
Decision to make the Wireless Telegraphy (Exemption) (Amendment) Regulations 2023

Implementing certain changes to Ofcom's licence
exemption rules for wireless telegraphy devices

Statement

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1. Overview

This document sets out Ofcom’s decision to make new regulations by statutory instrument. These regulations implement a number of Ofcom’s recent spectrum policy decisions, by modifying existing licence exemption regulations.

What we have decided– in brief

This statement confirms that, following publication of our [notice on proposals to make regulations](#), we have decided to make the Wireless Telegraphy (Exemption) (Amendment) Regulations 2023 (the “Amendment Regulations”). We decided to proceed with making the Amendment Regulations following consideration of the sole response to our consultation. The Amendment Regulations were made on 2 March 2023 and will come into force on 23 March 2023.

The Amendment Regulations do the following:

- **Amend the Wireless Telegraphy (Exemption) Regulations 2021** to make changes to licence exemption rules regarding some Short-Range Devices (“SRDs”), satellite terminal equipment and safety-related Intelligent Transport Systems (“ITS”), and to remove the licence exemption for higher power wideband data transmission systems (“WBDTS”) in the 57-71 GHz band.
- **Amend the Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2013** to close the licence exemption for the deployment of any new devices in the 24.25-26.65 GHz band.
- **Revoke the Wireless Telegraphy (Intelligent Transport Systems) (Exemption) Regulations 2011** as the terms of this licence exemption are now included in the Wireless Telegraphy (Exemption) Regulations 2021, consolidated with other licence exemption rules.

This overview is a simplified high-level summary only. Our decision and our reasoning are set out in the full document.

2. Background

Relevant statutory framework

2.1 As explained below, Ofcom is responsible for authorising the use of the radio spectrum. In doing so, it must act in accordance with section 8 of the Wireless Telegraphy Act 2006 (“the WT Act”), which sets out its specific powers and duties in relation to the licensing (and licence exemption) of wireless telegraphy apparatus. When exercising its spectrum management functions, Ofcom has a number of more general statutory duties under the Communications Act 2003 (“the 2003 Act”) and the WT Act.

Ofcom’s role in the licensing of spectrum

2.2 In the United Kingdom, Ofcom is responsible for authorising use of the radio spectrum. We permit the use of the radio spectrum either by granting wireless telegraphy licences under the WT Act, or by making regulations exempting the use of particular equipment from the requirement to hold such a licence.

2.3 Under section 8(1) of the WT Act, it is unlawful (i.e., a criminal offence) to establish or use a wireless telegraphy station or install or use wireless telegraphy apparatus except under and in accordance with a wireless telegraphy licence granted under the WT Act.

2.4 Under section 8(3) of the WT Act, Ofcom may make regulations exempting from the licensing requirements under section 8(1), the establishment, installation or use of wireless telegraphy stations or wireless telegraphy apparatus of such classes or description as may be specified in the regulations, either absolutely or subject to such terms, provisions and limitations as may be specified.

2.5 Ofcom may only approve regulations under section 8(3) within the limits set out in section 8(3B). 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.

2.6 Under section 8(4) of the WT Act, we must make regulations to exempt equipment 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.

2.7 We make exemption regulations by means of a statutory instrument. The regulations specify the type of equipment and the technical parameters to be met in order to be exempt from the licensing requirement. Ofcom has made a number of licence exemption regulations but, of particular relevance to this document, are the following:

- The Wireless Telegraphy (Intelligent Transport Systems) (Exemption) Regulations 2011 ("[the 2011 Regulations](#)");
- The Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2013 ("[the 2013 Regulations](#)"); and
- The Wireless Telegraphy (Exemption) Regulations 2021 ("[the 2021 Regulations](#)").

2.8 Before making any such regulations (including regulations which modify or revoke existing regulations), we are required by section 122(4) of the WT Act to give statutory notice of our proposal to do so. Under section 122(5), such notice must state that we propose to make the regulations in question, set out their general effects, specify an address from which a copy of the proposed regulations or order may be obtained, and specify a time period of at least one month during which any representations with respect to the proposal must be made to us.

Ofcom's general duties

2.9 Ofcom's principal duties under section 3(1) of the 2003 Act, when carrying out our functions and exercising our powers, are to further the interests of citizens in relation to communication matters, and to further the interests of consumers in relevant markets, where appropriate by promoting competition. These duties apply when Ofcom is carrying out its spectrum management functions and in doing so, require Ofcom to (among other things) secure the optimal use of spectrum and the availability throughout the United Kingdom of a wide range of electronic communications services.

2.10 We must also have regard to, amongst other things: (i) the desirability of promoting competition in relevant markets; (ii) the desirability of encouraging investment and innovation in relevant markets; (iii) the different needs and interests, so far as the use of the electro-magnetic spectrum for wireless telegraphy is concerned, of all persons who may wish to make use of it; and (iv) the different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and in urban areas.

2.11 Additionally, in carrying out our spectrum functions we have a duty under section 3 of the WT Act to have regard in particular to: (i) the extent to which the spectrum is available for use, or further use, for wireless telegraphy; (ii) the demand for use of that spectrum for wireless telegraphy; and (iii) the demand that is likely to arise in future for such use.

2.12 Under the WT Act Ofcom has a duty to have regard to the desirability of promoting: (i) the efficient management and use of the spectrum for wireless telegraphy; (ii) the economic and other benefits that may arise from the use of wireless telegraphy; (iii) the

development of innovative services; and (iv) competition in the provision of electronic communications services.

Policy background

- 2.13 We recently made a number of policy decisions regarding the licence-exempt use of wireless telegraphy equipment which needed to be implemented through changes to the relevant regulations. The majority of these decisions concerned the terms of the licence exemptions for SRDs, although some also looked at the licence exempt use of non-geostationary satellite user terminals operating in the Ka Band.¹ We provide a summary of these policy decisions below, together with links to the original policy statements (which set out Ofcom’s decisions and reasoning in full).
- 2.14 The purpose of the Amendment Regulations is to implement the policy decisions outlined below.

Short Range Devices (SRDs)

- 2.15 Every day, most of us use one or more SRDs such as keyless entry fobs/cards, baby monitors, garage door openers and Wi-Fi systems. These are typically mass-market low power devices. Due to their low power, the radio signals do not travel far meaning that risk of interference between users is very low. This generally negates the need for us to coordinate use between users by issuing a WT Act licence.
- 2.16 The importance of SRDs for the economy and the growing range of applications for these devices means that we regularly update the terms of their licence exemption.
- 2.17 On 28 September 2022, following public consultation, we published a statement (the “[September Statement](#)”) setting out our decision to make the following changes to the technical conditions which apply to licence exempt SRDs:²
- a) Extend the spectrum available for safety related ITS by 20 MHz, from 5905-5925 MHz;
 - b) Liberalise the use of 5150-5250 MHz for Wireless Access Systems (“WAS”) including Radio Local Access Networks (“RLAN”)³ to allow mobile/nomadic use⁴ outdoor, and airborne use of the 5170-5250 MHz part of the band; and clarify that there is no requirement for Dynamic Frequency Selection (DFS) and transmit power control (TPC) in the 5150-5250 MHz band;
 - c) Close the 24 GHz Automotive SRR band to new applications; and

¹ . Ka band satellite services typically use 18-20 GHz (downlink) and 27.5-30 GHz (uplink)

² In the September Statement, we also decided to liberalise some of the technical conditions for some Ultra-Wide Band (UWB) devices. The Amendment Regulations do not implement these changes. As explained in the September Statement, we intend to consult separately on draft regulations implementing the changes to UWB licence exemption. Our current intention is to consult on phase two in spring 2023.

³ Wi-Fi is a type of RLAN technology.

⁴ Nomadic use means the device can be move around but is stationary when used, for example, moving a laptop from one location and having to reconnect to the Wi-Fi hotspot in the new location.

- d) Make some technical and minor editorial changes to SRD applications in the bands 870-874.4 MHz, 917.3-918.9 MHz and 917.4-919.4 MHz (the “870/915 MHz bands”).
- 2.18 We also indicated that whilst reviewing the licence exemption technical conditions we had become aware of two errors in [IR 2030](#). The first related to an outdoor restriction for WAS in 5925-6425 MHz, an issue raised by BT in their consultation response. The second was an incorrect power limit for lower power WBDS in the 57-71 GHz band (which should refer to an e.i.r.p.⁵ density of 23 dBm/MHz but instead refers to an e.i.r.p. density of 13 dBm/MHz). We advised that we would correct these when updating the regulations.
- 2.19 We decided to make these changes as we believed that consumers are likely to benefit from our decision to update technical rules on spectrum for licence exempt devices, including increasing spectrum available for road safety, low power Wi-Fi, and drones as well as enabling use of spectrum for more secure keyless car-entry systems to reduce the risk of opportunistic thefts.

Non-geostationary satellite (“NGS”) user terminals

- 2.20 NGS move in relation to the earth's surface and can offer lower latency services than geostationary satellites because they are much closer to the earth (sometimes a few hundred kilometres). They can create new high-capacity connections for people and businesses across a range of services including home broadband, Wi-Fi onboard aircraft, ships and trains; backhaul for mobile phone services and Internet of Things for enterprises in remote areas.
- 2.21 On 10 December 2021, following public consultation, we published a statement entitled “*Non-geostationary satellite systems: licensing updates*” (the “[NGS statement](#)”). In section 6 of the NGS statement, we explained in particular that we intended to remove the licence exemption for High Density Fixed Satellite Services (HDFSS) and Earth Stations on Moving Platforms (now referred to as earth stations in motion “ESIM”) that connect to NGS satellites in the Ka Band (27.5–27.8185 GHz, 28.4545–28.8265 GHz and 29.4625–30 GHz). The intention moving forward is that these devices will be authorised under a satellite network licence.
- 2.22 We explained that this change was required in order to successfully manage future coexistence between networks. All parts of an NGS system, including its user terminals, would be authorised under the relevant network licence.

Higher power wideband data transmission systems (“WBDS”)

- 2.23 WBDS in the 57-71 GHz band is a class of SRDs. This covers radio devices that use wideband modulation techniques to access the spectrum and feature typical uses such as WAS/RLANs, wideband SRDs in data networks as well as Point to Point and Point to Multipoint fixed wireless systems.

⁵ Effective Isotropic Radiated Power

- 2.24 In April 2021, we published a statement (the “[2021 Statement](#)”) which confirmed⁶ our decision to remove the licence exemption for higher power WBDTS in the 57 to 71 GHz band⁷. We considered this to be the most appropriate way to ensure compliance with the safeguards to protect the general public from exposure to electromagnetic fields (EMF). Our decision, going forward, was to authorise higher power WBDTS via the Shared Access EHF licence.⁸
- 2.25 For equipment already deployed under the existing licence-exemption framework we advised that there would be a transition period to give stakeholders time to apply for and get a licence. Users of the equipment had until 30 November 2021 to obtain a licence.

Notice of proposals

- 2.26 On 7 December 2022 we published a notice (the “[Notice](#)”) in accordance with sections 122(4) and (5) of the WT Act regarding our proposal to make a statutory instrument (i.e., the Proposed Regulations, which as mentioned above, were a draft version of the Amendment Regulations). We also published alongside this Notice, on Ofcom’s website, the corresponding changes we were intending to make to various relevant Interface Requirements⁹ (the “[Interface Requirements](#)”).
- 2.27 The Notice set out how we were minded to implement each of the decisions outlined above. A copy of the Proposed Regulations was provided in Annex A1 of the Notice. The general effect of the Proposed Regulations was set out in the Notice and is set out again in this statement in the context of the Amendment Regulations.
- 2.28 We invited comments on our proposal to make the Proposed Regulations. Specifically, we invited stakeholders’ comments on whether they agreed that the Proposed Regulations correctly implemented Ofcom’s policy decisions, and also whether they had any other comments.
- 2.29 Comments were invited by 19 January 2023.

⁶ Paragraphs 4.16 to 4.19 of the 2021 Statement.

⁷ See regulation 5 of the 2021 Regulations for the licence exemption.

⁸ Lower power (40 dBm e.i.r.p.) WBDTS equipment remain licence exempt. See regulation 4 of the 2021 Regulations for this licence exemption together with the technical conditions set out in IR 2030.

⁹ IR 2030 – UK Interface Requirements 2030 Licence Exempt Short Range Devices (April 2021) (“IR 2030”) (“IR 2030”); IR 2066 - UK Interface Requirements 2066 High Density Fixed Satellite Systems (HDFSS) (June 2021) (“IR 2066”); IR 2086 - UK Interface Requirement 2086 Safety Related Applications of Intelligent Transport Systems (January 2018) (“IR 2086”); and a UK Interface Requirement (IR) 2093 Earth Stations on Mobile Platforms (June 2021) (“IR 2093”).

3. Our decision to make the Wireless Telegraphy (Exemption) (Amendment) Regulations 2023

Introduction

3.1 In this section, we summarise the response that we received on the Notice and our consideration of this. We then explain our decision, following consideration of that response, to proceed with making the Amendment Regulations. We also explain the general effect of the Amendment Regulations.

Stakeholder response to the Notice and Ofcom's response

3.2 We received one response to our Notice to make the Amendment Regulations. The full response is available on the Ofcom website.¹⁰

3.3 Electrosensitivity UK stated that "For reasons of the established health and safety needs of all people, the maximum transmit power / power spectral density / field strength of all transmissions should be compliant with the international biological non-thermal safety guidelines, such as Bioinitiative, Building Biology, EUROPAEM, IGNIR and Seletun".

3.4 We have considered the concerns raised in this response, which we understand relates to radio frequency electro-magnetic frequency ("EMF") and the harmful effect that this can have on humans in some cases.

3.5 We have previously set out our response to suggestions that Ofcom should adopt different guidelines to those recommended by the UK Health and Security Agency (UKHSA, previously Public Health England). See for example paragraphs 3.22-3.26 of our [EMF Statement](#). Our position on these points has not changed.

Ofcom's decision

3.6 Having considered the response we received as set out above, as well as for the reasons set out in the 2021 Statement, the NGS Statement and the September Statement, we consider that the changes being made by the Amendment Regulations are objectively justified, proportionate, not unduly discriminatory, transparent and consistent with our spectrum management duties. Therefore, we have decided to make the Amendment Regulations as proposed¹¹, and with the same general effect, which is set out below. We are also making the changes to the Interface Requirements which were detailed in the Notice and are set out again below.

¹⁰ <https://www.ofcom.org.uk/consultations-and-statements/category-2/proposal-to-make-the-wireless-telegraphy-exemption-amendment-regulations-2023>

¹¹ We have made some minor typographical changes to the Amendment Regulations.

General effect of the Amendment Regulations

Extent of application

3.6 The Amendment Regulations extend to the United Kingdom, the Channel Islands and the Isle of Man, subject to formal adoption by the Island Authorities.

Overall general effect

3.7 The overall general effect of the Amendment Regulations and the Interface Requirements is to implement decisions from the 2021 Statement, the NGS Statement and the September Statement.

3.8 The Amendment Regulations and the Interface Requirements make changes to the terms, provisions and limitations of various licence exemptions (which are relevant to a number of wireless telegraphy stations or apparatus i.e., equipment/devices). Most of these were already licence exempt under the 2021 Regulations and the Amendment Regulations update these exemptions.

3.9 However, Automotive SRR and safety related ITS licence exemption criteria are set out under different regulations. Automotive SRR are exempt under the 2013 Regulations and safety related ITS via the 2011 Regulations. Therefore, the Amendment Regulations also amend the 2013 Regulations and revoke the 2011 Regulations – these changes are set out in more detail below.

3.10 Specifically, the Amendment Regulations make the following changes:

- i) Regulation 2 revokes the 2011 Regulations, which exempt certain safety related ITS from the need for a wireless telegraphy licence. The licence exemption for safety-related ITS is instead consolidated into the 2021 Regulations, as discussed below;
- ii) Regulation 3 amends the 2013 Regulations for automotive SRR and introduces a closing date of 23 March 2023 after which no new equipment using the band 24.25 to 26.65 GHz can be established, installed or used in a vehicle without a wireless telegraphy licence.
- iii) Regulation 4 makes a number of changes to the 2021 Regulations. In particular:
 - a. Regulation 4(3) updates the publication date of IR 2030 in Regulation 4 of the 2021 Regulations, to give effect to the new technical parameters for SRDs in the 870/915 MHz band and WAS in the 5150-5250 MHz band (for which decisions were made in the September Statement), and to correct the errors identified in the September Statement (i.e., regarding licence exempt use of the 5925-6425 MHz band and the power limit for lower power WBDS in 57-71 GHz). For more information on the specific updates to IR 2030 linked to this regulation, see paragraph 3.14 below;

- b. Regulation 4(4) revokes Regulation 5 (Fixed Wireless Systems) of the 2021 Regulations. This means that fixed wireless systems (i.e., higher power WBDTS in the 57-71 GHz band) can no longer be used on a licence exempt basis;
- c. Regulation 4(5) modifies Regulation 6 of the 2021 Regulations. In particular, by (i) updating the publication date for IR 2066 in relation to HDFSS to ensure the updated version is referenced, and (ii) adding a new Regulation 6(c) to ensure that equipment connecting to a non-geostationary satellite is no longer licence-exempt. For more information on the specific updates to IR 2066, see paragraph 3.15 below;
- d. Regulation 4(6) modifies Regulation 8 of the 2021 Regulations. In particular, by (i) updating the publication date for IR 2093 in relation to ESIMs to ensure the updated version is referenced, and (ii) adding a new Regulation 8(c) to no longer permit equipment to connect to a non-geostationary satellite on a licence exempt basis. For more information on the specific updates to IR 2093, see paragraph 3.16 below; and
- e. Regulation 4(7) adds a new Regulation 10 into the 2021 Regulations, to cover safety-related ITS systems, which were previously covered by the 2011 Regulations. By revoking the 2011 Regulations and moving the safety-related ITS exemption to the 2021 Regulations in this way, we hope the licence exemption rules will be easier for stakeholders to find. We have also incorporated IR 2086 into the statutory framework for the ITS licence exemption. Previously this Interface Requirement was for information only. This means that some of the conditions which were in the 2011 Regulations are now set out in IR 2086 and are no longer contained in the associated regulations. This particular change should not have any substantive impact on the scope of the exemption itself - the only substantive change which is being made through the Amendment Regulations is to ensure that 20 MHz of additional spectrum is available for safety-related ITS going forward. For more information on specific updates to IR 2086, see paragraph 3.17 below.

3.11 Aside from the amendments above, all the remaining licence-exemption provisions set out in the 2021 Regulations remain the same.

3.12 The Interface Requirements contain the following changes.

IR 2030

3.13 To implement decisions made in the September Statement, IR 2030¹² has been updated to:

- i) Clarify that there is no requirement for Dynamic Frequency Selection and transmit power control for WAS/RLAN use in the 5150-5250 MHz band (as this requirement only applies to the 5250-5350 MHz range);

¹² IR 2030 is available on the [Ofcom website](#).

- ii) amend the definition of certain SRDs, including for inductive devices and relax requirements applicable to devices in three bands (870 to 874.4 MHz, 917.3-918.9 MHz and 917.4 to 919.4 MHz) so that instead of all such devices having to be controlled by network access points, only mobile and nomadic devices should be controlled by a “master” network access point. These implement changes as recommended in the [CEPT Report 77](#);
- iii) introduce a minimum channel bandwidth in 917.4 to 919.4 MHz to provide clarity and ensure it aligns with parameters for non-specific SRD bands;
- iv) address inconsistencies in wording relating to proposed restrictions for WAS/RLAN to remove outdoor restrictions as low power mobile devices are permitted;
- v) clarify that the application of WAS in 5150-5250 MHz covers equipment operating inside buildings, aircraft, trains or road vehicles;
- vi) include an attenuation limit of 12 dBm for WAS in 5150-5250 MHz to provide further clarity, and also confirm that if an installation cannot meet the attenuation limit set them a 40mW maximum mean e.i.r.p applies;
- vii) add a provision to allow limited outdoor use of WAS by allowing mobile/nomadic use in 5150-5250 MHz part of the band. This would be in line with the [ECC Decision \(04\)08](#) on the harmonized use of the 5 GHz frequency bands for WAS/RLAN; and
- viii) correct the power limit in wideband data transmission systems in the 57-71 GHz band from 13dBm/MHz e.i.r.p density to 23 dBm.

IR 2066

- 3.14 To implement decisions made in the NGS Statement, IR 2066¹³ has been updated to:
- i) remove the inclusion of non-geostationary satellite terminals in the document so that the licence exemption only applies to HDFSS terminals that operate with geostationary satellites; and
 - ii) change the minimum angle of elevation for the equipment antenna from 10 degrees to three degrees.

IR 2093

- 3.15 To implement decisions made in the NGS Statement, IR 2093¹⁴ has been updated to:
- i) Change references to “Earth Stations on Mobile Platforms” to “Earth Stations in Motion” to reflect the change in approach by International Telecommunication Union; and
 - ii) make it clear in the table for ESIMs that for transmitting to NGS terminals, a licence is required (i.e., this is no longer licence-exempt).

¹³ IR 2066 is available on the [Ofcom website](#).

¹⁴ IR 2093 is available on the [Ofcom website](#).

IR 2086

- 3.16 The only change to IR 2086⁴⁵ is to amend the frequency band for safety-related ITS from 5875-5905 MHz to 5875-5925 MHz.

Entry into force of the Proposed Regulations and publication of the draft Interface Requirements

- 3.17 On 2 March 2023, Ofcom made the Amendment Regulations which, as noted above, will enter into force on 23 March 2023.
- 3.18 An unofficial copy of the Amendment Regulations is set out in Annex 1 for indicative purposes, in the form submitted for registration and publication after they have been made by Ofcom.
- 3.19 Copies of the Regulations can be obtained from <http://www.legislation.gov.uk/>, the only authorised source for published statutory instruments.
- 3.20 The Interface Requirements will be published on Ofcom's website prior to the Amendment Regulations coming into force.

Impact Assessments

- 3.21 Section 7 of the 2003 Act requires that, where we are proposing to do anything for the purposes of, or in connection with, the carrying out of our functions, and it appears to us that the proposal is important, we are required to carry out and publish an assessment of the likely impact of implementing the proposal, or a statement setting out our reasons for thinking that it is unnecessary to carry out such an assessment.
- 3.22 Ofcom is also required by statute to assess the potential impact of all its functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.
- 3.23 The analysis presented in the December 2020 consultation dealing with the proposed changes in respect of [WBDTS](#), the analysis in the Annexes to the NGS statement in respect of [NGS](#) and the analysis presented in the September Statement in respect of SRDs, constitute our general impact assessment and EIA which apply to the Amendment Regulations as well.

A1. (Unofficial) Copy of the Wireless Telegraphy (Exemption) (Amendment) Regulations 2023

STATUTORY INSTRUMENTS

2023 No.0000

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Exemption) (Amendment) Regulations 2023

Made - - - - *2nd March 2023*

Coming into force *23rd March 2023*

The Office of Communications (“OFCOM”) make the following Regulations in exercise of the powers conferred by section 8(3) and section 122(7) of the Wireless Telegraphy Act 2006⁽¹⁶⁾ (the “Act”).

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

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Exemption) (Amendment) Regulations 2023 and shall come into force on 23rd March 2023.

Revocation of the Wireless Telegraphy (Intelligent Transport Systems) (Exemption) Regulations 2011

2. The Wireless Telegraphy (Intelligent Transport Systems) (Exemption) Regulations 2011⁽¹⁷⁾ are revoked.

⁽¹⁶⁾ 2006 c.36. Section 8(3) and section 122(7) were extended to the Bailiwick of Guernsey by Article 2 of the Wireless Telegraphy (Guernsey) Order 2006 (S.I. 2006/3325); to the Bailiwick of Jersey by article 2 of the Wireless Telegraphy (Jersey) Order 2006 (S.I. 2006/3324); and to the Isle of Man by Article 2 of the Wireless Telegraphy (Isle of Man) Order 2007 (S.I. 2007/278).

⁽¹⁷⁾ S.I. 2011/2949.

Amendment of the Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2013

3. In the Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2013⁽¹⁸⁾, in regulation 5 (second exemption), in paragraph (2)(b), for “after IP completion day” substitute “during the period starting on IP completion day and ending on 24th March 2023”.

Amendment of the Wireless Telegraphy (Exemption) Regulations 2021

4.—(1) The Wireless Telegraphy (Exemption) Regulations 2021 are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation), at the appropriate place insert—

““MHz” means megahertz; and

“non-geostationary satellite” means a satellite that does not remain fixed relative to a position on the surface of the earth.”

(3) In regulation 4 (short range devices) for “IR 2030 – UK Interface Requirements 2030 Licence Exempt Short Range Devices”, published by OFCOM in June 2021, are exempt” substitute “IR 2030 – UK Interface Requirements 2030 Licence Exempt Short Range Devices”, published by OFCOM in March 2023, is exempt”.

(4) Omit regulation 5.

(5) In regulation 6 (high density fixed satellite service systems)—

(a) for “IR 2066 – UK Interface Requirement 2066, High Density Fixed Satellite Service Systems (HDFSS)”, published by OFCOM in June 2021, are exempt” substitute “IR 2066 – UK Interface Requirement 2066, High Density Fixed Satellite Service Systems (HDFSS)”, published by OFCOM in March 2023, is exempt”;

(b) at the end of paragraph (a) omit “and”;

(c) at the end of paragraph (b) insert “; and”; and

(d) after paragraph (b) insert—

“(c) it is not connected to a non-geostationary satellite.”

(6) In regulation 8 (earth stations on mobile platforms)—

(a) in the heading, for “on mobile platforms” substitute “in motion”;

(b) for “IR 2093 – UK Interface Requirement 2093 Earth Stations on Mobile Platforms”, published by OFCOM in June 2021” substitute “UK Interface Requirement (IR) 2093 Earth Stations in Motion”, published by OFCOM in March 2023”;

(c) at the end of paragraph (b) omit “and”;

(d) at the end of paragraph (c) insert “; and”; and

(e) after paragraph (c) insert—

“(d) it is not connected to a non-geostationary satellite.”

(7) After regulation 9 insert—

“Safety related intelligent transport systems

10.—(1) The establishment, installation and use of wireless telegraphy stations or wireless telegraphy apparatus within the frequency band 5875 MHz to 5925 MHz is exempt from the provisions of section 8(1) of the Act, if—

⁽¹⁸⁾ S.I. 2013/1437, amended by S.I. 2020/818 and S.I. 2020/1583.

- (a) it complies with the interface requirements which form part of the publication “IR 2086 – UK Interface Requirement 2086 Safety Related Applications of Intelligent Transport Systems”, published by OFCOM in March 2023;
- (b) it does not cause or contribute to undue interference to any wireless telegraphy; and
- (c) the wireless telegraphy stations or wireless telegraphy apparatus are, or are part of, a safety-related intelligent transport system.

(2) In paragraph (1)(c) “intelligent transport system” means a system or service, based on information and communication technologies, including processing, control, positioning, communication and electronics, that is applied to a road transportation system.”

A2. Respondents

Electrosensitivity UK