



STATUTORY INSTRUMENTS.

S.I. No. 169 of 2013

WIRELESS TELEGRAPHY ACT 1926 (SECTION 3) (EXEMPTION OF
APPARATUS FOR MOBILE COMMUNICATIONS SERVICES ON
BOARD VESSELS) ORDER 2013

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BOARD VESSELS) ORDER 2013

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 3(6)(a) of the Wireless Telegraphy Act 1926 (No. 45 of 1926) (amended by section 11(c) of the Wireless Telegraphy Act 1972 (No. 5 of 1972)) for the purpose of giving effect to the European Commission Decision 2010/166/EU of 19 March 2010 hereby makes the following Order:

Citation

1. This Order may be cited as the Wireless Telegraphy Act 1926 (Section 3) (Exemption of Apparatus for Mobile Communications Services on Board Vessels) Order 2013.

Interpretation

2. (1) In this Order—

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

“Apparatus for MCV services” means apparatus for wireless telegraphy capable of providing MCV services;

“Decision of 2010” means the European Commission Decision of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union, 2010/166/EU (OJ L72/38 20.03.2010);

“Framework Regulations” means the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No. 333 of 2011);

“harmful interference” means interference which endangers the functioning of a Radionavigation Service or other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a Radiocommunication Service operating in accordance with a requirement under the International Telecommunication Union Radio Regulations, a regulation of an institution of the European Union, or legislation giving effect to an act, or provisions of an act, adopted by an institution of the European Union relating to the provision of an electronic communications service, electronic communications network or an associated facility or the radio frequency spectrum, or regulations made under the Act of 1926;

“Mobile Communication services on board vessels” (MCV services) means electronic communications services provided by an undertaking to enable persons

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 28th May, 2013.*

on board a vessel to communicate via public communication networks without establishing direct connections with land-based mobile networks;

“non-interference and non-protected basis” means that no harmful interference may be caused to any Radiocommunication Service and, that no claim may be made for the protection of these services, against harmful interference originating from other Radiocommunication Services;

“operator” has the meaning as set out in the Framework Regulations;

“radiocommunication service” means a service as defined in the Radio Regulations of the International Telecommunication Union involving the transmission, emission or reception of radio waves for specific telecommunication 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 its parameters, by means of the propagation properties of radio waves and used for the purposes of navigation, including obstruction warning;

“Territorial Sea” has the meaning assigned to it by Part 3 of the Sea Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006).

Applicability

3. The following classes of apparatus for wireless telegraphy are hereby declared to be classes of apparatus which Section 3 of the Act of 1926 does not apply, Apparatus for MCV services using a system which:

(1) operates in the frequency bands defined in Article 2 of the Decision of 2010 on a non-interference and non-protected basis;

(2) meets the conditions laid down in the Annex to the Decision of 2010; and

(3) meets the essential requirements of the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations 2001 (S.I. No. 240 of 2001).

4. In addition to Article 3 of this Order, operators must comply with the following conditions:

(1) The operation of the Apparatus for MCV services must be immediately terminated should any malfunction or other such situation occur;

(2) In the event of a malfunction, the Apparatus for MCV services must be disabled for the remainder of the vessels time in the Territorial Sea and may not be used again until it is fully certified as being conformant with the Decision of 2010 and otherwise operating correctly; and

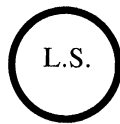
(3) The Commission for Communications Regulation reserves the right to inspect the Apparatus for MCV services installation thereof at the operator's own expense prior to, and during operation if necessary.

5. This Order does not:

(1) exempt any Apparatus for MCV services from any seaworthiness; approval, inspections, licensing, or operational provisions as required by law; or

(2) exempt any Apparatus for MCV services from licensing under the Act of 1926 where such apparatus is used for the purposes of the Global Maritime Distress and Safety System, or for any other distress and safety communications purposes.

6. This Order only applies within the jurisdiction of the State and its Territorial Sea.



GIVEN under the official seal of the Commission for
Communications Regulation this
24 May 2013.

KEVIN O'BRIEN COMMISSIONER,
On Behalf of the Commission for Communications
Regulation.

EXPLANATORY NOTE

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

This Order provides for the exemption of Apparatus for the provision of Mobile Communications Services on Board Vessels from the requirement to be licensed under the Wireless Telegraphy Act 1926.

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