

STATUTORY INSTRUMENT

S.I. No. 304 of 2006

Wireless Telegraphy (Wireless Public Address System) Regulations, 2006

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The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6(1) 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), and with the consent of the Minister for Communications, Marine and Natural Resources, pursuant to section 37 of the Communications Regulation Act 2002 hereby makes the following Regulations:

Citation

1 (1) These Regulations may be cited as the Wireless Telegraphy (Wireless Public Address System) Regulations, 2006.

(2) These Regulations will come into force on 30th day of June 2006.

Interpretation

2. (1) In these Regulations, unless the context otherwise requires:

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

“Act of 1972” means the Wireless Telegraphy Act, 1972 (No. 5 of 1972);

“Act of 2002” means the Communications Regulation Act, 2002 (No. 20 of 2002);

“Apparatus” means apparatus capable of emitting and receiving, or emitting only or receiving only, over paths which are not provided by any material substance constructed or arranged for that purpose, electric, magnetic or electro-magnetic energy, of a frequency not exceeding 3 million megahertz, whether or not such energy serves the conveying (whether they are actually received or not) of communications, sounds, signs, visual images or signals or the actuation or

control of machinery or apparatus, and includes any part of such apparatus, or any article capable of being used as part of such apparatus, and also includes any other apparatus which is associated with, or electrically coupled to, apparatus capable of so emitting such energy;

“Authorisation Regulations” means the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003 (S.I. 306 of 2003);

“Commission” means the Commission for Communications Regulation established under the Act of 2002;

“Harmful interference” means interference which endangers the functioning of a radionavigation service or other safety service or which otherwise seriously degrades, obstructs, or repeatedly interrupts any lawfully operating radiocommunications service;

“Licence” means a Licence under section 5 of the Act of 1926;

“Licensee” means the holder of a Licence;

“Radiocommunications Service” means a service involving the transmission, emission, and/or reception of radio waves specified for specific telecommunications purposes;

“Radionavigation service” means a service involving the determination of the position, velocity and/or other characteristics of an object, or the obtaining of information related to these parameters, by means of the propagation properties of radio waves and used for the purposes of navigation, including obstruction warning;

“Wireless Public Address System” means a system that is to be used for unabridged wireless retransmission of audio from a public address system that is associated with a public event;

“WPAS” means a Wireless Public Address System

“WPAS service” means a service comprising the unabridged wireless retransmission of audio from a public address system that is associated with a public event and which is only available on a non commercial basis (for local community users). A WPAS service shall not be available for reception on standard domestic broadcast receivers;

“WPAS Station” means a transmitter, including the accessory equipment necessary at one location for carrying on a WPAS service;

- (2) In these Regulations unless the contrary intention appears:
 - (a) a reference to an enactment or regulation may be construed as a reference to the enactment or regulation as amended or extended by or under any subsequent enactment or regulation;
 - (b) a reference to a regulation or schedule is a reference to a regulation or schedule of these regulations;
 - (c) a reference to a paragraph or sub-paragraph is a reference to a paragraph or sub-paragraph of the provision in which the reference occurs.
- (3) The Interpretation Act, 2005, applies to these Regulations.

Application for Licences and Form of Applications and Licences

3. (1) An Application for a Licence will be made to the Commission and shall be in writing in such form as may be determined by the Commission;
- (2) A person who makes an Application under paragraph (1) of this Regulation shall furnish to the Commission such information as the Commission may reasonably require for the purpose of its functions under these Regulations and, if the person, without reasonable cause, fails to comply with this paragraph, the Commission may, refuse to grant a Licence to the person;
- (3) The Commission may grant a Licence in accordance with the relevant provisions of the Authorisation Regulations;
- (4) A Licence shall be in the form specified in Schedule 1 to these Regulations with such variation (if any) (whether by addition, deletion or alteration) as the Commission may determine from time to time or in any particular case.

Duration and Renewal of Licences

4. (1) A Licence shall (unless it has been revoked) be in force for a maximum period of five years from the date on which it comes into operation and shall then expire, unless renewed;
- (2) Where a licence expires under Paragraph 1 of this regulation the licensee may apply for renewal of a licence in accordance with Regulation 3.

Conditions of Licences

5. It shall be a condition of a Licence that:

(1) the Licensee shall comply with the conditions contained within the Licence and these Regulations;

(2) the WPAS station may only be operated to or below the maximum powers and classes of emission in accordance with any guidelines specified by the Commission;

(3) the Licensee will ensure that it makes payments of the fees as set out in Schedule 2 of these Regulations;

(4) the Licensee shall ensure that the WPAS station shall comply with the requirements of the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations, 2002 (S.I. 240 of 2002);

(5) the Licensee shall ensure the installation of the WPAS station is effected, and its maintenance and operation is carried on in such a manner as to ensure that the safety of persons or property does not cause harmful interference;

(6) the Licensee may, with the consent of the Commission, assign the Licence or any of the powers, duties or functions conferred by it or otherwise transfer any of the rights or obligations conferred by it and such transfer shall be subject to a fee as outlined in Schedule 2 of these Regulations;

(7) the Licensee will ensure that non-ionising radiation emissions from each radio installation associated with the WPAS station operated by the Licensee for the purposes of the service are within the limits specified by the guidelines published by the International Commission for Non-Ionising Radiation Protection (“ICNIRP”). and that

it complies with any radiation emission standards adopted and published from time to time by ICNIRP, any standards of the European Committee for Electrotechnical Standards and any standards which may from time to time be specified by the European Union and that an WPAS station operated by the Licensee is not installed or operated at a location in a manner such as to be the cause of the aggregate non-ionising radiation emissions exceeding the limits specified by the guidelines published by the ICNIRP and that it complies with any radiation emission standards adopted and published by ICNIRP or its successors from time to time, any radiation emission standards of the European Committee for Electrotechnical Standards and any radiation emission standards specified by national and EC law;

(8) if the Licensee's contact details or any of the information contained in the Licence changes, the Licensee shall, as soon as possible but not later than 28 days, notify the Commission in writing of the change, licence amendments are subject to a fee as outlined in Schedule 2 of these Regulations;

(9) the Licensee complies with any special conditions imposed under section 8 of the Act of 1972 and subject to which this Licence is deemed by subsection (3) of that section to be issued;

(10) the Licensee complies with obligations under relevant international agreements relating to the use of apparatus or the frequencies to which they are assigned.

Fees

6. (1) Subject to the methods of payment set out in this Regulation, the fee set out in Schedule 2 to these Regulations is payable;
- (2) Fees shall be paid to the Commission of Communications Regulation by way of banker's draft or such other means and on such terms (including terms as to the place of payment) as the Commission may decide. Where the date of payment falls on a Saturday, a Sunday or a public holiday payment shall be made on or before the last working day before the date of payment;
- (3) An amount payable by a person in respect of a fee under these Regulations may be recovered by the Commission from the person as a simple contract debt in any court of competent jurisdiction;
- (4) If a Licence is suspended or revoked, the Licensee shall not be entitled to be repaid any part of the fee paid by the Licensee under these Regulations but shall still be liable to pay any sums (including interest) outstanding;
- (5) Where payment is not made in due time, then interest shall be payable by the licensee at the rate per annum standing specified for the time being in section 26 of the Debtors (Ireland) Act, 1840 (1840 c.105), on the fee or part thereof in respect of the period between the date when such fee or part fell due and the date of payment of such fee or part.

Licensee to satisfy all Legal Requirements

7. Nothing in these Regulations shall absolve the Licensee from any requirement in law to obtain such additional consents, permissions, authorisations or licences as may be necessary for the provision of a WPAS service and for the exercise of his or her rights or discharge of his or her obligations under the Licence. The Licensee is responsible for all costs, expenses and other commitments (financial and non-financial) in respect of the Licence and the provision of the service and the Commission shall bear no responsibility for such costs, expenses or commitments.

Amendment of Licence

8. The Commission may amend a Licence to which these Regulations apply in accordance with the provisions of Regulation 15 of the Authorisation Regulations.

Licences to which these Regulations apply

9. These Regulations apply to licences to keep, have possession of, install, maintain, work and use of WPAS stations having the characteristics as set out in the licence and operating in accordance with the conditions set out in the Licence.

SCHEDULE 1

WIRELESS TELEGRAPHY ACT, 1926

Section 5

Wireless Public Address System Licence

Licence No.

Fee

Licensee

Postal Address In full

The Commission, in exercise of the powers conferred on it by section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) and Section 9(1) of the Communications Regulation Act, 2002 (No. 20 of 2002) grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use apparatus as specified in Part One of this licence subject to the Licensee observing the conditions contained in Regulation 5 of the Wireless Telegraphy (Wireless Public Address System Licence) Regulations, 2006 (S.I. No. of 2006)

Date + Stamp

Signed

For and on behalf of the Commission for Communications Regulation

Part 1

Statement of authorised Apparatus

To include:

Description of apparatus

Places at which the Licensee is authorised to keep and have possession of the
Apparatus

Technical restrictions

Details of spectrum

SCHEDULE 2

Fees payable in connection with Licences

The fee for the grant or renewal of a WPAS licence shall be €100

Licence amendments and the transfer of licences shall incur a fee of €30

GIVEN under the official seal of the Commission for Communications Regulation, this 12th
day of June, 2006

L.S.

Isolde Goggin

For and on behalf of the Commission for Communications Regulation

The Minister for Communications, Marine and Natural Resources consents to the making of
the foregoing Regulations.

GIVEN under the Official Seal of the Minister for Communications, Marine and Natural
Resources this 9th day of June, 2006

L.S.

Noel Dempsey T.D.

Minister for Communications, Marine and Natural Resources

EXPLANATORY NOTE

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

These Regulations provide for the issue of Licences for apparatus for wireless telegraphy used solely for the purpose of Wireless Public Address Systems, for the regulation of such apparatus and for the payment of fees by persons granted Licences for that purpose.