

STATUTORY INSTRUMENTS

S.I. No. 398 of 2001

ORDER

entitled

Wireless Telegraphy Act, 1926 (section 3) (Exemption of certain classes of Land Mobile Earth Stations) Order, 2001

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Wireless Telegraphy Act, 1926 (section 3) (Exemption of certain classes of Land Mobile Earth Stations) Order, 2001

I, Etain Doyle, Director of Telecommunications Regulation, in exercise of the powers conferred on me by subsection (6) (inserted by section 11 of the Wireless Telegraphy Act, 1972 (No. 5 of 1972)) of section 3 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), and section 4 of the Telecommunications (Miscellaneous Provisions) Act, 1996 (No. 34 of 1996), hereby order as follows:

1. This Order may be cited as the Wireless Telegraphy Act, 1926 (section 3) (Exemption of certain classes of Land Mobile Earth Stations) Order, 2001.
2. The Interpretation Act, 1937 (No. 38 of 1937), applies to this Order.
3. The following Wireless Telegraphy Act 1926 (Section 3) Orders, are now revoked, namely the Orders described in Schedule 1 to this Order.
4. 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 is not to apply, namely, the classes of apparatus for wireless telegraphy described in Schedule 2 to this Order.

Schedule 1

Revocations

Orders Revoked	Statutory Instrument (S.I. No.)
Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat – D Terminals for Land Mobile Applications) Order 1999	S.I. No. 100 of 1999
Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat-C Terminals for Land Mobile Applications) Order, 1999	S.I. No. 101 of 1999
Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat-M Terminals for Land Mobile Applications) Order, 1999	S.I. No. 102 of 1999
Wireless Telegraphy Act 1926 (Section 3) (Exemption of Omnitrac Terminals for the Euteltracs System) Order, 1999	S.I. No. 103 of 1999
Wireless Telegraphy Act 1926 (Section 3) (Exemption of (i) Arcanet Suitcase Terminals) Order, 1999	S.I. No. 104 of 1999
Wireless Telegraphy Act 1926 (Section 3) (Exemption of EMS-PRODAT Terminals for Land Mobile Applications) Order, 1999	S.I. No. 105 of 1999
Wireless Telegraphy Act 1926 (Section 3) (Exemption of EMS-MSSAT Terminals for Land Mobile Applications) Order, 1999	S.I. No. 106 of 1999
Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat Mini-M Terminals for Land Mobile Applications) Order, 1999	S.I. No. 109 of 1999
Wireless Telegraphy Act 1926 (Section 3) (Exemption of (ii) Arcanet Suitcase Terminals) Order, 1999	S.I. No. 110 of 1999

Schedule 2

Apparatus for wireless telegraphy to which Section 3 of the Wireless Telegraphy Act, 1926 does not apply

Part I

Interpretation

In this schedule -

“ARCANET Land Mobile Suitcase Stations” means stations adapted or designed to provide voice and data communications from any land mobile earth station in a land mobile-satellite service, as covered by ERC/DEC/(98) 17;

“CEPT” means the European Conference of Postal and Telecommunications Administrations;

“EMS-MSSAT Land Mobile Stations” means stations adapted or designed to provide two-way voice, data and short message services from any land mobile earth station in a land mobile-satellite service, as covered by ERC/DEC/(98) 19;

“EMS-PRODAT Land Mobile Stations” means stations adapted or designed to provide a low rate message handling system from any land mobile earth station in a land mobile-satellite service, as covered by ERC/DEC/(98) 18;

“EN 301-681” means a harmonised standard being a Harmonised EN for Mobile Earth Stations (MESs) of Geostationary mobile satellite systems, including handheld earth stations, for Satellite Personal Communications Networks (S-PCN) in 1,5/1,6 GHz bands under the Mobile Satellite Service (MSS) covering essential requirements under Article 3.2 of the R&TTE Directive;

“ERC” means the European Radiocommunications Committee of CEPT;

“ERC/DEC/(98) 12” means ERC Decision of 23 November 1998 on exemption from individual licensing of Inmarsat-D terminals for land mobile application;

“ERC /DEC/(98) 13” means ERC Decision of 23 November 1998 on exemption from individual licensing of Inmarsat-C terminals for land mobile application;

“ERC /DEC/(98) 14” means ERC Decision of 23 November 1998 on exemption from individual licensing of Inmarsat-M terminals for land mobile application;

“ERC /DEC/(98) 15” means ERC Decision of 23 November 1998 on exemption from individual licensing of Omnitrac terminals for the Euteltracs system;

“ERC /DEC/(98) 17” means ERC Decision of 23 November 1998 on exemption from individual licensing of ARCANET Suitcase terminals;

“ERC /DEC/(98) 18” means ERC Decision of 23 November 1998 on exemption from individual licensing of EMS-PRODAT terminals for land mobile application;

“ERC /DEC/(98) 19” means ERC Decision of 23 November 1998 on exemption from individual licensing of EMS-MSSAT terminals for land mobile application;

“ERC /DEC/(98) 29” means ERC Decision of 23 November 1998 on exemption from individual licensing of Inmarsat mini-M terminals for land mobile application;

“ERC/DEC/(99) 18” means ERC Decision of 29 November 1999 on exemption from individual licensing of Inmarsat-B terminals for land mobile applications;

“ERC/DEC/(99) 20” means ERC Decision of 29 November 1999 on exemption from individual licensing of Inmarsat-M4 terminals for land mobile applications;

“ERC/DEC/(01) 22” means ERC Decision of 12 March 2001 on exemption from individual licensing of SpaceChecker S-SMS mobile user terminals;

“ERC/DEC/(01) 25” means ERC Decision of 12 March 2001 on exemption from individual licensing of Thuraya mobile user terminals;

“Euteltracs system” means a satellite communications system operating in a land mobile-satellite service;

“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;

“Land Mobile Earth Station” means land mobile apparatus for wireless telegraphy, to be used while in motion or during halts at unspecified points and which operates in frequency bands allocated to the land mobile-satellite service;

“Land Mobile-Satellite Service” means a radiocommunications service between land mobile earth stations and one or more space stations;

“Inmarsat-B Land Mobile Stations” means stations adapted or designed to provide voice communication, fax and data service in a land mobile-satellite service, as covered by ERC/DEC/(99) 18;

“Inmarsat-C Land Mobile Stations” means stations adapted or designed to provide low bit-rate data service in a land mobile-satellite service, as covered by ERC/DEC/(98) 13;

“Inmarsat-D Land Mobile Stations” means stations adapted or designed to support bi-directional store-and-forward short message data communications in a land mobile satellite service, as covered by ERC/DEC/(98) 12;

“Inmarsat-M Land Mobile Stations” means stations adapted or designed to provide voice communication, fax and data service in a land mobile-satellite service, as covered by ERC/DEC/(98) 14;

“Inmarsat Mini-M Land Mobile Stations” means stations adapted or designed to provide portable voice communication, fax and data service in a land mobile-satellite service, as covered by ERC/DEC/(98) 29;

“Inmarsat-M4 Land Mobile Stations” means stations adapted or designed to provide, digital voice and data service in a land mobile-satellite service, as covered by ERC/DEC/(99) 20;

“OmniTrac Land Mobile Stations” means stations adapted or designed to provide bi-directional short message data communications in a land mobile-satellite service, as covered by ERC/DEC/(98) 15;

“R&TTE Directive” means Directive 1999/5/EC of European Parliament and Council, of 9 March 1999, on radio and telecommunications terminal equipment and the mutual recognition of their conformity;

“Spacechecker S-SMS Land Mobile Stations” means stations adapted or designed to provide a low rate message handling system from any land mobile earth station in a land mobile-satellite service, as covered by ERC/DEC/(01) 22;

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

“Thuraya Land Mobile Stations” means stations adapted or designed to provide voice communication, fax and data services in a land mobile-satellite service, as covered by ERC/DEC/(01) 25;

“TBR 026” means a harmonised standard for Low data rate Land Mobile satellite Earth Stations (LMES) operating in the 1,5/1,6 GHz frequency bands;

“TBR 027” means a harmonised standard for Low data rate Land Mobile satellite Earth Stations (LMES) operating in the 11/12/14 GHz frequency bands;

“TBR 044” means a Harmonised Standard for Low data rate Land Mobile Satellite Earth Stations (LMES) operating in the 1,5 GHz and 1,6 GHz frequency bands providing voice and/or data communications.

Part II

Classes of apparatus to which Section 3 of the Wireless Telegraphy Act 1926 does not apply

(1) Land Mobile Earth Stations which are:

- (a) of a type indicated in columns 1 and 2 in table 1, and
- (b) operate in the frequencies in column 4 in table 1, and
- (c) fulfil the requirements laid down in the harmonised standards set out in Column 3 or otherwise meet the essential requirements of the Regulations, and
- (d) in any event fulfil all requirements of the Regulations.

Table 1 – Class of Apparatus			
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
Stations	Specific Station Type	Harmonised Standard	Frequency Bands
Inmarsat Land Mobile Stations	D	TBR 026	1525 – 1559 MHz (space-to-Earth) and 1626.5-1660.5MHz (Earth-to-space)excluding the bands 1544-1545MHz and 1645.5-1646.5MHz
	C	TBR 026	
	M	TBR 044	
	Mini M	TBR 044	
	M4	TBR 044	
	B	TBR 044	
Eutelsat Land Mobile Stations	Omnitracs Stations for Euteltracs System	TBR 027	10.7-11.7GHz (space-to-Earth) 12.5-12.75GHz (space-to-Earth) and 14-14.25GHz (Earth-to-space)
Italsat Land Mobile Stations	EMS-MSSAT	TBR 044	1525-1559MHz (space-to-Earth) and 1626.5-1660.5 (Earth-to-space) excluding the bands 1544-1545MHz and 1645.5-1646.5MHz
	EMS-PRODAT	TBR 026	
	Spacechecker S-SMS	TBR 026	1525-1559MHz (space-to-Earth) and 1626.5-1660.5 (Earth-to-space) excluding the bands 1544-1545MHz and 1645.5-1646.5MHz (unless used for distress and safety communications)
Arcanet Suitcase Land Mobile Stations	Arcanet Suitcase	TBR 027	11.45-11.70GHz (space-to-Earth), 12.5-12.75GHz (space-to-Earth) and 14.0-14.25GHz (Earth-to-space)

Land Mobile Thuraya Stations	Thuraya Station	EN 301-681	1525-1559MHz (space-to-Earth) and 1626.5-1660.5 (Earth-to-space) excluding the bands 1544-1545MHz and 1645.5-1646.5MHz (unless used for distress and safety communications)
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GIVEN under my hand,

this 13th day of August, 2001

ETAIN DOYLE

Director of Telecommunications 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 wireless telegraphy stations and apparatus from the requirement to be licensed under the Wireless Telegraphy Act, 1926.