

**STATUTORY INSTRUMENT**

**S.I. No. 530 of 2003**

**Wireless Telegraphy (Fixed Wireless Access Local Area Licence)  
(Amendment) Regulations, 2003**

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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 by section 4 of the Telecommunications (Miscellaneous Provisions) Act, 1996 (No. 34 of 1996), and 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 and the Communications, Energy and Geological Survey of Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2002 (No. 300 of 2002) as adapted by the Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002 (No. 307 of 2002), hereby makes the following Regulations

### Citation

1. These Regulations may be cited as the Wireless Telegraphy (Fixed Wireless Access Local Area Licence) (Amendment) Regulations, 2003.
2. These Regulations and the Principal regulations should be construed together.

### **Commencement Date**

3. These Regulations shall come into force on 1 November 2003.

### **Interpretation**

4. (1) In these Regulations –"the Principal Regulations" mean the Wireless Telegraphy (Fixed Wireless Access Local Area Licence) Regulations, 2003 (S.I. No. 79 of 2003).
- (2) In these Regulations “the licence” mean the Wireless Telegraphy Fixed Wireless Access Local Area Licence as defined in Regulation 3 of the Principal Regulations.
- (3) The Interpretation Acts, 1937 to 1997, apply to these Regulations.

### **Amendment of the Principal Regulations**

5. The Principal Regulations are amended as follows:

- (a) the insertion of a sub-paragraph (p) at Regulation 11,  
“(p) that the licensee shall ensure that he or she complies with all the commitments contained within Part VIII of the licence, being commitments made by the licensee in the course of a comparative evaluation selection procedure”.

**Amendment of the Licence**

- 6 The licence is amended by the insertion of a condition 6;  
“6. The licensee will comply with the commitments set out in Part VIII of this First Schedule.”
- 7 The licence is amended by the insertion of Part 8;  
“Part VIII  
Commitments which the licensee made in the course of a competitive or comparative evaluation process”

Given under the Official Seal of the Commission for Communications Regulation  
this ..... day of ..... 2003.

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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 .....day of ..... 2003.

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Dermot Ahern 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 amendment of the principal licences to keep and have possession of apparatus for wireless telegraphy for the purpose of using FWA for the provision of telecommunications access network and services on a local area per base station basis in order to ensure the enforceability of commitments made in the course of a comparative or competitive evaluation procedure.