

THE REPUBLIC OF KIRIBATI

TELECOMMUNICATIONS ACT 2004
(No. 11 of 2004)

RADIO-COMMUNICATIONS REGULATIONS 2005

In exercise of the powers conferred by section 74 of the Telecommunications Act 2004 (No. 11 of 2004), the Minister hereby makes the following Regulation:

PART 1 - PRELIMINARY

Short title

1. These regulations may be cited as the Radio-Communications Regulations 2005.

Commencement

2. These regulations shall be deemed to have come into operation by 01 February 2005.

Interpretation

3. In these regulations, unless the context otherwise requires -

“Act” means the Telecommunications Act 2004 (No. 11 of 2004)

“the A3E type of transmission” means a single-sideband transmission in which the carrier wave is transmitted at a power between 6dB and 32dB below the peak envelop power,

“aeronautical mobile services” means a mobile service between aeronautical stations and aircraft stations or between aircraft stations and includes survival craft stations and emergency position-indicating radiobeacon stations on designated distress and emergency frequencies;

“aeronautical station” means a land station in an aeronautical mobile service on board and aircraft or an air-space vehicle;

“aircraft station” means a mobile station in the aeronautical mobile service located on board an aircraft or an air-space vehicle;

“amateur band” means a set of frequencies assigned for transmission and reception to the amateur radio operators;

“amateur station” means a station operating in the amateur service;

“amateur station license (AT/G)” means an unlimited license issued after passing the Amateur Radio examination to use a radio communications service in all amateur bands;

“apparatus” means any equipment capable of effecting radio-communication, whether by transmission or reception or both;

“approved apparatus” means apparatus approved for the purpose of these regulations under Regulations 33;

“authorised officer” means a person appointed under regulation 4(1) to be an authorized officer, and includes a Radio Inspector;

“authorised station” means a station in respect of which a license is in force;

“Authority” means the Telecommunications Authority of Kiribati as defined in Part II of the Act;

“base station” means a radio communication land station in the land mobile service carrying on a service with land mobile stations;

“broadcasting service” means a radio-communications service in which the transmissions (whether sound transmissions, television transmission or other transmissions) are intended for direct reception by the Republic;

“Certificate of Proficiency” or “certificate” means a certificate of Proficiency under Part VIII;

“citizen band service” means a radio communication service that employs channels in the 27 MHZ or 470MHZ bands, as designation in the frequency table, for personal two-way, short distance, voice communication, radiotelephone service which may be used by any person in the community for personal communication within the geographical limits of Kiribati;

“citizen band station” means a station operating in a citizen band service;

“Coast station” means a station on land established to communicate with ships and aircraft stations for the transmission and/or reception of messages on behalf of the public;

“Coast earth station” means an earth station in the fixed-satellite service or, in some cases, in the maritime mobile-satellite service, located at a specified fixed point on land to provide a feeder link for the maritime mobile-satellite service;

“Cordless Telephone System Service” means a radio-communication service consisting of:

- (a) a base station, not forming part of a cellular mobile telephone service, connected by a line to a switched telephone network; and
- (b) one or more handsets;

“Down range station” means a station in the space operation service;

“earth station” means a station located either on the earth’s surface, or within the major portion of the earth’s atmosphere intended for communication with one or more space stations or with one or more reflecting satellites or other objects in space;

“the F3E type of transmission” means frequency modulation in which the transmission of power level is equal to the peak envelope power;

“land mobile station “ means a mobile station in the land mobile service capable of surface movement within the geographical limits of the country .

“land station” means a station on land ;

“licensee” means the holder of a license;

“limited coast station” means a station on land established for communication with ship station of licensed fishing vessels for the handling of messages concerned with the activities of the such licensed fishing vessels, their safety , movements and fishing operation on which they are engaged, excluding all messages of a public correspondence nature;

“long –range cordless Telephone System Station” means a station established to use a cordless telephone system service beyond the normal range of a cordless telephone;

“marine rescue (limited coast) station” means a station on land operated by a group or an organisation which provides a comprehensive emergency radiocommunication service to vessels at sea and which operates on specified emergency channels;

“messages” includes announcements, advertisements or any other information transmitted by the broadcasting station;

“Meteorological Aids Station” means a station established to use a meteorological aids service;

“Meteorological Aids Service” means a radio communication service used for meteorological, including hydrological, observations and exploration;

“Ministry” means the Ministry responsible for telecommunications and radio-communication matters in Kiribati;

“mobile service” means a radio-communication service operating between mobile and land stations or between mobile stations;

“mobile station” means an aircraft station, a handphone station, a harbour mobile station, a land mobile station or a ship station where the station is for use while in motion or during halts at unspecified points;

“monitoring service” means a radio communication service in the regulatory unit for controlling use of all frequency bands of up to 3000 GHz;

“novice amateur licence (AT/N)” means a limited licence issued after passing the Novice Amateur examination to use radio communication service at specified amateur bands;

“permit” means a permit under regulation 10;

“public correspondence” means messages passed or to be passed on behalf of members of the general public;

“the R3E type of transmission” means a single-sideband transmission in which the carrier wave is transmitted at a power level between 6dB below the peak envelope power;

“radio controlled apparatus station” means a control station in the monitoring service;

“radio dealer’s licence” includes a limited radio dealer’s licence;

“radio-determination” means the determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves;

“radio-determination service” means a service involving the use of radio-determination;

“radio-determination station” means a station in the radio-determination service;

“Radio Inspector” means a person appointed under regulation 4 to be a Radio Inspector;

“radio-linked microphone service” means a service comprising a central receiver and a number of transmitter units for use in connection with program production, public address or other uses authorised by the Beretitenti, acting in accordance with the advice of the Cabinet;

“Radio Regulations” means the Radio Regulations published by the International Telecommunications Union in pursuance of a recommendation of the World Administrative Radio Conference at Geneva, 1967, as in force from time to time, and includes the appendices to those regulations and any additional regulations;

“repeater station” means a station established at a fixed location for the reception of radio communication messages from stations and for the automatic transmission of radio-communication messages received by it from other stations operating in the same frequency band;

“the Safety Convention” means the International Convention for the Safety of Life at Sea 1960 signed at London on 17 June 1960, and includes any subsequent regulations made in amendment, addition or substitution;

“Space operation service” means a radio communication service concerned exclusively with the operation of spacecraft, in particular space tracking, space telemetry and space telecommand;

“station” means one or more transmitters or receivers at a single location, including the accessory equipment needed for carrying on a radio-communication service;

“Share HF Network Station” means a station established to use and share same assigned frequency in fixed HF network service;

“ship” includes every kind of vessel or floating craft of any size, but excludes a ship that is permanently moored;

“ship station” means a mobile station in the maritime mobile service located on board a ship which is not being permanently moored and excludes a survival craft station;

“telegraphy” means a system of radio-communications for the transmission of written matter by means of a signal code;

(2) For the purposes of these Regulations, any apparatus in a lifeboat or raft or other survival device carried on or in an aircraft or ship station shall be deemed to be part of the apparatus of the station.

PART II - ADMINISTRATION

Radio Inspectors and authorised officers

4. The Authority, acting after consultation with the Minister, may appoint persons to be:-
- (a) Radio Inspectors for the purpose of inspecting and examining apparatus that is part of a station and documents relating to any such apparatus; and
 - (b) authorised officers for the purposes of these Regulations.

Functions of radio Inspectors

5. (1) In addition to his other powers and functions under these Regulations, a Radio Inspector may enter and inspect any station, vessel, aircraft, vehicle, premises or place in which any apparatus is installed or is being installed, and any thing in or on it, and may:-

- (a) test the apparatus; and
- (b) examine and take copies of extracts from any documents, messages or registers relating to the apparatus.

(2) The owner, licensee or person in charge of the station, vessel, aircraft, vehicle, premises or place must afford a Radio Inspector all necessary facilities for a test examination under subregulation (1).

(3) If in the opinion of a Radio Inspector a breach of the Act or of these Regulations has been committed in respect of the installation or operation of any apparatus, the Inspector may:-

- (a) order the owner, licensee, operator or person in charge of the apparatus to cease the operation of or to dismantle to the satisfaction of the Inspector, the apparatus; and
- (b) if he thinks it necessary:-
 - (i) take possession of the apparatus; or
 - (ii) make it incapable of operation.

(4) A person aggrieved by an order of a Radio Inspector under subregulation (3) may appeal to the Authority.

(5) A person who appeals under subregulation (4) may further appeal to a Court if such person is not satisfied with the decision of the Authority.

(6) Subject to subregulation (4), an order under subregulation (3) remains in force until countermanded by the Authority or the appropriate court as the case may be.

PART III - LICENSING

Application of Part III

6. Except as otherwise provided by the Act or these Regulations, but subject to any other law, this Part applies to and in respect of all stations in Kiribati, including:-

- (a) all stations on ships or aircraft registered in Kiribati; and
- (b) all stations on other ships or aircraft operating in or over Kiribati waters.

Forms and Classes of licences

7. (1) The licences shall be in such forms as are approved by the Authority, acting after consultation with the Minister, in respect of the classes of stations specified in Schedule 1.

(2) The licences referred to in subregulation (1) may be granted by the Authority acting after consultation with the Minister.

(3) Special licences shall be in such forms as are approved by the Authority, acting after consultation with the Minister, in respect of:-

- (a) stations of a class not specified in Schedule 1; or
- (b) stations in respect of which, in the opinion of the Authority, a licence to which subregulation (1) applies would not be appropriate.

(4) Special licences referred to in subregulation (3), may be granted by the Authority acting after consultation with the Minister.

(5) A licence shall specify the premises, ship, aircraft or vehicle and the apparatus, to which it relates.

Period of licence.

8. A licence remains in force for such period, not exceeding one year, as is specified in the licence and may be renewed by the Authority, acting after consultation with the Minister, from time to time for periods each not exceeding one year.

Licence fees.

9. (1) The fees payable for the issue or renewal of a licence (other than a special licence) are in accordance with Schedule 1.

(2) The fee payable for a special licence is as determined by the Minister, acting in accordance with the advice of the Cabinet.

(3) A fee is not payable for the issue or renewal of a licence for a station working solely into the radio-communication system operated by or on behalf of the Government.

Permits.

10. (1) Where the Authority is satisfied that a station or apparatus is to be used for a period less than one calendar year only, the Authority may issue a permit in a form approved by the Minister, authorising the use of the station or apparatus for a period specified in the permit.

(2) A permit shall be issued without a fee.

(3) The provisions of these Regulations relating to licences apply to and in respect of permits.

Applications for licences and permits.

11. An application for a licence or a permit shall:-

- (a) be in a form approved by the Minister; and
- (b) contain the information and particulars specified in the form, or as are required in any particular case by the Minister.

Conditions of licences.

12. A licence is subject to these Regulations and the prescribed terms, conditions and restrictions, and to such other terms, conditions and restrictions as the Authority, acting after consultation with the Minister, thinks appropriate to meet the circumstances of a particular case.

Lost, etc., licences.

13. Where the Authority is satisfied that a licence has been lost, destroyed or defaced, the Authority, acting after consultation with the Minister, may issue a replacement licence or permit on payment of a fee of \$50.

Variation of conditions of licences.

14. The Authority, acting after consultation with the Minister, may at any time, in his discretion, by written notice to the licensee, vary the conditions of a licence, or impose conditions or additional conditions.

Non responsibility for bodily injury or damage to property.

15. The Republic, the Minister, a radio inspector, any other authorised officer or any other person exercising or performing powers or functions under these Regulations shall not be liable in respect of any action, claim, or demand that may be brought or made by any person in respect of any bodily injury or damage to property or any other circumstances arising from any act permitted by a licence issued under these Regulations.

Responsibility for infringement of copyright, etc.

16. The issue of a licence under these Regulations shall not relieve the licensee of responsibility for any infringement of copyright or of any patent for an invention, or of compliance with any other regulations, instructions, or rules which may otherwise be applicable.

Stand-by apparatus.

17. A licensee may keep stand-by apparatus approved in writing by the Authority, acting after consultation with the Minister, for use during any period during which the apparatus which the subject of his licence is out of operation for maintenance or adjustment, and may use it during any such period.

Suspension or revocation of licences.

18. (1) Where:-

- (a) the licensee fails to comply with the Act or these Regulations, or with a term or condition of his licence; or
- (b) the Authority, acting after consultation with the Minister, considers that it would be in the public interest to do so,

the Authority, acting after consultation with the Minister may, by written notice to the licensee, suspend for a period specified in the notice, or revoke, a licence.

(2) Before suspending or revoking a licence the Authority shall:-

- (a) give notice of its intention to do so to the licensee; and
- (b) give the licensee an opportunity to make such written representations as it thinks fit within such period as is specified in the notice.

(3) The period of the licence continues to run during a period of suspension.

Assignment of licence.

19. Except with the written consent of the Authority, acting after consultation with the Minister, a licensee shall not transfer his licence or assign, sublet or otherwise dispose of, or admit any other person to participate in, any of the benefits of his licence or the powers or authorities granted by his licence.

Refusal of licence.

20. The Authority, acting after consultation with the Minister, may in writing refuse to grant or renew a licence.

Form of licences.

21. A licence shall be in the form of a document or a label or both, as determined by the Minister, acting in accordance with the advice of the Cabinet.

Exhibition and inspection of licences.

22. (1) Except in the case of a licence to which subregulation (3) applies, a licensee must clearly exhibit his licence at all times in the room or place where the apparatus the subject of the licence is situated.

(2) In the case of a licence in the form of a label, the licence must be kept affixed at all times to part of the apparatus the subject of the licence.

(3) In the case of:-

- (a) an aircraft station licence; or

- (b) a handphone station licence; or
- © a harbour mobile station licence; or
- (d) an interior paging service licence; or
- (e) a land mobile station licence; or
- (f) a radio-determination station licence; or
- (g) a radio-linked microphone service,

the licensee must make his licence available for inspection at all reasonable times on demand by a Radio Inspector.

Use of authorised stations.

23. (1) A licence shall indicate the purpose for which or the service in which the authorised station may be used, and the licensee, without the written consent of the Authority, acting after consultation with the Minister, must not use the authorised station, or allow it to be used, for any other purpose or in any other service.

(2) Except with the written consent of the Authority, acting after consultation with the Minister, a licensee must not alter, modify or re-position the authorised station in respect of any matter specified in the licence.

(3) Any person who contravenes this Regulation is guilty of an offence.

Operators.

24. (1) Except as otherwise provided by or under these Regulations, or in case of emergency involving safety of life or property, the owner, licensee or person in charge of an authorised station must not allow any apparatus in or on it to be operated by any person other than the holder of the appropriate certificate under Part IV.

(2) Any person who contravenes this Regulation is guilty of an offence.

(3) For the purpose of subregulation (1), the Authority, acting after consultation with the Minister, shall determine what is the appropriate certificate in relation to each class of licence.

Handling of messages on behalf of the general public.

25. (1) Except as provided by these Regulations or with the consent of the Authority, acting after consultation with the Minister, the licensee of an authorised station that is licensed to transmit and receive messages on behalf of the public must not refuse:-

- (a) to accept telegraphic messages from the public for transmission by his station to another station with which he is authorised to communicate; or
- (b) to receive telegraphic messages for delivery to the public from another station with which he is authorised to communicate.

(2) the messages must be transmitted on equal terms without favour or preference, whether as regards rates of charge, order of transmission or otherwise, except that signals of distress and messages in connection with such signals shall receive priority.

Requests for assistance, etc.

26. As far as practicable, the licensee and all persons employed in or about an authorised station must acknowledge and pass on to the appropriate authority:-

- (a) all requests for assistance; and
- (b) all signal of distress received from other stations,

with the least possible delay.

Requirement to broadcast correcting statement.

27. (1) Subject to subregulation (6), if any radio broadcast or communication, item, report, announcement, or advertisement (hereinafter referred to as “the original broadcast”) is made over an authorised broadcasting station concerning any person and that person is of the opinion that any fact contained in the original broadcast is false or distorted, that person, may, by written notice delivered to the licensee, the owner or person in charge of that broadcasting station, and with a copy of such notice also being delivered to the Authority request that licensee, owner or person, to broadcast a statement (hereinafter called “the correcting statement”) containing facts considered by that person to be true.

(2) Where an authorised broadcasting station refuses to broadcast the correcting statement requested to be broadcast pursuant to subregulation (1), the Authority shall consult with the station involved and the aggrieved person requesting the broadcast of the correcting statement with a view to fully inform itself as to the true facts and circumstances of the matter in question.

(3) After careful and full consultation with the parties referred to in subregulation (2), the Authority may, based on the result of the consultation referred to in subregulation (2) and after consultation with the Minister, may issue such order in writing in support or in rejection of the refusal of the broadcasting station involved or directing the broadcast of such form of correcting statement as seems appropriate.

(4) Any licensee, owner or person in charge of a broadcasting station who is issued with an order under subregulation (3) requiring him to broadcast a correcting statement shall do so immediately upon receipt of the such order and shall continue to do so three (3) times a day in the morning between 7.00am and 8.00am, at noon between 12.00 and 1.00pm and in the evening between 6.00pm and 8.00pm for the next two (2) consecutive days.

(5) Any correcting statement requested or ordered hereunder will be broadcast continuously and without any interruption and shall be not shorter than 2 minutes nor more than 5 minutes of such broadcasting station’s broadcasting time.

(6) The licensee, owner or person in charge of an authorised broadcasting station shall not be required to broadcast any word or words contained in a correcting statement which in the opinion of the Authority are defamatory of any person.

(7) Any person who fails to comply with an order made by the Authority or any Court arising from proceedings hereunder shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 months or to a fine not exceeding \$200 or both., and for any continuing offence hereunder to the same penalty for every day that the non compliance continues.

(8)(a) A court on convicting a person under subregulation (7) may in addition to any punishment make an order that the correcting statement referred to in subregulation (1) shall be broadcast as required under subregulation (3).

(b) If the correcting statement is not broadcast in accordance with an order of the Court made under this regulation the licensee, owner or operator of that broadcasting station, and where the licensee or owner is a body corporate the Directors or board members of that body corporate the Directors or board members of that body corporate each shall be guilty of an offence and shall each be liable on conviction to imprisonment for a term not exceeding two (2) months or a fine not exceeding \$200.

Fees for transmitting or receiving public correspondence.

28. The licensee of an authorised station that is licensed to transmit and receive messages on behalf of the public may make such charges for the transmission or receipt as are approved by the Authority, acting after consultation with the Minister.

Service of notices.

29. Any notice or other document required or permitted by these Regulations to be given to or served on a licensee or the holder of a certificate of proficiency may be given or served either personally or by registered post addressed to his usual or last-known postal address.

Privacy of communications.

30. Except as required or permitted by or under any law, a licensee, operator or any other person who, by virtue of his connection with a station or with any apparatus has access to messages passed by radio-communications and not intended for his action, information or use, discloses communicates, records or makes use in any way of any such message or the information contained in any such message is guilty of an offence.

Improper signalling, etc.

31. (1) A person, by the use of a station, must not:-

- (a) impersonate another person or other station; or
- (b) use the call-sign of another station,

whether or not that other station is in Kiribati.

(2) A person must not transmit, or make a signal containing, any profane or obscene language.

(3) The owner, licensee, person in charge or operator of a station must not knowingly transmit or cause or allow to be transmitted any message of a false or misleading character.

(4) A person must not transmit or cause or allow to be transmitted a false or deceptive distress signal or call.

(5) Any owner, licensee, person in charge or operator of a broadcasting station who contravenes any of the provisions of this Regulation is guilty of an offence.

Standards for and approval of apparatus.

32. (1) The Authority, acting after consultation with the Minister, may in writing from time to time fix minimum requirements and performance standards to be met by apparatus for use in or in connection with authorised stations.

(2) In determining performance standards the Authority may apply or adopt with or without modifications any existing standard including International Telecommunications Union (ITU) standards.

(3) Any person may submit to the Authority or to a person or body, and at any place appointed by the Authority for the purpose, any apparatus, and the Authority may in writing approve the apparatus subject to such conditions and restrictions as he thinks necessary.

(4) For the purposes of subregulation (2), the fee for examining any apparatus is \$50, and where any apparatus is not approved the fee for re-examination (whether after modification or otherwise) is \$100.

(5) The Authority, acting after consultation with the Minister, may in writing declare any apparatus to be approved apparatus for the purposes of these Regulations.

(6) Any person who contravenes any provisions of this Regulation is guilty of an offence.

Apparatus.

33. (1) Except in the case of an amateur station, only approved apparatus may be used in connection with the station, and the apparatus shall:-

(a) be installed and maintained to the satisfaction of the Authority; and

(b) not be altered in anyway without the consent of the Authority and subject to such conditions as the Authority thinks proper.

(2) All apparatus must operate within the ranges of tolerances prescribed by these Regulations or approved in writing by the Authority, acting after consultation with the Minister.

(3) Any person who contravenes any provisions of this Regulation is guilty of an offence.

Spare parts.

34. The licensee of an authorised station must have available for immediate use by the station such spare parts as are directed in writing by the Authority, acting after consultation with the Minister.

Call-signs.

35. The Authority, acting after in consultation with the Minister, shall allot to every broadcasting station a call-sign or other means of identification by which the station may be identified, which must be used as directed by the Authority.

Stations causing interference.

36. (1) The licensee of an authorised station must'-

- (a) operate the station in such a manner as not to cause harmful interference to other stations; and
- (b) comply with any direction of the Authority in that regard.

(2) The licensee, owner or the person in charge of an authorised station who contravenes this Regulation is guilty of an offence.

(3) an offence against subregulation (1) is not committed if the harmful interference is due, in the opinion of a Radio Inspector, to deficiency as regards design, maintenance or operation in the affected receiving station.

Testing and adjustment.

37. (1) No tests or adjustments of any station or apparatus shall be carried out or made except under and in accordance with a licence issued under these Regulations and shall be made in such a way as not to cause harmful interference to other stations.

(2) Test and adjustment signals shall be of such a character as not to be confused with a message, abbreviation or other signal having special signification in any radio-communication system.

(3) The owner, the person in charge and the operator who contravenes this regulation is guilty of an offence.

Directional aerial systems.

38. If in his opinion it is necessary or desirable, the Authority, acting after consultation with the Minister may approve the use of directional aerial systems for the transmission or reception of radio-communications from an authorised station.

Interference by receiving apparatus.

39. A person operating a receiving apparatus must ensure, that the energy radiated by the apparatus is reduced to the lowest possible volume and that it does not cause harmful interference to any other station.

Assignment of frequencies.

40. (1) The frequency or frequencies on which each authorised station may operate are as determined in writing by the Authority, acting after consultation with the Minister and during the operation of the transmitting equipment of the authorised station the licensee must maintain the frequency or those frequencies to the satisfaction of the Authority.

(2) the same frequency may be assigned to two or more transmitting stations.

Sitting of aeriels.

41. (1) In this Regulation, "line" means an electric line or telegraph line.

(2) Without the consent of the Authority an aerial of any broadcasting station must not be erected.

(a) above or below any line erected or maintained by the Public Utilities Board or Telecom Kiribati Limited; or

(b) sufficiently near to any such line to permit contact with it if:-

(i) the line or the aerial breaks or becomes detached from its support; or

(ii) the support fails.

(3) A consent under subregulation (2) does not relieve a person of any liability, civil or criminal, under any other law.

Test Apparatus.

42. a licensee of an authorised station or a person who manufactures or maintains apparatus (other than apparatus primarily intended for the reception of broadcasting services) must keep at the station or the place where the apparatus is manufactured or maintained, as the case maybe, test equipment approved in writing by the Authority, acting after consultation with the Minister for that purpose.

Log books.

43. (1) A licensee must keep a log showing:-

(a) the time of each transmission and reception; and

(b) the station or stations to or from which messages have been transmitted or received;
and

© the frequency and type of emission used.

Records of messages.

44. (1) A licensee (other than the licensee of an amateur station or radio dealer's station) must keep full accounts, records and registers of all messages, advertisements, announcements and any other information transmitted by the station.

(2) The licensee must:-

(a) mark each of the messages, advertisements, announcements and any other information in the register with an identifying number; and

- (b) specify:-
 - (i) the date and full particulars of the places of origin and ultimate destination of the messages; and
 - (ii) such further particulars as the Authority from time to time reasonably requires to be specified.

(3) The licensee shall cause Government messages to be distinguished in the register from other messages.

(4) Any person who contravenes any provisions of this Regulation is guilty of an offence.

Used message forms.

45. (1) a licensee referred to an Regulation, 45 shall preserve:-

- (a) all used message forms, whether written or printed; and
- (b) transcripts of messages; and
- © other papers relating to messages,

for not less than 12 months.

(2) A reference in subregulation (1) to a message is a reference to a message received or transmitted during the period which the authorised station is operating or carrying on business.

(3) Any person who contravenes this Regulation is guilty of an offence.

Inspection of logs, registers, etc.

46. (1) A licensee must permit the Authority at all reasonable times to inspect all logs, accounts records and registers and all message forms, transcripts and papers kept under regulations 44, 45 and 46 and to take copies of or extracts from them.

(2) A licensee must:-

- (a) make all apparatus forming part of or kept for the purposes of the station available for inspection by the Authority or an authorised officer; and
- (b) in the case of a mobile station, make the apparatus available for inspection at a reasonable time and place fixed by the Authority or authorised officer, as the case may be.

PART IV – SHIP AND AIRCRAFT STATIONS

Application of this Part.

47. This Part applies to ship and aircraft stations.

Distress signals.

48. These Regulations do not prevent a ship or aircraft station in distress from using any means as its disposal to attract attention, indicate its position and obtain assistance.

Ships in harbour.

49. (1) In these Regulations, “department zone station” means a station established by the Authority to permit high frequency radio-communication between ships, aircraft and other authorised stations and other similar stations or telephone subscribers on land.

(2) In this regulation, a reference to a transmission on minimum radiated power is a reference to the minimum radiated power necessary to transmit the message concerned.

(3) Except as provided by these Regulations, no apparatus on board a ship shall be operated while the ship is in a harbour in Kiribati.

(4) When the ship is not berthed, the apparatus may be used:-

- (a) for the purpose of communication, on minimum radiated power, with the nearest coast station or departmental zone station; or
- (b) in circumstances in which communication with the nearest coast station is impracticable, to establish communication with another station.

(5) When the ship is berthing, low powered handphone-type apparatus may be used if required for berthing or for cargo handling.

(6) When the ship is berthed, in exceptional circumstances such as a failure of the public communication system the apparatus may be used:-

- (a) to pass urgent messages, on minimum radiated power to the nearest coast station or departmental zone station; or
- (b) in circumstances in which communication with the nearest coast station is impracticable, to establish communication with another station.

(7) When the ship is under way and radio-communications are required for navigational purposes, the apparatus may be used on minimum radiated power.

(8) When the apparatus is undergoing adjustment or alterations, test calls may be made in such manner as not to cause harmful interference to the service of other stations.

General use of apparatus in territorial waters.

50. Notwithstanding anything in these Regulations any ship operating within the territorial limits of Kiribati may use any apparatus to effect the safe handling of the vessel and to communicate with appropriate shore stations.

Operation of aircraft stations.

51. (1) An aircraft station operating within the territorial limits of Kiribati must use its apparatus in accordance with any directions of a person authorised in writing by the Authority,

acting after consultation with the Minister for the purpose, and otherwise as necessary to effect safe navigation of the aircraft.

(2) Subject to subregulation (1), an aircraft station operating within the territorial limits of Kiribati and licensed to transmit public correspondence must not transmit such correspondence unless airborne or as directed or approved in writing by the Authority, acting after consultation with the Minister.

Books and documents.

52. Ship and aircraft stations must carry such books and documents relating to the operation of the station as are directed in writing by the Authority, acting after consultation with the Minister.

Censorship of messages.

53. The master of a ship or aircraft in which there is a ship or aircraft station may censor any message addressed to or transmitted by the station.

PART V – CITIZEN BAND STATION LICENCES

Citizen Band Station Licences

54. (1) A person shall not operate a station in the citizen band station unless he holds a citizen band station licence.

(2) A citizen band station licence authorises the operation of a station in either the High Frequency (HF) band 26.965-27.405 MHz or the Ultra High Frequency (UHF) band 476.475-477.400 MHz or both.

Restrictions on Use

55. (1) A citizen band station must use-

- (a) the equipment as approved in writing by the Authority acting after consultation with the Minister, in a fixed base mobile, or portable configuration within or over the limits of Kiribati waters;
- (b) three receivers only, one at a base station and two as mobile stations

(2) The owner or licensee or the person in charge or the operator of a citizen band station is not permitted to transmit-

- (a) messages or visual images on behalf of the third parties;
- (b) matter which is profane, obscene, indecent or otherwise objectionable;
- © any message or images in consideration of payment in cash or kind
- (d) music (except for single audio tones for tests of short duration);
- (e) news of or on behalf of or for the benefit or information of any industrial

commercial, political, social or religious organisation or anyone other than the operator or the person with whom he is in communication.

56. (1) Except as provided in this Regulation or with the consent in writing of the Authority, acting after consultation with the Minister, no external radio frequency power amplifier shall be used or attached, by connection, coupling attachment or in any other way, at a citizen band radio services.

(2) Where a citizen band radio station is utilising the A3E type of transmission, the carrier power of the radio frequency transmitter output measured at the input to the antenna transmission line must not exceed 4w.

(3) Where a citizen band radio station is utilising the R3E, J3E or the H3E type of transmission, the peak envelope power of the radio frequency transmitter output, measured at the input to the antenna transmitter line, must not exceed 12w.

(4) Where a citizen band radio station is utilising the F3E type of transmission, of the Ultra High Frequency (UHF) Band the mean power limit of the radio frequency transmitter output, measured at the input to the antenna transmission line, must not exceed 5w.

(5) The licensee of a citizen band radio station must install and maintain, to the satisfaction of an authorised officer, and approved in writing by the Authority acting after consultation with the Minister, instruments of a type for indicating accurately the power used.

(6) Any person who contravenes any provisions of this Regulation is guilty of an offence.

57. (1) Except as provided in this Regulation or with the consent in writing of the Authority, acting after consultation with the Minister, the type of antenna to be installed to the citizen band radio station is that of the vertical directional radiator.

(2) The gain limits for-

(a) HF Band is that of electrical length not exceeding $5/8^{\text{th}}$ wavelength;

(b) UHF Band is a maximum gain of 6.2dB relative to an isotropic radiator.

(3) An application to use an antenna of higher gain in rural areas other than that prescribed in subregulation (2) of this Regulation must be made to the Authority, who may approve it after consultation with the Minister;

(4) The configuration and gain limits for rural installation are as follows:

(a) for HF Band, three element array of linear or planar elements, one which is the drive,

(b) for UHF Band, five element array of linear elements (yagi) with maximum gain normally 7.5 dB relative to an isotropic radiator.

Type of frequencies of transmission

58. Transmissions from a citizen band radio station must be by such type of emission, and on such frequencies, as are determined by the Authority, acting in accordance with the advice of the

Minister, and specified in the licence.

Maintenance of frequencies

59. The licensee of a citizen band radio station must-
- (a) ensure that all transmissions from the station are on or within the authorised frequency band or bands; and
 - (b) for the purpose of complying with paragraph (a) – at all times when the station is being maintained in good working order and readily available equipment of a type approved by a Radio Inspector.

Signalling of call-signs

60. The operator of a citizen band radio station must signal, in the English language, the call-sign of his station, at the beginning and at the end of, and not less frequently than once in every five minutes during, each transmission.

Carrier wave frequency

61. Except for brief tests and adjustments, the licensee of a citizen band radio station must not cause or allow a continuous carrier wave to be emitted from his transmitting apparatus unless the wave is subjected to intelligible modulation or keying.

Frequency variation

62. the licensee of a citizen band radio station must employ in his transmitting apparatus such circuits, devices or methods as will ensure freedom from the effects of frequency variation (other than necessary modulation), harmonics, key impacts or other unessential emissions.

Avoidance of interference

63. (1) The owner or licensee or the person in charge or the operator of a citizen band station shall not cause interference to the reception of sound or vision broadcasting programs or to the operation of other radio communication stations.

(2) The licensee of a citizen band radio station must erect, fix, place and use his apparatus in such a manner as to avoid interference with the efficient and convenient working of other stations, or of any electronic equipment used for any purpose.

(3) When a citizen band radio station causes interference with the reception of broadcasting services by receiving apparatus that is, in the opinion of a Radio Inspector, of reasonable selectivity, the licensee, when so required by a Radio Inspector and approved in writing by the Authority, acting after consultation with the Minister must cease to operate the station on the frequency which causes the interference until the cause of the interference is removed.

(4) If the complete elimination of interference caused by the operation of a citizen band radio station to any receiving apparatus or to electronic equipment used for any purpose is impossible or impracticable, the operation of the station may be resumed only with the permission of a Radio Inspector and the approval in writing of the Authority; acting after consultation with the Minister, and on such conditions at such times as determined by him.

Transmission of entertainment, etc.

64. (1) No citizen band radio station shall be used for the transmission of music or any other kind of entertainment.

(2) Except with the consent of the Authority, acting after consultation with the Minister, a citizen band radio station must not be used for transmission of a recording.

Movement of apparatus

65. (1) Subject to subregulation (2), apparatus the subject of a citizen band radio station licence must not be removed from the place specified in the licence except with the permission of an authorised officer and the approval in writing of the Authority, acting after consultation with the Minister.

(2) The licensee of a citizen band radio station licence, with the prior approval in writing of the Authority, acting after consultation with the Minister, may operate his station in a mobile capacity at such times and in such places as are approved.

PART VI – AMATEUR STATION LICENCES

Amateur station licences.

66. (1) A person shall not operate a station in the amateur service unless he holds an amateur station licence.

(2) A limited amateur station licence authorises the operation of a station only on frequencies above 30MHz and not by telegraphy.

(3) A novice amateur station licence authorises the operation of a station, the frequency control of which is by means of a quartz crystal controlled oscillator and not by a variable frequency oscillator.

Licences.

67. (1) An amateur station licence may be granted only to:-
- (a) a person who is over the age of 14 years and is the holder of:-
 - (i) an Amateur Operator's Certificate of Proficiency; or
 - (ii) an Amateur Operator's Novice Certificate of Proficiency; or
 - (iii) an Amateur Operator's Limited Certificate of Proficiency; or
 - (iv) such other qualification as is approved in writing by the Authority, acting after consultation with the Minister, as being equivalent to the qualifications referred to in subparagraphs (i), (ii) or (iii); or
 - (b) to, or to a person on behalf of, a school, college, club institute or similar organisation.

(2) Where an amateur station licence is granted in accordance with subregulation (1)(b), the apparatus shall, during transmissions, be in the charge of a person specified in subregulation (1)(a).

(3) Where the holder of a limited amateur station licence obtains an Amateur Operator's Novice Certificate of Proficiency in accordance with regulation 101(2), he may be granted a novice amateur station licence in addition to the limited amateur station licence.

Restrictions on use.

68. (1) An amateur station must not be used:-
- (a) for the purpose of communicating with countries whose governments do not permit the transmission or reception of communications of a type for which amateur stations are intended; or
 - (b) except with the consent of the Authority, acting in accordance with the advice of the Minister or in an emergency, for the transmission or reception of messages for third persons.

(2) For the purpose of subregulation (1), a member of, or of the staff of, a school, college, club, institute or organisation to whom, or on whose behalf the licence was granted in accordance with regulation 67(1)(b).

(3) The owner or licensee or the person in charge or the operator of an amateur station is not permitted to transmit:-

- © messages or visual images on behalf of the third parties;

- (d) matter which is profane obscene, indecent or otherwise objectionable;
- (e) any message or images in consideration of payment in cash or kind;
- (f) music (except for single audio tones for tests of short duration);
- (g) news of or on behalf of or for the benefit or information of any industrial commercial, political, social or religious organisation or anyone other than the operator or the person with whom he is in communication.

(4) Phone-patching for extending the communication through the telephone network is specifically prohibited.

(5) Any person who contravenes any provisions of this Regulation is guilty of an offence.

Power of transmissions.

69. (1) Except as provided by subregulation (3) or with the consent in writing of the Authority, acting after consultation with the Minister, the power of the radio frequency transmitter output measured at the input to the antenna transmission line must not exceed 100W unmodulated.

(2) Where an amateur station is utilising the R3E type of transmission or the J3E type of transmission, the peak envelope power of the radio frequency transmitter output, measured at the input to the antenna transmission line, must not exceed 400W.

(3) The licensee of an amateur radio station must install and maintain, to the satisfaction of an authorised officer, and approved in writing by the Authority acting after consultation with the Minister instruments of a type for indicating accurately the power used.

(4) Subregulations (2) and (3) do not apply to a novice amateur station licence.

Power of transmissions in relation to novice amateur station licences.

70. (1) Subject to subregulation (3), the power of the radio frequency transmitter output of a novice amateur station measured at the input to the antenna transmission line shall not exceed 10W unmodulated.

(2) where a novice amateur station is utilising the R3E type of transmission or the J3E type of transmission, the peak envelope power of the radio frequency transmitter output, measured at the input to the antenna transmission line, shall not exceed 30W.

(3) The licensee of an amateur radio station must install and maintain, to the satisfaction of an authorised officer, and approved in writing by the Authority acting after consultation with the Minister, instruments of a type for indicating accurately the power used.

Types of frequencies of transmission.

71. Transmissions from an amateur station must be by such type of emission and on such frequencies, as are determined by the Authority, acting in accordance with the advice of the Minister, and specified in the licence.

Maintenance of frequencies.

72. the licensee of an amateur station must:-

- (a) ensure that all transmissions from the station are on or within the authorised frequency band or bands; and
- (b) for the purpose of complying with paragraph (a) – at all times when the station is being maintained in good working order and readily available equipment of a type approved by a Radio Inspector.

Signalling of call-signs.

73. The operator of an amateur station must signal, in the English language, the call-sign of his station, at the beginning and at the end of, and not less frequently than once in every five minutes during, each transmission.

Carrier wave frequency.

74. Except for brief tests and adjustments, the licensee of an amateur station must act cause or allow a continuous carrier wave to be emitted from his transmitting apparatus on a frequency lower than 52 MHz per second unless the wave is subjected to intelligible modulation or keying.

Frequency variation.

75. The licensee of an amateur station must employ in his transmitting apparatus such circuits, devices or methods as will ensure freedom from the effects of frequency variation (other than necessary modulation), harmonics, key impacts or other unessential emissions.

Avoidance of interference.

76. (1) The licensee of an amateur station must erect, fix, place and use his apparatus in such a manner as to avoid interference with the efficient and convenient working of other stations, or of any electronic equipment used for any purpose.

(2) When an amateur station causes interference with the reception of broadcasting services by receiving apparatus that is, in the opinion of a Radio Inspector, of reasonable selectivity, the licensee, when so required by a Radio Inspector and approved in writing by the Authority, acting after consultation with the Minister must cease to operate the station on the frequency which causes the interference until the cause of the interference is removed.

(3) If the complete elimination of interference caused by the operation of an amateur station to any receiving apparatus or to electronic equipment used for any purpose is impossible or impracticable, the operation of the station may be resumed only with the permission of a Radio Inspector and the approval in writing of the Authority, acting after consultation with the Minister, and on such conditions at such times as determined by him.

Transmission of entertainment etc.

77. (1) No amateur station shall be used for the transmission of music or any other kind of entertainment.

(2) Except with the consent of the Authority, acting after consultation with the Minister, an amateur station must not be used for the transmission of a recording.

Movement of apparatus.

78. (1) Subject to subregulation 92), apparatus the subject of an amateur licence must not be removed from the place specified in the licence except with the permission of an authorised officer and the approval in writing of the Authority, acting after consultation with the Minister.

(2) The licensee of an amateur licence, with the prior approval in writing of the Authority, acting after consultation with the Minister, may operate his station in a mobile capacity at such times and in such places as are approved.

PART VII – RADIO DEALERS

Radio dealers' licences.

79. (1) A radio dealer's licence authorises the licensee to deal in or let or hire or loan, or to demonstrate, apparatus, or to repair or adjust apparatus.

(2) A limited radio dealer's licence authorises the licensee to deal in or let or hire or loan, or to demonstrate, apparatus.

Exhibition of licence, etc.

80 The holder of a radio dealer's licence must exhibit:-

- (a) in a prominent position on the front of his place of business a sign bearing the words "Licensed Radio Dealer" or "Licensed Limited Radio Dealer", as the case may be; and
- (b) his licence in a prominent position inside his place of business.

Records of dealings.

81. (1) Subject to subregulation (2), the holder of a radio dealer's licence must keep at his place of business a record of:-

- (a) all sales, hirings, loans and other dealings of or with apparatus; and
- (b) the date of the dealing; and
- (c) details of the apparatus; and
- (d) the name and address of the other party.

(2) The record under subregulation (1) must be kept until the end of the calendar year following the date of the dealing.

(3) Any person who contravenes this Regulation is guilty of an offence.

Unauthorised dealing with apparatus.

82. a person other than the holder of a radio dealer's licence must not sell or otherwise dispose of any apparatus without the prior approval in writing of the Authority, acting after the consultation with the Minister.

Types of apparatus that may be dealt in.

83. (1) a licensed radio dealer without the consent in writing of the Authority acting after consultation with the Minister, must not have in his possession for the purposes of his business at such, or deal in, any apparatus other than:-

- (a) apparatus that is approved for the purposes of Part III; or
- (b) apparatus that meets the requirements of Part VI.

(2) Apparatus referred to in sub regulation (1)(b) may be sold, let on hire, lent or otherwise disposed of only to the holder of an amateur station licence.

PART VIII – BROADCASTING STATIONS

Broadcasting station licences.

84. (1) A broadcasting station licence authorises the holder to operate a broadcasting service in accordance with the terms and conditions of the licence issued therefore.

(2) A broadcasting station licence may be granted but shall also be subject to Parts I, II and III in so far as they may be applicable to those stations.

(3) The terms and conditions of the licence issued under subregulation (1) herein.

(4) Shall include that the programmes to be broadcast comply with the following requirements:-

- (a) that nothing is included in the programmes which offend against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling; and
- (b) that subject to the next following paragraph news items, programmes or messages which refer to a person, organisation or group are presented with due accuracy and impartiality;
- © that the licensee owner or person in charge of broadcasting station shall provide the person, organisation or group referred to in the preceding paragraph with reasonable opportunity to have his or its response included in that news item, programme or message before it is broadcast;
- (d) that substantial proportions of the recorded and other matter in the programmes are of Kiribati origin and performed by I-Kiribati; and

- (e) if the licensee, owner and the person in charge of a broadcasting station contravenes paragraphs (a), (b) or (c) such licensee, owner, and the person in charge of such broadcasting station shall each be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 months or a fine not exceeding \$200.

PART IX – CERTIFICATES OF PROFICIENCY AND EXAMINATIONS

Classes of Certificates of proficiency.

85. (1) Certificates of Proficiency in such forms as approved in writing by the Authority may be granted by the Authority, acting after consultation with the Minister.

- (2) The classes of certificates that may be granted are as specified in Schedule 2.

Age limitation.

86. (1) No Certificate of Proficiency, other than:-

- (a) an Amateur Operator's Certificate of Proficiency; and
- (b) an Amateur Operator's Novice Certificate of Proficiency; and
- © an Amateur Operator's Limited Certificate of Proficiency,

shall be granted to a person who is under the age of 18 years.

(2) No Certificate of Proficiency of a type referred to in subregulation (1)(a), (b) or (c) shall be granted to a person who is under the age of 14 years.

Qualifications for certificates.

87. A Certificate of Proficiency may be granted:-

- (a) on the passing of an examination under regulation 77; or
- (b) on proof to the satisfaction of the Authority acting after consultation with the Minister the holder of a qualification granted in some other country that is in its opinion, at least of a standard equal to that of the certificate applied for; or

Examinations.

88. (1) The Authority or an authorised officer as authorised in writing by the Authority acting after consultation with the Minister, may from time to time conduct examinations for applicants for Certificates or Proficiency.

(2) Examinations shall be held in such manner and subject to such conditions as the Authority determines.

(3) The Authority, acting after consultation with the Minister, may, reveal to a person who had sat for an examination, or to any other person, or generally, the marks obtained in an examination.

(4) Subject to subregulation (3), no candidate who fails to pass an examination for a certificate of a particular class is entitled, as a result of the examination to the grant of a certificate of another class.

Maintenance of qualifications.

89. The Authority, acting after consultation with the Minister, may in writing, at any time, require the holder of a Certificate of Proficiency to satisfy it by examination or otherwise, that he has the necessary knowledge and skill for the certificate.

Fees.

90. (1) The fees payable in respect of an examination or for a re-examination in whole or in part for a Certificate of Proficiency (including an examination under Regulation 76) are as set out in Schedule 2.

(2) Where a certificate is granted in accordance with Regulation 76(b) or (c), the fee for the certificate is \$50.

(3) Where the Authority, is satisfied that a certificate has been lost, destroyed or defaced, the Authority, acting after consultation with the Minister may issue a replacement certificate on payment of a fee of \$50.

Suspension or revocation of certificates.

91. The Authority, acting after consultation with the Minister may suspend or revoke a Certificate of Proficiency:-

- (a) if the holder fails to satisfy the Authority, when required to do so under Regulation 75, that he has the necessary knowledge and skill for the certificate; or
- (b) if the Authority is of the opinion that it is desirable to do so on account of:-
 - (i) the incompetence of the holder; or
 - (ii) the incapacity of the holder, by reason of physical or mental disability or otherwise, to perform the functions in respect of which the certificate was granted; or
 - (iii) the holder not being a fit and proper person to hold the certificate.

Declaration of secrecy.

92. (1) Before a Certificate of Proficiency is issued, the person to whom it is to be issued must make and subscribe, in the manner and form approved by the Minister, a declaration that he will observe the provisions of these Regulations relating to the secrecy of messages.

(2) A declaration under subregulation (1) shall be forwarded to, and held by, the Authority.

Supply of personal particulars.

93. A successful applicant for a Certificate of Proficiency must supply for inclusion in his certificate:-

- (a) a signed photograph approximately 56mm x 56mm; and
- (b) such personal particulars as are required by the Authority, acting after consultation with the Minister.

PART X – QUALIFICATIONS FOR CERTIFICATES

Radio-communication Operator's General Certificate of proficiency.

94. The qualifications for a Radio-communication Operator's General Certificate of Proficiency include:-

- (a) knowledge of the principles of electricity and the theory of radio sufficient to allow him to meet the requirements of Paragraphs (b), (c) and (d); and
- (b) a theoretical knowledge of marine radio-telegraph and radiotelephone transmitters and receivers, marine aerial systems, automatic alarm devices, radio equipment for lifeboats and other survival craft, and direction-finding equipment, and of all auxiliary items including power supply (such as motors, alternators, generators, inverters, rectifiers and accumulators) with particular reference to maintaining the equipment and auxiliary items in service; and
- © a practical knowledge of the operation, adjustment and maintenance of the equipment and auxiliary items referred to in paragraph (b), including the taking of direction-finding bearings and knowledge of the principles of the calibration of radio-direction-finding apparatus; and
- (d) the practical knowledge necessary for the location and remedying (with the means available on board) of faults that may occur, during a voyage, in the equipment and items referred to in paragraph (b); and
- (e) the ability to send correctly by hand, and to receive correctly by ear, Morse code groups of mixed letters, figures and punctuation marks at a speed of 16 groups per minute and a message in plain language at a speed of 20 words per minutes; and
- (f) ability to send and receive correctly messages by radio telephone; and
- (g) acknowledged of:-
 - (i) such of the provisions of the Radio Regulations as relate to the exchange of radio-communications; and
 - (ii) the documents relating to charges for radio-communication; and
 - (iii) the provisions of the Safety Convention that relate to radio; and

- (h) a knowledge of the geography of the world, especially the principal shipping and telecommunication routes, sufficient for the efficient performance of his functions; and
- (i) a knowledge, both oral and written, of one of the working languages of the International Telecommunication Union, selected by the Authority, acting after consultation with the Minister.

Radiotelegraph Operator's Special Certificate of Proficiency.

95. The qualifications for a Radiotelegraph Operator's Special Certificate of Proficiency include:-

- (a) ability to send correctly by hand and receive correctly by ear, in the Morse code, code groups (mixed letters, figures and punctuation marks) at a speed of sixteen groups a minute, and a plain language text at a speed of twenty words a minute. Each code group shall comprise five characters, each figure or punctuation mark counting as two characters. The average word of the text in plain language shall contain five characters.
- (b) knowledge of the practical operation and adjustment of radiotelegraph apparatus;
- © knowledge of the Regulations applying to radiotelegraph communications and specifically of that part of those Regulations relating to safety of life at sea.

Radiotelephone Operator's General Certificate of proficiency.

96. The qualifications for a Radiotelephone Operator's General Certificate of Proficiency include:-

- (a) knowledge of the elementary principles of radiotelephony; and
- (b) a detailed knowledge of the practical operation and adjustment of radiotelephone apparatus; and
- © ability to send and to receive correctly messages by radiotelephone; and
- (d) a detailed knowledge of the provisions of the Radio Regulations that relate to radiotelephone communications, and specifically of those provisions that relate to safety of life.

Restricted Radiotelephone Operator's Certificate of proficiency.

97. The qualifications for a Restricted Radiotelephone Operator's Certificate of Proficiency include:-

- (a) a practical knowledge of the working and adjustment of such type or types of radiotelephone installation as is or are specified by the Authority, acting after consultation with the Minister; and
- (b) ability to send and to receive correctly messages by radiotelephone; and

- © a knowledge of the provisions of the Radio Regulations relating to the exchange of radiotelephone communications, to interference and to the Distress, Urgency, Alarm and Safety Signals; and
- (d) a knowledge of the precautions necessary for the safety of the installation referred to in paragraph (a).

Broadcast Station Operator's Certificate of proficiency.

98. The qualifications for a Broadcast Station Operator's Certificate of Proficiency include:-
- (a) a knowledge of the general principles of electricity and of radio technology and of all the electrical and radiotelephony equipment used by broadcasting stations; and
 - (b) a practical knowledge of the working and adjustment of all apparatus normally used by broadcasting stations; and
 - © ability to adjust and carry out repairs to the apparatus referred to in paragraph (b).

Amateur Operator's Certificate of proficiency.

99. The qualifications for an Amateur Operator's Certificate of proficiency include:-
- (a) a knowledge of radiotelegraphy and radiotelephony and electrical principles; and
 - (b) a knowledge of the provisions of the Radio Regulations relating to the operation of amateur stations; and
 - © ability to send correctly by hand, and to receive, in Morse code, a message in plain language at a speed of 10 words per minute.

Amateur Operator's Limited Certificate of proficiency.

100. The qualifications for an Amateur Operator's Limited Certificate of Proficiency include:-
- (a) a knowledge of radiotelephony and electrical principles; and
 - (b) a knowledge of the provisions of the Radio Regulations relating to the operation of amateur stations using radiotelephony.

Amateur Operator's Novice Certificate of proficiency.

101. (1) The qualification for an Amateur Operator's Novice Certificate of Proficiency include:-
- (a) a knowledge of radiotelegraphy and radiotelephony and electrical principles; and
 - (b) a knowledge of the provisions of the Radio Regulations relating to the operation of amateur stations; and
 - © ability to send by hand, and to receive, in Morse code, a message in plain language at a speed of five words per minute.

(2) The holder of an Amateur Operator's Limited Certificate of Proficiency may, on passing the Morse code qualifications referred to in subregulation (1)©, be granted an Amateur Operator's Novice Certificate of Proficiency.

Administration of the Morse code test.

102. When a test in Morse code is given for the purposes of this Part:-

- (a) code groups shall consist of mixed letters, figures and punctuation marks in groups of five characters, each figure or punctuation mark counting as two characters; and
- (b) the average word in a plain language text shall contain five characters; and
- © each test in sending or receiving shall last approximately five minutes.

PART XI – INTERFERENCE TO RADIOCOMMUNICATIONS

Wilfully causing interference.

103. (1) A person must not, by the use of any apparatus or electrical equipment, without lawful and reasonable excuse (proof of which is on him), knowingly cause interference to reception or radio-communications at a station.

(2) Any person who contravenes this Regulation is guilty of an offence.

Inspections, etc., as to interference.

104. (1) Where a Radio Inspector has reasonable cause to believe that any apparatus or electrical or other equipment or machinery is causing or likely to cause electrical interference to a station, he may at all reasonable times enter:-

- (a) any place on or at which; or
- (b) any vessel, aircraft or vehicles in or on which,

the apparatus, equipment or machinery is or is believed to be, and inspect and test it.

(2) Where any apparatus or electrical or other equipment or machinery is causing electrical interference with a station, and the interference cannot be prevented or suppressed by action at the station concerned at a cost which in the opinion of the Authority, acting after consultation with the Minister is reasonable, the owner or operator of the apparatus, equipment or machinery must take at his own expense and within such period as is fixed by a Radio Inspector, such action to prevent or suppress the interference as an Inspector directs or approves.

PART XII - MISCELLANEOUS

Application of the International Telecommunication Convention, etc.

105. (1) Subject to the Act and these Regulations, the provisions of the International Telecommunication Convention and the Radio Regulations apply to and in relation to all stations as if enacted in these Regulations.

(2) The Authority, acting after consultation with the Minister is responsible for providing all returns and information required by the International Telecommunication Union and its agencies.

Indemnity.

106. The Minister, the Authority, a Radio Inspector or any authorised officer, or any other person exercising or performing powers or functions under these Regulations is not responsible for any act or omission done bona fide and without negligence under or for the purposes of these Regulations.

Obstruction.

107. (1) A person must not hinder or obstruct any person in the exercise of his powers or the performance of his functions under these Regulations.

(2) Any person who contravenes this Regulation is guilty of an offence.

False statements.

108. A person who makes any false statement for any of these Regulations is guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 months or a fine not exceeding \$200.

Failure to comply with directions.

109. Person who fails to comply with any order, requirement or directive given under these Regulations is guilty of an offence and shall be liable on conviction to imprisonment for a terms not exceeding 2 months or a fine not exceeding \$200.

Operating without certificate.

110. A person who operates any apparatus for which a Certificate of Proficiency is required under these Regulations without having the appropriate certificate is guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 months or a fine not exceeding \$200.

General penalty.

111. (1) A person who contravenes or fails to comply with any provision of these Regulations or in the case of the holder of a licence or the owner, operator or person in charge of an authorised station, the conditions of the licence, is guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 months or a fine not exceeding \$200, and in the case of a continuing offence, a further fine not exceeding \$10 for each day during which the offence continues.

(2) Where the owner or importer of any apparatus or the holder of a licence in respect of any apparatus contravenes or fails to comply with any provision of these Regulations, or of the

licence, in relation to the apparatus, the court that convicts him, in addition to or in substitution for any other penalty, may order that the apparatus be forfeited to the Republic.

(3) Apparatus forfeited under subregulation (2) may be seized by an authorised officer and disposed of or otherwise dealt with as the Authority, acting after consultation with the Minister, directs.

Exemption of a person to obtain a licence.

112. The Authority, acting after consultation with the Minister, may exempt any person from the requirement to obtain any licence under these Regulations subject to there being no interference created thereby with existing telecommunication services and to such other restrictions as the Authority, acting after consultation with the Minister, may see fit to impose.

Waiver of fees.

113. The Authority, acting after consultation with the Minister, may in his discretion waive licence fees payable under these Regulations.

Repeal of Regulations and Orders, etc.

114. Any subsidiary legislations, made or done under the Act immediately in force before the coming into operation of these Regulations are repealed.

Saving.

115. Any licences lawfully issued, orders, directions, appointments, or other acts lawfully made or done if any, under any subsidiary legislations, made or done under the Act and immediately in force before the coming into operation of these Regulations shall be deemed to have been issued, made or done under these Regulations and shall remain in force unless revoked or until their dates of issue expire, whichever occur first.

SCHEDULE 1
(Regs 7, 9, 69)

CLASSES OF LICENCE AND FEES PAYABLE FOR LICENCES

<i>Item No:</i>	<i>A. Class of Station Licence:</i>	<i>Fees in Dollars (\$) per year:</i>
1	Aeronautical Station (FA)	150
2	Aircraft Station (ML)	150
3	Base Station (VHF/UHF)	150
4	*Broadcasting MF/HF/VHF/FM (BC)	1000
5	Citizen Band (CB)	Free
6	Coast Station (FC)	400
7	Downrange Station	5000
8	Earth Station	5000
9	*Fixed HF Control Station (FX)	200
10	*Fixed HF Station (FX)	200
11	Full Amateur (AT/G)	100
12	INMARSAT Station (LMES)	3000
13	*Land Mobile Station HF/VHF/UHF	100
14	Limited Coast Station (CO)	400
15	Long-range Cordless Telephone System	50
16	Meteorological Aids Station (SM)	100
17	Novice Amateur (AT/N)	100
18	Repeater Station	100
19	*Share HF Network	300
20	Ship Station (MS)	100
21	Satellite Mobile Handheld Iridium System (Cellular)	100
	<i>B. Licences</i>	
1	Radio Dealer	500

**Use of frequency is charged for one, according to the station licence fee as above.*

SCHEDULE 2
(Regs 74, 79)

FEES PAYABLE IN RESPECT OF EXAMINATION FOR CERTIFICATES OF PROFICIENCY.

<i>Item No:</i>	<i>Class of Certificate:</i>	<i>Fees per subject (\$)</i>
1	Radio Communication General Operator's Certificate of Proficiency	50
2	Radiotelegraph Operator's Special Certificate of Proficiency	50
3	Radiotelegraph Operator's General Certificate of Proficiency	50
4	Restricted Radiotelegraph Operator's Certificate of Proficiency	50
5	Broadcasting Station Operator's Certificate of Proficiency	50
6	Amateur Operator's Certificate of Proficiency	50
7	Amateur Operator's Limited Certificate of Proficiency	50
8	Amateur Operator's Novice Certificate of Proficiency	50

Date thisday of.....2005.

Minister of Communications, Transport
and Tourism Development

Published by exhibition at the Public Office of the Beretitenti thisday of.....2005.

Secretary to the Cabinet.