

STATUTORY INSTRUMENT

S.I. No 158 of 2003

ORDER

entitled

**Wireless Telegraphy Act, 1926 (Section 3)
(Exemption of Mobile Telephones)(Amendment) Order, 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 to the Director of Telecommunications Regulation by section 4 of the Telecommunications (Miscellaneous Provisions) Act, 1996 (No. 34 of 1996), and 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.
 - (a) This order may be cited as the Wireless Telegraphy Act, 1926 (section 3)(Exemption of Mobile Telephones)(Amendment) Order, 2003
 - (b) This Order and the Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Mobile Telephones) Order, 1997 (S.I. 409 of 1997) shall be construed together as one and may be cited as the Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Mobile Telephones) Order, 1997 to 2003.
2.
 - (a) In this Order the Principal Order means the Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Mobile Telephones) Order, 1997
 - (b) The Interpretation Act, 1937 (No. 38 of 1937), applies to this Order.
3. The Principal Order shall be amended with the deletion of regulation 3 and the substitution of the following for regulation 3:
 - (a) “mobile telephone” means apparatus for wireless telegraphy capable of originating and receiving a call, being digital apparatus that stands approved under the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations 2001 (S.I. 240 of 2001)
 - (b) “call” means a telephone call or other communication of any kind made or sent wholly or partly on a GSM mobile telephony network or IMT-2000 mobile telephony network;
 - (c) “GSM mobile telephony network” means a public, digital, land-based, cellular, mobile telephony network operating in the 900 MHz and/or 1800 MHz frequency band;

(d) “IMT-2000 mobile telephony network” means a network which supports a third generation mobile telephony service as defined in the Wireless Telegraphy (Third Generation and GSM Mobile Telephony Licence) Regulations, 2002 (S.I. no.345 of 2002)

4. The following class of apparatus for wireless telegraphy, namely, mobile telephones, is hereby declared to be a class of apparatus for wireless telegraphy to which section 3 of the Wireless Telegraphy Act, 1926, does not apply.

GIVEN under the Official Seal of the Commission for Communications Regulation,
this 24th day of April, 2003

**ETAIN DOYLE, Chairperson, on behalf of the Commission
for Communication 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 GSM and IMT-2000 mobile telephones from the requirement to be licenced under the Wireless Telegraphy Act, 1926. It also repeals the exemption of TACS mobile phones which have been phased out of service within Ireland since March 2002.