

STATUTORY INSTRUMENT

S.I. No. 414 of 2006

Wireless Telegraphy (Ship Station Radio Licence) Regulations, 2006

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The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6(1) of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), transferred to the Commission for Communications Regulation by section 9(1) of the Communications Regulation Act, 2002 (No. 20 of 2002), and with the consent of the Minister for Communications, Marine and Natural Resources, pursuant to section 37 of the Communications Regulation Act 2002 hereby makes the following Regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the Wireless Telegraphy (Ship Station Radio Licence) Regulations, 2006.

(2) These Regulations will come into force on 1st September 2006

Interpretation

2. (1) In these Regulations, unless the context otherwise requires:

“Act of 1926” means the Wireless Telegraphy Act, 1926 (No. 45 of 1926);

“Act of 1972” means the Wireless Telegraphy Act, 1972 (No. 5 of 1972);

“Act of 2002” means the Communications Regulation Act, 2002 (No. 20 of 2002);

“Apparatus” means apparatus capable of emitting and receiving, or emitting only or receiving only, over paths which are not provided by any material substance constructed or arranged for that purpose, electric, magnetic or electro-magnetic energy, of a frequency not exceeding 3 million megahertz, whether or not such energy serves the conveying (whether they are actually received or not) of communications, sounds, signs, visual images or signals or the actuation or control of machinery or

apparatus, and includes any part of such apparatus, or any article capable of being used as part of such apparatus, and also includes any other apparatus which is associated with, or electrically coupled to, apparatus capable of so emitting such energy.

“Authorisation Regulations” means the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003 (S.I. No. 306 of 2003);

“Call sign” means a method for uniquely identifying a vessel;

“Constitution of the International Telecommunications Union” and “Radio Regulations” mean the international convention signed at Geneva on 6 November, 1992 and include any Constitution, Convention or Regulations which may from time to time be enacted or brought into force in substitution for, in amendment of, or in addition to, them;

“Commission” means the Commission for Communications Regulation established under the Act of 2002;

“Harmful interference” means interference which endangers the functioning of a radionavigation service or other safety service or which otherwise seriously degrades, obstructs, or repeatedly interrupts any lawfully operating radiocommunications service;

“Irish vessel” means (a) every ship registered in Ireland, and (b) every unregistered ship or other vessel which is usually kept in or which frequents the inland or territorial waters of Ireland , and (c) every ship or vessel not coming within either of the

foregoing paragraphs which is for the time being in the inland and/or territorial waters of Ireland and in respect of which no Licence then in force for the possession or working of apparatus for wireless telegraphy has been granted in any other country or state;

“ITU” means the International Telecommunications Union.

“Licence” means a Licence under section 5 of the Act of 1926.

“Licensee” means the holder of a Licence;

“MMSI” means the maritime mobile service identity number uniquely identifying a vessel;

“Radiocommunications Service” means a service involving the transmission, emission, and/or reception of radio waves specified for specific telecommunications purposes;

“Radionavigation service” means a service involving the determination of the position, velocity and/or other characteristics of an object, or the obtaining of information related to these parameters, by means of the propagation properties of radio waves and used for the purposes of navigation, including obstruction warning;

“Ship Station” means all apparatus for Wireless Telegraphy for use on board Irish vessels, with the exception of apparatus exempted from section 3 of the Wireless Telegraphy 1926 Act;

“Wireless Telegraphy” has the meaning assigned to it in the Wireless Telegraphy Act 1926;

(2) In these Regulations unless the contrary intention appears:

- (a) a reference to an enactment or regulation may be construed as a reference to the enactment or regulation as amended or extended by or under any subsequent enactment or regulation;
 - (b) a reference to a regulation or schedule is a reference to a regulation or schedule of these regulations:
 - (c) a reference to a paragraph or sub-paragraph is a reference to a paragraph or sub-paragraph of the provision in which the reference occurs.
- (3) The Interpretation Act, 2005, applies to these Regulations.

Application for Licences and Form of Applications and Licences

3. (1) An Application for a Licence shall be made to the Commission and shall be in writing in such form as may be determined by the Commission.
- (2) A person who makes an Application under paragraph (1) of this Regulation shall furnish to the Commission such information as the Commission may reasonably require for the purpose of its functions under these Regulations and the Authorisation Regulation and, if the person, without reasonable cause, fails to comply with this paragraph, the Commission may refuse to grant a Licence to the person.
- (3) The Commission may grant a Licence in accordance with the relevant provisions of the Authorisation Regulations.
- (4) A Licence shall be in the form specified in Schedule 1 to these Regulations or such other form as the Commission may determine from time to time.

Duration of Licences

4. (1) A Licence shall (unless it has been revoked) be in force for the lifetime of the vessel on the Licence.

Conditions of Licences

5. It shall be a condition of a Licence that:

- (1) the Licensee shall comply with the conditions contained within the Licence and these Regulations;

- (2) the Ship Station may only be operated by a suitably qualified person in accordance with the ITU Radio Regulations and on radio frequencies specified in the Licence in accordance with the ITU Radio Regulations and operated to or below the maximum powers and classes of emission, under those regulations;

- (3) the Licensee will make payment of the fees as set out in Schedule 2 to these Regulations;

- (4) the Licensee shall ensure that at least one of the following methods of identification for all transmissions is used:

- (i) the name of the Irish vessel indicated in the Licence;
- (ii) the Call sign indicated in the Licence;
- (iii) the MMSI indicated in the Licence; or
- (iv) a combination of the methods indicated in (i) ,(ii) and (iii) above;

- (5) the Licensee shall keep full accounts, records and registers of all messages sent and received by means of the ship station and in such registers each of the messages shall be accompanied by its identifying number and date and full

particulars of its place of origin and of ultimate destination and such further particulars as the Commission shall from time to time reasonably require to be shown;

(6) the Licensee shall preserve all used message forms written and printed and transcripts of messages and all other papers for such period as is from time to time prescribed by the International Telecommunications Regulations and such registers and message papers shall be open to the inspection of the Commission or its authorised officers;

(7) the Licensee shall maintain on board the Irish vessel the Licence, together with any other document which the Commission may prescribe;

(8) the Licensee shall ensure that the Ship Station shall comply with the requirements of the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations, 2002 (S.I.240 of 2002) or the European Communities (Marine Equipment) Regulations 2003 (S.I. No. 38 of 2003), whichever is applicable to a particular Irish vessel;

(9) the Licensee shall ensure the installation of the ship station is effected, and its maintenance and operation is carried on in such a manner as to ensure that the safety of persons or property does not cause harmful interference;

(10) the Licensee may not, without the consent of the Commission, which shall not be unreasonably withheld, assign the Licence or any of the powers, duties or functions conferred by it or otherwise transfer any of the rights or obligations conferred by it, in the event that the vessel is sold and such transfer shall be subject to a fee as set out in Schedule 2 to these Regulations;

(11) the Licensee will ensure that non-ionising radiation emissions from each radio installation associated with the ship station operated by the Licensee for the purposes of the service are within the limits specified by the guidelines published by the International Commission for Non-Ionising Radiation Protection (“ICNIRP”). and that it complies with any radiation emission standards adopted and published from time to time by ICNIRP, any standards of the European Committee for Electrotechnical Standards and any standards which may from time to time be specified by the European Union and that a ship station operated by the Licensee is not installed or operated at a location in a manner such as to be the cause of the aggregate non-ionising radiation emissions exceeding the limits specified by the guidelines published by the ICNIRP and that it complies with any radiation emission standards adopted and published by ICNIRP or its successors from time to time, any radiation emission standards of the European Committee for Electrotechnical Standards and any radiation emission standards specified by national and EC law;

(12) if the Licensee’s contact details or any of the information contained in the Licence changes, the Licensee shall, as soon as possible but not later than 28 days, notify the Commission in writing of the change, licence amendments are subject to a fee as outlined in Schedule 2 of these Regulations;

(13) the Licensee complies with any special conditions imposed under section 8 of the Act of 1972 and subject to which this Licence is deemed by subsection (3) of that section to be issued;

(14) the Licensee complies with obligations under relevant international agreements relating to the use of apparatus or the frequencies to which they are assigned;

(15) the Licensee shall on each fifth anniversary of the issue of the Licence under these regulations, make a return to the Commission to confirm that the information contained in the Licence, and Licensee contact details, are correct;

Fees

6. (1) Subject to the methods of payment set out in this Regulation, the fee set out in Schedule 2 to these Regulations is payable.

(2) Fees shall be paid to the Commission of Communications Regulation by way of banker's draft or such other means and on such terms (including terms as to the place of payment) as the Commission may decide. Where the date of payment falls on a Saturday, a Sunday or a public holiday payment shall be made on or before the last working day before the date of payment.

(3) An amount payable by a person in respect of a fee under these Regulations may be recovered by the Commission from the person as a simple contract debt in any court of competent jurisdiction.

(4) If a Licence is suspended or revoked, the Licensee shall not be entitled to be repaid any part of the fee paid by the Licensee under these Regulations but shall still be liable to pay any sums (including interest) outstanding.

(5) Where payment is not made in due time, then interest shall be payable by the licensee at the rate per annum standing specified for the time being in section 26 of the Debtors (Ireland) Act, 1840 (1840 c.105), on the fee or part thereof in respect of the period between the date when such fee or part fell due and the date of payment of such fee or part.

Licensee to satisfy all Legal Requirements

7. Nothing in these Regulations shall absolve the Licensee from any requirement in law to obtain such additional consents, permissions, authorisations or licences as may be necessary for the provision the service and for the exercise of his or her rights or discharge of his or her obligations under the Licence. The Licensee is responsible for all costs, expenses and other commitments (financial and non-financial) in respect of the Licence and the provision of the service and the Commission shall bear no responsibility for such costs, expenses or commitments.

Enforcement – Compliance with obligations

8. Where the Commission finds that the Licensee has not complied with one or more of the conditions of the Licence, it may take enforcement measures which may include the suspension and revocation of the Licence.

Amendment of Licence

9. The Commission may amend a Licence to which these Regulations apply in accordance with the provisions of Regulation 15 of the Authorisation Regulations.

Licences to which these Regulations apply

10. These Regulations apply to licences to keep, have possession of, install, maintain, work and use ship stations having the characteristics as set out in the licence and operating in accordance with the conditions set out in the Licence and in these Regulations.

Schedule 1

IRELAND

Commission for Communications Regulation

Licence to establish a Wireless Telegraph Ship Station

The Commission of Communications Regulation, in exercise of the powers conferred on it by Section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) and Section 9(1) of the Communications Regulation Act, 2002 (No. 20 of 2002) grants to the Licensee specified, authorisation to keep, have possession of, install, maintain work and use apparatus as specified in this licence subject to the Licensee observing the conditions contained in Regulation 5 of the Wireless Telegraphy (Ship Station Radio Licence) Regulations, 2006 (S.I. No. of 2006)

Licence No. _____

Date of Issue _____

Issued in accordance with the provisions of the Ship Station Radio Licence as amended and with the Radio Regulations which complement the Constitution and the Convention of the International Telecommunication Union now in force, this licence is herewith issued for the installation and for the use of the radio equipment described below and subject to the conditions overleaf:

Name of Ship	Identification of the Ship Station			Holder of Licence	Accounting Authority Identification Code
	Call Sign	MMSI	Other ID		

Equipment	Type or Description of Equipment	Frequencies
Transmitters		
Other equipment		

For the Commission for Communications Regulation:

Signed _____ Date _____

Schedule 2
Fees payable in connection with Licences

All new licences will be for the lifetime of the vessel and the fee shall be €100

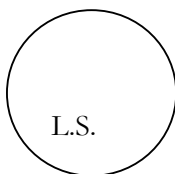
All existing licences, at the coming into force of these regulations, shall incur a fee of
€30, at the time of next renewal

Licence amendments and the transfer of licences, shall incur a fee of €30

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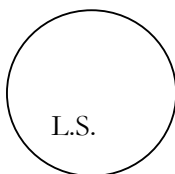
GIVEN under the official seal of the Commission for Communications Regulation,
this 4th day of August, 2006

For and on behalf of the Commission for Communications Regulation


L.S.

The Minister for Communications, Marine and Natural Resources consents to the making of the foregoing Regulations.

GIVEN under the Official Seal of the Minister for Communications, Marine and Natural Resources this 3rd day of August, 2006


L.S.

Noel Dempsey T.D.

Minister for Communications, Marine and Natural Resources

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide for the issue of lifetime of vessel Licences for ship stations on board an Irish vessel, for the regulation of such apparatus and for the payment of fees by persons granted Licences for that purpose.