STATUTORY INSTRUMENTS

2016 No. 426

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Control of Interference from Apparatus) Regulations 2016

Made - - - -	*22nd March 2016*
Laid before Parliament	*24th March 2016*
Coming into force - -	*18th April 2016*

The Office of Communications ("OFCOM"), in exercise of the powers conferred by sections 54(1) and 122(7) of the Wireless Telegraphy Act 2006(**1**), 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 2016 and shall come into force on 18th April 2016.

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 —

(**1**) 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 EEA" means the States in the European Union and the other States in the European Economic Area;

"the Electromagnetic Compatibility Regulations" means the Electromagnetic Compatibility Regulations 2006(**2**);

"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(**3**).

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 EEA market or put into service in the EEA;

(b) cannot be withdrawn from the EEA 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 Electromagnetic Compatibility Regulations, when it was placed on the EEA market or put into service in the EEA.

Radio Equipment and Telecommunications Terminal Equipment

6. These Regulations do not apply to apparatus covered by Directive 1999/5/EC of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity(**4**).

(**2**) S.I. 2006/3418.
(**3**) OJ No.L390, 31.12.04, p 24.
(**4**) 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) and by Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18.06.2009 (OJ L188,18.07.2009,p.14).