STATUTORY INSTRUMENTS

2017 No. 743

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Mobile Communication Services on Ships) (Exemption) Regulations 2017

Made - - - -	*12th July 2017*
Coming into force - -	*2nd August 2017*

The Office of Communications ("OFCOM"), in exercise of the powers conferred by section 8(3) and section 122(7) of the Wireless Telegraphy Act 2006(**1**) and in exercise of those sections of the Act(**2**) as extended to the Bailiwick of Guernsey, to the Bailiwick of Jersey and to the Isle of Man, make the following Regulations.

Before making these Regulations, OFCOM have given 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 the representations made to them before the time specified in the notice in accordance with section 122(4)(c) of the Act.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Mobile Communication Services on Ships) (Exemption) Regulations 2017 and come into force on 2nd August 2017.

Revocation

2. The Wireless Telegraphy (Mobile Communication Services on Board Ships) (Exemption) Regulations 2011(**3**) are hereby revoked.

Interpretation

3. In these Regulations—

"apparatus" means wireless telegraphy apparatus;

(**1**) 2006 c.36.
(**2**) 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).
(**3**) S.I. 2011/316.

"baseline" means the baseline for measuring the breadth of the territorial waters under the United Nations Convention on the Law of the Sea(**4**);

"dBi" means decibels of power referenced to the gain of an isotrope antenna;

"dBm" means decibels of power referenced to one milliWatt;

"ETSI" means the European Telecommunications Standards Institute;

"GSM system" means an electronic communications network that complies with the GSM standards EN 301 502(**5**) and EN 301 511(**6**) published by ETSI;

"kHz" means kilohertz;

"LTE system" means an electronic communications network that complies with the LTE standards EN 301 908–1(**7**), EN 301 908–13(**8**) and EN 301 908–14(**9**) published by ETSI;

"MHz" means megahertz;

"mobile communication services on board ships" mean electronic communications services provided by an undertaking to enable persons on board a ship to communicate via public electronic communications networks using a GSM system, LTE system or UMTS system without establishing direct connections with electronic communications networks based on land;

"public electronic communications network" has the meaning given to it by section 151(1) of the Communications Act 2003(**10**);

"quality criteria" mean the values broadcast by a ship base transceiver station specifying the minimum required received signal level in the cell (as expressed in dBm) required for access by the apparatus to that cell;

"selection timer" means the values set by a ship base transceiver station relating to the frequency of which the apparatus seeks to establish direct connections with a public electronic communications network based on land (also known as the Public Land Mobile Network selection timer);

"ship base transceiver station" means a mobile picocell located on a ship supporting mobile communication services on board ships;

"signal" has the meaning given to it by section 32(10) of the Communications Act 2003;

"the 900 MHz band" means the 880–915 MHz frequency band (for the uplink from the apparatus to the ship base transceiver station) and the 925–960 MHz frequency band (for the downlink from the ship base transceiver station to the apparatus);

"the 1800 MHz band" means the 1710–1785 MHz frequency band (for the uplink from the apparatus to the ship base transceiver station) and the 1805–1880 MHz frequency band (for the downlink from the ship base transceiver station to the apparatus);

"the 1900/2100 MHz band" means the 1920–1980 MHz frequency band (for the uplink from the apparatus to the ship base transceiver station) and the 2110–2170 MHz frequency band (for the downlink from the ship base transceiver station to the apparatus);

"the 2600 MHz band" means the 2500–2570 MHz frequency band (for the uplink from the apparatus to the ship base transceiver station) and the 2620–2690 MHz frequency band (for the downlink from the ship base transceiver station to the apparatus);

(**4**) Cmnd. 8941.
(**5**) EN 301 502 (version 12.5.2) published in OJEU No C180, 8.6.2017, p 14.
(**6**) EN 301 511 (version 9.0.2) published in OJEU No C180, 8.6.2017, p 14.
(**7**) EN 301 908–1 (version 11.1.1) published in OJEU No C180, 8.6.2017, p 17.
(**8**) EN 301 908–13 (version 11.1.1) published in OJEU No C180, 8.6.2017, p 18.
(**9**) EN 301 908–14 (version 11.1.2) published in OJEU No C180, 8.6.2017, p 18.
(**10**) 2003 c.21.

"timing advance parameter" means the values set by a ship base transceiver station relating to the parameter needed to calculate the delay in the conveyance of signals transmitted from the ship base transceiver station to the apparatus;

"UMTS system" means an electronic communications network that complies with the UMTS standards EN 301 908–1, EN 301 908–2(**11**) and EN 301 908–3(**12**) published by ETSI; and

"user inactivity release timer" means the values set by a ship base transceiver station relating to the duration in which it will determine the apparatus as being inactive when no signals are transmitted between the ship base transceiver station and the apparatus (also known as the Radio Resource Control user inactivity release timer).

Exemption

4. The use of any apparatus on board a ship which is—

(a) registered in the British Islands; and

(b) within the limits of the British Islands and the territorial waters adjacent thereto, or, for the time being, beyond the British Islands and the territorial waters adjacent thereto,

is hereby exempt from the provisions of section 8(1) of the Wireless Telegraphy Act 2006 where the terms, provisions and limitations in regulation 5 are met.

Terms, provisions and limitations

5.—(1) The apparatus must only operate—

(a) where it forms part of a GSM system, in the 900 MHz band or the 1800 MHz band;

(b) where it forms part of a LTE system, in the 1800 MHz band or the 2600 MHz band; and

(c) where it forms part of an UMTS system, in the 1900/2100 MHz band.

(2) The apparatus must only be used—

(a) for mobile communication services on board ships;

(b) where it forms part of a GSM system or an UMTS system, when the ship is two nautical miles or more from the baseline; and

(c) where it forms part of a LTE system, when the ship is four nautical miles or more from the baseline.

(3) When controlled by a ship base transceiver station, the apparatus must operate with a maximum radiated output power which is no greater than—

(a) where it forms part of a GSM system—

(i) 5 dBm in the 900 MHz band; and

(ii) 0 dBm in the 1800 MHz band;

(b) where it forms part of a LTE system, 0 dBm in the 1800 MHz band and in the 2600 MHz band; and

(c) where it forms part of an UMTS system, 0 dBm for each 5 MHz in the 1900/2100 MHz band.

(4) The apparatus must connect directly to a ship base transceiver station that complies with the requirements set out in paragraphs (5) to (7).

(5) Where the apparatus forms part of a GSM system, the requirements referred to in paragraph (4) are—

(**11**) EN 301 908–2 (version 11.1.1) published in OJEU No C180, 8.6.2017, p 17.
(**12**) EN 301 908–3 (version 11.1.3) published in OJEU No C180, 8.6.2017, p 17.