

STATUTORY INSTRUMENTS

S.I. No. 128 of 2005

**Wireless Telegraphy Act 1926 (section 3) (Exemption of certain classes of Land
Mobile Earth Stations) Order 2005**

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Wireless Telegraphy Act 1926 (section 3) (Exemption of certain classes of Land Mobile Earth Stations) Order 2005

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) hereby makes the following Order:

1. This Order may be cited as the Wireless Telegraphy Act, 1926 (section 3) (Exemption of certain classes of Land Mobile Earth Stations) Order 2005 .
2. In this Order-

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

“ECC” means the Electronic Communications Committee of CEPT;

“ECC/DEC/(02) 11” means ECC Decision of 15 November 2002 on exemption from individual licensing of satellite user terminals operating within the frequency bands 1525-1599MHz space-to-earth and 1626.5-1660.5MHz earth-to-space, for land mobile applications;

“EN 301-444” means a harmonised standard being a Harmonised EN for Land Mobile Earth Stations of geostationary mobile satellite systems, including handheld earth stations, 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;

“EN 301-681” means a harmonised standard being a Harmonised EN for Mobile Earth Stations of geostationary mobile satellite systems, including handheld earth stations, for satellite personal communications networks in 1,5/1,6 GHz bands under the MSS covering essential requirements under Article 3.2 of the R&TTE Directive;

“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;

“SUT Station” means a Land Mobile Earth Station adapted or designed to operate as covered by ECC/DEC/(02) 11, EN 301-444 and EN 301-681;

“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;

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

4. The classes of apparatus for wireless telegraphy described in the Schedule to this Order are hereby declared to be classes of apparatus for wireless telegraphy to which section 3 of the Wireless Telegraphy Act 1926 does not apply.

Schedule 1

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

- (1) SUT Stations 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) operate in the frequencies in column 3 in table 1,
 - (d) have an EIRP of 50dBW or less,
 - (e) are located more than 500 metres from the boundary fence of an airport;
and
 - (f) fulfil all applicable requirements of the Regulations.

<i>Table 1; Class of Apparatus</i>		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Terminal Type	Harmonised Standard	Frequency Bands
SUT	EN 301-444 EN 301-681	1525-1559MHz Space to Earth 1626.5-1660.5MHz Earth to Space

GIVEN under the official seal of the Commission for Communications Regulation this
8th day of March, 2005

Isolde Goggin
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.