



STATUTORY INSTRUMENTS.

S.I. No. 19 of 2013



WIRELESS TELEGRAPHY (INTERIM GSM MOBILE TELEPHONY
LICENCE) (AMENDMENT) REGULATIONS 2013

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The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6 (as substituted by section 182 of the Broadcasting Act 2009 (No. 18 of 2009)) of the Wireless Telegraphy Act 1926 (No. 45 of 1926) and Regulations 11 and 15 of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011, and with the consent of the Minister for Communications, Energy and Natural Resources, pursuant to 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 (Interim GSM Mobile Telephony Licence) (Amendment) Regulations 2013.

2. The Wireless Telegraphy (Interim GSM Mobile Telephony Licence) Regulations 2011 and these Regulations may be cited together as the Wireless Telegraphy (Interim GSM Mobile Telephony Licence) Regulations 2011 and 2013 and shall be construed together as one.

Interpretation

3. In these Regulations, unless the context otherwise requires:

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

“Additional Extension” means an extension of the duration of a Licence, being either Additional Extension 1 or Additional Extension 2;

“Additional Extension 1” means an extension of the duration of a Licence of up to 2 months’ duration, commencing from 1 May 2013 (or from whatever is the day and date immediately following the date of the expiration of a Primary Extension granted by the Commission), granted by the Commission in accordance with the decisions and procedures set out in Commission Document 13/05 and Commission Decision 02/13;

“Additional Extension 2” means an extension of the duration of a Licence of up to 2 months’ duration, commencing from 1 July 2013 (or from whatever is the day and date immediately following the date of the expiration of Additional Extension 1 granted by the Commission), granted by the Commission in accordance with the decisions and procedures set out in Commission Document 13/05 and Commission Decision 02/13;

“Apparatus” means apparatus for wireless telegraphy as defined in section 2 of the Act of 1926 for the purpose of providing a Mobile Telephony Service and,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th January, 2013.*

in relation to a Licence, means the particular apparatus for wireless telegraphy to which the Licence relates;

“Commission” means the Commission for Communications Regulation;

“Commission Decision 02/13” means the decision of the Commission, published on 15 January 2013 under Commission Document Number D02/13;

“Commission Document 13/05” means the response to consultation document entitled “Proposal to Extend the Duration of Existing Interim GSM 900 MHz Rights of Use — Response to Consultation and Decision” of the Commission, published on 15 January 2013 under Commission Document Number 13/05;

“GSM” means an electronic communications network that complies with the GSM standards as published by ETSI, in particular but not limited to EN 301 502 and EN 301 511;

“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;

“Licensee” means the holder of a Licence issued under the Principal Regulations;

“Mobile Telephony Service” or “GSM Mobile Telephony Service” means a mobile telephony service corresponding to the GSM specifications;

“Primary Extension” means an extension of the duration of a Licence of up to 3 months’ duration, commencing from 1 February 2013, granted by the Commission in accordance with the decisions and procedures set out in Commission Document 13/05 and Commission Decision 02/13;

“Principal Regulations” means the Wireless Telegraphy (Interim GSM Mobile Telephony Licence) Regulations 2011, Statutory Instrument No. 189 of 2011.

Amendment of Regulation 5 of Principal Regulations

4. The Principal Regulations are amended by substituting the following for Regulation 5(4):

“(4) Notwithstanding paragraphs (1), (2) and (3) of this Regulation, a Licence granted or renewed under these Regulations shall in any event, terminate on 31 January 2013, or:

- (a) 30 April 2013 (or such earlier termination date as may have been decided upon by the Commission in granting the Primary Extension concerned) where a Primary Extension has been granted by the Commission to a Licensee and where no Additional Extensions have been granted;
- (b) a date two months after the expiry date that would be applicable pursuant to paragraph a) (or such earlier termination date as may

have been decided upon by the Commission in granting Additional Extension 1 concerned) where a Primary Extension and Additional Extension 1 have been each granted by the Commission to a Licensee, and where Additional Extension 2 has not been granted); or

- (c) a date two months after the expiry date that would be applicable pursuant to paragraph b) where a Primary Extension, Additional Extension 1 and Additional Extension 2 have each been granted by the Commission to a Licensee (or such earlier termination date as may have been decided upon by the Commission in granting Additional Extension 2 concerned).”

Amendment of Regulation 9 of Principal Regulations

5. The Principal Regulations are amended by substituting the following for Regulation 9(1):

“9. (1) Subject to paragraph (2) of this Regulation, the following fees are hereby prescribed in relation to Licences to which these Regulations apply.

The Licensee shall pay in respect of each 200 kHz duplex radio frequency channel in the 900 MHz frequency band as specified in the Licence, a fee of €72,772 for a one-year period.”

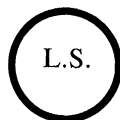


GIVEN under the Official Seal of the Commission for Communications Regulation this 25 January 2013.

ALEX CHISHOLM, Chairperson.

On behalf of the Commission of 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 this 24 January 2013.

PAT RABBITTE TD,
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 prescribe matters in regard to licences granted under the Wireless Telegraphy (Interim GSM Mobile Telephony Licence) Regulations, 2011, including matters relating to the period(s) during which they continue in force and the fees payable in respect of them.

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