



STATUTORY INSTRUMENTS.

S.I. No. 87 of 2026



WIRELESS TELEGRAPHY ACT 1926 (SECTION 3) (EXEMPTION OF
APPARATUS FOR MOBILE COMMUNICATION SERVICES ON
AIRCRAFT) ORDER 2026

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The Commission for Communications Regulation, in exercise of the powers conferred on it by section 3 (6)(a) of the Wireless Telegraphy Act 1926 (No. 45 of 1926), (amended by section 11 (c) of the Wireless Telegraphy Act 1972 (No. 5 of 1972)), transferred to the Commission for Communications Regulation by section 4 (2) of the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007), hereby makes the following Order:

Citation

1. This order may be cited as the Wireless Telegraphy Act 1926 (section 3) (Exemption of Apparatus for Mobile Communication Services on Aircraft) Order 2025.

Interpretation

2. The Interpretation Act 2005 (No. 23 of 2005) applies to this Order.

3. In this order—

“Act of 1926” means the Wireless Telegraphy Act 1926 (No. 45 of 1926);

“Apparatus for Mobile Communication Services on Aircraft” means apparatus for wireless telegraphy, providing mobile communication services on aircraft fulfilling all of the requirements set out in the Annex to the MCA Decision;

“Apparatus for Wireless Telegraphy” has the same definition herein as in the Wireless Telegraphy Act 1926 (No. 45 of 1926);

“EASA” means the European Aviation Safety Agency;

“EECC Regulations” means European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);

“Electronic Communications Network” and “Electronic Communications Service” have the meanings ascribed in the EECC Regulations to “electronic communications network” and “electronic communications service” respectively;

“MCA Decision” means the European Commission Decision 2008/294/EC of 7 April 2008 on harmonised conditions of spectrum use for the operation of mobile communication services on aircraft (MCA services) in the Community (Official Journal of the European Union (“O.J.”) L 98, 10.4.2008), as amended by the European Commission Implementing Decision 2013/654/EU of 12 November 2013 (O.J. L 303, 14.11.2013), the European Commission Implementing Decision (EU) 2016/2317 of 16 December 2016 (O.J. L 345, 20.12.2016), European Commission Implementing Decision (EU) 2022/2324 of 23 November

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 13th March, 2026.

2022 (O.J. L 307, 28.11.2022) and as may be amended by the European Commission from time to time, and which amendment has legal effect in the State;

“Mobile Communication Services on Aircraft” or “MCA” means an electronic communication service as defined in Regulation 2 of the EECC Regulations provided by an Undertaking to enable airline passengers to use public communication networks during the flight without establishing direct connections with terrestrial mobile networks;

“Radio Equipment Directive” means Directive 2014/53/EU of the European Parliament and of the Council, of 16 April 2014, on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity;

“Radio Equipment Regulations” means the European Union (Radio Equipment) Regulations 2017 (S.I. No. 248 of 2017);

“Undertaking” means a person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities.

Limitation

4. This Order only applies within the jurisdiction of the State and is subject to prior and continuing approval of EASA and conformance with any subsequent provisions, in terms of equipment, in-flight operation and the use of mobile terminals.

Applicability

5. Section 3 of the Wireless Telegraphy Act 1926 (No. 45 of 1926) does not apply to classes of Apparatus for Mobile Communication Services on Aircraft described as, and fulfilling the requirements set out in, the MCA Decision, the Annex to that Decision, and otherwise meeting the essential requirements of the Radio Equipment Directive and the Radio Equipment Regulations.

Conditions

6. (1) In addition to Article 5 of this Order:

- (a) The minimum height above ground for any transmission from an MCA system in operation must be 3,000 metres and operation of the system must be immediately terminated below this level;
- (b) MCA systems must be fully conformant with the MCA Decision and should any malfunction occur operation must be immediately terminated for the remainder of the flight or until such time as the apparatus is fully repaired and otherwise operating correctly in conformance with the MCA Decision; and

- (c) the Commission for Communications Regulation reserves the right to inspect the aircraft and Apparatus for Mobile Communication Services on Aircraft at the licensee's own expense prior to and during operation if necessary.

Revocation

7. Statutory Instrument Number 218 of 2017, Wireless Telegraphy Act 1926 (section 3) (Exemption of Apparatus for Mobile Communication Services on Aircraft) Order 2017 is hereby revoked.



GIVEN under the official seal of the Commission for
Communications Regulation,
11 March, 2026.

GARRETT BLANEY,
Chairperson
For and on Behalf of the Commission for
Communications Regulation.

EXPLANATORY NOTE

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

This Order provides for the exemption of certain wireless telegraphy apparatus, namely apparatus for mobile communication services on aircraft, which meet certain conditions stated in the face of the order, from the requirement to be licensed under the Wireless Telegraphy Act 1926. Statutory Instrument 218 of 2017, Wireless Telegraphy Act 1926 (section 3) (Exemption of Apparatus for Mobile Communication Services on Aircraft) Order 2017 is revoked.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
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