



Number 45 of 1926

WIRELESS TELEGRAPHY ACT 1926

REVISED

Updated to 29 July 2024

This Revised Act is an administrative consolidation of the *Wireless Telegraphy Act 1926*. It is prepared by the Law Reform Commission in accordance with its function under the *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 the *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024 (30/2024)*, enacted 23 July 2024, and all statutory instruments up to and including the *Wireless Telegraphy (Liberalised Use and Preparatory Licences in the 800 MHz, 900 MHz and 1800 MHz Bands) (Amendment) Regulations 2024 (S.I. No. 380 of 2024)*, made 29 July 2024, were considered in the preparation of this Revised Act.

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ARRANGEMENT OF SECTIONS

PRELIMINARY.

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ACTS REFERRED TO

Courts of Justice Act 1924
Courts of Justice Act 1926

No. 10 of 1924
No. 1 of 1926



Number 45 of 1926

WIRELESS TELEGRAPHY ACT 1926

REVISED

Updated to 29 July 2024

AN ACT TO MAKE PROVISION FOR THE REGULATION AND CONTROL OF WIRELESS TELEGRAPHY ON LAND, AT SEA, AND IN THE AIR, AND FOR THE REGULATION AND CONTROL OF CERTAIN CLASSES OF VISUAL AND SOUND SIGNALLING STATIONS, AND FOR THE ESTABLISHMENT AND MAINTENANCE OF STATE BROADCASTING STATIONS, AND TO PROVIDE FOR OTHER MATTERS RELATING TO WIRELESS TELEGRAPHY, SIGNALLING, AND BROADCASTING RESPECTIVELY. [24th December, 1926.]

BE IT ENACTED BY THE OIREACTHAS OF F1[THE STATE] AS FOLLOWS:—

PRELIMINARY.

Short title. 1.—This Act may be cited as the Wireless Telegraphy Act 1926.

Definitions. 2.—In this Act—

F2[except as provided by *section 9*, "appropriate authority"—

(a) in relation to wireless telegraphy apparatus in ships and vessels associated with safety and security on board them and their operation (including the certificates of competency for the operation of apparatus for wireless telegraphy on ships and vessels), means the Minister for Transport, and

(b) in relation to any other matter, means the Commission;]

F3[the expression "the Commission" means the Commission for Communications Regulation established by Part 2 of the Communications Regulation Act 2002;]

the expression "the Minister" means the Minister for Posts and Telegraphs;

the expression F4["wireless telegraphy" means the emitting and receiving, or emitting only or receiving only, over paths which are not provided by any material substance constructed or arranged for that purpose, of electric, magnetic or electromagnetic energy of a frequency not exceeding 3 million megahertz, whether or not such energy serves the conveying (whether they are actually received or not) of communications, sounds, signs, visual images or signals, or the actuation or control of machinery or apparatus];

F4["apparatus for wireless telegraphy" means apparatus capable of emitting and receiving, or emitting only or receiving only, over paths which are not provided by any material substance constructed or arranged for that purpose, electric, magnetic or electro-magnetic energy, of a frequency not exceeding 3 million megahertz, whether or not such energy serves the conveying (whether they are actually received or not)

of communications, sounds, signs, visual images or signals, or the actuation or control of machinery or apparatus, and includes any part of such apparatus, or any article capable of being used as part of such apparatus, and also includes any other apparatus which is associated with, or electrically coupled to, apparatus capable of so emitting such energy];

the word F5["broadcast" means the transmission, relaying or distributing by wireless telegraphy of communications, sounds, signs, visual images or signals, intended for direct reception by the general public whether such communications, sounds, signs, visual images or signals are actually received or not;]

the expression "broadcasting station" means a building or other place fitted and equipped for broadcasting F6[or for repeating broadcasting];

F7[...]

the expression "signalling station" means any fixed or not easily movable apparatus for signalling by means of visible signals or for signalling by means of audible signals.

F8["television set" has the meaning assigned to it by section 140 of the Broadcasting Act 2009.]

F9["daa" means daa, public limited company;]

F9["Dublin Airport" has the same meaning as it has in the State Airports Act 2004 (No. 32 of 2004);]

F9["UAS" means unmanned aircraft system;]

F9["unmanned aircraft system" means an unmanned aircraft and the equipment to control it remotely, including any electronic device;]

F9["radio frequency jammer" means a device constructed, adapted or intended to be used to prevent the reception of radio transmissions by a receiver relevant to its function;]

F10[For the purposes of this Act, any apparatus which—

(a) is electrically coupled to wirele telegraphy apparatus, and

(b) is used in receiving and conveying messages, sounds or visual images sent by wireless telegraphy, shall be regarded as being wireless telegraphy apparatus.]

F11[Minister for Transport to consult other authorities before making regulations or orders.

2A.—(1) The Minister for Transport may make regulations or orders under this Act only after having consulted the Commission and the Minister for Communications, Marine and Natural Resources.

(2) Regulations or orders made in contravention of *subsection (1)* have no effect.]

PART I.

WIRELESS TELEGRAPHY AND SIGNALLING.

Restrictions on possession of wireless telegraphy apparatus.

3.—(1) Subject to the exceptions hereinafter mentioned, no person shall keep or have in his possession anywhere in F12[the State] or in any ship or aircraft to which this section applies any apparatus for wireless telegraphy save in so far as such keeping or possession is authorised by a licence granted under this Act and for the time being in force.

(2) No person having possession of apparatus for wireless telegraphy under a licence granted under this Act shall F13[instal, maintain, work or use] such apparatus

otherwise than in accordance with the terms and conditions subject to which such licence is F13[expressly, or is by virtue of this Act deemed to have been,] granted.

F14[(3) A person who keeps, has in his or her possession, installs, maintains, works or uses any apparatus (other than a television set) in contravention of this section commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €250,000.]

F15[(3A) (a) Where a person is convicted on indictment of an offence under this section, the interest of the person, whether as owner or otherwise, in the following apparatus shall stand forfeited as a statutory consequence of conviction:

(i) in case the apparatus in respect of which the offence was committed is a wired broadcast relay station, the part or parts thereof comprised in the station between the station's initial point of reception of television programmes, sound programmes or television programmes and sound programmes, as the case may be, and the point at which such programmes are fed into the station's trunk cable for conveyance by wire,

(ii) in case the apparatus in respect of which the offence was committed is not a wired broadcast relay station, the apparatus in respect of which the offence was committed.

(b) In this subsection—

"service point" means a point in a premises or part of a premises which is connected by wire to a wired broadcast relay station and to which television programmes, sound programmes or both television programmes and sound programmes are conveyed by the wire for reception on wireless telegraphy apparatus in the possession of the occupier of the premises or part;

"wired broadcast relay station" means wireless telegraphy apparatus capable of receiving television programmes, sound programmes or both television programmes and sound programmes by means of wireless telegraphy and then conveying the programmes by wire for reception on wireless telegraphy apparatus, and includes any aerials and the wires connected to any service point served by such station.]

F15[(3B) Where anything is, as a statutory consequence of conviction, forfeited under this section, the Minister may direct that such thing shall be destroyed or be sold or otherwise disposed of in such manner as he thinks fit.]

F15[(3C) Where the Minister, in pursuance of *subsection (3B)* of this section, directs a thing to be sold, the net proceeds of the sale shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.]

(4) Apparatus for wireless telegraphy affixed to a ship to which this section applies or kept in any such ship for the use or general purposes of the ship in contravention of this section shall, for the purposes of a prosecution under this section, be deemed to be kept by and in the possession of the master of such ship and also to be kept by and in the possession of the owner of such ship.

(5) Subject to the exceptions hereinafter mentioned this section applies to—

(a) every ship registered in F12[the State], and

(b) every unregistered ship or other vessel which is usually kept in or which frequents the waters (whether inland or territorial) of F12[the State], and

(c) every ship or vessel not coming within either of the foregoing paragraphs which is for the time being in the waters (whether inland or territorial) of

F12[the State] and in respect of which no licence then in force for the possession or working of apparatus for wireless telegraphy has been granted in any other country or state, and

- (d) every aircraft owned by a person who, in the case of an individual, has his usual place of residence in F12[the State] or, in the case of an association, company, or other body (whether corporate or incorporate), has its principal office in F12[the State], and
- (e) every aircraft not coming within the foregoing paragraph which is for the time being in or over F12[the State] or the waters thereof and in respect of which no licence then in force for the possession or working of apparatus for wireless telegraphy has been granted in any other country or state.

F16[(6) This section shall not apply to apparatus for wireless telegraphy which is—

- (a) of a class or description for the time being declared by an order of F17[the appropriate authority] (which may be revoked or amended by a further order) to be a class or description of apparatus for wireless telegraphy to which this section is not to apply,
- (b) kept by or in the possession of the Minister for Defence for the purposes of the Defence Forces, or
- (c) in any ship of war belonging to the State or any other country or state.]

(7) For the purposes of this section the expression “unregistered ship or other vessel” means a ship or other vessel which is not registered under the laws for the time being in force in relation to the registration of ships in F12[the State] or any other country or state.

F18[Regulation of local programmes for distribution on cable systems.

3A.—F19[...]

Restrictions on maintenance of signalling stations.

4.—(1) No person shall maintain a signalling station which is intended to be used or is capable of being used for the purpose of communication with ships at sea save in so far as such maintenance is authorised by a licence granted under this Act and for the time being in force.

(2) No person shall work or use any such signalling station as aforesaid the maintenance of which is not authorised by a licence granted under this Act and for the time being in force nor shall any person work or use any such signalling station in any manner contrary to the licence granted under this Act in respect thereof.

(3) Every person who maintains, works, or uses any such signalling station as aforesaid in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds together with, in the case of a continuing offence, a further fine not exceeding one pound for every day during which the offence continues.

(4) Nothing in this section shall apply to any signalling station maintained under Lloyd's Signal Station Act 1888 or maintained by or under the control of the Minister for Industry and Commerce or the Commissioners of Irish Lights or any person having by law authority over local lighthouses, buoys, and beacons.

F20[Grant of licences.

5.— (1) The appropriate authority may, subject to this Act and on payment of the prescribed fee (if any) grant to any person a licence to keep and have possession of apparatus for wireless telegraphy in any specified place in the State or to keep and

have possession of apparatus for wireless telegraphy in any specified ship or other vessel or aircraft.

(2) Every licence granted under this section shall be in such form, continue in force for such period and be subject to such conditions and restrictions (including conditions as to suspension and revocation) as shall be prescribed in regard to it by regulations made by the appropriate authority under *section 6*.

(3) Where it appears appropriate to the appropriate authority, it may, in the interests of the efficient and orderly use of wireless telegraphy, limit the number of licences for any particular class or classes of apparatus for wireless telegraphy granted under this section.

(4) This section does not apply to television sets.

(5) For the purposes of this Act and any regulations under *section 6*, a vehicle is itself deemed to be a place separate and distinct from the premises in which the vehicle is ordinarily kept, and place and specified place shall in this Act and in any such regulations be read accordingly.]

F21 [Regulations in regard to licences.

6.— (1) The appropriate authority may make regulations prescribing in relation to all licences granted by it under *section 5* or any particular class or classes of such licences all or any of the matters following that is to say—

- (a) the form of such licences,
- (b) the period during which such licences continue in force,
- (c) the manner in which, the terms on which, and the period or periods for which such licences may be renewed,
- (d) the circumstances in which or the terms under which such licences are granted,
- (e) the circumstances and manner in which such licences may be suspended or revoked by that authority,
- (f) the terms and conditions to be observed by the holders of such licences and subject to which such licences are deemed to be granted,
- (g) the fees to be paid on the application, grant or renewal of such licences or classes of such licences, subject to such exceptions as the appropriate authority may prescribe, and the time and manner at and in which such fees are to be paid,
- (h) matters which such licences do not entitle or authorise the holder to do.

(2) Regulations made under this section may authorise and provide for the granting of a licence under *section 5* subject to special terms, conditions, and restrictions to any person who satisfies the appropriate authority that the person requires the licence solely for the purpose of conducting experiments in wireless telegraphy.

(3) If it appears to be expedient to the appropriate authority to do so it may by instrument in writing recognise as valid a licence issued by another country or state in respect of a class or classes of apparatus for wireless telegraphy subject to such conditions or restrictions as to the use of such apparatus as that authority sees fit.

(4) (a) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made.

(b) Either House of the Oireachtas may, within 21 sitting days after the day on which a regulation was laid before it in accordance with *paragraph (a)*, pass a resolution annulling the regulation.

- (c) The annulment under *paragraph (b)* of a regulation takes effect immediately on the passing of the resolution concerned, but does not affect anything that was done under it before the passing of the resolution.]

F22 [Obligation to furnish certain information.

7.— (1) The appropriate authority may, whenever it considers it appropriate to do so, serve on a person a special notice, accompanied by or including a form of declaration, requiring the person—

- (a) to state on the form of declaration such one or more of the matters specified in *subsection (2)* as is specified in the notice,
- (b) to complete and sign the declaration, and
- (c) to give or send the completed declaration by post to a specified officer of that authority.

The special notice is required to be in writing and to be sent by registered post.

(2) The matters which a person may be required under this section to state in a declaration are—

- (a) whether he or she does or does not keep or has or has not in his or her possession any apparatus for wireless telegraphy (other than television sets),
- (b) if he or she keeps or has in his or her possession any such apparatus, the nature of such apparatus, the name and address of the person by whom such apparatus was sold, let, hired or otherwise supplied to him or her and the place at which he or she keeps or has the same,
- (c) whether he or she has or has not a licence granted under *section 5* and then in force,
- (d) if he or she has such a licence, the number, date, and office of issue of such licence,
- (e) any matter which the Commission may require for the purpose of an order under *section 5* of the Wireless Telegraphy Act 1972, and
- (f) any other matter relating to wireless telegraphy (other than television sets).

(3) Every person on whom a special notice is duly served under this section shall, within 14 days after service, duly and correctly complete in accordance with the notice and this section the form of declaration to the officer named in that behalf in the notice. If the person fails or neglects so to complete and give or send the declaration or makes in the declaration any statement which is to his or her knowledge false or misleading he or she commits an offence and is liable on summary conviction to a fine not exceeding €1,000.

(4) In a prosecution for an offence under *subsection (3)* in which it is shown that a specific notice has been sent by registered post, it shall be presumed, until the contrary is shown, that the person to whom the notice was sent has not complied with the requirements of that subsection.]

F23 [Issue of search warrants.

8.— (1) A judge of the District Court may, upon the information on oath of an officer of the appropriate authority or of a member of the Garda Síochána that there is reasonable ground for believing that apparatus for wireless telegraphy is being kept or is being worked or used at any specified place, specified vehicle or in any specified ship or other vessel in contravention of the Wireless Telegraphy Acts 1926 to 2009 or any regulation made or condition imposed under those Acts or the Broadcasting (Offences) Acts 1968 to 2009, issue to such officer or (with the consent of the appropriate authority) to such member of the Garda Síochána (as the case may be)

a search warrant which shall be expressed and shall operate to authorise the officer of that authority or member of the Garda Síochána to whom the same is granted—

- (a) to enter, within one month from the date of issue of the warrant, on production of the warrant, if so requested, and if need be by force, the place, vehicle, ship or other vessel named in the information,
- (b) there to search for apparatus for wireless telegraphy and to examine all such apparatus or any such vehicle found there, and
- (c) to seize and take away all or any part of such apparatus which appears to such officer or member to be kept, worked or used in contravention of the Wireless Telegraphy Acts 1926 to 2009 or any regulation made or condition imposed under those Acts or the Broadcasting (Offences) Acts 1968 to 2009.

(2) A search warrant granted under this section shall operate to authorise any one or more of the following, namely, any member of the Garda Síochána or officer of the appropriate authority or other person authorised by the person to whom the warrant is granted to accompany and assist him or her in the exercise of the powers conferred on him or her by the warrant.

(3) An officer of the appropriate authority may retain anything seized under this section which he or she believes to be evidence of any offence or suspected offence under the Wireless Telegraphy Acts 1926 to 2009 or the Broadcasting (Offences) Acts 1968 to 2009, for use as evidence in proceedings in relation to any such offence, for such period from the date of seizure as is reasonable, or, if proceedings are commenced in which the thing so seized is required for use in evidence, until the conclusion of the proceedings.

(4) The appropriate authority shall, as soon as may be after the conclusion of any proceedings, deliver any thing seized and retained under this section to the person who in its opinion is the owner of it, unless—

- (a) the appropriate authority decides it is unable to ascertain who owns the thing, in which case the Police (Property) Act 1897 applies to the thing so seized and retained, or
- (b) such delivery would result in a contravention of the Wireless Telegraphy Acts 1926 to 2009 or the Broadcasting (Offences) Acts 1968 to 2009, in which case the Police (Property) Act 1897 applies to the thing so seized and retained as though the appropriate authority could not ascertain the owner of the thing.

(5) (a) A person who by act or omission impedes or obstructs an officer of the appropriate authority or a member of the Garda Síochána or any other person in the exercise of a power conferred by a search warrant issued under this section commits an offence.

(b) A person who with intent to impede or obstruct an officer of the appropriate authority or a member of the Garda Síochána or any other person in the exercise of a power conferred by a search warrant issued under this section places, erects, installs, keeps or maintains any thing commits an offence.

(c) A person guilty of an offence under this subsection is liable on summary conviction to a fine not exceeding €2,000.]

F24 [Regulations as to wireless telegraphy in ships and aircraft.

9.— (1) The appropriate authority may make regulations in respect of all or any of the following matters, that is to say:

(a) requiring operators and other persons engaged in the working of apparatus for wireless telegraphy on—

(i) all or any ships registered under the Mercantile Marine Act 1955, or

- (ii) all or any classes or class of ships or vessels navigating or operating in the State,
 - to hold certificates of competency;
 - (b) requiring operators and other persons engaged in the working of apparatus for wireless telegraphy on all or any classes of aircraft owned or leased by persons in the State to hold certificates of competency;
 - (c) the grant and renewal of such certificates of competency, the terms and conditions on which such certificates will be granted, and the qualifications to be possessed and the examinations and other tests to be undergone by persons to whom such certificates are granted;
 - (d) the duration, revocation and suspension of certificates of competency granted under the regulations;
 - (e) the validity, duration, renewal, revocation, and suspension of certificates of competency granted otherwise than under the regulations whether by the appropriate authority or any other person;
 - (f) the fees to be charged for or in connection with the granting and renewal of any such certificates of competence as aforesaid and the collection and disposal of such fees;
 - (g) regulating and controlling the times and manner of working apparatus for wireless telegraphy in ships registered under the Mercantile Marine Act 1955 and, while they are in the State, ships registered outside the State and unregistered ships and other vessels;
 - (h) regulating and controlling the times and manner of working apparatus for wireless telegraphy in aircraft owned or leased by persons in the State and, while they are in or over the State or the territorial waters thereof, aircraft not so owned;
 - (i) giving effect to and securing compliance with the provisions (save in so far as the same relate to ships to which this section and regulations made under it do not apply) of any international convention in relation to wireless telegraphy entered into by the Government.
- (2) Regulations made under this section may—
- (a) provide that a breach or contravention of any specified such regulation shall be an offence, and
 - (b) in relation to convictions on indictment for such an offence, provide that the court by whom the defendant is convicted may order the interest of the defendant, whether as owner or otherwise, in all or any apparatus in respect of or by means of which the court is satisfied a breach or contravention of a specified such regulation was committed to be forfeited.
- (3) (a) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made.
- (b) Either House of the Oireachtas may, within 21 sitting days after the day on which a regulation was laid before it in accordance with *paragraph (a)*, pass a resolution annulling the regulation.
 - (c) The annulment under *paragraph (b)* of a regulation takes effect immediately on the passing of the resolution concerned, but does not affect anything that was done under it before the passing of the resolution.

(4) A person guilty of an offence by reason of a breach or contravention of a regulation specified, by virtue of *paragraph (a) of subsection (2)*, in regulations made under this section is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €250,000.

(5) For the purposes of this section—

(a) a ship is deemed to be navigating or operating in the State if it is usually kept in Irish waters (within the meaning of section 2 of the Maritime Safety Act 2005), and

(b) an aircraft is deemed to be owned or leased by a person in the State if but only if it is owned or leased by a person who—

(i) in the case of an individual, has his or her place of residence in the State, or

(ii) in the case of an association, company (within the meaning of the Companies Acts) or other body (whether corporate or unincorporate) has its principal office in the State.

(6) In this section, "appropriate authority"—

(a) in relation to apparatus for wireless telegraphy on ships or other vessels, means the Minister for Transport, and

(b) in relation to apparatus for wireless telegraphy on aircraft, means the Commission.]

Government control of wireless telegraphy, etc., in emergencies.

10.—(1) If at any time the Executive Council is of opinion that a national emergency has arisen of such character that it is expedient in the public interest that the Executive Council should have full control over the sending and receiving of messages, signals, and other communications by means of wireless telegraphy and of signalling stations capable of being used for communicating with ships at sea, the Executive Council may, if they so think fit, publish in the *Iris Oifigiúil* a notice declaring that such emergency has arisen.

(2) At any time during the continuance of any such emergency as aforesaid the Minister shall by order make such regulations as appear to the Executive Council to be necessary in the circumstances of such emergency with respect to the possession, sale, purchase, construction or use of apparatus for wireless telegraphy or for the generation and distribution of electro-magnetic radiation and of such signalling stations as aforesaid and apparatus for use therein.

F26[(3) Regulations made under this section may—

(a) provide that a breach or contravention of any specified such regulation shall be an offence,

(b) in relation to convictions on indictment for such an offence, provide that the court by whom the defendant is convicted may order the interest of the defendant, whether as owner or otherwise, in all or any apparatus in respect of or by means of which the court is satisfied a breach or contravention of a specified such regulation was committed to be forfeited.]

(4) Regulations made under this section shall continue in force for so long only as the emergency during which they are made continues, save that such regulations shall be deemed to continue in force after the termination of such emergency so far as may be necessary for the trial under such regulations of persons accused of having committed during such emergency a breach or contravention of any such regulation

and the punishment of such persons (if convicted) under and in accordance with such regulations.

(5) For the purposes of this section—

(a) every such emergency shall, unless continued or sooner terminated under this sub-section, terminate at the expiration of three months from the publication in the *Iris Oifigiúil* of the notice mentioned in *sub-section (1)* of this section or, when the emergency has been continued under this sub-section, at the expiration of three months from the publication in the *Iris Oifigiúil* of the last notice of such continuance, and

(b) any such emergency may be terminated at any time by the publication by the Executive Council in the *Iris Oifigiúil* of a notice declaring that the emergency has terminated, and

(c) any such emergency may be continued by the publication by the Executive Council in the *Iris Oifigiúil* before the termination of the emergency of a notice declaring that the emergency still continues.

(6) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either such House shall, within twenty-one days on which that House has sat next after the regulation was laid before it, pass a resolution annulling such regulation such regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under such regulation.

(7) No regulation which applies or relates to any ships to which the Merchant Shipping (Wireless Telegraphy) Act 1919 applies shall be made by the Minister under this section without previous consultation with the Minister for Industry and Commerce.

F27[(8) A person guilty of an offence, by reason of a breach or contravention of a regulation specified, by virtue of *paragraph (a)* of *subsection (3)* of this section, in regulations made under this section, shall be liable—

F28[(a) on summary conviction, to a fine not exceeding €5,000, or]

F28[(b) on conviction on indictment, to a fine not exceeding €250,000.]]

F29[Forfeiture of apparatus; supplementary provisions.

10A.—(1) A court shall not order anything to be forfeited pursuant to regulations under *section 9(2)* or *10(3)* of this Act if a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

(2) Where—

(a) a person is convicted on indictment of an offence under *section 3* of this Act, or

(b) an order is made pursuant to regulations under *section 9(2)* or *10(3)* of this Act,

the apparatus to which the forfeiture under the said *section 3* or, as may be appropriate, the order relates shall be sold or disposed of in such other manner as F30[the appropriate authority] thinks fit.

(3) Where the apparatus is sold pursuant to this section, the net proceeds of the sale shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.]

Prohibition of certain classes of messages, etc.

11.—(1) No person shall send or attempt to send by wireless telegraphy from any place in F31[the State] or any ship or other vessel in the inland or the territorial waters of F31[the State] or any ship registered in F31[the State] wherever such ship may be or any aircraft in or over F31[the State] or the territorial waters thereof—

- (a) any message or communication of an indecent, obscene, or offensive character, nor
- (b) any message or communication subversive of public order, nor
- (c) any false or misleading signal of distress, nor
- (d) any false or misleading message, signal, or communication to a ship or other vessel or an aircraft in distress.

(2) No person shall improperly divulge the purport of any message, communication, or signal sent or proposed to be sent by wireless telegraphy.

F32[(3) Every person who sends or attempts to send, or divulges the purport of, any message, communication or signal in contravention of this section shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding F33[€5,000], or, at the discretion of the court, to a term of imprisonment not exceeding six months, or, at such discretion, both to such fine and such imprisonment,
- (b) on conviction on indictment, to a fine not exceeding F33[€250,000], or, at the discretion of the court, to a term of imprisonment not exceeding twelve months, or, at such discretion, to both such fine and such imprisonment.]

(4) F34[...]

Restrictions on user of apparatus for wireless telegraphy.

12.—(1) F36[Subject to subsection (1A), it shall not] be lawful for any person so to work or use any apparatus for wireless telegraphy that electro-magnetic radiation therefrom interferes with the working of or otherwise injuriously affects any apparatus for wireless telegraphy in respect of which a licence has been granted under this Act and is in force or any apparatus for wireless telegraphy lawfully maintained or worked without any such licence or any broadcasting station maintained F37[under the Broadcasting Act 2009].

F36[(1A) It shall be lawful for daa or a servant or agent of daa to work or use a radio frequency jammer at Dublin Airport to interfere with the working of or otherwise injuriously affect any UAS where daa or such servant or agent reasonably believes such work or use to be necessary to ensure the safety of civil aviation or public safety.]

(2) Whenever the Minister is of opinion that a person is working or using any apparatus for wireless telegraphy in contravention of this section he may serve on or send by registered post to such person a notice requiring such person within a time (not being less than seven days) specified in the notice to take such steps (including where necessary the complete stoppage of the working or user of the apparatus) as shall be specified in the notice to terminate the interference or injurious affection which contravenes this section.

(3) Every person who works or uses any apparatus for wireless telegraphy in contravention of this section and, having been served with a notice under this section requiring him to terminate the interference or injurious affection which contravenes this section, does not within the time specified in that behalf in such notice terminate by the means specified in such notice or by some other means such interference or injurious affection shall be guilty of an offence under this section and shall be F38[liable—

F37[(a) on summary conviction, to a fine not exceeding €5,000, or]

F37[(b) on conviction on indictment, to a fine not exceeding €250,000.]]

(4) No notice shall be served under this section in respect of the working or using of apparatus for wireless telegraphy in contravention of this section in a ship to which the Merchant Shipping (Wireless Telegraphy) Act 1919 applies without the previous consent of the Minister for Industry and Commerce.

(5) Nothing in this section shall operate to prejudice or affect any power or right vested in the Minister under or by virtue of the Telegraphy Acts 1863 to 1921.

F39[Regulations as to radiation of electro-magnetic energy, etc

12A.— F40[(1) The Minister may make regulations for any or all of the following purposes:

- (a) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be used;
- (b) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be sold otherwise than for export, or offered or advertised for sale otherwise than for export, or let on hire or offered or advertised for letting on hire by any person who in the course of business manufactures, assembles or imports such apparatus;
- (c) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be sold for export to a country or territory which is for the time being declared under this section by the Minister to be a country or territory to which this paragraph applies or offered or advertised for such sale, by any person mentioned in *paragraph (b)* of this subsection.]

(2) The said requirements shall be such requirements as the Minister thinks fit for the purpose of ensuring that the use of the apparatus does not cause undue interference with wireless telegraphy, and may in particular include—

- (a) requirements as to the maximum intensity of electro-magnetic energy of any specified frequencies which may be radiated in any direction from the apparatus while it is being used; and
- (b) in the case of an apparatus the power for which is supplied from electric lines, requirements as to the maximum electro-magnetic energy of any specified frequencies which may be injected into those lines by the apparatus, and, in so far as appears to the Minister necessary or expedient in the case of the regulations in question, different requirements may be prescribed for different circumstances and in relation to different classes or descriptions of apparatus, different districts or places and different times of use.

(3) The apparatus to which this section applies shall be such apparatus as may be specified in the regulations made thereunder, being apparatus generating, or designed to generate, or liable to generate fortuitously, electro-magnetic energy at frequencies of not more than three million megacycles per F41[second. The references in this subsection to apparatus include references to apparatus for wireless telegraphy and references to any form of electric line.].

The references in this subsection to apparatus include references to any form of electric line.

(4) Where the Minister proposes to make regulations under this section—

- (a) he shall cause a draft of the proposed regulations to be prepared and shall cause the draft to be published and placed on sale by the Stationery Office,
- (b) he shall give notice to the public, in such manner as he considers suitable, of his intention to make the regulations,

(c) the notice shall contain an intimation that copies of the draft of the regulations are available for purchase and that, during a specified period of not less than two months, representations suggesting variations of the draft may be made to the Minister.

(5) Regulations under this section shall not be made until after the expiration of the period for making representations specified in the relevant notice under *paragraph (b) of subsection (4)* of this section and the Minister shall consider any representations made to him pursuant to the notice.

(6) (a) The Minister may appoint an advisory committee or advisory committees to advise him in relation to the making of regulations under this section and in relation to the consideration of representations referred to in the foregoing subsection.

(b) A committee under this subsection shall consist of so many members (not being less than three) as the Minister considers proper.

(c) A member of a committee under this subsection shall, unless he previously dies or resigns, retain his membership of the committee for the period determined by the Minister when appointing him and no longer, but shall be eligible for re-appointment.

(d) A committee under this subsection shall meet whenever summoned by the Minister.

(7) Whenever the Minister is of opinion that a person is working or using apparatus not complying with the requirements applicable to it under regulations made for the purposes specified in *paragraph (a) of subsection (1)* of this section, he may serve on or send by registered post to such person a notice—

(a) requiring such person to take such steps (including where necessary the complete stoppage of the working or user of the apparatus) as shall be specified in the notice to terminate the relevant undue interference with wireless telegraphy, and

(b) requiring such person to take the said steps either—

(i) forthwith in a case in which the Minister is of opinion that the relevant undue interference with wireless telegraphy consists of or includes undue interference with wireless telegraphy used for the purposes of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend, and

(ii) in any other case, within a period (not being less than seven days) specified in the notice.

(8) (a) Where—

(i) a notice under *subsection (7)* of this section has been served on or sent to a person and the notice requires the complete stoppage forthwith of the working or user of apparatus, and

(ii) such person works or uses the apparatus,

such person shall be guilty of an offence.

(b) Where—

(i) a notice under *subsection (7)* of this section has been served on or sent to a person and the notice requires the complete stoppage, within a specified period, of the working or user of apparatus, and

(ii) such person works or uses the apparatus after the expiration of that period,

such person shall be guilty of an offence.

(c) Where—

(i) a notice under *subsection (7)* of this section has been served on or sent to a person and the notice requires the taking forthwith of steps to terminate undue interference with wireless telegraphy by any apparatus (not being steps consisting of the complete stoppage of the working or user of the apparatus), and

(ii) such person works or uses the apparatus without having taken the said steps,

such person shall be guilty of an offence.

(d) Where—

(i) a notice under *subsection (7)* of this section has been served on or sent to a person and the notice requires the taking, within a specified period, of steps to terminate undue interference with wireless telegraphy by any apparatus (not being steps consisting of the complete stoppage of the working or user of the apparatus), and

(ii) such person works or uses the apparatus without having taken the said steps,

such person shall be guilty of an offence.

F40[(9) Whenever the Minister is of the opinion that any apparatus does not comply with the requirements applicable to it under regulations under this section for the purposes specified in *paragraphs (b) or (c) of subsection (1)* of this section—

(a) in case the Minister is of the opinion that the apparatus does not comply with the requirements applicable to it under regulations so made for the purposes specified in the said *paragraph (b)*, he may serve on or send by registered post to any person who has manufactured or imported the apparatus in the course of business a notice prohibiting the person, as from the expiration of a period (not being less than seven days) specified in the notice, from selling the apparatus, otherwise than for export, or offering or advertising it for such sale, or letting it on hire or advertising it for letting on hire,

(b) in case the Minister is of the opinion that the apparatus does not comply with the requirements applicable to it under regulations so made for the purposes specified in the said *paragraph (c)*, he may serve on or so send to any person who has manufactured or exported the apparatus in the course of business a notice prohibiting the person, as from the expiration of a period (not being less than seven days) specified in the notice, from selling the apparatus for export to the countries or territories specified in the relevant regulations under this section, or offering or advertising it for such sale,

and in any such case requiring the person within such a period so specified,—

(i) to make the apparatus available for inspection by an officer of the Minister and authorised by him, or in case an order made under *subsection (14)* of this section is for the time being in force, an officer or servant of the Authority or any other body specified in the order and authorised by the Authority or the other body, as may be appropriate, to make the inspection,

(ii) if requested by such officer or servant to transport, at the expense of the person, to a place specified by the officer or servant a sample or samples (which such officer or servant is hereby empowered to select) of the apparatus, or of any part of the apparatus specified by such officer or servant, for testing pursuant to *subsection (9A)* of this section.]

F42[(9A) Where apparatus or any other thing is transported pursuant to a request made under *subsection (9)* of this section, the apparatus or other thing may be subjected by the person by whom the request was made or by any other officer or servant of the Minister, the Authority or the other body, as may be appropriate, to tests for the purpose of ascertaining whether or not the apparatus or other thing complies with the requirements applicable to it under the relevant regulations under this section.]

(10) Where—

(a) a notice under *subsection (9)* of this section has been served on or sent to a person, and

F40[(b) after the expiration of the period specified in the notice, such person contravenes the provisions, or fails to comply with the requirements, of the notice,]

such person shall be guilty of an offence.

(11) (a) A Justice of the District Court may, upon information on oath of an officer of the Minister or of a member of the Garda Síochána that there is reasonable ground for believing that, at any specified place, apparatus to which this section applies is to be found which does not comply with the requirements applicable to it under regulations made under this section, grant to such officer of the Minister or (with the consent of the Minister) to such member of the Garda Síochána a search warrant which shall be expressed and shall operate to authorise the officer of the Minister or member of the Garda Síochána to whom it is granted to enter, and if need be by force, the place named in the said information and there to search for apparatus to which this section applies and to examine and test all such apparatus there found.

(b) A search warrant granted under this subsection to an officer of the Minister may authorise or, if the Justice granting it so thinks proper, require such officer to be accompanied by one or more members of the Garda Síochána when making the search under the warrant.

(c) Where, under a warrant under this section, a person has a right to examine and test any apparatus at any place, it shall be the duty of any person who is at that place to give him any such assistance as he may reasonably require in the examination or testing of the apparatus.

(d) Any person who—

(i) obstructs any person in the exercise of the powers conferred on him by a warrant under this subsection, or

(ii) fails or refuses to give to any such person any assistance which he is under this subsection under a duty to give to him,

shall be guilty of an offence.

F43[(12) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €250,000.]

(13) The Minister may by order (which he may at any time revoke by a further order) declare that Radio Éireann shall have all powers appropriate for the investigation and detection of interference with wireless telegraphy apparatus for receiving only and, whenever such an order is for the time being in force,—

(a) Radio Éireann shall have those powers,

(b) *subsection (2) of section 12 of this Act and subsection (7) of this section shall have effect as if each of the references therein to the Minister included a reference to Radio Éireann, and*

(c) *subsection (11) of this section shall have effect as if each of the references therein to the Minister included, in relation to regulations made for the purposes specified in paragraph (a) of subsection (1) of this section, a reference to Radio Éireann.]*

F42[(14) The Minister may by order (which he may at any time revoke or amend by a further order) declare that the Authority or any other body specified in the order shall have all the powers which the Minister may exercise under *subsection (9) of this section* and, whenever such an order is for the time being in force, the Authority or the other body so specified shall have those powers and *subsection (9) of this section* shall have effect as if each of the references therein to the Minister included a reference to the Authority or to the other body so specified, as may be appropriate.]

F42[(15) The Minister may by regulations declare any country or territory specified in the regulations to be a country or territory to which *paragraph (c) of subsection (1) of this section* applies.]

F42[(16) In this section "the Authority" means Radio Telefís Éireann.]

F44[Deliberate interference.

12B.— (1) F45[Subject to *subsection (1A)*, any person] who uses any apparatus for the purpose of interfering with any wireless telegraphy shall be guilty of an offence.

F46[(1A) *Subsection (1)* shall not apply to the use by daa or a servant or agent of daa of a radio frequency jammer at Dublin Airport for the purpose of interfering with a UAS where daa or such servant or agent reasonably believes such use to be necessary to ensure the safety of civil aviation or public safety.]

(2) *Subsection (1) of this section* shall apply whether or not the apparatus in question is wireless telegraphy apparatus or apparatus to which *section 12A of this Act* applies and whether or not any notice under *subsection (7) or subsection (9) of that section* has been given with respect to the apparatus.

F47[(3) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding one thousand pounds together with, in the case of a continuing offence, a further fine (not exceeding one thousand pounds in all) not exceeding one hundred pounds for every day during which the offence is continued,

(b) on conviction on indictment, to a fine not exceeding twenty thousand pounds together with, in the case of a continuing offence, a further fine not exceeding two thousand pounds for every day during which the offence is continued.]]

F48[Prosecution of offences.

13.— A prosecution for a summary offence under this Act may be brought only by the appropriate authority, a person to whom the functions of that authority have been delegated or some other person authorised by law to prosecute offences.]

Offences committed in ships or aircraft.

14.—(1) For the purposes of [sections 53 and 79 of the Courts of Justice Act 1924](#) (No. 10 of 1924) and [section 6 of the Courts of Justice Act 1926](#) (No. 1 of 1926) any act which is by virtue of this Act or any regulation made thereunder a misdemeanour or an offence triable summarily shall, if committed in a ship, vessel, or aircraft, be deemed to have been committed in any place in which the accused person may be, and, if committed in a ship or vessel which was within the territorial waters of F49[the State] when the act was committed or when the accused person was arrested, may be deemed to have been committed in the court district abutting on that portion of the said waters in which such ship was when the act was committed or the accused person was arrested, as the case may require.

(2) Whenever a fine is imposed under this Act by any court on a person who is the owner or the master of a ship or other vessel and such fine is imposed for an offence committed in respect of such ship or vessel, such fine may (without prejudice to any other method for the time being authorised by law) be levied by distress and sale of such ship or vessel, her tackle, furniture, and apparel.

Repeals and preservation of existing licences and payments.

15.—(1) The Wireless Telegraphy Act 1904 and the Wireless Telegraphy Act 1906 are hereby repealed.

(2) All licences for the possession of apparatus for wireless telegraphy which were granted under the said Acts hereby repealed and were in force at the passing of this Act shall, notwithstanding such repeal, continue in force for such time as they would have continued in force under the said Acts if this Act had not been passed, but all such licences shall for the purposes of this Act be deemed to have been granted under this Act and this Act shall apply to all such licences accordingly.

(3) No fee heretofore paid to the Minister in respect of a licence for the possession of apparatus for wireless telegraphy shall be recoverable on the ground that such fee was not legally chargeable.

Expenses.

16.—All expenses of carrying this Part of this Act into effect shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys to be provided by the Oireachtas.

PART II.

BROADCASTING.

Maintenance of broadcasting stations by the Minister.

17.—F50[...]

Charging of fees for broadcasting.

18.—F51[...]

Advisory committee.

19.—F52[...]

Expenses.

20.—F53[...]



Number 45 of 1926

WIRELESS TELEGRAPHY ACT 1926

REVISED

Updated to 29 July 2024

About this Revised Act

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

Wireless Telegraphy Acts 1926 to 2009: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Broadcasting Act 2009* (18/2009), s. 180(1)). The Acts in this group are:

- *Wireless Telegraphy Act 1926* (45/1926)
- *Broadcasting Authority Act 1960* (10/1960), in so far as it amends the *Wireless Telegraphy Acts 1926 and 1956*
- *Wireless Telegraphy Act 1972* (5/1972)
- *Broadcasting and Wireless Telegraphy Act 1988* (19/1988), ss. 2, 9, 10, 11, 12, 14, 15, 16, 17, 19
- *Broadcasting Act 2009* (18/2009), ss. 181(1)-(7), (9), 182

Acts previously included in the group but now repealed are:

- *Wireless Telegraphy Act 1956* (4/1956)
- *Broadcasting Authority (Amendment) Act 1964* (4/1964), in so far as it amends the *Wireless Telegraphy Acts 1926 and 1956*
- *Broadcasting Authority (Amendment) Act 1966* (7/1966), in so far as it amends the *Wireless Telegraphy Acts 1926 and 1956*
- *Broadcasting Authority (Amendment) Act 1971* (2/1971), in so far as it amends the *Wireless Telegraphy Acts 1926 and 1956*

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

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. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.