



# Decision to make Wireless Telegraphy Exemption Regulations

2014 Update

Statement

Publication date:

17 June 2014

## About this document

The Wireless Telegraphy Act 2006 requires that wireless telegraphy stations or apparatus are either authorised via a licence or made licence exempt by regulations.

This document confirms Ofcom's decision to make minor amendments to the regulations. The changes enable the use of the 870 to 876 MHz and 915 to 921 MHz spectrum bands for Short Range Devices; land-based use of Earth Stations on Moving Platforms, to enable the delivery of broadband services on trains and coaches, and two different Amplitude Modulation modes of operation to be used for Citizens' Band Radio on a licence exempt basis.

These regulations will come into force on 27 June 2014.

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## Section 1

# Executive summary

- 1.1 This document sets out Ofcom's decision to make the Wireless Telegraphy (Exemption and Amendment) (Amendment) Regulations 2014 (the 'Regulations'). The Regulations enable the use of certain wireless telegraphy equipment that complies with the technical parameters set out in the Regulations on a licence exempt basis. This decision follows on from our consultation "Proposals to make Wireless Telegraphy Regulations, 2014 update" (the 'Notice')<sup>1</sup> that we published on 17 April 2014.
- 1.2 Ofcom is responsible for authorising civil use of the radio spectrum. Under section 8(1) of the Wireless Telegraphy Act 2006 (the 'WT Act'), it is an offence to establish, install or use equipment for wireless telegraphy without holding a licence granted by us, unless the use of such equipment is exempted. We are able to make regulations exempting the use of equipment by using powers conferred by section 8(3) of the WT Act.
- 1.3 In accordance with the requirements of section 122(4) and (5) of the WT Act we allowed one month for representations to be made. The Notice set out our intention to make the Regulations, background on the policy decisions that were subject to previous consultation and draft copy of the Regulations. We received 4 responses to the consultation.
- 1.4 These were considered in accordance with section 122(4)(c) of the WT Act. After doing so, and for reasons set out in this document, we have decided to adopt the Regulations as drafted with a couple of minor amendments.
- 1.5 The Regulations were signed on 6 June and come into force on 27 June 2014. The Regulations will amend the Wireless Telegraphy (Exemption and Amendment) Regulations 2010 ('2010 Regulations') to implement the following Ofcom decisions to:
  - authorise the use of 870 to 876 MHz and 915 to 921 MHz for a number of Short Range Devices (SRD) on a licence-exempt basis in accordance with the decision in our Statement published on 2 April 2014 (the '870/915 Statement')<sup>2</sup>;
  - enable the land-based use of Earth Stations on Moving Platforms (ESOMPs) on a licence-exempt basis in accordance with the decision in our Statement published on 20 January 2014 (the 'ESOMPs Statement')<sup>3</sup>; and

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<sup>1</sup> [http://stakeholders.ofcom.org.uk/binaries/consultations/asa-reauthorisation/summary/2014\\_LE\\_Notice.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/asa-reauthorisation/summary/2014_LE_Notice.pdf)

<sup>2</sup> "Statement on the Authorisation of Short Range Devices in 870 to 876 MHz and 915 to 921 MHz", published on 2 April 2014, <http://stakeholders.ofcom.org.uk/binaries/consultations/short-range-devices/statement/statement.pdf>

<sup>3</sup> "Statement on the Authorisation of Earth Stations on Mobile Platforms", published on 20 January 2014, <http://stakeholders.ofcom.org.uk/binaries/consultations/earth-stations-mobile-platforms/statement/Statement.pdf>

- allow two different Amplitude Modulation (AM) modes of operation (AM double side band and single side band) to be used for Citizens' Band (CB) Radio on a licence-exempt basis in accordance with our decision in our "Statement on Citizens' Band (CB) radio published on 10 December 2013 (the 'CB Radio Decision')<sup>4</sup>.

1.6 In addition, the Regulations also made certain changes to the current technical conditions for use of SRDs on a licence exempt basis in order to implement the requirements of Commission Implementing Decision 2013/752/EU<sup>5</sup> (the 'Amending Decision').

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<sup>4</sup> "Citizens' Band (CB) radio – Authorising Amplitude Modulation (AM) modes of operation – Permitting AM double and single side band CB radio in the UK", published on 10 December 2013, <http://stakeholders.ofcom.org.uk/binaries/consultations/citizens-band-radio/statement/statement.pdf>

<sup>5</sup> Commission Implementing Decision of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013D0752&from=EN>

## Section 2

# Background

## Introduction

- 2.1 We are responsible for authorising civil use of the radio spectrum and achieve this by granting wireless telegraphy licences under the WT Act and by making regulations exempting users of particular equipment from the requirement to hold such a licence.
- 2.2 Under section 8(1) of the WT Act, it is an offence to install or use wireless telegraphy equipment without holding a licence granted by us unless the use of such equipment is exempted. We can exempt the installation or use of wireless telegraphy equipment by making Regulations under section 8(3) of the WT Act.
- 2.3 Under section 8(4) of the WT Act, we are required to make regulations to exempt the use of wireless telegraphy equipment if the conditions in section 8(5) of the WT Act are met, namely, if its installation or use is not likely to:
- involve undue interference with wireless telegraphy;
  - have an adverse effect on technical quality of service;
  - lead to inefficient use of the part of the electromagnetic spectrum available for wireless telegraphy;
  - endanger safety of life;
  - prejudice the promotion of social, regional or territorial cohesion; or
  - prejudice the promotion of cultural and linguistic diversity and media pluralism.
- 2.4 In accordance with the requirements of section 8(3B) of the WT Act, the terms, provisions and limitations specified in the regulations must be:
- objectively justifiable in relation to the wireless telegraphy stations or wireless telegraphy apparatus to which they relate;
  - not such as to discriminate unduly against particular persons or against a particular description of persons;
  - proportionate to what they are intended to achieve; and
  - transparent in relation to what they are intended to achieve.

## Statutory Notice

- 2.5 Under sections 122(4) to (6) of the WT Act, we are required to publish a notice of any proposal to make regulations. The notice must state that Ofcom proposes to make the regulations in question, must set out their general effects, specify an address from which a copy may be obtained and specify a time of at least one month before which any representations with respect to the proposal must be made to Ofcom.

- 2.6 We published the Notice, meeting the statutory requirements, on 17 April 2014. The Notice included a copy of the Proposed Regulations. The Notice gave any person or party who wished to do so until 19 May 2014 to make representations.
- 2.7 The Notice proposed to amend the Wireless Telegraphy (Exemption and Amendment) Regulations 2010 ('2010 Regulations') to:
- authorise the use of 870 to 876 MHz and 915 to 921 MHz for a number of Short Range Devices (SRD) on a licence-exempt basis in accordance with the decision in our Statement published on 2 April 2014 (the '870/915 Statement')<sup>6</sup>;
  - enable the land-based use of Earth Stations on Moving Platforms (ESOMPs) on a licence-exempt basis in accordance with the decision in our Statement published on 20 January 2014 (the 'ESOMPs Statement')<sup>7</sup>;
  - allow two different Amplitude Modulation (AM) modes of operation (AM double side band and single side band) to be used for Citizens' Band (CB) Radio on a licence-exempt basis in accordance with our decision in our "Statement on Citizens' Band (CB) radio published on 10 December 2013 (the 'CB Radio Decision')<sup>8</sup>; and
  - make certain changes to the current technical conditions for use of SRDs on a licence exempt basis in order to implement the requirements of the 'Amending Decision.
- 2.8 We received 4 non-confidential responses to the Notice which agreed with our proposals but did raise additional comments. These are addressed in the next section of this document. We have also made a couple of minor amendments to the Regulations.

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<sup>6</sup> "Statement on the Authorisation of Short Range Devices in 870 to 876 MHz and 915 to 921 MHz"  
<http://stakeholders.ofcom.org.uk/binaries/consultations/short-range-devices/statement/statement.pdf>

<sup>7</sup> "Statement on the Authorisation of Earth Stations on Mobile Platforms",  
<http://stakeholders.ofcom.org.uk/binaries/consultations/earth-stations-mobile-platforms/statement/Statement.pdf>

<sup>8</sup> "Citizens' Band (CB) radio – Authorising Amplitude Modulation (AM) modes of operation – Permitting AM double and single side band CB radio in the UK",  
<http://stakeholders.ofcom.org.uk/binaries/consultations/citizens-band-radio/statement/statement.pdf>

## Section 3

# Responses to the Notice

- 3.1 This section outlines the comments we received to the Notice and our response to these. We also outline a further amendment that we have made to the Regulations.
- 3.2 We received 4 non-confidential responses. These are published in full on our website.<sup>9</sup> Following consideration of the responses as outlined below, we have decided to proceed with our proposal to make the Regulations subject to a couple of minor amendments noted in section 4.

## Stakeholder responses to the Notice and Ofcom's response

- 3.3 Mr Sowden, Mr Wheeler and Delboy Enterprises all agreed with the proposals to extend the current licence exemption of CB Radio to cover the new AM modes of operation.
- 3.4 Another respondent raised an issue in relation to the proposed authorisation of 870 to 876 MHz SRD equipment. They requested that the restriction in Regulation 4(2) of the Wireless Telegraphy (Exemption) Regulations 2003 (the '2003 Regulations') be amended. This restricts the use on a licence exempt basis of wireless telegraphy equipment which is established, installed or used to provide or is capable of providing a wireless telegraphy link between 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. Only frequency bands that are listed in Regulation 4(3) are excluded from that restriction. The respondent requested that the 870 to 876 MHz frequency band is added to that list.
- 3.5 We noted all the responses to the consultation. On the specific issue of Regulation 4(2) of the 2003 Regulations, we note that the exemption for 870 to 876 MHz SRDs is not included in the 2003 Regulations. All SRD devices covered by UK Interface Requirement 2030 ('IR2030') are made licence exempt under Regulation 5 of the Wireless Telegraphy (Exemption and Amendment) Regulations 2010, which do not include an equivalent restriction to Regulation 4(2) of the 2003 Regulations.

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<sup>9</sup> <http://stakeholders.ofcom.org.uk/consultations/proposal-wireless-telegraphy-exemption-2014/?showResponses=true>

## Section 4

# Scope of the Regulations

- 4.1 This section sets out the final scope of the Regulations. On 6 June 2014, Ofcom made the Regulations as proposed, subject to the changes described below. The Regulations come into force on 27 June 2014. They are summarised below.

## Extent of application

- 4.2 The Regulations apply in the United Kingdom, the Channel Islands and the Isle of Man.

## Final scope of the Regulations

- 4.3 Regulation 1 sets the date when the Regulations would come into force.
- 4.4 Regulation 2(2) amends the exemption for Short Range Devices in the 2010 Regulations to include reference to the revised version of “IR 2030 – UK Interface Requirement IR 2030 Licence Exempt Short Range Devices” which updates the technical requirements that the relevant SRD equipment must meet to be licence exempt. This includes the changes required to implement the Amending Decision and the changes outlined in the 870/915 Statement.
- 4.5 Regulation 2(3) inserts a new licence exemption for land-based ESOMPs (i.e. ESOMPs which are not used whilst airborne or on a ship), provided that they meet the requirements of “IR 2093 - UK Interface Requirement IR 2093 Earth Stations on Mobile Platforms (ESOMPs)” and do not cause undue interference to wireless telegraphy.
- 4.6 Regulation 2(3) also inserts a new licence exemption for AM/SSB and AM/DSB operation for CB radio use, provided that such equipment meets the requirements of “Interface Requirement IR 2027.2 UK Radio Interface Requirement 2027.2 for AM/SSB and DSB use in the Citizens’ Radio Service” and does not cause undue interference to wireless telegraphy.

## Further Amendments

- 4.7 We have made a couple of minor amendments to the Regulations. In Regulation 2(3) we amended the heading relating to the CB radio exemption to remove the text “AM/SSB and DSB Citizens’ Band Radio”, as we considered this text was unnecessary. We have also updated the title of IR 2027.2 to reflect the title of IR 2027.2 as published.

## Annex 1

# List of Respondents

A1.1 Ofcom received 4 responses to the April 2014 consultation. The responses can be found on our website<sup>10</sup>. A list of the respondents is shown below.

### **Delboy Enterprises**

**Mr David Sowden**

**Mr Jon Wheeler**

**Name Withheld**

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<sup>10</sup> <http://stakeholders.ofcom.org.uk/consultations/proposal-wireless-telegraphy-exemption-2014/?showResponses=true>

## Annex 2

# Glossary

<b>AM</b>	Amplitude Modulation
<b>DSB</b>	Double Side band
<b>ESOMPs</b>	Earth Station on Moving Platforms
<b>EU</b>	European Commission
<b>IR</b>	Interface Requirement
<b>SRD</b>	Short Range Device
<b>SSB</b>	Single Side band
<b>WT Act</b>	Wireless Telegraphy Act 2006