



STATUTORY INSTRUMENTS.

S.I. No. 66 of 2011

WIRELESS TELEGRAPHY ACT, 1972 (PROHIBITION OF SALE,
LETTING ON HIRE, MANUFACTURE, AND IMPORTATION OF
WIRELESS TELEGRAPHY INTERFERENCE APPARATUS) ORDER,
2011

(Prn. A11/0283)

WIRELESS TELEGRAPHY ACT, 1972 (PROHIBITION OF SALE,
LETTING ON HIRE, MANUFACTURE, AND IMPORTATION OF
WIRELESS TELEGRAPHY INTERFERENCE APPARATUS) ORDER,
2011

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 7 of the Wireless Telegraphy Act, 1972, (No. 5 of 1972), transferred to the Commission for Communications Regulation by section 9 of the Communications Regulation Act 2002, (No. 20 of 2002), and with the consent of the Minister for Enterprise, Trade and Innovation, hereby makes the following Order:

Citation

1. (1) This Order may be cited as the Wireless Telegraphy Act, 1972 (Prohibition of Sale, Letting on Hire, Manufacture, and Importation of Wireless Telegraphy Interference Apparatus) Order, 2011.

Interpretation and Definitions

2. (1) In this Order, 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);

“apparatus for wireless telegraphy” and “wireless telegraphy” have the same meanings as set out in section 2 of the Act of 1926;

“electronic communications service” has the same meaning as set out in the Communications Regulation Act 2002, (No. 20 of 2002);

“interference” means to prevent, degrade, interrupt or otherwise obstruct wireless telegraphy or an electronic communications service; and

“wireless telegraphy interference apparatus” means any apparatus for wireless telegraphy that is designed to cause interference.

Order

3. (1) The Commission for Communications Regulation, in exercise of its powers under section 7 of the Act of 1972, and for the purpose of preventing or reducing the risk of interference with wireless telegraphy, hereby specifies that wireless telegraphy interference apparatus is a class of apparatus for wireless telegraphy to which section 7 of the Act of 1972 applies, and that it shall, from the date of enactment of this Order, be unlawful for any person to sell, let on hire or manufacture, whether or not for sale, wireless telegraphy interference apparatus or to import into the State wireless telegraphy interference apparatus.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 15th February, 2011.*

(2) This Order does not apply to any wireless telegraphy interference apparatus imported or manufactured by or on behalf of, or otherwise in possession of, the Irish Defence Forces, An Garda Síochána or the Irish Prison Service.



GIVEN under the Official Seal of the Commission for
Communications Regulation,
10 February 2011.

ALEX CHISHOLM,
Chairperson, On behalf of the Commission for
Communications Regulation.

The Minister for Enterprise, Trade and Innovation consents to the making of the foregoing Order.



GIVEN under the Official Seal of the Minister for Enterprise,
Trade and Innovation,
2 February 2011.

MARY HANAFIN, T.D.,
Minister for Enterprise, Trade and Innovation.

EXPLANATORY NOTE

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

This Order prohibits the sale or supply of devices that are designed to cause deliberate interference with wireless electronic communications apparatus such as mobile telephones.

The power to make an Order under section 7 of the Act of 1972 originally lay with the Minister for Posts and Telegraphs (today the Minister for Communications, Energy and Natural Resources) subject to the prior consent of the Minister for Industry and Commerce (today the Minister for Enterprise, Trade and Innovation). In 1996, the function transferred from the then Minister for Transport, Energy and Communications to the Office of the Director of Telecommunications Regulation, under section 4 of the Telecommunications (Miscellaneous Provisions) Act, 1996. In 2002, the function transferred from the Office of the Director of Telecommunications Regulation to the Commission for Communications Regulation, under section 9 of the Communications Regulation Act, 2002. Section 9 of the Communications Regulation Act, 2002 was repealed by Section 4 of the Communications Regulation (Amendment) Act, 2007 though the amendment made there under remains in effect.

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