

1966/141

THE RADIO REGULATIONS 1953, AMENDMENT NO. 9

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of August 1966

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. 9, and shall be read together with and deemed part of the Radio Regulations 1953* (hereinafter referred to as the principal regulations).

(2) Except as provided by regulations 9, 10, 11, and 42 hereof, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Regulation 2 of the principal regulations is hereby amended as follows:

(a) By adding, after the definition of the term "the Act", the following definition:

"'Aerial' means the electrical conductor or system of conductors used for effecting radiocommunication, and includes any pole, insulator, stay wire, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such conductor or system of conductors:"

(b) By revoking the definition of the term "aircraft station", and substituting the following definition:

"'Aircraft station' means a mobile station in the aeronautical mobile service on board an aircraft:"

(c) By adding, after the definition of the term "authorised officer", the following definition:

"'Base station' means a land station in the land mobile service carrying on a service with land mobile stations:"

*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

Amendment No. 8: S.R. 1964/122

- (d) By adding, after the definition of the term "Director-General", the following definitions:
 " 'Fixed service' means a service of radiocommunication between specified fixed points:
 " 'Fixed station' means a station in the fixed service:":
- (e) By revoking the definition of the term "harmful interference", and substituting the following definitions:
 " 'Harmful interference' means any emission, radiation, or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with the provisions of these regulations:
 " 'Incidental radiation device' means any device which, when in use, intentionally generates radio frequency energy, and in which any radiation of electromagnetic energy is incidental, and which conforms to the technical conditions prescribed in that behalf in regulation 65 hereof:":
- (f) By revoking the definition of the term "land mobile service", and substituting the following definitions:
 " 'Land mobile service' means a mobile service between base stations and land mobile stations, or between land mobile stations:
 " 'Land mobile station' means a mobile station in the land mobile service capable of surface movement within the geographical limits of the country:":
- (g) By adding, after the definition of the term "Minister", the following definition:
 " 'Mobile service' means a service of radiocommunication between mobile and land stations, or between mobile stations:":
- (h) By revoking the definition of the term "Radio dealer", and substituting the following definition:
 " 'Radio dealer' means any person who sells, offers for sale, or has in his possession for sale, in the way of his business, any plant, machinery, instrument, material, or other apparatus designed and intended for use in connection with radiocommunication, or hires out or has in his possession for hiring out, in the way of his business, any radio transmitting apparatus not being citizen station apparatus:":
- (i) By revoking the definition of the term "radio hirer", and substituting the following definition:
 " 'Radio hirer' means a person licensed to hire out or have in his possession for hiring out in the way of his business, broadcast receiving sets, television receiving sets, or citizen sets, to be operated under an appropriate radio hirer's licence:":
- (j) By revoking the definition of the terms "radio station" and "station", and substituting the following definition:
 " 'Radio station' and 'station' mean one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service. Each station shall be classified by the service in which it operates permanently or temporarily:":

(k) By adding, after the definition of the term "restricted public correspondence", the following definition:

"'Restricted radiation device' means a device which, when in use, intentionally generates radio frequency energy, and in which radiation of electromagnetic energy is essential to the operation of the device, and which conforms to the technical conditions prescribed in that behalf in regulation 65 hereof:".

3. Regulation 7 of the principal regulations is hereby amended by omitting the words "Every person who", and substituting the words "Except as provided in these regulations, every person who".

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

"9. Any proposed alteration affecting the technical characteristics or the location or the functioning of the transmitting apparatus at any radio station shall be promptly notified to the Radio Inspector."

5. Paragraph (a) of regulation 10 of the principal regulations is hereby amended by omitting the words "sound transmissions from broadcasting stations", and substituting the words "transmissions from sound broadcasting stations".

6. The principal regulations are hereby further amended by revoking regulation 47, and substituting the following regulation:

"47. Aerials shall not, without the consent of the Minister, be erected above or below any lines erected and maintained by the Post Office, or sufficiently near to any such lines to permit contact with them should any such lines or the aerial break or become detached from its support, or the support fail."

7. Subclause (1) of regulation 49 of the principal regulations is hereby amended by omitting the words "The frequency of emission of a transmitting station shall be", and substituting the words "The licensee shall ensure that the frequency of emission of a transmitting station is".

8. The principal regulations are hereby further amended by revoking regulation 65, and substituting the following regulation:

"65. (1) The operation of incidental radiation devices and restricted radiation devices shall be subject to the following conditions:

"(a) The best engineering principles and operating practices shall be utilised in the generation of radio frequency energy so as not to cause harmful interference to other radiocommunication services:

"(b) Any harmful interference that may be experienced from the operation of other incidental or restricted radiation devices, or from the operation of any other radiocommunication service, must be tolerated:

"(c) Operation shall be confined to the frequency range of 10 kc/s to 150 kc/s, or, in the case of devices used for transmitting the output of musical instruments or of record reproducing devices to a nearby radio receiver, to the frequency range of 525 kc/s to 1,605 kc/s:

“(d) No microphone for voice reproduction shall be connected to any such device.

“(2) Any incidental or restricted radiation device which purposely or incidentally emits a radio frequency electromagnetic field need not be licensed under these regulations if the following conditions are complied with:

“(a) If the said electromagnetic field is used in the operation of associated apparatus not physically connected thereto, the distance over which the operation extends shall not exceed 100 feet in the frequency range of 10 kc/s to 150 kc/s or 50 feet in the frequency range of 525 kc/s to 1,605 kc/s; and at these distances the electromagnetic field shall not exceed 15 microvolts per metre:

“(b) The device shall be operated with the minimum power required to accomplish the desired purpose.”

9. (1) Paragraphs (f) and (g) of regulation 75 of the principal regulations are hereby revoked.

(2) This regulation shall come into force on the 1st day of April 1968.

10. (1) Regulation 80 of the principal regulations is hereby amended by omitting the words “or certificate in radiotechnology”.

(2) This regulation shall come into force on the 1st day of April 1968.

11. (1) The following regulations are hereby revoked:

(a) Regulations 93 and 94 of the principal regulations (as amended by regulations 2 and 3 of the Radio Regulations 1953, Amendment No. 4):

(b) Regulations 2 and 3 of the Radio Regulations 1953, Amendment No. 4:

(c) Regulation 95 of the principal regulations.

(2) This regulation shall come into force on the 1st day of April 1968.

12. Regulation 120 of the principal regulations is hereby amended by omitting the words “or class B”.

13. (1) The principal regulations are hereby further amended by revoking regulation 122 (as amended by regulation 4 of the Radio Regulations 1953, Amendment No. 4), and substituting the following regulation:

“122. Every ship station licensed to use a radiotelephone installation operating in the authorised maritime mobile service frequency bands between 156 Mc/s and 174 Mc/s shall be able to transmit and receive class F3 emissions on the calling and safety frequency of 156.80 Mc/s and on the primary intership frequency of 156.30 Mc/s.”

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

14. (1) The principal regulations are hereby further amended by revoking regulation 137 (as amended by regulation 5 of the Radio Regulations 1953, Amendment No. 3), and substituting the following regulation:

“137. Except as provided in regulation 138 hereof, in the case of land stations the minimum qualification to be held by each operator employed thereat shall be a restricted radiotelegraph operator’s certificate:

“Provided that where communication by radiotelegraphy is not involved the station may be operated by the holder of a radiotelephone operator’s permit:

“Provided also that where the frequency of the transmitter is above 30 Mc/s the station may be operated by a person not being the holder of an operator’s certificate or permit.”

(2) Regulation 5 of the Radio Regulations 1953, Amendment No. 3, is hereby revoked.

15. The principal regulations are hereby further amended by revoking regulation 138, and substituting the following regulation:

“138. In the case of land stations of the Coast category, the minimum qualification to be held by each operator employed thereat shall be a restricted radiotelegraph operator’s certificate:

“Provided that where communication by radiotelegraphy is not involved, the station may be operated by the holder of a restricted radiotelephone operator’s certificate.”

16. Regulation 139 of the principal regulations is hereby revoked.

17. Regulation 149 of the principal regulations (as substituted by regulation 6 of the Radio Regulations 1953, Amendment No. 7) and the said regulation 6 are hereby revoked.

18. Regulation 150 of the principal regulations is hereby amended by revoking subclauses (1) and (2), and substituting the following sub-clauses:

“(1) Any citizen station shall use only such frequencies, power, and classes of emission as are indicated in the licence issued in respect of the station.

“(2) A licensee or operator of a citizen station shall not transmit or receive messages for any third party.”

19. The principal regulations are hereby further amended by revoking regulation 155, and substituting the following regulation:

“155. Any telecontrol station shall use only such frequencies, power, and classes of emission as are indicated in the licence issued in respect of the station.”

20. Regulation 157 of the principal regulations is hereby revoked.

21. The principal regulations are hereby further amended by revoking regulation 163, and substituting the following regulation:

“163. An experimental station shall be operated only by or under the direct supervision and responsibility of a person holding at least a restricted radiotelegraph operator’s certificate or a radiotelephone operator’s permit, as the Director-General may require:

“Provided that in the case of universities and other scientific institutions the Director-General may, at his discretion, waive this requirement.”

22. Regulation 164 of the principal regulations (as substituted by regulation 5 of the Radio Regulations 1953, Amendment No. 4) and the said regulation 5 are hereby revoked.

23. The principal regulations are hereby further amended by revoking regulation 166, and substituting the following regulation:

"166. Experimental stations shall use only such frequencies, power, and classes of emission and shall observe such conditions as are authorised by the Director-General."

24. Regulation 188 of the principal regulations is hereby revoked.

25. The principal regulations are hereby further amended by revoking regulation 196, and substituting the following regulation:

"196. Broadcast receiving station licences shall authorise the reception of transmissions from sound broadcasting stations."

26. Regulation 203 of the principal regulations (as substituted by regulation 8 of the Radio Regulations 1953, Amendment No. 3) is hereby amended as follows:

- (a) By omitting the words "In the case of hotels, clubs, hostels, and other guest houses", and substituting the words "In the case of hotels, motels, clubs, hostels, and other guest houses and lodging houses":
- (b) By omitting the words "private rooms of guests", and substituting the words "private rooms of guests or lodgers".

27. (1) The principal regulations are hereby further amended by revoking regulation 207 (as substituted by regulation 10 of the Radio Regulations 1953, Amendment No. 8), 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, television receiving apparatus, or citizen station apparatus unless he is the holder of a radio hirer's licence of appropriate class issued to him under these regulations."

(2) Regulation 10 of the Radio Regulations 1953, Amendment No. 8, is hereby revoked.

28. Regulation 207A of the principal regulations (as inserted by regulation 8 of the Radio Regulations 1953, Amendment No. 5) is hereby amended as follows:

"(a) By revoking subclause (1), and substituting the following subclause:

"(1) Radio hirers' licences shall be divided into three classes to be known as licences of Class I, Class II, and Class III:

"(b) By adding the following subclause:

"(4) A licence of Class III shall authorise the licensee to let out on hire apparatus designed and intended for use as a citizen station, and which has been approved in that behalf by the Director-General for the purposes of regulations 145 and 146 hereof and bears an indication as prescribed that an approval has been granted, to be operated under the benefit of the hirer's licence as if the said apparatus were a citizen station licensed under Part V of these regulations."

29. Regulation 208 of the principal regulations (as amended by regulation 9 of the Radio Regulations 1953, Amendment No. 5) is hereby further amended by omitting the words "Part I, Part X, and Part XV", and substituting the words "Part I, Part V, Part X, and Part XV".

30. The principal regulations are hereby further amended by inserting, after regulation 208, the following regulation:

"208A. For the purposes of these regulations a radio hirer's licence of Class III shall be deemed to be a transmitting station licence."

31. Regulation 211 of the principal regulations (as substituted by regulation 13 of the Radio Regulations 1953, Amendment No. 8) is hereby amended by omitting the words "any broadcast receiving apparatus or television receiving apparatus", and substituting the words "any broadcast receiving apparatus, television receiving apparatus, or citizen station apparatus".

32. The principal regulations are hereby further amended by adding, after regulation 211B (as inserted by regulation 13 of the Radio Regulations 1953, Amendment No. 8), the following regulation:

"211c. Notwithstanding anything in these regulations, where citizen station apparatus is obtained on hire from a radio hirer, the person to whom the apparatus is on hire or any other person authorised by him to operate the apparatus, shall, for the purposes of these regulations and of the Act, be deemed to be in control of the functioning of the apparatus while it is emitting radiations, or in control of the matter radiated by the apparatus, and shall be personally responsible for the observance of these regulations, and all other conditions imposed, which are applicable to the operation of citizen stations."

33. Regulation 213 of the principal regulations (as amended by regulation 14 of the Radio Regulations 1953, Amendment No. 5) is hereby further amended by omitting the words "any radio broadcast receiving apparatus or television receiving apparatus", and substituting the words "any radio broadcast receiving apparatus, television receiving apparatus or any citizen station apparatus".

34. Regulation 214 of the principal regulations is hereby amended by omitting the words "as defined in the Act", and substituting the words "as defined in the Act, or to hire out or have in his possession for hiring out in the way of his business, any radio transmitting apparatus not being citizen station apparatus,".

35. Regulation 215 of the principal regulations (as amended by regulation 13 of the Radio Regulations 1953, Amendment No. 7) is hereby further amended by omitting the words "as defined in the Act", and substituting the words "as defined in the Act, or to hire out or have in possession for hiring out in the way of business, any radio transmitting apparatus not being citizen station apparatus,".

36. The principal regulations are hereby further amended by revoking regulation 223 (as substituted by regulation 14 of the Radio Regulations 1953, Amendment No. 7), and substituting the following regulation:

"223. (1) Every radio dealer shall keep at his place of business a book in which he shall record or cause to be recorded a true record of sales of apparatus made by him, and of radio transmitting apparatus other than citizen station apparatus hired out by him, and that record shall set out in respect of each sale and each hire the date thereof, and the name and address of the purchaser, and of the person to whom the apparatus is let out on hire, respectively.

"(2) Any radio transmitting apparatus let out on hire under the provisions of this Part shall, for the purposes of these regulations and of the Act, be deemed to be in the possession of the person to whom the said apparatus is let out on hire.

"(3) Nothing in this Part shall relieve any person to whom radio transmitting apparatus, other than citizen station apparatus, is let out on hire from the responsibility of holding a licence for the said apparatus under the appropriate provisions of these regulations.

"(4) Unless otherwise directed by the Minister, the provisions of subclause (1) hereof shall be deemed to be fulfilled if the said record is kept in respect of—

"(a) Sales of television receiving sets and radio transmitting sets; and

"(b) Radio transmitting sets other than citizen sets hired out.

"(5) Every radio dealer shall at all reasonable times permit any person authorised in that behalf by the Director-General to inspect and make copies of any entries in the record so kept."

37. Regulation 230 of the principal regulations is hereby amended by inserting, after subclause (1), the following subclause:

"(1A) The Resident Commissioner of Niue may issue an amateur operator's certificate to any person resident in Niue who is not less than 16 years of age and who has passed the examination prescribed in regulation 231 hereof."

38. Regulation 241 of the principal regulations (as inserted by regulation 20 of the Radio Regulations 1953, Amendment No. 5) is hereby amended as follows:

(a) By omitting the words "In the case of hotels, clubs, hostels, and guest houses", and substituting the words "In the case of hotels, motels, clubs, hostels, and other guest houses and lodging houses":

(b) By omitting the words "private rooms of guests", and substituting the words "private rooms of guests or lodgers".

39. The principal regulations are hereby further amended by revoking regulation 245 (as inserted by regulation 16 of the Radio Regulations 1953, Amendment No. 7), and substituting the following regulation:

"245. A paging station licence shall be deemed to include the base transmitting station, and the receiving stations (the number whereof is not limited by the licence), associated with any one paging system in one or more parts of the same premises. For each additional transmitter, whether of the Base or Portable category, associated with any such system, a separate paging station licence shall be required."

40. The principal regulations are hereby further amended by revoking regulation 246 (as inserted by regulation 16 of the Radio Regulations 1953, Amendment No. 7), and substituting the following regulation:

“246. Any paging station shall use only such frequencies, power, and classes of emission as are indicated in the licence issued in respect of the station.”

41. Regulation 248 of the principal regulations (as inserted by regulation 16 of the Radio Regulations 1953, Amendment No. 7) is hereby revoked.

42. (1) Paragraphs (f), (g), (h), and (l) of clause 1 of the First Schedule to the principal regulations are hereby revoked.

(2) This regulation shall come into force on the 1st day of April 1968.

43. The First Schedule to the principal regulations is hereby amended by adding, after paragraph (b) of clause 15 (as substituted by subclause (1) of regulation 16 of the Radio Regulations 1953, Amendment No. 8), the following paragraph:

“(c) Class III 10s. per annum for each set held for hire.”

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 contain miscellaneous amendments to the principal regulations. A number of definitions of terms used in the principal regulations have been added or amended (reg. 2).

The scope of regulation 65 has been extended to provide for the operation of a wider range of radio apparatus than was previously permitted under this regulation (reg. 8).

Provision is made for the abolition of the first- and second-class certificate in radiotechnology as a radio qualification with effect from 1 April 1968 (regs. 9, 10, 11, and 42).

Provision is made for the operation of experimental stations and certain land stations by persons holding a lower qualification than was previously prescribed by the regulations (regs. 14, 15, and 21).

These regulations provide for the issue of radio hirers' licences to cover the hiring of citizen radio station apparatus (regs. 27, 28, 29, 30, 31, 32, 33, and 43).

Provision is made for the issue of amateur operators' certificates by the Resident Commissioner of Niue (reg. 37).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 August 1966.

These regulations are administered in the Post Office.