

Unvalidated References:

Radio Spectrum Act 1996

Civil Aviation Act 2000

Protection of Private Communications Act 1973

Telecommunications Act 1996

Telecommunications Act 1996

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 1 of 1997.

Radio Spectrum Regulation 1997

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
 - “aeronautical mobile service”
 - “aeronautical station”
 - “aircraft station”
 - “aircraft station class 1”
 - “aircraft station class 2”
 - “aircraft station class 3”
 - “AM broadcasting station”
 - “amateur service”
 - “amateur station”
 - “amateur satellite service”
 - “amateur station licence”
 - “approved apparatus”
 - “apparatus”
 - “authorized officer”
 - “authorized station”
 - “Authority”
 - “base station”
 - “base station (CBRS)”
 - “Board”
 - “broadcasting service”
 - “broadcasting station”
 - “bulk spectrum licence”
 - “cellular mobile analogue”
 - “cellular mobile digital”
 - “Certificate of Proficiency”
 - “channel reservation certificate”
 - “citizen band radio service”
 - “coast station”
 - “corporate licence”
 - “cordless telephone service”
 - “cordless telepoint service”
 - “earth station”
 - “earth station receive only”
 - “earth station handheld (receive only)”
 - “earth station handheld”
 - “earth station portable/mobile”
 - “earth station transportable”
 - “earth station fixed”
 - “experimental station”
 - “fixed base station”
 - “fixed base station-supplementary”

“fixed receiving station”
“fixed service”
“fixed station”
“FM broadcasting station”
“government message”
“general service”
“GMDSS”
“handphone station”
“harbour”
“harmful interference”
“ITU”
“interior paging service”
“land mobile service”
“land mobile station”
“land mobile base station”
“land station”
“licence”
“licensee”
“limited coast station”
“limited radio dealer”
“low power device”
“maritime mobile service”
“meteorological service”
“meteorological station”
“mobile service”
“mobile station”
“mobile station (CBRS)”
“multi-channel-multipoint distribution service (MMDS)”
“narrow cast open sound”
“narrow cast open television”
“narrow cast subscription sound”
“narrow cast subscription television”
“outpost station”
“outside broadcast station-sound”
“outside broadcast station–television”
“paging transmitter”
“paging receiver”
“point-to-point”
“point-to-multipoint”
“permit or test permit”
“public correspondence”
“radio astronomy service”
“radiocommunication service”
“radio dealer”
“radio link microphone service”
“radio station or station”

“radiodetermination”
 “radiodetermination service”
 “radiolocation”
 “radionavigation”
 “radiodetermination station”
 “radiodetermination transmitter”
 “radiolocation service”
 “radiolocation station”
 “radiolocation transmitter”
 “radionavigation service”
 “radionavigation station”
 “Radio Inspector”
 “remote control station”
 “repeater station”
 “repeater station (CBRS)”
 “safety convention (SOLAS)”
 “satellite”
 “satellite service”
 “ship”
 “ship station”
 “ship station class 1”
 “ship station class 2”
 “ship station class 3”
 “space segment”
 “space station”
 “spread spectrum transmitter”
 “table of frequency allocation”
 “telegraphy”
 “television broadcasting station”
 “television receive only”
 “television transponder”
 “type approval certificate”

2. Saving of discretion of the Board.

PART II – ADMINISTRATION.

3. Radio Inspectors and authorized officers.

4. Functions of Radio Inspectors.

PART III – LICENSING.

Division 1 – General.

5. Application of Part III.

6. Classes of licences.

7. Period of licence.

8. Licence fees.

9. Permits.

10. Applications for licences and permits.

11. Conditions of licences.

12. Lost, etc., licences.

13. Variation of conditions of licences.
14. Stand-by apparatus.
15. Suspension or revocation of licences.
16. Assignment of licence.
17. Refusal of licence.
18. Form of licences.
19. Exhibition and inspection of licences.
20. Use of authorized stations.
21. Operators.
22. Handling of messages on behalf of the general public.
23. Requests for assistance, etc.
24. Fees for transmitting or receiving public correspondence.
25. Service of notices.
26. Privacy of communications.
27. Improper signalling, etc.
28. Standards for and approval of apparatus.
29. Apparatus.
30. Spare parts.
31. Call-signs.
32. Stations causing interference.
33. Testing and adjustment.
34. Directional antenna systems.
35. Interference by receiving apparatus.
36. Assignment of frequencies.
37. Siting of antennas.
 - “line”
 - “carrier”
38. Test apparatus.
39. Log books.
40. Records of messages.
41. Used message forms.
42. Inspection of logs, registers, etc.

Division 2 – Ship and Aircraft Stations.

43. Application of Division 2.
44. Distress signals.
45. Ships in harbour.
46. General use of apparatus in territorial waters.
47. Operation of aircraft stations.
48. Books and documents.
49. Censorship of messages.

Division 3 – Amateur Stations.

50. Amateur station licences.
51. Licences.
52. Restrictions on use.
53. Power of transmissions.
 - “the R3E type of transmission”

- “the J3E type of transmission”
- 54. Power of transmissions in relation to novice amateur station licences.
 - “the R3E type of transmission”
 - “the J3E type of transmission”
- 55. Types and frequencies of transmission.
- 56. Maintenance of frequencies.
- 57. Signalling of call-signs.
- 58. Carrier wave frequency.
- 59. Frequency variation.
- 60. Avoidance of interference.
- 61. Transmission of entertainment, etc.
- 62. Movement of apparatus.

Division 4 – Radio Dealers.

- 63. Radio dealer’s licences.
- 64. Exhibition of licence, etc.
- 65. Records of dealings.
- 66. Unauthorized dealing with apparatus.
- 67. Types of apparatus that may be dealt in.

Division 5 – Broadcasting Stations.

- 68. Broadcasting station licences.

Division 6 – Earth Stations.

- 69. Earth station and space segment licences.

PART IV – CERTIFICATES OF PROFICIENCY AND EXAMINATIONS.

Division 1 – General.

- 70. Classes of Certificates of Proficiency.
- 71. Age limitation.
- 72. Qualifications for certificates.
- 73. Examinations.
- 74. Maintenance of qualifications.
- 75. Fees.
- 76. Suspension or revision of certificates.
- 77. Declaration of secrecy.
- 78. Supply of personal particulars.

Division 2 – Qualifications for Certificates.

- 79. First-class Radio Electronic Certificate.
- 80. Second-Class Radio Electronics Certificates.
- 81. General Operator’s Certificate.
- 82. Radiotelephone Operator’s General Certificate of Proficiency.
- 83. Restricted Radiotelephone Operator’s Certificate of Proficiency.
- 84. Restricted Radiotelephone Operator’s Limited Certificate of Proficiency.
- 85. Broadcast Station Operator’s Certificate of Proficiency.
- 86. Amateur Operator’s Limited Certificate of Proficiency.
- 87. Amateur Operator’s Limited Certificate of Proficiency.
- 88. Novice Amateur Operator’s Certificate of Proficiency.
- 89. Administration of the Morse code test.

PART V – INTERFERENCE TO RADIOCOMMUNICATIONS.

- 90. Wilfully causing interference.
- 91. Inspections, etc., as to interference.

PART VI – SETTLEMENT OF INTERFERENCE DISPUTES.

Division 1 – Conciliators.

- 92. Appointment of a conciliator.
- 93. Terms and conditions, etc.

Division 2 – Referral of matters to Conciliators.

- 94. Referral of complaints to conciliators.
- 95. Referral of other matters to conciliators.
- 96. Consideration of whether to refer a matter.

Division 3 – The conciliation process.

- 97. Conciliator may effect settlement in relation to disputed conduct.
- 98. Conciliator may decide not to make inquiry.
- 99. Compulsory conference.
- 100. Protection from civil actions.

Division 4 – Directions.

- 101. Board may issue directions.
- 102. Complainants to be kept informed.
- 103. Contravention of a direction.
- 104. State not liable for costs.
- 105. Offences relating to settlement of disputes.
- 106. Report by the Authority.

PART VI – MISCELLANEOUS.

- 107. Application of the International Telecommunication Convention, etc.
- 108. Indemnity.
- 109. Obstructions.
- 110. False statements.
- 111. Importing unapproved apparatus.
- 112. Failure to comply with directions.
- 113. Operating without certificate.
- 114. General penalty.

SCHEDULE 1 – CLASSES OF LICENCE AND FEE PAYABLE–(See Note).

SCHEDULE 2 – Fees payable in respect of examinations.

Radio Spectrum Regulation 1997

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Radio Spectrum Act 1996*, to be deemed to have come into operation on 1 January 1997.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

(1) In this Regulation, unless the contrary intention appears–

“aeronautical mobile service” means a radiocommunication service between aeronautical stations and aircraft stations or between aircraft stations;

“aeronautical station” means a land station in the aeronautical mobile service;

“aircraft station” means a station located on board an aircraft or glider to communicate with aeronautical and other aircraft stations;

“aircraft station class 1” means a station with no more than two transmitters aboard the aircraft;

“aircraft station class 2” means a station with more than two but less than six transmitters aboard the aircraft;

“aircraft station class 3” means a station with six or more transmitters aboard the aircraft;

“AM broadcasting station” means a broadcasting station which uses amplitude modulation to modulate the transmitted carrier;

“amateur service” means a radiocommunication service for the purpose of self training, inter-communication and technical research carried out by duly authorized persons interested in radio technique solely with personal aims and without pecuniary interest;

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

“amateur satellite service” means a radiocommunication service using space stations on earth satellite for the same purposes as those of amateur stations;

“amateur station licence” means a full amateur station licence, limited amateur station licence, novice amateur station licence and a combined amateur station licence;

“approved apparatus” means apparatus approved for the purposes of this regulation under Section 28;

“apparatus” means a device or combination of devices intended for or capable of being used for radiocommunications;

“authorized officer” means a person appointed under Section 3(1) to be an authorized officer and includes a Radio Inspector;

“authorized station” means a station in respect of which a licence is in force;

“Authority” means Papua New Guinea Telecommunication Authority;

- “**base station**” means a land station operating in the land mobile service for communication with land mobile stations;
- “**base station (CBRS)**” means a base station in the citizen band radio service;
- “**Board**” means the Board of directors of Papua New Guinea Telecommunication Authority (PANGTEL);
- “**broadcasting service**” means a radiocommunication service in which the transmissions are intended for direct reception by the general public;
- “**broadcasting station**” means a station intended for the provision of a broadcasting service;
- “**bulk spectrum licence**” means a licence for the exclusive use of a defined band of frequencies;
- “**cellular mobile analogue**” means a radiocommunication service based on cellular radio technology in which signals are transmitted and received in analogue form;
- “**cellular mobile digital**” means a radiocommunication service based on cellular technology in which digital signal techniques are used;
- “**Certificate of Proficiency**” means a certificate of proficiency issued under Part IV;
- “**channel reservation certificate**” means the authority for the reservation of a frequency to enable future use at a particular site;
- “**citizen band radio service**” means a radiocommunication service for the purpose of personal two way communications throughout Papua New Guinea using 27 MHz or 470 MHz bands;
- “**coast station**” means a land station in the maritime mobile service established to communicate with ship stations for the transmission of and/or reception of messages on behalf of the general public;
- “**corporate licence**” means a licence in the land mobile service for one repeater and/or base station plus a maximum of 50 mobile stations;
- “**cordless telephone service**” means a radiocommunication service principally for domestic use 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 hand sets—
 - (i) not connected by land line to a base station; and
 - (ii) by means of which communication may be made through the base station with the users of other telephones in the switched telephone network by the transmission of radio signals between the handset and the base station;

“cordless telepoint service” means a radiocommunications 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—
 - (i) operated—
 - (A) by members of the public in a public place; or
 - (B) in conjunction with a PABX for business purposes; and
 - (ii) not connected by a line to a base station; and
 - (iii) by means of which communication may be made through the base station with the users of other telephones in the switched telephone network by the transmission of radio signals between the handset and the base station;

“earth station” means a station located either on the earth’s surface or within the earth’s atmosphere established to communicate with space stations or other earth stations by means of satellites or other objects in space;

“earth station receive only” means an earth station consisting of only the receiving facilities normally associated with an earth station;

“earth station handheld (receive only)” means an earth station that can be carried by hand or on the person consisting only of receiving facilities;

“earth station handheld” means an earth station consisting of both transmitting and receiving facilities which can be carried by hand or on the person;

“earth station portable/mobile” means an earth station consisting of both transmitting and receiving facilities which can be moved without the aid of external transport machinery and services;

“earth station transportable” means an earth station consisting of both transmitting and receiving facilities which can be moved with the aid of external transport machinery and services;

“earth station fixed” means an earth station consisting of both transmitting and receiving facilities established at a fixed location;

“experimental station” means a radio station (that is not an amateur station) used for investigation, research, or instruction in radiocommunications or for demonstration or testing of radiocommunication equipment;

- “fixed base station”** means a fixed station in the land mobile service established as a focal or control point to communicate with land mobile stations;
- “fixed base station-supplementary”** means a fixed station in the land mobile service used in conjunction with a base station on the same frequency;
- “fixed receiving station”** means a fixed station for the receipt only of radio-communication messages;
- “fixed service”** means a radiocommunication service between specified fixed points on land;
- “fixed station”** means a station established to operate in the fixed service which does not include an earth station;
- “FM broadcasting station”** means a broadcasting station which uses frequency modulation to modulate the transmitted carrier;
- “government message”** means a message transmitted on behalf of the National Government of Papua New Guinea;
- “general service”** means a service not otherwise referred to in this regulation that makes use of radio transmissions;
- “GMDSS”** means the Global Maritime Distress and Safety System;
- “handphone station”** means a station which is designed to be carried by hand;
- “harbour”** means any harbour properly so-called, whether natural or artificial, or an estuary, navigable river, pier, jetty or other work in or at which a ship can obtain shelter or ship or unship goods or passengers;
- “harmful interference”** means any emission, radiation, or induction which—
- (a) endangers the functioning of a radionavigation service or other safety service; or
 - (b) seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this regulation;
- “ITU”** means the International Telecommunication Union or its successor;
- “interior paging service”** means a service comprising a control transmitter and a number of receivers operating within specified premises or an area to alert personnel;
- “land mobile service”** means a radiocommunication service between base stations and land mobile stations or between land mobile stations;
- “land mobile station”** means a station in the land mobile service fitted to a moving platform or vehicle or which is designed to be carried by hand or on the person;

- “land mobile base station”** means a mobile station established as a control point for communication with mobile stations in the land mobile service;
- “land station”** means a station on land;
- “licence”** means a licence issued under this regulation;
- “licensee”** means a holder of a licence;
- “limited coast station”** means a coast station used for communications only with ships, excluding all messages of a public correspondence nature;
- “limited radio dealer”** means a person or organization dealing with the supply only but not maintenance of radiocommunication equipment;
- “low power device”** means a class of devices which are certified as low power devices in accordance with Papua New Guinea Technical Rule TR619 published by the Authority;
- “maritime mobile service”** means a radiocommunication service between coast stations and ship stations or between ship stations;
- “meteorological service”** means a radiocommunication service used for meteorological, including hydrological observations and explorations;
- “meteorological station”** means a station in the meteorological service;
- “mobile service”** means a radiocommunication service which predominantly serves mobile stations;
- “mobile station”** means a station for use whilst in motion or during halts at unspecified points;
- “mobile station (CBRS)”** means a mobile station in the citizen band radio service;
- “multi-channel-multipoint distribution service (MMDS)”** means a type of a narrow cast subscription service;
- “narrow cast open sound”** means a broadcast sound service intended for a restricted number of listeners;
- “narrow cast open television”** means a broadcast television service intended for a restricted number of viewers;
- “narrow cast subscription sound”** means a radiocommunication service offering sound programmes intended for those who subscribe to the service with the payment of fees;
- “narrow cast subscription television”** means a radiocommunication service offering television programmes intended for those subscribing to the service with the payment of fees;
- “outpost station”** means a station, either fixed or mobile, established in a remote location to provide a radiocommunication service for areas not served with telephone subscriber bunked dialling (STD) facilities;

- “outside broadcast station-sound”** means a mobile station established for the transmission of short duration sound programs associated with particular events to a studio or broadcast station, and which station may also be equipped to receive local transmissions from handheld or portable sound transmitters;
- “outside broadcast station-television”** means a mobile television broadcasting station established for the transmission of short duration television programs associated with particular events to a studio or broadcast station, and which may also be equipped to receive local transmissions from handheld or portable video cameras or sound transmitters;
- “paging transmitter”** means a transmitter that provides one way radio transmission in order to communicate a message or instruction to one or more paging receivers;
- “paging receiver”** means a receiver that can be carried by hand or on a person to be used solely for the reception of transmission from a paging transmitter;
- “point-to-point”** means a fixed service between two stations;
- “point-to-multipoint”** means a fixed service between one and several other stations;
- “permit or test permit”** means a permit issued under Section 9;
- “public correspondence”** means any telecommunication which any office and/or station must, by reason of it being at the disposal of the public, accept for transmission;
- “radio astronomy service”** means a service involving the use of radio astronomy;
- “radiocommunication service”** means a service intended for the provision of radiocommunication;
- “radio dealer”** means a person or organization dealing with the supply and/or maintenance of radiocommunication equipment;
- “radio link 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 authorized by the Authority;
- “radio station or station”** means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service or the radio astronomy service;
- “radiodetermination”** means the determination of position, velocity and/or other characteristics of an object or the obtaining of information relating

to these parameters by means of the propagation properties of radio waves;

“radiodetermination service” means a service for radiodetermination;

“radiolocation” means radiodetermination used for purposes other than those of radionavigation;

“radionavigation” means radiodetermination used for the purposes of navigation, including obstruction warning;

“radiodetermination station” means a station in the radiodetermination service;

“radiodetermination transmitter” means a transmitter for use in the radio-determination service;

“radiolocation service” means a radiodetermination service for the purpose of radiolocations;

“radiolocation station” means a station in the radiolocation service;

“radiolocation transmitter” means a transmitter for use in the radiolocation service;

“radionavigation service” means a radiodetermination service for the purpose of radionavigation;

“radionavigation station” means a station in the radionavigation service;

“Radio Inspector” means a person appointed under Section 3(1) to be a Radio Inspector;

“remote control station” means a station established at a fixed location for remote control of one or more base stations;

“repeater station” means a radio station in the land mobile service established to receive on one frequency and automatically transmit on another frequency messages between land mobile stations or between a base station and land mobile stations;

“repeater station (CBRS)” means a station in the citizen band radio service established at a fixed location for the reception of radio signals from citizen band radio stations and for the automatic retransmission of those signals by radio;

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

“satellite” means a body which revolves around another body of preponderant mass and which has a motion primarily and permanently determined by the force of attraction of that other body;

“satellite service” means a radiocommunication service between space stations and earth stations;

“ship” includes every kind of vessel or floating craft of any size, not being a ship that is permanently moored;

“ship station” means a station established aboard a ship and used to communicate with land based and other stations excluding communications using satellite systems;

“ship station class 1” means a station with no more than two transmitters aboard a ship;

“ship station class 2” means a station with more than two but less than six transmitters aboard a ship;

“ship station class 3” means a station with six or more transmitters aboard ship;

“space segment” means that part of a satellite system or network which excludes all earth stations and earth based installations;

“space station” means a station intended to transmit or re-transmit radio-communication signals from a satellite;

“spread spectrum transmitter” means a radiocommunication transmitter using spread spectrum technology;

“table of frequency allocation” means the national table which defines how the radio frequency spectrum is divided for the purposes of spectrum management in Papua New Guinea;

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

“television broadcasting station” means a broadcasting station that broadcasts television programs;

“television receive only” means a satellite earth station intended for receiving of satellite television programs;

“television transponder” means a limited power television service intended primarily as a fill-in to extend television carriage;

“type approval certificate” means a certificate issued by the Board under Part III.

(2) For the purposes of this Regulation, 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 or station.

(3) Unless the contrary intention appears, any words or phrases used in this Regulation and not defined in this Regulation but used in the Act have the same meaning or interpretation as given to them in the Act.

2. SAVING OF DISCRETION OF THE BOARD.

This Regulation does not affect the discretion of the Board under Section 6 and 7 of the Act.

PART II. – ADMINISTRATION.

3. RADIO INSPECTORS AND AUTHORIZED OFFICERS.

(1) The Board may, by notice in the National Gazette, 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) authorized officers for the purposes of this Regulation.

(2) The Board has and may exercise and perform all the powers and functions of a Radio Inspector or authorized officer.

4. FUNCTIONS OF RADIO INSPECTORS.

(1) In addition to his other powers and functions under this Regulation, 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 or 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 shall afford a Radio Inspector all necessary facilities for a test examination under Subsection (1).

(3) Where in the opinion of a Radio Inspector a breach of the Act or this Regulation 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) where 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 Subsection (3) may appeal to the Board, whose decision is final.

(5) Subject to Subsection (4), an order under Subsection (3) remains in force until countermanded by the Board.

PART III. – LICENSING.***Division 1.******General.*****5. APPLICATION OF PART III.**

Except as otherwise provided by the Act or this Regulation, but subject to any other law, this Part applies to and in respect of all stations in Papua New Guinea, including–

- (a) all stations on ships registered in Papua New Guinea, and on aircraft registered under the *Civil Aviation Act 2000*; and
- (b) all stations on other ships or aircraft operating in Papua New Guinea waters or air space.

6. CLASSES OF LICENCES.

(1) Licences in such forms as are approved by the Board may be granted by the Board in respect of the classes of stations specified in Schedule 1.

(2) Special licences in such forms as are approved by the Board may be granted by the Board 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 Board, a licence to which Subsection (1) applies would not be appropriate.

(3) A bulk spectrum licence may be granted to organizations nominated at any time and from time to time by the Board for exclusive use of spectrum as approved by the Board at a fee determined by the Board.

7. PERIOD OF LICENCE.

A licence remains in force for such period, not exceeding one year, as is specified in the licence and may be renewed by the Board from time to time for periods each not exceeding one year.

8. LICENCE FEES.

(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 Board may, from time to time, determine that the fees specified in Schedule 1 be amended and shall publish any such amendment in the national daily newspapers.

(3) The fee payable for a special licence is as determined by the Board.

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

(5) A fee is not payable for the issue or renewal of a licence for a station working solely into the radiocommunication system operated by or on behalf of the Authority.

(6) A fee is not payable for the issue or renewal of a licence for a station determined by the Board to be working solely for emergency or rescue purposes.

9. PERMITS.

(1) Where the Board is satisfied that a station or apparatus is to be used for a short period only, it may issue a permit in a form approved by it authorizing the use of the station or apparatus for a period specified in the permit.

(2) The fee payable for a permit is as specified in Schedule 1 and may be amended by the Board from time to time.

(3) The provisions of this Regulation relating to licences apply to and in respect of permits.

10. APPLICATIONS FOR LICENCES AND PERMITS.

An application for a licence or a permit shall—

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

11. CONDITIONS OF LICENCES.

A licence is subject to this Regulation and the prescribed terms, conditions and restrictions, and to such other terms, conditions and restrictions as the Board thinks appropriate to meet the circumstances of a particular case.

12. LOST, ETC., LICENCES.

Where the Board is satisfied that a licence has been lost, destroyed or defaced, it may issue a replacement licence or permit on payment of a fee of K20.00.

13. VARIATION OF CONDITIONS OF LICENCES.

(1) The Board may at any time, in its discretion, by written notice to the licensee, vary or revoke the conditions of a licence, or impose conditions or additional conditions.

(2) Before taking action under Subsection (1), the Board shall—

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

14. STAND-BY APPARATUS.

A licensee may keep stand-by apparatus approved by the Board for use during any period during which the apparatus the subject of his licence is out of operation for maintenance or adjustment, and may use it during any such period.

15. SUSPENSION OR REVOCATION OF LICENCES.

(1) Where—

- (a) the licensee fails to comply with the Act or this Regulation, or with a term or condition of his licence; or
- (b) the Board considers that it would be in the public interest to do so,

the Board 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 Board 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 he 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.

16. ASSIGNMENT OF LICENCE.

Except with the consent of the Board, 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.

17. REFUSAL OF LICENCE.

The Board, in its discretion, may refuse to grant or renew a licence.

18. FORM OF LICENCES.

A licence shall be in the form of a document or a label or both, as determined by the Board.

19. EXHIBITION AND INSPECTION OF LICENCES.

(1) Except in the case of a licence to which Subsection (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
- (c) a harbour mobile station licence; or
- (d) an interior paging service licence; or
- (e) a land mobile station licence; or
- (f) a radiodetermination station licence; or
- (g) a radio-linked microphone service; or
- (h) an earth station licence,

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

20. USE OF AUTHORIZED STATIONS.

(1) A licence shall indicate the purpose for which or the service in which the authorized station may be used, and the licensee, without the written consent of the Board, shall not use the authorized station, or allow it to be used, for any other purpose or in any other service.

(2) Except with the written consent of the Board, a licensee shall not alter, modify or re-position the authorized station in respect of any matter specified in the licence.

21. OPERATORS.

(1) Except as otherwise provided by or under this Regulation, or in case of emergency involving safety of life or property, the owner, licensee or person in charge of an authorized station shall 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) For the purposes of Subsection (1), the Board shall determine what is the appropriate certificate in relation of each class of licence.

22. HANDLING OF MESSAGES ON BEHALF OF THE GENERAL PUBLIC.

(1) Except as provided by this Regulation or with the consent of the Board, the licensee of an authorized station that is licensed to transmit and receive messages on behalf of the public shall not refuse—

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

(2) The messages referred to in Subsection (1) shall be transmitted on equal terms without favour or preference, whether as regards rates of charges, order of transmission or otherwise, except that signals of distress and messages in connection with such signals shall receive priority.

23. REQUESTS FOR ASSISTANCE, ETC.

As far as practicable, the licensee and all persons employed in or about an authorized station shall acknowledge and pass on to the appropriate authority—

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

with the least possible delay.

24. FEES FOR TRANSMITTING OR RECEIVING PUBLIC CORRESPONDENCE.

The licensee of an authorized station that is licensed to transmit and receive messages on behalf of the public may make such charges for the transmission or reception as are approved by the Board.

25. SERVICE OF NOTICES.

Any notice or other document required or permitted by this Regulation 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 Acknowledged Receipt registered post addressed to his usual or last-known postal address.

26. PRIVACY OF COMMUNICATIONS.

Except as provided by the *Protection of Private Communications Act 1973* or as required or permitted by or under any law, a licensee, operator or other person who, by virtue of his connection with a station or with any apparatus has access to messages passed by radiocommunications 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.

27. IMPROPER SIGNALLING, ETC.

- (1) A person, by the use of a station, shall not—
 - (a) impersonate another person or another station; or
 - (b) use the call-sign of another station,

whether or not that other station is in Papua New Guinea.

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

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

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

28. STANDARDS FOR AND APPROVAL OF APPARATUS.

(1) The Board may from time to time fix minimum requirements and performance standards to be met by apparatus for use in or in connection with authorized stations.

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

(3) For the purposes of Subsection (2)–

(a) the fee payable for examining any apparatus is K100.00 together with an administrative charge for its examination for an amount or rate determined by the Board; and

(b) where any apparatus is not approved, the fee for a re-examination (whether after modification or otherwise) is K50.00 plus an administrative charge equal to 50% of the administrative charge determined under Paragraph (a).

29. APPARATUS.

(1) Except in the case of an amateur station, only approved apparatus may be used in connection with an authorized station, and the apparatus shall–

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

(b) not be altered in any way without the consent of the Board and subject to such conditions as it thinks proper.

(2) All apparatus shall operate within the ranges of tolerances prescribed by this Regulation or approved by the Board for the purpose.

30. SPARE PARTS.

The licensee of the authorized station shall have available for immediate use by the station such spare parts as are directed by the Board.

31. CALL-SIGNS.

The Board shall allot to every authorized station a call-sign or other means of identification by which the station may be identified, which shall be used as directed by the Board.

32. STATIONS CAUSING INTERFERENCE.

(1) The licensee of an authorized station shall–

(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 Board in that regard.

(2) An offence against Subsection (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.

33. TESTING AND ADJUSTMENT.

(1) Tests or adjustments of any station or apparatus 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 significance in any radiocommunication system.

34. DIRECTIONAL ANTENNA SYSTEMS.

Where in its opinion it is necessary or desirable, the Board may approve the use of directional antenna systems for the transmission or reception of radiocommunications from an authorized station.

35. INTERFERENCE BY RECEIVING APPARATUS.

A person operating receiving apparatus shall ensure that the energy radiated by the apparatus is reduced to the lowest possible value and that it does not cause harmful interference to any other station.

36. ASSIGNMENT OF FREQUENCIES.

(1) The frequency or frequencies on which each authorized station may operate are as determined by the Board or an authorized officer, and during the operation of the transmitting equipment of the station the licensee shall maintain the frequency or those frequencies to the satisfaction of the Board or an authorized officer.

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

37. SITING OF ANTENNAS.

(1) In this section—

“**line**” means a line as defined in the *Telecommunications Act 1996*;

“**carrier**” means a carrier as defined in the *Telecommunications Act 1996*.

(2) Without the consent of the Board an antenna of any authorized station shall not be erected—

(a) above or below any line erected or maintained by a carrier; or

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

(i) the line or the antenna breaks or becomes detached from its supporter; or

(ii) the supporter fails.

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

38. TEST APPARATUS.

A licensee of an authorized station or a person who manufactures or maintains apparatus (other than apparatus primarily intended for the reception of broadcasting services) shall keep at the station or the place where the apparatus is manufactured or maintained, as the case may be, test equipment approved by the Board for that purpose.

39. LOG BOOKS.

Where the Board so directs, a licensee shall 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
- (c) the frequency and type of emission used.

40. RECORDS OF MESSAGES.

(1) Where the Board directs, a licensee (other than the licensee of an amateur station or radio dealer's station) shall keep full accounts, records and registers of all messages transmitted by the station.

(2) The licensee shall—

- (a) mark each of the messages 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 message; and
 - (ii) such further particulars as the Board or an authorized officer 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.

41. USED MESSAGE FORMS.

(1) Unless exempted from doing so by the Board or an authorized officer, a licensee to whom a direction under Section 40 has been given shall preserve—

- (a) all used message forms, whether written or printed; and
- (b) transcripts of messages; and
- (c) other papers relating to messages, for not less than 12 months.

(2) A reference in Subsection (1) to a message is a reference to a message received or transmitted during the period during which the direction was in force.

42. INSPECTION OF LOGS, REGISTERS, ETC.

(1) A licensee shall permit the Board or an authorized officer at all reasonable times to inspect all logs, accounts, records and registers, and all message forms, transcripts and papers kept under Section 39, 40 or 41 and to take copies or extracts from them.

(2) A licensee shall—

- (a) make all apparatus forming part of or kept for the purposes of the station available for inspection by the Board or an authorized 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 Board or authorized officer, as the case may be.

Division 2.

Ship and Aircraft Stations.

43. APPLICATION OF DIVISION 2.

This Division applies to ship and aircraft stations.

44. DISTRESS SIGNALS.

This Regulation does not prevent a ship or aircraft station in distress from using any means at its disposal to attract attention, indicate its position and obtain assistance.

45. SHIPS IN HARBOUR.

(1) In this section, “coastal radio station” means a station licensed by the Board to permit high frequency radiocommunication between ships, aircraft and other authorized stations and other similar stations or telephone subscribers on land.

(2) In this section, 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 this section, no apparatus on board a ship shall be operated while the ship is in a harbour in Papua New Guinea.

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

- (a) for the purpose of communicating, on minimum radiated power, with the nearest coastal radio station; or

- (b) in circumstances in which communication with the nearest coastal radio station is impracticable, to establish communication with a limited coast radio 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 coastal radio station; or
- (b) in circumstances in which communication with the nearest coastal radio station is impracticable, to establish communication with another station.

(7) When the ship is under way and radiocommunications 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.

46. GENERAL USE OF APPARATUS IN TERRITORIAL WATERS.

Notwithstanding anything in this Regulation (other than Section 45), any ship operating within the territorial limits of Papua New Guinea may use any apparatus to effect the safe handling of the vessel and to communicate with appropriate shore stations.

47. OPERATION OF AIRCRAFT STATIONS.

(1) An aircraft station operating within the territorial limits of Papua New Guinea shall use its apparatus in accordance with any directions of a person authorized by the Board for the purpose, and otherwise as necessary to effect safe navigation of the aircraft.

(2) Subject to Subsection (1), an aircraft station operating within the territorial limits of Papua New Guinea and licensed to transmit public correspondence shall not transmit such correspondence unless airborne or as directed or approved by the Board.

48. BOOKS AND DOCUMENTS.

Ship and aircraft stations shall carry books and documents relating to the operation of the station as are directed by the Board.

49. CENSORSHIP OF MESSAGES.

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.

Division 3.***Amateur Stations.*****50. AMATEUR STATION LICENCES.**

(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 authorizes the operation of a station only on frequencies allocated to the amateur service specified in the PNG Table of Frequencies Allocations held by the Authority above 50MHz and not by telegraphy.

(3) A novice amateur station licence authorizes the operation of a station on frequency bands specified by the Board.

51. LICENCES.

(1) An amateur station licence may be granted only to—

- (a) a person who 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 by the Board as being equivalent or higher than the qualifications referred to in Subparagraph, (i), (ii) or (iii); or
- (b) a person on behalf of a school, college, club, institute or similar organization where at least one member of the organization is qualified in accordance with Subparagraphs (a)(i), (ii), (iii) or (iv).

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

(3) Where the holder of a limited amateur station licence achieves satisfactory results in the Morse code qualifications referred to in Section 87(1)(c), he may be granted combined amateur station licence.

52. RESTRICTIONS ON USE.

An amateur station shall 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 Board or in an emergency, for the transmission or reception of messages for third persons.

53. POWER OF TRANSMISSIONS.

(1) In this section—

“the R3E type of transmission” means a single-sideband transmission in which the power level of the carrier is between 6dB and 32dB below the peak envelope power;

“the J3E type of transmission” means a single-sideband transmission in which the power level of the carrier is 32dB or more below the peak envelope power.

(2) Except as provided by Subsection (3) or with the consent of the Board, the power of the radio frequency transmitter output measured at the input to the antenna transmission line must not exceed 100W unmodulated.

(3) Where an amateur station is utilizing 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 400W.

(4) The licensee of an amateur radio station shall install and maintain, to the satisfaction of an authorized officer, instruments of a type approved by the Board for indicating accurately the power used.

(5) Subsections (2) and (3) do not apply to a novice amateur station licence.

54. POWER OF TRANSMISSIONS IN RELATION TO NOVICE AMATEUR STATION LICENCES.

(1) In this section—

“the R3E type of transmission” means a single-sideband transmission in which the power level of the carrier is between 6dB and 32dB below the peak envelope power;

“the J3E type of transmission” means a single-sideband transmission in which the power level of the carrier is 32 or more below the peak envelope power.

(2) Subject to Subsection (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.

(3) Where a novice amateur station is utilizing 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.

55. TYPES AND FREQUENCIES OF TRANSMISSION.

Transmissions from an amateur station shall be by such type of emission, and on such frequencies, as are determined by the Board and specified in the licence.

56. MAINTENANCE OF FREQUENCIES.

The licensee of an amateur station shall—

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

57. SIGNALLING OF CALL-SIGNS.

The operator of an amateur station shall 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.

58. CARRIER WAVE FREQUENCY.

Except for brief tests and adjustments, the licensee of an amateur station shall not cause or allow a continuous carrier wave to be emitted from his transmitting apparatus on a frequency lower than 50MHz per second unless the wave is subjected to intelligible modulation or keying.

59. FREQUENCY VARIATION.

The licensee of an amateur station shall 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.

60. AVOIDANCE OF INTERFERENCE.

(1) The licensee of an amateur station shall 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, shall cease to operate the station on the frequency which causes the interference until the cause of the interference is removed.

(3) Where 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 on such conditions and at such times as determined by him.

61. TRANSMISSION OF ENTERTAINMENT, ETC.

(1) An amateur station shall not be used for the transmission of music or any other kind of entertainment.

(2) Except with the consent of the Board, an amateur station shall not be used for the transmission of a recording.

62. MOVEMENT OF APPARATUS.

(1) Subject to Subsection (2), apparatus the subject of an amateur licence shall not be removed from the place specified in the licence except with the permission of an authorized officer.

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

Division 4.

Radio Dealers.

63. RADIO DEALER'S LICENCES.

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

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

64. EXHIBITION OF LICENCE, ETC.

The holder of a radio dealer's licence shall 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.

65. RECORDS OF DEALINGS.

(1) Subject to Subsection (2), the holder of a radio dealer's licence shall keep at his place of business a record of—

(a) all sales, hirings, loans and other dealings (including manufacture) 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 Subsection (1) shall be kept until the end of the calendar year following the date of the dealing.

66. UNAUTHORIZED DEALING WITH APPARATUS.

A person other than the holder of a radio dealer's licence shall not manufacture or sell or otherwise dispose of any apparatus without the prior approval of an authorized officer.

67. TYPES OF APPARATUS THAT MAY BE DEALT IN.

(1) Subject to Section 4 of the Act, a licensed radio dealer, without the consent of the Board, shall not have in his possession for the purposes of his business as such, or deal in, any apparatus other than—

- (a) apparatus that is approved for the purposes of Division 1; or
- (b) apparatus that meets the requirements of Division 3.

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

Division 5.

Broadcasting Stations.

68. BROADCASTING STATION LICENCES.

A broadcasting station licence granted by the Board authorizes the licensee to operate a broadcasting service upon the terms and conditions specified in the licence.

Division 6.

Earth Stations.

69. EARTH STATION AND SPACE SEGMENT LICENCES.

(1) A person shall not establish, erect, or operate an earth station unless he holds an earth station licence.

(2) A satellite service operating in PNG must be approved by the Board and the licence holder must pay such licence fee in regard to the space segment as specified in Schedule 1 or as otherwise specified by the Board.

PART IV. – CERTIFICATES OF PROFICIENCY AN EXAMINATIONS.

Division 1.

General.

70. CLASSES OF CERTIFICATES OF PROFICIENCY.

(1) Certificates of Proficiency in such forms as approved by the Board may be granted by the Board.

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

71. AGE LIMITATION.

(1) A Certificate of Proficiency, other than–

(a) an Amateur Operator’s Certificate of Proficiency; or

(b) an Amateur Operator’s Limited Certificate of Proficiency,

shall not be granted to a person who is under the age of 18 years.

(2) A Certificate of Proficiency of a type referred to in Subsection (1)(a) or (b) shall not be granted to a person who is under the age of 14 years.

(3) There is no age limit for granting a Novice Amateur Operator’s Certificate of Proficiency.

72. QUALIFICATIONS FOR CERTIFICATES.

A Certificate of Proficiency may be granted–

(a) on the passing of an examination under Section 73; or

(b) on proof to the satisfaction of the Board that the applicant is 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

(c) at the discretion of the Board, without examination.

73. EXAMINATIONS.

(1) The Board or an authorized officer may from time to time conduct examinations for applicants for Certificates of Proficiency.

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

(3) The Board may, in its discretion, reveal to a person who has sat for an examination, or to any other person, or generally, the marks obtained in an examination.

(4) Subject to Subsection (3), a candidate who fails to pass an examination for a certificate of a particular class is not entitled, as a result of the examination to the grant of a certificate of another class, except as stipulated in Subsection (5).

(5) In the discretion of the Board, a candidate who has achieved satisfactory results in an examination under Section 86 but fails the Morse code qualification under Section 86(c) may be granted an Amateur Operator's Limited Certificate of Proficiency.

(6) In the discretion of the Board, a candidate who is a holder of an Amateur Operator's Certificate of Proficiency may be granted a Novice Amateur Operator's Certificate of Proficiency if he achieves satisfactory results in the Morse code qualification under Section 88(1)(c).

74. MAINTENANCE OF QUALIFICATIONS.

The Board may, 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.

75. FEES.

(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 Section 73) are as set out in Schedule 2.

(2) Where a certificate is granted in accordance with Section 72(b) or (c), the fee for the certificate is K15.00.

(3) Where the Board is satisfied that a certificate has been lost, destroyed or defaced, it may issue a replacement certificate on payment of a fee of K15.00.

76. SUSPENSION OR REVISION OF CERTIFICATES.

The Board may suspend or revoke a Certificate of Proficiency—

- (a) where the holder fails to satisfy the Board, when required to do so under Section 73, that he has the necessary knowledge and skill for the certificate; or
- (b) where the Board 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.

77. DECLARATION OF SECRECY.

(1) Before a Certificate of Proficiency is issued, the person to whom it is to be issued shall make and subscribe, in the manner and form approved by the Board, a declaration that he will observe the provisions of this Regulation relating to the secrecy of messages.

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

78. SUPPLY OF PERSONAL PARTICULARS.

A successful applicant for a Certificate of Proficiency shall supply for inclusion in his certificate—

- (a) signed photograph approximately 56mm x 56mm; and
- (b) such personal particulars as are required by the Board.

Division 2.***Qualifications for Certificates.*****79. FIRST-CLASS RADIO ELECTRONIC CERTIFICATE.**

The qualifications for the First Class Radio Electronic Certificate are—

- (a) knowledge of the principles of electricity and the theory of radio and electronics sufficient to meet the requirements of Paragraphs (b), (c) and (d); and
- (b) theoretical knowledge of GMDSS radiocommunication equipment, including narrow-band direct-printing telegraph and radiotelephone transmitters and receivers, digital selective calling equipment, ship earth stations, emergency position indicating radio beacons, marine antenna systems, radio equipment for survival craft together with all auxiliary items, including power supplies, as well as general knowledge of the principles of other equipment generally used for radionavigation with particular reference to maintaining the equipment in service; and
- (c) practical knowledge of the operation and knowledge of the preventive maintenance of the equipment indicated in Paragraph (b); and
- (d) practical knowledge necessary for the location and repair (using appropriate testing equipment and tools) of faults in the equipment mentioned in Paragraph (b) which may occur during a voyage; and
- (e) detailed practical knowledge of the operation of all GMDSS sub-systems and equipment; and
- (f) ability to send and receive correctly by radiotelephone and direct-printing telegraphy; and
- (g) detailed knowledge of the regulations applying to radiocommunications, knowledge of the documents relating to charges for

radiocommunications and knowledge of those provisions of the International Convention for the Safety of Life at Sea which relate to radio; and

- (h) sufficient knowledge of one of the working languages of the ITU, in which candidates should be able to express themselves satisfactorily, both orally and in writing.

80. SECOND-CLASS RADIO ELECTRONICS CERTIFICATES.

The qualifications for the Second-Class Radio Electronics Certificate are—

- (a) knowledge of the principles of electricity and the theory of radio and electronics sufficient to meet the requirements of Paragraphs (b) and (d); and
- (b) general theoretical knowledge of GMDSS radiocommunication equipment, including narrow-band-direct-printing telegraph and radiotelephone transmitters and receivers, digital selective calling equipment, ship earth stations, emergency position-indicating radio beacon, marine antenna systems, radio equipment for survival craft together with all auxiliary items, including power supplies, as well as general knowledge of the principles of other equipment generally used for radionavigation, with particular reference to maintaining the equipment in service; and
- (c) practical knowledge of the operation and knowledge of the preventive maintenance of the equipment indicated in Paragraph (b); and
- (d) practical knowledge necessary for effecting repairs in the case of faults in the equipment indicated in Paragraph (b), using the means available on board and if necessary, replacing modular units; and
- (e) detailed practical knowledge of the operation of all GMDSS sub-systems and equipment; and
- (f) detailed knowledge of the regulations applying to radiocommunications, knowledge of the documents relating to charges for radiocommunications and knowledge of those provisions of the International Convention for the Safety of Life at Sea which relate to radios; and
- (g) sufficient knowledge of one of the working languages of the ITU, in which candidates should be able to express themselves satisfactorily, both orally and in writing.

81. GENERAL OPERATOR'S CERTIFICATE.

The qualifications for the General Operator's Certificate are—

- (a) detailed practical knowledge of the operation of all GMDSS sub-systems and equipment; and

- (b) ability to send and receive correctly messages by radiotelephone and direct printing telegraphy; and
- (c) detailed knowledge of the regulations applying to radiocommunications, knowledge of the documents relating to charges for radiocommunications and knowledge of those provisions of the International Convention for the Safety of Life at Sea which relate to radio; and
- (d) sufficient knowledge of one of the working languages of the ITU, in which candidates should be able to express themselves satisfactorily, both orally and in writing.

82. RADIOTELEPHONE OPERATOR'S GENERAL CERTIFICATE OF PROFICIENCY.

The qualifications for a Radiotelephone Operator's General Certificate of Proficiency are—

- (a) a knowledge of the elementary principles of radiotelephony; and
- (b) a detailed knowledge of the practical operations and adjustment of radiotelephone apparatus; and
- (c) 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.

83. RESTRICTED RADIOTELEPHONE OPERATOR'S CERTIFICATE OF PROFICIENCY.

The qualifications for a Restricted Radiotelephone Operator's Certificate of Proficiency are—

- (a) a practical knowledge of the working and adjustment of such type or types of radiotelephone installation as is or are specified by the Board; and
- (b) ability to send and to receive correctly messages by radiotelephone; and
- (c) 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).

84. RESTRICTED RADIOTELEPHONE OPERATOR'S LIMITED CERTIFICATE OF PROFICIENCY.

The qualifications for the Restricted Radiotelephone Operator's Limited Certificate of Proficiency are—

- (a) a knowledge of radiotelephony and electrical principles; and
- (b) ability to send and to receive correctly messages by radiotelephone; and
- (c) a knowledge of 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).

85. BROADCAST STATION OPERATOR'S CERTIFICATE OF PROFICIENCY.

The qualifications for a Broadcast Station Operator's Certificate of Proficiency are—

- (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
- (c) ability to adjust and carry out repairs to the apparatus referred to in Paragraph (b).

86. AMATEUR OPERATOR'S LIMITED CERTIFICATE OF PROFICIENCY.

The qualifications for an Amateur Operator's Certificate of Proficiency are—

- (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
- (c) 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.

87. AMATEUR OPERATOR'S LIMITED CERTIFICATE OF PROFICIENCY.

The qualifications for an Amateur Operator's Limited Certificate of Proficiency are—

- (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.

88. NOVICE AMATEUR OPERATOR'S CERTIFICATE OF PROFICIENCY.

(1) The qualifications for a Novice Amateur Operator's Certificate of Proficiency are—

- (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
- (c) 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 Subsection (1)(c), be granted a Novice Amateur Operator's Certificate of Proficiency.

89. ADMINISTRATION OF THE MORSE CODE TEST.

When a test in Morse code is given for the purpose of this Division—

- (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
- (c) each test in sending or receiving shall last approximately five minutes.

PART V. – INTERFERENCE TO RADIOCOMMUNICATIONS.

90. WILFULLY CAUSING INTERFERENCE.

A person shall 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 radiocommunications at a station.

91. INSPECTIONS, ETC., AS TO INTERFERENCE.

(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 harmful 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 or test it.

(2) Where any apparatus or electrical or other equipment or machinery is causing harmful 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 Board is reasonable, the owner or operator of the apparatus, equipment or machinery shall take, at his own expenses 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 VI. – SETTLEMENT OF INTERFERENCE DISPUTES.

Division 1.

Conciliators.

92. APPOINTMENT OF A CONCILIATOR.

(1) The Board may appoint a person to be a Conciliator.

(2) A Conciliator may be appointed on either a full-time or a part-time basis.

(3) A Conciliator holds office for such period as is specified in his instrument of appointment.

(4) A Conciliator's appointment may be expressed to have effect either generally or as otherwise by his instrument of appointment.

93. TERMS AND CONDITIONS, ETC.

A Conciliator is to be appointed on such terms and conditions and be paid such remuneration and allowances as are determined by the Board.

Division 2.

Referral of matters to Conciliators.

94. REFERRAL OF COMPLAINTS TO CONCILIATORS.

(1) Where a complaint in writing is made to the Board to the effect that–

(a) a person has engaged, is engaging or proposes to engage in conduct (including any act and any refusal or omission to act) that has caused, is causing or is likely to cause–

(i) interference or risk of interference to radiocommunications; or

(ii) any other disruption or disturbance, or risk of disruption or disturbance, to radiocommunications; and

(iii) in the remainder of this Part, the conduct specified in Subparagraphs (i) and (ii) are both referred to as “disputed conduct”; and

(b) the interests of the complainant have been, are or are likely to be affected by the disputed conduct,

the Board may refer the matter to a Conciliator.

(2) Where the Board decides not to refer a complaint to a Conciliator, the Board shall give to the complainant a written notice informing the complainant of the decision and the reasons for the decision.

(3) A reference in this Section to being engaged in disputed conduct includes a reference to being involved in, or contributing to, that conduct.

95. REFERRAL OF OTHER MATTERS TO CONCILIATORS.

(1) Where it appears to the Board that, even though a complaint has not been made under Section 94(1)–

- (a) a person has engaged, is engaging or is proposing to engage in disputed conduct; and
- (b) the interests of another person have been, are or are likely to be affected by the disputed conduct,

the Board may refer the matter to a Conciliator.

(2) A reference in this Section to being engaged in disputed conduct includes a reference to being involved in, or contributing to, that conduct.

96. CONSIDERATION OF WHETHER TO REFER A MATTER.

(1) In considering whether to refer a matter to a Conciliator, the Board shall have regard to all matters it thinks relevant.

(2) Without limiting Subsection (1), the Board shall have regard to–

- (a) whether, in the Board’s opinion–
 - (i) the matter is trivial; or
 - (ii) the person whose interests allegedly have been, are being or are likely to be affected does not wish the matter to be referred to a Conciliator; and
- (b) where the matter arises from a complaint to the Board whether, in the Board’s opinion–
 - (i) the complaint is frivolous or vexatious or was not made in good faith; or
 - (ii) the interests of the complainant have not been, are not being or are not likely to be affected by the disputed conduct; or
 - (iii) there is some other remedy that is reasonably available to the complainant; or
 - (iv) the complainant has not made reasonable efforts to negotiate a resolution of the matter.

Division 3.***The conciliation process.*****97. CONCILIATOR MAY EFFECT SETTLEMENT IN RELATION TO DISPUTED CONDUCT.**

Subject to Section 98, a Conciliator to whom a matter is referred under Division 2 shall–

- (a) inquire into the disputed conduct to which the matter relates; and

- (b) try to effect a settlement of the matter; and
- (c) where the Conciliator cannot effect a settlement—as soon as practicable, give to the Board a written report setting out—
 - (i) the Conciliator’s recommendations for resolving the matter; and
 - (ii) the reasons for those recommendations.

98. CONCILIATOR MAY DECIDE NOT TO MAKE INQUIRY.

(1) A Conciliator may decide not to inquire into disputed conduct, or, where the Conciliator has commenced to inquire into the conduct, decide not to continue the inquiry, where—

- (a) the Conciliator believes that—
 - (i) the matter is trivial; or
 - (ii) the person whose interests allegedly have been, are being, or are likely to be affected does not wish the inquiry to be made or continued (as the case may be); or
- (b) the inquiry arises from a complaint to the Board and the Conciliator believes that—
 - (i) the complaint is frivolous or vexatious or was not made in good faith; or
 - (ii) the interests of the complainant have not been, are not being or are not likely to be affected by the conduct; or
 - (iii) there is some other remedy that is reasonably available to the complainant; or
 - (iv) the complainant has not made reasonable efforts to negotiate a resolution of the matter.

(2) Where a Conciliator decides not to inquire into, or not to continue to inquire into the conduct in respect of which a complaint was made, the Conciliator shall—

- (a) give the complainant written notice of the decision and the reasons for the decision; and
- (b) give to the Board a written report on the matter that includes the information referred to in Paragraph (a).

(3) A report under Subsection (2)(b) shall be given as soon as practicable after it is prepared.

99. COMPULSORY CONFERENCE.

(1) For the purposes of conducting an inquiry into, or trying to effect a settlement of, a matter under Section 97, a Conciliator may direct a person referred

to in Subsection (2) to attend, at a time and place specified in the notice, a conference presided over by the Conciliator.

(2) A direction may be given by—

- (a) where the matter arose as a result of a complaint under Subsection 94(1)—the complainant; and
- (b) the person whose disputed conduct led to the inquiry; and/or
- (c) any other person whose presence at the conference the Conciliator thinks is reasonably likely to be conducive to settling the matter.

(3) A direction shall be given by written notice to the person concerned.

(4) The person to whom a direction is given under Subsection (3) is entitled to be paid by the Authority any allowances of the expenses of a person's attendance that are determined by the Board.

(5) The person to whom notice is given under Subsection (3) who, without reasonable excuse—

- (a) fails to attend as required by the direction; or
- (b) fails to attend and report himself from day to day unless excused, or released from further attendance by the Conciliator,

is guilty of an offence.

Penalty: A fine not exceeding K5,000.00.

(6) Evidence of anything said or of the production of any document at a conference under this Section is not admissible—

- (a) in any court; or
- (b) in proceedings before a person authorized by a law of the State or by the consent of the parties, to hear evidence.

100. PROTECTION FROM CIVIL ACTIONS.

(1) Civil proceedings do not lie against a person in respect of loss, damage or injury of any kind suffered by another person because a statement was made in good faith to a Conciliator in connection with an inquiry into disputed conduct.

(2) A reference in Subsection (1) to making a statement includes a reference to giving a document or information.

Division 4.

Directions.

101. BOARD MAY ISSUE DIRECTIONS.

(1) Where the Board—

- (a) receives a Conciliator's report in relation to a matter under Section 97(c); and

- (b) is satisfied that, in order to prevent the disputed conduct to which the matter relates from causing—
 - (i) interference, or risk of interference to radiocommunications; or
 - (ii) any other disruption or disturbance, or risk of disruption or disturbance to radiocommunications,

a person to whom this Section applies—

- (c) must take specified action; or
- (d) refrain from taking specified action,

the Board may issue a written direction to the person to take that action within a specified period or to refrain from taking that action, as the case may be.

(2) In issuing a direction under Subsection (1) the Board shall have regard to the Conciliator's report.

(3) This Section applies to any of the following persons:—

- (a) a person who has engaged, is engaging or proposes to engage in the disputed conduct;
- (b) where the matter in question arose as a result of a complaint under Section 94—the complainant.

(4) A reference in this Section to being engaged in disputed conduct includes a reference to being involved in or contributing to that conduct.

(5) Where the Board issues a direction to a person, it shall give the person notice of the reasons for that direction.

102. COMPLAINANTS TO BE KEPT INFORMED.

Where—

- (a) the Board receives a Conciliator's report in relation to a matter under Section 97(c); and
- (b) the matter arose as a result of a complaint under Section 94(1),

the Board shall, by written notice, inform the complainant of—

- (c) any direction issued under Section 101 in relation to the matter (other than a direction issued to the complainant); or
- (d) any decision not to issue a direction under Section 101 in relation to the matter, together with the reasons for the decision.

103. CONTRAVENTION OF A DIRECTION.

A person, who knowingly or recklessly contravenes a direction issued under Section 101, is guilty of an offence.

Penalty: A fine not exceeding K10,000.00.

104. STATE NOT LIABLE FOR COSTS.

The State and the Authority are not liable for any loss, damage or injury suffered by a person as a result of complying with a direction under Section 101.

105. OFFENCES RELATING TO SETTLEMENT OF DISPUTES.

A person who—

- (a) refuses to employ another person; or
- (b) dismisses or threatens to dismiss another person from his employment; or
- (c) prejudices or threatens to prejudice another person in his employment; or
- (d) intimidates or coerces or imposes any pecuniary or other penalty on another person,

because that other person—

- (e) has made or proposes to make a complaint of the kind referred to a Conciliator under Section 94; or
- (f) has given or proposes to give information or documents to a third person exercising any power or performing any function under this Part; or
- (g) has attended or proposes to attend, a conference held under Section 99,

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding six months.

106. REPORT BY THE AUTHORITY.

The Authority shall include in each annual report prepared for a financial year a report on the operation of this Part during that year.

PART VI. – MISCELLANEOUS.

107. APPLICATION OF THE INTERNATIONAL TELECOMMUNICATION CONVENTION, ETC.

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

(2) The Board is responsible for providing all returns and information required by the International Telecommunication Union and its agencies.

108. INDEMNITY.

The Board, a Radio Inspector or any authorized officer, or any other person exercising or performing powers or functions under this Regulation, is not responsible for any act or omission done *bona fide* and without negligence under or for the purposes of this Regulation.

109. OBSTRUCTIONS.

A person shall not hinder or obstruct any person in the exercise of his powers or the performance of his functions under this Regulation.

110. FALSE STATEMENTS.

A person, who makes any false statement for any purpose of this Regulation, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00.

111. IMPORTING UNAPPROVED APPARATUS.

A person who except as provided for by this Regulation, or with the consent of the Board, imports any apparatus other than approved apparatus is guilty of an offence.

Penalty: A fine not exceeding K5,000.00.

112. FAILURE TO COMPLY WITH DIRECTIONS.

A person, who fails to comply with any order, requirement or directive given under this Regulation, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 per day for each day of non-compliance.

113. OPERATING WITHOUT CERTIFICATE.

A person, who operates any apparatus for which a Certificate of Proficiency is required under this Regulation without having the appropriate certificate, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 per day for each day of illegal operation.

114. GENERAL PENALTY.

(1) A person who contravenes or fails to comply with any provision of this Regulation or, in the case of the holder of a licence or the owner, operator or person in charge of an authorized station, the conditions of the licence, is guilty of an offence.

Penalty: (where no other penalty is provided) A fine not exceeding K5,000.00.

(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 this Regulation, 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 State.

(3) Apparatus forfeited under Subsection (2) may be seized by an authorized officer and disposed of or otherwise dealt with as the Board directs.

SCHEDULE 1 – CLASSES OF LICENCE AND FEE PAYABLE–(SEE NOTE).

Item No.	Fee
No.	K
Mobile Base	90
Fixed Base	245
Repeater	120
Fixed Base–Supplementary	122
Mobile	60
Handphone	22
Corporate	1000
Paging-Transmitter	100
Paging-Receiver	10
Remote Control Station	120
Citizen Band Radio Service (CBRS)–	
(a) Mobile	20
(b) Base	30
(c) Repeater	100
Outpost Station	60
Cordless Telephone	10
Cordless Telepoint	30
Aeronautical Station	1266
Aircraft Station–	
(a) Class 1	188
(b) Class 2	200
(c) Class 3	308
Coast Station	1250
Limited Coast Station	250
Ship Station–	
(a) Class 1	60
(b) Class 2	178
(c) Class 3	336
Point-to-Point simplex	500

Item No.	Fee
No.	K
Point-to-Point duplex	1000
Point-to-Multi-Point (5 remote stations)	1100
AM Station	275
FM Station	500
Television Station	2500
Outside Broadcast Station–	
(a) Sound	165
(b) Television	825
Amateur Service–	
(a) Full	22
(b) Limited	11
(c) Novice	5
(d) Combined	15
Earth Station Receive Only	225
Earth Station Handheld (Receive Only)	35
Earth Station Handheld	65
Earth Station Portable/Mobile	300
Earth Station Transportable	950
Earth Station Fixed	7700
Space Segment	5100
Radiodetermination Transmitter	290
Radiodetermination Station	600
Radionavigation Transmitter	135
Radionavigation Station	300
Radiolocation Transmitter	100
Radiolocation Station	220
Meteorology Transmitter	125
Meteorology Station	290
General Station	1120
Test Permit	100
Channel Reservation Fee	100

Item No.	Fee
No.	K
Radio Dealer Limited	2000
Radio Dealer Full	1500
Multi-Channel Multi-point Distribution Service	
(a) 10W	3500
(b) 1W	2500
(c) 0.1W	2000
Cellular Mobile (Digital)–	1500
(a) Base Control	4600
(b) Re-Use Channel	2300
(c) Mobile	20
Cellular Mobile (Analogue)–	
(a) Base Channel	1000
(b) Re-Use Channel	500
(c) Mobile	20
Narrow Cast Subscription Television–	
(a) Less than 10W	3500
(b) Less than 100W	5000
Narrow Cast Subscription Sound–	
(a) FM 20W	460
(b) AM 10W	790
Narrow Cast Open Television–	
(a) Less than 10W	1750
(b) Less than 100W	2500
Narrow Cast Open Sound	
(a) FM 20W	230
(a) AM 10W	395
Spread Spectrum Transmitter (Low Power 1W)	41
Television Transponder	1000
Low Power Device	Not Applicable

Note The fees shown are for specified conditions of power, bandwidth and frequency band and will be weighted according to the purpose for the service and the locality of

operation as determined by the Board. Depending on these factors the precise fee for a service may vary from that indicated above.

SCHEDULE 2 – FEES PAYABLE IN RESPECT OF EXAMINATIONS.

Item No.	Classes of Certificate of Proficiency	Section 68, 73.	
		Fee per subject	
		K	
1	First-Class Radio Electronic Certificate	15.00	
2	Second-Class Radio Electronic Certificate	15.00	
3	General Operator's Certificate	15.00	
4	Radiocommunication General Operator's Certificate	15.00	
5	Radiotelephone Operator's General Operator's Certificate	15.00	
6	Restricted Radiotelephone Operator's Certificate .	15.00	
7	Restricted Radiotelephone Operator's Limited Certificate	15.00	
8	Broadcast Station Operator's Certificate	15.00	
9	Amateur Operator's Certificate	15.00	
10	Amateur Operator's Limited Certificate	15.00	
11	Novice Amateur Operator's Certificate	15.00	

Radio Spectrum Regulation 1997