



THE RADIO REGULATIONS 1987, AMENDMENT NO. 3

RONALD DAVISON
Administrator of the Government

ORDER IN COUNCIL

At Wellington this 24th day of January 1989

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL
PURSUANT to the Telecommunications Act 1987, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Radio Regulations 1987, Amendment No. 3, and shall be read together with and deemed part of the Radio Regulations 1987* (hereinafter referred to as the principal regulations).

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 24th day of February 1989.

(3) Regulation 4 of these regulations shall come into force on the 1st day of April 1989.

2. Installation, operations and use of certain apparatus prohibited—Regulation 6 of the principal regulations is hereby amended by inserting in subclause (1), before the words “The installation”, the words, “Subject to regulation 6A of these regulations,”.

3. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 6, the following regulations:

“6A. Exemptions from licensing—(1) The Secretary may, by notice in writing to the holder of the apparatus or by notice in the *Gazette*, exempt certain radio apparatus, or class or classes of radio apparatus, from the requirement to be licensed under regulation 6 (1) of these regulations, where the Secretary is satisfied that a licence is not required for the efficient and effective management of the radio frequency spectrum.

“(2) Every exemption granted under subclause (1) of this regulation shall be subject to such terms, conditions, and restrictions as the Secretary sees fit.

“6B. Revocation of exemptions—The Secretary may from time to time, by notice in writing to the holder of the apparatus, or by notice in the *Gazette*, revoke any exemption or exemptions granted under regulation 6A of these regulations.”

4. Matters to which Secretary to have regard—Regulation 13 of the principal regulations is hereby amended by revoking subclause (4).

5. Supply of apparatus prohibited—The principal regulations are hereby amended by revoking regulation 17, and substituting the following regulation:

“17. The supply of transmitting apparatus for which a licence is required pursuant to regulation 6 of these regulations is hereby prohibited, except pursuant to a written licence.”

6. Limits of intensity for interfering equipment—Regulation 36 of the principal regulations is hereby amended by adding the following subclause:

“(5) Every person who contravenes subclause (2) or subclause (3) of this regulation commits an offence.”

7. Interference with radiocommunications—(1) Regulation 39 of the principal regulations is hereby amended by inserting, before the word “notwithstanding”, the expression “(1)”.

(2) Regulation 39 of the principal regulations is hereby further amended by adding the following subclause:

“(2) Every person who acts in contravention of any requirement of the Secretary issued pursuant to this regulation commits an offence.”

8. Offences—Regulation 42 of the principal regulations is hereby amended by revoking all the words after the words “commits an offence.”

MARIE SHROFF,
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 1987. Regulation 4 comes into force on 1 April 1989 and the remainder of these regulations come into force on 24 February 1989.

Regulations 2 and 3 allow the Secretary to exempt certain radio apparatus from the requirement to be licensed and enable the Secretary to impose terms and conditions in relation to the exempt apparatus, and to revoke any exemption allowed.

Regulation 4 revokes the necessity for the Secretary to consider whether the grant of licences under regulations 10, 11, and 12 competes with an established network.

Regulation 5 allows the supply of exempt apparatus without the dealer being required to be licensed.

Regulation 6 makes contravention of the provision relating to the limits of the intensity of interfering equipment an offence.

Regulation 7 makes contravention of the provisions relating to interference with radiocommunications an offence.

Regulation 8 omits the penalties provision for the general offence provision. These are now covered in the Telecommunications Act 1987.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 January 1989.

These regulations are administered in the Ministry of Commerce.