



STATUTORY INSTRUMENTS.

**S.I. No. 762 of 2007**

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WIRELESS TELEGRAPHY (NATIONAL POINT-TO-POINT AND  
POINT-TO-MULTIPOINT BLOCK LICENCES) REGULATIONS, 2007.

**(Prn. A7/2090)**

WIRELESS TELEGRAPHY (NATIONAL POINT-TO-POINT AND POINT-TO-MULTIPOINT BLOCK LICENCES) REGULATIONS, 2007.

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 amended by the Communications Regulation (Amendment) Act, 2007 (No. 22 of 2007) and with the consent of the Minister for Communications, Energy 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 (National Point-to-Point and Point-to-Multipoint Block Licences) Regulations, 2007.

(2) These Regulations come into force on the 1st of December 2007.

*Interpretation.*

2. (1) In these Regulations—

“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 operating in the 26GHz frequency bands for the purpose of the provision of Point-to-Point and Point-to-Multipoint Block Services and, in relation to a Licence, means apparatus to which the Licence relates;

“Authorisation Regulations” means the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2003 (S.I. 306 of 2003);

“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 of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts any lawfully operating radio-communications service;

“Licence” means a Licence under section 5 of the Act of 1926, to keep, have possession of, install, maintain, work and use Apparatus in a specified place in the State granted to the licensee;

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 20th November, 2007.*

“Licensee” means the holder of a Licence;

“Point-to-Point and Point-to-Multipoint Block Services” means a service consisting of the provision of Point-to-Point or Point-to-Multipoint fixed services in the 26GHz band;

“Principal Regulations” means the Wireless Telegraphy (National Point-to-Point and Point-to-Multipoint Block Licences) Regulations, 2006 (S.I. No. 296 of 2006);

“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;

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

- (a) a reference to an enactment or regulation shall 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 a schedule is a reference to a regulation or schedule of these Regulations;
- (c) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph of the provision in which the reference occurs.

(3) The Interpretation Act 2005 applies to these Regulations.

*Application for Licence and Form of Licence.*

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 purposes of its functions under these Regulations and the Authorisation 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 Commission may grant a Licence in accordance with the relevant provisions of the Authorisation Regulations.

(4) A Licence shall be in the form set out in the Schedule to these Regulations or such other form as the Commission may from time to time determine.

*Licences to which these Regulations apply.*

4. (1) These Regulations apply to Licences to keep, have possession of, install, maintain, work and use apparatus for the provision of Point-to-Point and Point-to-Multipoint Services having the characteristics set out in the Licence, and operating in accordance with the conditions set out in the Licence.

*Licensee to satisfy all legal requirements.*

5. Nothing in these Regulations shall absolve a Licensee from any requirement in law to obtain any approvals, consents, licences, permissions and authorities as may be necessary for the provision of the service and for the exercise of his rights or the discharge of 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.

*Duration.*

6. A Licence shall commence on the date of its grant and expire ten years thereafter.

*Licence Fees.*

7. (1) On the grant of a Licence, the Licensee shall pay to the Commission €70,000.00 per 2 x 28 MHz licensed spectrum.

(2) On the first, second, third and fourth anniversaries of the date of grant of a Licence, the Licensee shall pay to ComReg €20,000.00 adjusted to reflect the rate of inflation between the date of grant of the Licence and the relevant anniversary based on the Consumer Price Index per 2 x 28 MHz licensed spectrum.

(3) On the fifth, sixth, seventh, eighth and ninth anniversaries of the date of grant of a Licence, the Licensee shall pay €40,000.00 adjusted to reflect the rate of inflation between the date of grant of the Licence and the relevant anniversary based on the Consumer Price Index per 2 x 28 MHz licensed spectrum.

(4) If demand exceeds supply and the Commission grants a Licence pursuant to an auction, the Licensee shall pay to the Commission the cumulative amount by which each of its 2 x 28 MHz bids exceeds €350,000.00.

(5) Licence fees shall not be refundable in any circumstances.

(6) In the event that a Licensee surrenders a Licence otherwise than in circumstances of Licence non-compliance, it shall not be liable in respect of any licence fees that arise thereafter.

(7) Fees shall be paid to the Commission 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.

(8) 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.

(9) 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.

(10) 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.

*Conditions of Licences.*

8. 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 apparatus used for the provision of point to point and point to multipoint services may only be operated in accordance with any guidelines specified by the Commission;

(3) the Licensee shall make payment of the fees as set out in Regulation 7 of these Regulations;

(4) the Licensee shall ensure that the apparatus used for the provision of point to point and point to multipoint services shall comply with the requirements of the European Communities (Radio Equipment and Telecommunications Terminal Equipment) Regulations, 2001 (S.I. 240 of 2001);

(5) the Licensee will ensure that non-ionising radiation emissions from each radio installation operated under the Licence 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 the wireless telegraphy apparatus operated under the Licence 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;

(6) 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;

(7) 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;

(8) the Licensee shall 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;

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

(10) the Licensee shall ensure that the installation of the apparatus for the provision of point to point and point to multipoint services is effected, and its maintenance and operation is carried on in such a manner as to ensure that it does not cause harmful interference;

(11) By the third anniversary and on the fifth, seventh and ninth anniversaries of the date of issue of the Licence, the Licensee shall demonstrate to ComReg that it is using its licensed spectrum for point to point and/or point to multipoint services.

*Enforcement — Compliance with obligations.*

9. Where the Commission finds that the Licensee has not complied with one or more of the conditions of the Licence, it may take any of the enforcement measures provided for in the Authorisation Regulation.

*Amendment of Licence.*

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

*Revocation.*

11. The Wireless Telegraphy (National Point-to-Point and Point-to-Multipoint Block Licences) Regulations S.I. 296 of 2006 are hereby revoked.

SCHEDULE

*Part One*

WIRELESS TELEGRAPHY ACT, 1926

Section 5

National Point-to-Point and Point-to-Multipoint Block Licences

Licence No. .... Fee .....  
Licensee .....  
Postal Address In full .....

*The Commission, 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 part two of this Licence subject to the Licensee observing the conditions contained in this licence and in Regulation 8 of the Wireless Telegraphy (National Point-to-Point and Point-to-Multipoint Block Licences) Regulations, 2007 (S.I. No. 762 of 2007)*

***Date + Stamp***

From ..... to .....

Signed .....

For and on behalf of the Commission for Communications Regulation

.....

*Part Two*

STATEMENT OF AUTHORISED APPARATUS

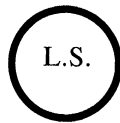
To include:

Description of apparatus

Places at which the Licensee is authorised to keep and have possession of the Apparatus.

Technical restrictions

Details of spectrum



GIVEN under the official seal of the Commission for Communications Regulation,  
16 November 2007

MIKE BYRNE

For and on behalf of the Commission for Communications Regulation

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



GIVEN under the Official Seal of the Minister for Communications, Energy and Natural Resources,  
14 November 2007

EAMON RYAN T.D.

Minister for Communications, Energy 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 Licences for apparatus for wireless telegraphy used solely for the provision of Point-to-Point and Point-to-Multi-point Block Services, for the regulation of such apparatus and for the payment of fees by persons granted Licences for that purpose.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
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