



Number 34 of 1996

TELECOMMUNICATIONS (MISCELLANEOUS PROVISIONS) ACT 1996

REVISED

Updated to 29 June 2016

This Revised Act is an administrative consolidation of *Telecommunications (Miscellaneous Provisions) Act 1996*. It is prepared by the Law Reform Commission in accordance with its function under *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (4/2016)*, enacted 11 February 2016, and all statutory instruments up to and including *European Union (Consumer Information, Cancellation and Other Rights) (Amendment) Regulations 2016 (S.I. No. 336 of 2016)*, made 29 June 2016, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1999, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Communications Regulation (Amendment) Act 2007 (22/2007)*
- *Public Service Management (Recruitment and Appointments) Act 2004 (33/2004)*
- *Communications Regulation Act 2002 (20/2002)*
- *Postal and Telecommunications Services (Amendment) Act 1999 (5/1999)*

All Acts up to and including *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), enacted 11 February 2016, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Telecommunications Tariff Regulation (Revocation) Order 2007* (S.I. No. 665 of 2007)
- *Wireless Telegraphy (Multipoint Microwave Distribution System) Regulations 2003* (S.I. No. 529 of 2003)
- *Telecommunications Tariff Regulation Order 2003* (S.I. No. 31 of 2003)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Postal Levy No. 3 Order 2002* (S.I. No. 549 of 2002)
- *Wireless Telegraphy (Fixed Wireless Point To Multi-Point Access Licence) (Amendment) Regulations 2002* (S.I. No. 467 of 2002)
- *Wireless Telegraphy (Experimenter's Licence) Regulations 2002* (S.I. No. 450 of 2002)
- *Wireless Telegraphy (Mobile Radio Systems) Regulations 2002* (S.I. No. 435 of 2002)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Short Range Devices) Order 2002* (S.I. No. 405 of 2002)
- *Wireless Telegraphy (Third Generation and Gsm Mobile Telephony Licence) Regulations, 2002* (S.I. No. 345 of 2002)
- *Communications, Energy and Geological Survey of Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 300 of 2002)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Postal Levy No. 2 Order 2001* (S.I. No. 474 of 2001)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Postal Levy Order 2001* (S.I. No. 282 of 2001)
- *Wireless Telegraphy (Uhf Television Programme Retransmission) (Amendment) Regulations 2001* (S.I. No. 190 of 2001)
- *Wireless Telegraphy (Carrigaline Uhf Television Programme Retransmission) (Amendment) Regulations, 2001* (S.I. No. 189 of 2001)
- *Wireless Telegraphy (Teleport Facility) Regulations 2001* (S.I. No. 18 of 2001)
- *European Communities (Postal Services) Regulations 2000* (S.I. No. 310 of 2000)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Fixed Satellite Receiving Earth Stations) Order 2000* (S.I. No. 273 of 2000)
- *Wireless Telegraphy (Fixed Satellite Earth Stations) Regulations 2000* (S.I. No. 261 of 2000)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Mobile Satellite Earth Stations For Satellite Personal Communication Systems Operating in Bands Below 1 Ghz (S-Pcs1 Ghz)) Order 2000* (S.I. No. 173 of 2000)
- *Wireless Telegraphy (Gsm and Tacs Mobile Telephony Licence) Regulations 1999* (S.I. No. 442 of 1999)
- *Telecommunications Tariff Regulation (Modification) Order 1999* (S.I. No. 438 of 1999)
- *Wireless Telegraphy (Uhf Television Programme Retransmission) Regulations 1999* (S.I. No. 348 of 1999)
- *Wireless Telegraphy (Carrigaline Uhf Television Programme Retransmission) Regulations 1999* (S.I. No. 347 of 1999)
- *Wireless Telegraphy (Fixed Wireless Point To Multi-Point Access Licence) Regulations 1999* (S.I. No. 287 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of (ii) Arcanet Suitcase Terminals) Order 1999* (S.I. No. 110 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat Mini-M Terminals For Land Mobile Applications) Order 1999* (S.I. No. 109 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Ermes Paging Receivers) Order 1999* (S.I. No. 108 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Dcs 1800 Mobile Terminals) Order 1999* (S.I. No. 107 of 1999)

- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Ems-Mssat Terminals For Land Mobile Applications) Order 1999* (S.I. No. 106 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Ems-Prodat Terminals For Land Mobile Applications) Order 1999* (S.I. No. 105 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of (i) Arcanet Suitcase Terminals) Order 1999* (S.I. No. 104 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Omnitracs Terminals For The Euteltracs System) Order 1999* (S.I. No. 103 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat-M Terminals For Land Mobile Applications) Order 1999* (S.I. No. 102 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat-C Terminals For Land Mobile Applications) Order 1999* (S.I. No. 101 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat-D Terminals For Land Mobile Applications) Order 1999* (S.I. No. 100 of 1999)
- *Wireless Telegraphy (Programme Services Distribution) Regulations 1999* (S.I. No. 73 of 1999)
- *European Communities (Voice Telephony and Universal Service) Regulations 1999* (S.I. No. 71 of 1999)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Citizens' Band (Cb) Radios) Order 1998* (S.I. No. 436 of 1998)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Levy Amendment Order 1998* (S.I. No. 229 of 1998)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Satellite Earth Stations For Satellite Personal Communication Services (S-Pcs)) Order 1998* (S.I. No. 214 of 1998)
- *European Communities (Telecommunications Licences) Regulations 1998* (S.I. No. 96 of 1998)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Short Range Business Radios) Order 1998* (S.I. No. 93 of 1998)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Levy Order 1998* (S.I. No. 43 of 1998)
- *Wireless Telegraphy (Gsm and Tacs Mobile Telephony Licence) Regulations 1997* (S.I. No. 468 of 1997)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Cordless Telephones) Order 1997* (S.I. No. 410 of 1997)
- *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Mobile Telephones) Order 1997* (S.I. No. 409 of 1997)
- *European Communities (Telecommunications Infrastructure) Regulations 1997* (S.I. No. 338 of 1997)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Commencement) (No. 3) Order 1997* (S.I. No. 110 of 1997)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Commencement) (No. 2) Order 1997* (S.I. No. 109 of 1997)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Commencement) Order 1997* (S.I. No. 72 of 1997)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Expiration of Terms of Office) Order 1996* (S.I. No. 409 of 1996)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Commencement) (No. 2) Order 1996* (S.I. No. 402 of 1996)
- *Telecommunications Tariff Regulation Order 1996* (S.I. No. 393 of 1996)
- *Telecommunications (Miscellaneous Provisions) Act 1996 (Commencement) Order 1996* (S.I. No. 385 of 1996)

All statutory instruments up to and including *European Union (Consumer Information, Cancellation and Other Rights) (Amendment) Regulations 2016* (S.I. No. 336 of 2016), made 29 June 2016, were considered in the preparation of this revision.



Number 34 of 1996

TELECOMMUNICATIONS (MISCELLANEOUS PROVISIONS) ACT 1996

REVISED

Updated to 29 June 2016

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Director of Telecommunications Regulation.
3. Functions of Director.
4. Transfer of functions from Minister to Director.
5. Staff and other resources.
6. Levies and fees.
7. Tariff regulation.
8. Issue of shares, etc.
9. Miscellaneous agreements.
10. Employee directors.
11. Amendment of Principal Act.
12. Authorised officers.
13. Offences.
14. Repeals.
15. Laying of orders.
16. Expenses.
17. Short title and commencement.

FIRST SCHEDULE

OFFICE OF DIRECTOR OF TELECOMMUNICATIONS REGULATION

SECOND SCHEDULE

TRANSFER OF FUNCTIONS FROM MINISTER TO DIRECTOR

PART I

ACTS UNDER WHICH FUNCTIONS ARE TRANSFERRED

[No. 34.]

Telecommunications (Miscellaneous Provisions) Act 1996

[1996.]

PART II

STATUTORY INSTRUMENTS UNDER WHICH FUNCTIONS ARE TRANSFERRED

THIRD SCHEDULE

REPEALS

PART I

PART II



Number 34 of 1996

TELECOMMUNICATIONS (MISCELLANEOUS PROVISIONS) ACT 1996

REVISED

Updated to 29 June 2016

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF THE OFFICE OF DIRECTOR OF TELECOMMUNICATIONS REGULATION, FOR THE TRANSFER OF FUNCTIONS FROM THE MINISTER TO THE DIRECTOR, FOR THE IMPOSITION OF A LEVY ON PROVIDERS OF TELECOMMUNICATIONS SERVICES, AND FOR THE REGULATION OF TARIFFS FOR CERTAIN TELECOMMUNICATIONS SERVICES, TO AMEND THE POSTAL AND TELECOMMUNICATIONS SERVICES ACT, 1983, AND TO PROVIDE FOR RELATED MATTERS. [10th December, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

- C1** Functions transferred and references to the “Minister for Public Enterprise” and “Department of Public Enterprise” construed (18.06.2002) by *Communications, Energy and Geological Survey of Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 300 of 2002), arts. 3, 4 and sch. 1 part 1, in effect as per art. 1(2), subject to transitional provisions in arts. 5-9.

1. ...

(2) This Order comes into operation on 18 June 2002.

(1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are transferred to the Department of the Marine and Natural Resources.

(2) References to the Department of Public Enterprise contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of the Marine and Natural Resources.

4. (1) The functions vested in the Minister for Public Enterprise -

(a) by or under any of the enactments or the provisions of the enactments mentioned in Part 1 of the Schedule to this Order,

(b) under the Regulations mentioned in Part 2 of that Schedule, and

(c) in relation to the Geological Survey of Ireland,

are transferred to the Minister for the Marine and Natural Resources.

(2) References to the Minister for Public Enterprise contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the

commencement of this Order, be construed as references to the Minister for the Marine and Natural Resources.

...

SCHEDULE

PART 1.

Enactments and provisions of enactments, functions under which are transferred from the Minister for Public Enterprise to the Minister for the Marine and Natural Resources.

...

Telecommunications (Miscellaneous Provisions) Act 1996 (No. 34 of 1996)

...

Interpretation. **1.—(1)** In this Act, except where the context otherwise requires—

F1["Commission" means the Commission for Communications Regulation established by Part 2 of the Communications Regulation Act 2002;]

"the company" means Bord Telecom Éireann;

F2[...]

"functions" includes powers and duties;

"the Minister" means the Minister for Transport, Energy and Communications;

"records" includes information stored electronically;

"the Principal Act" means the Postal and Telecommunications Services Act, 1983.

(2) A reference in this Act to a section, subsection or a Schedule is a reference to a section of, or subsection of, or Schedule to this Act, unless it is indicated that reference to some other Act is intended.

(3) A reference in this Act to any enactment, unless the context otherwise requires, shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

(4) A reference to the performance of functions includes, with respect to powers and duties, a reference to the exercise of powers and the carrying out of duties.

Annotations

Amendments:

F1 Inserted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 4(2) and sch. 1, part 10, item 1(a), S.I. No. 224 of 2007.

F2 Repealed (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 4(2) and sch. 1, part 10, item 1(b), S.I. No. 224 of 2007.

Modifications (not altering text):

C2 Functions transferred from the Director to the Commission (15.05.2007) by *Communications Regulation Act 2002* (20/2002), s. 9 and sch. 1 part 1 item 9, as substituted by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 18, S.I. No. 224 of 2007.

Transfer of functions.

9.—(1) On the establishment day there is transferred to the Commission the functions of the Director by or under—

(a) each of the provisions mentioned in column (3) of Part 1 of Schedule 1 of the enactments mentioned in column (2) of that Part opposite the mention of that provision, and

...

(4) Reference in a transferred function to the Director or the Minister (construed by virtue of section 4 of the Act of 1996 as a reference to the Director) shall, from the establishment day, be construed as a reference to the Commission.

[SCHEDULE 1

Related Enactments for the Purposes of this Act

PART 1

Acts

...

(9) the Telecommunications (Miscellaneous Provisions) Act 1996, sections 1 and 7 (subsection (5) excepted).

...]

Director of Telecommunications Regulation.

2.—F3[...]

Annotations

Amendments:

F3 Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002, art. 2.

Functions of Director.

3.—F4[...]

Annotations

Amendments:

F4 Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002, art. 2.

Transfer of functions from Minister to Director.

4.—F5[...]

Annotations

Amendments:

F5 Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002, art. 2.

Editorial Notes:

- E1** Previous affecting provision: power pursuant to section exercised (5.11.2003) by *Wireless Telegraphy (Multipoint Microwave Distribution System) Regulations 2003* (S.I. No. 529 of 2003); section repealed as per F-note above. This power appears to have been exercised after repeal of the section.
- E2** Previous affecting provision: power pursuant to section exercised (30.09.2002) by *Wireless Telegraphy (Fixed Wireless Point To Multi-Point Access Licence) (Amendment) Regulations 2002* (S.I. No. 467 of 2002); section repealed as per F-note above.
- E3** Previous affecting provision: power pursuant to section exercised (10.09.2002) by *Wireless Telegraphy (Experimenter's Licence) Regulations 2002* (S.I. No. 450 of 2002); section repealed as per F-note above.
- E4** Previous affecting provision: power pursuant to section exercised (28.08.2002) by *Wireless Telegraphy (Mobile Radio Systems) Regulations 2002* (S.I. No. 435 of 2002); section repealed as per F-note above.
- E5** Previous affecting provision: power pursuant to section exercised (30.07.2002) by *Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Short Range Devices) Order 2002* (S.I. No. 405 of 2002); section repealed as per F-note above.
- E6** Previous affecting provision: power pursuant to section exercised (1.01.2002) by *Wireless Telegraphy (Third Generation and Gsm Mobile Telephony Licence) Regulations 2002* (S.I. No. 345 of 2002); section repealed as per F-note above.
- E7** Previous affecting provision: power pursuant to section exercised (13.08.2001) by *Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001); revoked as per F-note above.
- E8** Previous affecting provision: power pursuant to section exercised (20.05.2001) by *Wireless Telegraphy (Carrigaline Uhf Television Programme Retransmission) (Amendment) Regulations 2001* (S.I. No. 189 of 2001); section repealed as per F-note above.
- E9** Previous affecting provision: power pursuant to section exercised (2.05.2001) by *Wireless Telegraphy (Uhf Television Programme Retransmission) (Amendment) Regulations 2001* (S.I. No. 190 of 2001); section repealed as per F-note above.
- E10** Previous affecting provision: power pursuant to section exercised (1.02.2001) by *Wireless Telegraphy (Teleport Facility) Regulations 2001* (S.I. No. 18 of 2001), in effect as per reg. 1(2); revoked (1.01.2008) by *Wireless Telegraphy (Fixed Satellite Earth Stations and Teleport Facility) Regulations 2007* (S.I. No. 295 of 2007), reg. 9(1), in effect as per reg. 1(2), subject to transitional provision in reg. 9(2).
- E11** Previous affecting provision: power pursuant to section exercised (5.09.2000) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Fixed Satellite Receiving Earth Stations) Order 2000* (S.I. No. 273 of 2000); section repealed as per F-note above.
- E12** Previous affecting provision: power pursuant to section exercised (1.09.2000) by *Wireless Telegraphy (Fixed Satellite Earth Stations) Regulations 2000* (S.I. No. 261 of 2000), in effect as per reg. 1(2); revoked (1.01.2008) by *Wireless Telegraphy (Fixed Satellite Earth Stations and Teleport Facility) Regulations 2007* (S.I. No. 295 of 2007), reg. 9(1), in effect as per reg. 1(2), subject to transitional provision in reg. 9(2).
- E13** Previous affecting provision: power pursuant to section exercised (16.06.2000) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Mobile Satellite Earth Stations For Satellite Personal Communication Systems Operating in Bands Below 1 Ghz (S-Pcs1 Ghz)) Order 2000* (S.I. No. 173 of 2000); section repealed as per F-note above.
- E14** Previous affecting provision: power pursuant to section exercised (23.12.1999) by *Wireless Telegraphy (Gsm and Tacs Mobile Telephony Licence) Regulations 1999* (S.I. No. 442 of 1999); section repealed as per F-note above.

- E15** Previous affecting provision: power pursuant to section exercised (8.11.1999) by *Wireless Telegraphy (Uhf Television Programme Retransmission) Regulations 1999* (S.I. No. 348 of 1999); section repealed as per F-note above.
- E16** Previous affecting provision: power pursuant to section exercised (8.11.1999) by *Wireless Telegraphy (Carrigaline Uhf Television Programme Retransmission) Regulations 1999* (S.I. No. 347 of 1999); section repealed as per F-note above.
- E17** Previous affecting provision: power pursuant to section exercised (10.09.1999) by *Wireless Telegraphy (Fixed Wireless Point To Multi-Point Access Licence) Regulations 1999* (S.I. No. 287 of 1999); section repealed as per F-note above.
- E18** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of (ii) Arcanet Suitcase Terminals) Order 1999* (S.I. No. 110 of 1999); revoked (13.08.2001) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001), art. 3 and sch. 1.
- E19** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat Mini-M Terminals For Land Mobile Applications) Order 1999* (S.I. No. 109 of 1999); revoked (13.08.2001) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001), art. 3 and sch. 1.
- E20** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Ermes Paging Receivers) Order 1999* (S.I. No. 108 of 1999); section repealed as per F-note above.
- E21** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Dcs 1800 Mobile Terminals) Order 1999* (S.I. No. 107 of 1999); section repealed as per F-note above.
- E22** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Ems-Mssat Terminals For Land Mobile Applications) Order 1999* (S.I. No. 106 of 1999); revoked (13.08.2001) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001), art. 3 and sch. 1.
- E23** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Ems-Prodac Terminals For Land Mobile Applications) Order 1999* (S.I. No. 105 of 1999); revoked (13.08.2001) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001), art. 3 and sch. 1.
- E24** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of (i) Arcanet Suitcase Terminals) Order 1999* (S.I. No. 104 of 1999); revoked (13.08.2001) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001), art. 3 and sch. 1.
- E25** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Omnitrac Terminals For The Euteltracs System) Order 1999* (S.I. No. 103 of 1999); revoked (13.08.2001) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001), art. 3 and sch. 1.
- E26** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat-M Terminals For Land Mobile Applications) Order 1999* (S.I. No. 102 of 1999); revoked (13.08.2001) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001), art. 3 and sch. 1.

- E27** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat-C Terminals For Land Mobile Applications) Order 1999* (S.I. No. 101 of 1999); revoked (13.08.2001) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001), art. 3 and sch. 1.
- E28** Previous affecting provision: power pursuant to section exercised (21.04.1999) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Inmarsat-D Terminals For Land Mobile Applications) Order 1999* (S.I. No. 100 of 1999); revoked (13.08.2001) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Certain Classes of Land Mobile Earth Stations) Order 2001* (S.I. No. 398 of 2001), art. 3 and sch. 1.
- E29** Previous affecting provision: power pursuant to section exercised (25.03.1999) by *Wireless Telegraphy (Programme Services Distribution) Regulations 1999* (S.I. No. 73 of 1999); revoked (5.11.2003) by *Wireless Telegraphy (Multipoint Microwave Distribution System) Regulations 2003* (S.I. No. 529 of 2003), reg. 21.
- E30** Previous affecting provision: power pursuant to section exercised (11.11.1998) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Citizens' Band (Cb) Radios) Order 1998* (S.I. No. 436 of 1998); section repealed as per F-note above.
- E31** Previous affecting provision: power pursuant to section exercised (24.06.1998) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Satellite Earth Stations For Satellite Personal Communication Services (S-Pcs)) Order 1998* (S.I. No. 214 of 1998); section repealed as per F-note above.
- E32** Previous affecting provision: reference in subsection (10) construed (8.04.1998) by *European Communities (Telecommunications Licences) Regulations 1998* (S.I. No. 96 of 1998); section repealed as per F-note above.
- E33** Previous affecting provision: power pursuant to section exercised (1.04.1998) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Short Range Business Radios) Order 1998* (S.I. No. 93 of 1998); section repealed as per F-note above.
- E34** Previous affecting provision: power pursuant to section exercised (21.11.1997) by *Wireless Telegraphy (Gsm and Tacs Mobile Telephony Licence) Regulations 1997* (S.I. No. 468 of 1997); section repealed as per F-note above.
- E35** Previous affecting provision: power pursuant to section exercised (1.10.1997) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Cordless Telephones) Order 1997* (S.I. No. 410 of 1997); section repealed as per F-note above.
- E36** Previous affecting provision: power pursuant to section exercised (1.10.1997) by *Wireless Telegraphy Act 1926 (Section 3) (Exemption of Mobile Telephones) Order 1997* (S.I. No. 409 of 1997); section repealed as per F-note above.

Staff and other resources.

5.—F6[...]

Annotations

Amendments:

- F6** Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002, art. 2.

Editorial Notes:

- E37** Previous affecting provision: functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9; section repealed as per F-note above. The transfer of functions appears to have been made after repeal of the section.

Levies and fees. **6.—F7[...]**

Annotations**Amendments:**

- F7** Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002, art. 2.

Editorial Notes:

- E38** Previous affecting provision: power pursuant to section exercised (29.11.2002 for period 1.07.2002 to 30.06.2003) by *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Postal Levy No. 3 Order 2002* (S.I. No. 549 of 2002); revoked (1.01.2004) by *Communications Regulation Act 2002 (Section 30) Postal Levy Order 2003* (S.I. No. 733 of 2003), reg. 9.
- E39** Previous affecting provision: power pursuant to section exercised (24.10.2001 for period 1.07.2001 to 31.12.2001) by *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Postal Levy No. 2 Order 2001* (S.I. No. 474 of 2001); section revoked as per F-note above.
- E40** Previous affecting provision: power pursuant to section exercised (22.06.2001 for year ending 30.06.2001) by *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Postal Levy Order 2001* (S.I. No. 282 of 2001); section revoked as per F-note above.
- E41** Previous affecting provision: section amended (27.09.2000) by *European Communities (Postal Services) Regulations 2000* (S.I. No. 310 of 2000), re. 4(2)(a); section repealed as per F-note above.
- E42** Previous affecting provision: subs. (7) inserted (27.09.2000) by *European Communities (Postal Services) Regulations 2000* (S.I. No. 310 of 2000), re. 4(2)(b); section repealed as per F-note above.
- E43** Previous affecting provision: power pursuant to section exercised (29.06.1998) by *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Levy Amendment Order 1998* (S.I. No. 229 of 1998); section repealed as per F-note above.
- E44** Previous affecting provision: power pursuant to section exercised (1.04.1998) by *Telecommunications (Miscellaneous Provisions) Act 1996 (Section 6) Levy Order 1998* (S.I. No. 43 of 1998), in effect as per art. 1(2); revoked (25.07.2003) by *Communications Regulation Act 2002 (Section 30) Levy Order 2003* (S.I. No. 346 of 2003), reg. 9, in effect as per art. 1(2).

Tariff regulation. **7.—(1)** In this section—

“basket of telecommunications services” means any telecommunications service or a grouping of such services as prescribed by order made from time to time by F8[**the Commission**] in accordance with this Act for the purpose of regulating charges for those services;

“price cap” means an overall limit on the annual percentage change in charges that can be imposed for any basket of telecommunications services, provided by any provider of telecommunications services, which is calculated in accordance with the following formula:

“overall limit” = $(\Delta \text{ CPI}) - X$, where:

“ $(\Delta \text{ CPI})$ ” means the annual percentage change in the CPI;

“CPI” means the consumer price index number as compiled by the Central Statistics Office;

“X” means the adjustment specified by F8[the Commission];

“telecommunications service” includes—

(a) any communication service or combination of such services of any kind, whether delivered by wire, radio, fibre optics or any other means, and

(b) all connections, equipment, facilities, apparatus or other delivery or receipt mechanisms within a connected system or network or individually operated to furnish such services or the making available of such connections, equipment, facilities, apparatus or other delivery or receipt mechanisms individually or collectively.

(2) Subject to subsection (3), F8[the Commission] may make an order specifying—

(a) a price cap in respect of one or more than one basket of telecommunications services, and

(b) any restrictions or adjustments that may apply to each such basket or baskets or to the price cap formula concerned.

(3) An order under this section shall not be made unless F8[the Commission] is of the opinion that—

(a) there is no competition in the market for the supply of the telecommunications services concerned, or

(b) the provider of the telecommunications services concerned holds a dominant position in the market for the supply of those services.

(4) For the purposes of this section, F8[the Commission] may request in writing a provider of telecommunications services to provide information to him or her about the services provided by that provider.

(5) F9[...]

(6) F9[...]

(7) F9[...]

(8) For the avoidance of doubt, where the value of a price cap is negative that value shall represent the minimum percentage reduction which shall take place in charges that can be imposed for any basket of telecommunications services provided by any provider of telecommunications services.

Annotations

Amendments:

F8 Substituted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 4(2) and sch. 1 part 10, item 2(a), S.I. No. 224 of 2007.

F9 Repealed (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 4(2) and sch. 1 part 10, item 2(b), S.I. No. 224 of 2007.

Modifications (not altering text):

- C3** Functions under section (other than subs. (5)) transferred from the Director to the Commission (15.05.2007) by *Communications Regulation Act 2002* (20/2002), s. 9 and sch. 1 part 1 item 9, as substituted by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 18, S.I. No. 224 of 2007.

Transfer of functions.

9.—(1) On the establishment day there is transferred to the Commission the functions of the Director by or under—

- (a) each of the provisions mentioned in column (3) of Part 1 of Schedule 1 of the enactments mentioned in column (2) of that Part opposite the mention of that provision, and

...

(4) Reference in a transferred function to the Director or the Minister (construed by virtue of section 4 of the Act of 1996 as a reference to the Director) shall, from the establishment day, be construed as a reference to the Commission.

[SCHEDULE 1

Related Enactments for the Purposes of this Act

PART 1

Acts

...

- (9) the Telecommunications (Miscellaneous Provisions) Act 1996, sections 1 and 7 (subsection (5) excepted).

...]

Editorial Notes:

- E45** Power pursuant to subs. (2) exercised (1.10.2007) by *Telecommunications Tariff Regulation (Revocation) Order 2007* (S.I. No. 665 of 2007), in effect as per art. 1(2), subject to transitional provision in art. 4.
- E46** Previous affecting provision: power pursuant to subs. (2) exercised (4.02.2003) by *Telecommunications Tariff Regulation Order 2003* (S.I. No. 31 of 2003), in effect as per art. 1(2); revoked (1.10.2007) by *Telecommunications Tariff Regulation (Revocation) Order 2007* (S.I. No. 665 of 2007), art. 3, in effect as per art. 1(2), subject to transitional provision in art. 4.
- E47** Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2000) by *Telecommunications Tariff Regulation (Modification) Order 1999* (S.I. No. 438 of 1999), in effect as per art. 1(2); revoked (4.02.2003) by *Telecommunications Tariff Regulation Order 2003* (S.I. No. 31 of 2003), art. 1(3).
- E48** Previous affecting provision: directions for carrying out functions under section provided (25.03.1999) by *European Communities (Voice Telephony and Universal Service) Regulations 1999* (S.I. No. 71 of 1999), reg. 8(3); revoked (25.07.2003) by *European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2003* (S.I. No. 307 of 2003), reg. 38(3)(g), in effect as per reg. 1(2).
- E49** Previous affecting provision: power pursuant to section exercised (1.01.1997) by *Telecommunications Tariff Regulation Order 1996* (S.I. No. 393 of 1996), in effect as per art. 1(2); revoked (4.02.2003) by *Telecommunications Tariff Regulation Order 2003* (S.I. No. 31 of 2003), art. 1(4).

Issue of shares,
etc.

8.—(1) Notwithstanding any provision of the Principal Act—

(a) F10[...]

F11[(aa) The Minister may not dispose of any shares in the company other than as provided for in subsection (3)(a) without the general principles of the sale being laid before and approved by Dáil Éireann.]

(b) subject to subsection (2), the Minister or the Minister for Finance may buy, sell or otherwise transfer shares in the company.

(2) (a) F10[...]

(b) The Minister or the Minister for Finance may subscribe for further shares in the company to an amount not exceeding £100,000,000.

(c) All moneys required by the Minister for Finance or by the Minister with the consent of the Minister for Finance to meet sums payable by those Ministers in accordance with this section shall be paid out of the Central Fund or the growing produce thereof.

(3) F10[...]

Annotations

Amendments:

F10 Repealed (9.04.1999) by *Postal and Telecommunications Services (Amendment) Act 1999* (5/1999), s. 3(1) and sch. 1, S.I. No. 87 of 1999.

F11 Inserted (9.04.1999) by *Postal and Telecommunications Services (Amendment) Act 1999* (5/1999), s. 2, S.I. No. 87 of 1999.

Modifications (not altering text):

C4 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9, and subject to the repeal of subs. (1)(a), (2)(a) and (3) as per F-note above.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments		
Number and Year (1)	Short Title (2)	Provision (3)
...
No. 34 of 1996	Telecommunications (Miscellaneous Provisions) Act 1996	Sections 5, 8 (1)(b), 8(2)(a), (b) and (c), 8(3)(b), 9(1), (2)(b) and (3)
...

Miscellaneous agreements.

9.—(1) F12[Subject to *subsection (2)*, the Minister with the consent of the Minister for Finance may enter into one or more agreements in connection with the sale or issue of equity in the company or enter into one or more agreements in connection with both the sale and issue of equity in the company.]

(2) Any agreement entered into pursuant to *subsection (1)* may include—

(a) provisions relating to—

- (i) amendments to the memorandum and articles of association of the company,
- (ii) directors,
- (iii) shareholders,
- (iv) voting rights,
- (v) dividend policy,
- (vi) investments,
- (vii) representations, warranties and indemnities, and
- (viii) restrictions on the alienability of shares;

and

(b) such other matters as the Minister with the consent of the Minister for Finance may from time to time consent to F13[, including customary provisions contained in an underwriting agreement].

(3) F14[Section 60 of the Companies Act, 1963, shall not apply to any representation made or warranty or indemnity given by the company or any subsidiary thereof (within the meaning of section 155(1) of the Companies Act, 1963), or any financial obligations undertaken in relation thereto by the company, in connection with the issue by the company or the sale or transfer by any shareholder of shares in the company pursuant to an agreement under *subsection (1)* entered into by the Minister, with the consent of the Minister for Finance.]

F15[(4) Notwithstanding *subsection (13)(b)* of section 60 of the Companies Act, 1963, section 60 of that Act shall not apply to the provision, whether directly or indirectly, by the company or any subsidiary thereof (within the meaning of section 155(1) of the Companies Act, 1963) of money or a financial arrangement including a loan, guarantee, the provision of security or otherwise in connection with the purchase of, or subscription for, shares in the company by an employee share ownership trust established by the company, or the transfer thereto of such shares, irrespective of whether or not all or a portion of such shares are pledged as security or otherwise to any third party.]

Annotations**Amendments:**

- F12** Substituted (3.04.1999) by *Postal and Telecommunications Services (Amendment) Act 1999* (5/1999), s. 9(a), S. I. No. 87 of 1999.
- F13** Inserted (3.04.1999) by *Postal and Telecommunications Services (Amendment) Act 1999* (5/1999), s. 9(b), S. I. No. 87 of 1999.
- F14** Substituted (3.04.1999) by *Postal and Telecommunications Services (Amendment) Act 1999* (5/1999), s. 9(c), S. I. No. 87 of 1999.
- F15** Inserted (3.04.1999) by *Postal and Telecommunications Services (Amendment) Act 1999* (5/1999), s. 9(c), S. I. No. 87 of 1999.

Modifications (not altering text):

- C5** Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 34 of 1996	Telecommunications (Miscellaneous Provisions) Act 1996	Sections 5, 8 (1)(b), 8(2)(a), (b) and (c), 8(3)(b), 9(1), (2)(b) and (3)
...

Annotations**Amendments:**

F16 Repealed (9.04.1999) by *Postal and Telecommunications Services (Amendment) Act 1999* (5/1999), s. 3(1) and sch. 1, S.I. No. 87 of 1999, subject to transitional provision in subs. (6).

Editorial Notes:

E50 Previous affecting provision: power pursuant to subs. (3) exercised (20.12.1996) by *Telecommunications (Miscellaneous Provisions) Act 1996 (Expiration of Terms of Office) Order 1996* (S.I. No. 409 of 1996); section repealed as per F-note above.

Amendment of
Principal Act.

11.—F17[...]

Annotations**Amendments:**

F17 Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002, art. 2.

Authorised officers.

F18[12.—(1) The Commission may appoint persons to be authorised officers for the purposes of this section.

(2) The Commission shall provide each person appointed under *subsection (1)* with a certificate of appointment.

(3) When exercising a power conferred by this section, an authorised officer shall, if asked to do so by the person in relation to whom the power is being exercised, produce the certificate to the person for inspection.

(4) For the purposes of obtaining information necessary for the performance of the Commission's functions under this Act, an authorised officer may do all or any of the following:

- (a) enter at any time the premises of a provider of telecommunications services for the purpose of exercising powers conferred by this section;
- (b) require any provider of telecommunications services to produce records relating to the provision of telecommunications services that are within the provider's power or control and to provide the officer with such information as the officer may reasonably require in relation to any entries in the records;
- (c) inspect or take copies of any such records or any of their contents;
- (d) require a provider of telecommunications services mentioned in paragraph (a) to provide the officer with such information as the officer may reasonably require with respect to the provision of telecommunications services;
- (e) make such inspections, tests and measurements of machinery, apparatus and other equipment on the premises as the officer considers appropriate.]

Annotations**Amendments:**

F18 Substituted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 4(2) and sch. 1 part 10, item 3, S.I. No. 224 of 2007.

Editorial Notes:

E51 Previous affecting provisions: section repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002; superseded as per F-note above.

E52 Previous affecting provision: section amended (27.09.2000) by *European Communities (Postal Services) Regulations 2000* (S. I. No. 310 of 2000), reg. 4(2)(c); section repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002.

E53 Previous affecting provision: application of section extended (31.07.1997) by *European Communities (Telecommunications Infrastructure) Regulations 1997* (S. I. No. 338 of 1997), reg. 9(3); section repealed (1.12.2002) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002.

Offences.

13.—F19[(1) A person who fails to comply with—

(a) an order under section 7(2), or

(b) a request under section 7(4),

is guilty of an offence.

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding €3,000, or

(b) on conviction on indictment, to a fine not exceeding €1,000,000.]

(3) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person, being a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(4) Summary proceedings for an offence under this Act may be brought and prosecuted by the Director.

(5) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be brought within 12 months from the date of the offence.

Annotations**Amendments:**

F19 Substituted (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 46, S.I. No. 510 of 2002.

Repeals.

14.—F20[...]

Annotations**Amendments:**

- F20** Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002.

Laying of orders, **15.**—Every order made under this Act (other than an order made under *section 7* or under *section 17 (2)*) shall, as soon as may be after it is made, be laid before each of the Houses of the Oireachtas and if a resolution annulling the order is passed by either such House within the next subsequent 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything done thereunder.

Expenses. **16.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title and commencement. **17.**—(1) This Act may be cited as the Telecommunications (Miscellaneous Provisions) Act, 1996.

(2) Subject to *subsection (3)*, this Act shall come into operation on such day or days as, by order or orders of the Minister under this section, may be appointed therefor either generally or with reference to any particular purpose or provision, and different days may also be appointed for different purposes and different provisions of this Act.

(3) This Act shall come into operation 90 days following its passing unless an order or orders has or have been made under *subsection (2)*.

Annotations**Editorial Notes:**

- E54** Power pursuant to section exercised (30.06.1997) by *Telecommunications (Miscellaneous Provisions) Act, 1996 (Commencement) (No. 3) Order 1997* (S.I. No. 110 of 1997), art. 3.

3. The 30th day of June, 1997, is hereby appointed as the day on which sections 3, 4, 5, 6, 12, 13 (1) (paragraphs (a), (d) and (e)) and (4), 14 (1) (in respect of the provisions of the Wireless Telegraphy Act, 1926, mentioned in column (3) of Part I of the Third Schedule to the Act) of the Act shall come into operation.

- E55** Power pursuant to section exercised (10.03.1997) by *Telecommunications (Miscellaneous Provisions) Act, 1996 (Commencement) (No. 2) Order 1997* (S.I. No. 109 of 1997), art. 3.

3. The 10th day of March, 1997, is hereby appointed as the day on which section 2 and the First Schedule of the Act shall come into operation.

- E56** Power pursuant to section exercised (7.02.1997) by *Telecommunications (Miscellaneous Provisions) Act, 1996 (Commencement) Order 1997* (S.I. No. 72 of 1997), art. 3.

3. The 7th day of February, 1997, is hereby appointed as the day on which section 14 (2) of the Act shall come into operation.

- E57** Power pursuant to section exercised (19.12.1996) by *Telecommunications (Miscellaneous Provisions) Act, 1996 (Commencement) (No. 2) Order 1996* (S.I. No. 402 of 1996), art. 3.

3. The 19th day of December, 1996, is hereby appointed as the day on which sections 8, 9, 10(4) to (11) and 14(1)(other than the provisions of the Wireless Telegraphy Act, 1926, and sections 46(10) and 90(2) of the Postal and Telecommunications Services Act, 1983, mentioned in column (3) of Part I of the Third Schedule to the Act) of the Act shall come into operation.

E58 Power pursuant to section exercised (16.12.1996 and 1.01.1997) by *Telecommunications (Miscellaneous Provisions) Act, 1996 (Commencement) Order 1996* (S.I. No. 385 of 1996), arts. 3 and 4.

3. The 16th day of December, 1996, is hereby appointed as the day on which sections 1,7, 10(1), (2) and (3), 11, 13(1)(other than paragraphs (a), (d) and (e)), (2), (3) and (5), 14(1)(in respect of section 46(10) of the Postal and Telecommunications Services Act, 1983, mentioned in column (3) of Part I of the Third Schedule to the Act), 15, 16 and 17 of the Act shall come into operation.

4. The 1st day of January, 1997, is hereby appointed as the day on which section 14(1)(in respect of section 90(2) of the Postal and Telecommunications Services Act, 1983, mentioned in column (3) of Part I of the Third Schedule to the Act) of the Act shall come into operation.

Section 2.

FIRST SCHEDULE

OFFICE OF DIRECTOR OF TELECOMMUNICATIONS REGULATION

Annotations**Amendments:**

- F21** Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002.

Modifications (not altering text):

- C6** Schedule amended (6.10.2004) by *Public Service Management (Recruitment and Appointments) Act 2004* (33/2004), s. 61 and sch. 2, part 1, commenced on enactment; schedule previously repealed as per F-note above.

Repeals, revocations and amendments.

61.—(1) The Acts referred to in the first and second columns of *Part 1* of *Schedule 2* are amended or repealed to the extent specified in the third column of that Part opposite the references to the Act concerned.

PART 1

REPEALS AND AMENDMENTS TO ACTS

Number and Year	Short Title	Amendment
No. 34 of 1996	Telecommunications (Miscellaneous Provisions) Act 1996	First Schedule: In paragraph 11, to delete "the Civil Service Commissioners Act, 1956," and substitute " <i>Public Service Management (Recruitment and Appointments) Act 2004</i> ".

Section 4 (2).

SECOND SCHEDULE

TRANSFER OF FUNCTIONS FROM MINISTER TO DIRECTOR

PART I

ACTS UNDER WHICH FUNCTIONS ARE TRANSFERRED

Annotations**Amendments:**

- F22** Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002.

PART II

STATUTORY INSTRUMENTS UNDER WHICH FUNCTIONS ARE TRANSFERRED

Annotations**Amendments:**

- F22** Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002.

Section 14.

THIRD SCHEDULE

REPEALS

PART I

Annotations**Amendments:**

- F23** Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002.

PART II

Annotations**Amendments:**

- F23** Repealed (1.12.2002, establishment day) by *Communications Regulation Act 2002* (20/2002), s. 38, S.I. No. 510 of 2002.

ACTS REFERRED TO

Broadcasting Act, 1990	1990, No. 24
Broadcasting and Wireless Telegraphy Act, 1988	1988, No. 19
Broadcasting Authority Act, 1960	1960, No. 10
Broadcasting Authority (Amendment) Act, 1976	1976, No. 37
Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulation Acts, 1956 and 1958	
Companies Act, 1963	1963, No. 33
Companies Acts, 1963 to 1990	
European Assembly Elections Act, 1977	1977, No. 30
European Parliament Elections Act, 1993	1993, No. 30

Finance Act, 1985	1985, No. 10
Irish Aviation Authority Act, 1993	1993, No. 29
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict., c. 93
Postal and Telecommunications Services Act, 1983	1983, No. 24
Public Offices Fees Act, 1879	1879, c. 58
Radio and Television Act, 1988	1988, No. 20
Wireless Telegraphy Act, 1926	1926, No. 45
Wireless Telegraphy Act, 1972	1972, No. 5
Worker Participation (State Enterprises) Act, 1977	1977, No. 6
Worker Participation (State Enterprises) Acts, 1977 and 1988	