STATUTORY INSTRUMENTS

2017 No. 669

ELECTRONIC COMMUNICATIONS

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

Made - - - -	*25th May 2017*
Coming into force - -	*15th June 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 Aircraft) (Exemption) Regulations 2017 and come into force on 15thJune 2017.

Revocation

2. The Wireless Telegraphy (Mobile Communication Services on Aircraft) (Exemption) Regulations 2014(**3**) are hereby revoked.

Interpretation

3. In these Regulations—

"aircraft BTS" means a base transceiver station located in an aircraft;

"apparatus" means wireless telegraphy apparatus;

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

(**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. 2014/953.

"e.i.r.p." means equivalent isotropic radiated power;

"ETSI" means the European Telecommunications Standards Institute;

"GSM apparatus" means apparatus used for an electronic communications network that complies with standards developed for the Global System for Mobile Communications (also known as GSM);

"kHz" means kilohertz;

"LTE apparatus" means apparatus used for an electronic communications network that complies with standards developed for the Long Term Evolution (also known as LTE);

"MHz" means megahertz;

"mobile communication services on aircraft" means electronic communications services provided by an undertaking to enable airline passengers to use public electronic communications networks during flight without establishing direct connections with electronic communications networks based on the ground;

"network control unit" means equipment located in an aircraft that ensures that signals transmitted by electronic communications networks based on the ground are not detectable within the cabin by raising the noise floor inside the cabin in mobile communication receive bands;

"public electronic communications network" has the meaning given to it by section 151(1) of the Communications Act 2003(**4**);

"relevant network" means an electronic communications network that includes an aircraft BTS and a network control unit;

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

"the 1800 MHz band" means the 1710–1785 MHz frequency band (for the uplink from the apparatus to the aircraft BTS) and the 1805–1880 MHz frequency band (for the downlink from the aircraft BTS to the apparatus);

"the 2100 MHz band" means the 1920–1980 MHz frequency band (for the uplink from the apparatus to the aircraft BTS) and the 2110–2170 MHz frequency band (for the downlink from the aircraft BTS to the apparatus);

"UMTS apparatus" means apparatus used for an electronic communications network that complies with standards developed for the Universal Mobile Telecommunications System (also known as UMTS); and

"UMTS networks" means electronic communications networks based on the ground that are available for use with UMTS apparatus.

Exemption

4. The use of any apparatus on board an aircraft which is—

(a) registered in the British Islands; and

(b) flying over 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.

(**4**) 2003 c.21.

Terms, provisions and limitations

5.—(1) The apparatus must comply with the standards published by ETSI(**5**) which are referred to in paragraph (2).

(2) The standards referred to in paragraph (1) are—

(a) for GSM apparatus, the GSM standard EN 301 511(**6**);

(b) for UMTS apparatus, the UMTS standards—

(i) EN 301 908–1(**7**); and

(ii) EN 301 908–2(**8**);

(c) for LTE apparatus, the LTE standards—

(i) EN 301 908–1; and

(ii) EN 301 908–13(**9**).

(3) The apparatus must only operate in the 1800 MHz band or the 2100 MHz band.

(4) The apparatus must only be used—

(a) for mobile communication services on aircraft;

(b) when the aircraft is three thousand metres or more above the ground;

(c) where the following operational requirements are met—

(i) the aircraft BTS, while in operation, limits the transmission power of all GSM apparatus to a nominal value of 0 dBm/200 kHz at all stages of communication, including initial access;

(ii) the aircraft BTS, while in operation, limits the transmission power of all LTE apparatus in the 1800 MHz band to a nominal value of 5 dBm/5 MHz at all stages of communication; or

(iii) the aircraft BTS, while in operation, limits the transmission power of all UMTS apparatus in the 2100 MHz band to a nominal value of -6 dBm/3.84 MHz at all stages of communication and limits the number of users to no more than twenty; or

(d) where the e.i.r.p. outside the aircraft emanating from the apparatus transmitting in the frequency bands specified in the headings of Columns 2 to 4 of Table 1 of the Schedule does not, at each of the heights above ground specified in Column 1 of that Table, exceed the relevant value specified in Columns 2, 3 or 4 of that Table.

(5) The apparatus must not cause or contribute to any undue interference to any wireless telegraphy.

(6) The apparatus must connect directly to a relevant network that complies with the requirements set out in paragraph (7).

(7) The requirements referred to in paragraph (6) are—

(a) the apparatus used in the relevant network must be prevented from operating on the frequency bands 925–960 MHz and 2110–2170 MHz to register with UMTS networks by the installation of—

(**5**) Commission Decision 2016/2317/EU, OJEU No L 345, 20.12.2016, p 67, provides that "equivalent specifications" to ETSI's standards may also be used. As such equivalent standards become available, Ofcom will amend these Regulations to make reference to them.
(**6**) EN 301 511 (version 9.0.2) published in OJEU No C 149, 12.5.2017, p 14.
(**7**) EN 301 908–1 (version 11.1.1) published in OJEU No C 149, 12.5.2017, p 15.
(**8**) EN 301 908–2 (version 11.1.1) published in OJEU No C 149, 12.5.2017, p 15.
(**9**) EN 301 908–13 (version 11.1.1) published in OJEU No C 149, 12.5.2017, p 16.