Draft Regulations laid before Parliament under paragraph 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

TELECOMMUNICATIONS, NORTHERN IRELAND

The Radio Equipment (Amendment) (Northern Ireland) Regulations 2025

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 8F(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Radio Equipment (Amendment) (Northern Ireland) Regulations 2025.

(2) These Regulations come into force 21 days after the day on which they are made.

(3) These Regulations extend to Northern Ireland only.

Amendment of the Radio Equipment Regulations 2017

2.—(1) The Radio Equipment Regulations 2017(**b**) are amended as follows.

(2) In regulation 2(1) (interpretation and application)—

(a) for the definition of "essential requirements" substitute—

""essential requirements" means—

(a) for all radio equipment, the requirements set out in regulation 6(1) and (2); and

(b) for radio equipment referred to in regulation 6(4), the requirements set out in regulation 6(3);

(**a**) 2018 c. 16; section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1); paragraph 8F of Schedule 7 was inserted by paragraph 51 of Schedule 5 to that Act; and paragraph 21 of Schedule 7 was amended by paragraph 53 of Schedule 5 to that Act. There are other amendments not relevant to this instrument.

(**b**) S.I. 2017/1206, amended by S.I. 2018/389, 2020/1112, 2020/1460, 2023/328, 2024/1231; there are other amendments not relevant to this instrument.

(c) for common charger radio equipment, the requirements set out in regulation 6(5);

(d) for internet-connected radio equipment—

(i) the requirements set out in regulation 6A(2) and (3), subject to the exclusions set out in regulation 6A(6); and

(ii) the requirements set out in regulation 6A(4), subject to the exclusions set out in regulation 6A(5) and (6); and

(e) for equipment described in regulation 6A(4)(b) to (d), the requirements set out in regulation 6A(4), subject to the exclusions set out in regulation 6A(5) and (6);";

(b) after the definition of "importer" insert—

""internet-connected radio equipment" has the meaning given to it in regulation 6A(1);".

(3) After regulation 6 (essential requirements) insert—

"Additional essential requirements

6A.—(1) In this regulation—

"Delegated Regulation" means Commission Delegated Regulation (EU) 2022/30 of 29 October 2021(**a**);

"internet-connected radio equipment" has the meaning given to it in Article 1(1) of the Delegated Regulation;

"location data" has the meaning given to it in Article 1(2) of the Delegated Regulation;

"personal data" has the meaning given to it in Article 1(2) of the Delegated Regulation;

"processing" has the meaning given to it in Article 1(2) of the Delegated Regulation;

"traffic data" has the meaning given to it in Article 1(2) of the Delegated Regulation;

"virtual currency" has the meaning given to it in Article 1(3) of the Delegated Regulation.

(2) Subject to paragraph (6)(a), internet-connected radio equipment must be constructed so that it does not—

(a) harm the network or its functioning; or

(b) misuse network resources thereby causing an unacceptable degradation of service.

(3) Subject to paragraph (6)(b), internet-connected radio equipment that enables the holder or user to transfer money, monetary value or virtual currency must be constructed so that it supports certain features ensuring protection from fraud.

(4) Subject to paragraphs (5) and (6)(b), the following radio equipment must be constructed so that it incorporates safeguards to ensure that the personal data and privacy of the user and subscriber are protected—

(a) internet-connected radio equipment;

(b) radio equipment designed or intended exclusively for childcare;

(**a**) OJ No. L 7, 12.1.2022, p. 6.

(c) radio equipment covered by Directive 2009/48 of the European Parliament and of the Council of 18 June 2009 on the safety of toys(**a**);

(d) radio equipment designed or intended, whether exclusively or not exclusively, to be worn on, strapped to, or hung from any of the following—

(i) any part of the human body, including the head, neck, trunk, arms, hands, legs and feet;

(ii) any clothing, including headwear, hand wear and footwear, which is worn by human beings.

(5) Paragraph (4) applies to radio equipment capable of processing—

(a) personal data;

(b) traffic data; or

(c) location data.

(6) The requirements set out in—

(a) paragraph (2), do not apply to radio equipment to which any of the legislation specified in Article 2(1) of the Delegated Regulation applies; and

(b) paragraphs (3) and (4), do not apply to radio equipment to which any of the legislation specified in Article 2(1) or (2) of the Delegated Regulation applies.".

(4) In regulation 41 (conformity assessment procedures)—

(a) in paragraph (5), after "or (3)," insert "or regulation 6A(2) to (4),"; and

(b) in paragraph (6), after "or (3)," insert "or regulation 6A(2) to (4),".

Name
Title
Department for Business and Trade

(**a**) OJ No. L 170, 30.6.2009, p. 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Windsor Framework requires that the European Union ("EU") legislation listed in its Annex 2 is implemented in Northern Ireland. Directive 2014/53/EU ("the Radio Equipment Directive") is listed in Annex 2 to the Windsor Framework. The Radio Equipment Regulations 2017 ("the 2017 Regulations") implemented the Radio Equipment Directive in UK law. These Regulations amend the 2017 Regulations as they apply in Northern Ireland to give effect to Commission Delegated Regulation (EU) 2022/30, by inserting a new regulation 6A into the 2017 Regulations.

Commission Delegated Regulation (EU) 2022/30 applies additional essential requirements to certain types of radio equipment, subject to relevant exceptions. These essential requirements are set out in regulation 6A.

The Radio Equipment Directive provides that radio equipment must be conformity assessed according to specific conformity assessment procedures to ensure compliance with the essential requirements. These Regulations also ensure that the requirements for the appropriate conformity assessment procedure as applied under the Radio Equipment Directive are correctly implemented by amending regulation 41 of the 2017 Regulations.

An Explanatory Memorandum is published alongside these Regulations on www.legislation.gov.uk.

A full impact assessment has not been prepared for this instrument because measures resulting from the European Union (Withdrawal) Act 2018 are out of scope of assessment. The Windsor Framework has already been given effect in legislation through the European Union (Withdrawal Agreement) Act 2020, which adds provisions and powers to the European Union (Withdrawal) Act 2018.

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ISBN 978-0-34-827542-1

£6.40

http://www.legislation.gov.uk/id/ukdsi/2025/9780348275421

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