

**S.I. No. 409 of 1997.**  
**ORDER**  
**entitled**  
**WIRELESS TELEGRAPHY ACT, 1926 (SECTION 3) (EXEMPTION OF MOBILE**  
**TELEPHONES) ORDER, 1997**

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

1. This Order may be cited as the Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Mobile Telephones) Order, 1997.

2. The Interpretation Act, 1937 (No. 38 of 1937), applies to this Order.

3. In this Order -

"mobile telephone" means apparatus for wireless telegraphy capable of originating and receiving a call, being apparatus that -

(a) if it is digital apparatus, stands approved under the European Communities (Telecommunications Terminal Equipment) Regulations, 1997 (S.I. No. 73 of 1997), and

(b) if it is analogue apparatus, stands approved under the European Communities (Telecommunications Services) Regulations, 1992 (S.I. No. 45 of 1992);

"call" means a telephone call or other communication of any kind made or sent wholly or partly on a GSM or TAGS mobile telephony network;

"GSM mobile telephony network" means a public, digital, land-based, cellular, mobile telephony network operating in the 900 MHz frequency band;

"TACS mobile telephony network" means a public, analogue, land-based, cellular, mobile telephony network operating in the 900 MHz frequency band.

4. The following class of apparatus for wireless telegraphy, namely, mobile telephones, is hereby declared to be a class of apparatus for wireless telegraphy to which section 3 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), is not to apply.

GIVEN under my hand, this 1st day of October, 1997

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Etain Doyle

Director of Telecommunications Regulation

**EXPLANATORY NOTE**

This Order provides for the exemption of GSM and TACS mobile telephones from the requirement to be licensed under the Wireless Telegraphy Act, 1926.