



STATUTORY INSTRUMENTS.

S.I. No. 266 of 2024



WIRELESS TELEGRAPHY (TELEMETRY LICENCE) REGULATIONS
2024

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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) as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009), and with the consent of the Minister for the Environment, Climate and Communications (as adapted by the Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 373 of 2020)) in accordance with section 37 of the Communications Regulation Act 2002 (No. 20 of 2002), hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Wireless Telegraphy (Telemetry Licence) Regulations 2024.

Interpretation and Definitions

2. (1) In these Regulations, except where 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 for Wireless Telegraphy as defined in section 2 of the Act of 1926;

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

“Consumer Price Index” or “CPI” means the consumer price index as published from time to time by the Central Statistics Office;

“Central Statistics Office” means the Central Statistics Office of Ireland or its successor;

“EECC Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);

“Electronic Communications Network” and “Electronic Communications Service” have the meanings assigned to them in the EECC Regulations;

“Harmful Interference” has the meaning set out in the EECC Regulations;

“Licence Fee” means the annual fee as set out in Schedule 2 which applies to a Licence;

“Licence” means a Non-exclusive Licence granted under section 5 of the Act of 1926 in accordance with and subject to the matters prescribed in these

Regulations to keep and have possession of Apparatus in a specified place in the State, being one of:

- (a) a Regional on-site Licence;
- (b) a Regional local area Licence;
- (c) a Regional wide area Licence; or
- (d) a National Licence.

“Licensee” means the holder of a Licence;

“National Licence” means a Non-exclusive Licence in the form set out in Schedule 1 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus to operate a national Telemetry System;

“Network Utility Operator” means:

- (a) in the electricity sector the person, who is an electricity undertaking or who intends to carry out a function of an electricity undertaking, that has been granted a licence by the Commission for Regulation of Utilities under section 14 of the Electricity Regulation Act 1999, as amended:
 - to discharge the functions of the transmission system operator;
 - to discharge the functions of the transmission system owner;
 - to discharge the functions of the distribution system operator;
 - to discharge the functions of the public electricity supplier;
 - to transport electricity across and maintain an interconnector;
 - to act as the Single Electricity Market operator;
 - to discharge the functions of Distribution System;
 - to carry out the function of aggregation;
 - to carry out the function of demand response;
 - to carry out the function of energy storage; and
 - to discharge the functions of an electricity undertaking engaged in purchasing electricity, not for own use.
- (b) in the gas sector – the company, or a subsidiary of the company, whose functions are laid out in section 8 of the Gas Act 1976 and in section 11 of the Gas (Interim) (Regulation) Act 2002, as amended; and
- (c) in the water sector – the entity formed by virtue of section 4 of the Water Services Act 2013 as amended.

“Non-exclusive”, in relation to a Licence, means that the Commission is not precluded from authorising the keeping and having possession by persons other than the Licensee, on a Non-Interference and Non-Protected Basis, of Apparatus for Wireless Telegraphy for the radio frequency spectrum specified in the Licence;

“Non-Interference and Non-Protected Basis” means that the use of Apparatus for Wireless Telegraphy is subject to no Harmful Interference being caused to any Radiocommunication Service, and that no claim may be made for the protection of Apparatus for Wireless Telegraphy used on this basis against Harmful Interference originating from Radiocommunication Services;

“Radio Equipment Regulations” means the European Union (Radio Equipment) Regulations 2017 (S.I. No. 248 of 2017);

“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;

“Regional On-site Licence” means a Non-exclusive Licence in the form set out in Schedule 1 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus to operate a low power Telemetry System where the transmitter and receiver are within a geographic area less than 1 km radius;

“Regional Local-area Licence” means a Non-exclusive Licence in the form set out in Schedule 1 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus to operate a local area Telemetry System within a geographic area greater than 1 km radius but less than 12.5 km radius from the base station;

“Regional Wide-area Licence” means a Non-exclusive Licence in the form set out in Schedule 1 granted under section 5 of the Act of 1926 to keep and have possession of Apparatus to operate a Wide-area Telemetry System within a geographic area greater than 12 km radius but less than 25 km radius from the base station;

“Telemetry System” means a Wireless Telegraphy system by which automated measurements are made and other data collected at remote or inaccessible locations, and transmitted to receiving stations for monitoring, recording or remote control purposes;

“Undertaking” means a person engaged or intending to engage in the provision of Electronic Communications Networks or Electronic Communications Services or associated facilities.

(2) In these Regulations –

- (a) a reference to a Regulation or a Schedule is to a Regulation of, or a Schedule to, these Regulations, unless it is indicated that reference to some other enactment is intended;
- (b) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended;
- (c) a word or expression that is used in these Regulations and that is also used in the Act of 1926 has, unless the context otherwise requires, the same meaning in these Regulations that it has in that Act;

- (d) a word or expression that is used in these Regulations and that is also used in the Act of 2002 has, unless the context otherwise requires, the same meaning in these Regulations that it has in that Act;
- (e) a word or expression that is used in these Regulations and that is also used in the EECC Regulations has, unless the context otherwise requires, the same meaning in these Regulations that it has in those Regulations.

Licences to which these Regulations apply

- 3. These Regulations apply to Licences for Telemetry Systems.

Limitation of Licence

4. (1) A Licence granted under these Regulations does not grant to the Licensee named therein any right, interest or entitlement other than the right to keep, install, maintain, work and use, at a specified location in the State, Apparatus to facilitate the operation of a Telemetry System.

(2) Nothing in these Regulations shall absolve the Licensee from any requirement in law to obtain such additional approvals, consents, Licences, permissions and authorisations that may be necessary for the discharge of the obligations or the exercise of entitlements 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 operation of a Telemetry System and the Commission shall bear no responsibility for such costs, expenses or commitments.

(3) A National Licence shall only be granted to a Network Utility Operator for the provision of a national Telemetry System.

Application for Licences and Form of Licences

5. (1) An application for a Licence will 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 assessing the application and carrying out its functions under the Act of 1926, the Act of 2002 and the EECC Regulations 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 grant of a Licence is subject to payment of the prescribed fee as set out in Schedule 2 to these Regulations.

(4) A Licence shall be in the form specified in Schedule 1 with such variation, if any, whether by addition, deletion or alteration as the Commission may determine from time to time or in any particular case in accordance with the EECC Regulations.

Duration of Licences

6. A Licence shall, unless it has been withdrawn or had its duration reduced under Regulation 8, remain in force from the date of grant and shall expire on 9 July 2034.

Conditions of Licences

7. (1) It shall be a condition of a Licence that:

- (a) the Licensee shall comply with these Regulations and the conditions attached to the Licence;
- (b) the Licensee shall ensure that the Apparatus is used only on such radio frequency spectrum as may be specified in the Licence and such radio frequencies shall be used in an efficient manner;
- (c) the Licensee shall make payments of the fees as set out in Schedule 2 to these Regulations, and in accordance with Regulation 9 of these Regulations;
- (d) the Licensee shall request the Commission to consider and decide on an amendment to the Licence to reflect any proposed changes to the information contained in the Licence;
- (e) the Licensee shall furnish such information and reports in respect of the Licence, including relating to the Apparatus and its use as may be requested by the Commission from time to time;
- (f) the Licensee shall submit to the Commission information detailing the location(s) and technical information of deployed Apparatus under Parts 3 and 4 of the Licence within 30 days of each anniversary of the commencement of the Licence, in a format as may be determined by the Commission;
- (g) the Licensee shall ensure that the Apparatus, or any part thereof, shall be installed, maintained, operated and used so as not to cause Harmful Interference;
- (h) the Licensee shall ensure compliance 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;
- (i) the Licensee shall ensure that, save as may be required by law, access to, and use of, the Apparatus is restricted to the Licensee, employees or agents of the Licensee, and persons authorised by or on behalf of the Licensee;

- (j) where the Commission is satisfied that a Licensee has failed to comply with any provision of these Regulations or a condition of the Licence, and the Commission has served on the Licensee a written notice prohibiting the use of Apparatus by such date and time as may be specified in the notice, then the Licensee will cease to use that Apparatus on or before the applicable date and time until such notice has been withdrawn by the Commission, and the Licensee shall take such measures as may be specified by the Commission in the notice;
- (k) the Licensee shall upon becoming aware of any event likely to materially affect their ability to comply with these Regulations, or any conditions set out or referred to in the Licence, notify the Commission of that fact in writing within 5 working days;
- (l) the Licensee shall on request from an authorised officer of the Commission permit the inspection of the Apparatus, enable access to the site or sites on which the Apparatus is located and produce the associated Licence for inspection;
- (m) having notified and obtained the prior written consent of the Commission, the Licensee may lease or transfer the Licence to another Undertaking where the attached conditions are maintained;
- (n) the Licensee shall use the spectrum rights of use granted exclusively for the operation and functioning of the Licensee's Telemetry System;
- (o) the Licensee shall comply with all obligations under relevant international agreements relating to the use of Apparatus or the frequencies to which they are assigned; and
- (p) ensure that all Apparatus, or any part thereof, complies with the Radio Equipment Regulations.

Enforcement, Amendment, Withdrawal and Suspension

8. (1) Enforcement by the Commission of compliance by a Licensee with conditions attached to their Licence shall be in accordance with the EECC Regulations, the Communications Regulation Acts 2002 to 2023, and any other requirements under applicable national or European Union law.

(2) The Commission may amend a Licence from time to time where objectively justifiable and in a proportionate manner. Any amendment shall be made subject to and in accordance with the EECC Regulations, and any other requirements under applicable national or European Union law.

(3) Without prejudice to paragraph (2) of this Regulation, at the request of the Licensee, the Commission may, if it considers it appropriate to do so, amend the Licence by adding to, deleting from or altering the radio frequency spectrum specified in the Licence on which the Apparatus may be used. Any such amendment shall be effected by notice in writing from the Commission specifying the amendment and given to the Licensee or sent to the Licensee at

the address specified in the Licence or notified to the Commission pursuant to the Licence.

(4) A Licence may be suspended or withdrawn by the Commission in accordance with the EECC Regulations, and any other requirements under applicable national or European Union law.

Licence Fees

9. (1) Fees as set out and provided for in the fees table in Schedule 2 are hereby prescribed in relation to Licences for the purpose of section 6 of the Act of 1926, as amended.

(2) The fees set out and provided for in Schedule 2 shall be payable by the Licensee to the Commission on the date of first granting of a licence and thereafter annually on or before each anniversary of the date of first granting of a Licence.

(3) Fees shall be paid to the Commission by way of electronic funds transfer 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.

(4) If a Licence is suspended or withdrawn, the Licensee may be entitled to a refund on a pro rata monthly basis for the remaining period of the Licence of the relevant fee.

(5) If a Licence is suspended or withdrawn due to a finding by the Commission of non-compliance with any relevant Licence conditions, the Licensee shall not be entitled to be repaid any part of the fee paid by the Licensee, but shall still be liable to pay any sums, including interest, that are outstanding.

(6) An amount payable by a Licensee may be recovered by the Commission as a simple contract debt in any court of competent jurisdiction.

(7) The fees will be implemented in accordance with Schedule 2.

Transitional Arrangements

10. (1) Subject to paragraph (2) of this Regulation, the Wireless Telegraphy (Licensing of Telemetry Systems) Regulations 2014 (S.I. No. 240 of 2014) are hereby revoked.

(2) A licence granted under the Wireless Telegraphy (Licensing of Telemetry Systems) Regulations 2014 (S.I. No. 240 of 2014) in force immediately before the commencement of these Regulations will continue in force as if it had run continuously from the date of its grant until its expiry date.

SCHEDULE 1
WIRELESS TELEGRAPHY ACT, 1926
WIRELESS TELEGRAPHY (TELEMETRY LICENCE)
REGULATIONS, 2024
LICENCE CERTIFICATE

Part 1

Licence Number:

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), as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009), grants to the Licensee specified, authorisation to keep, have possession of, install, maintain, work and use Apparatus as specified in Parts 3 and 4 of this Licence subject to the Licensee observing the conditions contained in Regulation 7 of the Wireless Telegraphy (Telemetry Licence) Regulations, 2024 (S.I. 266 of 2024)

Licensee:

Address:

Licence Type:

Commencement and Termination Dates (if applicable):

The Licence comes into effect on **DD/MM/YY** and, subject to withdrawal or suspension, expires on 9 July 2034.

Signed:

on behalf of the Commission for Communications Regulation

Date:

Part 2

Frequency assignment, commencement and expiry dates of Licence

Frequency assignment	Commencement Date	Expiry Date

Part 3

Apparatus to which this Licence applies

Equipment Index Reference	Equipment Description	Manufacturer	Model

Part 4

Apparatus location and details

Frequency	Site Identity	Latitude (decimal degrees)	Longitude (decimal degrees)	Equipment Index Reference	ERP

SCHEDULE 2

FEES PAYABLE IN CONNECTION WITH LICENCES

The Licence Fee is equal to the fee for that Licence in the base year (the “Base Fee”), indexed to the annual rate of inflation using the Consumer Price Index (“CPI”). The Base Fee for a Licence is set out in the following table.

Licence	Number of 2 x 12.5 kHz channels assigned in a licence	Base Fee (to be adjusted for CPI)
Regional On-site	1	€133
Regional Local-area	1	€531
Regional Wide-area	1	€1,062
National	12	€47,794 (per 12 channels)

The CPI adjustment, is set out in the following formula as follows:

$$B = \frac{CPI_t}{CPI_{2024}} * 100$$

The fees are based on a duplex 12.5 kHz channel (2 x 12.5 kHz). If a 2 x 25 kHz channel is required then two adjacent 12.5 kHz channels may be aggregated. In such cases the fees payable will be as if two separate 12.5 kHz channels were assigned.

Where CPI_t represents the 12-month Consumer Price Index figures published by the Central Statistics Office, for year t , the year immediately preceding the indexation. CPI_{2024} represents the 12-month Consumer Price Index figures published by the Central Statistics Office for 2024. The first indexation shall take place on the 8 July 2026 and shall occur annually thereafter on that same date.

The Licence Fee indexed to the Consumer Price Index is equal to:

$$C = A \times B$$

Where:

- A is the Base Fee for a Licence; and
- B is the CPI adjustment for the relevant period



GIVEN under the Official Seal of the Commission for Communications Regulation,
31 May, 2024.

HELEN DIXON,
Commissioner,
For and on behalf of the Commission for Communications Regulation.

The Minister for the Environment, Climate and Communications (as adapted by the Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 373 of 2020)), in accordance with section 37 of the Communications Regulation Act, 2002, consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,
21 May, 2024.

EAMON RYAN,
Minister for the Environment,
Climate and Communications.

EXPLANATORY NOTE

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

These Regulations prescribe matters in relation to the grant of Licences for Apparatus for Wireless Telegraphy to facilitate the operation of a Telemetry System, including the regulation of such Apparatus, and for the payment of Licence Fees, for a period up to 9 July 2034.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
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