



**THE RADIOCOMMUNICATIONS (FEES) REGULATIONS (NO. 2)
1990**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 135 of the Radiocommunications Act 1989, His Excellency the Governor-General, 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 Radiocommunications (Fees) Regulations (No. 2) 1990.

(2) These regulations shall come into force on the 1st day of November 1990.

2. Interpretation—In these regulations, unless the context otherwise requires,—

(a) “The Act” means the Radiocommunications Act 1989; and

(b) Expressions defined in the Act have the meanings so defined; and

(c) Reference to a section bearing any number is a reference to the section of the Act bearing that number.

3. Fees—(1) There shall be payable to the Registrar, in respect of each matter specified in the first column of the First Schedule to these

regulations, the fee specified in the second column of that schedule opposite the specification of the matter.

(2) There shall be payable to the Registrar—

- (a) In respect of a licence to transmit radio waves (under section 48 (a) or section 48 (b)), a fee calculated by adding—
- (i) The amount first specified in the Second Schedule to these regulations; and
 - (ii) An amount calculated at the rate of the amount secondly specified in that schedule for every frequency in excess of 1 specified in the licence; and
- (b) In respect of a notice of modification of frequencies on a licence (under section 54A), a fee calculated by adding—
- (i) The amount thirdly specified in the Second Schedule; and
 - (ii) An amount calculated at the rate of the amount fourthly specified in that schedule for every frequency in excess of 1 added or deleted by the notice.
- (3) The rightholder under a licence issued under section 48 (a) or section 48 (b) of the Act in respect of emissions of a maximum power specified in the first column of the Third Schedule to these regulations shall pay to the Secretary—
- (a) On the issue of the licence; and
 - (b) Before the anniversary of the day on which it was issued, in every year after the year in which it was issued,—
- a fee calculated by multiplying the amount specified in the second column of that schedule opposite the specification of the maximum power by the number of frequencies specified in the licence.

4. Waivers—(1) If satisfied that the waiver is justified on humanitarian grounds, the Registrar may waive, in whole or in part, the payment of any fee payable to the Registrar under regulation 3 (1) or regulation 3 (2) of these regulations.

(2) If satisfied that—

- (a) The waiver is justified on humanitarian grounds; or
 - (b) The nature of the service to which the fee relates is such that the Secretary incurs no costs in relation to it,—
- the Secretary may waive, in whole or in part, the payment of any fee payable to the Secretary under regulation 3 (3) of these regulations.

5. Fees inclusive of GST—The fees and amounts prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

6. Revocation—The Radiocommunications (Fees) Regulations 1990* are hereby consequentially revoked.

SCHEDULES

Reg. 3 (1)

FIRST SCHEDULE

FIXED FEES PAYABLE TO REGISTRAR FOR SPECIFIC MATTERS
(INCLUSIVE OF GST)

	Fee \$
<i>Fees for Lodging Instruments or Documents for Registration or Otherwise</i>	
1. Application to register radio frequencies (section 9) ..	36
2. Application for correction of the Register (section 23)	27
Provided that no fee shall be payable where the correction is rendered necessary by reason of a mistake made by the Registrar or by any of the Registrar's officers.	
3. Acknowledgement of mortgagee's consent to the grant of a licence (section 26 (1))	27
4. Notice of modification of protection limit (section 36)	27
5. Notice of modification of adjacent frequencies emission limits (section 40)	27
6. Notice of transfer of management rights (section 42)	36
7. Request for aggregation of management rights (section 46)	36
8. Licence to transmit unwanted emissions (section 48 (c))	36
9. Licence to have no interference (section 48 (d)) ..	36
10. Notice of modification of unwanted emission limits (section 54 (1))	27
11. Notice of transfer of licence (section 56)	36
12. Notice of cancellation of licence (section 57) ..	27
13. Memorandum of mortgage (section 74)	27
14. Memorandum of increase or reduction of mortgage debt (section 75 (1) (a))	27
15. Memorandum of increase or reduction in rate of interest (section 75 (1) (b))	27
16. Memorandum of renewal, shortening, or extension of term or currency of mortgage (section 75 (1) (c)) ..	27
17. Memorandum of variation of covenants, conditions, and powers of mortgage (section 75 (1) (d))	27
18. Memorandum of priority of mortgages (section 77) ..	27
19. Memorandum of discharge of mortgage (section 86 (1))	27
20. Application to be registered as manager or rightholder by operation of law (section 87 (1))	36
21. Caveat (section 89 (1))	36
22. Withdrawal of caveat (section 96 (1))	36

FIRST SCHEDULE—*continued*FIXED FEES PAYABLE TO REGISTRAR FOR SPECIFIC MATTERS—*continued*

	Fee \$
<i>Fees for Access to Records or Copies of Records</i>	
23. Access to the Register under section 28, for each quarter hour or part thereof	9
24. Copy of any record in the Register (section 29), for each page or part thereof	0.45
25. Certified copy of any record in the Register (section 30)	18

SECOND SCHEDULE

Reg. 3 (2)

AMOUNTS FOR CALCULATION OF FEES PAYABLE TO REGISTRAR FOR LICENCES
AND MODIFICATIONS
(INCLUSIVE OF GST)*Licences*

1. \$36 (basic amount)
2. \$18 (additional amount for each frequency above 1)

Modifications

3. \$27 (basic amount)
4. \$18 (additional amount for each frequency above 1)

THIRD SCHEDULE

Reg. 3 (3)

ANNUAL AMOUNTS PAYABLE TO SECRETARY FOR EACH FREQUENCY
(INCLUSIVE OF GST)

Maximum power (E.I.R.P.)	Amount \$
<i>MF-AM Sound Broadcasting</i>	
1. Less than 300 watts	450
2. 300 watts or more, but less than 1 kilowatt	864
3. 1 kilowatt or more, but less than 3 kilowatts	2,700
4. 3 kilowatts or more, but less than 10 kilowatts	6,003
5. 10 kilowatts or more, but less than 30 kilowatts	8,397
6. 30 kilowatts or more	10,224
<i>VHF-FM Sound Broadcasting</i>	
7. Less than 10 watts	63
8. 10 watts or more, but less than 100 watts	468
9. 100 watts or more, but less than 300 watts	837
10. 300 watts or more, but less than 1 kilowatt	2,277
11. 1 kilowatt or more, but less than 3 kilowatts	5,274
12. 3 kilowatts or more, but less than 10 kilowatts	6,741
13. 10 kilowatts or more, but less than 30 kilowatts	8,271
14. 30 kilowatts or more	10,719

THIRD SCHEDULE—*continued*ANNUAL AMOUNTS PAYABLE TO SECRETARY FOR EACH FREQUENCY—
continued

Maximum power (E.I.R.P.)	Amount \$
<i>UHF Television Broadcasting</i>	
15. Less than 1 kilowatt	63
16. 1 kilowatt or more, but less than 3 kilowatts	117
17. 3 kilowatts or more but less than 10 kilowatts	225
18. 10 kilowatts or more, but less than 30 kilowatts	387
19. 30 kilowatts or more, but less than 100 kilowatts	990
20. 100 kilowatts or more, but less than 300 kilowatts	1,629
21. 300 kilowatts or more	2,376
<i>Other Services</i>	
22. Less than 10 watts	63
23. 10 watts or more, but less than 100 watts	117
24. 100 watts or more	225

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, which come into force on 1 November 1990, modify the manner in which the fee for a licence to transmit radio waves is to be calculated, introduce a new fee for a notice of modification of frequencies on a licence, reduce the fee for a notice of cancellation of a licence, introduce a range of annual fees payable by rightholders, and empower the Secretary and Registrar to waive payment of fees in certain circumstances.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 18 October 1990.
These regulations are administered in the Ministry of Commerce.