

Serial Number 1940/292.



THE RADIO EMERGENCY REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 5th day of
November, 1940.

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to the power and authority vested in him by the Post and Telegraph Act, 1928, and the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

PART I.—GENERAL.

1. These regulations may be cited as the Radio Emergency Regulations 1940.

2. These regulations shall come into force on the 7th day of November, 1940.

3. In these regulations, if not inconsistent with the context,—

“Apparatus” includes special apparatus and transmitting-apparatus as hereinafter defined :

“License” includes a special-apparatus license and a transmitting-apparatus license :

“Licensing authority” means the Minister of Telegraphs or any Radio Inspector or any other officer of the Post and Telegraph Department from time to time authorized by him to issue apparatus licenses and transmitting-apparatus permits under these regulations :

“Minister” means the Minister of Telegraphs :

“Radio Inspector” includes any Radio Inspector holding office under the Radio Regulations 1932 and any other licensing authority under these regulations.

4. If any apparatus is included in the definition of “special apparatus” hereinafter contained and also in the definition of “transmitting-apparatus” hereinafter contained, it shall be sufficient if a license or permit relating to such apparatus be issued either as a special-apparatus license or permit or as a transmitting-apparatus license or permit respectively.

5. No radio-dealer's license under the Radio Regulations 1932* shall be issued to any person who for the time being is an enemy alien within the meaning of the Aliens Emergency Regulations 1940,† and if, by inadvertence or otherwise, any radio-dealer's license be issued to an enemy alien the license shall, notwithstanding the terms thereof, be void and of no effect.

6. The grant or withholding of a license under these regulations shall be in the absolute discretion of the licensing authority.

7. Every license issued under these regulations shall, unless express provision to the contrary appears therein, be deemed to be subject to the following conditions, whether such conditions be set out in the license or not :—

- (i) The apparatus referred to in the license, if already situate at the address stated in the license, shall be retained at that address unless otherwise authorized in the license ;
- (ii) The apparatus referred to in the license, if not already situate at the address stated in the license, but if already in the possession or under the custody or control of the licensee, shall forthwith be conveyed to that address ;
- (iii) The apparatus referred to in the license, if not already situate at the address stated in the license, and if not already in the possession or under the custody or control of the licensee, shall forthwith upon passing into the possession or under the custody or control of the licensee be conveyed to that address ;
- (iv) Nevertheless, any apparatus may be removed, either temporarily or permanently, from the address stated in the license to some other address with the previous written permission of a licensing authority, and such other address shall for the purpose of these conditions thereupon be deemed to be substituted for the address stated in the license ;
- (v) The licensee shall permit and assist any officer of police or any Radio Inspector at any time to enter upon the premises where the apparatus referred to in the license for the time being is or is believed to be or ought to be, and to inspect the same and the condition thereof ;
- (vi) If the purpose for which the apparatus is to be used be set out in or appear from the terms of the license, neither the apparatus nor any part thereof shall be used for any other purpose ; and
- (vii) No modification in or addition to the apparatus shall be made without the previous written consent of a licensing authority, and subject to any conditions set out in such consent.

8. Every license issued under these regulations may be subject to such express conditions as the licensing authority may think fit to insert therein.

9. Every license shall be revocable at any time at the discretion of any licensing authority, and any licensing authority may at any time vary the conditions of a license by revoking or modifying the same or by adding further conditions thereto.

* *Gazette*, 21st July, 1932, Vol. II, page 1681.

† *Statutory Regulations 1940*, Serial number 1940/273.

10. The revocation or variation of a license may be effected by notice under the hand of a licensing authority delivered personally to the holder of the license or sent by registered post to him at the address appearing on the license, and any such notice sent by registered post shall be deemed to take effect when it would reach its address in the ordinary course of registered post.

11. No license shall be transferable.

12. The holder of a license shall not assign, charge, pledge, sell, or otherwise alienate or dispose of or part with the possession of the apparatus referred to in the license, or any part thereof, without the previous written permission of a licensing authority.

13. The possession of a license issued under the Radio Regulations 1932 shall not dispense with the need of a license under these regulations.

14. No license or permit shall be issued to any person who for the time being is an enemy alien within the meaning of the Aliens Emergency Regulations 1940, and if, by inadvertence or otherwise, any license be issued to an enemy alien the license shall, notwithstanding the issue or terms thereof, be void and of no effect.

15. Every person commits an offence against these regulations who, being the holder of a license, commits, or aids, abets, or assists the commission of, any breach of the conditions of the license or fails to comply with the conditions of the license, or who, whether or not being the holder of a license, aids, abets, or assists the commission of a breach of the conditions of any license.

16. Every person commits an offence against these regulations who aids, abets, or assists, or suffers or permits any other person—

(i) To purchase or otherwise acquire or obtain ; or

(ii) To have in the possession or under the custody or control of such other person ; or

(iii) To use or be responsible for the use of—

any apparatus unless such other person is the holder of a license or permit issued to him under these regulations, and unless the purchase or other acquisition or obtaining or the possession, custody, or control or use of such apparatus conforms to the conditions of such license or permit, as the case may be.

17. Every person who commits an offence against these regulations is liable to imprisonment for a term not exceeding three months or to a fine not exceeding £100, or to both such imprisonment and such fine.

18. If any person is convicted of an offence against these regulations relating to any apparatus for wireless telegraphy within the meaning of the Post and Telegraph Act, 1928, the Minister may by writing under his hand thereupon, or at any time thereafter, direct that such apparatus be confiscated, and thereupon it shall be lawful for a Radio Inspector to enter any premises where such apparatus may be or be believed by him to be and to seize and take possession of and remove such apparatus, and the apparatus so seized shall thereupon be the property of the Crown and may be used or disposed of as the Minister directs.

19. If any Radio Inspector has good reason to suspect that there is on any premises any apparatus in respect of which a license is required under these regulations but in respect of which no such license is in force, or any apparatus, whether licensed or not, in respect of which a

breach of these regulations has been committed, it shall be lawful for the Radio Inspector to enter such premises and to seize and take possession of and remove such apparatus.

20. If within a reasonable time after the seizure of any apparatus under the last preceding regulation any person be convicted of an offence against these regulations relating to the apparatus, then the apparatus so seized shall thereupon be the property of the Crown and may be used or disposed of as the Minister directs.

21. If any apparatus seized under Regulation 18 hereof is the subject of a license under these regulations and within a reasonable time after the seizure thereof the license be revoked, or if any apparatus so seized is not the subject of a license under these regulations, then the apparatus so seized shall be held in custody by the Minister.

22. Any apparatus held in custody by the Minister shall, subject to Regulations 18 and 20 hereof, remain in his custody as long as these regulations continue in force or until the Minister thinks fit to return it to the possession of some person who in his opinion is for the time being and subject to these regulations entitled to the possession thereof.

23. The Minister shall not be liable for any loss or damage to apparatus in his custody arising out of insufficient packing thereof having regard to the nature of the apparatus or arising out of fire or other accident or any other cause.

24. It shall be lawful for the owner of any apparatus within the meaning of these regulations at any time to deliver the same to any licensing authority, packed in a suitable container having regard to the nature of the apparatus, and such apparatus shall thereupon be held in custody by the Minister on the terms set out in Regulations 22 and 23 hereof.

PART II.—SPECIAL APPARATUS.

25. In this Part of these regulations, if not inconsistent with the context,—

“Special-apparatus license” means a license issued under Regulation 29 hereof:

“Special apparatus” means high-frequency equipment (being equipment which generates or uses high-frequency current at frequencies greater than 10,000 cycles per second and having a maximum output exceeding 10 watts), including such equipment intended for use in connection with furnaces, diathermy, and other medical or surgical apparatus, distant control of machinery, and any other purpose, whether of the same kind as aforesaid or not.

26. No person, other than a *bona fide* wholesale dealer in medical supplies, shall purchase or otherwise acquire or obtain, or shall after the expiration of three weeks from the date of enactment of these regulations have in his possession or under his custody or control or use or be responsible for the use of, any special apparatus without being the holder of a special-apparatus license issued to him by a licensing authority under these regulations:

Provided that the custody, control, or use of special apparatus by a person who is the servant or partner of the holder of a special-apparatus license issued in respect of that special apparatus shall not be a breach of this regulation.

27. No person, other than a *bona fide* wholesale dealer in medical supplies, shall sell, deliver, or otherwise dispose of or be concerned in the sale, delivery, or other disposal of any special apparatus otherwise than in pursuance of a permit in that behalf issued to him by a licensing authority under these regulations.

28. Application for a special-apparatus license shall be made in writing signed in person by the proposed licensee or, in the case of a Hospital Board, University, college, or other corporate body, signed by a principal administrative officer thereof, and setting out the full name of the proposed licensee and full particulars of the special apparatus, the place at which it is intended to be used, and the purpose for which it is desired to use it, and may be made to any Radio Inspector.

29. A special-apparatus license may be in the form numbered 1 set out in the Schedule hereto, or any other sufficient form.

PART III.—TRANSMITTING-APPARATUS.

30. In this Part of these regulations, if not inconsistent with the context,—

“Licensed radio-dealer” means a person for the time being the holder of a radio-dealer’s license issued under the Radio Regulations 1932 :

“Transmitting-apparatus” means—

(i) Any wireless transmitter designed to be used or capable of being used for communicating by wireless telegraphy, wireless telephony, or wireless television or for wireless-facsimile transmission or for any other purpose of communication or for any other purpose, whether of the same kind as aforesaid or not ;

(ii) Electronic valves capable of an anode dissipation exceeding 10 watts ;

(iii) Piezo-electric quartz plates ;

(iv) Piezo-electric tourmaline plates cut to oscillate at a given frequency ; and includes also

(v) Any wireless-receiving apparatus designed to be used or capable by the operation of a switch or by the changing of screwed or plugged connections of being adapted for use as a wireless-transmitter as hereinbefore defined :

“Transmitting-apparatus license” means a license issued under Regulation 34 hereof :

“Transmitting-apparatus permit” means a permit issued under Regulation 34 hereof.

31. Except as provided by Regulation 33 hereof, no person shall manufacture, sell, purchase, let, hire, supply, or dispose of any transmitting-apparatus as herein defined without the authority of a transmitting-apparatus permit in that behalf issued to him by a licensing authority under these regulations.

32. Except as provided by Regulation 33 hereof, no person shall at any time after the expiration of three weeks from the date of enactment of these regulations have in his possession without the

authority of a transmitting-apparatus license issued to him by a licensing authority under these regulations any transmitting-apparatus as herein defined.

33. Regulations 31 and 32 hereof shall not apply to any person who proves that at the time of the offence with which he is charged he was a licensed radio-dealer or a *bona fide* wholesale dealer in radio apparatus.

34. A transmitting-apparatus permit issued for the purposes of Regulation 31 hereof and a transmitting-apparatus license issued for the purposes of Regulation 32 hereof may be in the forms numbered respectively 2 and 3 set out in the Schedule hereto or any other sufficient form.

35. No person shall sell, let, hire, supply, dispose of, or distribute any transmitting-apparatus to any person except to the holder of a transmitting-apparatus permit thereby authorized to acquire such apparatus, or to a licensed radio-dealer, or to a *bona fide* wholesale dealer in radio apparatus.

36. Every person who sells, lets, hires, supplies, disposes of, or distributes any transmitting-apparatus to the holder of a permit authorizing the holder to acquire such apparatus shall upon delivery of the transmitting-apparatus obtain the permit from the holder, and the holder shall deliver the permit to the person from whom he acquires the transmitting-apparatus:

Provided that the requirements of this regulation shall not apply to any permit containing a condition to the effect that delivery of the permit is not required upon the acquisition of apparatus under authority of the permit.

37. It shall be lawful for a licensing authority at any time, orally or in writing, to require any person in possession of any transmitting-apparatus, whether or not he is the holder of a transmitting-apparatus license in respect thereof, to deliver the same to him packed in a suitable container having regard to the nature of the apparatus to be held in custody by the Minister.

38. Any person required to deliver apparatus under the last preceding regulation who fails forthwith to comply with such requirement commits an offence against these regulations.

39. On the failure of any person to comply with the requirement of a licensing authority made under Regulation 37 hereof it shall be lawful for the same or any other licensing authority forthwith or at any time thereafter to take possession of the transmitting-apparatus concerned for the purpose of delivery into the custody of the Minister, and to enter and search any building, ship, carriage, box, receptacle, or place for the purpose of seizing and removing any transmitting-apparatus found therein.

40. Every licensed radio-dealer shall preserve, in duplicate, a record containing the full name and address of every holder of a transmitting-apparatus permit with whom he deals, by way of sale, letting, hire, supply, disposal, or distribution, in any transmitting-apparatus, with the official number borne on the permit and particulars of the transmitting-apparatus so dealt with and the date of the dealing, and shall (subject to surrender under Regulation 41 hereof) preserve therewith every permit delivered to him pursuant to Regulation 36 hereof.

41. Every person in possession of or responsible for keeping a record prescribed by the last preceding regulation shall, whenever required so to do, produce the same to a licensing authority, and surrender to the licensing authority any transmitting-apparatus permit delivered to him in connection with such record the surrender of which the licensing authority may require.

SCHEDULE.

Form No. 1.

No.

Date of issue :

Dominion of New Zealand.—Post and Telegraph Department.

SPECIAL-APPARATUS LICENSE.

The Radio Emergency Regulations 1940.

Description of apparatus :

Full name of licensee :

Address where apparatus is to be used :

Purpose for which apparatus is to be used :

The above-named licensee is hereby licensed (to purchase from and) to have in his possession and under his custody and control and to use and be responsible for the use of the special apparatus above described, at the address set out above, but not elsewhere.

This license is subject to the conditions implied herein by the Radio Emergency Regulations 1940 (except).

This license is also subject to the following conditions, namely :

Dated at, this day of, 19..

.....

Licensing Authority.

Form No. 2.

No.

Date of issue :

Dominion of New Zealand.—Post and Telegraph Department.

TRANSMITTING-APPARATUS PERMIT.

The Radio Emergency Regulations 1940.

Full name of permit holder :

Address where apparatus is to be located :

Description of apparatus :

Purpose for which apparatus is to be used :

The above-named person is permitted to (sell) (purchase) (supply) (let) (hire)* the above-described apparatus to be used for the purpose herein set out and for no other purpose.

This permit is subject to the following conditions, namely :

Dated at, this day of 19..

.....

Licensing Authority.

* Portion not applicable to be deleted by Licensing Authority.

Form No. 3.

No.

Date of issue :

Dominion of New Zealand.—Post and Telegraph Department.

TRANSMITTING-APPARATUS LICENSE.

The Radio Emergency Regulations 1940.

Full name of licensee :

Address where apparatus is to be used :

Description of apparatus :

Purpose for which apparatus is to be used :

The above-named licensee is hereby licensed to have in his possession and under his custody and control at the address set out above, but not elsewhere, to be used for the purpose herein specified but no other purpose, the apparatus herein described.

This license is subject to the following conditions, namely :

Dated at, this day of, 19..

.....

Licensing Authority.

C. A. JEFFERY,

Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 7th day of November, 1940.

These regulations are administered in the Post and Telegraph Department.