

STATUTORY INSTRUMENTS

S.I. No. 007 of 2004

Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Low Power Aircraft Earth Stations) Order, 2004

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Wireless Telegraphy Act 1926 (Section 3) (Exemption of Low Power Aircraft Earth Stations) Order 2004

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), hereby makes the following Order

1. This Order may be cited as the Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Low Power Aircraft Earth Stations) Order, 2004.
2. The Interpretation Acts, 1937 to 1997, apply to this Order.
3. In this Order -

“Aircraft Earth Station” means apparatus for wireless telegraphy, located onboard an aircraft, intended for the transmission of radio signals to, and/or the reception of radio signals from a space station;

“Connexion by Boeing” means an AES adapted or designed to operate as covered by EN 302-186;

“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 301-473” means a harmonised standard which is a Harmonised European Norm for Aircraft Earth Stations (AES) operating under the Aeronautical Mobile Satellite Service (AMSS)/ Mobile Satellite Service (MSS) and/or the Aeronautical Mobile Satellite on Route Service (AMS(R)S)/ Mobile Satellite Service (MSS);

“EN 302-186” means a harmonised standard which is a Harmonised European Norm for satellite mobile Aircraft Earth Stations (AES) operating in the 11/12/14 GHz frequency bands covering essential requirements under Article 3.2 of the R&TTE Directive;

"ETSI" means the European Telecommunications Standards Institute;

"IAA" means the Irish Aviation Authority;

"Inmarsat" means an AES adapted or designed to operate as covered by EN 301-473;

"ITU" means the International Telecommunication Union;

"ITU-R M.1643" means technical and operational requirements for aircraft earth stations of aeronautical mobile-satellite service including those using fixed-satellite service network transponders in the band 14-14.5 GHz (Earth-to-space);

"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;

"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);

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 does not apply, namely, the classes of apparatus for wireless telegraphy described in Schedule 1 to this Order.

5. This order does not exempt the AES from any airworthiness approval, inspections, operational restrictions or licensing required by the IAA and must be used in accordance with IAA procedures.

Schedule 1

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

- (1) AES which:
- (a) are described in column 1 of table 1,
 - (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 1; Class of Apparatus</i>	
<i>Column 1</i>	<i>Column 2</i>
Terminal Type	Harmonised Standard
Inmarsat	EN 301-473
Connexion by Boeing	EN 302-186

GIVEN under the official seal of the Commission for Communications Regulation this 13th day of January, 2004

John Doherty
Chairperson

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.