

1958/108



THE RADIO INTERFERENCE REGULATIONS 1958

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 23rd day of July 1958

Present:

THE RIGHT HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to the Post and Telegraph Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Radio Interference Regulations 1958.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

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

“Advisory Committee” means the Radio Interference Advisory Committee constituted by these regulations:

“Department” means the Post and Telegraph Department:

“High frequency apparatus” means apparatus or equipment of a kind or type which is designed to generate or use radio frequency energy and which employs power in excess of 10 watts measured—

(a) In the case where alternating current is applied to the radio frequency section of the apparatus or equipment, at the point of power input to the radio frequency section; and

(b) In the case where direct current is applied to the radio frequency section of the apparatus or equipment, at the point of power input to the anode circuit of the oscillator; or where in any such case radio frequency amplification is used, at the point of power input to the anode circuit at the final stage of amplification;

but does not include any radio transmitter used in a station required to be licensed under the Radio Regulations 1953:*

“Interfering equipment” means any apparatus or equipment (whether or not high frequency apparatus) which when in use generates or is liable to generate, whether intentionally or otherwise, radio frequency energy causing or likely to cause radio interference with the conduct of radio communications; and includes an electric line within the meaning of the Public Works Act 1928 or the Post and Telegraph Act 1928:

“Minister” means the Postmaster-General; and includes any officer of the Department acting under the authority or by the direction of the Postmaster-General:

“Radiocommunication” means any transmission, emission, or reception of sound, vision, signals, or intelligence of any nature by any radio station licensed under the Radio Regulations 1953:*

“Radio frequency energy” means electro magnetic energy at any frequency in the radio frequency spectrum between 10 kc/s and 100,000 Mc/s:

“Radio Inspector” means an officer of the Department who, with the approval of the Minister, has been deputed to act in that capacity.

3. (1) Where any reference is made in these regulations to radio interference, the reference shall be deemed to be to interference with radiocommunications in the radio frequency band 535 to 1605 kc/s and in such other frequency bands as the Minister may from time to time notify in the *Gazette*.

(2) Notwithstanding the provisions of subclause (1) of this regulation, or of regulation 8 hereof, no person shall operate any interfering equipment if the operation causes radio interference with or endangers the functioning of any radio navigation service or any radio service directly related to the safety of human life or to the safeguarding of property or any radiocommunication service used for public, official, or private correspondence irrespective of the frequency band in which any such service operates.

4. (1) The Minister may from time to time, either generally or particularly, delegate to any officer of the Department all or any of the powers, other than the power of delegation conferred by this regulation, which are conferred on the Minister by these regulations.

(2) Subject to any general or special directions given or conditions attached by the Minister, any such officer may exercise any powers delegated to him as aforesaid in the same manner and with the same effect as if they had been conferred on him directly by this regulation and not by delegation.

(3) Where any such officer purports to act pursuant to any delegation under this regulation, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(5) Unless and until any such delegation is revoked it shall continue in force according to its tenor.

Advisory Committee

5. (1) For the purposes of these regulations there is hereby established a Committee to be known as the Radio Interference Advisory Committee.

(2) The Advisory Committee, the members of which shall be appointed by the Minister, shall consist of:

(a) Such number of officers of the Department as the Minister thinks fit, one of whom shall be appointed by the Minister as Chairman:

(b) An officer of the State Hydro-electric Department:

(c) An officer of the New Zealand Broadcasting Service:

(d) A person nominated by the Electrical Supply Authorities Association of New Zealand:

(e) A person nominated by the New Zealand Electrical Federation Incorporated:

(f) A person nominated by the New Zealand Federation of Electrical Manufacturers:

(g) A person nominated by the New Zealand Radio and Television Manufacturers Federation:

(h) A person nominated by the New Zealand Radio Traders Federation:

(i) A person nominated by the Public Passenger Transport Association of New Zealand:

(j) A person appointed as representative of radio licensees:

(k) Such other persons as the Minister thinks fit.

(3) The members of the Advisory Committee shall hold office during the pleasure of the Minister.

(4) If any member of the Advisory Committee dies, or is removed from office, or resigns, the vacancy created shall be filled in the manner in which the appointment to the vacant office was originally made.

(5) The Advisory Committee shall meet at such times and places as may be determined by the Chairman.

(6) In the event of the incapacity of the Chairman or any other member of the Advisory Committee by reason of illness or absence or other cause, the Minister may, in the manner in which the original appointment was made, appoint some other qualified person to act in the place of the Chairman or other member. Every person so appointed shall, while the incapacity continues, be deemed for all purposes to be the Chairman or other member of the Advisory Committee, as the case may be.

(7) The powers of the Advisory Committee shall not be affected by any vacancy in the membership thereof.

(8) The Advisory Committee may from time to time delegate any of its powers to a subcommittee consisting of such members of the Advisory Committee as it thinks fit.

(9) Any such subcommittee shall in the exercise of the powers so delegated conform to any directions or requirements that may be given or imposed by the Advisory Committee.

(10) The quorum of the Advisory Committee shall be eight members or such other number of members as the Committee from time to time decides and the quorum of any subcommittee shall be as determined by the Advisory Committee.

(11) The principal functions of the Advisory Committee shall be to make inquiries and advise the Minister in respect of such matters relating to radio interference as may be referred to it by the Minister

or by the Director-General of the Department or as it may itself consider necessary or desirable and to perform such functions, powers, and duties as are conferred or imposed on it under these regulations.

(12) Subject to the provisions of this regulation, the Advisory Committee may regulate its procedure in such manner as it thinks fit.

6. (1) The Advisory Committee is hereby declared to be a Statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid out of money appropriated by Parliament for the purpose to the members of the Advisory Committee remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Manufacture and Use of Interfering Equipment

7. (1) Where any interfering equipment (other than high frequency apparatus) is manufactured, all necessary steps shall be taken to ensure that the production of radio frequency energy is suppressed to within such limits of intensity as may be prescribed from time to time in that behalf by the Minister by notice in the *Gazette*.

(2) Where any high frequency apparatus is manufactured, all necessary steps shall be taken to ensure that the production of radio frequency energy on all frequencies (other than those frequencies prescribed from time to time in that behalf by the Minister by notice in the *Gazette*) is suppressed to within such limits of intensity as may be prescribed from time to time in that behalf by the Minister by notice in the *Gazette*:

Provided that, subject to any amendment or additions made from time to time by the Minister by notice in the *Gazette*, radiation of radio frequency energy shall not be deemed a breach of this subclause if it radiates on the following frequencies and within the individual tolerance specified hereunder:

13.560	Mc/s	$\pm 0.05\%$
27.120	Mc/s	$\pm 0.6\%$
35.70	Mc/s	$\pm 0.75\%$
464.5	Mc/s	± 0.5 Mc/s
2,450.0	Mc/s	± 10 Mc/s
5,850.0	Mc/s	± 20 Mc/s

(3) Notwithstanding the provisions of subclause (1) of this regulation, all gas discharge lamps of the tubular fluorescent type, regardless of the intensity of the interference produced, shall, when manufactured, be fitted with a suppression device approved in that behalf by the Department in addition to any capacitor connected across any starter which may be associated with the lamp:

Provided that nothing in this subclause shall apply to any equipment until such time as the first notice issued under subclause (1) hereof comes into force.

(4) Any notice, direction, or requirement given by the Minister under this regulation may relate to different classes of equipment or apparatus and may vary in its requirements in respect of different districts and shall come into force on such date and be effective for such period as may be expressed in that behalf in the notice, direction, or requirement.

8. (1) No person shall manufacture, use, sell, or let on hire, or as agent for the seller or hirer, cause or procure to be sold or let on hire, any interfering equipment in respect of which limits of intensity have been prescribed under subclause (1) or subclause (2) of regulation 7 hereof unless the production of radio frequency energy in the equipment is suppressed in accordance with any notice issued under either of these subclauses and for the time being in force.

(2) Any person using interfering equipment in respect of which no limits of intensity have been prescribed under subclause (1) or subclause (2) of regulation 7 hereof or in respect of which any limits prescribed as aforesaid have no application shall, at the request in writing of the Radio Inspector, take such action to eliminate or reduce any radio interference caused by the equipment as the Inspector considers appropriate.

(3) No person shall manufacture, use, sell, or let on hire, or as agent for the seller or hirer, cause or procure to be sold or let on hire, any gas discharge lamp to which subclause (3) of regulation 7 hereof applies unless the provisions of that subclause have been complied with.

(4) It shall be the duty of every person in charge of interfering equipment to ensure that any suppression device fitted to the equipment is constantly fitted and maintained in good working order.

9. Any person in charge of interfering equipment may submit the equipment to a Radio Inspector for tests as to the effectiveness of any suppression device fitted or proposed to be fitted to the equipment and it shall be the duty of the Inspector to carry out the necessary tests and report his findings to the person requiring the tests.

Permits

10. (1) No person shall sell, hire, or use any high frequency apparatus except pursuant to a permit issued in that behalf by the Minister and in accordance with the terms of the permit.

(2) Every person who deals in high frequency apparatus shall keep at his place of business a book in which he shall record true particulars of the sale or hire of any such apparatus. Every such book shall be available during ordinary business hours for inspection by the Radio Inspector and the particulars to be recorded shall include a description of the apparatus and the name and address of the buyer or hirer thereof.

(3) Every application for a permit under these regulations shall be addressed to the Department and shall be accompanied by a fee of 5s.

(4) Every permit shall be in such form as may be approved in that behalf by the Minister and may contain such conditions relating to the installation and use of the equipment as the Minister may think necessary for the prevention or diminution of radio interference.

(5) If the high frequency apparatus to which the permit relates ceases to be used by the person named therein or ceases to be kept at the premises therein described, then within thirty days thereafter, the permit shall be surrendered to the Minister and shall thereupon become void.

(6) If the permit holder is at any time convicted of an offence against these regulations relating to the high frequency apparatus referred to in the permit, the permit shall, upon the entering of the conviction, become void and shall forthwith be surrendered to the Minister.

(7) Any person who fails to comply with any provision of this regulation commits an offence and shall be liable on summary conviction to a fine not exceeding £25.

Service of Notice by Radio Inspector

11. A Radio Inspector may at any time, by notice in writing, if he is of the opinion that the provisions of subclause (2) of regulation 3 or of regulation 8 hereof are not being complied with, require the owner or user of interfering equipment, including high frequency apparatus in respect of which a permit has been issued under regulation 9 hereof, within such period as the Radio Inspector may prescribe in the notice, being not less than seven days nor more than thirty days after service of the notice, to take such of the following steps as in the circumstances the Radio Inspector may require, namely:

- (a) To discontinue entirely the use of the equipment; or
- (b) To discontinue the use of the equipment otherwise than during hours to be specified in the notice; or
- (c) To eliminate, and keep eliminated, the interfering effect of the equipment; or
- (d) To reduce, and keep reduced, to the degree specified, the interfering effect of the equipment:

Provided that, if the Radio Inspector is of the opinion that the use of any interfering equipment is causing radio interference with or endangering the functioning of any radio navigation service or any radio service directly related to the safety of human life or to the safeguarding of property, the notice may prescribe that any of the said steps shall be taken forthwith on or less than seven days after the service of the notice.

12. Every person on whom is served a notice given under regulation 11 hereof shall at all times thereafter comply with the requirements of the notice according to the tenor thereof:

Provided that it shall be a defence to any person charged with a breach of the provisions of this regulation if he proves that an application for exemption from any of the said requirements has been made under regulation 14 hereof, and that notice of the decision thereof has not yet been given.

13. Nothing in any such notice or in these regulations shall be deemed to authorise any unqualified person to carry out work on electric lines or equipment, or do anything contrary to the provisions of the Electricians Act 1952, the Electrical Wiring Regulations 1935,* the Electrical Supply Regulations 1935†, and any other enactment for the time being in force.

Appeal Against Terms of Notice

14. Any person on whom is served a notice given under regulation 11 hereof, may before the date of expiry thereof, apply to the Minister in writing for exemption from all or any of the requirements thereof on such grounds as are set out in the application.

15. If in the opinion of the Minister no reasonable grounds are shown for exemption from compliance with a notice served under regulation 11 hereof, the Minister may direct notice to that effect to be given to the applicant, and thereupon the applicant shall be bound to comply with the requirements of the notice under regulation 11 hereof according to the tenor thereof, except that any period fixed therein for compliance with the requirements thereof shall be computed from the time of service of the notice given under this regulation.

*Gazette, 6 September 1935, Vol. III, p. 2539

†Gazette, 6 September 1935, Vol. III, p. 2496

16. If in the opinion of the Minister reasonable grounds for exemption are shown, the Minister may refer the application to the Advisory Committee.

17. The Advisory Committee shall consider the application for exemption together with any reports from officers of the Department that the Minister may cause to be submitted to the Committee, and may in its discretion (but without any obligation so to do) entertain evidence or submissions from or on behalf of the applicant, whether written or oral, and shall notify the Minister in writing of its opinion on the merits of the application.

18. If, after considering the opinion of the Advisory Committee, the Minister is of opinion that exemption should not be granted, the Minister shall direct notice to that effect to be given to the applicant, and thereupon the applicant shall be bound to comply with the requirements of the notice served upon him under regulation 11 hereof according to the tenor thereof, except that any period fixed therein for compliance with the requirements thereof shall be computed from the time of service of the notice given under this regulation.

Exemption from Terms of Notice

19. If, after considering the opinion of the Advisory Committee, the Minister is of opinion that exemption should be granted wholly or in part, the Minister shall direct an exemption from compliance with the requirements of regulation 11 hereof be granted to the applicant, and that a further modified notice under regulation 11 hereof containing provisions giving effect to the exemption be served upon him:

Provided that, notwithstanding the provisions of regulation 14 hereof, no application for exemption shall be made upon the service of any such further modified notice.

20. Any exemption granted under regulation 19 hereof may be granted on such terms as the Minister thinks fit, and subject to such conditions as the Minister thinks proper to impose, and may be for a limited period, and whether expressed to be for a limited period or not may be revoked at any time by the Minister by notice in writing served on the person to whom the exemption was granted.

Investigation by Radio Inspector

21. The owners or users of interfering equipment shall, in the case of any investigation, render the Radio Inspector all reasonable facilities and assistance in order that the cause of the interference may be localised and measures suggested to overcome it.

22. If in the opinion of a Radio Inspector any interference complained of is accentuated by any fault or defect in the complainant's receiving installation, it shall not be incumbent on the Radio Inspector to take any action until the said receiving installation is placed in good working order.

Addressing of Notices, etc.

23. Any notice to be given under these regulations may be served personally upon the person to be served, or sent by registered post addressed to that person at his usual or last known place of abode or business, and if sent by post shall be presumed to have been delivered in due course of registered post, and shall be sufficient notwithstanding that the person to be served may be deceased or under disability and may not have any legal personal representative appointed.

24. Any application to the Minister under these regulations may be addressed to him at the General Post Office at Wellington.

Offences

25. (1) Every person who fails to comply with any provision of these regulations commits an offence and shall be liable on summary conviction to a fine not exceeding £50 or to such other penalty as may be prescribed herein in respect of any particular offence.

(2) No prosecution shall be brought in respect of the breach of the provisions of subclause (2) of regulation 3 or of regulation 8 hereof unless a notice in respect of the equipment or apparatus concerned has been given under regulation 11 hereof and it shall be a defence to any such prosecution if it is proved that any such notice has been given and is being complied with or that an application for exemption from the requirements of any such notice has been made and not finally dealt with.

Revocations and Savings

26. (1) The Radio Interference Regulations 1934* and the Radio Interference Regulations 1934, Amendment No. 1 are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

T. J. SHERRARD,
Clerk of the Executive Council.

*Gazette, 4 October 1934, Vol. III, p. 3142
Amendment No. 1: S.R. 1947/196

EXPLANATORY NOTE

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

These regulations are a consolidation of the Radio Interference Regulations 1934 and their amendments. The main alterations to the previous regulations are:

- (a) The membership of the Advisory Committee has been enlarged providing for greater representation of interested persons:
- (b) The manufacture, sale, or use of interfering equipment is prohibited unless approved means of suppression of interference are incorporated in the equipment or apparatus:
- (c) No prosecution in respect of the manufacture, sale, hiring, or use of interfering equipment causing interference may be brought unless a notice requiring the defect to be remedied has been served on the person concerned and not complied with:
- (d) Provision is made for the notification of limits within which radio interference caused by interfering equipment will be permitted:
- (e) Provision is made for equipment and apparatus to be submitted by users to the Radio Inspector so that tests may be made and advice given in respect of the suppression of interference.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 July 1958.

These regulations are administered in the Post and Telegraph Department.