



STATUTORY INSTRUMENTS

**S.I. No. 193 of 2009**



WIRELESS TELEGRAPHY (AIRCRAFT STATION LICENCE)  
REGULATIONS 2009

**(Prn. A9/0709)**

WIRELESS TELEGRAPHY (AIRCRAFT STATION LICENCE)  
REGULATIONS 2009

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6 of the Wireless Telegraphy Act 1926 (No. 45 of 1926), transferred to the Commission for Communications Regulation by section 4 of the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007), and with the consent of the Minister for Communications, Energy 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 (Aircraft Station Licence) Regulations 2009.

(2) These Regulations shall come into force on 1 June 2009.

*Interpretation and Definitions*

2. (1) In these Regulations, except where 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 1993” means the Irish Aviation Authority Act 1993 (No. 29 of 1993);

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

“Aircraft” means a machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“Aircraft Station” means all apparatus for wireless telegraphy for use on-board Irish Aircraft, excluding apparatus for wireless telegraphy properly exempted from section 3 of the Act of 1926;

“Apparatus” means apparatus for wireless telegraphy forming part of an Aircraft Station and, in relation to a Licence, means apparatus for wireless telegraphy to which the Licence relates;

“apparatus for wireless telegraphy” and “wireless telegraphy” have the same meanings as are set out in section 2 of the Act of 1926;

“Commission” means the Commission for Communications Regulation;

“ETSI” means the European Telecommunications Standards Institute;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 26th May, 2009.*

“Harmful Interference” means interference which endangers the functioning of a radionavigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a Radiocommunications Service operating in accordance with the applicable international, European Community or national regulations;

“ICAO” means the International Civil Aviation Organisation;

“ICNIRP” means International Commission for Non-Ionizing Radiation Protection;

“Irish Aircraft” means:

- (a) every Aircraft owned by a person who, in the case of an individual, has their usual place of residence in Ireland, or, in the case of an association, company or other body (whether corporate or incorporate), has its principal office in Ireland and in respect of which no licence then in force for the possession or working of apparatus for wireless telegraphy has been granted in any other country or state;
- (b) every Aircraft registered in Ireland in the register maintained by the Irish Aviation Authority under section 58 of the Act of 1993; and
- (c) every Aircraft not coming within the foregoing paragraphs which is for the time being in or over Ireland or Irish waters thereof and in respect of which no licence then in force for the possession or working of apparatus for wireless telegraphy has been granted in any other country or state;

“ITU” means the International Telecommunication Union;

“ITU Radio Regulations” means the decisions of the World Radiocommunication Conferences, including all appendices, resolutions, recommendations and ITU Radiocommunication Sector recommendations incorporated by reference;

“Licence” means a licence granted to the licensee in accordance with section 5 of the Act of 1926 to keep, have possession of, install, maintain, work and use Apparatus;

“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;

“Regulations” means the Wireless Telegraphy (Aircraft Station Licence) Regulations 2009;

(2) In these Regulations—

- (a) a reference to an enactment or regulation shall 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 a Schedule is to a Regulation of, or a Schedule to, these Regulations, unless it is indicated that reference to some other enactment is intended;
- (c) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended; and
- (d) a reference to a Directive of the European Parliament and Council shall be construed as a reference to the Directive as amended or extended by any subsequent Directive.

*Licences to which these Regulations apply*

3. These Regulations apply to Licences to keep, have possession of, install, maintain, work and use apparatus for wireless telegraphy forming part of an Aircraft Station, having the characteristics set out in Part 2 of the First Schedule and operating in accordance with the technical conditions set out in Part 2 of the First Schedule.

*Limitation of Licence*

4. (1) A Licence granted under these Regulations does not grant to the Licensee named therein any right, interest or entitlement other than the right to keep, install, maintain, work and use Apparatus.

(2) Nothing in these Regulations shall absolve the Licensee from any requirement in law to obtain (such additional) approvals, consents, licences, permissions and authorisations that may be necessary for the discharge of the obligations or the exercise of entitlements 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 Commission shall bear no responsibility for such costs, expenses or commitments.

*Application for Licences and Form of Licences*

5. (1) An application for a Licence shall 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 assessing the application and carrying out its functions under the Act of 1926 and the Act of 2002, 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 issue a temporary Licence the duration of which shall be specified in Part 1 of the licence. A temporary Licence shall not be renewed.

(4) Subject to Regulation 7, a Licence shall be in the form specified in Schedule 1 with any amendment, whether by addition, deletion or alteration, as may be determined by the Commission.

#### *Duration and Renewal of Licences*

6. A Licence shall, unless it has been revoked, withdrawn or surrendered, remain in force for the lifetime of the Aircraft specified in the Licence (with the exception of a temporary Licence which shall expire on the date stipulated on the temporary Licence).

#### *Conditions of Licences*

7. (1) It shall be a condition of a Licence that:

- (a) the Licensee shall comply with these Regulations and the conditions attached to the Licence;
- (b) the Licensee shall ensure that the Apparatus is used only on such radio frequency spectrum as may be specified in the Licence and such radio frequencies shall be used in an efficient manner having utmost regard to any guidelines that may be issued and amended by the Commission from time to time in relation to the keeping, installing, maintaining, working and use of apparatus for wireless telegraphy forming part of an Aircraft Station;
- (c) the Licensee shall make payments of the fees as set out in Schedule 2 to these Regulations;
- (d) the Licensee may not, without the prior written consent of the Commission, which shall not be unreasonably withheld, 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;
- (e) the Licensee shall ensure that non-ionising radiation emissions from the Apparatus operated by the Licensee are within the limits specified by the guidelines published by ICNIRP, 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 European Community law;
- (f) the Licensee shall ensure that the Apparatus operated by the Licensee is not installed or operated at a location in a manner which causes the aggregate non-ionising radiation emissions at that location to exceed the limits specified by any guidelines published by ICNIRP and that it complies with any radiation emission standards adopted and published by ICNIRP, or its successors, any radiation emission standards of the European Committee for Electrotechnical Standards

and any radiation emission standards specified by national and European Community law;

- (g) the Licensee shall as soon as possible, but within 28 days, notify the Commission in writing of any changes to the information contained in the Licence;
- (h) the Licensee shall, no later than each fifth anniversary of the issue of a licence under these Regulations, make a return to the Commission to identify whether the information contained in the Licence, and the Licensee's contact details, are correct;
- (i) the Licensee shall ensure that the Apparatus, or any part thereof, shall be installed, maintained, operated and used so as not to cause Harmful Interference;
- (j) the Licensee shall ensure that the installation of the Apparatus, or any part thereof, is effected, and its maintenance and operation is carried on, in such a manner as to ensure that the safety of persons or property is not endangered;
- (k) the Licensee shall ensure compliance 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;
- (l) the Licensee shall ensure that, save as may be required by law, access to, and use of, the Apparatus is restricted to the Licensee, employees or agents of the Licensee, and persons authorised by or on behalf of the Licensee as being suitably qualified persons in accordance with the ITU Radio Regulations;
- (m) where the Commission is satisfied that a Licensee has failed to comply with any provision of these Regulations or a condition of the Licence, and the Commission has served on the Licensee a written notice prohibiting the use of Apparatus by such date and time as may be specified in the notice, then the Licensee will cease to use that Apparatus on or before the applicable date and time until such notice has been withdrawn by the Commission, and the Licensee shall take such measures as may be specified by the Commission in the notice;
- (n) the Licensee will upon becoming aware of any event likely to materially affect his or her ability to comply with these Regulations, or any conditions set out or referred to in the Licence, notify the Commission of that fact in writing within 5 business days;
- (o) the Licensee shall ensure that the appropriate identification methods as required by the International Standards and Recommended Practices and Procedures, as issued and amended from time to time by ICAO, are employed for all transmissions;

- (p) the Licensee shall maintain on-board the aircraft the Licence together with any other document which the Commission may prescribe; and
- (q) the Licensee shall comply with all obligations under relevant international agreements relating to the use of Apparatus or the frequencies to which they are assigned;

*Enforcement, Amendment, Revocation and Suspension*

8. (1) Where the Commission finds that the Licensee has not complied with any of the conditions attached to their Licence, it may take enforcement measures, which shall be objectively justifiable and in a proportionate manner, which may include the suspension or revocation of the Licence.

(2) The Commission may amend the Licence from time to time where objectively justifiable and in a proportionate manner.

(3) Without prejudice to paragraph (2) of this Regulation, the Commission may, after serving notice in writing on the Licensee specifying reasons and after affording the Licensee reasonable opportunity to make representations and after having considered any such representations, amend, suspend, or revoke the Licence where objectively justifiable and in a proportionate manner.

*Licence Fees*

9. (1) Fees as set out and provided for in Schedule 2 are hereby prescribed in relation to Licences for the purpose of section 6 of the Act of 1926.

(2) The grant of a Licence is subject to payment of the prescribed fee as set out in Schedule 2 to these Regulations.

(3) Fees shall be paid to the Commission for 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.

(4) If a Licence is surrendered, withdrawn, 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) that are outstanding.

(5) An amount payable by a Licensee may be recovered by the Commission as a simple contract debt in any court of competent jurisdiction.

*Transitional Arrangements*

10. A person operating an Aircraft Station that was licensed under the Act of 1926 before the commencement of these Regulations shall be granted a new Licence in respect of that Aircraft Station under these Regulations without fee and within 6 months of the coming into force of these Regulations, and all licences for Aircraft Stations issued under the Act of 1926 prior to the commencement of these Regulations shall expire on 1 December 2009.

SCHEDULE 1

WIRELESS TELEGRAPHY ACT 1926

WIRELESS TELEGRAPHY (Aircraft Station Licence) REGULATIONS  
2009

LICENCE CERTIFICATE

*PART 1*

**Licence Number:** .....

**Call-Sign:** .....

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6 of the Wireless Telegraphy Act 1926 (No. 45 of 1926), transferred to the Commission for Communications Regulation by section 4 of the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007), with the Radio Regulations which complement the Constitution and the Convention of the International Telecommunication Union now in force, grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use apparatus for wireless telegraphy as specified in Part 2 of this Licence subject to the Licensee observing the conditions contained in Regulation 7 of the Wireless Telegraphy (Aircraft Station Licence) Regulations 2009 (S.I. 193 of 2009)

**Licensee:** .....

**Address:** .....

**Licence Type:** .....

**Commencement and Termination Dates (if applicable):**

This Licence comes into effect on *DD/MM/YY* and, subject to revocation, withdrawal or surrender, shall remain in force for the lifetime of the aircraft specified in Part 2 of this Licence.

or

This Temporary Licence comes into effect on *DD/MM/YY* and shall expire on *DD/MM/YY*.

**Signed:** .....

on behalf of the Commission for Communications Regulation

**Date:**

**Official Stamp**

*PART 2*

DESCRIPTION AND CHARACTERISTICS OF APPARATUS

TECHNICAL CONDITIONS OF APPARATUS



SCHEDULE 2

FEEES PAYABLE IN CONNECTION WITH LICENCES

A new Licence, granted in respect of an existing Aircraft Station to which a licence under the Act of 1926 was granted prior to the commencement of these Regulations, shall not incur a fee;

All other new Licences shall incur a fee of €100;

Licence amendments and each transfer of a Licence shall incur a fee of €30;

Temporary licences shall incur a fee of €30.

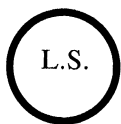
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GIVEN under the official seal of the Commission for Communications Regulation this 22 May 2009.

JOHN DOHERTY,  
Chairperson On behalf of the Commission of Communications Regulation.

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



GIVEN under the Official Seal of the Minister for Communications, Energy and Natural Resources this 19 May 2009.

EAMONN RYAN T.D.,  
Minister for Communications Energy 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 forming part of an aircraft station on-board an Irish aircraft, for the regulation of such apparatus, and for the payment of fees by persons granted licences for that apparatus.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
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