



THE RADIOCOMMUNICATIONS (RADIO) REGULATIONS 1998

ROBIN COOKE, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 13th day of October 1998

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to sections 116, 134, and 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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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Radiocommunications (Radio) 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,—

“The Act” means the Radiocommunications Act 1989;

“Apparatus” means radio apparatus;

“Minister” means the Minister of Communications;

“Standard” means—

(a) A New Zealand standard within the meaning of the Standards Act 1988; or

(b) A standard specification prescribed by any standards organisation within the meaning of the Standards Act 1988; or

(c) A standard prescribed by the Secretary;

“VSAT” means satellite data networks using small aperture terminals in the fixed satellite service with 3 or more earth stations in one network.

3. Application of regulations—Except as otherwise provided in these regulations, these regulations shall apply to apparatus—

- (a) Within the territorial limits of New Zealand;
- (b) On any New Zealand ship;
- (c) On any aircraft registered in New Zealand.

4. Application of other laws—Except as otherwise provided in these regulations, these regulations shall apply notwithstanding that a licence, permit, or consent to install, operate, or use any apparatus may have been granted before the commencement of these regulations, or may be granted after the commencement of these regulations in accordance with any other provision of law.

5. Secretary may operate apparatus—Notwithstanding anything in these regulations, the Secretary may, for the purposes of the administration of these regulations, install, operate, and use such apparatus, in such manner, as the Secretary thinks fit.

PART I

LICENSING OF APPARATUS

6. Installation, operation, and use of certain apparatus prohibited—(1) Subject to regulation 7 of these regulations, the installation, operation, and use of all apparatus for the transmission or reception of radiocommunication is hereby prohibited except pursuant to a written licence granted by the Secretary.

(2) Nothing in subclause (1) of this regulation shall prohibit any person in distress from using any means at that person's disposal to attract attention, indicate the person's position, and obtain assistance.

7. Exemptions from licensing—(1) The Secretary may, by notice in writing to the holder of the apparatus or by notice in the *Gazette*, exempt certain apparatus, or class or classes of apparatus, from the requirement to be licensed under regulation 6 (1) of these regulations, where the Secretary is satisfied that a licence is not required for the efficient and effective management of the radio frequency spectrum.

(2) Every exemption granted under subclause (1) of this regulation shall be subject to such terms, conditions, and restrictions as the Secretary sees fit.

8. Revocation of exemptions—The Secretary may from time to time, by notice in writing to the holder of the apparatus, or by notice in the *Gazette*, revoke any exemption or exemptions granted under regulation 7 of these regulations.

9. Application for licence—(1) Any person desiring to obtain a licence shall make application in writing in such form as shall be required by the Secretary.

(2) Every application shall be accompanied by such fee as is prescribed by these regulations in respect of the application.

(3) Every application shall be sent or delivered to the Secretary at such address as shall be specified by the Secretary for the purpose.

10. Further particulars—Notwithstanding that, in relation to an application, an applicant may have complied with regulation 9 of these regulations, the Secretary may require the applicant to provide further information to assist the Secretary in considering the application.

11. Proof of information—The Secretary may require, in such form as the Secretary shall specify, proof of any information supplied by an applicant.

12. Grant of licence—(1) Subject to this regulation, the Secretary may, in respect of an application made under regulation 9 of these regulations, grant a licence or decline to do so.

(2) The Secretary may, from time to time of the Secretary's own motion, and on payment of the prescribed fee, grant a licence to install, operate, or use any apparatus without requiring that an application under regulation 9 of these regulations be made.

(3) Without limiting any other provision of the Act or these regulations, every licence granted under this regulation shall specify—

- (a) The name of the person to whom it is granted; and
- (b) The frequency or frequencies, or range or ranges of frequencies, in which transmissions are permitted pursuant to the licence; and
- (c) The type of licence.

13. General issue of licences—(1) The Secretary may, from time to time, by notice in the *Gazette*, grant licences for the installation, operation, and use of apparatus of the class or classes described in the notice.

(2) The Secretary may from time to time, by notice in the *Gazette*, amend any such notice, or may revoke any such notice in whole or in part.

14. Licensing of channels—(1) The Secretary may, from time to time, grant licences under this regulation in respect of apparatus used for the purpose of radiocommunication on a frequency or frequencies specified in the licence.

(2) The holder of a licence granted under subclause (1) of this regulation may enter into agreements with persons wishing to communicate on the frequency specified in the licence.

(3) The terms of every such agreement shall be deemed to include a condition that the user of the frequency shall comply with all terms, conditions, and restrictions applying to the licence.

(4) Any person who installs, operates, or uses apparatus pursuant to and in conformity with any such agreement shall be deemed to be doing so pursuant to a licence granted under these regulations.

(5) The fee payable in respect of a licence granted under this regulation shall be the fee specified in the Third Schedule to these regulations.

15. Matters to which Secretary to have regard—In determining whether to grant a licence under regulation 12 or regulation 13 or regulation 14 of these regulations, the Secretary shall have regard to—

- (a) Any agreement between New Zealand and any other country or countries, being an agreement that makes provision for or in relation to radio transmission; and
- (b) The public interest in achieving the maximum benefit from the radio spectrum; and

- (c) The technical compatibility of the apparatus or use for which the licence is required with existing licensed apparatus or uses of apparatus.

16. Licences to be subject to terms, conditions, and restrictions—

(1) Except as may be provided therein, every licence granted under this Part of these regulations shall be subject to the terms, conditions, and restrictions specified in the First Schedule to these regulations.

(2) Nothing in subclause (1) of this regulation shall limit the power of the Secretary, under section 111 (3) of the Act, to include in any licence such terms, conditions, and restrictions as the Secretary thinks fit.

17. Revocation or modification of licence—The Secretary may from time to time—

- (a) By notice in writing to the licensee, revoke any licence granted under this Part of these regulations or modify the terms, conditions, or restrictions that apply thereto; or
- (b) By notice in the *Gazette*, revoke any licence or licences or any class or classes of licences granted under this Part of these regulations or modify the terms, conditions, or restrictions that apply thereto.

18. Validity of licence—(1) Subject to subclauses (2) and (3) of this regulation, a licence shall be valid—

- (a) Where a fee is prescribed, for the period for which payment has been made; or
- (b) Where no fee is prescribed, for such period as is specified in the licence.

(2) Subject to subclause (3) of this regulation, the Secretary may from time to time revalidate any licence.

(3) Where a fee is prescribed, the period of revalidation shall not exceed the period for which payment has been made.

PART II

LICENSING OF SUPPLY OF TRANSMITTING APPARATUS

19. Supply of transmitting apparatus prohibited—The supply of transmitting apparatus for which a licence is required pursuant to regulation 6 of these regulations is hereby prohibited, except pursuant to a written licence.

20. Application for licence—(1) Any person desiring to obtain a licence shall make application in writing in such form as shall be required by the Secretary.

(2) Every application shall be sent or delivered to the Secretary at such address as shall be specified by the Secretary for the purpose.

21. Further particulars—Notwithstanding that, in relation to an application, an applicant may have complied with regulation 20 of these regulations, the Secretary may require the applicant to provide further information to assist the Secretary in considering the application.

22. Proof of information—The Secretary may require, in such form as the Secretary shall specify, proof of any information supplied by an applicant.

23. Grant of licence—(1) Subject to subclause (2) of this regulation, the Secretary may, in respect of an application made under regulation 20 of these regulations, grant a licence or decline to do so.

(2) The Secretary may, from time to time at the Secretary's own motion, grant a licence to supply transmitting apparatus without requiring that an application under regulation 20 of these regulations be made.

24. Revocation or modification of licence—The Secretary may from time to time—

- (a) By notice in writing to the licensee, revoke any licence granted under this Part of these regulations or modify the terms, conditions, or restrictions that apply thereto; or
- (b) By notice in the *Gazette*, revoke any licence or licences granted under this Part of these regulations or modify the terms, conditions, or restrictions that apply thereto.

25. Returns in respect of transmitting apparatus—Every licence to supply transmitting apparatus shall be deemed to include—

- (a) A condition that, where in any month the holder of the licence supplies transmitting apparatus to any person, the holder of that licence shall send to the Secretary, within 10 working days after the end of that month, a form setting out—
 - (i) The name of the supplier:
 - (ii) The name of the person to whom the transmitting apparatus was supplied:
 - (iii) The address and telephone number of the person to whom the transmitting apparatus was supplied:
 - (iv) The date on which the transmitting apparatus was supplied:
 - (v) The make and model of the transmitting apparatus that was supplied:
 - (vi) The serial number of the transmitting apparatus that was supplied:
 - (vii) The frequency or frequencies, or range or ranges of frequencies, fitted to the transmitting apparatus that was supplied:
- (b) A condition that the holder of the licence supply to the Secretary such other returns, in respect of transmitting apparatus supplied by the holder of the licence, as the Secretary may from time to time require.

26. Exemptions—The Secretary may from time to time, by notice in the *Gazette*,—

- (a) Specify transmitting apparatus or classes of transmitting apparatus in respect of which a return is not required in accordance with the condition imposed by regulation 25 of these regulations; or
- (b) Amend any notice published under paragraph (a) of this subclause, or revoke any such notice in whole or in part.

27. Revocation or suspension of licence—If the Secretary is of the opinion that the holder of a licence has committed a breach of any term or condition of the licence, the Secretary may, by notice in writing to the holder of the licence, revoke the licence or suspend the licence for such period as the Secretary thinks fit.

PART III

PRIVACY OF RADIOCOMMUNICATIONS

28. Privacy of radiocommunications—Except as may be authorised under these regulations or under any licence granted pursuant to these regulations, no person who receives any radiocommunication not intended for that person shall—

- (a) Make use of the radiocommunication or any information derived therefrom:
- (b) Reproduce or cause or permit to be reproduced the radiocommunication or information derived therefrom:
- (c) Disclose the fact of the existence of the radiocommunication.

PART IV

CERTIFICATES OF COMPETENCY

29. Examinations as to competence—The Secretary shall, from time to time, provide for the conduct, by persons authorised by the Secretary to do so, of the examinations prescribed in these regulations to determine the competence of persons wishing to hold certificates of competency in the operation of apparatus.

30. Classes of certificates—(1) The Secretary may, from time to time, grant to any person who has successfully completed an examination prescribed by these regulations, or to any other person who in the opinion of the Secretary meets the requirements for the granting of a certificate, a certificate of competency of a class specified in subclause (2) of this regulation.

(2) The classes of certificates of competency which may be granted under subclause (1) of this regulation are—

- (a) General radiotelephone operator certificate:
- (b) Restricted radiotelephone operator certificate:
- (c) General amateur operator certificate:
- (d) Limited amateur operator certificate:
- (e) Novice amateur operator certificate:
- (f) Radiocommunication operator general certificate for the maritime mobile service:
- (g) Other classes of certificate prescribed in the International Radio Regulations.

(3) The Secretary may, by notice in writing to the holder of a certificate, revoke any certificate issued under this regulation, or suspend any such certificate for such period as the Secretary shall specify.

31. Examinations prescribed—The examinations prescribed in respect of the classes of certificate specified in regulation 30 (2) of these regulations shall be as specified in the Second Schedule to these regulations.

32. Form of certificate—Any certificate issued under this Part of these regulations shall be in such form and subject to such conditions, directions, or rules, as the Secretary may, from time to time, prescribe for the purpose.

33. Terms, conditions, and restrictions in connection with certificate—The Secretary may, in connection with any certificate, impose such terms, conditions, and restrictions, not inconsistent with the Act or these regulations, as the Secretary thinks fit.

34. Secretary may refuse to grant application for an operator certificate—The Secretary may, in the Secretary's discretion, refuse to grant an application for any class of operator certificate.

35. Recognition of foreign operator certificates—The Secretary may from time to time, in the Secretary's discretion, recognise as the equivalent of any certificate issued under these regulations any certificate of similar class issued in another country in accordance with the laws of that country.

36. Conditions for the conduct of examinations—The Secretary may from time to time, by notice in the *Gazette*, prescribe the conditions for the conduct of any examination conducted under these regulations.

37. Re-examination—(1) Where the Secretary considers that it is necessary or desirable in the public interest to do so, the Secretary may require any person to whom any class of operator certificate under these regulations has been issued to submit himself or herself for re-examination in any or all of the subjects required for examination for the class of certificate concerned.

(2) Where any person fails to submit himself or herself for re-examination in accordance with this regulation when so required by the Secretary, or fails to qualify at the re-examination, the Secretary may revoke the certificate or authorisation issued to that person or may suspend that certificate or authorisation for such period as the Secretary, in the Secretary's discretion, shall determine.

38. Recount of marks awarded—(1) In circumstances in which any such action appears to the Secretary to be desirable, the Secretary may approve a recount being made of the marks awarded to a candidate in respect of any written examination prescribed by these regulations.

(2) The fee in respect of each paper for which a recount of marks is undertaken shall be that prescribed in the Third Schedule to these regulations.

PART V

RADIO INTERFERENCE

39. Interpretation—In this Part of these regulations, unless the context otherwise requires,—

“CISPR” means the specifications, limits, procedures, and methods of measurement issued by the International Special Committee on Radio Interference of the International Electrotechnical Commission:

“Class”, in relation to interfering equipment, means interfering equipment of a specific make or model, or a generic group of interfering equipment with common purpose, use, or application:

“Electromagnetic immunity” means the ability of interfering equipment to function in the presence of electromagnetic energy without degradation of performance:

“Interfering equipment” means any apparatus or equipment of any kind (whether radio apparatus or not) that may generate electromagnetic waves (being radio frequency energy) likely to interfere with radiocommunications; and includes any works within the meaning of the Electricity Act 1992.

40. Application of this Part—This Part of these regulations shall apply to any interfering equipment that—

- (a) Is intended for the purpose of effecting radiocommunication and is used pursuant to a licence issued by the Secretary under these regulations; or
- (b) Is intended for the purpose of effecting radiocommunication and is used pursuant to an exemption from licensing granted by the Secretary under these regulations; or
- (c) Is not intended for the purpose of radiocommunication.

41. Notification of classes, levels of conformity, and standards for interfering equipment—(1) The Secretary may from time to time, by notice in the *Gazette*,—

- (a) Prescribe classes of interfering equipment and the level of conformity applicable to each such class of interfering equipment:
- (b) Prescribe the standards applicable to each class of interfering equipment, being standards that specify—
 - (i) The procedures and methods to be used in measuring the electromagnetic energy produced by the equipment and the limits within which such electromagnetic energy must be suppressed; or
 - (ii) Where the equipment is intended for the reception of radiocommunications, the procedures and methods to be used in determining, so far as reception is concerned, the electromagnetic immunity of the equipment:
- (c) Prohibit the installation, use, manufacture, or sale of any class or classes of interfering equipment (being a class or classes specified in the notice):
- (d) Specify, for the purposes of regulation 43 of these regulations, the test facilities that are approved by the Secretary for the purposes of testing interfering equipment and providing test reports, and any conditions or restrictions imposed in relation to the Secretary’s approval.

(2) The Secretary may, by notice in the *Gazette*, revoke or modify any notice issued under subclause (1) of this regulation.

42. Prohibition on installation, use, manufacture, or sale of interfering equipment—(1) Where a standard notified under regulation 41 (1) of these regulations applies in relation to any class of interfering equipment, no person shall, except as otherwise provided in this Part of these regulations, install, use, manufacture, or sell interfering equipment of that class that does not comply with that standard.

(2) Nothing in subclause (1) of this regulation shall apply to the installation, use, or manufacture of interfering equipment for the purpose of testing for compliance with the requirements of these regulations.

43. Levels of conformity—(1) Where a class of interfering equipment is prescribed, in a notice published under regulation 41 of these

regulations, as level 0, interfering equipment in that class shall comply with a standard specified in that notice in relation to that class.

(2) Where a class of interfering equipment is prescribed, in a notice published under regulation 41 of these regulations, as level 1,—

- (a) Interfering equipment in that class shall comply with a standard prescribed in that notice in relation to that class; and
- (b) A declaration of conformity in relation to interfering equipment of a specific make and model in that class shall be submitted to the Secretary.

(3) Where a class of interfering equipment is prescribed, in a notice published under regulation 41 of these regulations, as level 2,—

- (a) Interfering equipment in that class shall comply with a standard prescribed in that notice in relation to that class; and
- (b) A declaration of conformity in relation to interfering equipment of a specific make and model in that class shall be submitted to the Secretary; and

(c) A copy of the test report for that interfering equipment shall be submitted to the Secretary.

(4) Where a class of interfering equipment is prescribed, in a notice published under regulation 41 of these regulations, as level N,—

- (a) Interfering equipment in that class shall comply with a standard prescribed in that notice in relation to that class or, where no standard is so prescribed, shall be constructed in a manner that involves taking reasonable steps to ensure interference with radiocommunications is minimised; and
- (b) If a standard is so prescribed, a copy of the test report for that interfering equipment shall be submitted where requested by the Secretary; and
- (c) If no standard is so prescribed, a declaration that all reasonable steps have been taken to ensure that the interfering equipment is constructed in a manner that minimises interference with radiocommunications shall be submitted where requested by the Secretary.

(5) Every submission made in accordance with subclause (2) or subclause (3) or subclause (4) of this regulation must be accompanied by such fee as is prescribed in Part C of the Third Schedule to these regulations.

44. Prohibition on installation, use, manufacture, or sale of interfering equipment—Where a notice published under regulation 41 (1) of these regulations applies in relation to any class of interfering equipment, no person shall install, manufacture, or sell interfering equipment of that class unless the relevant provisions of subclauses (1) to (4) of regulation 43 of these regulations have been complied with in relation to interfering equipment of that class.

45. Power to impose additional conditions—Where the Secretary receives, in respect of any interfering equipment, a declaration of conformity or a test report submitted under regulation 43 of these regulations, the Secretary may, by notice in the *Gazette*, or by notice in writing to the person who submitted the declaration or report, impose such additional conditions as the Secretary sees fit on the installation, use, or sale of any such interfering equipment.

46. Declaration of conformity—A declaration of conformity submitted under regulation 43 of these regulations shall be in the form set out in the Fourth Schedule to these regulations.

47. Monitoring of compliance—The Secretary may at any time, whether or not a declaration of conformity or test report has been submitted under regulation 43 of these regulations, require that samples of interfering equipment, or copies of test reports in respect of interfering equipment, be submitted to the Secretary for the purpose of determining whether the interfering equipment complies with a standard prescribed in a notice under regulation 41 (1) (b) of these regulations, or, where no standard is so prescribed, that reasonable steps have been taken to ensure that the equipment is constructed and operated in a manner that minimises interference with radiocommunications.

48. Interference with radiocommunications—Where the Secretary is satisfied that interfering equipment is interfering with radiocommunications, the Secretary may in writing require the person operating the interfering equipment to cease operating the equipment or to modify the operation of the equipment to prevent the interference.

49. Offences—(1) Every person commits an offence who—

- (a) Contravenes regulation 42 of these regulations; or
- (b) Fails to comply with regulation 44 of these regulations; or
- (c) Fails to comply with any conditions imposed by the Secretary under regulation 45 of these regulations; or
- (d) Makes a declaration of conformity under regulation 43 of these regulations knowing that the declaration is false; or
- (e) Fails to comply with any requirement made by the Secretary under regulation 47 of these regulations; or
- (f) Fails to comply with any requirement made by the Secretary under regulation 48 of these regulations.

(2) Every person who commits an offence against subclause (1) of this regulation is liable on summary conviction to a fine not exceeding \$10,000 and, where the offence is a continuing one, a further fine not exceeding \$100 for every day or part of a day during which the offence has continued.

PART VI

RADIOCOMMUNICATION WITHIN TERRITORIAL LIMITS

50. Application of this Part—This Part of these regulations shall apply to apparatus on—

- (a) Merchant ships and aircraft of whatever nationality or registration; and
- (b) Foreign ships of war and foreign military aircraft,—
within the territorial limits of New Zealand.

51. Use of apparatus to which this Part applies—No person shall use any apparatus to which this Part of these regulations applies—

- (a) Unless a valid licence or authority has been issued in respect of that apparatus by an International Telecommunication Union administration which New Zealand is required to recognise under the International Telecommunication Convention; and

- (b) Except in accordance with any instructions given to the operator of the apparatus by the Secretary.

52. Offence—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 who operates any apparatus to which this Part of these regulations applies in contravention of regulation 51 of these regulations.

PART VII

FEES

53. Fees—(1) The fees (inclusive of goods and services tax) payable in respect of applications and declarations made and licences and certificates issued under these regulations shall be as specified in the Third Schedule to these regulations.

(2) The Secretary may waive, in whole or in part, the payment of any fee payable under these regulations where, in the opinion of the Secretary,—

- (a) The quality of life of the licensee, is seriously affected; or
(b) The nature of the use of the apparatus is such that no cost is incurred by the Secretary in relation to that apparatus.

(3) Where a licence is granted for a period of less than one year, the Secretary may reduce the fee payable in proportion to the period of the licence.

PART VIII

REPEALS AND TRANSITIONAL PROVISIONS

54. Revocations—The regulations set out in the Fifth Schedule to these regulations are hereby revoked.

55. Transitional provisions—(1) Notwithstanding the revocation of the regulations set out in the Fifth Schedule to these regulations, every licence, exemption from licensing, or certificate granted pursuant to those regulations which was valid immediately before the coming into force of these regulations shall—

- (a) Be deemed to have been granted under these regulations; and
(b) Continue in force until—

(i) Revoked by the Secretary; or

(ii) Replaced by a licence, exemption from licensing, or certificate granted pursuant to these regulations.

(2) Subject to subclause (3) of this regulation, every such licence, exemption from licensing, or certificate shall continue to be subject to all the terms, conditions, and restrictions to which it was subject immediately before the coming into force of these regulations.

(3) The Secretary may from time to time, by notice in writing to the licensee or holder of the certificate, amend the terms, conditions, or restrictions applying to any such licence, exemption from licensing, or certificate.

SCHEDULES

Reg. 16 (1)

FIRST SCHEDULE

TERMS, CONDITIONS, AND RESTRICTIONS APPLYING TO ALL LICENCES

1. Compliance with technical specifications—The licensee shall ensure that the apparatus to which the licence relates complies with such technical specifications or standards relating to such apparatus as are issued from time to time by the Secretary.

2. Compliance with International Radio Regulations—The licensee shall comply with the International Radio Regulations to the extent that they apply to the class of licence held by the licensee.

3. Limits on use of apparatus—The licensee shall not take part in any radiocommunication other than as specified in the licence.

4. Licensee personally responsible for observance of terms, etc., of licence—Notwithstanding any approval that may from time to time be given by the Secretary for any person other than the licensee to operate the apparatus to which the licence relates, the licensee shall be personally responsible for the observance of all terms, conditions, and restrictions which apply to the licence as if the apparatus were operated by the licensee.

5. Notification of change of address—When a licence is expressed to apply to apparatus at a particular address, the licensee shall, within 7 days of removing the apparatus from the address, notify the Secretary of the removal.

6. Apparatus not to be operated in manner that endangers other radiocommunications—The licensee shall not operate the apparatus to which the licence relates in a manner that endangers the functioning of radionavigation apparatus, or seriously degrades, obstructs, or repeatedly interrupts radiocommunications operating in accordance with these regulations.

7. Licensee to comply with directions—The licensee shall comply with any directions relating to the use of the apparatus to which the licence relates given to the licensee by the Secretary or any person authorised by the Secretary to give such directions on the Secretary's behalf.

8. Allocation of frequency not to confer monopoly—The allocation of a frequency to a licensee shall not be held to confer upon the licensee a monopoly of the use of that frequency.

9. Operator of apparatus to hold valid operator certificate—Except as otherwise provided herein, the apparatus to which the licence relates shall not be operated by any person who is not the holder of a valid certificate of the required class, or an authorisation issued, or a certificate recognised by the Secretary.

10. Callsigns—The callsign of the apparatus to which the licence relates shall be the callsign shown on the licence.

FIRST SCHEDULE—*continued*TERMS, CONDITIONS, AND RESTRICTIONS APPLYING TO ALL LICENCES—
continued

11. Use of apparatus for impersonation, etc.—Neither the licensee nor any other person transmitting from the apparatus to which the licence relates shall, by means of the apparatus to which the licence relates, impersonate any other person, or pass off that apparatus to be other apparatus, or improperly use the callsign allocated to other apparatus.

12. False or misleading communication—Neither the licensee nor any other person transmitting from the apparatus to which the licence relates shall cause or permit the transmission of any radio communication of a false, fictitious, or misleading character, and in particular but without limiting the generality of the foregoing, cause or permit to be transmitted any false or deceptive distress signal or distress call.

13. Licence to be available for inspection—The licensee shall cause the licence to be available at all times for inspection by an authorised officer.

14. Dismantling of apparatus when contravention has taken place—Where an authorised officer, being of the opinion that a contravention of the Act or the regulations (whether by a breach of any of these terms, conditions, and restrictions or otherwise) has taken place in respect of the apparatus to which the licence relates, requires that operation of the apparatus shall cease, or that the apparatus shall be dismantled, or that the apparatus or any part thereof shall be surrendered to the officer or rendered inoperative, the licensee shall comply with the requirement.

Reg. 31

SECOND SCHEDULE

EXAMINATIONS PRESCRIBED FOR THE GRANTING OF OPERATOR CERTIFICATES

Part A

General Radio Telephone Operator Certificate

To qualify for a general radiotelephone operator certificate, including endorsement for operating in the global maritime distress and safety system, a candidate shall be required to pass the appropriate examination based on the syllabus prescribed in the International Radio Regulations.

Part B

Restricted Radiotelephone Operator Certificate

To qualify for a restricted radiotelephone operator certificate, a candidate shall be required to pass the appropriate examination prescribed in the International Radio Regulations.

Part C

General Amateur Operator Certificate

To qualify for a general amateur operator certificate, a candidate shall be required to pass—

- (a) A written examination, prescribed by the Secretary for the purpose, in the principles of electricity, radio telegraphy, and radiotelephony, and in the adjustment and operation of apparatus used by amateur radio operators; and
- (b) A written examination, prescribed by the Secretary, in—
 - (i) The law relating to the installation, operation, and use of apparatus used by amateur radio operators; and
 - (ii) The operating procedures, service codes, and abbreviations applicable to such apparatus; and
- (c) A morse operating test, prescribed by the Secretary, both sending and receiving, at a speed of 12 words per minute.

Part D

Limited Amateur Operator Certificate

To qualify for a limited amateur operator certificate, a candidate shall be required to pass the written examinations prescribed in respect of the general amateur operator certificate but shall not be required to pass a morse operating test.

Part E

Novice Amateur Operator Certificate

To qualify for a novice amateur operator certificate, a candidate shall be required to—

- (a) Complete the written examinations prescribed in respect of the general amateur operator certificate to a standard determined by the Secretary for the purpose, being a standard no greater than the standard required in respect of the general amateur operator certificate; and
- (b) Pass a morse operating test, both sending and receiving, at a speed of 6 words per minute.

Part F

Other Classes of Certificate Prescribed in the International Radio Regulations

The examinations prescribed in respect of such certificates shall be as prescribed in the International Radio Regulations.

THIRD SCHEDULE

Reg. 53

FEES PAYABLE IN RESPECT OF APPLICATIONS AND DECLARATIONS MADE AND LICENCES AND CERTIFICATES ISSUED

PART A

Licences Issued Under Part I of These Regulations

<i>Radio Apparatus Licence Type</i>	Application Fee \$	Initial Licence Fee Per Annum \$	Annual Renewal Fee \$
1. Land Mobile			
<i>Repeater (Two-frequency), with Bandwidth more than 12.5 kHz (licensed under regulation 14)</i>			
(a) Multiple repeaters on a common channel throughout NZ	54	6,750	6,750
(b) Single repeater more than 5 watts EIRP	54	900	900
(c) Single repeater 5 watts or less EIRP	54	450	450
<i>Repeater (Two-frequency), with Bandwidth 12.5 kHz or less (licensed under regulation 14)</i>			
(d) Multiple repeaters on a common channel throughout NZ	54	3,375	3,375
(e) Single repeater more than 5 watts EIRP	54	450	450
(f) Single repeater 5 watts or less EIRP	54	225	225
<i>Single Frequency, with Bandwidth more than 12.5 kHz</i>			
(g) Multiple apparatus on a common frequency throughout New Zealand	54	4,500	4,500
(h) Other (per apparatus) under regulation 12	54	45	45
<i>Single Frequency, with Bandwidth 12.5 kHz or less</i>			
(i) Multiple apparatus on a common frequency throughout New Zealand	54	2,250	2,250
(j) Other (per apparatus) under regulation 12	54	27	27
2. Fixed Services			
Point to Point			
<i>Frequency</i>	<i>Bandwidth</i>		
(a) Less than 1 GHZ	25 kHz or less	54	45
(b) Less than 1 GHZ	More than 25 kHz but less than or equal to 50 kHz	54	72
(c) Less than 1 GHZ	More than 50 kHz but less than or equal to 75 kHz	54	99
(d) Less than 1 GHZ	More than 75 kHz but less than or equal to 250 kHz	54	135
(e) Less than 1 GHZ	More than 250 kHz	54	171
(f) 1 GHZ or more, but less than 3 GHZ	Less than 4 MHz	54	450
(g) 1 GHZ or more, but less than 3 GHZ	4 MHz or more, but less than 8 MHz	54	621
(h) 1 GHZ or more, but less than 3 GHZ	8 MHz or more, but less than 25 MHz	54	792
(i) 1 GHZ or more, but less than 3 GHZ	25 MHz or more	54	900

THIRD SCHEDULE—*continued*FEES PAYABLE IN RESPECT OF APPLICATIONS AND DECLARATIONS MADE AND LICENCES AND CERTIFICATES ISSUED—*continued*PART A—*continued**Licences Issued Under Part I of These Regulations—continued*

Frequency	Bandwidth	Application Fee \$	Initial Licence Fee Per Annum \$	Annual Renewal Fee \$
(j) 3 GHZ or more, but less than 14 GHZ	Less than 8 MHz	54	342	342
(k) 3 GHZ or more, but less than 14 GHZ	8 MHz or more, but less than 25 MHz	54	504	504
(l) 3 GHZ or more, but less than 14 GHZ	25 MHz or more	54	675	675
(m) 14 GHZ or more	Less than 30 MHz	54	45	45
(n) 14 GHZ or more	30 MHz or more	54	90	90
<i>Point to Multipoint</i>				
(o) Unidirectional link		54	630	630
(p) Bidirectional link		54	63	63
3. Aeronautical				
(a) Aircraft		Nil	54	54
(b) Mobile		54	54	54
(c) Fixed		54	153	153
(d) Repeater		54	675	675
4. Maritime				
(a) Ship		Nil	45	45
(b) Mobile		54	45	45
(c) Repeater		54	135	135
(d) Coast		54	45	45
5. Amateur				
(a) Amateur (beacon and repeater)		Nil	Nil	Nil
(b) Amateur (operator)		Nil	49.50	49.50
6. Radio Determination				
(a) Radio Determination (mobile)		54	45	45
(b) Radio Determination (fixed)		54	540	540
7. Radio Navigation				
(a) Radio navigation (mobile)		54	45	45
(b) Radio navigation (fixed)		54	450	450
8. Satellite				
(a) Fixed satellite (per transponder accessed)		54	3,483	3,483

THIRD SCHEDULE—*continued*FEES PAYABLE IN RESPECT OF APPLICATIONS AND DECLARATIONS MADE AND LICENCES AND CERTIFICATES ISSUED—*continued*PART A—*continued**Licences Issued Under Part I of These Regulations—continued*

	Application Fee \$	Initial Licence Fee Per Annum \$	Annual Renewal Fee \$
(b) Mobile satellite, per apparatus (including fixed stations operating in mobile satellite service)	54	180	Nil
(c) Receive only satellite	54	1,260	1,260
(d) VSAT network	54	675	Nil
9. Meteorological			
(a) Meteorological Aids	54	45	45
(b) Meteorological Radar	54	540	540
10. Radio Astronomy	54	45	45
11. Paging —Operating with an EIRP of:			
(a) 5 Watts EIRP or less	54	144	144
(b) More than 5 watts EIRP but less than or equal to 25 Watts EIRP	54	297	297
(c) More than 25 Watts EIRP	54	585	585
(d) Multiple installations on a common frequency throughout NZ	54	5,850	5,850
12. Telemetry/telecommand	54	90	90
13. Miscellaneous	54	45	45
14. Sound Broadcasting			
HF AM —Operating with an EIRP of:			
(a) Less than 1 kilowatt	54	90	90
(b) 1 kilowatt or more, but less than 3 kilowatts	54	405	405
(c) 3 kilowatts or more, but less than 10 kilowatts	54	810	810
(d) 10 kilowatts or more, but less than 30 kilowatts	54	1,620	1,620
(e) 30 kilowatts or more	54	3,240	3,240

THIRD SCHEDULE—*continued*FEES PAYABLE IN RESPECT OF APPLICATIONS AND DECLARATIONS MADE AND LICENCES AND CERTIFICATES ISSUED—*continued*PART A—*continued**Licences Issued Under Part I of These Regulations—continued*

	Application Fee \$	Initial Licence Fee Per Annum \$	Annual Renewal Fee \$
15. VHF Broadcast			
Television —Operating with an ERP of:			
(a) Less than 10 watts	54	45	45
(b) 10 watts or more but less than 1 kilowatt	54	1,800	1,800
(c) 1 kilowatt or more but less than 30 kilowatts	54	7,200	7,200
(d) 30 kilowatts or more	54	63,000	63,000
16. Sound Broadcasting			
VHF-FM —Operating with an EIRP of:			
(a) Less than 10 watts	54	63	63
(b) 10 watts or more, but less than 100 watts	54	315	315
(c) 100 watts or more, but less than 300 watts	54	567	567
(d) 300 watts or more, but less than 1 kilowatt	54	792	792
(e) 1 kilowatt or more, but less than 3 kilowatts	54	2,025	2,025
(f) 3 kilowatts or more, but less than 10 kilowatts	54	5,067	5,067
(g) 10 kilowatts or more, but less than 30 kilowatts	54	6,750	6,750
(h) 30 kilowatts or more	54	7,875	7,875
17. UHF Television— Operating with an EIRP of:			
(a) Less than 10 watts	54	45	45
(b) 10 watts or more, but less than 1 kilowatt	54	90	90

THIRD SCHEDULE—*continued*

FEEs PAYABLE IN RESPECT OF APPLICATIONS AND DECLARATIONS MADE AND LICENCES AND CERTIFICATES ISSUED—*continued*

PART A—*continued*

Licences Issued Under Part I of These Regulations—continued

	Application Fee \$	Initial Licence Fee Per Annum \$	Annual Renewal Fee \$
(c) 1 kilowatt or more, but less than 3 kilowatts	54	207	207
(d) 3 kilowatts or more, but less than 10 kilowatts	54	405	405
(e) 10 kilowatts or more, but less than 30 kilowatts	54	612	612
(f) 30 kilowatts or more, but less than 100 kilowatts	54	1,215	1,215
(g) 100 kilowatts or more, but less than 300 kilowatts	54	2,430	2,430
(h) 300 kilowatts or more	54	4,860	4,860

PART B

Fees Payable in Respect of Examinations and Certificates of Competency Pursuant to Part IV of these Regulations

Examinations

(including the cost of a certificate for successful candidates)	\$
1. For one to five persons:	36 per person
2. For six or more persons:	18 per person
3. Recount of marks:	18

Certificates of Competency

Certificates

4. Amateur (General)	27
5. Amateur (Novice)	27
6. Amateur (Limited)	27
7. Revalidations:	18
8. Duplicates:	18

THIRD SCHEDULE—continued

FEE PAYABLE IN RESPECT OF APPLICATIONS AND DECLARATIONS MADE AND LICENCES AND CERTIFICATES ISSUED—continued

PART C

Fees for Declarations Submitted Under Part V of these Regulations

Interfering Equipment (Non-Radio)

<i>Category</i>	<i>Fee</i> \$
1. CISPR 11 Industrial, Scientific, and Medical (ISM)	192
2. CISPR 13 Broadcast Receivers	192
3. CISPR 14 Household	192
4. CISPR 15 Lighting	192
5. CISPR 22 Information Technology Equipment (ITE)	192
6. EN 50081-1 generic	192
7. Other interfering equipment (non-radio)—standards not specified elsewhere	192

Interfering Equipment (Radio)

<i>Specification Reference</i>	<i>Fee</i> \$
8. RFS 25 VHF and UHF Land Mobile	157
9. RFS 26 VHF and UHF Land Mobile	157
10. RFS 21 VHF and UHF Land Mobile	157
11. RFS 35 VHF and UHF Land Mobile	157
12. RFS 32 VHF and UHF Land Mobile	157
13. RFS 41 SSB Maritime Mobile	157
14. RFS 17 SSB Maritime Mobile	157
15. RFS 18 SSB Land Mobile	157
16. RFS 19 SSB Land Mobile	157
17. RFS 33 VHF Maritime Mobile	157
Fee \$	
18. RFS 31 Non-speech	157
19. RFS 23 Citizen Radio	67
20. RFS 27 Telemetry and Telecommand	67
21. RFS 28 Radio Paging	67
22. RT 5 VHF Maritime Mobile	67
23. Other interfering equipment (radio)—standards not specified elsewhere	157
24. RFS 36 VHF and UHF Fixed Links	157

Miscellaneous

25. Reticulation networks (payable each time a test audit is required by the Secretary)	422
26. RFS 29 Restricted Radiation Apparatus	112



FOURTH SCHEDULE

Reg. 46

DECLARATION OF CONFORMITY

Under Regulation 43 of the Radio Regulations 1993

Company or person making declaration

Name:

Address:

.....

Applicable specification(s) or parts thereof:

Type of product (e.g. base, mobile, hairdryer, television, etc.):

.....

Make:

Model:

Serial number (for one-off):

Country of origin:

Applicable specification(s) or parts thereof:

Name and address of laboratory in which tested for conformity:

.....

.....

Date tested:

Report number (if applicable):

Name of laboratory accreditation body (e.g. TELARC, NATA, NAMAS,

etc.):

.....

Frequency of operations or frequency range:

Switching range (if applicable):

I hereby authorise

to submit this declaration of conformity on my behalf.

Signed: Date:

I declare that the

above product, and all replicas of the above product, meets all the sections

of the required specification(s).

Signed: Date:



Reg. 54

FIFTH SCHEDULE
REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
The Radio Regulations 1987	1987/412
The Radio Regulations 1987, Amendment No. 1	1988/69
The Radio Regulations 1987, Amendment No. 2	1988/304
The Radio Regulations 1987, Amendment No. 3	1989/7
The Radio Regulations 1987, Amendment No. 5	1989/200
The Radio Regulations 1987, Amendment No. 6	1990/301

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 Radio Regulations 1987. The new regulations differ from the Radio Regulations 1987 in the following respects.

The requirement in *regulation 10 (3) (b)* of the Radio Regulations 1987 to specify the apparatus to which a licence applies is replaced in *regulation 12* of the new regulations with a requirement to specify the frequencies or ranges of frequencies to which the licence applies. The requirement in *regulation 10 (3) (c)* of the Radio Regulations 1987 to specify the purpose for which the apparatus may be used is replaced in *regulation 12* of the new regulations with a requirement to specify the type of licence.

Regulation 18 provides that a licence under Part I of the regulations shall be valid for the period for which payment has been made or, where there is no fee, for the period specified in the licence. Subject to the payment of any fee prescribed, the Secretary may revalidate any licence.

The requirement to pay a fee for an application for a licence to supply transmitting apparatus has been removed.

The requirement to pay a fee for the granting of a licence to supply transmitting apparatus where an application is not required has been removed.

Regulation 23 of the Radio Regulations 1987 (which specified the period of validity of a licence granted under Part II of the regulations) is not repeated in these regulations.

Regulation 25 is new. It requires that a person who is granted a licence to supply apparatus must, as a condition of the licence, file monthly returns to the Secretary setting out certain prescribed details. *Regulation 26* (also new) provides that the Secretary may, by notice in the *Gazette*, grant exemptions to the requirement in *regulation 25*.

Regulation 27, which is also new, deals with the revocation and suspension of licences.

Part V of the regulations is new. It replaces Part V of the Radio Regulations 1987. This Part deals with radio interference. This Part applies to any interfering equipment which—

- (a) Is intended for the purpose of effecting radiocommunication and is used pursuant to a licence issued by the Secretary under these regulations; or
- (b) Is intended for the purpose of effecting radiocommunication and is used pursuant to an exemption from licensing granted by the Secretary under these regulations; or
- (c) Is not intended for the purpose of radiocommunication.

Regulation 41 provides for the Secretary, by notice in the *Gazette*, to prescribe classes of interfering equipment and levels of conformity and standards for each class.

Regulation 42 prohibits the installation, use, manufacture, or sale of certain interfering equipment.

Regulation 43 provides that interfering equipment shall comply with standards set by the Secretary and sets out the evidence that must be provided to the Secretary of the requisite level of conformity with the standard.

Regulation 44 prohibits the installation, use, manufacture, or sale of certain interfering equipment.

Regulation 45 empowers the Secretary of Commerce to impose additional conditions on the installation, use, or sale of interfering equipment.

Regulation 46 deals with the form of the declaration of conformity.

Regulation 47 provides for random audits of interfering equipment for the purpose of determining whether the interfering equipment being audited complies with the prescribed standard.

Regulation 48 provides that the Secretary of Commerce may require a person to cease operating interfering equipment.

Regulation 49 is an offence provision.

Regulation 53 differs from the equivalent provision in the revoked regulations in that it—

- (a) Defines the humanitarian grounds for the waiver of a fee; and
- (b) Provides for charging a licence fee for only part of a year where appropriate.

The *Second Schedule* differs from the *Second Schedule* in the *Radio Regulations 1987* in that—

- (a) The requirements for the General Radiotelephone Operator Certificate are updated; and
- (b) That part of the Schedule relating to the Radio-communication Operator General Certificate for the Maritime Mobile Service is no longer required.

The *Third Schedule* contains a new schedule of fees.

The *Fourth Schedule* sets out the form of declaration of conformity.

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

Date of notification in *Gazette*: 15 October 1993.

These regulations are administered in the Ministry of Commerce.