



THE RADIO REGULATIONS 1970, AMENDMENT NO. 7

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 4th day of April 1977

Present:

THE RIGHT HON. B. E. TALBOYS PRESIDING 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.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Radio Regulations 1970, Amendment No. 7, and shall be read together with and deemed part of the Radio Regulations 1970* (hereinafter referred to as the principal regulations).

*S.F. 1970/40 (Reprinted with Amendments Nos. 1 to 6: S.R. 1976/145)

(2) These regulations shall come into force on the 1st day of May 1977.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by omitting from the definition of the expression “International Radio Regulations” the expression “Montreux 1965”, and substituting the expression “Malaga-Torremolinos 1973”.

(2) The said regulation 2 is hereby further amended by revoking the definition of the expression “radio dealer”, and substituting the following definition:

“Radio dealer’ means any person, whether acting in the capacity of manufacturer, wholesaler, or retailer, 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 or 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; and ‘to deal in radio apparatus’ has a corresponding meaning:”.

(3) The said regulation 2 is hereby further amended by revoking the definition of the expression “radio hirer” (as amended by regulation 2 of the Radio Regulations 1970, Amendment No. 1).

(4) The said regulation 2 is hereby further amended by inserting in the definition of the expression “radio station”, after the words “at one location”, the words “or in one mobile station”.

(5) The said regulation 2 is hereby further amended by revoking the definition of the expression “restricted radiation device”.

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

“Television hirer’ means a person licensed to hire out or have in his possession for hiring out in the way of his business, television broadcast receiving apparatus, to be operated under a television hirers licence:”.

(7) Regulation 2 of the Radio Regulations 1970, Amendment No. 1, is hereby consequentially revoked.

3. Classes of licences that may be granted—(1) The principal regulations are hereby amended by revoking paragraph (d) of regulation 11 (as amended by subclause (2) of regulation 4 of the Radio Regulations 1970, Amendment No. 1), and substituting the following paragraph:

“(d) For television hirers—
Television hirers licence:”.

(2) Every radio hirers licence Class II in force on the 1st day of May 1977 shall, on and after that date and while it remains in force, be deemed to be a television hirers licence.

(3) Radio hirers licences Class III in force on the 1st day of May 1977 shall be deemed to expire on that date, but no portion of the fees for any such licences shall be refunded.

(4) Regulation 4 (2) of the Radio Regulations 1970, Amendment No. 1, is hereby consequentially revoked.

4. Commencing date for licensing year—Regulation 22 of the principal regulations (as amended by regulation 5 of the Radio Regulations 1970,

Amendment No. 1, regulation 3 of the Radio Regulations 1970, Amendment No. 2, and regulation 6 of the Radio Regulations 1970, Amendment No. 4) is hereby further amended by adding the following subclause:

“(3) Notwithstanding anything in subclause (1) of this regulation, the fee payable in respect of an amateur station licence issued under the terms of regulation 138A hereof shall be the fee for the period of validity of the licence, which shall be deemed to be from the time of granting thereof until the date of expiration shown thereon, or until the licence is earlier suspended or revoked.”

5. Short-term licence—The principal regulations are hereby amended by revoking regulation 23, and substituting the following regulation:

“23. The Minister may, at his discretion, issue a licence for a station or stations in any of the services for which licences are required for a period not exceeding 14 days:

“Provided that this regulation shall not apply to licences for television broadcast receiving stations, television hirers, and radio dealers.”

6. Restricted radiation devices—The principal regulations are hereby amended by revoking regulation 58, and substituting the following regulation:

“58. (1) Notwithstanding anything in these regulations, any device which radiates electro-magnetic energy (not being high frequency apparatus within the meaning of the Radio Interference Regulations 1958*) and which is operated pursuant to and in conformity with the technical specifications and conditions issued in that behalf from time to time by the Director-General need not be licensed under these regulations.

“(2) The design of the device shall utilise the best engineering principles in the generation of radio frequency energy so as not to cause harmful interference to other radiocommunication services; and in the event that such interference is caused the operator of the device shall promptly take steps to eliminate the interference.

“(3) Any harmful interference that may be experienced by the device from the operation of other such devices or from the operation of any other radiocommunication service shall be tolerated.”

7. Examination to qualify as novice amateur operator—(1) The principal regulations are hereby amended by inserting, after regulation 82, the following regulation:

“82A. (1) To qualify as a novice amateur operator for the purpose of obtaining an amateur station licence under the terms of regulation 138A hereof, a candidate shall—

“(a) Satisfy the Director-General by means of a simple written examination that he possesses a knowledge of those subjects prescribed in regulation 82 (2) (a) hereof sufficient to enable him satisfactorily to operate and maintain an amateur station within the conditions prescribed by the Director-General for such stations licensed under the terms of regulation 138A hereof; and

“(b) Pass a written examination in such of these regulations as are applicable to the amateur service; and

“(c) Pass a morse operating test, both sending and receiving, at a speed of 6 words per minute.

“(2) Except in the case of the holder of an amateur operators certificate Grade III, who may qualify as a novice amateur operator by passing the examination prescribed in subclause (1) (c) of this regulation, the holder of an amateur operators certificate shall not be eligible to enter for the examination to qualify as a novice amateur operator.

“(3) A candidate for the examination for qualification as a novice amateur operator shall make a written declaration that he will preserve the secrecy of any radiocommunication not intended for his information.

“(4) The fee payable in respect of the entry for the examination for qualification as a novice amateur operator shall be the fee prescribed in the Second Schedule hereto in respect of the entry for the examination for an amateur operators certificate:

“Provided that in the case of an examination under the terms of subclause (2) of this regulation the fee shall be that fee prescribed in the said Second Schedule in respect of the entry for an examination for morse operating only.

“(5) A pass in the examinations prescribed in subclauses (1) and (2) of this regulation shall be valid for such period as the Director-General may from time to time prescribe, and no person who is, or has been, the holder of a pass in either of the said examinations may extend or renew, as the case may be, the period of validity of such a pass by re-passing the appropriate examination.”

(2) The first examination, whether a full examination or an examination in morse operating only, under the terms of regulation 82A (as inserted by subclause (1) of this regulation) shall be held on a date or dates to be notified in an examination syllabus to be published in that behalf by the Director-General.

8. Coast stations operating in bands between 1605 kHz and 2850 kHz—Regulation 113 of the principal regulations is hereby amended by deleting, after the words “shall be able to transmit”, the expression “class A3 or”.

9. Issue of licences to novice amateur operators—The principal regulations are hereby amended by inserting, after regulation 138, the following regulation:

“138A. (1) Notwithstanding anything in these regulations, amateur station licences may be issued to individuals who, while not being holders of amateur operators certificates, have qualified as novice amateur operators by passing the examination prescribed in regulation 82A (1) hereof.

“(2) Any licence issued under this regulation shall be valid for a period not exceeding 1 year and shall be non-renewable.

“(3) No licence shall be issued under this regulation to any person under 14 years of age.

“(4) Licences issued under this regulation shall be subject to such other conditions relating to technical and operating criteria as the Director-General may from time to time prescribe in that behalf.”

10. Qualifications of operator—Regulation 139 of the principal regulations is hereby amended by inserting, before the words “No person shall”, the expression “(1)”, and by adding, as subclause (2), the following subclause:

“(2) Notwithstanding anything in subclause (1) of this regulation, that subclause shall not apply in respect of any person who has qualified as a novice amateur operator by passing the examination prescribed in regulation 82A (1) hereof, during the period that the said person would be entitled to operate an amateur station by virtue of having so qualified:

“Provided that any such operation shall be limited to operation of an amateur station licensed under the terms of regulation 138A hereof.”

11. Licence to be obtained—(1) The principal regulations are hereby amended by revoking regulation 174 (as amended by regulation 10 of the Radio Regulations 1970, Amendment No. 1), and substituting the following regulation:

“174. No person shall hire out, or have in his possession for hiring out, by way of business any television broadcast receiving apparatus unless he is the holder of a television hirers licence issued to him under these regulations.”

(2) Regulation 10 of the Radio Regulations 1970, Amendment No. 1, is hereby consequentially revoked.

12. Application of provisions—(1) Regulation 175 of the principal regulations (as amended by regulation 11 of the Radio Regulations 1970, Amendment No. 1) is hereby further amended by revoking the words “Part VI”.

(2) The said regulation 175 is hereby further amended by omitting the word “radio”, and substituting the word “television”.

13. Scope of licence—(1) The principal regulations are hereby amended by revoking regulation 176 (as amended by regulation 12 of the Radio Regulations 1970, Amendment No. 1), and substituting the following regulation:

“176. A television hirers licence shall authorise the licensee to let out on hire television broadcast receiving apparatus to be operated under the benefit of the television hirers licence as if the said apparatus were a television broadcast receiving station licensed under Part XIII of these regulations.”

(2) Regulation 12 of the Radio Regulations 1970, Amendment No. 1, is hereby consequentially revoked.

14. Fee for television hirers licence—(1) The principal regulations are hereby amended by revoking regulation 178 (as substituted by regulation 16 of the Radio Regulations 1970, Amendment No. 4), and substituting the following regulation:

“178. (1) Subject to subclause (2) of this regulation, the fee for a television hirers licence shall be the fee for a full calendar month, which shall be deemed to commence on the first day of that month, and shall be calculated on the total number of sets of television broadcast receiving apparatus let out on hire by the television hirer for that month or part thereof.

“(2) For the purposes of subclause (1) of this regulation, the total number of sets let out on hire by a television hirer shall not include—

“(a) Any sets initially let out on hire on the 16th day or any subsequent day of the month, where the period of hire thereof extends into the ensuing month:

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

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

(2) Regulation 16 of the Radio Regulations 1970, Amendment No. 4, is hereby consequentially revoked.

15. Apparatus on hire deemed to be in possession of television hirer—Regulation 179 of the principal regulations is hereby amended by omitting the word “radio”, and substituting the word “television”.

16. Receiving apparatus to be marked—(1) Regulation 180 of the principal regulations is hereby amended by revoking subclause (1) (as amended by regulation 13 of the Radio Regulations 1970, Amendment No. 1, and regulation 17 of the Radio Regulations 1970, Amendment No. 4), and substituting the following subclause:

“(1) Every set of television broadcast receiving apparatus let out on hire by a television hirer shall be marked with the words ‘Apparatus on hire from’, followed by the name and address of the television hirer.”

(2) Regulation 13 of the Radio Regulations 1970, Amendment No. 1, and regulation 17 of the Radio Regulations 1970, Amendment No. 4, are hereby consequentially revoked.

17. Return and declaration—(1) Regulation 181 of the principal regulations is hereby amended by revoking subclause (1) (as substituted by regulation 18 of the Radio Regulations 1970, Amendment No. 4), and substituting the following subclause:

“(1) Every television 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 let out on hire by him and such other statistical information relating to any such apparatus as the Director-General may require.”

(2) The said regulation 181 is hereby further amended by omitting from subclause (2) the word “radio”, and substituting the word “television”.

(3) Regulation 18 of the Radio Regulations 1970, Amendment No. 4, is hereby consequentially revoked.

18. False or misleading statement—The principal regulations are hereby amended by revoking regulation 182, and substituting the following regulation:

“182. Any person who knowingly makes a false or misleading statement in an application (whether written or oral) for a television hirers licence, or in a return made or record kept under regulations 181 and 187 of these regulations, or fails to make such a return or keep such a record, commits an offence against these regulations.”

19. Cases where licence covers more than one set of apparatus—Regulation 184 of the principal regulations is hereby amended by

omitting, in both places where it occurs, the word "radio", and substituting in each case the word "television".

20. Responsibility for operation and control of citizen station apparatus obtained on hire—The principal regulations are hereby amended by revoking regulation 186.

21. Information about apparatus on hire—(1) Regulation 187 of the principal regulations (as substituted by subclause (1) of regulation 21 of the Radio Regulations 1970, Amendment No. 4) is hereby amended by omitting from subclause (1) the word "radio", and substituting the word "television".

(2) The said regulation 187 is hereby further amended by omitting from subclause (1) the words "or citizen station apparatus".

(3) The said regulation 187 is hereby further amended by omitting from subclause (2) the word "radio", and substituting the word "television".

(4) The said regulation 187 is hereby further amended by adding, after subclause (2), the following subclause:

"(3) Every television hirer shall, at such intervals as the Director-General may prescribe, forward to the Post Office a return in writing showing, in respect of those persons to whom television broadcast receiving apparatus is let out on hire by the said television hirer, such information as the Director-General may require."

22. Refund of fee where licensee ceases to be in business—The principal regulations are hereby amended by revoking regulation 188.

23. Classes and scope of licence—Regulation 191 of the principal regulations is hereby amended by omitting from subclause (4) the expression "10 miles", and substituting the expression "16 kilometres".

24. Licence to be exhibited—The principal regulations are hereby amended by revoking regulation 193, and substituting the following regulation:

"193. Every radio dealer shall exhibit his radio dealers licence in a prominent position within the premises."

25. Licence required for transmitting apparatus obtained on hire—Regulation 195 of the principal regulations is hereby amended by omitting the words "other than citizen station apparatus".

26. Record to be kept—(1) Regulation 196 of the principal regulations (as amended by regulation 22 of the Radio Regulations 1970, Amendment No. 4) is hereby further amended by omitting from subclause (1) the words "other than citizen station apparatus".

(2) The said regulation 196 is hereby further amended by omitting from subclause (2) (b) the words "other than citizen station apparatus".

(3) The said regulation 196 is hereby further amended by adding, after subclause (3), the following subclauses:

"(4) Every radio dealer shall, at such intervals as the Director-General may prescribe, notify to the Post Office in respect of those transactions referred to in paragraphs (a) and (b) of subclause (2) of this regula-

tion, the date of each sale and each hiring and the name and address of the purchaser, or the hirer, as the case may be.

“(5) The notification required to be made under the terms of subclause (4) of this regulation shall be made in writing on a form supplied by the Director-General in that behalf, or in any other way acceptable to the Director-General.”

27. Television broadcast receiving apparatus as prizes or gifts—The principal regulations are hereby amended by inserting, after regulation 196, the following regulation:

“196A. Every person who, while not being a radio dealer under the terms of these regulations, offers any sets of television broadcast receiving apparatus, whether colour or monochrome, as prizes in a lottery or game of skill, or as a gift or bonus with the purchase of any other goods or services, shall maintain a true record showing the names and addresses of the winners or recipients of such prizes, gifts, or bonuses, and shall notify to the Post Office the date on which such prizes, gifts, or bonuses were delivered and the name and address of the winner or recipient, in the same way as if he were a radio dealer licensed under these regulations and had sold the aforesaid television broadcast receiving apparatus.”

28. Fees payable in respect of licences issued under principal regulations—(1) The First Schedule to the principal regulations is hereby amended—

- (a) By omitting from clause 2 the words “other than a short-term licence”:
- (b) By omitting from clause 3 the words “other than a short-term licence”:
- (c) By omitting from clause 4 the words “other than a short-term licence for a base station”.

(2) The said First Schedule is hereby further amended by revoking clause 5 (as amended by paragraph (b) of subclause (2) of regulation 2 of the Radio Regulations 1970, Amendment No. 6) and substituting the following clause:

“5. For a short term licence
under the terms of
regulation 23 hereof \$2 for each station”.

(3) The said First Schedule is hereby further amended by inserting, after clause 10, the following clause:

“10A. For an amateur station
licence issued under the
terms of regulation 138A
hereof \$6”.

(4) The said First Schedule is hereby further amended by revoking clause 15 (as amended by paragraph (d) of subclause (1) of regulation 17 of the Radio Regulations 1970, Amendment No. 1, and subclause (2) of regulation 3 of the Radio Regulations 1970, Amendment No. 5), and substituting the following clause

“15. For a television hirers
licence
\$2.29 per calendar month for each set
of monochrome television broadcast
receiving apparatus let out on hire:
\$3.75 per calendar month for each set
of colour television broadcast receiv-
ing apparatus let out on hire.”

(5) The said First Schedule is hereby further amended by omitting from clause 16 (2) the expression "10 miles", and substituting the expression "16 kilometres".

(6) Regulation 17 (1) (d) of the Radio Regulations 1970, Amendment No. 1, regulations 3 (2) and 3 (5) of the Radio Regulations 1970, Amendment No. 5, and regulation 2 (2) (b) of the Radio Regulations 1970, Amendment No. 6 are hereby consequentially revoked.

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 come into force on 1 May 1977.

Regulation 2 (1) amends the term "International Radio Regulations" to take account of New Zealand's ratification of the International Telecommunication Convention, Malaga-Torremolinos 1973, which supersedes the Convention of Montreux 1965.

Regulation 2 (2) widens the definition of a radio dealer to make it explicit that the term includes manufacturers and wholesalers as well as retailers, and also widens the acts which may be done by a radio dealer to include the hiring out of citizen station apparatus, which was previously excluded and required a special hiring licence, while regulations 2 (3) and 2 (6) delete the term "radio hirer" (which embraced hiring of television receivers and citizen station apparatus) and substitute the term "television hirer" which limits the act of a hirer to the hiring out of television apparatus.

Regulation 2 (4) makes a minor amendment to the term "radio station".

Regulation 2 (5) abolishes the term "restricted radiation device".

Regulation 3 renames the radio hirers licence Class II as a television hirers licence without affecting the acts which were previously possible under a hirers licence Class II, and provides for continuing validity as a television hirers licence of any radio hirers licence Class II in force on 1 May 1977, and abolishes the radio hirers licence Class III which was required by persons hiring out citizen station apparatus.

Regulations 4 and 28 (3) provide that the fee payable for a licence for an amateur station established by a novice amateur operator shall be for the duration of the period of validity of the licence, and such fee shall be \$6.

Regulation 5 extends the classes of licences for which short-term licensing shall be available, from the fixed and land mobile services licences to most other classes of licence, and regulation 28 (2) reduces the fee for a short-term licence from \$6 to \$2.

Regulation 6 widens the provisions under which very low power devices may be exempted from licensing under the regulations.

Regulation 7 prescribes the examination, conditions of entry for the examination, and fee for entry for the examination, to qualify as a novice amateur operator.

Regulation 8 brings the New Zealand Radio Regulations into line with the International Radio Regulations by ensuring that New Zealand coast stations transmit compatible single sideband emissions on the international distress frequency.

Regulation 9 provides for, and sets the conditions of, issue of amateur station licences to novice amateur operators.

Regulation 10 provides for the operation of amateur stations by persons who, while not being the holders of amateur operators certificates have nevertheless qualified as novice amateur operators.

Regulations 11, 12, 13, 15, 16, 19, 20, and 22 relate to the change of title of the radio hirers licence Class II to television hirers licence, and the abolition of the hirers licence Class III for hiring out of citizen station apparatus.

Regulation 14 changes the basis on which fees payable for television hirers licences are calculated, from sets held for hire to sets out on hire.

Regulation 17 consequentially changes the information required in the hirers monthly return.

Regulation 18 relates to the change of title of the radio hirers licence Class II to television hirers licence, and the requirement for television hirers to notify the Post Office of information relating to their clients.

Regulation 21 requires television hirers to notify the Post Office of information relating to their clients.

Regulations 23 and 28 (5) convert the distance of 10 miles to 16 kilometres.

Regulation 24 requires every radio dealer to exhibit his licence in a prominent place.

Regulation 25 relates to the widening of radio dealers powers to enable the hiring out of citizen station apparatus.

Regulation 26 makes it mandatory for radio dealers to notify the Post Office of sales of television receiving sets and the sale and hire of transmitting apparatus. Previously dealers were required only to make this information available for inspection by the Post Office.

Regulation 27 introduces a requirement for persons who are not licensed as radio dealers, but who offer as prizes or gifts, sets of television receiving apparatus, to keep records and notify the Post Office in the same way as a licensed radio dealer.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 6 April 1977.
These regulations are administered in the Post Office.