

1973/246**THE RADIO REGULATIONS 1970, AMENDMENT NO. 4**

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 8th day of October 1973

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.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Classes of licences that may be granted 4. Period of validity of licence 5. Fee payable for licence 6. Commencing date for licensing year 7. Minister may issue licence without payment of prescribed fee 8. Levels of spurious emissions 9. Minister may issue certificate without payment of prescribed fee 10. Coast stations to keep listening watch on 2182 kHz 11. Transmission of news, entertainment, or recordings prohibited 12. Classes and scope of licences | <ol style="list-style-type: none"> 13. Rebate allowed on unexpired monochrome television broadcast receiving station licence 14. Licensing provisions in certain cases 15. Fee for yearly licence of Class II 16. Fee for licence of Class II 17. Receiving apparatus to be marked 18. Return and declaration 19. Station covered by an existing licence 20. Person hiring colour television broadcast receiving apparatus 21. Information about apparatus on hire 22. Record to be kept 23. Fees payable in respect of licences issued under the principal regulations |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Radio Regulations 1970, Amendment No. 4, and shall be read together with and deemed part of the Radio Regulations 1970* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of November 1973.

*S.R. 1970/40

Amendment No. 1: S.R. 1971/204

Amendment No. 2: S.R. 1971/240

Amendment No. 3: S.R. 1973/33

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by inserting, after the definition of the expression “coast station”, the following definition:

“Colour television broadcast receiving apparatus’ means apparatus designed for the reception and display in colour as well as in black and white of radio communications in the television broadcasting service:”

(2) The said regulation 2 is hereby further amended by inserting, after the definition of the expression “mobile station”, the following definition:

“Monochrome television broadcast receiving apparatus’ means apparatus designed for the reception and display in black and white only of radio communications in the television broadcasting service:”.

3. Classes of licences that may be granted—(1) Regulation 11 of the principal regulations is hereby amended by revoking paragraph (c) of subclause (1) (as substituted by regulation 4 (1) of the Radio Regulations 1970, Amendment No. 1), and substituting the following paragraph:

“(c) For television broadcast receiving stations—

“(i) Monochrome television broadcast receiving station licence:

“(ii) Colour television broadcast receiving station licence:”.

(2) Every television broadcast receiving station licence in force on the 1st day of November 1973 shall, on and after that date and while it remains in force, be deemed to be a monochrome television broadcast receiving station licence.

(3) Notwithstanding subclause (1) of this regulation, there may be issued, up to and including the 31st day of October 1974, for television broadcast receiving stations, licences bearing the legend “television broadcast receiving station licence” and every such licence shall be deemed to be a monochrome television broadcast receiving station licence.

(4) The Radio Regulations 1970, Amendment No. 1, are hereby consequentially amended by revoking subclause (1) of regulation 4.

4. Period of validity of licence—Regulation 16 of the principal regulations is hereby amended by adding the following proviso:

“Provided that where in respect of any licence under these regulations the appropriate fee prescribed in the First Schedule hereto remains unpaid at the expiration of 6 weeks after the commencement of the licensing period to which it relates, the licence shall be deemed to be no longer in force.”

5. Fee payable for licence—Regulation 21 of the principal regulations is hereby amended by adding to subclause (1) the words “and shall be payable on the first day of the period to which it relates”.

6. Commencing date for licensing year—Regulation 22 of the principal regulations is hereby amended by omitting from paragraph (c) (as amended by regulation 5 of the Radio Regulations 1970, Amendment No. 1) the words “For a television broadcast receiving station licence”, and substituting the words “For a monochrome television broadcast receiving station licence or a colour television broadcast receiving station licence”.

7. Minister may issue licence without payment of prescribed fee—Regulation 26 of the principal regulations is hereby amended by inserting, after the words “may issue a licence”, the words “to any person or to each member of any class or classes of persons”.

8. Levels of spurious emissions—The principal regulations are hereby amended by revoking regulation 44, and substituting the following regulation:

“44. (1) The licensee of a radio station shall ensure that the levels of spurious emissions of the station are maintained within any limits that may from time to time be set by the Director-General.

“(2) In setting these limits the Director-General shall have regard to the general state of development of radio apparatus and, in the case of transmitting apparatus, shall not set any limit higher than that prescribed by the International Radio Regulations for the maximum permissible value of spurious emissions.”

9. Minister may issue certificate without payment of prescribed fee—The principal regulations are hereby further amended by inserting, after regulation 69, the following regulation:

“69A. Notwithstanding anything in these regulations, where in the opinion of the Minister any such action is warranted, he may issue an operators certificate to any person or to each member of any class or classes of persons without payment of the fee prescribed in the Second Schedule hereto in respect of the entry for the examination for the particular certificate, or upon payment of a reduced fee.”

10. Coast stations to keep listening watch on 2182 kHz—Regulation 116 of the principal regulations is hereby amended by inserting, before the words “All coast stations”, the expression “(1)”, and by adding, as subclause (2), the following subclause:

“(2) Notwithstanding anything in subclause (1) of this regulation, the Director-General, or any person authorised by him in that behalf, may, at his discretion, waive the requirement for any coast station to observe a listening watch on the international distress carrier frequency of 2182 kHz where, in his opinion, such a requirement is, by virtue of the service being operated, unnecessary.”

11. Transmission of news, entertainment, or recordings prohibited—The principal regulations are hereby further amended by inserting, after regulation 127, the following regulation:

“127A. No person operating a citizen station shall transmit any matter by way of national or international news, or any matter by way of public entertainment or which by virtue of its significance would be of concern to the public generally or to any body of the public, or any matter in the form of recordings of any kind.”

12. Classes and scope of licences—The principal regulations are hereby further amended by revoking regulation 158, and substituting the following regulation:

“158. Television broadcast receiving station licences shall be divided into 2 classes, namely:

- “(a) Monochrome television broadcast receiving station licences, which shall authorise the reception of television transmissions from broadcasting stations and their display on monochrome television broadcast receiving apparatus:
- “(b) Colour television broadcast receiving station licences, which shall authorise the reception of television transmissions from broadcasting stations and their display on colour television broadcast receiving apparatus and monochrome television broadcast receiving apparatus.”

13. Rebate allowed on unexpired monochrome television broadcast receiving station licence—The principal regulations are hereby further amended by inserting, after regulation 158 (as substituted by regulation 12 of these regulations), the following regulation:

“158A. Where—

- “(a) A colour television broadcast receiving station licence is issued to a person; and
- “(b) That person or a member of his family is the holder of a monochrome television broadcast receiving station licence in respect of the address specified in the colour television broadcast receiving station licence issued for a period that ends after the commencement of the period for which the colour television broadcast receiving station licence is issued; and
- “(c) That person surrenders, or the member of his family as the case may be in writing surrenders, that monochrome television broadcast receiving station licence to the Post Office—

the fee payable for that colour television broadcast receiving station licence may be reduced by that amount of the fee directly proportional to the unexpired period of that surrendered licence, calculated as from the commencement of the period for which that colour television broadcast receiving station licence is issued.”

14. Licensing provisions in certain cases—Regulation 163 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) For the purposes of this regulation, the term ‘station’ means a television broadcast receiving station, and the term ‘licence’, in any case where all the stations are monochrome television broadcast receiving stations, means a monochrome television broadcast receiving station licence, and in all other cases means a colour television broadcast receiving station licence.”

15. Fee for yearly licence of Class II—(1) The principal regulations are hereby amended by revoking regulation 177.

(2) Notwithstanding the revocation of regulation 177 of the principal regulations, any radio hirers licence of Class II in respect of which the fee has been paid for the full licensing year on or before the 31st day of October 1973 and which is in force on that date shall remain in force until the end of that licensing year for the same number of sets of monochrome television broadcast receiving apparatus in respect of which that fee was paid.

16. Fee for licence of Class II—The principal regulations are hereby amended by revoking regulation 178, and substituting the following regulation:

“178. (1) Subject to subclause (2) of this regulation, the fee for a radio hirers licence of Class II shall be the fee for a full calendar month and shall be calculated on the total number of sets of television broadcast receiving apparatus in the possession of the radio hirer on the 1st day of that month:

“Provided that where, in respect of any calendar month, a radio hirer has no sets of television broadcast receiving apparatus in his possession on the 1st day of that month, the date during that month on which that radio hirer first lets out on hire any such sets shall be deemed to be the 1st day of the month for the purpose of the calculation of the licence fee for that radio hirer in respect of that month.

“(2) For the purposes of subclause (1) of this regulation, the total number of sets of television broadcast receiving apparatus in the possession of a radio hirer shall not include—

“(a) Any sets deemed to be covered by a television broadcast receiving station licence pursuant to regulation 183 of these regulations:

“(b) Any sets on hire to a person who is required to obtain a colour television broadcast receiving station licence pursuant to regulation 183A of these regulations:

“(c) Any additional hired sets deemed to be covered by the radio hirers licence pursuant to regulation 184 of these regulations.”

17. Receiving apparatus to be marked—Regulation 180 of the principal regulations (as amended by regulation 13 of the Radio Regulations 1970, Amendment No. 1) is hereby further amended by omitting from subclause (1) the words “let out on hire by”, and substituting the words “in the possession of”.

18. Return and declaration—Regulation 181 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Every radio hirer shall, within a period of 7 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 sets of television broadcast receiving apparatus in his possession on the 1st day of that month, or, where no such sets were in his possession on that date, the number of such sets that were in his possession on the date during that month when he first lets out on hire any such sets.”

19. Station covered by an existing licence—The principal regulations are hereby further amended by revoking regulation 183, and substituting the following regulation:

“183. (1) Where monochrome television broadcast receiving apparatus is on hire to a person who is already the holder of a monochrome television broadcast receiving station licence or a colour television broadcast receiving station licence, or who is entitled to share in the benefits of any such existing licence which ordinarily would be sufficient for the apparatus, the operation by him of that apparatus shall be deemed to be covered by that licence.

“(2) Where colour television broadcast receiving apparatus is on hire to a person who is already the holder of a colour television broadcast receiving station licence or who is entitled to share in the benefits of any such existing licence which ordinarily would be sufficient for the apparatus, the operation by him of that apparatus shall be deemed to be covered by that licence.”

20. Person hiring colour television broadcast receiving apparatus—The principal regulations are hereby further amended by inserting, after regulation 183 (as substituted by regulation 19 of these regulations), the following regulation:

“183A. Where colour television broadcast receiving apparatus is on hire to a person who is already the holder of a monochrome television broadcast receiving station licence, that person shall be required to obtain a colour television broadcast receiving station licence and may surrender his monochrome television broadcast receiving station licence as provided in regulation 158A of these regulations.”

21. Information about apparatus on hire—(1) The principal regulations are hereby further amended by revoking regulation 187 (as amended by regulation 15 of the Radio Regulations 1970, Amendment No. 1), and substituting the following regulation:

“187. (1) Every radio hirer shall keep at his place of business a book in which he shall cause to be recorded such details relating to television broadcast receiving apparatus or citizen station apparatus hired out by him as the Director-General may from time to time specify in that behalf.

“(2) Every radio hirer shall at all reasonable times permit any person authorised in that behalf by the Director-General to inspect and, if required, to make copies of any entries in the record so kept.”

(2) The Radio Regulations 1970, Amendment No. 1, are hereby consequentially amended by revoking regulation 15.

22. Record to be kept—Regulation 196 of the principal regulations is hereby amended by revoking paragraph (a) of subclause (2), and substituting the following paragraph:

“(a) The sale of—

“(i) Apparatus especially designed for the reception of stations other than broadcasting stations; and

“(ii) Colour television broadcast receiving apparatus; and

“(iii) Monochrome television broadcast receiving apparatus; and

“(iv) Radio transmitting apparatus; and”

23. Fees payable in respect of licences issued under the principal regulations—(1) The First Schedule to the principal regulations is hereby amended by inserting in clause 13 (as amended by regulation 17 (1) (b) of the Radio Regulations 1970, Amendment No. 1), before the word “television”, the word “monochrome”.

(2) The said First Schedule is hereby further amended by inserting, after clause 13, the following clause:

“13A. For a colour television broadcast receiving station licence
..... \$35 per annum.”

(3) The said First Schedule is hereby further amended by revoking paragraph (b) of clause 15 (as amended by regulation 17 (1) (e) of the Radio Regulations 1970, Amendment No. 1) and substituting the following paragraph:

“(b) Class II \$1.66 per calendar month for each set of monochrome television broadcast receiving apparatus in the possession of the radio hirer:
\$2.91 per calendar month for each set of colour television broadcast receiving apparatus in the possession of the radio hirer.”

(4) The Radio Regulations 1970, Amendment No. 1, are hereby consequentially amended by revoking paragraph (e) of subclause (1) of regulation 17.

P. G. MILLEN,
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 amend the Radio Regulations 1970 and are to come into force on 1 November 1973.

Regulations 2, 3, 6, 12, and 14 make the necessary amendments to the regulations to provide for the introduction of colour television.

Regulation 4 provides for the invalidation of licences for which fees are not paid and regulation 5 makes it clear that licence fees are to be paid in advance.

Regulation 7 amends the powers of the Postmaster-General to issue a licence without a fee or at a reduced fee.

Regulation 8 empowers the Director-General to set limits for levels of spurious emissions of receiving stations in addition to his present powers in respect of transmitting stations.

Regulation 9 empowers the Postmaster-General to issue radio operators certificates without payment of an examination fee or at a reduced fee.

Regulation 10 grants the Director-General a discretionary power to exempt certain coast stations from maintaining a listening watch on 2182 kHz.

Regulation 11 prohibits the transmission of news, entertainment, or recordings from citizen stations.

Regulation 13 provides for a rebate to be allowed on the unexpired portion of a monochrome television receiver licence when a colour television receiver licence is obtained.

Regulation 20 provides that where a colour television receiver is on hire to a person who holds a monochrome television receiver licence, that person is required to obtain a colour television receiver licence.

Regulation 21 provides that every radio hirer shall keep records of television receivers and citizen station apparatus out on hire, and allow inspection of those records.

Regulation 22 amends the records required to be kept by radio dealers.

Regulation 23 provides for—

(a) The licence fee for colour television receivers:

(b) Radio hirers to pay licence fees for all sets held for hire or let out on hire on a monthly basis. At present licence fees are only payable on sets let out on hire and may be payable on a monthly or yearly basis. Regulations 15 to 19 are consequential upon this change.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 11 October 1973.

These regulations are administered in the Post Office.