

Wireless Telegraphy Act, 1926

1926 45

No. 45/1926:

WIRELESS TELEGRAPHY ACT, 1926

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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 OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

PRELIMINARY

- Short title. **1.**—This Act may be cited as the [Wireless Telegraphy Act, 1926](#) .
- Definitions. **2.**—In this Act—
- the expression "the Minister" means the Minister for Posts and Telegraphs;
- the expression "wireless telegraphy" means and includes any system of communicating messages, spoken words, music, images, pictures, prints, or other communications, sounds, signs, or signals by means of radiated electro-magnetic waves originating in an apparatus or device constructed for the purpose of originating such communications, sounds, signs, or signals;
- the expression "apparatus for wireless telegraphy" means apparatus for sending and receiving or for sending only or for receiving only messages, spoken words, music, images,

pictures, prints, or other communications, sounds, signs, or signals by wireless telegraphy and includes any part of such apparatus and any article primarily designed for use as part of such apparatus and not capable of being conveniently used for any other purpose;

the word "broadcast" means the transmitting, relaying or distributing by wireless telegraphy of broadcast matter;

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

the expression "broadcast matter" means and includes any lectures, speeches, news, reports, advertisements, recitations, dramatic entertainments, and other spoken words and any music (whether vocal or instrumental) and other sounds approved by the Minister as suitable for being broadcasted from a broadcasting station maintained under this Act;

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.

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 Saorstát Eireann 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 work or use such apparatus otherwise than in accordance with the terms and conditions subject to which such licence is by virtue of this Act deemed to have been granted.

(3) Every person who keeps, has in his possession, works, or uses any apparatus for wireless telegraphy 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 and also, in every case, forfeiture of all the apparatus in respect of which the offence was committed.

(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 Saorstát Eireann, and

(*b*) every unregistered ship or other vessel which is usually kept in or which frequents the waters (whether inland or territorial) of Saorstát Eireann, 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 Saorstát Eireann 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 Saorstát Eireann or, in the case of an association, company, or other body (whether corporate or incorporate), has its principal office in Saorstát Eireann, and

(*e*) every aircraft not coming within the foregoing paragraph which is for the time being in or over Saorstát Eireann 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.

(6) This section shall not apply to any apparatus for wireless telegraphy kept by or in the possession of the Minister for Defence for the purposes of the Defence Forces, nor to any ship of war belonging to the Government of Saorstát Eireann 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 Saorstát Eireann or any other country or state.

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.

Grant of licences.

5.—(1) The Minister may, subject to the provisions of 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 Saorstát Eireann or to keep and have possession of apparatus for wireless telegraphy in any specified ship or other vessel or aircraft or to maintain a signalling station at any place in Saorstát Eireann.

(2) Every licence granted under this Act 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 thereto by regulations made by the Minister under this Act.

Regulations in regard to licences.

6.—(1) The Minister may by order make regulations prescribing in relation to all licences granted under this Act 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 and manner in which such licences may be suspended or revoked by the Minister,

(e) the terms and conditions to be observed by the holders of such licences and subject to which such licences are deemed to be granted,

(f) the fees to be paid on the grant or renewal of such licences and the time and manner at and in which such fees are to be paid,

(g) any other matter relating to such licences in respect of which it shall appear to the Minister to be necessary or desirable to make provision by regulations made under this section.

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

(3) No regulation shall be made under this section in relation to fees without the previous consent of the Minister for Finance.

(4) 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 either such House has sat next after the regulation was laid before such Houses, 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.

Obligation to furnish certain information.

7.—(1) The Minister may, if and whenever he thinks proper so to do, cause a special notice in writing (accompanied by or having annexed thereto a form of declaration) to be served by registered post on any person requiring such person within fourteen days after the service of the notice on him to state on

the said form of declaration such one or more of the matters hereinafter mentioned as shall be specified in the notice and to sign and otherwise complete such declaration and to give the same or send the same by post to a specified officer of the Minister.

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

(a) whether he does or does not keep or has or has not in his possession any apparatus for wireless telegraphy,

(b) if he keeps or has in his possession any such apparatus, the nature of such apparatus and the place at which he keeps or has the same.

(c) whether he has or has not a licence granted under this Act and then in force,

(d) if he has such a licence, the number, date, and office of issue of such licence,

(e) any other matter relating to wireless telegraphy,

(3) Every person on whom a special notice is duly served under this section shall within the time aforesaid duly and correctly complete in accordance with such notice and this section the form of declaration accompanying or annexed to such notice and give or send such declaration to the officer named in that behalf in such notice, and if any such person shall fail or neglect so to complete and give or send such declaration or shall make in such declaration any statement which is to his knowledge false or misleading he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding five pounds.

Issue of search warrants.

8.—(1) A Justice of the District Court may, upon the information on oath of an officer of the Minister or of a member of the *Gárda 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 or in any specified ship in contravention of any provision of this Act or any regulation made or condition imposed under this Act, grant to such officer of the Minister or (with the consent of the Minister) to such member of the *Gárda Síochána* (as the case may be) a search warrant which shall be expressed and shall operate to authorise the officer of the Minister or

member of the *Gárda Síochána* to whom the same is granted to enter, and if need be by force, the place or ship named in the said information and there to search for apparatus for wireless telegraphy and to examine all such apparatus there found and 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 any provision of this Act or any regulation made or condition imposed under this Act.

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

Regulations as to wireless telegraphy in ships and aircraft.

9.—(1) The Minister may by order made after consultation with the Minister for Industry and Commerce 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 all or any classes or class of ships registered in Saorstát Eireann 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 or class of aircraft owned in Saorstát Eireann 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 Minister or any other person and whether before or after the passing of this Act;

(*f*) subject to the sanction of the Minister for

Finance, 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 in Saorstát Eireann and, while they are in the territorial waters of Saorstát Eireann, ships registered outside Saorstát Eireann and unregistered ships and other vessels;

(*h*) regulating and controlling the times and manner of working apparatus for wireless telegraphy in aircraft owned in Saorstát Eireann and, while they are in or over Saorstát Eireann 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 thereunder do not apply) of any international convention in relation to wireless telegraphy entered into by the Government of Saorstát Eireann.

(2) Regulations made under this Act may provide that a breach or contravention of any specified regulation shall be an offence triable summarily, and may prescribe the punishments which may be inflicted for any such breach or contravention but so that a maximum punishment only and no minimum punishment shall be so prescribed and that no such maximum punishment shall exceed a fine of ten pounds together with, in the case of a continuing breach or contravention, a fine of one pound for every day during which the breach or contravention is committed and, in any case, forfeiture of any certificate or apparatus in relation to which the breach or contravention is committed.

(3) 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 either such House has sat next after the regulation was laid before such Houses, 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.

(4) For the purposes of this section an aircraft shall be deemed to be owned in Saorstát Eireann if but only if it is owned by a person who, in the case of an individual, has his usual place of residence in Saorstát Eireann or, in the case of an association, company, or other body (whether corporate or unincorporate), has its principal office in Saorstát Eireann.

(5) Neither this section nor any regulation made thereunder shall apply to any ship to which the Merchant Shipping (Wireless Telegraphy) Act, 1919 applies.

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.

(3) Regulations made under this section may provide that a breach or contravention of any specified regulation shall be an offence triable summarily and may prescribe the punishments which may be inflicted for any such breach or contravention but so that a maximum punishment only and no minimum punishment shall be so prescribed and that no such maximum punishment shall exceed a fine of fifty pounds or imprisonment for a term of six months together with, in the case of a continuing breach or contravention, a fine of five pounds for every day during which such breach or contravention is committed and, in any case, forfeiture of the apparatus or other article in respect of which the breach or contravention is committed.

(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.

Prohibition of certain classes of messages, etc.

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

(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 a misdemeanour and shall be liable on conviction thereof to imprisonment with or without hard labour for any term not exceeding twelve months.

(4) Whenever a person is charged before a justice of the District Court with having committed a misdemeanour under this section and the justice is of opinion that the facts proved against the person so charged constitute a minor offence fit to be tried summarily and the said person (inquiry having been made of him by the justice) does not object to be so tried, the justice may hear and determine the case summarily but shall not impose any greater penalty than a fine not exceeding ten pounds or, at his discretion, imprisonment for a term not exceeding one month, or both such fine and such imprisonment.

Restrictions on user of apparatus for wireless telegraphy.

12.—(1) It shall not be lawful for any person so to work or use any apparatus for wireless telegraphy that electromagnetic 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 under Part II. of this Act.

(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 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) 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.

Prosecution of offences.

13.—All prosecutions under this Act in a court of summary jurisdiction shall be prosecuted at the suit of the Minister and not otherwise.

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 Saorstát Eireann 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.—(1) The Minister may, with the sanction of the Minister for Finance, acquire or establish such and so many broadcasting stations in such places in Saorstát Eireann as the Minister shall, with the sanction aforesaid, from time to time think proper.

(2) The Minister may, with the sanction of the Minister for Finance, maintain and work all broadcasting stations acquired or established by him under this section and there receive, transmit, relay, or distribute such broadcast matter as he shall think proper.

Charging of fees for broadcasting.

18.—(1) The Minister may, if he so thinks fit, charge fees for the distribution from a broadcasting station maintained under this Act of any class or classes of broadcast matter.

(2) The amount of the fees to be charged under this section shall be fixed by the Minister with the sanction of the Minister for Finance and all such fees shall be paid into or disposed for the benefit of the Exchequer in such manner as the Minister

for Finance shall direct.

Advisory
committee.

19.—(1) As soon as may be after the passing of this Act the Minister shall establish by order an advisory committee to advise and assist him in the conduct of the broadcasting stations maintained by him under this Act and the selection and control of the broadcast matter distributed from such broadcasting stations.

(2) The said advisory committee shall consist of so many (not being less than five) members as the Minister for Posts and Telegraphs shall think proper and of such members one shall be nominated by the Minister for Education, and one shall be nominated by the Minister for Lands and Agriculture, and the remainder shall be nominated by the Minister for Posts and Telegraphs.

(3) Each member of the said advisory committee shall, unless he previously dies or resigns, retain his membership of the committee for two years from the date of his nomination and no longer but shall be eligible for re-nomination.

(4) The said advisory committee shall meet whenever summoned by the Minister and also on such other occasions as the committee may from time to time determine.

Expenses.

20.—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.