

STATUTORY INSTRUMENTS

S.I. No. 197 of 2005

ORDER

entitled

**Wireless Telegraphy Act, 1926 (section 3) (Exemption of Receive Only Apparatus for
Wireless Telegraphy) Order 2005**

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Wireless Telegraphy Act 1926 (section 3) (Exemption of Receive Only Apparatus for Wireless Telegraphy) Order 2005

The Commission for Communications Regulation, in exercise of the powers conferred on it by subsection 6 (inserted by section 11(c) of the Wireless Telegraphy Act, 1972 (No. 5 of 1972)) of section 3 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), transferred to the Commission for Communications Regulation by section 9(1) of the Communications Regulation Act 2002 (No. 20 of 2002) hereby makes the following Order:

1. This Order may be cited as the Wireless Telegraphy Act, 1926 (section 3) (Exemption of Receive Only Apparatus for Wireless Telegraphy) Order 2005.

2. In this Order-

“Act of 1926” means the Wireless Telegraphy Act 1926 (No. 45 of 1926);

“Act of 1988” means the Broadcasting and Wireless Telegraphy Act 1988 (No. 19 of 1988);

“apparatus for wireless telegraphy” has the meaning assigned to it by the Act of 1988;

“harmful interference” means interference which endangers the functioning of a radio navigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable European Community or national regulations;

“Regulations” means the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations, 2001 (S.I. No. 240 of 2001).

"transmission" means any intentional emission by wireless telegraphy;

“wireless telegraphy” has the meaning assigned to it by the Act of 1988;

3. Subject to the conditions contained in Articles 4 and 5 of this Order, the following classes of apparatus for wireless telegraphy are hereby declared to be classes of apparatus for wireless telegraphy to which section 3 of the Act of 1926 does not apply: apparatus for wireless telegraphy only capable of reception, which is not licensed under the Television Licences Regulations 2005 (S.I. No. 165 of 2005), and is inherently incapable of transmission.

4. The classes of apparatus for wireless telegraphy described in Article 3 of this Order, shall fulfil all requirements of the Regulations and shall not cause any harmful interference.

5. Apparatus for wireless telegraphy of the class described in Article 3 of this Order shall not be used to improperly divulge the purport of any message, communication, or signal sent or proposed to be sent by wireless telegraphy.

GIVEN under the official seal of the Commission for Communications Regulation this 18th day of April, 2005

Isolde Goggin
Chairperson

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order provides for the exemption of certain wireless telegraphy apparatus from the requirement to be licensed under the Wireless Telegraphy Act, 1926.