



STATUTORY INSTRUMENTS.

S.I. No. 111 of 2013

WIRELESS TELEGRAPHY ACT 1926 (SECTION 3) (EXEMPTION OF
GROUND PROBING AND WALL PROBING RADARS) ORDER 2013

WIRELESS TELEGRAPHY ACT 1926 (SECTION 3) (EXEMPTION OF GROUND PROBING AND WALL PROBING RADARS) 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), (inserted by section 11(c) of the Wireless Telegraphy Act 1972 (No. 5 of 1972)), transferred to the Commission for Communications Regulation by section 4(2) of the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007), hereby makes the following Order:

Citation

1. This Order may be cited as the Wireless Telegraphy Act 1926 (section 3) (Exemption of Ground Probing and Wall Probing Radars) Order 2013.

Interpretation and Definitions

2. In this Order—

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

“CEPT” means the European Conference of Postal and Telecommunications Administrations;

“Commission” means the Commission for Communications Regulation, established by Part 2 of the Communication Regulation Act 2002 (No.20 of 2002);

“dBm” means decibels of power referenced to one milliwatt;

“ECC” means the Electronic Communications Committee of CEPT;

“ECC/DEC/(06)08” means ECC Decision of 1 December 2006 on the conditions for use of the radio spectrum by GPR/WPR imaging systems;

“e.i.r.p” (equivalent isotropically radiated power) means the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna;

“EN 302 066-1” means the harmonised standard published by ETSI on 22 February 2008;

“EN 302 066-2” means the harmonised standard published by ETSI on 22 February 2008;

“ETSI” means the European Telecommunications Standards Institute;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 2nd April, 2013.

“GPR” means Ground Probing Radar, Ground Penetrating Radar, sub-surface Radar or Ground Radar and is defined as field disturbance sensor that is designed to operate only when in contact with, or within one metre of, the ground for the purpose of detecting or obtaining the images of buried objects or determining the physical properties within the ground and the energy from the GPR is intentionally directed down into the ground for this purpose;

“NGR” means National Grid Reference;

“R&TTE Directive” means Directive 1999/5/EC of European Parliament and Council, of 9 March 1999, on radio and telecommunications terminal equipment and the mutual recognition of their conformity;

“Regulations” means the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations 2001 (S.I. No. 240 of 2001).

“WPR” means Wall Probing Radar and is defined as a field disturbance sensor that is designed to detect the location of objects contained within a wall or to determine the physical properties within the wall, where the wall is a concrete structure, the side of a bridge, the wall of a mine or another physical structure that is dense enough and thick enough to absorb the majority of the signal transmitted by the imaging system.

Applicability

3. This Order only applies within the jurisdiction of the State and only if the apparatus for GPR/WPR is:

- (1) registered with the Commission; and
- (2) compliant with Article 4 of this Order.

Terms, provisions, and limitations

4. (1) The GPR/WPR apparatus may not be used within a radius of 7 kilometres around the NGR points listed in the Schedule to this Order without prior authorisation from the Commission.

(2) The GPR/WPR apparatus shall employ a mechanism which automatically deactivates the radio equipment when normal use is interrupted.

(3) The GPR/WPR apparatus shall comply with ETSI standards EN 302 066-1 and EN 302 066-2, and any revisions to those standards.

(4) The GPR/WPR apparatus shall comply with the requirements set out in Decision ECC/DEC/(06)08 of the Electronic Communications Committee.

(5) The GPR/WPR apparatus shall meet all the requirements of the Regulations.

(6) The user shall maintain, for inspection by the Commission, records of all uses of the GPR/WPR apparatus which shall include the time, power and any

other relevant details, including retention period that may be specified by the Commission from time to time.

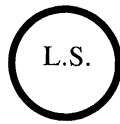
5. Misuse of the GPR/WPR apparatus will contravene this Order.

6. Information listed in the Schedule to this Order may be revised by the Commission as and when required.

SCHEDULE

Notification sites

Site Name	Co-ordinates
Birr, County Offaly	E206049 N205269
Elfordstown, County Cork	E187913 N077915



GIVEN under the Official Seal of the Commission for Communications Regulation this
27 March 2013.

KEVIN O'BRIEN,
Commissioner.

On behalf of the Commission of 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 Ground Probing Radar, Ground Penetrating Radar, sub-surface Radar or Ground Radar / Wall Probing Radar equipment from the requirement to be licensed under the Wireless Telegraphy Act 1926.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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