

2015 No. 0000

ELECTRONIC COMMUNICATIONS

**The Wireless Telegraphy (Control of Interference from
Apparatus) Regulations 2015**

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 extent

1. These Regulations may be cited as the Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2015 and shall come into force on XXXX 2015.

2. These Regulations shall not extend to the Channel Islands or to the Isle of Man.

Interpretation

3. In these Regulations—

“apparatus” means any finished appliance or combination of appliances, 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;

“the Community” means the European Economic Community and the other States in the European Economic Area;

“the Electromagnetic Compatibility Regulations” means the Electromagnetic Compatibility Regulations 2006(a);

“the EMC Directive” means Directive 2004/108/EC of the European Parliament and of the Council on the approximation of the laws of the member states relating to electromagnetic compatibility(b).

Apparatus

4. The requirement set out at regulation 5, for the purposes of section 54(1) of the Wireless Telegraphy Act 2006, applies in the case of apparatus which—

(a) is in use after it has been placed on the Community market or put into service in the Community;

(b) cannot be withdrawn from the Community market, in accordance with the provisions of the EMC Directive or the Electromagnetic Compatibility Regulations 2006; and

(c) is improperly—

(i) installed;

(ii) assembled;

(iii) maintained;

(iv) functioning due to degradation, deterioration, modification, or damage; or

(v) used for a purpose other than its intended purpose.

Requirement

5. The requirement is that apparatus set out in regulation 4, when in use, must operate in such a way that the maximum intensity of electromagnetic disturbance generated shall not exceed the level permissible under the requirements of the EMC Directive, when it was placed on the Community market or put into service in the Community.

Radio Equipment and Telecommunications Terminal Equipment

6. 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(c)

Chief Executive of the Office of Communications

(a) S.I. 2006/3418.

(b) OJ No.L390, 31.12.04, p 24.

(c) OJ No. L 91, 7.4.1999, p.10 as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29.9.2003 (OJ L284, 31.10.03, p.1).

For and by the authority of the Office of Communications

I approve the making of these Regulations by the Office of Communications

Secretary of State for Culture, Media and Sport
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require that, the maximum intensity of the electromagnetic disturbance generated by apparatus is such that it shall not exceed the level permissible under the requirements of the EMC Directive after the apparatus has been placed on the Community market or put into service in the Community and cannot be withdrawn from the Community market in accordance with SI 2006/3418. These Regulations do therefore apply to apparatus which prior to being placed on the market or being put into service were covered by Directive 2004/108/EC of the European Parliament and of the Council on the approximation of the laws of Member States relating to electromagnetic compatibility, as revised from time to time, but are no longer covered following placing on the market or putting into service in the Community.

Non compliance is a ground for OFCOM giving notice under section 55 of the Wireless Telegraphy Act 2006.

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

These Regulations were notified to the European Commission and to other member states in accordance with Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (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 Southwark 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.