



**THE RADIOCOMMUNICATIONS (FEES) REGULATIONS 1993**

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ROBIN COOKE, Administrator of the Government

**ORDER IN COUNCIL**

At Wellington this 13th day of October 1993

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to section 135 of the Radiocommunications Act 1989, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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ANALYSIS

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| <p>1. Title and commencement</p> <p>2. Interpretation</p> <p>3. Fixed fees payable to Registrar for specific matters</p> <p>4. Fees payable to Registrar for registration of licences and for addition or deletion of frequencies from licences</p> | <p>5. Annual fees payable to Secretary for each frequency</p> <p>6. Power to waive payment of fee</p> <p>7. Goods and services tax</p> <p>8. Revocations<br/>Schedules</p> |
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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Radiocommunications (Fees) Regulations 1993.

(2) These regulations shall come into force on the 15th day of November 1993.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

- (a) “The Act” means the Radiocommunications Act 1989; and
- (b) Expressions defined in the Act have the meanings so defined; and
- (c) Reference to a section bearing any number is a reference to the section of the Act bearing that number.

**3. Fixed fees payable to Registrar for specific matters**—There shall be payable to the Registrar, in respect of each matter specified in the first column of the First Schedule to these regulations, the fee specified in the second column of that Schedule opposite the specification of the matter.

**4. Fees payable to Registrar for registration of licences and for addition or deletion of frequencies from licences**—There shall be payable to the Registrar—

- (a) In respect of a licence under section 48 (a) or section 48 (b) or section 48 (c) or section 48 (d), a fee calculated by adding—
  - (i) The amount specified in paragraph 1 of the Second Schedule to these regulations; and
  - (ii) An amount, calculated at the rate of the amount specified in paragraph 2 of the Second Schedule to these regulations, for every frequency in excess of 1 specified in the licence; and
- (b) In respect of a notice of modification of frequencies on a licence (under section 54A), a fee calculated by adding—
  - (i) The amount specified in paragraph 3 of the Second Schedule to these regulations; and
  - (ii) An amount, calculated at the rate of the amount specified in paragraph 4 of the Second Schedule to these regulations, for every frequency in excess of 1 added or deleted by the notice.

**5. Annual fees payable to Secretary for each frequency**—(1) Subject to subclause (2) of this regulation, the rightholder under a licence created under section 48 (a) or section 48 (b) in respect of emissions of a maximum power specified in the licence shall pay to the Secretary—

- (a) On the registration of the licence; and
- (b) Thereafter annually, within the period of 1 month immediately before each anniversary of the day on which the licence is registered,—

a fee calculated by multiplying the amount specified in the second column of the Third Schedule to these regulations opposite the specification of the maximum power by the number of frequencies specified in the licence.

(2) Notwithstanding anything in subclause (1) of this regulation, where—

- (a) In relation to any licence to which that subclause applies, a fee is payable under that subclause in respect of any frequency specified in the licence; and
- (b) The right to transmit on that frequency will expire earlier than 12 months after—
  - (i) The date on which the licence is registered (in the case of a fee payable under paragraph (a) of that subclause); or
  - (ii) The date by which that fee must be paid (in the case of a fee payable under paragraph (b) of that subclause),—

the amount of the fee that would, apart from this subclause, be payable under that subclause in respect of that frequency shall be calculated in accordance with the following formula:

$$a \times \frac{b}{12}$$

where—

- a is the amount of the fee that would otherwise be payable under that subclause in respect of that frequency; and
- b is the number of months (rounded up to the nearest whole number of months) that will elapse during the period beginning on the date on which the licence is registered (in the case of a fee payable under paragraph (a) of that subclause) or the date by which the fee must be paid (in the case of a fee payable under paragraph (b) of that subclause) and ending with the close of the day on which the right to transmit on that frequency expires.

**6. Power to waive payment of fee**—(1) If satisfied that the quality of life of a natural person is seriously affected, the Registrar may waive, in whole or in part, the payment of any fee payable to the Registrar under regulation 3 (1) or regulation 4 of these regulations.

(2) If satisfied that—

- (a) The quality of life of a natural person is seriously affected; or
- (b) The nature of the service to which the fee relates is such that the Secretary incurs no costs in relation to it,—

the Secretary may waive, in whole or in part, the payment of any fee payable to the Secretary under regulation 5 of these regulations.

**7. Goods and services tax**—The fees and amounts prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

**8. Revocations**—The Radiocommunications (Fees) Regulations (No. 2) 1990\* and the Radiocommunications (Fees) Regulations (No. 2) 1990, Amendment No. 1† are hereby consequentially revoked.

\*S.R. 1990/302  
†S.R. 1991/86

## SCHEDULES

## FIRST SCHEDULE

Reg. 3

## FIXED FEES PAYABLE TO REGISTRAR FOR SPECIFIC MATTERS

	Fee \$
<i>Fees for Lodging Instruments or Documents for Registration or Otherwise</i>	
1. Application to register radio frequencies (section 9) ..	36
2. Application for correction of the Register (section 23)	27
Provided that no fee shall be payable where the correction is rendered necessary by reason of a mistake made by the Registrar or by any of the Registrar's officers	
3. Notice of modification of protection limit (section 36)	27
4. Notice of modification of adjacent frequencies emission limits (section 40) .. .. .	27
5. Notice of transfer of management rights (section 42)	36
6. Request for aggregation of management rights (section 46)	36
7. Notice of modification of unwanted emission limits (section 54 (1)) .. .. .	27
8. Notice of transfer of licence (section 56) .. .. .	36
9. Notice of cancellation of licence (section 57) ..	27
10. Memorandum of mortgage (section 74) .. .. .	36
11. Memorandum of increase or reduction of mortgage debt (section 75 (1) (a)) .. .. .	27
12. Memorandum of increase or reduction in rate of interest (section 75 (1) (b)) .. .. .	27
13. Memorandum of renewal, shortening, or extension of term or currency of mortgage (section 75 (1) (c)) ..	27
14. Memorandum of variation of covenants, conditions, and powers of mortgage (section 75 (1) (d)) .. .. .	27
15. Memorandum of priority of mortgages (section 77) ..	27
16. Memorandum of discharge of mortgage (section 86 (1))	27
17. Application to be registered as manager or rightholder by operation of law (section 87 (1)) .. .. .	36
18. Caveat (section 89 (1)) .. .. .	36
19. Withdrawal of caveat (section 96 (1)) .. .. .	27
<i>Fees for Access to Records or Copies of Records</i>	
20. Access to the Register under section 28, for each quarter hour or part thereof .. .. .	9
21. Copy of any record in the Register (section 29), in addition to the access fee, for each page or part thereof ..	0.45
22. Certified copy of any record in the Register (section 30), in addition to the access fee .. .. .	18
23. Section 62, search copy in relation to any record of management rights or any licence, in addition to the access fee .. .. .	36

Reg. 4

## SECOND SCHEDULE

AMOUNTS FOR CALCULATION OF FEES PAYABLE TO REGISTRAR FOR  
REGISTRATION OF LICENCES AND FOR ADDITION OR DELETION OF  
FREQUENCIES FROM LICENCE

*Licences*

1. \$36 (basic amount)
2. \$18 (additional amount for each frequency above 1)

*Addition or Deletion of Frequencies from Licences issued under Section 48 (a) or  
Section 48 (b)*

3. \$27 (basic amount)
4. \$18 (additional amount for each frequency above 1)

Reg. 5(1)

## THIRD SCHEDULE

ANNUAL AMOUNTS PAYABLE TO SECRETARY FOR EACH FREQUENCY

Maximum power (E.I.R.P.)	Amount \$
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*MF-AM Sound Broadcasting*

1. Less than 300 watts	225
2. 300 watts or more, but less than 1 kilowatt	450
3. 1 kilowatt or more, but less than 3 kilowatts	900
4. 3 kilowatts or more, but less than 10 kilowatts	2,250
5. 10 kilowatts or more, but less than 30 kilowatts	5,229
6. 30 kilowatts or more	7,875

*VHF-FM Sound Broadcasting*

7. Less than 10 watts	63
8. 10 watts or more, but less than 100 watts	315
9. 100 watts or more, but less than 300 watts	567
10. 300 watts or more, but less than 1 kilowatt	792
11. 1 kilowatt or more, but less than 3 kilowatts	2,025
12. 3 kilowatts or more, but less than 10 kilowatts	5,067
13. 10 kilowatts or more, but less than 30 kilowatts	6,750
14. 30 kilowatts or more	7,875

*UHF Television Broadcasting*

15. Less than 10 watts	45
16. 10 watts or more, but less than 1 kilowatt	90
17. 1 kilowatt or more, but less than 3 kilowatts	207
18. 3 kilowatts or more but less than 10 kilowatts	405
19. 10 kilowatts or more, but less than 30 kilowatts	612
20. 30 kilowatts or more, but less than 100 kilowatts	1,215
21. 100 kilowatts or more, but less than 300 kilowatts	2,430
22. 300 kilowatts or more	4,860

THIRD SCHEDULE—*continued*ANNUAL AMOUNTS PAYABLE TO SECRETARY FOR EACH FREQUENCY—  
*continued*

Maximum power (E.I.R.P.)	Amount \$
<i>Other Services</i>	
23. Less than 10 watts	90
24. 10 watts or more, but less than 100 watts	180
25. 100 watts or more, but less than 1 kilowatt	360
26. 1 kilowatt or more	540.

MARIE SHROFF,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 15 November 1993, replace the Radiocommunications (Fees) Regulations (No. 2) 1990. They prescribe fees in respect of various matters under the Radiocommunications Act 1989.

*Regulation 4 (a)* is extended so that it now applies not only to licences issued under section 48 (a) or section 48 (b) of the Radio Communications Act 1989 but also to licences issued under section 48 (c) or section 48 (d) of that Act. This change allows for the charging of Registrar's fees for all relevant transactions related to all licences under section 48 of the Act.

In the *First Schedule* the fees for lodging instruments or documents for registration or otherwise are unchanged from the levels set at under the previous regulations except that—

- (a) The fee for acknowledgment of a mortgagee's consent to the grant of a licence under section 26 (1) of the Act is abolished;
- (b) The fee for lodging a memorandum of mortgage under section 74 of the Act is increased from \$27 to \$36;
- (c) The fee for lodging a withdrawal of caveat under section 96 (1) of the Act is reduced from \$36 to \$27.

In the *First Schedule* the fees for access to records or copies of records are unchanged from previous levels except that a new fee of \$36 is prescribed for a search copy of any record in the Register in accordance with section 62 of the Act.

The amounts in the *Second Schedule* are unchanged from previous levels. However the fees for licences issued under section 48 (c) and section 48 (d) of the Act are now based on the amounts in the *Second Schedule* and are not specified in the *First Schedule*. The basic fee for these licences remains at \$36.

The amounts in the *Third Schedule* are all changed from previous levels. The fees for MF-AM and VHF-FM sound broadcasting are decreased. The fees for UHF television broadcasting are all increased except that a new fee of \$45 is prescribed for broadcasting at less than 10 watts. The fees for other services are all increased and a new annual fee of \$540 is prescribed for broadcasting at 1 kilowatt or more.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered in the Ministry of Commerce.