in this document, the enforcement provisions in section 55 of the Act are dependent on secondary legislation made under section 54. Before action can be taken by Ofcom under the former, secondary legislation must be made under the latter section.

⁷ Or made under equivalent provisions of the Wireless Telegraphy Act 1949, and now treated as if made under section 54 of the Act

⁸ The Wireless Telegraphy (Control of Interference from Fluorescent Lighting Apparatus) Regulations 1978, S.I. 1978 No.1268 as amended by S.I. 1985 No. 807 and S.I. 1989 No. 561; The Wireless Telegraphy (Control of Interference from Household Appliances, Portable Tools Etc.) Regulations 1978, S.I. 1978 No. 1267 as amended by S.I. 1985 No. 808 and S.I. 1989 No. 562; The Wireless Telegraphy (Control of Interference from Radio-Frequency Heating Apparatus) Regulations 1971, S.I. 1971 No. 1675; The Wireless Telegraphy (Control of Interference from Citizens’ Band Radio Apparatus) Regulations 1982, S.I. 1982 No. 635; The Wireless Telegraphy (Control of Interference from Electro-Medical Apparatus) Regulations 1963, S.I. 1963 No. 1895; and, The Wireless Telegraphy (Control of Interference from Ignition Apparatus) Regulations 1973 No. 1217.

- 4.11 Turning to the third reason, existing secondary legislation has failed to keep pace with technological developments. It regulates older apparatus by reference to largely out of date technical standards. Consequently, although there is secondary legislation in force, these statutory instruments only deal with limited types of apparatus in an anachronistic way and there are a number of apparatus which are not regulated.
- 4.12 The fourth reason follows on from the third. The limited types of apparatus dealt with by the existing statutory instruments are not particularly relevant to maintaining uncompromised communications for safety purposes at the Games. The existing regulations cover apparatus such as household appliances and portable tools. These are apparatus unlikely to be present in and/or unlikely to cause undue interference in Games' event zones.
- 4.13 For these reasons, Ofcom's ability to act in particular cases where apparatus is in use and causes interference to wireless telegraphy apparatus used for public safety purposes, such that the apparatus cannot function as intended, is fundamentally limited. The importance of remedying this shortfall is particularly acute given the need to maintain public safety (and the underlying communications networks used to secure it) in an event of the size (in human participation and financial cost) of the Games.

How the Proposed Regulations will address the problem

- 4.14 The Proposed Regulations would be directed at overcoming an interference problem caused by electromagnetic disturbance to wireless telegraphy at a specific site (a number of specific sites, each relevant for the Games) and for a specific purpose. The provision under which those Regulations would be made, section 54(1) of the Act, allows Ofcom to make regulations prescribing the requirements to be complied with in respect of apparatus, if the apparatus is to be used.
- 4.15 In other words, the requirement can apply to apparatus when in use. The requirement Ofcom proposes here is one we think fit for the purpose of ensuring that the use of the apparatus does not cause undue interference to wireless telegraphy used for public safety purposes.
- 4.16 In particular, the requirement will regulate the intensity of the electromagnetic energy at which apparatus operates. In doing so, it will fulfil the purpose of ensuring that it does not cause undue interference with wireless telegraphy used for public safety purposes within specified areas in which Games events will be held.
- 4.17 As a result of making the Proposed Regulations, Ofcom would then be able, where in our opinion apparatus does not meet the prescribed requirement and other conditions are met (see above), to serve an enforcement notice under section 55 of the Act. This would, as previously described, prohibit the use of the offending apparatus.
- 4.18 Accordingly, the Proposed Regulations would help address the risk of communications systems used for public safety purposes suffering undue interference within Games event zones. They would provide an essential, and currently lacking, part of the means by which Ofcom could take enforcement action in respect of apparatus causing such interference.
- 4.19 In addition, the requirement in the Proposed Regulations would be capable of application to a range of apparatus (and notwithstanding technological

advancements). In particular, the Proposed Regulations are not confined to single types of apparatus. Instead, the definition of “apparatus” they contain⁹ is based on that in the EMC Regulations (but is limited to “apparatus which generates, or is designed to generate, or is liable to generate fortuitously, electromagnetic energy at frequencies not exceeding 3,000 gigahertz” as required by section 54(5) of the Act).

- 4.20 In these ways, the Proposed Regulations would enable Ofcom to have adequate powers (including enforcement powers) to protect wireless telegraphy used for public safety purposes from undue interference during the Games.

⁹The Proposed Regulations do not apply to apparatus covered by the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000, S.I. 2000 No. 730, as amended, which implemented the Directive 1995/5/EC. This equipment must meet the protection requirements of the EMC regulations including the essential requirements.

Annex 1

Consultation question

- A1.1 As required by Section 122 of the Wireless Telegraphy Act 2006, we must give notice of proposals that we intend to make and consider any representations that we receive. This document gives notice of our proposal to make the Wireless Telegraphy (Control of Interference from Apparatus) (the London Olympic Games and Paralympic Games) Regulations 2012 (the “Proposed Regulations”).

Do you agree that the Proposed Regulations correctly give effect to the policy proposals referred to, and to the other intentions set out, in this document?

Annex 2

Responding to this consultation

How to respond

- A2.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 28 May 2012**.
- A2.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/undueinterference-olympics-2012/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 4), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A2.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email Ian.Eyre@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A2.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.

Ian Eyre
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Fax: 0207 981 3910

- A2.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A2.6 It would be helpful if your response could include direct answer to the question asked in this document, which are listed together at Annex 1. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A2.7 If you want to discuss the issues and question raised in this consultation, or need advice on the appropriate form of response, please contact Ian Eyre on 020 7981 3948.

Confidentiality

- A2.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether

all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A2.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A2.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A2.11 Following the end of the consultation period, Ofcom intends to publish a statement by May 2012.
- A2.12 Please note that you can register to receive free mail updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A2.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A2.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A2.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email Graham.Howell@ofcom.org.uk

Annex 3

Ofcom's consultation principles

A3.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A3.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction.

During the consultation

A3.3 We will be clear about who we are consulting, why, on what questions and for how long.

A3.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A3.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A3.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A3.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A3.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 4

Consultation response cover sheet

- A4.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A4.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A4.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A4.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the “Consultations” section of our website at www.ofcom.org.uk/consult/.
- A4.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 5

Regulatory Impact Assessment

Introduction

- A5.1 The analysis in this annex is a Regulatory Impact Assessment (“RIA”) relating to the Proposed Regulations.
- A5.2 Ofcom acts consistently with the Government practice that, where a statutory regulation is to be made, a RIA should be undertaken. We also comply with our duty under section 7 of the Communications Act 2003 (“the 2003 Act”) to undertake impact assessments. This document and this Annex in particular, are an impact assessment for the purposes of section 7 of the 2003 Act.
- A5.3 You should send any comments on this impact assessment to us by the closing date for this consultation. We will consider all comments before deciding whether to implement our proposals.
- A5.4 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the 2003 Act, which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in our activities. However, as a matter of policy we are committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom’s approach to impact assessment, which are on our website: http://www.ofcom.org.uk/consult/policy_making/guidelines.pdf.
- A5.5 This impact assessment relates to our proposal to regulate:
- for the duration of the Games the intensity of electromagnetic energy at which apparatus operates (when in use), for the purpose of ensuring that it does not cause undue interference with wireless telegraphy used for public safety purposes within the protection radius of a Games event zone.

Background

Policy objectives and how the Proposed Regulations will address the problem

- A5.6 The policy objectives of the Proposed Regulations are set out in section 4 of this document. Likewise, the ways in which Ofcom considers that the Proposed Regulations will achieve the policy objectives and address the problems they are designed to resolve are set out in section 4. Ofcom does not repeat, but nonetheless relies for the purposes of this impact assessment, on what we say in section 4.

The citizen and/or consumer interest

- A5.7 Ofcom’s principal duty under section 3 of the 2003 Act is to further the interests of citizens in relation to communications matters; and of consumers in relevant markets, where appropriate by promoting competition. We take account of the impact of our decisions upon both citizen and consumer interests in the markets we

regulate. We must, in particular, secure the optimal use for wireless telegraphy of spectrum and have regard to the principle under which all regulatory activities should be targeted only at cases in which action is needed.

- A5.8 Further in performing the principal duty of furthering the interests of citizens in communications matters¹⁰, Ofcom must have regard to, amongst other things, the desirability of preventing crime and disorder¹¹. Ofcom considers that undue interference caused by apparatus could compromise communications systems used for safety purposes at the Games, including for the prevention of disorder and crime.
- A5.9 In exercise of the powers conferred by sections 54(1) and 122(7) of the Act Ofcom may make the Proposed Regulations prescribing the requirements to be complied with in the case of apparatus specified in the regulations, if the apparatus is to be used. As noted elsewhere in this document, the enforcement provisions under section 55 which are dependent on secondary legislation made under section 54, permit Ofcom to serve an enforcement notice prohibiting the use of apparatus, where in the opinion of Ofcom, apparatus does not comply with the requirements set out in the Proposed Regulations and either condition in section 55(2) or (3) of the Act is satisfied. This goes to discharging our spectrum management duties, as people's interests will be protected as a result of secure uncompromised communications for public safety purposes.
- A5.10 In proposing new regulations, Ofcom has considered the wider impact beyond immediate stakeholders in the communications community. We believe that the proposal will be of benefit to citizens as it will help manage, and avert threats to, public safety. For example, communications systems functioning free from interference can be used to manage large crowds safely and warnings/safety announcements for public safety purposes will be capable of being conveyed without interference or interruption.

Evidence of need for Regulations

- A5.11 Ofcom sets out in section 4 of this document reasons why we consider the Proposed Regulations are necessary. Additional evidence of that need is provided by the following.
- A5.12 Interference complaints handled by Ofcom's advice and assistance service¹²during 2011 were:

Table 1	
2011 Electromagnetic disturbance case statistics	Volume of cases
Complaints where undue interference was caused to wireless telegraphy apparatus and capable of resolution by regulations under section 54	167
Complaint resolution possible using existing regulations under section 54(1)	3
Number of cases requiring resolution by cooperation	164

¹⁰ Section 3(1)(a) of the Communications Act, 2003.

¹¹ Section 3(4)(j) of the Communications Act, 2003.

¹² A service Ofcom provides to persons complaining of interference pursuant to section 4 of the Act.

Number of cases involving undue interference to emergency services communications where resolution of the problem was delayed due to inadequate secondary legislation under section 54(1)	11
Numbers of different types of apparatus causing undue interference to wireless telegraphy.	14

A5.13 Accordingly, in 2011 there were 167 complaints involving interference caused by apparatus in use that might have been capable of resolution by means of regulations made under section 54 of the Act (and the related provisions of the Act). However, of those, only 3 were complaints in which Ofcom would have been able to take action pursuant to the existing regulations made under section 54. The remainder fell outside those regulations.

A5.14 This meant that 164 complaints (note that 3 were resolved using the existing regulations) required resolution by seeking the voluntary cooperation of the person using the apparatus (normally by repair or replacement of apparatus). In other words, the resolution of those 164 complaints was totally reliant on the goodwill of the person in possession of the relevant apparatus, which they were under no obligation to act upon.

A5.15 The risk to which this gives rise is borne out by the following. In 11 cases, delays were incurred resolving undue interference affecting emergency communications systems.¹³ Although this represents a small minority of the total cases capable of resolution by means of regulations made under section 54 of the Act (and the related provisions of the Act), the risks to public safety associated with similar cases affecting wireless telegraphy used for public safety purposes at Games event zones could be highly significant.

A5.16 In addition, from relevant complaints set out in Table 1, 14 different types of apparatus were found to be causing interference. These are listed in Table 2 below.¹⁴ Table 2 demonstrates that interference caused by apparatus in use is caused by a much broader range of apparatus than is covered by the existing regulations made under section 54.

Table 2
Control Equipment
Domestic Electric Cables
Electric Fence
High Voltage Power Cables
Industrial Scientific Medical Equipment
IT Equipment

¹³ Delays were incurred in resolving nine cases affecting business wireless systems.

¹⁴As table two below shows, the apparatus was usually a relatively low cost device (and, in some instances, the Interference would have been resolved by simple adjustment or repair at low cost). Past Ofcom experience has shown that for larger more costly apparatus, Interference is more likely to be as a result of maladjustment or failing components that can be adjusted or replaced.

IT Power Supply Unit
Lighting
Power Line Adaptor
Power Supply Unit Battery Charger
Security Equipment
Transformer
TV Aerial Amplifier
TV Equipment

A5.17 In light of these statistics, together with the assessment set out in section 4 of this document, Ofcom has identified a distinct and important need for intervention (in the form of the Proposed Regulations), at least as far as the Games are concerned (whether there is a need for broader intervention is for separate assessment). The Proposed Regulations respond to this need in a correspondingly limited way (i.e. in respect of the Games), being restricted in time and, as far as the effects of interference are concerned, geographical scope and the uses of wireless telegraphy affected.

Options considered

A5.18 For present purposes, the main options open to Ofcom for taking action against undue interference, and which Ofcom has considered, are:

- i) to make regulations imposing requirements on apparatus so as to enable Ofcom to take enforcement action in respect of undue interference; or
- ii) not to make any new regulations and to rely on the cooperation of the apparatus user to cease the interference.

Analysis of options

A5.19 The following assesses the impact of options open to Ofcom.

Make new regulations

A5.20 Ofcom considers that the benefits of making the Proposed Regulations will include the following.

A5.21 First, the Proposed Regulations will meet the needs and legislative shortfalls described elsewhere in this document. In particular, they provide part of the means, currently lacking, for Ofcom to take action in respect of apparatus in use which causes undue interference to wireless telegraphy used for public safety purposes in the proximity of Games event zones. For those millions of people attending the Games, the Proposed Regulations will assist in securing their safety. As previously noted, a key aspect of an event of the Games' magnitude is the safety and security arrangements. A key part of those arrangements is the communications networks on which they will depend for their organisation and operation. By helping to ensure that Ofcom is able to take action against relevant undue interference the Proposed Regulations will ensure that communications systems used for public safety purposes can be restored to an interference-free state. This will enable them effectively to play their proper role in managing and securing public safety.

Likewise, should there be public safety emergencies, that those communications systems can effectively be used in aversion or alleviation of the emergency.

- A5.22 Second, the investment, in financial and manpower terms, being made in the Games' safety and security arrangements is similarly set out elsewhere in this document. By enabling Ofcom to take action in respect of the relevant undue interference, the Proposed Regulations offer the benefit of helping to secure the efficacy of those arrangements and the value of the investment made in them.
- A5.23 Third, the Proposed Regulations should also, in themselves and together with the prohibition notices to which breach of them may give rise, have incentive and deterrent effects. That is, they will provide incentives to comply with the Proposed Regulations' requirement, under threat of a prohibition notice if necessary, and any notice should, with its threat of possible prosecution should deter continued use of apparatus causing relevant undue interference. As a result, the Proposed Regulations will enable Ofcom to resolve undue interference without the costs of:
- Ofcom's time and money associated with negotiating voluntary resolutions with apparatus users; and
 - formal criminal proceedings.
- A5.24 Additionally, in circumstances where there is undue interference to wireless telegraphy apparatus used for public safety purposes and Ofcom takes action under the Proposed Regulations, a consequential and indirect benefit will be that, where the same interference is affecting apparatus not used for safety purposes, the interference will also be resolved in respect of that apparatus.
- A5.25 There would be some costs in making, and in complying with, the Proposed Regulations.
- A5.26 In terms of the costs to Ofcom of making and applying the Proposed Regulations, there would be some one-off administrative costs associated with making the regulations¹⁵. These would include the costs of providing guidance and training for spectrum enforcement staff allocated enforcement responsibilities. Ofcom considers these costs likely to be limited as the Proposed Regulations will require limited guidance and training given that the spectrum enforcement staff are already familiar with the legislative framework upon which the Proposed Regulations are based.
- A5.27 We consider that the additional costs to Ofcom in applying the Proposed Regulations would be limited, for two reasons:
- we anticipate these costs being lower than Ofcom would otherwise incur in seeking voluntary resolution of relevant interference absent the Proposed Regulations; and
 - those Ofcom officers likely to be involved in applying the Proposed Regulations in connection with the Games would be deployed at the Games, with similar costs to Ofcom and the Games budget in any event.

¹⁵ Given the significant benefits of the Proposed Regulations (namely, the mitigation of risks to public safety in an event the size of the Games), we do not believe it is necessary to quantify these costs for the purposes of this impact assessment.

A5.28 There would also be some costs to individuals and businesses using apparatus and to whom the Proposed Regulations and/or enforcement notices apply. Although it is very difficult to estimate the costs of the Proposed Regulations on these users, Ofcom considers that these costs are likely to be limited for the following reasons:

- The statistics set out in Table 1 above (which relate to the UK as a whole) suggest that only a small number of users will be deprived of the right to use apparatus under the Proposed Regulations. Moreover, delays in reaching voluntary resolution were incurred in only a small minority of cases, suggesting that an even smaller number of users would face material *additional* costs from the Proposed Regulations (relative to not making the Proposed Regulations). This is because, in Ofcom's view, the additional costs of the Proposed Regulations to users that would have cooperated voluntarily are likely to be very small;
- In addition, the costs to those using apparatus and to whom the Proposed Regulations and/or enforcement notices may apply would relate only to the deprivation of the right to use apparatus for a limited time in a limited area; and
- Ofcom notes that the Proposed Regulations principally place obligations on those using apparatus, end-users, not its manufacturers or sellers. Specifically, the Proposed Regulations do not impact or impose any additional costs for the placement of apparatus on the market and/or the putting of apparatus into service. The costs complying with obligations in those regards apply in any event under other, existing legislation (i.e. the EMC Regulations). Complying with those obligations would also be likely to go towards complying with the requirement under the Proposed Regulations, limiting any additional costs that would arise.

A5.29 There would be some costs in making, and in complying with, the Proposed Regulations.

A5.30 Overall, Ofcom considers that the costs of the Proposed Regulations are likely to be limited and outweighed by the significant benefits that come from mitigating the risks to public safety arising from interference to wireless telegraphy used for safety purposes at Games event zones. Moreover, the Proposed Regulations respond to the need to maintain public safety in a correspondingly limited way (i.e. in respect of the Games), being restricted in time and, as far as the effects of interference are concerned, geographical scope and the uses of wireless telegraphy affected.

Do nothing

A5.31 Ofcom's main alternative option would be to do nothing: not making the Proposed Regulations and continue to rely on the reasonable cooperation of apparatus users to resolve any relevant undue interference.

A5.32 Whilst this option would not impose any of the additional costs of making or applying the Proposed Regulations, Ofcom would not be able to take action in respect of apparatus in use causing relevant undue interference unless the apparatus was in the limited categories covered by existing secondary legislation. As a result, the risk that communications systems used for safety purposes at Games event zones will be compromised by undue interference remains unmitigated, representing a significant risk to public safety. The costs of this risk, especially if realised, could be highly significant.

A5.33 In addition, in respect of many types of relevant apparatus, Ofcom would continue to incur the costs of seeking voluntarily resolution of interference problems that could be avoided were the Proposed Regulations made and applied.

Overall impact

A5.34 Ofcom has assessed the overall impact of the Proposed Regulations.

A5.35 The scope and consequential impact, of the requirement set out in the Proposed Regulations is limited, as:

- a) the requirement only applies to apparatus which has already been placed on the market or put into service;
- b) the requirement only limits the intensity of the electromagnetic energy with which apparatus operates so that it will not cause undue interference with wireless telegraphy used for public safety purposes;
- c) the requirement only applies between 26 July 2012 and 10 September 2012;
- d) the requirement only applies to apparatus when in use that has effects within the protection radius of an event zone (as defined in the Proposed Regulations);
- e) the requirement of the Proposed Regulations (and consequential provisions of the Act) will only serve to prohibit the use of apparatus and the causing of undue interference temporarily and with the limited scope summarised above; and
- f) the requirement does not apply to apparatus covered by Directive 1995/5/EC (the "RTTE Directive").¹⁶

Preferred option

A5.36 In light of all the above, Ofcom's preferred option is to make (and apply) the Proposed Regulations in order to continue to meet our spectrum management duties and reinforce public safety at the Games. The Proposed Regulations are likely to impose only limited costs on stakeholders and, although they are difficult to quantify, we believe that the benefits are likely to exceed those costs.

A5.37 In particular, the Proposed Regulations are likely, in Ofcom's view, to yield the significant benefits described above. We conclude that those benefits, including the aversion of the risks and costs to public safety communications in use at and for the Games, would outweigh costs which Ofcom assesses would only be limited for the reasons given.

A5.38 Moreover, if we did not make the Proposed Regulations we risk the inefficient use of spectrum. We would not be acting consistently with our wider spectrum management duties because, if wireless telegraphy used for public safety purposes were compromised by undue interference, and the user of the apparatus causing the interference is unwilling to co-operate with Ofcom's requests, Ofcom would be unable to take enforcement action. This shortfall in our ability to take enforcement action is particularly acute given the need to maintain public safety in an event the size of the Games.

¹⁶OJ No.L91, 7.4.99, p.10 as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.03, p.1).

Equality Impact Assessment

- A5.39 Following an initial assessment of our policy proposals we considered that it was reasonable to assume that any impacts on consumers and citizens arising from the Proposed Regulations would not differ significantly between groups or classes of UK consumers and citizens.
- A5.40 In addition, we note that there is no available evidence to suggest that the Proposed Regulations would have a greater financial impact on groups based on gender, race or disability or for consumers and citizens relative to citizens in general. This is because one would not expect the impact of complying with the Proposed Regulations' requirement to differ significantly between these groups and consumers in general. One would also not expect the financial impact of any enforcement action necessitated by a failure to comply with the requirement, to differ significantly between these groups and consumers in general.
- A5.41 As the Proposed Regulations are limited in geographical scope to areas in and around the greater London area, the Proposed Regulations will not have any direct impact in Northern Ireland.
- A5.42 In the same way that any apparatus may cause interference, there may be a possibility that apparatus used by disabled persons may cause interference. However, we have no evidence to suggest that this is any more likely than in respect of other apparatus. Since Ofcom was established we have not been aware of interference problems concerned specifically with apparatus used by disabled persons.
- A5.43 We have not, therefore, carried out an Equality Impact Assessment in relation to race equality or equality schemes under the Northern Ireland and disability equality schemes. This is because we are not aware that the proposals being considered here are intended (or would, in practice) have a significant differential impact on different gender or racial groups, on citizens in Northern Ireland or on disabled citizens compared to citizens in general.

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Annex 6

Proposed Regulations

2012 No. 0000

ELECTROMAGNETIC COMPATIBILITY

The Wireless Telegraphy (Control of Interference from Apparatus) (The London Olympic Games and Paralympic Games) Regulations 2012

Made - - - - ***
Laid before Parliament ***
Coming into force - - ***

The Office of Communications (“OFCOM”), in exercise of the powers conferred by sections 54(1) and 122(7) of the Wireless Telegraphy Act 2006(a), makes the following Regulations.

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

The Secretary of State, in accordance with section 54(7) of that Act, has approved the making by OFCOM of these Regulations.

Citation, commencement and coming into force

1. These Regulations may be cited as the Wireless Telegraphy (Control of Interference from Apparatus) (The London Olympic Games and Paralympic Games) Regulations 2012 and shall come into force on [2012].

Interpretation

2. In these Regulations—

“apparatus” means any finished appliance or combination of appliances made commercially available as a single functional unit, intended for the end user and liable to generate electromagnetic disturbance, or the performance of which is liable to be affected by such disturbance and which generates, or is designed to generate, or is liable to generate fortuitously, electromagnetic energy at frequencies not exceeding 3,000 gigahertz and includes—

(a) 2006 c.36; sections 54 and 122(7) were extended, with modifications, to the Bailiwick of Guernsey by article 2 of the Wireless Telegraphy (Guernsey) Order 2006 (S.I. 2006/3325); and 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).

(a) components or sub-assemblies intended for incorporation into an apparatus by an end-user, which are liable to generate electromagnetic disturbance, or the performance of which is liable to be affected by such disturbance;

(b) mobile installations defined as a combination of apparatus and, where applicable, other devices, intended to be moved and operated in a range of locations;

“essential requirements” means the requirements set out in regulations 4(1) and 4(2)(a) of the Electromagnetic Compatibility Regulations 2006(a);

“event zone” means the areas defined in columns (1) and (2) of Table 1 in the Schedule to these Regulations; and

“protection radius” means the radius listed in column (3) of Table 1 in the Schedule to these Regulations and referred to by the latitude and longitude references listed opposite that radius in columns (1) and (2) of that Table.

Requirement

3. The requirement to be complied with, for the purposes of section 54(1) of the Wireless Telegraphy Act 2006 in the case of apparatus which is to be used, is set out in Regulation 4.

Use of Apparatus at a London Olympic Games and Paralympic Games event zone

4.—(1) The requirement is that between 26th July 2012 and 10th September 2012, apparatus must when in use, operate at a sufficiently low intensity of electromagnetic energy such that it does not cause undue interference with wireless telegraphy used for public safety purposes within the protection radius of an event zone.

(2) The requirement applies even if the maximum intensity of electromagnetic energy emitted by that apparatus is lower than a level permissible under the essential requirements.

Radio Equipment and Telecommunications Terminal Equipment Directive

5. These Regulations do not apply to apparatus covered by Directive 1995/5/EC of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity(b).

[xxxxxxx]

Date

Chief Executive of the Office of Communications
For and by the authority of the Office of Communications

(a) S.I. 2006/3418.

(b) OJ No. L 91, 7.4.99, p.10 as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L 284, 31.10.03, p.1).

SCHEDULE

Table 1

Event zone		
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Latitude</i>	<i>Longitude</i>	<i>Protection radius</i>
<i>51:30:14N</i>	<i>0:7:42W</i>	<i>35km</i>
<i>51:29:35.148N</i>	<i>0:39:44.535W</i>	<i>25km</i>
<i>55:49:31.718N</i>	<i>4:15:2.717W</i>	<i>25km</i>
<i>51:28:42.16N</i>	<i>3:10:52.289W</i>	<i>25km</i>
<i>53:27:47.128N</i>	<i>2:17:25.234W</i>	<i>25km</i>
<i>54:58:31.902N</i>	<i>1:37:14.562W</i>	<i>25km</i>
<i>51:41:14.802N</i>	<i>0:0:53.935W</i>	<i>25 km</i>
<i>50:36:21.637N</i>	<i>2:24:33.404W</i>	<i>25km</i>
<i>52:26:50.723N</i>	<i>1:29:44.211W</i>	<i>25km</i>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations will regulate, for the duration of the London 2012 Olympic and Paralympic Games, the intensity of the electromagnetic energy at which defined apparatus operates such that it does not cause undue interference with wireless telegraphy apparatus used for public safety purposes at defined event zones.

Regulation 4 requires that, between 26 July and 10 September 2012, apparatus must, when in use, operate at a sufficiently low intensity of electromagnetic energy such that it does not cause undue interference with wireless telegraphy used for public safety purposes within the protection radius of an event zone.

The requirement in Regulation 4 applies even if the maximum intensity of electromagnetic energy emitted by the apparatus is lower than a level permissible under the essential requirements set out in regulations 4(1) and 4(2)(a) of S.I. 2006/3418.

Table 1 in the Schedule to these Regulations defines “event zone” and “protection radius” of an event zone.

The approval of the Secretary of State has been provided in accordance with section 54(7) of the Wireless Telegraphy Act 2006.

These Regulations were notified in draft to the European Commission and to other member states in accordance with Directive 2004/108/EC (OJ No L390, 31.12.2004, p.27) and Directive 98/34/EC (OJ No L204 21.7.1998, p.37) as amended by Directive 98/48/EC (OJ No L217 5.8.1998, p.18).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the OFCOM Library at Riverside House, 2a Southward Bridge Road, London SE1 9HA (Tel: 020 7981 3000); on OFCOM’s website at www.ofcom.org.uk; and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.