STATUTORY INSTRUMENTS

# 2000 No. 1014

# TELEGRAPHS

# The Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) (Amendment) Order 2000

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| *Made - - - - -* | *6th April 2000* |
| *Laid before Parliament* | *10th April 2000* |
| *Coming into force - -* | *1st May 2000* |

Whereas it appears to the Secretary of State to be expedient to apply restrictions under section 7 of the Wireless Telegraphy Act 1967(**a**) to certain wireless telegraphy apparatus specified in this Order for the purpose of preventing or reducing the risk of interference with wireless telegraphy and to impose marking requirements in relation to certain such apparatus in accordance with the provisions of section 85 of the Telecommunications Act 1984(**b**);

And whereas the Secretary of State is satisfied as required by section 7(9) of the 1967 Act that this Order is compatible with the international obligations of the United Kingdom;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 7(2) of the 1967 Act and section 85(1) of the 1984 Act and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

**1.** This Order may be cited as the Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) (Amendment) Order 2000 and shall come into force on 1st May 2000.

**Interpretation**

**2.** In this Order, "the Principal Order" means the Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) Order 1999(**c**).

**Amendment**

**3.** The Principal Order is hereby amended as follows—

(a) in article 3(1)—

(i) the following definition shall be inserted after the definition of "the 1984 Act"—

""the Directive" means 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(**d**);";

(**a**) 1967 c. 72; section 7 was substituted by section 77 of the Telecommunications Act 1984 (c. 12).
(**b**) 1984 c. 12.
(**c**) S.I. 1999/2934.
(**d**) O.J. No. L91, 7.4.99, p.10; the Directive was largely implemented in the United Kingdom by the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 (S.I. 2000/730).

(ii) the following definition shall be inserted after the definition of "the 1999 Regulations"(**a**)—

> ""the unamended 1999 Regulations" means the 1999 Regulations before they were amended by the Wireless Telegraphy (Exemption) (Amendment) Regulations 2000(**b**);";

(iii) the following definition shall be substituted for the definition of "CT1"—

> ""CT1" means cordless telephone apparatus described in IR 2011 published by RA in March 2000 and referred to in Part III of Schedule 4 to the 1999 Regulations which is exempt from the provisions of section 1(1) of the 1949 Act by virtue of the 1999 Regulations;";

(iv) the following definition shall be substituted for the definition of "extended range CT1"—

> ""extended range CT1" means cordless telephone apparatus described in IR 2011 published by RA in March 2000 and referred to in Part III of Schedule IV to the 1999 Regulations which is exempt from the provisions of section 1(1) of the 1949 Act by virtue of the 1999 Regulations;";

(v) "and" at the end of the definition of "MPT 1384" shall be deleted, and "apparatus; and" shall be substituted for "apparatus." at the end of the definition of "restricted cordless telephone apparatus"; and

(vi) the following definition shall be inserted after the definition of "restricted cordless telephone apparatus"—

> ""United Kingdom Radio Interface Requirement (IR)" means the interface requirement published by the Radiocommunications Agency of the Department of Trade and Industry (RA) in accordance with Article 4.1 of the Directive.";

(b) the following shall be substituted for paragraph (d) of article 4(1)—

"(d) importation,

provided that the restricted actions listed above do not apply to a CT1 or an extended range CT1 which complies with Part II of Schedule 4 to the unamended 1999 Regulations prior to 1st May 2000 and in respect of which any such restricted action has occurred prior to 8th April 2001."; and

(c) "which complies with Part II of Schedule 4 to the unamended 1999 Regulations prior to 1st May 2000 and in respect of which any restricted action listed in article 4(1) has occurred prior to 8th April 2001" shall be inserted between "apparatus" and "shall be marked" in article 5(1).

*Patricia Hewitt,*
Minister of State for Small Business and E-Commerce,
Department of Trade and Industry

6th April 2000

(**a**) The Wireless Telegraphy (Exemption) Regulations 1999 (S.I. 1999/930).
(**b**) S.I. 2000/1012.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Directive 1999/5/EC ("the Directive") of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity provides for the essential requirements, the procedures for conformity assessment, the placing on the market and the bringing into service in respect of such equipment.

Pursuant to the Directive (which was largely implemented in the United Kingdom by the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 (S.I. 2000/730), wireless telegraphy equipment is no longer required to be marked in accordance with section 85 of the Telecommunications Act 1984 (c. 12), and this Order makes a consequential amendment to the Wireless Telegraphy (Cordless Telephone Apparatus) (Marking and Restriction) Order 1999 (S.I. 1999/2934; "the Principal Order") (article 3(c)).

In addition, this Order provides that the restrictions in article 4(1) of the Principal Order in respect of manufacture, sale, possession and importation ("the restrictions") do not apply after 30th April 2000 to CT1 or extended range CT1 apparatus (as defined in article 3 of this Order; "CT apparatus") if CT apparatus complies with UK Radio Interface Requirement IR 2011. The restrictions also do not apply to CT apparatus which complies with Part II of Schedule 4 to the unamended 1999 Regulations (as defined in article 3(a)(ii)) prior to 1st May 2000 and in respect of which any of the restrictions relating to the CT apparatus has occurred prior to 8th April 2001 (article 3(b)).

A copy of IR 2011 referred to in this Order may be obtained from the Radiocommunications Agency Library at Wyndham House, 189 Marsh Wall, London E14 9SX (Tel: 020 7211 0211). IR 2011 is also available on the Agency's Internet web site: www.radio.gov.uk

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ISBN 0-11-099129-X

9 780110 991290

£1.50

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E822 4/00 502144 19585