

1964/122

THE RADIO REGULATIONS 1953, AMENDMENT NO. 8

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 19th day of August 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Post Office Act 1959, 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 Regulations 1953, Amendment No. 8, and shall be read together with and deemed part of the Radio Regulations 1953* (hereinafter referred to as the principal regulations).

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

2. The principal regulations are hereby amended by revoking regulation 6, and substituting the following regulation:

“6. Subject to the provisions of these regulations, these regulations are in addition to and not in derogation of the provisions of the Shipping and Seamen Act 1952, the Broadcasting Corporation Act 1961, and any regulations under either of those Acts or any other regulations.”

3. Regulation 7 of the principal regulations is hereby amended by adding the following additional proviso:

“Provided also that a permit under this regulation shall not be granted for the construction and testing of a private broadcasting station within the meaning of the Broadcasting Corporation Act 1961 unless a warrant issued under Part III of that Act has first been obtained by the applicant for the permit.”

*S.R. 1953/80 (Reprinted with Amendments Nos. 1 to 3: S.R. 1957/1)
 Amendment No. 4: S.R. 1958/118
 Amendment No. 5: S.R. 1960/115
 Amendment No. 6: S.R. 1961/74
 Amendment No. 7: S.R. 1962/5

4. (1) Regulation 12 of the principal regulations is hereby amended by revoking paragraph (c), and substituting the following paragraphs:

“(c) For a broadcast receiving station licence, a television receiving station licence, or a radio hirer’s licence of Class I—

“(i) If issued on any day during the period commencing on the first day and ending with the fifteenth day of the month: on the first day of the month of issue:

“(ii) If issued on the sixteenth day or any subsequent day of the month: on the first day of the month following the month of issue:

“(d) For any other class of licence: on the first day of the month of issue.”

(2) Nothing in paragraph (c) of regulation 12 of the principal regulations (as substituted by subclause (1) of this regulation) shall apply to broadcast receiving station licences or television receiving station licences issued before the 22nd day of March 1963, or radio hirers’ licences issued before the first day of January 1964.

5. Regulation 97 of the principal regulations is hereby amended by adding the following proviso:

“Provided that in the case of a candidate desiring an amateur operator’s certificate for the operation of an amateur station making use exclusively of frequencies above 144 Mc/s, the Director-General may waive the examination in morse operating.”

6. Subclause (1) of regulation 180 of the principal regulations is hereby amended by omitting the words “100 watts”, and substituting the words “150 watts”.

7. The principal regulations are hereby further amended by inserting, after regulation 187, the following regulation:

“187A. (1) A licence for any private broadcasting station within the meaning of the Broadcasting Corporation Act 1961 shall not be granted under these regulations before a warrant issued under Part III of that Act has first been obtained.

“(2) If, during the currency of any such licence issued in respect of a private broadcasting station the warrant for the station is suspended, or revoked, or is not renewed on expiry, the licence issued under these regulations shall have no force or effect during any period in which the warrant is not in force.”

8. The principal regulations are hereby further amended by revoking regulation 189, and substituting the following regulation:

“189. Broadcasting stations shall use only such frequencies, power, and classes of emission as are indicated in the licence issued in respect of the station.”

9. The principal regulations are hereby further amended by revoking regulation 191, and substituting the following regulation:

“191. Any proposed alteration affecting the technical characteristics or the location or the functioning of the transmitting apparatus at any broadcasting station shall be notified to the Director-General.”

10. The principal regulations are hereby further amended by revoking regulation 207 (as substituted by regulation 8 of the Radio Regulations 1953, Amendment No. 5) and substituting the following regulation:

"207. It shall not be lawful for any person to hire out or have in his possession for hiring out in the way of his business any broadcast receiving apparatus or any television receiving apparatus unless he is the holder of a radio hirer's licence issued to him under these regulations."

11. The principal regulations are hereby further amended by inserting, after regulation 207A (as inserted by regulation 8 of the Radio Regulations 1953, Amendment No. 5), the following regulations:

"207B. Where television receiving apparatus is on hire to a person who is already the holder of an ordinary television receiving station licence or who is entitled to share in the benefits of an existing television receiving station licence that ordinarily would be sufficient for the apparatus, the operation by him of the said apparatus shall be deemed to be covered by the aforesaid television receiving station licence.

"207C. Where a person operating a television receiving set under the benefit of an appropriate radio hirer's licence operates additional hired television receiving sets in circumstances where ordinarily one television receiving station licence would be sufficient for the sets, the aforesaid radio hirer's licence shall be deemed to cover also the operation by him of the additional hired sets."

12. (1) The principal regulations are hereby further amended by revoking regulation 210, and substituting the following regulation:

"210. (1) Every broadcast receiving set and every television receiving set let out on hire by a radio hirer shall be marked with the words "Set on hire from" followed by the name and address of the hirer.

"(2) The particulars required by subclause (1) of this regulation to be marked on a set shall be stencilled or embossed in legible characters on the outside of the set or on a durable label securely fastened to the outside of the set."

(2) Regulation 11 of the Radio Regulations 1953, Amendment No. 5, is hereby revoked.

13. (1) The principal regulations are hereby further amended by revoking regulation 211, and substituting the following regulations:

"211. Every radio hirer shall at all reasonable times on request afford to any person authorised in that behalf by the Director-General such information in his possession with respect to any broadcast receiving apparatus or television receiving apparatus let out on hire by the radio hirer as in the opinion of the Director-General may be necessary for the purpose of giving effect to these regulations.

"211A. (1) Every radio hirer who hires out television receiving apparatus shall, within a period of seven days after the end of each month, forward to the Post Office a return in writing setting out in respect of that month the total number of television receiving sets let out on hire by him and such other statistical information relating to any such sets as the Director-General may require.

"(2) The return referred to in subclause (1) of this regulation shall be made on a form provided by the Director-General for the purpose and shall contain a declaration, signed by the radio hirer or by a person authorised by him in that behalf, that the statements made in the return are true and correct.

"211B. Any person who knowingly makes a false or misleading statement in an application (whether written or oral) for a radio hirer's licence or in a return made under regulation 211A hereof commits an offence against these regulations."

(2) Regulation 12 of the Radio Regulations 1953, Amendment No. 5, is hereby revoked.

14. Regulation 212 of the principal regulations (as amended by regulation 13 of the Radio Regulations 1953, Amendment No. 5) is hereby further amended by omitting the words "The fee", and substituting the words "Except as otherwise provided in these regulations, the fee".

15. The principal regulations are hereby further amended by inserting, after regulation 212A (as inserted by regulation 10 of the Radio Regulations 1953, Amendment No. 4), the following regulations:

"212B. (1) Except as provided in these regulations, the fee for a radio hirer's licence of Class II shall be the fee for the full licensing year, which shall be deemed to commence as follows:

"(a) Where a television receiving set is let out on hire on any day during the period commencing on the first day and ending with the fifteenth day of the month: on the first day of the said month:

"(b) Where a television receiving set is let out on hire on the sixteenth day or any subsequent day of the month: on the first day of the ensuing month.

"(2) Nothing in paragraph (b) of subclause (1) of this regulation shall apply to radio hirers' licences issued in respect of any period before the first day of January 1964.

"212c. (1) The Minister may issue a radio hirer's licence of Class II for a calendar month.

"(2) Subject to the provisions of these regulations, the fee for a licence under the provisions of subclause (1) of this regulation shall be one-twelfth of the annual fee.

"(3) Except as provided in these regulations, where a television receiving set is let out on hire for a month or part of a month the fee for a licence under the provisions of subclause (1) of this regulation, in respect of the set, shall be the fee for the full licensing month, which shall be deemed to commence on the first day of the said month.

"(4) Except as provided in these regulations, where a television receiving set is initially let out on hire on the sixteenth day or any subsequent day of a month and the hire thereof extends into the ensuing month, the fee for a licence under the provisions of subclause (1) of this regulation, in respect of the set, shall be the fee for the full licensing month, which shall be deemed to commence on the first day of the said ensuing month.

"(5) Nothing in subclause (4) of this regulation shall apply to radio hirers' licences issued in respect of any period before the 1st day of January 1964."

16. (1) The First Schedule to the principal regulations is hereby amended by revoking paragraphs (a) and (b) of clause 15 (as substituted by subclause (1) of regulation 19 of the Radio Regulations 1953, Amendment No. 5), and substituting the following paragraphs:

"(a) Class I	.....	.....	.....	.....	£5 per annum.
"(b) Class II	.....	.....	.....	.....	£6 10s. per annum for each set let out on hire."

(2) Subclause (2) of regulation 4 of the Radio Regulations 1953, Amendment No. 6, is hereby revoked.

17. Notwithstanding anything in these regulations, any radio hirer's licence current at the commencement of these regulations shall, unless it is sooner suspended, revoked, or withdrawn under the principal regulations, continue in force, and have effect, until the date of expiry shown thereon, as if these regulations had not been enacted.

T. J. SHERRARD,
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 provide for a change in the basis for calculating the currency of radio receiving station licences, television receiving station licences, and radio hirers' licences (regs. 4 and 15).

Provision is made for the examination in morse operating to be waived in the case of a candidate desiring an amateur operator's certificate for the operation of an amateur station making use exclusively of frequencies above 144 Mc/s (reg. 5).

Provision is made for amateur stations to use transmitter powers of up to 150 watts anode input rating. Previously a power limit of 100 watts was prescribed (reg. 6).

These regulations bring the principal regulations into line with the Broadcasting Corporation Act 1961 (regs. 2, 3, 7, 8, and 9).

These regulations provide for radio hirers' licences of Class II to be issued on a monthly basis (reg. 15).

These regulations prescribe a standard fee for radio hirers' licences of Class I. Previously the fee was based on the number of radio receiving sets held for hire (reg. 16).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 August 1964.

These regulations are administered in the Post Office.