



Commission for
Communications Regulation

Information Notice

Wireless Telegraphy Licences – Future Applicability of Licence Conditions

**(This Document is issued pursuant to Regulation 22 of the
European Communities (Electronic Communications
Networks and Services)(Authorisation) Regulations, 2003)**

Information Note for Radio Licensees

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1 Executive Summary

In 2002, a series of EU Directives (Annex 1) was developed to establish a new European Community-wide regulatory framework for electronic communications services and networks. The new framework encompasses the regulation of radio spectrum and necessitates minor changes to the way radio has been regulated in Ireland.

The EU Directives have been transposed into Irish Regulations by the Department of Communications, Marine and Natural Resources and come into effect from 25th July 2003. (Annex1)

As a result of the introduction of these Regulations, there will be changes to some of the conditions attached to radio licences. These changes have the effect of reducing and, in some cases, removing licence conditions. No additional licence conditions have been added to licences as a result of the new Regulations.

This document contains a series of appendices detailing changes in licence conditions in respect of the following radio licence types:

Appendix A – Community Repeater

Appendix B - Business Radio

Appendix C - Satellite

Appendix D – Mobile Radio Systems

Appendix E – Fixed Wireless Access Local Area Licences

Appendix F – Radio Links

Appendix G – UHF Television Programme Retransmission (Deflectors)

Appendix H– BCI Sound Broadcasting Contracts Licence

Appendix I – BCI Television Programme Service Contract Licence

Appendix J – RTE Licence

Appendix K - Programme Services Distribution (MMDS)

Licensees should note that existing licences will remain in force and will be renewed as normal. The only difference is that some conditions will no longer apply or will be modified to meet the requirements of the new Regulations.

2 Introduction

This document is aimed primarily as an information document for radio licensees who hold one or more of the following:

1. A Radio Link Licence;
2. A Business Radio Licence;
3. A Community Repeater Licence;
4. A Satellite Licence;
5. A Mobile Radio Systems Licence;
6. A Licence for a fixed Wireless Access Local Area system;
7. A UHF Television Programme Retransmission (Deflector) Licence;
8. The BCI Sound Broadcasting Contracts Licence;
9. The BCI Television Programme Service Contract Licence;
10. The RTE Licence;
11. A Programme Services Distribution (MMDS) Licence.

From 25 July 2003, the regulatory regime under which radio systems were previously licensed in Ireland is changed. This is as a result of the implementation of a new EU regulatory framework aimed at streamlining the regulation of electronic communications networks and services throughout the European Community (see reference, Annex 1). The purpose of this document is to highlight the differences between the conditions which attached to radio licences under the old licensing regime and those which will now apply under the new regulatory framework. Specifically, this document will clarify, for each category of licence, the licence conditions which will continue to be applicable from 25 July, 2003. Radio licensees should note that existing radio licences will continue to be valid and will be renewed as normal, albeit some of the licence conditions may no longer be applicable or may be modified to come into line with the new Regulations.

Further information on the new regulatory framework for electronic communications and services is available from the ComReg website, and the EU website, see the attached Annex for a list of useful references.

The Minister for Communications, Marine and Natural Resources has signed into law regulations which transpose the relevant EU Directives and provide the legal basis for the new regulatory framework (see Annex 1). The text of the regulations may be accessed at the Department's web site www.dcmnr.ie.

One aspect of the new framework concerns the regulation of the radio spectrum and the granting of spectrum "rights of use". To date, in Ireland, the use of radio spectrum required a licence or licence exemption issued under the Wireless Telegraphy Acts. In the case of radio and television transmission services, licences are issued under the Broadcasting Acts and the Radio and Television Acts. In addition, where operators provided a public telecommunications service, a telecommunications licence was also required.

Under the new regulations made by the Minister, spectrum rights of use will continue to be provided as licences under the abovementioned Acts. However the conditions which may apply to such licences are now to be framed within the terms of the Authorisation Directive and are detailed below:

1. Designation of service or type of network or technology for which the rights of use for the frequency has been granted, including, where applicable, the exclusive use of a frequency for the transmission of specific content or specific audiovisual services;
2. Effective and efficient use of frequencies conforming with Directive 2002/21/EC (Framework Directive) including, where appropriate, coverage requirements;
3. Technical and operational conditions necessary for the avoidance of harmful interference and for the limitation of exposure of the general public to electromagnetic fields, where such conditions are different from those included in the general authorisation;
4. Maximum licence duration in conformity with Article 5 of this Directive, subject to any changes in the national frequency plan;
5. Usage fees in accordance with Article 13 of this Directive;
6. Any commitments which the licensee made in the course of a competitive or comparative selection procedure;
7. Obligations under relevant international agreements relating to the use of frequencies.

ComReg¹ has examined the legislation under which radio licences are issued and has concluded that many of the conditions which will apply under the new EU framework are already provided for under current radio licensing schemes. These will continue to have effect. However, other conditions are no longer permitted. The attached appendices detail, by licence category, specific changes to licence conditions which are necessitated by the new regulatory framework. It is important to note that these changes will not place any additional burden on licensees.

Holders of the types of radio licences discussed in this document are providing an electronic communications network or service as defined in the European Communities (Electronic Communications Networks and Services) (Framework) Regulations, 2003 (S.I. No 307 of 2003) and will also be subject to the conditions of a “General Authorisation” details of which can be found in ComReg Document number (03/81) which is available on the ComReg website. The General Authorisation will replace, expand and simplify the current telecommunications licensing regime. It should be noted that as of 25th July, all radio licensees who provide or intend to provide electronic communications networks and services to third parties are required to notify this intention to The Commission (ComReg 03/82).

Whilst every effort has been made to ensure the accuracy and completeness of the information contained in this document, discrepancies may occur. Accordingly, ComReg reserves the right to review and revise this document from time to time in order to ensure compliance with national and EU law.

¹ It should be noted that the legislation applicable to most of the licensing schemes detailed in this document predate the formation of The Commission for Communication Regulation (ComReg), however, the power to enforce these regulations was transferred to The Commission in 2002. In this regard, a reference to the “Minister” or the “Director” in the legislation, should be read as a reference to “The Commission”

3 Format of Appendices

The main part of this document is divided into a series of appendices. Each appendix deals with a separate radio licence category, as follows:

Appendix A – Community Repeater

Appendix B - Business Radio

Appendix C - Satellite

Appendix D – Mobile Radio Systems

Appendix E – Fixed Wireless Access Local Area Licences

Appendix F – Radio Links

Appendix G – UHF Television Programme Retransmission (Deflectors)

Appendix H– BCI Sound Broadcasting Contracts Licence

Appendix I – BCI Television Programme Service Contract Licence

Appendix J – RTE Licence

Appendix K - Programme Services Distribution (MMDS)

The appendix contains information on the legislation under which licences are issued and contains details of licence conditions (in italics) which require qualification or modification as a result of the introduction of the new regulations. It is important to note that the other licence conditions will be unaffected by the new regulations and will also continue to apply.

Appendix A – Community Repeater

Community Repeater licences are granted under the Community Repeater Regulations (S.I. 83 of 1988).

The conditions of the Regulations and the pro-forma licence attached to the Regulations will continue to be applicable subject to the following:

Regulation 7(3) (S.I. 83 of 1988) - This Regulation reads as follows:

The person applying for the renewal of a licence referred to in paragraph (2) of this Regulation shall forward together with the application and fee referred to in that paragraph a list giving full details (including the names and addresses) of all users of stations on the licensee's community repeater system.

Having regard to the provisions of Regulation 18 of the Authorisation Regulations, The Commission considers that it is not appropriate to require full details of the names and addresses of all users of stations on the network. Accordingly, Regulation 7(3) should be interpreted as only requiring the details necessary to ensure compliance with S.I. 83 of 1983 and in particular, Regulation 10 of that S.I.

Regulation 12 (S.I. 83 of 1988) – This Regulation reads as follows:

- (1) *If any message or communication which a licensee, his authorised agents or his users, are not authorised to receive is received by means of a station to which his licence relates, the licensee, his authorised agents or his users shall not make known or allow to be made known its contents, its origin, its destination, its existence or the fact of its receipt to any person (other than an authorised officer) and shall not reproduce in writing or otherwise copy or make use of such message or communication or allow it to be reproduced in writing or other wise or to be copied or made use of.*
- (2) *The licensee shall take such measures as are reasonably possible to prevent a message or communication referred to in paragraph (1) of this Regulation from being received at any station on his community repeater system.*

This requirement is not provided for by the permissible conditions relating to spectrum rights of use. However it is addressed by paragraph 17 of the General Authorisation. Accordingly, while it will no longer be a requirement of the Wireless Telegraphy (WT) licence, the licensee will remain bound by its provisions by virtue of paragraph 17 of the General Authorisation.

Regulation 14 (S.I. 83 of 1988) – This Regulation reads as follows:

The Minister may at any time amend or vary any licence.

Licensees should note that any amendment or variation of licences will be in accordance with Regulation 15 of the Authorisation Regulations except where an amendment is in relation to a change to the schedules of an individual licence which is requested by the licensee when the requirement to engage in a public consultation of at least 28 days will not apply.

Regulation 15 (S.I. 83 of 1988) – This Regulation reads as follows:

Whenever the Minister is satisfied that a licence has failed to observe any of the conditions subject to which his licence was granted, or has done, in respect of apparatus kept under the licence, any act (whether of commission or omission) which is a contravention of the Wireless Telegraphy Acts, 1926 to 1972, or any Act amending or extending those Acts, or of these Regulations, the Minister may suspend for any period or revoke the licence in whole or in part by notice in writing sent by post to the licensee at his last known address.

The procedures which The Commission is required to take in relation to breaches of licence conditions are set out in Regulation 16 and 17 of the Authorisation Regulations and those procedures shall apply in place of the above.

Second Schedule of S.I. 83 of 1988 - Licence Conditions:

Condition 5 (S.I. 83 of 1988) – This condition reads as follows:

A licensee shall ensure that the erection of all aerials and masts associated with his licensed community repeater system conforms to all requirements prescribed by law or to a lawful direction of a competent authority; in this regard particular attention is drawn to such requirements which relate to planning permission, installations in the proximity of airports, and precautions to be taken against possible damage to overhead power wires.

The Commission considers that it is not appropriate, having regard to the permissible conditions, for The Commission to enforce compliance with conditions which are established by other competent authorities. The fact however that The Commission will not enforce such a condition, should not be taken by licensees as a reduction in its responsibilities under other specific legislative provisions for example, in respect of planning law.

Appendix B - Business Radio

Business Radio licences are granted under the Business Radio Regulations (S.I. 320 of 1949).

The conditions of the Regulations and the pro-forma licence attached to the Regulations will continue to be applicable subject to the following:

Regulation 10 (S.I. 320 of 1949) – This Regulation reads as follows:

The Minister may at any time amend or vary a business radio licence, whether in respect of the situation of one or more of the stations to which such licence relates, the power to be used therein, the frequency or any other matter or thing.

Licensees should note that any amendment or variation of licences will be in accordance with Regulation 15 of the Authorisation Regulations except where an amendment is in relation to a change to the schedules of an individual licence which is requested by the licensee when the requirement to engage in a public consultation of at least 28 days will not apply.

Regulation 12 (S.I. 320 of 1949) – This Regulation reads as follows:

The Minister may at any time, at his absolute discretion, suspend for any period or revoke any business radio licence by notice in writing sent by post to the licensee at his last known address.

This regulation will be implemented in accordance with Regulation 15, 16 and 17 of the Authorisation Regulations.

Second Schedule (S.I. 320 of 1949) - Licence Conditions:

Condition 2 (S.I. 320 of 1949) – This condition reads as follows:

Aerials:

The aerials and any masts erected for use on any of the stations shall comply with any requirements as regards heights, structural design, etc., which may be prescribed by the Minister by notice in writing to the Licensee. If any fixed station is situated within half a mile of the boundary of any aerodrome, the aerial or any mast supporting it shall conform to all requirements prescribed or laid down from time to time by the competent authorities in that behalf. An aerial which crosses above or is liable to fall upon or to be blown on to any overhead power wire (including electric lighting and tramway wires) shall be guarded to the reasonable satisfaction of the owner of the power wire concerned.

The Commission considers that it is not appropriate, having regard to the permissible conditions, for The Commission to enforce compliance with conditions which are established by other competent authorities. The fact however that The Commission will not enforce such a condition, should not be taken by licensees as a reduction in its responsibilities under other specific legislative provisions for example, in respect of planning law.

Condition 8 (S.I. 320 of 1949) – This condition reads as follows:

Secrecy of correspondence.

The Licensee and his authorised agents shall preserve the secrecy of correspondence. If any message which the Licensee or his authorised agents are not entitled to receive is received the Licensee or his authorised agents shall not make known or allow to be made known its contents its origin or destination its existence or the fact of its receipt to any person (other than duly authorised officers of the government or a competent legal tribunal) and shall not produce in writing copy or make any use of such message or allow the same to be reproduced in writing copied or made use of.

This requirement is not provided for by the permissible conditions relating to spectrum rights of use. However it is addressed by paragraph 17 of the General Authorisation. Accordingly, while it will no longer be a requirement of the WT licence, the licensee will remain bound by its provisions by virtue of paragraph 17 of the General Authorisation.

Appendix C - Satellite

Satellite Radio licences are granted under the Satellite regulations (S.I.261 of 2000 – Fixed Satellite Earth Stations; and S.I. 18 of 2001 – Teleport Facility).

The conditions of those Regulations and the pro-forma licences attached will continue to be applicable subject to the following:

Regulation 12 (a) (S.I. 18 of 2001) - This Regulation reads as follows:

The Licensee is the holder of a Telecommunications Licence.

Regulation 13 (a) (S.I. 261 of 2000) - This Regulation reads as follows:

Where the Licence relates to a fixed satellite earth station or fixed satellite earth stations to be used for the purpose of providing telecommunications networks, systems or services to which section 111 of the Act of 1983, as amended by the Licensing Regulations, relates, the Licensee is the holder of a Telecommunications Licence.

As Telecommunications Licences cease to be valid from 25 July, these requirements no longer apply. However the conditions of a General Authorisation apply to licensees where appropriate. If you provide electronic communications networks and/or services to third parties, you will be required to send in a notification under the General Authorisation Scheme (see ComReg document 03/82 and other relevant documentation).

Regulation 12 (c) (S.I. 18 of 2001) - This Regulation reads as follows:

The Licensee shall ensure that the fixed satellite earth stations comprising the teleport facility shall comply with the requirements of the RTTE Directive 1999/5/EC of the European Parliament and the Council of 9 March 1999.

Regulation 13 (c) (S.I. 261 of 2000) - This Regulation reads as follows:

The Licensee shall ensure that the fixed satellite earth station or fixed satellite earth stations shall comply with the requirements of the RTTE Directive 1999/5/EC of the European Parliament and the Council of 9 March 1999.

Regulation 12 (c) of S.I. 18 of 2001 and Regulation 13(c) of S.I. 261 of 2000 are already covered by S.I. 240 of 2001 and therefore are not conditions of the licences.

Regulation 12 (h) (S.I. 18 of 2001) - This Regulation reads as follows:

*(h) The Licensee shall, where –
(i) the Director, or his or her authorised officer, is satisfied that the Licensee has failed, or is failing, to comply with sub-paragraphs (f) or (g) of this Regulation;
and
(ii) serves on the Licensee a notice pursuant to Regulation 15 of these Regulations,
ensure that the notice is complied with.*

Regulation 13 (h) (S.I. 261 of 2000) - This Regulation reads as follows:

*(h) The Licensee shall, where –
(i) the Director, or his or her authorised officer, is satisfied that the Licensee has failed, or is failing, to comply with sub-paragraphs (f) or (g) of this Regulation;
and
(ii) serves on the Licensee a notice pursuant to Regulation 16 of these Regulations,*

ensure that the notice is complied with.

Regulation 12 (h) of S.I. 18 of 2001 and Regulation 13 (h) of S.I. 261 of 2000 will be implemented in accordance with Section 39 of the Communications Regulation Act 2002 and Regulation 16 and 17 of the Authorisation Regulations.

Regulation 12 (k)-(l) (S.I. 18 of 2001) - This Regulation reads as follows:

(k) The Licensee shall take all reasonable measures to prevent any message or information which the Licensee is not authorised to receive from being received by the teleport facility.

(l) If any message or information which a Licensee is not authorised to receive is unintentionally received by means of the teleport facility, the Licensee shall not –
(i) make known, or allow to be made known, its contents, its origin, its destination, its existence or the fact of its receipt to any person other than an authorised person, or
(ii) reproduce in writing or otherwise, make use of or copy such message or information or allow it to be reproduced in writing, made use of or copied.

Regulation 13 (k)-(l) (S.I. 261 of 2000) - This Regulation reads as follows:

(k) The Licensee shall take all reasonable measures to prevent any message or information which the Licensee is not authorised to receive from being received by the fixed satellite earth station or fixed satellite earth stations.

(l) If any message or information which a Licensee is not authorised to receive is unintentionally received by means of a fixed satellite earth station or fixed satellite earth stations, the Licensee shall not –
(i) make known, or allow to be made known, its contents, its origin, its destination, its existence or the fact of its receipt to any person other than an authorised person, or
(ii) reproduce in writing or otherwise, make use of or copy such message or information or allow it to be reproduced in writing, made use of or copied.

Regulation 12 (k)-(l) of S.I. 18 of 2001 and Regulation 13 (k)-(l) are not provided for by the permissible conditions relating to spectrum rights of use. Accordingly, while it will no longer be a requirement of the WT licence, the licensee will remain bound by its provisions by virtue of paragraph 17 of the General Authorisation.

Regulation 12 (m) (S.I. 18 of 2001) and Regulation 13 (m) (S.I. 261 of 2000) which can be summarised as follows:

The licensee shall

- *provide The Commission with information and reports on the operation of the apparatus if notified in writing to do so;*
- *keep all or any records The Commission informs him or her to keep on the apparatus;*
- *on request from an authorised officer, produce his or her licence for inspection by the authorised officer;*
- *notify The Commission of any event that may materially affect his or her ability to meet the Regulations (S.I. 261 of 2000 for fixed earth station(s) and S.I. 18 of 2001 for teleports) or the conditions set out or referred to in the Licence upon becoming aware of that event;*
- *on request from an authorised officer, permit the authorised officer to inspect any records which The Commission requires to be kept or which are kept by the licensee in connection with the operation of the apparatus;*
- *on request from an authorised officer, make available any test equipment or apparatus necessary to facilitate testing by the authorised officer of the apparatus of any apparatus for wireless telegraphy situated therein and any other apparatus associated therewith;*
- *notify The Commission within 28 days after (a) any change in the persons having control of the licence or in the directors of the licensee or in the directors of any body corporate having control of the licensee and (b) any*

change in persons having any interest in the licensee or in any body corporate having direct or indirect control of the licensee such that a person or group of persons acting together (i) has acquired an interest of more than 20% in aggregate or (ii) having or having had an interest of more than 20% in aggregate in the licensee, has increased or decreased that interest.

These requirements will be implemented in accordance with Regulation 16 and 18 of the Authorisation Regulations.

Appendix D – Mobile Radio Systems

Mobile Radio licences, for example trunked radio licences are granted under the Wireless Telegraphy (Mobile Radio Systems) Regulations, 2002 (S.I. 435 of 2002).

The conditions of the Regulations and the pro-forma licence attached to the Regulation will continue to be applicable subject to the following:

Regulation 13 (a) (S.I. 435 of 2002) - This Regulation reads as follows:

Where the licence relates to a mobile radio system to be used for the purpose of providing telecommunications networks, systems or services, to which section 111 of the Act of 1983, as amended by the Licensing Regulations relates, the Licensee is the holder of a Telecommunications Licence.

As Telecommunications Licences cease to be valid from 25 July, these requirements no longer apply. However the conditions of a General Authorisation apply to licensees where appropriate. If you provide electronic communications networks and/or services to third parties, you will be required to send in a notification under the General Authorisation Scheme (see ComReg document 03/82 and other relevant documentation).

Regulation 13 (k)-(l) (S.I. 435 of 2002) - This Regulation reads as follows:

(k) The licensee shall take all reasonable measures to prevent any message or information which the Licensee is not authorised to receive from being received by the mobile radio system.

(l) If any message or information which a licensee is not authorised to received is unintentionally received by means of a mobile radio system, the Licensee shall not–

(i) make known or allow to be made known, its contents, its origin, its destination, its existence or the fact of its receipt to any person other than an authorised person, or

(ii) reproduce in writing or otherwise, make use of or copy such message or information or allow it to be reproduced in writing, made use of or copied.

This requirement is not provided for by the permissible conditions relating to spectrum rights of use. However it is addressed by paragraph 17 of the General Authorisation. Accordingly, while it will no longer be a requirement of the WT licence, the licensee will remain bound by its provisions by virtue of paragraph 17 of the General Authorisation.

Regulation 13 (c) (S.I. 435 of 2002) - This Regulation reads as follows:

The licensee shall ensure that the equipment comprising the mobile radio system shall comply with the requirements of the European communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations, 2001(S.I. 240 of 2001).

This condition is already covered by S.I. 240 of 2001 and therefore is not a condition of the licence.

Regulation 13 (i) (S.I. 435 of 2002) - This Regulation reads as follows:

The Licensee shall, where –

(i) the Director or his or her authorised officer, is satisfied that the licensee has failed, or is failing, to comply with subparagraphs (f) or (g) of this regulation; and

(ii) serves on the Licensee a notice pursuant to Regulation 16 of the Regulations,

ensure that the notice is complied with.

This will be implemented in accordance with Section 39 of the Communications Regulation Act 2002 and Regulation 16 and 17 of the Authorisation Regulations.

Regulation 14 (1)-(3) (S.I. 435 of 2002) may be summarised as follows:

A Licensee shall

- *provide The Commission with information on the apparatus if notified in writing to do so;*
- *keep all or any records which The Commission informs the Licensee to keep;*
- *on request from an authorised officer, produce his or her licence for inspection by the authorised officer;*
- *notify The Commission if he/she becomes aware of any insolvency related event or any other event that may materially affect his or her ability to meet S.I. 435 of 2002 or any conditions set or referred to in the Licence, upon becoming aware of such an event;*
- *notify The Commission within 28 days after (I) any change in the persons having control of the licence or in the directors of the licensee or in the directors of any body corporate having control of the licensee and (II) any change in the identity of persons having any interest in the licensee or in a body corporate having direct or indirect control of the licensee such that the person or group of persons acting together (i) has acquired an interest of more than 20% on aggregate in the licensee or (ii) having or having had an interest of more than 20% on aggregate on the licensee, has increased or decreased that interest;*
- *furnish The Commission with a copy of, inter alia, its annual returns;*
- *on request from an authorised officer, permit the authorised officer at all reasonable times to inspect any records which The Commission requires to be, or which are, kept with the apparatus;*
- *on request from an authorised officer, make available any test equipment or apparatus necessary to facilitate the testing by the authorised officer of the system;*
- *The Commission may arrange or may require the licensee to arrange an audit of any aspect of the licensee's business relating to the operation of apparatus in order to ensure compliance with these Regulations or the licence - the licensee shall allow the authorised officer, or any independent auditor, such access to any premises, equipment or any part of the apparatus, or to inspect, take copies of and acquire such information, as may reasonably be required for the purposes of carrying out the audit;*
- *any costs associated with an independent audit conducted shall be the responsibility of the licensee.*

This Regulation will be implemented in accordance with Section 39 of the Communications Regulation Act 2002 and Regulation 16 and 18 of the Authorisation Regulations.

Appendix E – Fixed Wireless Access Local Area Licences

Fixed Wireless Access Local Area Licences are granted under Statutory Instrument 79 of 2003.

The conditions of this Regulations and the pro-forma licence attached to the Regulation will continue to be applicable subject to the following:

Regulation 11(a) (S.I. 79 of 2003) – This Regulation reads as follows:

(a) that the apparatus shall be used only for the purpose of the provision of the Service authorised by the licence under Section 111(2) or Section 111(3) of the Act of 1983;

As Telecommunications Licences (issued under Section 111(2) and 111(3) of the Postal and Telecommunications Services Act, 1983, as amended) cease to be valid from 25 July, these requirements no longer apply. However, the conditions of a General Authorisation apply to licensees. If you intend to apply for a Fixed Wireless Access Local Area Licence, you will be required to send in a notification under the General Authorisation Scheme (see ComReg document 03/82 and other relevant documentation).

Regulation 11(c) (S.I. 79 of 2003) - This Regulation reads as follows:

(c) that the Licensee shall ensure that the Apparatus is not used in a manner that could infringe any privilege which is held by the Minister for Communications, Marine and Natural Resources under the Telegraph Act, 1869;

This statement is no longer applicable.

Regulation 11(d) (S.I. 79 of 2003) - This Regulation reads as follows:

(d) the licensee shall ensure that all radio and telecommunications terminal equipment used on or associated with the Fixed Wireless Access network operated by the licensee for the purposes of the service are compliant with the standards set for such equipment by the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations, 2001 (S.I. No. 240 of 2001) and any other standards that may, from time to time, be specified by the European Union;

This condition is already covered by S.I. 240 of 2001 and therefore is not a condition of the licence.

Regulation 11(j) (S.I. 79 of 2003) - This Regulation reads as follows:

(j) the licensee shall, where-

- (i) The Commission, or its authorised officer, is satisfied that the licensee has failed to comply with subparagraph (g) or (h) of this Regulation; and*
- (ii) serve on the licensee a notice, prohibiting the use, or as appropriate requiring that the use of such apparatus or part thereof, as may be specified in the notice, cease forthwith or, on or before such date and time as may be so specified, and the licensee shall not use or, as appropriate, shall cease to use the apparatus to which the licence relates or part thereof, unless and until such notice has been withdrawn by The Commission, or an authorised officer, and shall otherwise take such measures (if any) as may be specified by The Commission, or any authorised officer, in the notice;*

This Regulation will be implemented in accordance with Section 39 of the Communications Regulation Act 2002 and Regulation 15, 16 and 17 of the Authorisation Regulations.

Regulation 11(l) - (m) (S.I. 79 of 2003) - This Regulation reads as follows:

(l) the licensee shall take all reasonable measures to prevent any message or information which the licensee is not authorised to receive from being received by the apparatus;

(m) if any message or information that a licensee is not authorised to receive is intentionally received by means of apparatus the licensee shall not-

(I) make known or allow to be made known its contents, origin, destination or existence or the fact of its receipt, to any person other than an authorised person or

(ii) reproduce in writing or otherwise make use of, or copy such message or information or allow it to be reproduced in writing, made use of or copied;

This requirement is not provided for by the permissible conditions relating to spectrum rights of use. However it is addressed by paragraph 17 of the General Authorisation. Accordingly, while it will no longer be a requirement of the WT licence, the licensee will remain bound by its provisions by virtue of paragraph 17 of the General Authorisation.

Regulation 12 (S.I. 79 of 2003) may be summarised as follows:

The licensee shall:

- provide The Commission with information relating to on the apparatus if notified in writing to do so;*
- keep records of, inter alia, where apparatus is located;*
- on request from an authorised officer, produce his or her licence for inspection by such officer;*
- if he/she becomes aware of any insolvency related event or any other event that may materially affect his or her ability to meet S.I. 79 of 2003 or any conditions set out or referred to in the licence, notify The Commission of that fact;*
- notify The Commission within 28 days after the occurrence of any of the following (I) any change in the identity of the persons having control of the licence or where the licensee is a body corporate, in the identity of the directors of the licensee or of any body corporate having control of the licensee and/or (II) any change in the identity of persons having any interest in the licensee or in any body corporate having direct or indirect control of the licensee such that the person or group of persons acting together (i) has acquired an interest of more than 20% on aggregate in the licensee or (ii) having an interest of more than 20% on aggregate on the licensee, has increased or decreased that interest;*
- provide The Commission with a copy of, inter alia, its annual returns;*
- on request from an authorised officer, permit the authorised officer at reasonable times to inspect any records which The Commission requires to be, or which are, kept by the licensee in connection with the apparatus;*
- on request by an authorised officer, make available any test equipment or apparatus necessary to facilitate the testing by the authorised officer of the apparatus;*
- The Commission may arrange or may require the licensee to arrange an audit of any aspect of the licensee's business relating to the operation of apparatus in order to ensure compliance with these Regulations or the licence and the licensee shall allow the authorised officer, or any independent auditor, such access to any premises, equipment or any part of*

the apparatus, or to inspect, take copies of and acquire such information, as may reasonably be required for the purposes of carrying out the audit.

- *any costs associated with an independent audit conducted shall be the responsibility of the licensee;*
- *if The Commission considers it proper or appropriate so to do, it may publish any of the information obtained from the licensee under the Regulations or under and in accordance with the licence.*

This Regulation will be implemented in accordance with Section 39 of the Communications Regulation Act 2002 and Regulation 16 and 18 of the Authorisation Regulations.

Regulation 13(1) (S.I. 79 of 2003) - This Regulation reads as follows:

(1) The Commission may, in a proportionate manner, amend a licence where it is objectively justifiable.

Licensees should note that any amendment or variation of licences will be in accordance with Regulation 15 of the Authorisation Regulations except where an amendment is in relation to a change to the schedules of an individual licence which is requested by the licensee when the requirement to engage in a public consultation of at least 28 days will not apply.

Regulation 13(2) (i) – (xi) (S.I. 79 of 2003) may be summarised as follows:

The Commission may suspend or revoke a licence under a number of circumstances and after serving notice to the licensee specifying reasons and after affording the licensee a reasonable opportunity to make representations and after considering any representations made. The circumstances include if the licensee:

- *fails or refuses to comply with any condition or term of the licence including any terms and conditions imposed by virtue of the Regulations;*
- *fails to comply with a direction of The Commission or hinders or obstructs an authorised officer of the Commission in carrying out his or her functions;*
- *fails to comply with any provision of S.I. 79 of 2003;*
- *made a false or misleading application for the grant or renewal of the licence;*
- *is adjudicated bankrupt;*
- *being a company, is to be wound up except for the purpose of merger or reconstruction or a receiver or examiner is appointed;*
- *informs The Commission that he or she does not intend to use the apparatus to which the licence relates for a licensed purpose;*
- *agrees with The Commission that the licence should be revoked;*
- *fails to use a licensed apparatus prior to the date of renewal, and for any period of more than 60 consecutive days after that date;*
- *is a body corporate, where a change of which the licensee is required to notify the Commission under paragraph (e) of Regulation 12(1) of S.I. 79 of 2003 occurs and that change is such that, if the Commission were determining whether to award a licence to the licensee in the changed circumstances, the Commission would not award the licence to the licensee because of that change;*
- *or where, in the opinion of the Commission, such revocation or suspension is required for the purpose of complying with any law.*

The procedures which The Commission is required to take in relation to breaches of licence conditions are set out in Regulation 15 of the Authorisation Regulations and those procedures shall apply in place of the above.

Regulation 14 (S.I. 79 of 2003) - This Regulation reads as follows:

Notwithstanding any other provision of these Regulations, The Commission or any authorised officer may, where he or she is of the opinion that apparatus to which the licence relates or part thereof, is causing, or is likely to cause harmful interference and, in particular, to apparatus for wireless telegraphy used for the purpose of any safety of life service or for any purpose on which the safety of life service or for any purpose in which the safety of any person or of any vessel, aircraft or vehicle may depend, serve on the licensee a notice, or part thereof, as may be specified in the notice, cease forthwith or, on or before such date and time as may be so specified, and the licensee shall not use or, as appropriate, shall cease to use the apparatus to which the licence relates or part thereof, unless and until such notice has been withdrawn by The Commission, or an authorised officer, and shall otherwise take such measures (if any) as may be specified by The Commission, or any authorised officer, in the notice.

This Regulation will operate in accordance with Regulation 15 of the Authorisation Regulations.

Appendix F – Radio Links

Radio Links licences are granted under the Radio Links Regulations (S.I.319 of 1992).

The conditions of the Regulations and the pro-forma licence attached to the Regulation will continue to be applicable subject to the following:

Regulation 13 (S.I.319 of 1992) - This Regulation reads as follows:

- (1) If any message or communication which a Licensee, his authorised agents or his users, are not authorised to receive is received by means of a station to which the licence relates, the licensee, his authorised agents, or his users shall not make known or allow to be made known, its contents, its origin, its destination, its existence or the fact of its receipt to any person (other than an authorised officer) and shall not reproduce in writing or otherwise copy or make use such message or communication or allow it to be reproduced in writing or otherwise, or to be copied or made use of.*
- (2) The licensee shall take such measures as are reasonably possible to prevent a message or communication referred to in paragraph (1) of this Regulation from being received at any station to which the licence relates.*

This requirement is not provided for by the permissible conditions relating to spectrum rights of use. However it is addressed by paragraph 17 of the General Authorisation. Accordingly, while it will no longer be a requirement of the WT licence, the licensee will remain bound by its provisions by virtue of paragraph 17 of the General Authorisation.

Regulation 14 (S.I.319 of 1992) which may be summarised as follows:

The Licensee shall

- on request, produce a licence for inspection by an authorised officer;*
- ensure that access to apparatus cannot be obtained by unauthorised persons;*
- permit an authorised officer to inspect, at all reasonable times, the licence and any records which The Commission requires the licensee to keep for the purpose of the operation of the apparatus;*
- provide The Commission with information relating to the stations.*

This Regulation will be implemented in accordance with Section 39 of the Communications Regulation Act 2002 and Regulations 16 and 17 of the Authorisation Regulations.

Regulation 15 (S.I.319 of 1992) - This Regulation reads as follows:

The Minister may at any time amend or vary any licence.

Licensees should note that any amendment or variation of licences will be in accordance with Regulation 15 of the Authorisation Regulations except where an amendment is in relation to a change to the schedules of an individual licence which is requested by the licensee when the requirement to engage in a public consultation of at least 28 days will not apply.

Regulation 16 (1) and (2) (S.I.319 of 1992) may be summarised as follows:

The Commission may suspend or revoke a licence in whole or in part under a number of circumstances and after serving notice to the licensee. The circumstances include if the licensee:

- *fails or refuses to comply with any condition of the licence;*
- *fails to comply with any provision of the Regulations of S.I. 319 of 1992 and the Wireless Telegraphy Acts as amended;*
- *is adjudicated bankrupt;*
- *being a company, is to be wound up except for the purpose of merger or reconstruction or a receiver is appointed.*

The procedures which The Commission are required to take in relation to breaches of licence conditions are set out in Regulations 16 and 17 of the Authorisation Regulations and those procedures shall apply in place of the above.

Regulation 16 (3) (S.I.319 of 1992) - This Regulation reads as follows:

In addition, to any other powers of suspension or revocation of a licence conferred by these Regulations, The Minister may at any time, by notice published in Iris Oifigiúil, suspend or revoke, in whole or in part, for such period as may be specified in the notice, all licenses relating to stations in a specified district or area.

This regulation will be implemented in accordance with Regulation 15, 16 and 17 of the Authorisation Regulations.

Appendix G – UHF Television Programme Retransmission (Deflectors)

Deflector licences are granted under the Wireless Telegraphy (UHF Television Programme Retransmission) Regulations (S.I. 348 of 1999) and (S.I. 190 of 2001) and under the Wireless Telegraphy (Carrigaline UHF Television Programme Retransmission) Regulations (S.I. 347 of 1999) and (S.I. 189 of 2001).

The conditions of those regulations and the pro-forma licence attached will continue to be applicable subject to the following:

Regulation 13 (S.I. 348 of 1999) and Regulation 12 (S.I. 347 of 1999) and paragraph 4 of the licences – which read as follows:

(1)(a) The licensee shall ensure that every retransmission station, or part thereof, shall be designed, constructed, installed, maintained, operated and used so as not to cause interference, of any type whatsoever, with any wireless telegraphy apparatus used for the purpose of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend.

The licensee will be bound by these provisions by virtue of paragraph 9 of the General Authorisation and this will operate in accordance with Regulations 16 and 17 of the Authorisation Regulations.

(b) If the Director is satisfied that the licensee has failed to comply with subparagraph (a) and serves on the licensee a notice requiring that the use of such retransmission station, or part thereof, as may be specified in the notice, cease forthwith, or on or before such date and time as may be so specified, the licensee shall cease to use the retransmission station, or part thereof, unless and until such notice has been withdrawn by the Director and shall otherwise take such measures (if any) as may be specified by the Director in the notice.

This will be implemented in accordance with the Section 39 of the Communications Act 2002 and Regulations 16 and 17 of the Authorisation Regulations.

Regulation 13 (S.I. 348 of 1999) and Regulation 12 (S.I. 347 of 1999) and paragraph 4 of the licences – which read as follows:

(2) (a) The licensee shall ensure that every retransmission station, or part thereof, shall be designed, constructed, installed, maintained, operated and used so as not to cause interference, of any type whatsoever, to the lawful use or operation of any apparatus for wireless telegraphy, any broadcasting station, any television broadcasting transmitter, any telegraphic line or any telecommunications service.

The licensee will be bound by these provisions by virtue of paragraph 9 of the General Authorisation and this will operate in accordance with the Regulation 16 and 17 of the Authorisation Regulations.

(b) If the Director is satisfied that the licensee has failed to comply with subparagraph (a) of this Regulation and serves on the licensee a notice requiring that the use of such retransmission station, or part thereof, as may be specified in the notice cease forthwith, or on or before such date and time as may be so specified, the licensee shall cease to use the retransmission station, or part thereof, unless and until such notice has been withdrawn by the Director and

shall otherwise take such measures (if any) as may be specified by the Director in the notice.

This will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 16 and 17 of the Authorisation Regulations.

Regulation 14 (S.I. 348 of 1999) and Regulation 13 (S.I. 347 of 1999) – which read as follows:

(1) The licensee shall -

(a) furnish to the Director such information and reports relating to the operation of a retransmission station or the retransmission of licensed programme services as the Director may, from time to time, by notice in writing served on the licensee, require;

(b) keep all or any records which the Director, from time to time, informs the licensee that he or she requires to be kept;

(c) on request from an authorised officer, produce his or her licence for inspection by the authorised officer;

(d) upon becoming aware of the occurrence of any insolvency related event, or of any event likely to materially affect his or her ability to comply with the provisions of these Regulations, or the conditions set out or referred to in the licence, notify the Director of that fact;

(e) on request from an authorised officer, permit the authorised officer at all reasonable times to inspect any records which the Director requires to be kept or which are kept by the licensee in connection with the operation of a retransmission station to which the licence relates and the retransmission of licensed programme services;

(f) on request from an authorised officer, make available any test equipment or apparatus necessary to facilitate testing by the authorised officer of a retransmission station or of any apparatus for wireless telegraphy situate therein and any other apparatus associated therewith.

(2) The Director may arrange for an authorised officer to carry out an audit, or for the carrying out of an independent audit, or may require the licensee to carry out an audit, or to arrange for an independent audit, of any aspect of the licensee's business concerning the retransmission of licensed programme services to ensure compliance with these Regulations or the licence; and the licensee shall allow the authorised officer, or any independent auditor, such access to any premises, equipment or any part of a retransmission station or any apparatus for wireless telegraphy situate therein or any other apparatus associated therewith, or to inspect, take copies of and acquire such information, as may be required in order to carry out the audit. The cost associated with any independent audit conducted under this paragraph shall be the responsibility of the licensee.

(3) Any information furnished to the Director under these Regulations or under and in accordance with the licence may, if the Director considers it proper so to do, be published by the Director.

These Regulations will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 16 and 18 of the Authorisation Regulations.

Regulation 16 (S.I. 348 of 1999) and Regulation 15 (S.I. 347 of 1999) – which read as follows:

(1) The Director may, from time to time, as occasion requires, by notice in writing, require the licensee to have a technical audit of a retransmission station

and any apparatus for wireless telegraphy situate therein and any other apparatus associated therewith to which his or her licence relates carried out by persons holding such qualifications as may be specified by the Director and any such audit shall relate to such matters and be in such form as the Director may so direct.

(2) When the Director has requested a technical audit pursuant to paragraph (1) of this Regulation, the licensee shall, within 60 days after the request of the Director, furnish to the Director a full report in writing of the audit.

These Regulations will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 16 and 18 of the Authorisation Regulations.

Regulation 17 (S.I. 348 of 1999) and Regulation 16 (S.I. 347 of 1999) – which read as follows:

(1) If the Director has any reason to believe that the licensee has failed to comply with any provision of these Regulations or with any condition set out or referred to in the licence, the Director may serve a notice on the licensee –

(a) specifying how, in the opinion of the Director, the licensee has failed to comply with the relevant provision or condition, and

(b) giving the licensee within 14 days of the date of the notice or such further period as the Director considers appropriate, the opportunity to make representations about the alleged failure to comply.

(2) If, after consideration of such representations, if any, the Director is satisfied that the licensee has failed to comply with the relevant provision or condition then the Director may serve a notice on the licensee –

(a) specifying how, in the opinion of the Director, the licensee has failed to comply with the relevant provision or condition, and

(b) stating that unless the licensee takes, within the period specified in the notice, specified steps to remedy the failure, the Director may impose any or any number of the sanctions listed below:

(i) suspend the licence;

(ii) reduce the licence term;

(iii) amend the licence; or

(iv) revoke the licence;

and may publish the notice.

(3) If at the end of the period specified in any notice under paragraph (2) the Director is satisfied that:

(a) the licensee has failed to take the steps notified in the notice; and

(b) it would have been reasonably practicable for the licensee to take those steps,

the Director may, by further notice, impose the relevant sanctions specified in the notice under paragraph (2), and may publish such further notice.

(4) Following an application in that behalf by the licensee, the Director may withdraw any notice given under paragraph (2) or (3) by a further notice, if the Director is satisfied that this is appropriate because of the licensee's conduct since the date of the notice given under paragraph (2) or, as the case may be, paragraph (3).

(5) Where the licence term is reduced pursuant to paragraph (3), the Director may, subject to such conditions as the Director considers appropriate, restore the original licence term where he or she considers restoration to be appropriate, having regard, inter alia, to the behaviour of the licensee since the imposition of the sanction of reduction of the licence term. Any decision of the Director in relation to restoration of the licence term shall be notified to the licensee together with the reasons for such decision, and a notice of the restoration of the licence term shall be published by the Director.

This will be implemented in accordance with the Section 39 of the Communications Act 2002 and Regulations 15, 16 and 17 of the Authorisation Regulations

Regulation 18 (2) (S.I. 348 of 1999) and Regulation 17 (2) (S.I. 347 of 1999) – which read as follows:

(2) Prior to any such revocation mentioned in paragraph (1) the Director shall serve notice on the licensee specifying the reason therefore and shall give the licensee a reasonable opportunity to make representations about the proposed revocation.

The procedures which The Commission are required to take in relation to breaches of licence conditions are set out in Regulations 16 and 17 of the Authorisation Regulations and those procedures shall apply in place of Regulation 18 (2) of S.I. 348 and Regulation 17 (2) of S.I. 347.

Regulation 21 (S.I. 348 of 1999) and Regulation 20 (S.I. 347 of 1999) – which read as follows:

The Director may, by notice in writing served on the licensee, amend or vary the licence

(a) with the consent of the licensee; or

(b) without the consent of the licensee, provided that the licensee has been given a reasonable opportunity to make representations to the Director regarding the proposed amendment or variation and that the Director has considered those representations.

Licensees should note that any amendment or variation of the licences will be in accordance with Regulation 15 of the Authorisation Regulations except where an amendment is in relation to a change to the schedules of an individual licence which is requested by the licensee when the requirement to engage in a public consultation of at least 28 days will not apply.

Appendix H– BCI Sound Broadcasting Contracts Licence

BCI sound broadcasting contract licence was granted under the Radio and Television Act, 1988.

The licence will continue to be applicable subject to the following:

Paragraph 4 of the Licence – which reads as follows:

The Minister may vary any term, condition, provisions or limitation of this Licence in accordance with the provisions of Section 7 of the Radio and Television Act, 1988 or suspend the licence in accordance with section 4(11) of that Act.

Any amendment or variation of the licence will be in accordance with Regulation 15 of the Authorisation Regulations except where an amendment is in relation to a change to the schedules of an individual licence which is requested by the licensee when the requirement to engage in a public consultation of at least 28 days will not apply.

Paragraphs 5 (a) and (b) of the Licence – which reads as follows:

(a) The Commission shall, on being directed to do so by the Minister, inspect and test any sound broadcasting transmitter established pursuant to a contract entered into by The Commission in order to establish that the technical parameters of the installation and its working conforms to the conditions of this Licence and The Commission shall make available to the Department of Communications all relevant documentation and records relating to such inspection and test.

(b) The sound broadcasting transmitters established pursuant to sound broadcasting contracts entered into by The Commission shall at all reasonable times, be subject to such inspection and testing by officers authorised in that behalf of the Minister as is necessary to establish that the technical parameters of the installations and their working conforms to the conditions of this licence and the sound broadcasting contractor shall produce for inspection by such authorised officers, all relevant records.

This will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 16 and 18 of the Authorisation Regulations.

Paragraphs 6 (a) and (b) of the Licence – which read as follows:

(a) All sound broadcasting transmitters and associated apparatus for wireless telegraphy of sound broadcasting contractors wherever established, shall be so designed constructed, installed, maintained and used, and, if necessary, so altered at the sound broadcasting contractor's expense that no avoidable interference with any State or other authorised apparatus for wireless telegraphy and no avoidable injurious affection to any telegraphic line or telecommunications service of Bord Telecom Éireann (wherever placed and by whomsoever used) is caused by the use of any such transmitter or any associated apparatus.

(b) If any injurious affection or interference (whether avoidable or not) is caused as aforesaid to any such telegraphic line or telecommunication service of Bord Telecom Éireann or to any State wireless telegraphy apparatus, which was in existence prior to the sound broadcasting contractor's transmitter or associated apparatus for wireless telegraphy causing interference, the sound broadcasting contractor shall, if the Minister, after consultation with The Commission, considers it reasonable so to request, pay to Bord Telecom Éireann or the

Minister concerned, as the case may be, the amount of the expenses incurred, respectively, by either party in providing protection for that line or telecommunication service against injurious affection or for that apparatus for wireless telegraphy against interference or in substituting for that line or service a line or service of the same or a different description in another place and providing for the substituted line or service such protection against the injurious affection as he may consider necessary or expedient.

The licensee will be bound by these provisions by virtue of paragraph 9 of the General Authorisation and these will be implemented in accordance with the Section 39 of the Communications Act 2002 and Regulation 15, 16 and 17 of the Authorisation Regulations.

Appendix I – BCI Television Programme Service Contract Licence

BCI television programme service licence was granted under the Radio and Television Act, 1988, as adapted by the Broadcasting Act, 1990.

The licence granted in respect of the BCI Television Programme Service Contract will continue to be applicable subject to the following:

Paragraph 4 of the Licence – which reads as follows:

The Director may vary any term, condition, provisions or limitation of this Licence in accordance with the provisions of Section 7 of the Radio and Television Act, 1988 (as adapted by Section 6(3) of the Broadcasting Act, 1990).

Any amendment or variation of the licence will be in accordance with Regulation 15 of the Authorisation Regulations except where an amendment is in relation to a change to the schedules of an individual licence which is requested by the licensee when the requirement to engage in a public consultation of at least 28 days will not apply.

Paragraph 5 of the Licence – which reads as follows:

The Commission shall, on being directed to do so by the Director, inspect and test any television broadcasting transmitter established pursuant to the additional contract entered into by The Commission in order to establish that the technical parameters of the installation and its working conforms to the conditions of this Licence and The Commission shall make available to the Director all relevant documents and records relating to such inspection and test.

This will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 16 and 18 of the Authorisation Regulations.

Paragraph 6 of the Licence – which reads as follows:

The television broadcasting transmitters established pursuant to the additional contract entered into by The Commission shall at all reasonable times be subject to such inspection and testing by officers authorised in that connection by the Director as is necessary to establish that the technical parameters of the installations and their working conforms to the conditions of this Licence and the television programme service contractor shall produce for inspection by such authorised officers all relevant records.

This will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 16 and 18 of the Authorisation Regulations.

Paragraph 7 of the Licence – which reads as follows:

All television broadcasting transmitters and associated apparatus for wireless telegraphy of the television programme service contractor shall, at the television programme service contractor's expense, be designed constructed, installed, maintained and used, and , if necessary, altered so that no avoidable interference with any State or other authorised apparatus for wireless telegraphy and no avoidable injurious affection to any authorised telegraphic line or authorised telecommunications service, wherever placed and by whomsoever used, is caused by the use of any such transmitter or any associated apparatus.

The licensee will be bound by these provisions by virtue of paragraph 9 of the General Authorisation and these will be implemented in accordance with the Section 39 of the Communications Act 2002 and Regulation 15, 16 and 17 of the Authorisation Regulations.

Paragraph 8 of the Licence – which reads as follows:

If any injurious affection or interference (whether avoidable or not) is caused as aforesaid to any such telegraphic line or telecommunication service or to any State or other authorised apparatus for wireless telegraphy, which was in existence prior to the television programme service contractor's transmitter or associated apparatus for wireless telegraphy causing interference, the television programme service contractor shall, if the Director after consultation with The Commission, considers it reasonable so to request, pay to the relevant part the amount of the expenses incurred in providing protection for such telegraphic line or telecommunications service against the interference or in substituting for such line or service a line or service of the same or a different description in another place or providing for the substituted line or service such protection against the injurious affection as the Director considers necessary or expedient.

The licensee will be bound by these provisions by virtue of paragraph 9 of the General Authorisation and these will be implemented in accordance with the Section 39 of the Communications Act 2002 and Regulation 15, 16 and 17 of the Authorisation Regulations.

Paragraph 17 of the Licence – which reads as follows:

Notwithstanding paragraph 16 of this Licence, the Director may terminate this licence by giving one year's notice in writing to The Commission.

Any amendment or variation of the licence will be in accordance with Regulation 15 of the Authorisation Regulations except where an amendment is in relation to a change to the schedules of an individual licence which is requested by the licensee when the requirement to engage in a public consultation of at least 28 days will not apply.

Appendix J – RTE Licence

The RTE licence was granted under the Broadcasting Authority Act, 1960.

The licence will continue to be applicable subject to the following:

Paragraph 5 of the Licence – which reads as follows:

The Licensee shall, on being instructed to do so by the Director, inspect and test any broadcasting station and wireless telegraphy apparatus in order to establish that the technical parameters of the installation and its working conforms to the conditions of this Licence. Any such technical audit shall relate to such matters and be in such format as the Director may so direct. When the Director has requested a technical audit, the Licensee shall, within 60 days after the request of the Director, furnish to the Director a full report in writing of the audit. The Licensee shall make available to the Director all relevant documents and records relating to such inspection and test.

This will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 16 and 18 of the Authorisation Regulations.

Paragraph 6 of the Licence – which reads as follows:

The broadcasting stations and the apparatus for wireless telegraphy, wherever installed, shall, at all reasonable times, be subject to such inspection and testing by officers authorised in that connection by the Director as is necessary to establish that the technical parameters of the installations and their workings conform to the conditions of this Licence. The Licensee shall make available to the Director's authorised officers all relevant documents and records necessary for such inspection and test.

This will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 16 and 18 of the Authorisation Regulations.

Paragraph 7 of the Licence – which reads as follows:

All broadcasting stations and associated apparatus and equipment for wireless telegraphy, wherever established, shall, at the Licensee's expense, be designed, constructed, installed, maintained and used, and, if necessary, altered, so that no avoidable interference with any State or other authorised apparatus for wireless telegraphy and no avoidable injurious affection to any authorised telegraphic line or authorised telecommunication service, wherever placed and by whomsoever used, is caused.

The licensee will be bound by these provisions by virtue of paragraph 9 of the General Authorisation and these will be implemented in accordance with the Section 39 of the Communications Act 2002 and Regulation 15, 16 and 17 of the Authorisation Regulations.

Paragraph 8 of the Licence – which reads as follows:

If any injurious affection or interference (whether avoidable or not) is caused as aforesaid to any such telegraphic line or telecommunication service, or to any State or other authorised apparatus for wireless telegraphy which was in existence prior to the broadcasting station or apparatus for wireless telegraphy causing the interference, the Licensee shall, if the Director considers it reasonable so to request, pay to the relevant party the amount of the expenses incurred in providing protection for such telegraphic line or telecommunication

service against the interference, or in substituting for such line or service a line or service of the same or a different description in another place and providing for the substituted line or service such protection against the injurious affection as the Director considers necessary or expedient.

The licensee will be bound by these provisions by virtue of paragraph 9 of the General Authorisation and these will be implemented in accordance with the Section 39 of the Communications Act 2002 and Regulation 15, 16 and 17 of the Authorisation Regulations.

Paragraph 10 of the Licence – which reads as follows:

If the Director, being satisfied that the use of any broadcasting station, apparatus or equipment of the Licensee, or of wireless telegraphy apparatus made available and worked by any other body on behalf of the Licensee, is causing, or is likely to cause, interference with any wireless telegraphy used for the purposes of any safety of life service, or for any purpose on which the safety of any person or of any vessel, aircraft, or vehicle may depend, gives notice to the Licensee requiring the use of that station, apparatus or equipment to cease forthwith, or on a date and at a time stated in the notice, the use thereof shall cease accordingly and shall not be resumed until such notice has been withdrawn by the Director. The Licensee is required to take whatever such measures as may be specified by the Director in the notice.

The licensee will be bound by these provisions by virtue of paragraph 9 of the General Authorisation and this will be implemented in accordance with the Section 39 of the Communications Act 2002 and Regulation 15, 16 and 17 of the Authorisation Regulations.

Paragraph 12 of the Licence – which reads as follows:

(1) The Licensee shall -
(a) from time to time, provide such information as the Director may require by notice in writing served on the Licensee, demonstrating compliance with the Licence terms and providing the Director with information as to the extent of the Licensee's operations;
(b) keep all or any records which the Director, from time to time, informs the Licensee that he or she requires to be kept;
(c) upon becoming aware of the occurrence of any insolvency related event, or of any event likely to materially affect his or her ability to comply with the conditions set out or referred to in the Licence, notify the Director of that fact;
(d) within 28 days after the occurrence of any of the following events notify the Director of such an occurrence:
(i) any change in the persons having control of the Licensee, or in the directors of the Licensee, or in the directors of any body corporate having control of the Licensee; and
(ii) any change in the persons having any interest in the Licensee, or in a body corporate having direct or indirect control of the Licensee such that a person, or group of persons acting together, has acquired an interest of more than 20% in aggregate in the Licensee; or having (or having had) an interest of more than 20% in aggregate in the Licensee, has increased or decreased that interest;
For the purposes of this subparagraph, control means the possession, directly or indirectly, of the power to direct, or cause the direction of, the management policies, whether through ownership of voting rights, by contract, or otherwise;
(e) (i) where the Licensee is incorporated in the State:
within 7 days after the date upon which it is required to be filed with the Registrar of Companies, pursuant to section 127 of the Companies Act, 1963,

furnish the Director with a copy of the annual return of the Licensee, or of any person who controls the Licensee;

within 7 days of its circulation to the shareholders of the Licensee, furnish the Director with a copy of the annual report and accounts of the Licensee, or of any person who controls the Licensee;

(ii) where the Licensee is not incorporated in the State, furnish the Director with a copy of any returns, reports, accounts, or other information required to be prepared by the Licensee, or any person who controls the Licensee, in accordance with any laws under which the Licensee is incorporated or, at the request of the Director, a document to the like effect of any of the documents referred to at subparagraph (i), at such times, and in such forms, as the Director may specify from time to time in a notice served on the Licensee.

(f) on request from an authorised officer, permit the authorised officer, at all reasonable times, to inspect any records which the Director, under the terms of this Licence, requires to be kept.

(2) The Director may arrange for an authorised officer to carry out an audit, or for the carrying out of an independent audit, or may require the Licensee to carry out an audit, or to arrange for an independent audit, to ensure compliance with the Licence; and the Licensee shall allow the authorised officer, or any independent auditor, such access to any premises, equipment or any part of the system, or to inspect, take copies of and acquire such information, as may be required in order to carry out the audit. The cost associated with any independent audit conducted under this paragraph shall be the responsibility of the Licensee. Any information furnished to the Director under and in accordance with the Licence may, if the Director considers it proper so to do, be published by the Director.

Paragraphs 12(1) (a), (b) and (f), and 12(2) will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 16 and 18 of the Authorisation Regulations. Paragraphs 12(1) (c), (d) and (e) will no longer apply.

Paragraph 17 of the Licence – which reads as follows:

The Director may, following such public consultation (if any) as he or she considers appropriate, by notice in writing served on the licensee, amend or vary the Licence –

(a) with the consent of the Licensee; or

(b) without the consent of the Licensee, provided that the Licensee has been given a reasonable opportunity to make representation to the Director regarding the proposed amendment or variation and that the Director has considered those representations.

Any amendment or variation of the licences will be in accordance with Regulation 15 of the Authorisation Regulations except where an amendment is in relation to a change to the schedules of an individual licence which is requested by the licensee when the requirement to engage in a public consultation of at least 28 days will not apply.

Paragraph 19 of the Licence – which reads as follows:

(1) If the Director has any reason to believe that the Licensee has failed to comply with any provision, or with any condition, set out or referred to in the Licence, the Director may serve a notice on the Licensee-

(a) specifying how, in the opinion of the Director, the Licensee has failed to comply with the relevant provision or condition, and

(b) giving the Licensee, within 14 days of the date of the notice or such further period as the Director considers appropriate, the opportunity to make representations about the alleged failure to comply.

(2) If, after consideration of such representations, if any, the Director is satisfied that the Licensee has failed to comply with the relevant provision or condition then the Director may serve a notice on the Licensee -

- (a) specifying how, in the opinion of the Director, the Licensee has failed to comply with the relevant provision or condition, and*
- (b) stating that unless the licensee takes, within the period specified in the notice, specified steps to remedy the failure, the Director may impose any or any number of the sanctions listed below:
 - (i) suspend the Licence;*
 - (ii) reduce the Licence term by a period not exceeding 2 years;*
 - (iii) amend the Licence; or*
 - (iv) revoke the Licence;*and may publish the notice.*

(3) If at the end of the period specified in any notice under paragraph (2) the Director is satisfied that;

- (a) the Licensee has failed to take the steps notified in the notice; and*
- (b) it would have been reasonably practicable for the Licensee to take those steps,*

the Director may, by further notice, impose the relevant sanction specified in the notice under paragraph (2), and may publish such further notice.

(4) Following an application in that behalf by the Licensee, the Director may withdraw any notice given under paragraph (2) or (3) by a further notice, if the Director is satisfied that this is appropriate because of the Licensee's conduct since the date of the notice given under paragraph (2) or, as the case may be, paragraph (3).

(5) Where the Licence term is reduced pursuant to paragraph (3), the Director may, subject to such conditions as the Director considers appropriate, restore the original Licence term where he or she considers restoration to be appropriate, having regard, inter alia, to the behaviour of the Licensee since the imposition of the sanction of reduction of the Licence term. Any decision of the Director in relation to restoration of the Licence term shall be notified to the Licensee, together with the reasons for such decision, and a notice of the restoration of the Licence term shall be published by the Director.

This will be implemented in accordance with Section 39 of the Communications Act 2002 and Regulation 15, 16 and 17 of the Authorisation Regulations.

Paragraph 20 (2) of the Licence – which reads as follows:

(2) Prior to any such revocation, the Director shall serve notice on the Licensee specifying the reason therefore and shall give the Licensee a reasonable opportunity to make representations about the proposed revocation.

The procedures which The Commission is required to take in relation to breaches of licence conditions are set out in Regulation 16 and 17 of the Authorisation regulations and those procedures shall apply in place of Paragraph 20 (2).

Paragraph 23 of the Licence – which reads as follows:

If a force majeure event occurs which prevents the Licensee from complying with any of the provisions of the Licence, or any of the conditions set out, or referred to, in the Licence:

(a) the Licensee shall, as soon as reasonably practicable, notify the Director of that fact, of the nature of the event and of the manner in which and the extent to which the Licensee is prevented from so complying, and

(b) the obligation to comply with the provisions or conditions shall be suspended for so long as the event continues to occur, but in each case only if and to the extent that the inability to comply could not have been prevented by taking steps specifically required under those provisions or conditions, or by taking other reasonable precautions, and the inability cannot reasonably be overcome by the Licensee.

Paragraph 23 of the Licence will no longer apply.

Appendix K - Programme Services Distribution (MMDS)

Programme Services Distribution (MMDS) licences are granted under the Wireless Telegraphy (Programme Services Distribution) Regulations 1999, (S.I. 273 of 1999).

The conditions of those regulations and the pro-forma licence attached will continue to be applicable subject to the following:

Regulation 7(2) (S.I. 273 of 1999) – reads as follows:

Where the Director makes a determination under paragraph (1), not to renew a licence, he or she may, by notice in writing served on the licensee, require him or her, from the date of receipt of the notice until the expiration of the licence term, to comply with such measures relating to the upkeep of the system as may be specified in the notice.

Regulation 7(2) (S.I. 273 of 1999) no longer applies.

Regulation 11(a), (c) and (d) (S.I. 273 of 1999) – read as follows:

A licensee shall not -

(a) receive any money or other consideration from any subscriber in respect of the distribution by the licensee of the licensed programme services, other than the charges for distributing the licensed programme services referred to in Regulation 15 (excluding value added tax, the licensee's usual charges for installing or providing apparatus for receiving the licensed programme services distributed by the licensee under the licence and payments for pay per view services) and payments for pay per view services);

(c) connect to a headend a system outlet in a place not within the licensed area, unless with the prior consent in writing of the Director;

(d) refuse to supply licensed programme services to a member of the public within the licensed area if, in the opinion of the Director, the refusal is unreasonable;

Regulation 11(a), (c) and (d) (S.I. 273 of 1999) no longer apply.

Regulation 12 (S.I. 273 of 1999) – reads as follows:

The licensee shall not engage in any practice or enter into any arrangement that has the object or effect of preventing, restricting or distorting competition in the distribution of licensed programme services in respect of which a licence or licences are in force. If a finding is made by a Court or other competent authority, that the licensee has engaged in any such practice, or entered into any such arrangement, the Director may, in respect of any such finding, invoke the powers conferred upon her pursuant to Regulation 18.

Notwithstanding any relevant competition legislation, The Commission considers that this regulation no longer applies.

Regulation 13 (S.I. 273 of 1999) – reads as follows:

(1) If any message which a licensee is not authorised to receive is unintentionally received by means of a headend to which his or her licence relates, the licensee shall not -

- (a) *make known, or allow to be made known, its contents, its origin, its destination, its existence or the fact of its receipt to any person other than an authorised officer, or*
 - (b) *reproduce in writing or otherwise, make use of or copy such a message or allow it to be reproduced in writing, made use of or copied.*
- (2) *A licensee shall take all such measures as are reasonably practicable to prevent a message of the type referred to in paragraph (1) being received at any system outlet connected to a headend to which his or her licence relates.*

This regulation will be implemented in accordance with paragraph 17 of a General Authorisation.

Regulation 14 (S.I. 273 of 1999) reads as follows

(1) *A licensee shall –*

- (a) *furnish to the Director such information relating to the distribution of licensed programme services as the Director may, from time to time, by notice in writing served on the licensee, require;*
- (b) *keep all or any records which the Director, from time to time, informs the licensee that he or she requires to be kept;*
- (c) *within 1 month of the expiration of the 6th month after the date of commencement of the licence and within 1 month of the expiration of each subsequent period of 6 months, beginning immediately after the end of the previous period at 6 months, occurring during the licence term. furnish to the Director a report in such form as may be specified:*
 - (i) *specifying in relation to the date of the report the total number of system outlets to which licensed programme services are distributed, the total number of devices incorporating specialised decoding means where subscribers are provided with such, the total number of subscribers to an analogue transmission system and the total number of subscribers to a digital transmission system operated in accordance with the licence; and*
 - (ii) *reporting, in relation to the period of 6 months immediately preceding the month in which such report is furnished, on the quality of the distribution of licensed programme services;*
- (d) *upon becoming aware of the occurrence of any insolvency related event or, of any event likely to materially affect his or her ability to comply with the provisions of the Regulations, or the conditions set out or referred to in the licence, notify the Director of that fact;*
- (e) *within 28 days after the occurrence of any of the following events notify the Director of such an occurrence:*
 - (i) *any change in the persons having control of the licensee, or in the directors of the licensee or in the directors of any body corporate having control of the licensee; and*
 - (ii) *any change in the persons having any interest in the licensee or in a body corporate having direct or indirect control of the licensee such that a person or group of persons acting together*
 - (I) *has acquired an interest of more than 20% in aggregate in the licensee; or*
 - (II) *having (or having had) an interest of more than 20% in aggregate in the licensee, has increased or decreased that interest;*

For the purposes of this subparagraph, control means the possession directly or indirectly of the power to direct or cause the direction of the management policies whether through ownership of voting rights by contract or otherwise;

(f) (i) *where the licensee is incorporated in the State:*

- (I) *within 7 days after the date upon which it is required to be filed with the Registrar of Companies. pursuant to section 127 of the Companies Act, 1963. furnish the Director with a copy of*

the annual return of the licensee or any person who controls the licensee;

(II) within 7 days of its circulation to the shareholders of the licensee, furnish the Director with a copy of the annual report and accounts of the licensee or any person who controls the licensee;

(ii) where the licensee is not incorporated in the State, furnish the Director with a copy of any returns, reports, accounts, or other information required to be prepared by the licensee, or any person who controls the licensee, in accordance with any laws under which the licensee is incorporated or, at the request of the Director, a document to the like effect of any of the documents referred to at subparagraph (i), at such times and in such forms as the Director may specify from time to time in a notice served on the licensee;

(g) on request from an authorised officer, permit the authorised officer at all reasonable times to inspect any records which the Director requires to be kept or which are kept by the licensee in connection with the distribution of licensed programme services;

(h) on request by an authorised officer, make available any test equipment or apparatus necessary to facilitate testing by the authorised officer of the system.

(2) The Director may arrange for an authorised officer to carry out an audit, or for the carrying out of an independent audit, or may require the licensee to carry out an audit, or to arrange for an independent audit, of any aspect of the licensee's business concerning the distribution of licensed programme services to ensure compliance with these Regulations or the licence; and the licensee shall allow the authorised officer, or any independent auditor, such access to any premises, equipment or any part of the system, or to inspect, take copies of and acquire such information, as may be required in order to carry out the audit. The cost associated with any independent audit conducted under this paragraph shall be the responsibility of the licensee.

(3) Any information furnished to the Director under these Regulations or under and in accordance with the licence may, if the Director considers it proper so to do, be published by the Director.

This Regulation will be implemented in accordance with Section 39 of the Communications Act 2002, and paragraph 6 of a General Authorisation and 18 of the Authorisation Regulations.

Regulation 15 (S.I. 273 of 1999) – read as follows:

(1) The licensee shall obtain the prior consent in writing of the Director to the prices that he or she proposes to charge for distributing the licensed programme services specified in Part VII of the licence and for installing or providing the means necessary to receive a licensed programme services and any subsequent change to any of those prices during any period of exclusivity under the licence;

(2) The Director may, from time to time, review the manner in which paragraph (1) of this Regulation is implemented and may engage in such public consultation (if any) as he or she considers appropriate;

(3) The Director may, from time to time, during any period of exclusivity relating to any licence, investigate the prices being charged by a licensee in respect of the distribution by him or her of a licensed programme services to the subscribers to such service, other than those specified in Part VII of the licence, to the subscribers to such services and may, having considered the results of such an investigation, direct that any such prices be altered with effect from a specified date, and any such direction by the Director shall be complied with by the licensee with, if necessary, an appropriate rebate being allowed to any such subscriber either, at the discretion of the licensee, by means of a cash refund or by means of a discount of equivalent value against future subscription charges;

(4) The Director may, from time to time, after the expiration of any period of exclusivity relating to any licence, investigate the prices being charged by a

licensee in respect of the distribution by him or her of licensed programme services to the subscribers to such services and may, having considered the results of such an investigation, direct that any such prices be altered with effect from a specified date, and any such direction by the Director shall be complied with by the licensee with, if necessary, an appropriate rebate being allowed to any such subscriber either, at the discretion of the licensee, by means of a cash refund or by means of a discount of equivalent value against future subscription charges;

(5) The Director may, if he or she sees fit, require a licensee to provide a report prepared by a person who is qualified under the Companies Act, 1963, for appointment as auditor of a company for the purposes of conducting an investigation under paragraph (3);

(6) Whenever, as a result of an investigation under paragraph (3), the Director proposes to direct that any prices charged by the licensee concerned be altered, the Director shall serve on the licensee a notice in writing stating the reasons for his or her proposal and the licensee may, within 1 month thereafter, apply to the Director to reconsider his or her proposal or to refer the proposal to an independent arbitrator to be appointed by agreement between the licensee and the Director;

(7) The decision of the Director or the arbitrator on such application or reference, as the case may be, shall be final.

Regulation 15 (S.I. 273 of 1999) no longer applies.

Regulation 17 (S.I. 273 of 1999) – read as follows:

(1) The licensee shall implement an appropriate code of practice for handling complaints in respect of the distribution by him or her of licensed programme services.

(2) Without prejudice to paragraph (1), the code of practice referred to in that paragraph shall make provision for the following matters:

(a) a first point of contact for members of the public;

(b) a means of recording complaints;

(c) a timeframe within which the licensee shall respond to complaints;

(d) procedures for resolving complaints;

(e) retention of records of complaints (including copies of the complaint, any response thereto, any determination by an independent commissioner in respect of the complaint and any documentation considered by such a commissioner in the course of such determination) for a period of not less than one year following resolution of the complaint.

(3) The Director may, from time to time, issue directions to the licensee specifying any modifications or additions that he or she considers should be made to the code or as to the publication, re-publication, implementation or further modification of the code.

(4) Without prejudice to paragraph (2) (d), the Director may establish or approve of a dispute resolution procedure and the licensee shall participate in good faith in any such procedure and shall comply with any decision made in accordance therewith.

(5) The licensee shall ensure that the licensed programme services distributed in accordance with the licence comply with any requirements with regard to electronic programme guides notified to the licensee from time to time by the Director and with any other laws for the time being in force.

(6) If specialised means for decoding are supplied by the licensee to members of the public to enable the reception by them of the licensed programme services distributed by the licensee, the licensee shall separately identify any charges imposed for the provision of those means. The licensee shall not restrict the ability of members of the public to lawfully obtain any specialised decoding

means required to receive licensed programme services from a source other than the licensee.

Regulation 17 (S.I. 273 of 1999) no longer applies.

Regulation 18 (S.I. 273 of 1999) – read as follows:

(1) If the Director has any reason to believe that the licensee has failed to comply with any provision of these Regulations or with any condition set out or referred to in the licence, the Director may serve a notice on the licensee-

- (a) specifying how, in the opinion of the Director, the licensee has failed to comply with the relevant provision or condition, and*
- (b) giving the licensee, within 14 days of the date of the notice or such further period as the Director considers appropriate, the opportunity to make representations about the alleged failure to comply.*

(2) If, after consideration of such representations, if any, the Director is satisfied that the licensee has failed to comply with the relevant provision or condition then the Director may serve a notice on the licensee

- (a) specifying how, in the opinion of the Director, the licensee has failed to comply with the relevant provision or condition, and*
- (b) stating that unless the licensee takes, within the period specified in the notice, specified steps to remedy the failure, the Director may impose any or any number of the sanctions listed below:*
 - (i) suspend the licence;*
 - (ii) reduce the licence term by a period not exceeding 2 years;*
 - (iii) amend the licensed area; or*
 - (iv) revoke the licence;*

and may publish the notice;

(3) If at the end of the period specified in any notice under paragraph (2) the Director is satisfied that;

- (a) the licensee has failed to take the steps notified in the notice; and*
- (b) it would have been reasonably practicable for the licensee to take those steps,*

the Director may, by further notice, impose the relevant sanction specified in the notice under paragraph (2), and may publish such further notice;

(4) Following an application in that behalf by the licensee, the Director may withdraw any notice given under paragraph (2) or (3) by a further notice, if the Director is satisfied that this is appropriate because of the licensee's conduct since the date of the notice given under paragraph (2) or, as the case may be, paragraph (3);

(5) Where the licence term is reduced pursuant to paragraph (3), the Director may, subject to such conditions as the Director may consider appropriate, restore the original licence term where he or she considers restoration to be appropriate, having regard, inter alia, to the behaviour of the licensee since the imposition of the sanction of reduction of the licence term. Any decision of the Director in relation to restoration of the licence term shall be notified to the licensee together with the reasons for such decision, and a notice of the restoration of the licence term shall be published by the Director;

This will be implemented in accordance with the Section 39 of the Communications Act 2002 and Regulation 15, 16 and 17 of the Authorisation Regulations.

Regulation 19 (2) (S.I. 273 of 1999) – read as follows:

(2) Prior to any such revocation, the Director shall serve notice on the licensee specifying the reason therefore and shall give the licensee a reasonable opportunity to make representations about the proposed revocation.

The procedures which The Commission are required to take in relation to breaches of licence conditions are set out in Regulation 16 and 17 of the Authorisation regulations and those procedures shall apply in place of Regulations 19(2) (S.I. 273 of 1999).

Regulation 20 (S.I. 273 of 1999) – read as follows:

An authorised officer shall, when exercising any power conferred on him or her by these Regulations, if so requested, produce to any person affected a copy of his or her appointment as such authorised officer.

This will be implemented in accordance with Section 39 of the Communications Regulation Act 2002.

Regulation 22 (S.I. 273 of 1999) – read as follows:

The licensee shall comply with any direction, requirement or notice given to him or her by the Director in respect of any matter which direction, requirement or notice is, in the opinion of the Director, appropriate having regard to the functions of the Director.

The procedures which The Commission are required to take in relation to breaches of licence conditions are set out in Regulation 16 and 17 of the Authorisation Regulations and those procedures shall apply in place of Regulation 22 (S.I. 273 of 1999).

Regulation 23 (S.I. 273 of 1999) – read as follows:

The Director may, following such public consultation (if any) as he or she considers appropriate, by notice in writing served on the licensee, amend or vary the licence -

(a) with the consent of the licensee; or

(b) without the consent of the licensee, provided that the licensee has been given a reasonable opportunity to make representations to the Director regarding the proposed amendment or variation and that the Director has considered those representations.

Licensees should note that any amendment or variation of the licences will be in accordance with Regulation 15 of the Authorisation Regulations.

The conditions attached to the licence granted in respect to Programme Services Distribution (MMDS) licences will continue to be applicable subject to the following:

Condition 8 of the Licence – read as follows:

The licensee shall maintain separate accounts in respect of the distribution by him or her of licensed programme services.

Condition 8 of the Licence no longer applies.

Condition 10 of the Licence – read as follows:

(1) The licensee shall publish the prices, terms and conditions for distributing, to a member of the public, licensed programme services and for installing or providing the means necessary to receive the licensed programme services and shall publish any changes to such prices, terms and conditions.

(2) The licensee shall provide copies of those prices, terms and conditions to the Director forthwith and to members of the public on request, in each case free of charge.

Condition 10 of the Licence no longer applies.

Annex 1 – Reference Documentation

EU Directives

Access Directive:

http://europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00070020.pdf

Authorisation Directive:

http://europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00210032.pdf

Framework Directive:

http://europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00330050.pdf

Universal Service Directive:

http://europa.eu.int/information_society/topics/telecoms/regulatory/new_rf/documents/l_10820020424en00510077.pdf

More information on the new framework is available from:

http://europa.eu.int/information_society/topics/telecoms/regulatory/index_en.htm

ComReg Documentation

Please note that all ComReg documentation can be downloaded under ‘Publications’ from the ComReg website at <http://www.comreg.ie/>.

Relevant ComReg Documents on new EU framework

- 02/22: Future Regulation of Electronic Communications Networks and Services - Future Authorisations - Consultation Paper;
- 02/51: Future Regulation of Electronic Communications Networks and Services - Future Authorisations;
- 02/69R: Briefing Note: Future Regulation of Electronic Communications Networks and Services Access and Interconnection Directive 2002/19/EC;
- 02/72: Future Regulation of Electronic Communications Networks and Services - General Authorisation Conditions;
- 02/102: Future Regulation of Electronic Communications Networks and Services - Charging Principles for Authorisations and Rights of Use;
- 02/114: Future Regulation of Electronic Communications Networks and Services - General Authorisation Conditions;
- 02/115: Future Regulation of Electronic Communications Networks and Services;
- 02/116: The Future Framework for the Regulation of Universal Service in the Irish Market;
- 02/117: ComReg Information Notice on market analysis and data collection for market reviews of electronic communications networks;
- 02/102a: Future Regulation of Electronic Communications Networks and Services Appendix Financial Profile of ODTR;

- 03/05: Future Regulation of Electronic Communications Networks and Services -
Numbering Issues;
- 03/12: Future Regulation of Electronic Communications Networks and Services -
ComReg submission in connection with Department of Communications,
Marine and Natural Resources consultation on draft legislation;
- 03/31: Future Regulation of Electronic Communications Networks and Services -
ComReg Consultation Procedures;
- 03/39: Future Regulation of Electronic Communications Networks and Services –
Rights of Use for Radio Frequencies;
- 03/46: Future Regulation of Electronic Communications Networks and Services -
Fees for Authorisations and Rights of Use;
- 03/61: Future Regulation of Electronic Communications Networks and Services -
Arrangements for General Authorisations;
- 03/62: Future Regulation of Electronic Communications Networks and Services -
Entitlement to Interconnection under Access Directive 2002/19/EC;
- 03/78: Future Regulation of Electronic Communications Networks and Services –
Administrative Charges and Wireless Telegraphy Licence Fees applicable
to Broadcasting Networks and Services Consultation;
- 03/81: Conditions of a General Authorisation;
- 03/82: Notification Form for General Authorisation
- 03/83: Guidance Note on General Authorisation
- 03/84: Wireless Telegraphy Licences; future applicability for licence conditions
- 03/85: Response to Consultation 03/61
- 03/86: Users Rights to Communications Services (Protecting Users in a
Developing Communications Market)
- 03/87: The Future Framework for the Regulation of Universal Service in the Irish
Communications Market (Provision of Telephony Services to Users)
- 03/88: Guidance Notes on Levy Order

Legislation

Regulations issued since 1997 are available on the ComReg website at http://www.comreg.ie/about_us/default.asp?s=2&navid=129. Older legislation is available on the Attorney General's website at <http://193.120.124.98/>.

Regulations Transposing the EU Directives

S.I. 305 of 2003: European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2003;

S.I. 306 of 2003: European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003;

S.I. 307 of 2003: European Communities (Electronic Communications Networks and Services) (Framework) Regulations, 2003;

S.I. 308 of 2003: European Communities (Electronic Communications Networks and Services) (Universal Service Obligation) Regulations, 2003.

Primary Legislation – Acts

Wireless Telegraphy Acts (1926-1988);
Broadcasting Authority Act, 1960 (as amended);
Radio and Television Act, 1988.

Secondary Legislation – Statutory Instruments (S.I.)

Mobile:

S.I. 435 of 2002: Wireless Telegraphy (Mobile Radio Systems) Regulations, 2002;

S.I. 114 of 1992: Wireless Telegraphy (Business Radio Licence) (Amendment) Regulations, 1992;

S.I. 83 of 1988: Wireless Telegraphy (Community Repeater Licence) Regulations, 1988;

S.I. 75 of 1986: Wireless Telegraphy (Business Radio Licence) (Amendment) Regulations, 1986;

S.I. 84 of 1985: Wireless Telegraphy (Business Radio Licence) (Amendment) Regulations, 1985;

S.I. 88 of 1983: Wireless Telegraphy (Business Radio Licence) (Amendment) Regulations, 1983;

S.I. 73 of 1982: Wireless Telegraphy (Business Radio Licence) (Amendment) Regulations, 1982;

S.I. 114 of 1981: Wireless Telegraphy (Business Radio Licence) (Amendment) Regulations, 1981;

S.I. 193 of 1980: Wireless Telegraphy (Business Radio Licence) (Amendment) Regulations, 1980;

S.I. 181 of 1957: Wireless Telegraphy (Business Radio Licence) Regulations, 1957;

S.I. 2 of 1956: Wireless Telegraphy (Business Radio Licence) Regulations, 1956;

S.I. 320 of 1949: Wireless Telegraphy (Business Radio Licence) Regulations, 1949.

Fixed:

S.I. 319 of 1992: Wireless Telegraphy (Radio Link Licence) Regulations 1992.

Broadcasting:

S.I. 190 of 2001: Wireless Telegraphy (UHF Television Programme Retransmission) (Amendment) Regulations, 2001;

S.I. 189 of 2001: Wireless Telegraphy (Carrigaline UHF Television Programme Retransmission) (Amendment) Regulations, 2001;

S.I. 73 of 1999: Wireless Telegraphy (Programme Services Distribution) Regulations, 1999;

S.I. 348 of 1999: Wireless Telegraphy (UHF Television Programme Retransmission) Regulations, 1999;

S.I. 347 of 1999: Wireless Telegraphy (Carrigaline UHF Television Programme Retransmission) Regulations, 1999;

S.I. 252 of 1991: Wireless Telegraphy (Television Programme Retransmission and Relay) Regulations, 1991;

S.I. 39 of 1989: Wireless Telegraphy (Television Programme Retransmission) Regulations, 1989;

S.I. 82 of 1988: Wireless Telegraphy (Wired Broadcast Relay Licence) (Amendment) Regulations, 1988;

S.I. 269 of 1988: Radio and Television Act, 1988 (Establishment Day) Order, 1988;

S.I. 200 of 1976: Wireless Telegraphy Act, 1926 (section 3) (Exemption of Certain Wired Broadcast relay Stations) Order, 1976;

S.I. 67 of 1974: Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974;

S.I. 211 of 1972: Wireless Telegraphy Act, 1926 (section 3) (Exemption of Sound Broadcasting Receivers) Order, 1972.

Satellite:

S.I. 18 of 2001: Wireless Telegraphy (Teleport Facilities) Regulations, 2001;

S.I. 261 of 2000: Wireless Telegraphy (Fixed Satellite Earth Stations) Regulations, 2000;

S.I. 179 of 1998: European Communities (Satellite Earth Station Equipment) Regulations, 1998;

S.I. 372 of 1997: European Communities (Satellite Telecommunications Services) Regulations, 1997.

Fixed Wireless Access

S.I. 79 of 2003: Wireless Telegraphy (Fixed Wireless Access Local Area Licence) Regulations, 2003.