



STATUTORY INSTRUMENTS

**S.I. No. 343 of 2008**

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WIRELESS TELEGRAPHY ACT 1926 (SECTION 3) (EXEMPTION OF  
LOW POWER EARTH STATIONS ON BOARD VESSELS) ORDER 2008

**(Prn. A8/1358)**

## WIRELESS TELEGRAPHY ACT 1926 (SECTION 3) (EXEMPTION OF LOW POWER EARTH STATIONS ON BOARD VESSELS) ORDER 2008

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) as amended, hereby makes the following Order:

1. This Order may be cited as the Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Low Power Earth Stations on board Vessels) Order, 2008.

2. In this Order—

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

“Earth Station on board Vessels” means apparatus for wireless telegraphy, located on board vessels, intended for the transmission of radio signals to, and/or the reception of radio signals from a space station;

“EIRP” (Equivalent Isotropically Radiated Power) means the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna;

“EN 301 426” means a harmonised standard which is a Harmonised European Norm for Low data rate Land Mobile satellite Earth Stations (LMES) and Maritime Mobile satellite Earth Stations (MMES) not intended for distress and safety communications operating in the 1.5/1.6GHz frequency bands covering essential requirements under article 3.2 of the R&TTE Directive;

“EN 301 681” means a harmonised standard which is a Harmonised European Norm for Mobile Earth Stations (MES) of Geostationary mobile satellite systems including handheld earth stations, for Satellite Personal Communications Networks (S-PCN) in the 1.5/1.6GHz bands under the Mobile Satellite Service (MSS) covering essential requirements under article 3.2 of the R&TTE Directive;

“EN 302 340” means a harmonised standard which is a Harmonised European Norm for satellite Earth Stations on board Vessels (ESVs) operating in the 11/12/14 GHz frequency bands allocated to the Fixed Satellite Service (FSS) covering essential requirements under Article 3.2 of the R&TTE Directive;

“ESV” means Earth Station on board a Vessel;

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 29th August, 2008.*

”ETSI” means the European Telecommunications Standards Institute;

“GMDSS” means the Global Maritime Distress and Safety System;

“Harmful Interference” means interference with the working of, or interference which otherwise injuriously affects any apparatus for wireless telegraphy in respect of which a licence has been granted under the 1926 Act and is in force or any apparatus for wireless telegraphy lawfully maintained or worked without any such licence or any broadcasting station maintained under Part II of the 1926 Act or under the Broadcasting Authority Act, 1960;

“Harmonised Standard” means a technical specification adopted by a recognised standards body under a mandate from the European Commission in uniformity with the procedures laid down in Directive 98/34/EC as amended from time to time, for the purpose of establishing a European requirement, compliance with which is not compulsory;

“Ku Band ESV” means an ESV adapted or designed to operate as covered by EN 302 340;

“L Band ESV” means an ESV adapted or designed to operate as covered by EN 301 426;

“Space Station” means apparatus for wireless telegraphy that is located on an object which is beyond the major portion of the Earth’s atmosphere and which is not a high altitude platform station;

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

3. 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 Wireless Telegraphy Act 1926 does not apply, namely, the classes of apparatus for wireless telegraphy described in the Schedule to this Order.

4. This order does not;

- (a) exempt any ESV from any seaworthiness approval, inspections, operational provisions or licensing, as required by law, or
- (b) exempt any ESV from licensing under the Act of 1926, where that ESV is used for the purposes of the GMDSS or for any other distress and safety communications purposes.

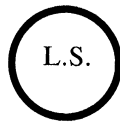
## SCHEDULE

## APPARATUS FOR WIRELESS TELEGRAPHY TO WHICH SECTION 3 OF THE WIRELESS TELEGRAPHY ACT, 1926 DOES NOT APPLY:

(1) ESVs which:

- (a) are described in column 1 of the table,
- (b) fulfil the requirements laid down in the harmonised standards set out in Column 2 or otherwise meet the essential requirements of the Regulations,
- (c) have an EIRP of 50dBW or less and
- (d) in any event fulfil all requirements of the Regulations.

<i>Table; Class of Apparatus</i>	
<i>Column 1</i>	<i>Column 2</i>
Terminal Type	Harmonised Standard
L Band ESV	EN 301 426, EN 301 681
Ku Band ESV	EN 302 340



GIVEN under the official seal of the Commission for  
Communications Regulation,  
25 August 2008

JOHN DOHERTY,  
Chairperson  
For and on behalf of the Commission for Communications  
Regulation

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 low power earth stations on board vessels and apparatus from the requirement to be licensed under the Wireless Telegraphy Act, 1926.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
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