



STATUTORY INSTRUMENTS.

S.I. No. 8 of 2010

WIRELESS TELEGRAPHY (MARITIME RADIO OPERATOR)
(CERTIFICATES OF COMPETENCY) REGULATIONS 2010

(Prn. A10/0088)

WIRELESS TELEGRAPHY (MARITIME RADIO OPERATOR)
(CERTIFICATES OF COMPETENCY) REGULATIONS 2010

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by sections 2A (inserted by section 4(2) of the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007)) and 9 (inserted by section 181 of the Broadcasting Act 2009 (No. 12 of 2009)) of the Wireless Telegraphy Act 1926, and having consulted with the Minister for Communications, Energy and Natural Resources and the Commission for Communications Regulation, hereby make the following regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the Wireless Telegraphy (Maritime Radio Operator) (Certificates of Competency) Regulations 2010.

(2) These Regulations come into operation on 1 March 2010.

Definitions

2. In these Regulations—

“approved centre” means a radio college, radio training centre or other training centre or establishment which in the opinion of the Minister is suitable for the conduct of an examination for at least one of the examinations for a certificate, and is fitted with relevant equipment suitable for the conduct of the relevant examination and is approved of by the Minister under Regulation 8(1);

“certificate” means a certificate of competency;

“certificate of competency” means a certificate granted under Regulation 6 to an applicant to operate, install, maintain or use apparatus for wireless telegraphy on board vessels and includes a duplicate certificate;

“vessel” means—

(a) a ship registered under the Mercantile Marine Act 1955, and

(b) any classes or class of ships or vessels (other than warships of another state) navigating or operating in the State;

“Minister” means Minister for Transport.

Application

3. These Regulations apply to maritime radio personnel and other persons engaged in the working of apparatus for wireless telegraphy on board vessels.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 22nd January, 2010.*

Prohibition on working apparatus for wireless telegraphy on board vessel without certificate

4. A person to whom these Regulations apply who engages in the working of apparatus for wireless telegraphy on board a vessel without holding the appropriate certificate in respect of the working of the apparatus commits an offence.

Application for certificate

5. (1) An application for a certificate shall be made to the Minister and shall be in such form as may be determined by the Minister.

(2) A person who makes an application under paragraph (1) shall furnish to the Minister such information as the Minister may reasonably require for the purpose of considering the application and, if the person, without reasonable excuse, fails to comply with this paragraph, the Minister may refuse to grant a certificate to the person.

(3) An applicant for a certificate must be an individual.

Grant or refusal of certificate

6. (1) The Minister may grant or refuse a certificate.

(2) In particular, when deciding whether to grant or refuse a certificate, the Minister shall consider whether or not the candidate has attained the required standard in such certificate examinations, as the Minister may set from time to time.

(3) A certificate granted under this Regulation in respect of the certificates mentioned in Schedule 1 shall be issued in accordance with Article 47 of the Radio Regulations annexed to the Constitution of the International Telecommunications Union signed in Geneva on behalf of the State on 6 November 1992 and in accordance with the Harmonised Examinations Procedures of the Conference of European Postal and Telecommunications Administrations (CEPT).

Conditions of certificate

7. (1) It shall be a condition of the issue of a certificate that the holder of the certificate shall—

- (a) comply with any obligations imposed by law in relation to the operation of apparatus for wireless telegraphy on board vessels,
- (b) not alter or deface the certificate, in any way, or allow it to pass into the possession of another person for use by that person, and
- (c) notify the Minister and a member of the Garda Síochána at a Garda Síochána station immediately upon loss of the certificate.

(2) The holder of a certificate who, without reasonable excuse, fails to comply with subparagraph (a) or (c) or contravenes subparagraph (b) of paragraph (1) commits an offence.

Approved centres

8. (1) The Minister may approve establishments to be approved centres for the purposes of these Regulations.

(2) Examinations for a certificate shall be held only at approved centres.

Examination

9. (1) An examination for a certificate shall be conducted in accordance with the procedures as specified by the Minister for the particular examination.

(2) The syllabus of each examination and the form of the respective certificate shall be open for inspection by members of the public at the office of the Minister and the Minister shall, on request being made by any person, furnish to that person a copy of the relevant syllabus or form of certificate upon payment of such fee (if any) the Minister decides.

(3) Training courses for examinations for certificates, which are provided at approved centres, shall be conducted by instructors who hold qualifications, which are approved by the Minister.

(4) Examinations for certificates, which are provided at approved centres, shall be conducted by examiners who are approved by the Minister.

Issue of duplicate certificate

10. On application, the issue of a duplicate certificate is at the discretion of the Minister. A fee as set out in Schedule 2 is payable with the application.

Suspension and revocation of certificate

11. (1) Subject to paragraph (2), the Minister may suspend or revoke a certificate where the Minister considers the holder—

(a) is not capable of using or operating the apparatus for wireless telegraphy to which the certificate relates, or

(b) has failed to comply with or contravened any of the conditions referred to in Regulation 7(1).

(2) Where the Minister proposes to suspend or revoke a certificate, he or she shall notify the holder of the certificate of the proposal and afford the holder an opportunity to make representations to the Minister within 21 days of the date of the notification.

(3) The revocation or suspension of a certificate under this Regulation does not affect any qualification obtained by the holder on the completion of courses and examinations for radio operator.

Fees

12. (1) Fees for the issue of each certificate shall be in accordance with the schedule of fees as set out and provided for in Schedule 2.

(2) All fees under these Regulations shall be payable with the application for a certificate.

(3) A certificate shall not be issued unless the appropriate fee relating to the certificate is paid.

(4) All fees under these Regulations shall be paid to the Minister by cheque, money order or postal order or by such other means as the Minister for the time being considers appropriate.

SCHEDULE 1

Regulation 6

List of Certificates of Competency applicable to these Regulations

Global Maritime Distress and Safety System (GMDSS) General Operator's Certificate of Competency;

Global Maritime Distress and Safety System (GMDSS) Restricted Operator's Certificate of Competency;

Radio Operator's Long Range Certificate of Competency;

Radio Operator's Short Range Certificate of Competency.

SCHEDULE 2

Regulations 10 and 12

Fees payable in connection with the issue of Certificates of Competency

Certificate (1)	Fee (2)
Global Maritime Distress and Safety System (GMDSS) General Operator's Certificate of Competency	€60.00
Global Maritime Distress and Safety System (GMDSS) Restricted Operator's Certificate of Competency	€60.00
Radio Operator's Long Range Certificate of Competency	
Modules 1, 2 and 3	€60.00
Modules 1 and 2	€60.00
Module 2	€60.00
Module 3	€60.00
Radio Operator's Short Range Certificate of Competency	
Modules 1 and 2	€50.00
Module 1	€50.00
Module 2	€50.00

The fee payable for the issue of a duplicate certificate of competency is €50.00.



GIVEN under my Official Seal,
12 January 2010.

NOEL DEMPSEY,
Minister for Transport.

EXPLANATORY NOTE

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

These Regulations provide for the approval of training and examination centres, instructors and examiners for maritime radio operator courses. Provision is also made for the granting, refusal, suspension and revocation of a radio operator Certificate of Competency, the charging of related fees and an offence to operate radio equipment on board a vessel without an appropriate Certificate of Competency.

The Regulations apply to maritime radio personnel and other persons engaged in the operation of maritime radio on board vessels. The vessels to which these Regulations apply are (a) Irish registered ships, and (b) any classes or class of ships or vessels navigating or operating in the State.

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