

Reprint  
as at 1 October 2017



# Radiocommunications Regulations 2001

(SR 2001/240)

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 10th day of September 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 115, 116, 134, and 135 of the Radiocommunications Act 1989, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Business, Innovation, and Employment.**

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### Regulations

#### 1 Title

These regulations are the Radiocommunications Regulations 2001.

#### 2 Commencement

These regulations come into force on 12 October 2001.

#### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Radiocommunications Act 1989

**chief executive** means the chief executive of the Ministry of Business, Innovation, and Employment

**electronic payment** means a payment by electronic means, including, without limitation, use of an Internet site, a bank transfer, or an electronic funds transfer at point of sale device

**exemption** means exemption from the requirement for a radio licence

**manual payment** means payment made by cash, cheque, or any other kind of payment other than an electronic payment or any payment by credit card

Regulation 3 **chief executive**: amended, on 1 February 2015, by regulation 4(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Regulation 3 **electronic payment**: inserted, on 1 October 2017, by regulation 4(1) of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

Regulation 3 **e.r.p.**: revoked, on 1 July 2003, by regulation 3 of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Regulation 3 **manual payment**: inserted, on 1 October 2017, by regulation 4(1) of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

Regulation 3 **online service**: revoked, on 1 October 2017, by regulation 4(2) of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

#### 4 Application of regulations

These regulations apply—

- (a) within the territorial limits of New Zealand:
- (b) on any New Zealand ship:
- (c) on any aircraft registered in New Zealand.

## **5 Application of other laws**

These regulations apply even though a licence, permit, or consent to install, operate, or use any apparatus may have been granted before the commencement of these regulations, or may be granted after the commencement of these regulations, in accordance with any other enactment.

### *Radio licences*

## **6 Prohibition on transmission of radio waves**

- (1) Regulations 6 to 15H apply to the radio frequencies to which Part 13 of the Act applies.
- (2) Regulations 6 to 15H do not apply to—
  - (a) a transmission of radio waves by a rightholder acting in accordance with a rightholder's spectrum licence; or
  - (b) a transmission by a person in accordance with a general user spectrum licence.
- (3) The transmission of radio waves is prohibited except in accordance with one of the following:
  - (a) a radio licence:
  - (b) a general user radio licence:
  - (c) an exemption.

Regulation 6(1): amended, on 1 February 2008, by regulation 4(1) of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

Regulation 6(2): amended, on 1 February 2008, by regulation 4(2) of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

## **7 Applications**

- (1) Any person desiring to obtain a radio licence or an exemption must make an application in writing in the form required by the chief executive.
- (2) An application for a point to multipoint radio licence may include an application for 1 or more point to multipoint radio licences.
- (3) Every application must be sent or delivered to the chief executive at the address specified by the chief executive for that purpose.
- (4) The chief executive may require the applicant to provide further information, or proof of information, to assist the chief executive in considering the application.

Regulation 7(2): substituted, on 1 July 2003, by regulation 4 of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

## **8 Grant of radio licence**

- (1) The chief executive may, in respect of an application, grant a radio licence or decline to do so.

- (1A) The chief executive may grant 1 or more radio licences in connection with an application under regulation 7(2) or decline to do so.
- (2) The chief executive may, at the chief executive's discretion, grant a radio licence without requiring that an application be made.
- (3) Every radio licence must specify—
  - (a) the name and address of the licensee; and
  - (b) the frequency or frequencies or frequency band or frequency bands that apply to—
    - (i) the transmission of radio waves; or
    - (ii) the protection, if any, afforded from harmful interference from co-channel emissions; and
  - (ba) the location, locations, area, or areas where transmissions of radio waves are authorised; and
  - (c) the commencement date of the radio licence; and
  - (d) the class of radio licence, being a category and type of radiocommunication service.

Regulation 8(1): amended, on 1 July 2003, by regulation 5(1) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Regulation 8(1A): inserted, on 1 July 2003, by regulation 5(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Regulation 8(2): amended, on 1 July 2003, by regulation 5(1) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Regulation 8(3)(a): substituted, on 31 October 2006, by section 35 of the Radiocommunications Amendment Act 2006 (2006 No 54).

Regulation 8(3)(ba): inserted, on 1 February 2015, by regulation 5 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

## **9 Grant of general user radio licence**

- (1) The chief executive may, from time to time, grant a general user radio licence of a particular class, being a category and type of radiocommunication service.
- (2) The chief executive must make a copy of the radio licence available on an Internet site maintained by or on behalf of the chief executive.
- (3) The chief executive must publish a notice of the grant of the radio licence in the *Gazette* within 10 working days after the date of the grant.
- (4) The notice must specify (at a minimum)—
  - (a) the frequencies or range of frequencies to which the licence applies; and
  - (b) the commencement date of the licence; and
  - (c) the class of licence; and
  - (d) the address of the Internet site on which the full general user radio licence is made available under subclause (2).

- (5) General user radio licences grant every person the right to transmit radio waves on any frequency specified in the licence.

Regulation 9: replaced, on 1 February 2015, by regulation 6 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

#### **10 Grant of exemption from requirement for radio licence**

- (1) The chief executive may, either by notice in writing to the applicant or by notice in the *Gazette*, in respect of an application, grant an exemption from the requirement for a radio licence for the transmission of radio waves using certain radio apparatus if the chief executive is satisfied that a radio licence is not required for the efficient and effective management of the radio frequency spectrum, or decline to grant an exemption.

- (2) The chief executive may, at the chief executive's discretion, grant an exemption without requiring that an application be made.

Regulation 10(1): amended, on 1 July 2003, by regulation 6 of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Regulation 10(2): amended, on 1 July 2003, by regulation 6 of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

#### **11 Validity of licences**

A radio licence or a general user radio licence is valid—

- (a) from the commencement date of the licence; and
- (b) until the earlier of—
  - (i) the date the licence is revoked by the chief executive; and
  - (ii) the expiry date (if any) specified in the licence.

Regulation 11: replaced, on 1 February 2015, by regulation 7 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

#### **12 Matters chief executive must take account of**

- (1) In determining whether to grant a radio licence or a general user radio licence or an exemption, the chief executive must take account of—
- (a) any agreement between New Zealand and any other country or countries relating to radiocommunications; and
  - (b) the technical compatibility of existing radio licences and spectrum licences with the radiocommunication service for which the radio licence or the general user radio licence or the exemption is required; and
  - (c) the public interest in achieving the maximum benefit from radiocommunications; and
  - (d) any general policy of the Government made in accordance with section 112 of the Act.
- (2) For the purpose of assisting the chief executive to take into account the matter referred to in subclause (1)(b), the applicant for a radio licence must, when ap-

plying for that licence, supply a certificate from an authorised person referred to in regulation 46(ba) or (bb).

- (3) The certificate referred to in subclause (2) must certify that, in the opinion of the authorised person, the radiocommunication service for which the radio licence is required is technically compatible with existing radio licences and spectrum licences.

Regulation 12(2): substituted, on 1 February 2008, by regulation 5(1) of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

Regulation 12(3): added, on 1 July 2005, by regulation 3 of the Radiocommunications Amendment Regulations 2005 (SR 2005/171).

Regulation 12(3): amended, on 1 February 2008, by regulation 5(2) of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

### **13 Agreements with other persons**

- (1) A licensee under a radio licence may enter into agreements with other persons who wish to communicate on the frequency or frequencies or frequency band or frequency bands specified in the licence.
- (2) Every agreement is deemed to include a condition that the user or users of the frequency or frequencies or frequency band or frequency bands will comply with all terms, conditions, and restrictions that apply to the radio licence as though the user or users were the licensee.
- (3) Every person who engages in radiocommunications under, and in conformity with, any agreement under this provision is deemed to be doing so under a radio licence.

### **14 Terms, conditions, and restrictions**

- (1) Every radio licence, general user radio licence, and exemption is subject to the terms, conditions, and restrictions specified in Schedule 1 of the Act.
- (2) Every radio licence, general user radio licence, and exemption is subject to the terms, conditions, and restrictions specified in Schedule 1, unless the licence or exemption provides otherwise.
- (3) A radio licence may be transferred to another person only—
  - (a) under regulation 15G; or
  - (b) if the licence provides that the licence may be transferred.
- (4) The chief executive may include in any radio licence, general user radio licence, or exemption any additional terms, conditions, and restrictions (which must not be inconsistent with Schedule 1 or any other provision of these regulations) that the chief executive thinks fit.

Regulation 14(3)(a): amended, on 1 February 2008, by regulation 6 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

Regulation 14(4): amended, on 1 February 2015, by regulation 8 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

**15 Suspension or revocation of general user radio licence**

- (1) The chief executive may suspend or revoke a general user radio licence by notice in the *Gazette*.
- (2) No notice of revocation under subclause (1) may have an effective date preceding the date of notification.

Regulation 15: substituted, on 1 February 2008, by regulation 7 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

**15A Transfer, suspension, or revocation of exemption**

- (1) The chief executive may transfer, suspend, or revoke an exemption by notice in writing to the holder of that exemption.
- (2) No notice of revocation under subclause (1) may have an effective date preceding the date of notification.

Regulation 15A: inserted, on 1 February 2008, by regulation 7 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

**15B Immediate revocation of radio licence on certain grounds**

- (1) The chief executive may, with immediate effect, revoke a radio licence on any of the grounds set out in subclause (2) by notice in writing to the licensee.
- (2) The grounds for revocation are—
  - (a) a licensee breaching a term, condition, or restriction of the licence:
  - (b) a licensee failing to pay any fee payable under these regulations (in whole or in part):
  - (c) a licensee breaching an agreement with a Minister or a chief executive of a government department relating to the use of the licence:
  - (d) the licence is not in sufficient use as determined by the chief executive under regulation 15C:
  - (e) a licensee using a licence for a purpose other than the purpose for which it was granted:
  - (f) to prevent harmful interference:
  - (g) to protect national security:
  - (h) to enable New Zealand to comply with an international agreement.
- (3) No notice of revocation under subclause (1) may have an effective date preceding the date of notification.

Regulation 15B: inserted, on 1 February 2008, by regulation 7 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

**15C Whether radio licence is not in sufficient use**

- (1) The chief executive must consider 1 or more of the following when determining whether a radio licence is not in sufficient use:
  - (a) the use that has been made of the licence:

- (b) the use of the licence in light of the licence's terms, conditions, and restrictions (for example, the actual power of transmissions as compared with the maximum power specified on the licence):
  - (c) the amount and pattern of use of the licence compared with licences that authorise—
    - (i) similar types of transmission; or
    - (ii) the use of similar types of transmitting equipment:
  - (d) whether the licensee has the use of suitable transmitting equipment to conduct the transmission of radio waves under the licence:
  - (e) the time reasonably required to acquire and install the equipment necessary to conduct the transmission of radio waves under the licence:
  - (f) whether the licensee is able to provide the same or equivalent service as the service that may be provided under the licence via—
    - (i) another radio licence or spectrum licence held by the licensee; or
    - (ii) a telecommunications network available to the licensee:
  - (g) any other relevant considerations:
  - (h) any special circumstances justifying the continuation of the licence.
- (2) For the purpose of determining whether a licence is not in sufficient use, the chief executive may request the licensee to make declarations relating to 1 or more of the matters referred to in subclause (1)(a) to (h).
- (3) The licensee must provide declarations in response to a request under subclause (2) within 20 working days.
- (4) The chief executive may request further information or declarations from the licensee, and, if so, the licensee must provide the information or declarations within 20 working days.
- (5) A licensee's failure to provide information or declarations in accordance with subclause (2), (3), or (4) must be treated as meaning that the licence is not in sufficient use.

Regulation 15C: inserted, on 1 February 2008, by regulation 7 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

### **15D Revocation of radio licences of longer and unlimited duration**

- (1) The chief executive may revoke radio licences of unlimited duration and radio licences that have a remaining term of 5 or more years by—
- (a) giving the licensee notice in writing that the licence is revoked with effect from a date not less than 5 years from the date of the notice; or
  - (b) giving the licensee—
    - (i) a programme to manage the cessation of the transmission of radio waves under that licence; and

- (ii) notice in writing that the licence is revoked on a date specified in that programme.
- (2) The programme referred to in subclause (1)(b) must, as far as is reasonably practicable, enable the licensee to continue providing the same or an equivalent service as the service that may be provided under the licence, both—
  - (a) during the term of the programme; and
  - (b) after the licence is revoked.
- (3) The chief executive must consult with the licensee before revoking a licence under subclause (1)(b).
- (4) This regulation does not limit regulation 15B.

Regulation 15D: inserted, on 1 February 2008, by regulation 7 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

#### **15E Revocation of radio licences of shorter duration**

- (1) The chief executive may revoke radio licences that have a remaining term of less than 5 years by giving the licensee—
  - (a) a programme to manage the cessation of the transmission of radio waves under that licence; and
  - (b) notice in writing that the licence is revoked on a date specified in that programme.
- (2) The programme referred to in subclause (1) must, as far as is reasonably practicable, enable the licensee to continue providing the same or an equivalent service as the service that may be provided under the licence, both—
  - (a) during the term of the programme; and
  - (b) after the licence is revoked.
- (3) The chief executive must consult with the licensee before revoking a licence under subclause (1).
- (4) This regulation does not limit regulation 15B.

Regulation 15E: inserted, on 1 February 2008, by regulation 7 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

#### **15F Suspension of radio licence**

- (1) If the chief executive suspects, on reasonable grounds, that there may be a ground to revoke a radio licence under regulation 15B, the chief executive may suspend the licence for as long as is reasonably necessary to determine whether a ground exists.
- (2) If the chief executive determines that there is a ground to revoke a suspended licence, the chief executive—
  - (a) may revoke the licence; or

- (b) may continue the suspension until satisfied that there is no longer a ground to revoke the licence.
- (3) If the chief executive determines that there is no ground to revoke a suspended licence, the chief executive must (unless there is some other ground to suspend or revoke the licence) notify the licensee that the radio licence is no longer suspended with effect from the date of the notification.

Regulation 15F: inserted, on 1 February 2008, by regulation 7 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

### **15G Transfer of radio licence**

The chief executive may transfer a radio licence—

- (a) when requested to do so by the licensee; or
- (b) with the consent of the licensee.

Regulation 15G: inserted, on 1 February 2008, by regulation 7 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

### **15H Surrender of radio licence**

- (1) A licensee may surrender a radio licence.
- (2) The surrender must be in writing and takes effect from the date of surrender.
- (3) When the chief executive receives the surrender, the chief executive must revoke the licence.

Regulation 15H: inserted, on 1 February 2008, by regulation 7 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

### *Spectrum licences*

Heading: inserted, on 1 February 2015, by regulation 9 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

### **15I Contents of spectrum licences**

Every spectrum licence granted under section 48(1)(a) or (b) of the Act must specify the location, locations, area, or areas where transmissions are authorised under the licence.

Regulation 15I: inserted, on 1 February 2015, by regulation 9 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

### *Licence to supply radio transmitters*

### **16 Prohibition on supply of radio transmitters**

The supply of radio transmitters is prohibited, except under a licence to supply radio transmitters.

### **17 Applications**

- (1) Any person desiring to obtain a licence to supply radio transmitters must make an application in writing in the form required by the chief executive.

- (2) *[Revoked]*
- (3) Every application must be sent or delivered to the chief executive at the address specified by the chief executive for that purpose.
- (4) The chief executive may require the applicant to provide further information, or proof of information, to assist the chief executive in considering the application.

Regulation 17(2): revoked, on 1 July 2003, by regulation 7 of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

## **18 Grant of licence to supply radio transmitters**

- (1) The chief executive may, in respect of an application, grant a licence to supply radio transmitters, or decline to do so.
- (2) The chief executive may, at the chief executive's discretion, grant a licence to supply radio transmitters without requiring that an application be made.
- (3) *[Revoked]*

Regulation 18(1): amended, on 1 July 2003, by regulation 8 of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Regulation 18(2): amended, on 1 July 2003, by regulation 8 of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Regulation 18(3): revoked, on 1 February 2015, by regulation 10 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

## **19 Terms, conditions, and restrictions**

- (1) Every licence to supply radio transmitters is subject to any terms, conditions, and restrictions that the chief executive thinks fit.
- (2) *[Revoked]*

Regulation 19(2): revoked, on 1 February 2015, by regulation 11 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

## **20 Validity**

Every licence to supply radio transmitters is valid until the licence is revoked.

## **21 Transfer, suspension, or revocation**

- (1) The chief executive may, at any time, transfer, suspend, or revoke a licence to supply radio transmitters, either by notice in writing to the licensee or by notice in the *Gazette*.
- (2) If the licensee under a licence to supply radio transmitters requests, at any time, by notice in writing to the chief executive, that the licence be revoked, the chief executive must revoke the licence by notice in writing to the licensee.
- (3) No notice of revocation may have an effective date preceding the date of notification.

*Certificates of competency***22 Operation of radio transmitters**

- (1) This regulation applies if a certificate of competency is required as a condition to transmit radio waves under a radio licence.
- (2) The operation of a radio transmitter to enable the transmission of radio waves by a person who is not the holder of a certificate of competency is prohibited.
- (3) Every person who engages in conduct prohibited by subclause (2) commits an offence.

**22A Chief executive may authorise persons to act on his or her behalf in relation to issue of certificates of competency**

- (1) The chief executive may, by notice in writing to a person, appoint the person to act on the chief executive's behalf in relation to the issue of certificates of competency under regulation 24 if the person is authorised to conduct examinations under regulation 28(3).
- (2) The appointment—
  - (a) may be made on any terms and conditions that the chief executive thinks fit; and
  - (b) may be revoked at will by notice in writing to the appointee.
- (3) No appointment in accordance with this regulation—
  - (a) affects or prevents the performance of any function or the exercise of any power by the chief executive; or
  - (b) affects the responsibility of the chief executive for the actions of any appointee acting under the appointment; or
  - (c) is affected by any change in the person holding office as the chief executive.

Regulation 22A: inserted, on 17 June 2004, by regulation 4 of the Radiocommunications Amendment Act 2004 (SR 2004/126).

**23 Applications**

- (1) Any person desiring to obtain a certificate of competency must make an application in writing in the form required by the chief executive.
- (2) *[Revoked]*
- (3) Every application must be sent or delivered to either—
  - (a) a person appointed under regulation 22A at the address specified by the person for that purpose; or
  - (b) the chief executive at the address specified by the chief executive for that purpose.

- (4) A person referred to in subclause (3)(a) or (b) may require the applicant to provide further information, or proof of information, to assist the person in considering the application.

Regulation 23(2): revoked, on 1 July 2005, by regulation 4 of the Radiocommunications Amendment Regulations 2005 (SR 2005/171).

Regulation 23(3): substituted, on 17 June 2004, by regulation 5 of the Radiocommunications Amendment Regulations 2004 (SR 2004/126).

Regulation 23(4): substituted, on 17 June 2004, by regulation 5 of the Radiocommunications Amendment Regulations 2004 (SR 2004/126).

## **24 Issue of certificate of competency**

- (1) The chief executive or a person appointed under regulation 22A may, in respect of an application,—

- (a) issue a certificate of competency to any person who—
- (i) has successfully completed an examination prescribed by these regulations; or
  - (ii) meets, in the opinion of the chief executive, the requirements for the issue of a certificate; or
- (b) decline to issue a certificate of competency.

- (2) The classes of certificates of competency are prescribed in Schedule 3.

- (3) The chief executive may, at the chief executive's discretion, issue a certificate of competency without requiring that an application be made.

Regulation 24(1): substituted, on 17 June 2004, by regulation 6 of the Radiocommunications Amendment Regulations 2004 (SR 2004/126).

Regulation 24(1): amended, on 1 July 2005, by regulation 5 of the Radiocommunications Amendment Regulations 2005 (SR 2005/171).

## **25 Terms, conditions, and restrictions**

Every certificate of competency may be in the form and subject to any terms, conditions, and restrictions that the chief executive thinks fit.

## **26 Validity**

Every certificate of competency is valid until the certificate is revoked by the chief executive.

Regulation 26: amended, on 17 June 2004, by regulation 7 of the Radiocommunications Amendment Regulations 2004 (SR 2004/126).

## **27 Suspension or revocation**

- (1) The chief executive may, at any time, suspend or revoke any certificate of competency, either by notice in writing to the holder or by notice in the *Gazette*.
- (2) If the holder of a certificate of competency requests, at any time, by notice in writing to the chief executive, that the certificate be revoked, the chief execu-

tive must revoke the certificate by notice in writing to the holder of the certificate.

- (3) No notice of revocation may have an effective date preceding the date of notification.

## **28 Examinations**

- (1) The examinations prescribed for the classes of certificate of competency are set out in Schedule 4.
- (2) The chief executive may, at the chief executive's discretion, vary the manner in which the examination is carried out.
- (3) The chief executive may, at the chief executive's discretion, authorise persons to conduct the examinations.

## **29 Re-examination**

- (1) The chief executive may require any holder of a certificate of competency to submit himself or herself for re-examination in any or all of the subjects required for examination for the class of certificate concerned.
- (2) If any person fails to submit himself or herself for re-examination when required by the chief executive, or fails to complete successfully the re-examination, the chief executive may, at the chief executive's discretion, revoke the certificate issued to that person, or may suspend that certificate for any period that the chief executive determines.

## **30 Recount of marks awarded**

- (1) The chief executive may, at the chief executive's discretion, approve a recount of the marks awarded to a candidate for any written examination.
- (2) *[Revoked]*

Regulation 30(2): revoked, on 1 July 2003, by regulation 10 of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

## **31 Recognition of foreign operator certificates**

The chief executive may, at the chief executive's discretion, recognise as the equivalent of any certificate of competency any certificate of a similar class issued in another country in accordance with the laws of that country.

### *Electromagnetic compatibility*

## **32 Notification in *Gazette***

- (1) The chief executive may, by notice in the *Gazette*,—
  - (a) prescribe classes of interfering equipment and classes of susceptible equipment:
  - (b) prescribe the electromagnetic compatibility standards that apply to classes of interfering equipment and classes of susceptible equipment,

- being standards that specify the procedures and methods to be used for measuring—
- (i) the radiation produced by the equipment and the limits within which that radiation must be suppressed; and
  - (ii) the susceptibility of the equipment and the limits of susceptibility that must be met:
- (c) prescribe the codes of practice that apply to classes of interfering equipment and classes of susceptible equipment, being codes of practice that specify requirements for the sale, installation, or use of the equipment:
  - (d) prescribe the levels of conformity that apply to classes of interfering equipment and classes of susceptible equipment, and the requirements to be met for those levels of conformity:
  - (e) prescribe the requirements to be met for labelling the interfering equipment and susceptible equipment:
  - (f) prescribe the form of a declaration of conformity:
  - (g) prescribe the requirements to be met for the security and availability of declarations of conformity and associated documentation:
  - (h) prescribe the documentation, test facilities, and competent persons that are approved by the chief executive in relation to the testing of interfering equipment and susceptible equipment, and any conditions or restrictions imposed in relation to the chief executive's approval:
  - (i) prohibit the installation, use, sale, distribution, manufacture, or importation of specified interfering equipment or susceptible equipment or classes of interfering equipment or susceptible equipment:
  - (j) prescribe the class or classes of interfering equipment and susceptible equipment (being a class or classes specified in the notice) that are exempt from the need to comply with a prescribed standard or required to be the subject of a declaration of conformity:
  - (k) prescribe, for the purposes of regulation 35, minimum field strengths that apply to radiocommunication reception.
- (2) Nothing in these regulations exempts any person from the requirement to transmit radio waves only under, and in conformity with, a radio licence, a general user radio licence, an exemption, or a spectrum licence registered in accordance with Part 3 of the Act.
- (3) Nothing in these regulations applies to the installation, use, or manufacture of interfering equipment or susceptible equipment for the purpose of testing that equipment for compliance with the requirements of these regulations.

Regulation 32(1)(c): amended, on 1 February 2015, by regulation 12(1) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Regulation 32(1)(i): replaced, on 1 February 2015, by regulation 12(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

**33 Power to impose additional conditions**

The chief executive may, either by notice in the *Gazette* or by notice in writing to a person who has made a declaration of conformity, impose any additional conditions that the chief executive sees fit on the installation, use, sale, distribution, manufacture, or importation of interfering equipment or susceptible equipment.

Regulation 33: amended, on 1 February 2015, by regulation 13 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

**34 Monitoring of compliance**

The chief executive may, at any time, by notice in writing, require any person installing, using, selling, distributing, manufacturing, or importing interfering equipment or susceptible equipment to submit samples of the equipment, or test reports, technical construction files, or other associated documentation to the chief executive for the purpose of demonstrating that—

- (a) one of the following applies:
  - (i) the equipment complies with a standard or code prescribed in a notice under these regulations:
  - (ii) if no standard or code is prescribed, reasonable steps have been taken to ensure that the equipment is constructed and operated in a manner that minimises harmful interference that is generated by the equipment, or minimises the susceptibility of the equipment; and
- (b) any additional conditions imposed under regulation 33 are being complied with.

Regulation 34: replaced, on 1 February 2015, by regulation 14 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

**35 Interference with radiocommunications**

- (1) If the chief executive is satisfied that a minimum field strength, as prescribed by a notice in the *Gazette*, is present at the location of a radiocommunication receiver that is suffering harmful interference from interfering equipment, the chief executive may, by notice in writing to the person operating the interfering equipment, require that person to cease operating the equipment or to modify the operation of the equipment.
- (2) The chief executive may, by notice in writing, require a person operating interfering equipment to cease operating the equipment or to modify the operation of the equipment if—
  - (a) the chief executive is satisfied that a radiocommunication receiver is suffering harmful interference from the interfering equipment; and
  - (b) no minimum field strength has been prescribed under subclause (1) because it is not possible to determine a suitable minimum field strength.

Regulation 35(2): inserted, on 1 February 2015, by regulation 15 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

### **36 Compulsory recall**

If a person has installed, used, sold, distributed, manufactured, or imported interfering equipment or susceptible equipment that does not comply with a standard or code of practice applying to that equipment, or that has been declared by the chief executive to be prohibited equipment, the Minister may, either by notice in writing to that person or by notice in the *Gazette*, require that person, within a specified period and at that person's own expense, to do 1 or more of the following:

- (a) cease the installation, use, sale, distribution, or manufacture of the equipment:
- (b) recall the equipment:
- (c) refund the price paid for the equipment to any person to whom the equipment was sold.

Regulation 36: amended, on 1 February 2015, by regulation 16 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

### **37 Infringement offences**

- (1) Every person commits an infringement offence against the Act who—
  - (a) installs, uses, offers to sell, sells, distributes, manufactures, or imports interfering equipment or susceptible equipment—
    - (i) without a declaration of conformity or an exemption from the requirement to make a declaration of conformity; or
    - (ii) that does not comply with a standard applying to that equipment; or
    - (iii) that has been declared by the chief executive to be prohibited equipment; or
    - (iv) that is the subject of a notice of recall by the Minister; or
  - (b) installs or uses interfering equipment or susceptible equipment in a manner that does not comply with a code of practice applying to that equipment; or
  - (c) fails to comply with any requirement or notice issued by the chief executive or the Minister under regulations 32 to 36; or
  - (d) makes a false declaration of conformity; or
  - (e) incorrectly labels, or otherwise falsely represents, interfering equipment or susceptible equipment as complying with these regulations; or
  - (ea) fails to label interfering equipment or susceptible equipment as required by or under these regulations; or

- (f) uses interfering equipment, being a radio transmitter, otherwise than in accordance with a radio licence, a general user radio licence, an exemption, or a spectrum licence registered in accordance with Part 3 of the Act.
- (2) For the purposes of section 128B of the Act, every infringement notice must be in the form prescribed in Part 1 of Schedule 5.
- (3) The infringement fees for the infringement offences are set out in Part 2 of Schedule 5.

Regulation 37(1)(a): amended, on 1 February 2015, by regulation 17(1) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Regulation 37(1)(d): replaced, on 1 February 2015, by regulation 17(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Regulation 37(1)(e): replaced, on 1 February 2015, by regulation 17(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Regulation 37(1)(ea): inserted, on 1 February 2015, by regulation 17(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

### *Fees*

#### **38 Fees payable to chief executive for radio licences**

- (1) The licensee under a radio licence must pay to the chief executive the annual administration fee set out in the fourth column of Schedule 6—
  - (a) by the commencement date of the licence; and
  - (b) annually, within the period of 1 month immediately before each anniversary of the commencement date of the licence.
- (2) The chief executive may waive a fee payable under subclause (1) in proportion to the period that the licence is current (rounded up to the nearest month) if the licence expires or is revoked earlier than 12 months after the date by which the fee must be paid.

Regulation 38: substituted, on 1 July 2005, by regulation 6 of the Radiocommunications Amendment Regulations 2005 (SR 2005/171).

Regulation 38(1): amended, on 1 October 2017, by regulation 5 of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

#### **39 Fees payable to chief executive for spectrum licences**

- (1) This regulation applies to the following licences:
  - (a) spectrum licences created under section 48(1)(a) or (b) of the Act:
  - (b) licences that—
    - (i) were created under section 48(a) or (b) of the Act (as in force immediately before the commencement of the Radiocommunications Amendment Act 2000); and
    - (ii) are deemed, under section 59 of the Radiocommunications Amendment Act 2000, to be spectrum licences.

- (2) The rightholder under a licence to which this regulation applies must pay to the chief executive the annual administration fee set out in the fourth column of Schedule 6—
  - (a) by the commencement date of the licence; and
  - (b) annually, within the period of 1 month immediately before each anniversary of the commencement date of the licence.
- (3) The chief executive may waive a fee payable under subclause (2) in proportion to the period that the licence is current (rounded up to the nearest month) if the licence expires or is cancelled earlier than 12 months after the date by which the fee must be paid.

Regulation 39: substituted, on 1 July 2005, by regulation 6 of the Radiocommunications Amendment Regulations 2005 (SR 2005/171).

Regulation 39(2): amended, on 1 October 2017, by regulation 6 of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

#### **40 Fees payable to Registrar**

*[Revoked]*

Regulation 40: revoked, on 1 July 2005, by regulation 6 of the Radiocommunications Amendment Regulations 2005 (SR 2005/171).

#### **41 Fees payable to Registrar**

*[Revoked]*

Regulation 41: revoked, on 1 July 2003, by regulation 11 of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

#### **42 Recovery of fees**

- (1) Any fees payable that are not paid constitute a debt to the Crown until paid in full, and may be recovered from the person liable at the suit of the chief executive or the Registrar in any court of competent jurisdiction.
- (2) The chief executive or the Registrar may enter into agreements or arrangements with any person to collect or assist in collecting any fees payable on any terms and conditions that the chief executive or the Registrar thinks fit.

#### **43 Fees inclusive of GST**

The fees prescribed by these regulations are inclusive of goods and services tax.

Regulation 43: amended, on 1 October 2017, by regulation 7 of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

#### **44 Power to waive fees**

- (1) The chief executive or the Registrar may waive, in whole or in part, the payment of any fee payable if—
  - (a) the quality of life of a natural person is seriously affected; or

- (b) the nature of the service related to the fee is such that the chief executive or the Registrar incurs no extra cost in relation to it; or
  - (c) an agreement exists between New Zealand and any other country or organisation that provides that no fees are payable.
- (2) The chief executive may waive, in whole or in part, the payment of any fee payable for a radio licence if, in order to make available for a different use any frequency or frequencies or frequency band or frequency bands specified in a licence, the chief executive grants a new radio licence that specifies a different frequency or different frequencies or a different frequency band or different frequency bands.
- (3) The chief executive may waive, in whole or in part, the payment of any fee for a radio licence or spectrum licence if the service to which the fee relates is in response to a state of emergency declared under the Civil Defence Emergency Management Act 2002.

Regulation 44(3): inserted, on 1 February 2015, by regulation 18 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

#### **44AA Manual payment fee**

- (1) If a person pays 1 or more annual administration fees by manual payment, the person must pay a manual payment fee in addition to the annual administration fees.
- (2) The manual payment fee is \$25 (inclusive of GST) per transaction, regardless of the number of annual administration fees the person pays in a transaction.

Regulation 44AA: inserted, on 1 October 2017, by regulation 8 of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

#### **44A Discount for payment using online service**

*[Revoked]*

Regulation 44A: revoked, on 1 October 2017, by regulation 9 of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

#### **44B Discount for holder of eligible licence who undertakes to provide interference investigation report**

*[Revoked]*

Regulation 44B: revoked, on 1 October 2017, by regulation 9 of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

#### **44C Obligation to repay discount in certain circumstances**

*[Revoked]*

Regulation 44C: revoked, on 1 October 2017, by regulation 9 of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

*Miscellaneous provisions*

**45 Search references for access to Register**

- (1) For the purposes of section 28(2)(c) of the Act, the search references set out in subclause (2) are additional to those specified under section 28(2)(a) and (b) of the Act.
- (2) The search references are as follows:
  - (a) management right manager:
  - (b) management right reference number:
  - (c) licensee:
  - (d) licence number:
  - (e) licence type:
  - (f) location of transmitter:
  - (g) channel label:
  - (h) callsign.

**46 Disclosure of information on Register**

Any record on the Register that is protected in accordance with section 28(3) of the Act may be disclosed to—

- (a) the owner of the management right, the rightholder, or the holder of a radio licence, as the case may be, for the purpose of verifying the details of the management right, spectrum licence, or radio licence to which the record relates; or
- (b) the chief executive for the purpose of ensuring compliance with the Act or these regulations; or
- (ba) a person who is authorised by the chief executive to search any protected record on the Register for the purpose of assisting the chief executive to take into account the matter referred to in regulation 12(1)(b), if the owner of the management right, the rightholder, or the holder of the radio licence, as the case may be, gives their consent to the search; or
- (bb) an approved radio engineer who is authorised by the chief executive to search any protected record on the Register for the purpose of assisting the chief executive in the exercise of the chief executive's powers or the performance of the chief executive's functions under regulations 7 to 15H; or
- (c) an approved radio engineer who is authorised by the chief executive to search any protected record on the Register for the purpose of providing a certificate under section 25 or section 57D of the Act.

Regulation 46(ba): inserted, on 17 June 2004, by regulation 8 of the Radiocommunications Amendment Regulations 2004 (SR 2004/126).

Regulation 46(ba): amended, on 1 February 2008, by regulation 12(1) of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

Regulation 46(bb): inserted, on 17 June 2004, by regulation 8 of the Radiocommunications Amendment Regulations 2004 (SR 2004/126).

Regulation 46(bb): amended, on 1 February 2008, by regulation 12(2) of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

#### **46A Meaning of inappropriate receivers**

For the purposes of the Act, an inappropriate receiver is declared to be an apparatus that is intended to receive VHF–FM sound broadcasting transmissions and that was not originally manufactured to receive sound broadcasting transmissions on all frequencies in the range of frequencies beginning at 87.5 MHz and ending at 108 MHz, whether or not the apparatus is used in conjunction with another associated apparatus, positioned between the receiver and the antenna, that is intended to allow the reception of sound broadcasting transmissions on all frequencies in that range.

Regulation 46A: inserted, on 1 February 2008, by regulation 13 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

#### **46B Another class of law enforcement official**

For the purposes of section 133A(2)(b) of the Act, employees or agents of the Department of Corrections are another class of law enforcement official.

Regulation 46B: inserted, on 1 February 2008, by regulation 13 of the Radiocommunications Amendment Regulations 2007 (SR 2007/366).

#### **47 Registrar’s forms**

The forms set out in Schedule 7 are the forms to be used for the matters under the Act to which those forms relate.

#### **48 Radiocommunication within territorial limits**

- (1) No person may use any radio transmitter on any merchant ship or aircraft of any nationality or registration, or on any foreign ship of war or foreign military aircraft, within the territorial limits of New Zealand except in accordance with—
  - (a) one of the following:
    - (i) a radio licence or authority issued for that radio transmitter by or on behalf of a member state of the International Telecommunication Union;
    - (ii) a radio licence, a general user radio licence, or an exemption granted by the chief executive under these regulations;
    - (iii) a spectrum licence registered in accordance with Part 3 of the Act; and
  - (b) any instructions given to the operator of the radio transmitter by the chief executive.

- (2) Every person who operates any radio transmitter in contravention of subclause (1) commits an offence and is liable on conviction to a fine not exceeding \$20,000.

Regulation 48(1)(a): replaced, on 1 February 2015, by regulation 21 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Regulation 48(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### *Revocations and transitional provisions*

#### **49 Revocations**

The following regulations are revoked:

- (a) Radiocommunications (Fees) Regulations 1993 (SR 1993/339);
- (b) Radiocommunications (Forms) Regulations 1990 (SR 1990/42);
- (c) Radiocommunications (Radio) Regulations 1993 (SR 1993/340).

#### **50 Transitional provisions**

- (1) Every licence deemed to be a radio licence by section 60 of the Radiocommunications Amendment Act 2000 that was valid immediately before the coming into force of these regulations—
- (a) is deemed to have been granted under these regulations; and
  - (b) continues in force until revoked in accordance with these regulations.
- (2) Every exemption of radio apparatus from licensing granted under the regulations revoked by regulation 49 that was valid immediately before the coming into force of these regulations is deemed to be an exemption from the requirement for a radio licence granted under these regulations and the following modifications apply to the exemption:
- (a) the exemption is deemed to include a requirement that persons transmitting in accordance with the exemption must comply with Schedule 1 of the Act;
  - (b) the frequencies in the exemption used to describe the radio apparatus are the frequencies on which the transmission of radio waves are authorised by the exemption.
- (3) Subclause (2) does not apply to exemptions granted under the Exemptions of Radio Apparatus from Licensing Notice 1992, published in the *Gazette* on 20 February 1992, at pages 403 to 405.
- (4) If an exemption to which subclause (2) applies does not describe the exemption by referring to radio frequencies, the holder of the exemption must apply to the chief executive to amend the exemption, and the chief executive must amend the exemption to include the frequencies upon which transmissions may be made in accordance with the exemption.

- (5) Every exemption that is deemed by subclause (2) to be an exemption from the requirement for a radio licence continues in force until revoked in accordance with these regulations.
- (6) Every licence to supply transmitting apparatus granted under the regulations revoked by regulation 49 that was valid immediately before the coming into force of these regulations—
  - (a) is deemed to have been granted under these regulations; and
  - (b) continues in force until revoked in accordance with these regulations.
- (7) Every certificate granted under the regulations revoked by regulation 49 that was valid immediately before the coming into force of these regulations—
  - (a) is deemed to have been granted under these regulations; and
  - (b) continues in force until revoked in accordance with these regulations.
- (8) Subject to this regulation, the licences, exemptions, or certificates that are deemed to have been granted under these regulations by this regulation are subject to all the terms, conditions, and restrictions to which they were subject immediately before the coming into force of these regulations.
- (9) The chief executive may, by notice in writing to the licensee, the holder of the exemption, or the holder of the certificate, amend the terms, conditions, or restrictions that apply to the licence, exemption, or certificate.

## Schedule 1

### Terms, conditions, and restrictions applying to every radio licence and exemption from radio licensing

r 14(2)

#### 1 Technical compliance

Any radio transmitter operating under a radio licence or an exemption must comply with the requirements of the International Radio Regulations (to the extent that they reasonably apply to the category of service specified on the radio licence or exemption), and with any technical specifications or standards that are specified on the radio licence or exemption, or that may be notified from time to time by the chief executive by notice in the *Gazette*.

#### 2 Operational compliance

The operation of any radio transmitter operating under a radio licence or exemption must comply with the requirements of the International Radio Regulations to the extent that they reasonably apply to the category of radiocommunication service specified on the radio licence or exemption.

**3 Responsibility for observance of provisions**

Observance of all terms, conditions, and restrictions relating to a radio licence or exemption by any person authorised to operate a radio transmitter under a radio licence or exemption remains the personal responsibility of the holder of the radio licence or exemption, as the case may be.

**4 Notification of change of address**

If a radio licence applies specifically to a radio transmitter at a particular address, the licensee must, within 7 days of removing the radio transmitter from the address, notify the chief executive of the removal.

**5 Compliance with directions**

The holder of a radio licence or an exemption must comply with any directions given by the chief executive, or by any person authorised by the chief executive to give directions on the chief executive's behalf, for the use of the radio transmitter operating under the radio licence or exemption.

**6 No monopoly conferred**

No radio licence or exemption confers upon the holder of the radio licence or exemption a monopoly on the use of any frequency or frequencies or frequency band or frequency bands specified on the radio licence or exemption.

**7 Operator of radio transmitter to hold valid operator certificate**

If a radio licence specifies that the operator of any radio transmitter operating under the radio licence must be the holder of a certificate of competency of the class specified on the radio licence, the radio transmitter must not be operated by any person who is not the holder of a certificate of competency of the required class or of a certificate recognised by the chief executive.

**8 Callsigns**

- (1) If a radio licence requires the use of a callsign, the callsign of the person operating the radio transmitter in accordance with the radio licence must be—
  - (a) the callsign shown on the radio licence; or
  - (b) the callsign shown on the certificate of competency of the person who is operating the radio transmitter; or
  - (c) a temporary callsign that the operator is authorised to use in accordance with subclause (2).
- (2) The chief executive may, by notice in the *Gazette*, authorise a person or a class of persons to use a temporary callsign for the period, and in accordance with the terms and conditions, specified in the notice.

Schedule 1 clause 8: substituted, on 17 June 2004, by regulation 9 of the Radiocommunications Amendment Regulations 2004 (SR 2004/126).

**9 Documents must be available for inspection**

*[Revoked]*

Schedule 1 clause 9: revoked, on 1 February 2015, by regulation 22 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

**10 Dismantling of radio transmitter when contravention has taken place**

If an authorised officer is of the opinion that a contravention of the Act or these regulations has taken place and requires that a radio transmitter cease operating, the licensee under the relevant radio licence must comply with the requirement.

**Schedule 2****Returns in respect of supply of radio transmitters**

*[Revoked]*

r 18(3)

Schedule 2: revoked, on 1 February 2015, by regulation 23 of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

**Schedule 3****Classes of certificates of competency**

r 24(2)

The classes of certificates of competency that may be granted by the chief executive are—

- (a) *[Revoked]*
- (b) *[Revoked]*
- (c) *[Revoked]*
- (d) general amateur operator's certificate:
- (da) maritime VHF operator's certificate:
- (e) *[Revoked]*
- (f) classes of certificates prescribed in the International Radio Regulations.

Schedule 3 paragraph (a): revoked, on 1 February 2015, by regulation 24(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 3 paragraph (b): revoked, on 1 February 2015, by regulation 24(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 3 paragraph (c): revoked, on 1 February 2015, by regulation 24(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 3 paragraph (da): inserted, on 1 February 2015, by regulation 24(3) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 3 paragraph (e): revoked, on 17 June 2004, by regulation 10 of the Radiocommunications Amendment Act 2004 (SR 2004/126).

Schedule 3 paragraph (f): amended, on 1 February 2015, by regulation 24(4) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

## **Schedule 4**

### **Examinations for certificates of competency**

r 28

#### **1 General operator's certificate**

*[Revoked]*

Schedule 4 clause 1: revoked, on 1 February 2015, by regulation 25(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

#### **2 General radiotelephone operator's certificate**

*[Revoked]*

Schedule 4 clause 2: revoked, on 1 February 2015, by regulation 25(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

#### **3 Restricted radiotelephone operator's certificate**

*[Revoked]*

Schedule 4 clause 3: revoked, on 1 February 2015, by regulation 25(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

#### **4 General amateur operator's certificate**

- (1) To qualify for a general amateur operator's certificate for operation on all scheduled amateur frequencies, a candidate must pass either—
  - (a) a written examination of the kind described in subclause (2) that is approved for the purpose by the chief executive; or
  - (b) an examination of the kind described in subclause (3) that is recognised for the purpose by the chief executive.
- (2) A written examination of the kind referred to in subclause (1)(a) must demonstrate a theoretical knowledge of—
  - (a) the legal framework of New Zealand radiocommunications, including—
    - (i) the International Radio Regulations; and
    - (ii) the Act; and
    - (iii) these regulations; and
    - (iv) the New Zealand amateur radio licence conditions and frequency allocations; and
  - (b) the methods of radiocommunication, including radio-telephony, radio-telegraphy, and data and image; and
  - (c) radio system theory, including theory relating to transmitters, receivers, antennas and propagation, and measurements; and

- (d) electromagnetic radiation; and
  - (e) electromagnetic compatibility; and
  - (f) avoidance and resolution of radio frequency interference.
- (3) An examination of the kind referred to in subclause (1)(b) must meet the requirements for a Harmonised Amateur Radio Examination Certificate that are prescribed in Annex 6 to the European Conference of Postal and Telecommunications Administrations (CEPT) Recommendation T/R 61-02 revised in Vilnius on 12 February 2004.

Schedule 4 clause 4: replaced, on 1 February 2015, by regulation 25(3) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

#### **4A Maritime VHF operator's certificate**

To qualify for a maritime VHF operator's certificate, a candidate must pass an examination approved by the chief executive for the purpose that demonstrates knowledge of—

- (a) the regulatory framework relating to maritime radiocommunications:
- (b) the principles and basic operation of maritime radiocommunications:
- (c) the typical configurations and features of maritime VHF installations:
- (d) basic safety operating procedures and operating procedures for distress and emergency situations:
- (e) the purpose and basic operation of Emergency Position Indicating Radio Beacons (EPIRBs).

Schedule 4 clause 4A: inserted, on 1 February 2015, by regulation 25(3) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

#### **5 Limited amateur operator's certificate**

*[Revoked]*

Schedule 4 clause 5: revoked, on 17 June 2004, by regulation 11 of the Radiocommunications Amendment Regulations 2004 (SR 2004/126).

#### **6 Other classes of certificate prescribed in the International Radio Regulations**

The examinations for other classes of certificate prescribed in the International Radio Regulations will be as prescribed in the International Radio Regulations.

## Schedule 5 Infringement notice and infringement fees

r 37

### *Part 1* *Form of infringement notice*

#### *(Front)*

Radiocommunications  
Infringement Notice

Notice number:

Date of notice:

Issued under section 128B of the Radiocommunications Act 1989

Enforcement Authority: Ministry of Business, Innovation, and Employment

**To** [full name]  
[full address]

Date of birth:

#### *Alleged infringement offence*

You are alleged to have committed an infringement offence against regulation .....  
of the Radiocommunications Regulations 2001, as follows:

#### *Details of alleged infringement offence*

Nature of infringement:

Location:

Date:

Approximate time:

The fee for this infringement is \$

#### *Payment of infringement fee*

The infringement fee is payable to the chief executive of the Ministry of Business, Innovation, and Employment within 28 days after [date notice served].

The infringement fee may be paid to the chief executive of the Ministry of Business, Innovation, and Employment at [address].

Payments by cheque or money order should be crossed "a/c payee".

***Important***  
***Please read summary of rights printed overleaf.***

***(Back)***

***Summary of rights***

**Notes:**

If, after reading these notes, you do not understand anything in the notes, you should consult a lawyer immediately.

- 1 This notice sets out an alleged infringement offence.

If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with an informant in respect of an infringement fee payable by you, paragraphs 4(b), 4(c), 5, 6, and 7 in these notes do not apply, and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

***Payments***

- 2 If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payments may be made at the place indicated on the front page of this notice.

***Defences***

- 3 You have a complete defence against proceedings if the infringement fee has been paid to the Ministry of Business, Innovation, and Employment at the place for payment shown on the front page of this notice before or within 28 days after you have been served with a reminder notice.

Late payment or payment at any other place will not be a defence.

***Further action***

- 4 If you wish to—
- (a) raise any matter relating to the alleged offence for consideration by the Ministry of Business, Innovation, and Employment; or
  - (b) deny liability for the offence and request a court hearing (refer to paragraph 5); or
  - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraph 7),—
- you should write to the Ministry of Business, Innovation, and Employment at the address shown on the front page of this notice. Any such letter must be personally signed.

- 5 You have a right to request a hearing. If you deny liability for the offence and request a hearing, the Ministry of Business, Innovation, and Employment will serve you with a notice of hearing that sets out the place and time at which the matter will be heard by the court (unless it decides not to start court proceedings).

If the court finds you guilty of the offence, costs will be imposed in addition to any penalty.

- 6 A request for a hearing must—
- (a) be in writing and signed by you; and
  - (b) be delivered to the Ministry of Business, Innovation, and Employment at the address specified on the front page of this notice; and
  - (c) be delivered before, or within 28 days after, service on you of a reminder notice.

- 7 If you admit liability for the offence but want the court to consider your submissions as to penalty or otherwise, you must, in your letter,—

- (a) ask for a hearing; and
- (b) admit the offence; and
- (c) set out the written submissions you wish to be considered by the court.

The Ministry of Business, Innovation, and Employment will then file your letter with the court (unless it decides not to commence court proceedings). There is no provision for an oral hearing before the court if you follow this course of action.

Costs will be imposed in addition to any penalty.

#### ***Non-payment of fee***

- 8 If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the Ministry of Business, Innovation, and Employment decides otherwise).
- 9 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice, you will become liable to pay costs in addition to the infringement fee (unless the Ministry of Business, Innovation, and Employment decides not to commence proceedings against you).

#### ***Queries and correspondence***

- 10 When writing or making payment, please include—
- (a) the date of the infringement; and
  - (b) the infringement notice number; and
  - (c) your address for replies.

All queries and all correspondence regarding this infringement must be directed to the Ministry of Business, Innovation, and Employment at the address shown on the front page of this notice.

Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Schedule 5 Part 1 form: amended, on 1 February 2015, by regulation 26(1) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 5 Part 1 form: amended, on 10 October 2006, by regulation 4(a) of the Radiocommunications Amendment Regulations 2006 (SR 2006/271).

Schedule 5 Part 1 form: amended, on 10 October 2006, by regulation 4(b) of the Radiocommunications Amendment Regulations 2006 (SR 2006/271).

**Part 2**  
***Infringement fees***

Schedule 5 Part 2: replaced, on 1 February 2015, by regulation 26(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

<b>Infringement offence</b>	<b>Infringement fee (\$)</b>	
	<b>Individual</b>	<b>Body corporate</b>
(a) installation, use, offers of sale, sale, distribution, manufacture, or importation of interfering equipment or susceptible equipment—		
(i) without a declaration of conformity or exemption from the requirement to make a declaration of conformity; or	250	1,250
(ii) that does not comply with a standard applying to that equipment; or	350	1,700
(iii) that has been declared by the chief executive to be prohibited equipment; or	250	1,250
(iv) that is the subject of a notice of recall by the Minister:	250	1,250
(b) installation or use of interfering equipment or susceptible equipment in a manner that does not comply with a code of practice applying to that equipment:	350	1,700
(c) failure to comply with any requirement or notice issued by the chief executive or the Minister under these regulations:	350	1,700
(d) completion of a false declaration of conformity:	350	1,700
(e) incorrect labelling or otherwise falsely representing interfering equipment or susceptible equipment as complying with these regulations:	350	1,700
(f) using interfering equipment, being a radio transmitter, otherwise than in accordance with a radio licence, a general user radio licence, an exemption granted by the chief executive under these regulations, or a spectrum licence registered in accordance with Part 3 of the Act:	350	1,700
(g) failure of a rightholder or manager or holder of a radio licence to notify the Registrar of the person's new name or address in accordance with section 24A of the Act:	250	1,250
(h) failing to label interfering equipment or susceptible equipment as required under these regulations	250	1,250

## Schedule 6

### Annual administration fees payable to chief executive for radio and spectrum licences

rr 38, 39

Schedule 6: replaced, on 1 October 2017, by regulation 10 of the Radiocommunications Amendment Regulations 2017 (LI 2017/120).

Fee category	Name	Description of licences to which fee applies	Fee (\$) (including GST)
A	Amateur radio and spectrum licence fee	Licence for an amateur beacon, amateur fixed link, or amateur repeater.	50
B	Land mobile radio licence fee (up to 5 repeaters or pagers)	Land mobile radio licence for— <ul style="list-style-type: none"> <li>• up to 5 land mobile repeater locations on a common frequency throughout New Zealand; or</li> <li>• up to 5 fixed paging radio transmitters on a common frequency throughout New Zealand.</li> </ul>	600
C	Land mobile radio licence fee (unlimited repeaters or pagers)	Land mobile radio licence for— <ul style="list-style-type: none"> <li>• an unlimited number of land mobile repeater locations on a common frequency throughout New Zealand; or</li> <li>• an unlimited number of fixed paging radio transmitters on a common frequency throughout New Zealand.</li> </ul>	1,500
D	Standard licence fee	Every licence for radiocommunications issued under the Act that is not included in fee category A, B, or C, including— <ul style="list-style-type: none"> <li>• any general user radio licence:</li> <li>• any general user spectrum licence:</li> <li>• a land mobile radio licence with—               <ul style="list-style-type: none"> <li>• 1 land mobile repeater location; or</li> <li>• 1 fixed paging radio transmitter; or</li> <li>• simplex transmission with an unlimited number of radio transmitters on a common frequency throughout New Zealand:</li> </ul> </li> <li>• any other spectrum licence:</li> <li>• any other radio licence, including, without limitation, a licence for—               <ul style="list-style-type: none"> <li>• aeronautical services:</li> <li>• broadcasting services:</li> <li>• fixed services (point-to-point, point-to-multipoint, or multipoint-to-point):</li> <li>• maritime services:</li> <li>• meteorological services:</li> <li>• mobile services:</li> <li>• radio astronomy services:</li> <li>• radio determination services:</li> </ul> </li> </ul>	150

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<b>Fee category</b>	<b>Name</b>	<b>Description of licences to which fee applies</b>	<b>Fee (\$ (including GST)</b>
		<ul style="list-style-type: none"><li>• reception protection services:</li><li>• satellite services.</li></ul>	

## Schedule 7

### Forms

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Form 1  
Application to register radio frequencies  
*Section 9, Radiocommunications Act 1989*

To the Registrar of Radio Frequencies

I, [full name], chief executive of the Ministry of Business, Innovation, and Employment, apply for a record of management rights to be recorded for the radio frequencies specified in the Schedule of this application.

The record of management rights is to specify, for those frequencies, the particulars specified in the Schedule.

Chief executive of the Ministry of Business, Innovation, and Employment.

Date:

---

**Schedule**  
**Record of management rights**

- 1 Range of frequencies to be recorded in the Register:  
Lower boundary: .... MHz.  
Upper boundary: .... MHz.
- 2 Adjacent frequencies emission limits (expressed as the maximum e.i.r.p. (in dBW) of those emissions):  
Below lower boundary frequency:  
.... dBW at .... MHz to .... dBW at .... MHz.  
.... dBW at .... MHz to .... dBW at .... MHz.  
.... dBW at .... MHz to .... dBW at .... MHz.  
Above upper boundary frequency:  
.... dBW at .... MHz to .... dBW at .... MHz.  
.... dBW at .... MHz to .... dBW at .... MHz.  
.... dBW at .... MHz to .... dBW at .... MHz.

**Note:** The adjacent frequencies emission limits applicable to frequencies within each specified range must be determined in accordance with the following formula:

$$y = mx + C$$

where—

y = dBW

x = MHz

$$m = \frac{dy}{dx}$$

C = the value of y where x = 0 (the y intercept).

3 Protection limit (expressed as the e.i.r.p. (in dBW) of that limit):

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

**Note:** The protection limit applicable to frequencies within each specified range must be determined in accordance with the following formula:

$$y = mx + C$$

where—

y = dBW

x = MHz

$$m = \frac{dy}{dx}$$

C = the value of y where x = 0 (the y intercept).

4 Power floor levels (expressed as the e.i.r.p. (in dBW) of that level):

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

**Note:** The power floor level applicable to frequencies within each specified range must be determined in accordance with the following formula:

$$y = mx + C$$

where—

y = dBW

x = MHz

$$m = \frac{dy}{dx}$$

C = the value of y where x = 0 (the y intercept).

If no power level is specified, the power floor level is -50dBW at all frequencies.

- 5 The conditions that apply to licences created in relation to the record of management rights are [*specify the conditions*].
- 6 The commencement date of the record of management rights is [*specify date*].
- 7 The expiry date of the record of management rights is [*specify date*].

**Note:** This application must be signed in duplicate.

Schedule 7 form 1: amended, on 1 February 2015, by regulation 27(2) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 7 form 1: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

## Form 2

## Notice of transfer of management rights

*Section 42, Radiocommunications Act 1989*

I, [full name], being the manager for the range of frequencies specified in record of management rights number [specify reference number], in consideration of the sum of \$[specify amount excluding goods and services tax], transfer to [full name] of [full address], the management rights for—

\*(a) the range of frequencies [or]

\*(b) the part of the range of frequencies that are specified in the Schedule.

\*Delete if inapplicable.

Date:

Signed by [name of manager]:

in the presence of:

Witness name:

Occupation:

Full address:

[If the notice of transfer of management rights transfers the management rights for only part of the range of frequencies specified in a record of management rights, the manager must complete the Schedule.]

---

**Schedule**

**Management rights transferred**

1 Frequencies in respect of which management rights are transferred: [specify range of frequencies].

2 Adjacent frequencies emission limits (expressed as the maximum e.i.r.p. (in dBW) of those emissions) to apply for the frequencies adjacent to the new boundary created at ..... MHz as a result of this transfer:

Below new boundary frequency:

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

Above new boundary frequency:

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

[Repeat if a second new boundary is created as a result of the transfer.]

**Note:** The adjacent frequencies emission limits applicable to frequencies within each specified range must be determined in accordance with the following formula:

$$y = mx + C$$

where—

y = dBW

x = MHz

$$m = \frac{dy}{dx}$$

C = the value of y where x = 0 (the y intercept).

3 Date on which the transfer of management rights will take effect [*which should not be more than 1 month after the date of the notice*]:

**Note:** This notice must be signed in duplicate.

This notice must be accompanied by a rightholder's consent if section 42(2) of the Radiocommunications Act 1989 applies.

Schedule 7 form 2: amended, on 1 February 2015, by regulation 27(3) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 7 form 2: amended, on 1 July 2005, by regulation 9(1) of the Radiocommunications Amendment Regulations 2005 (2005 No 171).

## Form 3

## Application to aggregate management rights

*Section 46, Radiocommunications Act 1989***To** the Registrar of Radio Frequencies

I, [full name], manager under record of management rights number [specify first reference number] and record of management rights number [specify second reference number], being management rights that share a common boundary and have the same expiry date, request that the management rights be aggregated.

Date:

Signed by [name of manager]:

in the presence of:

Witness name:

Occupation:

Full address:

Date on which manager would like the management rights to be aggregated:

*(Note: this date is not guaranteed)***Note:** This application must be signed in duplicate.

Schedule 7 form 3: amended, on 1 February 2015, by regulation 27(4) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 7 form 3: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 4  
Notice of modification of power floor level

*Section 34B, Radiocommunications Act 1989*

To the Registrar of Radio Frequencies

We, [full name], chief executive of the Ministry of Business, Innovation, and Employment, and [full name], manager under record of management rights number [specify reference number], have agreed to modify the power floor level that applies to that record of management rights.

We give notice that the power floor level specified in the Schedule applies, under that agreement, to that record of management rights from the date specified in the Schedule.

Date:

Signed by [name of manager]:

in the presence of:

Witness name:

Occupation:

Full address:

Signed by [name of chief executive of the Ministry of Business, Innovation, and Employment]:

in the presence of:

Witness name:

Occupation:

Full address:

---

**Schedule**  
**Modification of power floor**

- 1 Modified power floor level (expressed as the e.i.r.p. (in dBW) of that level):  
.... dBW at .... MHz to .... dBW at .... MHz.  
.... dBW at .... MHz to .... dBW at .... MHz.  
.... dBW at .... MHz to .... dBW at .... MHz.

**Note:** The power floor level applicable to frequencies within each specified range must be determined in accordance with the following formula:

$$y = mx + C$$

where—

y = dBW

x = MHz

$$m = \frac{dy}{dx}$$

C = the value of y where x = 0 (the y intercept).

2 The date from which the modified power floor level will apply is [*specify date*].

**Note:** This notice must be signed in duplicate.

Schedule 7 form 4: amended, on 1 February 2015, by regulation 27(5) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 7 form 4: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 5  
Notice of modification of protection limit

*Section 36, Radiocommunications Act 1989*

To the Registrar of Radio Frequencies

We, [full name], chief executive of the Ministry of Business, Innovation, and Employment, and [full name], manager under record of management rights number [specify reference number], have agreed to modify the protection limit that applies to that record of management rights.

We give notice that the protection limit specified in the Schedule applies, under that agreement, to that record of management rights, from the date specified in the Schedule.

Date:

Signed by [name of manager]:

in the presence of:

Witness name:

Occupation:

Full address:

Signed by [name of chief executive of the Ministry of Business, Innovation, and Employment]:

in the presence of:

Witness name:

Occupation:

Full address:

---

**Schedule**  
**Modification of protection limit**

1 Modified protection limit (expressed as the e.i.r.p. (in dBW) of that limit):

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

.... dBW at .... MHz to .... dBW at .... MHz.

**Note:** The protection limit applicable to frequencies within each specified range must be determined in accordance with the following formula:

$$y = mx + C$$

where—

y = dBW

x = MHz

$$m = \frac{dy}{dx}$$

C = the value of y where x = 0 (the y intercept).

2 The date from which the modified protection limit will apply is [*specify date*].

**Note:** This notice must be signed in duplicate.

Schedule 7 form 5: amended, on 1 February 2015, by regulation 27(5) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 7 form 5: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 6

Notice of modification of adjacent frequencies emission limits

*Section 40, Radiocommunications Act 1989*

To the Registrar of Radio Frequencies

We, [full name], manager under the record of management rights specified in clause 1 of the Schedule, and [full name], manager under the record of management rights specified in clause 2 of the Schedule (the **adjacent manager**), have agreed to modify the adjacent frequencies emission limit that applies to a frequency falling within the range of frequencies specified in the adjacent manager's record of management rights.

We give notice that the adjacent frequencies emission limits specified in clause 3 of the Schedule apply, under that agreement, to the record of management rights specified in clause 1 of the Schedule from the date specified in the Schedule.

Date:

Signed by [name of manager]:

in the presence of:

Witness name:

Occupation:

Full address:

Signed by [name of adjacent manager]:

in the presence of:

Witness name:

Occupation:

Full address:

[Repeat if necessary for all relevant adjacent managers.]

---

**Schedule**

**Modification of adjacent frequencies emission limits**

- 1 The record of management rights to which the modified adjacent frequencies emission limits are to apply is [specify reference number].
- 2 The record of management rights of the adjacent manager is [specify reference number].
- 3 Modified adjacent frequencies emission limits (expressed as the maximum e.i.r.p. (in dBW) of those emissions):
  - .... dBW at .... MHz to .... dBW at .... MHz.
  - .... dBW at .... MHz to .... dBW at .... MHz.
  - .... dBW at .... MHz to .... dBW at .... MHz.

**Note:** The adjacent frequencies emission limits applicable to frequencies within each specified range must be determined in accordance with the following formula:

$$y = mx + C$$

where—

y = dBW

x = MHz

$$m = \frac{dy}{dx}$$

C = the value of y where x = 0 (the y intercept).

4 The date from which modified adjacent frequencies emission limits will apply is [*specify date*].

**Note:** This notice must be signed in duplicate.

Schedule 7 form 6: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 7  
Spectrum licence

*Section 48, Radiocommunications Act 1989*

I, *[full name]*, being the manager for the range of frequencies specified in record of management rights number *[specify reference number]*, give notice that I intend to—

\*(a) grant to *[full name]*, of *[full address]* [*or*]

\*(b) grant to every person [*or*]

\*(c) reserve to myself—

\*the right to transmit radio waves on the frequencies specified in clause 3 of the Schedule, and the right to have no harmful interference from co-channel emissions on those frequencies in the protection location(s) or area specified in clause 7 of the Schedule (**Type A licence**).

[*or*]

\*the right to transmit radio waves on the frequencies specified in clause 3 of the Schedule (**Type B licence**).

[*or*]

\*the right to have no harmful interference from co-channel emissions on the frequencies specified in clause 3 of the Schedule in the protection location(s) or area specified in clause 7 of the Schedule (**Type C licence**).

\*Delete if inapplicable.

The terms and conditions of the licence are set out in the Schedule.

Date:

Signed by *[name of manager]*:

in the presence of:

Witness name:

Occupation:

Full address:

**Schedule**  
**Details of spectrum licence**

*[All clauses of the Schedule apply to Type A licences. All clauses of the Schedule apply to Type B licences except clause 7. All clauses of the Schedule apply to Type C licences except clauses 4, 5, and 6.]*

- 1 The commencement date of this licence is *[specify date]*.
- 2 The expiry date of this licence is *[specify date]*.
- 3 The frequencies that apply to this licence are as follows:
  - (a) the characteristic frequency is *[specify characteristic frequency in MHz. The term characteristic frequency has the same meaning as in the International Radio Regulations]*:
  - (b) the frequency band is *[specify the lower boundary frequency and the upper boundary frequency in MHz]*.
- 4 Unwanted emission limits applying to emissions from the transmitter (expressed as the maximum e.i.r.p. (in dBW) of those emissions):
  - (a) limits applying to frequencies below the lower boundary frequency:
    - .... dBW at .... MHz to .... dBW at .... MHz.
    - .... dBW at .... MHz to .... dBW at .... MHz.
    - .... dBW at .... MHz to .... dBW at .... MHz.
  - (b) limits applying to frequencies above upper boundary frequency:
    - .... dBW at .... MHz to .... dBW at .... MHz.
    - .... dBW at .... MHz to .... dBW at .... MHz.
    - .... dBW at .... MHz to .... dBW at .... MHz.

*[Repeat clauses 3 and 4 if necessary for multiple frequency licences or multiple frequency band licences.]*

**Note:** The unwanted emission limits applicable to frequencies within each specified range must be determined in accordance with the following formula:

$$y = mx + C$$

where—

y = dBW

x = MHz

$$m = \frac{dy}{dx}$$

C = the value of y where x = 0 (the y intercept).

5 The maximum power, designation of emissions, and horizontal radiation pattern permitted under this licence are as follows:

- (a) maximum power of emissions: .... dBW (e.i.r.p.):
- (b) designation of emissions: [*specify designation*]:
- (c) horizontal radiation pattern of antenna (maximum e.i.r.p. (in dBW) per sector in degrees relative to true North):  
0 .... degrees up to .... degrees: .... dBW  
over .... degrees up to .... degrees: .... dBW  
over .... degrees up to .... degrees: .... dBW.

6 The location of the transmitter, the antenna polarisation, and the antenna height are as follows:

- (a) \*the location of the transmitter [*being the fixed base transmitter of a mobile service, the fixed central hub transmitter of a fixed point-to-multipoint service, or a fixed transmitter of any other service*] is:

map	grid reference	site name	altitude (metres above sea level)
.....	/.....	.....	.....

[or]

\*the area within which the transmitter or transmitters [*being mobile transmitters of a mobile service or remote transmitters of a fixed point-to-multipoint service*]

may transmit under this licence, being the area bounded by a series of straight lines drawn between the following points:

map	grid reference
.....	/..... to
.....	/..... to
.....	/.....

- (b) the antenna polarisation is [*specify polarisation*]:
- (c) the antenna height [*if at a fixed location*] is [*specify in metres above ground level*].

7 The protection location or locations or protection area that apply under this licence are described as follows:

- (a) \*the protection location or locations are:

map	grid reference	site name
.....	/.....	.....

[*specify separately for each location*]

[or]

\*the protection area, being the area bounded by a series of straight lines between the following points:

map	grid reference
.....	/..... to
.....	/..... to
.....	/.....

- (b) the maximum permitted interfering signal or signals that apply to the protection location or locations or the protection area are [*specify in dBuV/m*] [*specify the reference bandwidth\* on which the signals are based if the reference bandwidth is not the bandwidth specified in paragraph 5(b)*].

(\***Note:** The reference bandwidth must be the bandwidth specified in paragraph 5(b) or a bandwidth specified as a condition in paragraph 9.)

8 The authorities that apply to this licence are as follows:

- (a) this licence may be transferred \*by the rightholder acting alone [*or*] \*by agreement between the manager and the rightholder:
- (b) this licence may be cancelled \*by the rightholder acting alone [*or*] \*by the manager acting alone [*or*] \*by agreement between the manager and the rightholder:
- (c) this licence may be modified \*by the rightholder acting alone [*or*] \*by the manager acting alone [*or*] \*by agreement between the manager and the rightholder.

9 The conditions applying to the exercise of the rightholder's rights under this licence are [*specify conditions*].

\*Delete if inapplicable.

**Note:** Before this licence may be registered, the Registrar must receive a certificate from an approved radio engineer under section 25(4) of the Radiocommunications Act 1989.

If a characteristic frequency is not specified in clause 3 of the Schedule, the centre frequency of the frequency band will be entered into the Register for reference purposes.

This notice must be accompanied by an acknowledgement of the mortgagee's consent if section 26 of the Radiocommunications Act 1989 applies.

This licence must be signed in duplicate.

Schedule 7 form 7: amended, on 1 February 2015, by regulation 27(6) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 7 form 7: amended, on 1 July 2005, by regulation 9(1) of the Radiocommunications Amendment Regulations 2005 (2005 No 171).

Form 8

Notice of modification of spectrum licence

*Sections 57, 57A, 57B, and 57C Radiocommunications Act 1989*

To the Registrar of Radio Frequencies

\*I, [full name], being the rightholder for spectrum licence number [specify reference number], being a licence that section 57 of the Act applies to, give notice that the spectrum licence is modified in accordance with the Schedule.

[or]

\*I, [full name], being the manager under record of management rights number [specify reference number] in relation to spectrum licence number [specify reference number], being a licence that section 57A of the Act applies to, give notice that the spectrum licence is modified in accordance with the Schedule.

[or]

\*We, [full name], being the rightholder for spectrum licence number [specify reference number], and [full name], being the manager under the record of management rights number [specify reference number], in respect of that spectrum licence, being a licence that section 57B of the Act applies to, have agreed that the spectrum licence is modified in accordance with the Schedule. We give notice that the spectrum licence is modified in accordance with the Schedule.

\*Delete if inapplicable.

Date:

Signed by [name of rightholder]:

in the presence of:

Witness name:

Occupation:

Full address:

Date:

Signed by [name of manager]:

in the presence of:

Witness name:

Occupation:

Full address:

\*I, [full name], being the manager under record of management rights number [specify reference number], consent to the modification of the licence as specified in this notice, for the purposes of section 57C of the Act.

\*Delete if inapplicable.

Date:

Signed by [*name of manager*]:

in the presence of:

Witness name:

Occupation:

Full address:

[*Repeat if necessary for all relevant managers.*]

---

**Schedule**  
**Modifications to spectrum licence**

- 1 The modifications that are to apply to the spectrum licence are [*specify modifications using, where appropriate, the format set out in the prescribed form for spectrum licences (Form 7)*].
- 2 The date from which the modifications are to apply is [*specify date*].

**Note:** Before this notification may be registered, the Registrar may require a certificate from an approved radio engineer to be provided in accordance with section 57D of the Radiocommunications Act 1989.

If the authorities in the licence require the manager's or managers' approval of a modification of the licence, this notice must be signed by every manager that has a record of management rights, including any of the frequencies within the bandwidth of the licence.

This notice must be accompanied by an acknowledgment of a mortgagee's consent if section 26 of the Radiocommunications Act 1989 applies.

This notice must be signed in duplicate.

Schedule 7 form 8: amended, on 31 August 2012, by section 7(2) of the Radiocommunications Amendment Act 2012 (2012 No 65).

Schedule 7 form 8: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 9

Notice of transfer of spectrum licence

*Section 56, Radiocommunications Act 1989*

I, *[full name]*, being the rightholder for spectrum licence number *[specify reference number]*, in consideration of the sum of \$*[specify amount excluding goods and services tax]*, transfer the spectrum licence to *[full name]*, of *[full address]*.

Date:

Signed by *[name of rightholder]*:

in the presence of:

Witness name:

Occupation:

Full address:

Date on which the transfer of spectrum licences will take effect *[which should not be more than 1 month after the date of the notice]*:

**Note:** This notice must be signed in duplicate.

This notice must be accompanied by a consent from all relevant managers if section 56(2) or (3) of the Radiocommunications Act 1989 applies.

Schedule 7 form 9: amended, on 1 February 2015, by regulation 27(7) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 7 form 9: amended, on 1 July 2003, by regulation 14(3) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

## Form 10

## Notice of cancellation of spectrum licence

*Sections 57, 57A, and 57B, Radiocommunications Act 1989*

\*I, [full name], being the rightholder for spectrum licence number [specify reference number], being a licence that section 57 of the Act applies to, give notice that the spectrum licence is cancelled.

[or]

\*I, [full name], being the manager under record of management rights number [specify reference number] for spectrum licence number [specify reference number], being a licence that section 57A of the Act applies to, give notice that the spectrum licence is cancelled.

[or]

\*We, [full name], being the rightholder for spectrum licence number [specify reference number], and [full name] being the manager under record of management rights number [specify reference number] for that spectrum licence, being a licence that section 57B of the Act applies to, have agreed that the spectrum licence be cancelled. We give notice that the spectrum licence is cancelled.

\*Delete if inapplicable.

The date from which the cancellation will apply is [specify date].

Date:

Signed by [name of rightholder]:

in the presence of:

Witness name:

Occupation:

Full address:

Date:

Signed by [name of manager]:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** This notice must be signed in duplicate.

Schedule 7 form 10: amended, on 31 August 2012, by section 7(3) of the Radiocommunications Amendment Act 2012 (2012 No 65).

Schedule 7 form 10: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 11  
Memorandum of mortgage

*Section 74, Radiocommunications Act 1989*

Mortgage number: *[specify reference number]*.

- 1 Parties to the mortgage—
  - (a) mortgagor: *[specify full name, address, and occupation]*; and
  - (b) mortgagee: *[specify full name, address, and occupation]*.
- 2 Interest mortgaged: *[specify the interest to be mortgaged, ie, record of management rights number (specify reference number) or spectrum licence number (specify reference number)]*.
- 3 Principal sum: *[specify amount]*.
- 4 Date of advance: *[specify date]*.
- 5 Interest rate: *[specify agreed rate]*.
- 6 How interest is to be paid: *[specify whether yearly, monthly, or otherwise as the case may be]*.
- 7 How and when principal sum will be repaid: *[specify date and mode of payment agreed upon]*.
- 8 Other terms of the mortgage: *[specify any special covenants or conditions]*.
- 9 Priority of the mortgage: *[specify whether the mortgage ranks as a first mortgage, or a second mortgage, or otherwise as the case may be]*.

The mortgagor covenants with the mortgagee as set out above.

The mortgagor acknowledges receipt of the principal sum.

For the better securing of the principal sum, interest, and other moneys, the mortgagor mortgages to the mortgagee all of the interest of the mortgagor in the \*record of management rights [*or*] \*licence described above.

\*Delete if inapplicable.

Date:

Signed by *[name of mortgagor]*:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** This memorandum must be signed in duplicate.

Schedule 7 form 11: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

## Form 12

## Memorandum of increase or reduction of mortgage debt

*Section 75(1)(a), Radiocommunications Act 1989*

\*Record of management rights number: [*specify reference number*].

\*Spectrum licence number: [*specify reference number*].

\*Delete if inapplicable.

Mortgage number: [*specify reference number*].

Mortgagor: [*specify full name and address*].

Mortgagee: [*specify full name and address*].

The principal sum intended to be secured by—

\*the mortgage described above [*or*]

\*the attached mortgage—

is \*increased [*or*] \*reduced to \$[*specify amount*], from the date of this memorandum.

\*Delete if inapplicable.

Date:

Signed by [*name of mortgagor*]:

in the presence of:

Witness name:

Occupation:

Full address:

Signed by [*name of mortgagee*]:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** It is not necessary for a mortgagor to sign a memorandum of reduction of the mortgage debt, or for a mortgagee to sign a memorandum of increase of the mortgage debt.

This memorandum must be signed in duplicate.

Schedule 7 form 12: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 13

Memorandum of increase or reduction in rate of interest

*Section 75(1)(b), Radiocommunications Act 1989*

\*Record of management rights number: [*specify reference number*].

\*Spectrum licence number: [*specify reference number*].

\*Delete if inapplicable.

Mortgage number: [*specify reference number*].

Mortgagor: [*specify full name and address*].

Mortgagee: [*specify full name and address*].

The rate of interest payable under—

\*the mortgage described above [*or*]

\*the attached mortgage—

is \*increased [*or*] \*reduced to [*specify new rate*] per annum from the date of this memorandum.

\*Delete if inapplicable.

Date:

Signed by [*name of mortgagor*]:

in the presence of:

Witness name:

Occupation:

Full address:

Signed by [*name of mortgagee*]:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** It is not necessary for a mortgagor to sign a memorandum of reduction of the rate of interest payable under a mortgage, or for a mortgagee to sign a memorandum of increase of the rate of interest payable under a mortgage.

This memorandum must be signed in duplicate.

Schedule 7 form 13: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

## Form 14

Memorandum of renewal, shortening, or extension of term or currency of  
mortgage

*Section 75(1)(c), Radiocommunications Act 1989*

\*Record of management rights number: [*specify reference number*].

\*Spectrum licence number: [*specify reference number*].

\*Delete if inapplicable.

Mortgage number: [*specify reference number*].

Mortgagor: [*specify full name and address*].

Mortgagee: [*specify full name and address*].

The term (or currency) of—

\*the mortgage described above [*or*]

\*the attached mortgage—

is \*renewed [*or*] \*shortened [*or*] \*extended to: [*specify date*].

\*Delete if inapplicable.

Date:

Signed by [*name of mortgagor*]:

in the presence of:

Witness name:

Occupation:

Full address:

Signed by [*name of mortgagee*]:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** This memorandum must be signed in duplicate.

Schedule 7 form 14: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 15

Memorandum of variation of covenants, conditions, and powers under the  
mortgage

*Section 75(1)(d), Radiocommunications Act 1989*

\*Record of management rights number: [*specify reference number*].

\*Spectrum licence number: [*specify reference number*].

\*Delete if inapplicable.

Mortgage number: [*specify reference number*].

Mortgagor: [*specify full name and address*].

Mortgagee: [*specify full name and address*].

The covenants, conditions, and powers contained or implied in—

\*the mortgage described above [*or*]

\*the attached mortgage—

are varied from the date of this memorandum as follows: [*specify variations*].

\*Delete if inapplicable.

Date:

Signed by [*name of mortgagor*]:

in the presence of:

Witness name:

Occupation:

Full address:

Signed by [*name of mortgagee*]:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** This memorandum must be signed in duplicate.

Schedule 7 form 15: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 16  
Memorandum of priority of mortgages

*Section 77, Radiocommunications Act 1989*

\*Record of management rights number: [*specify reference number*].

\*Spectrum licence number: [*specify reference number*].

\*Delete if inapplicable.

Mortgage number: [*specify reference number*].

Mortgagor: [*specify full name and address*].

Mortgagee: [*specify full name and address*].

The priority of the following mortgages, in so far as they affect the—

\*record of management rights [*or*] \*spectrum licence—

described above is varied, from the date of this memorandum, as follows:

- (a) mortgage number [*specify reference number*] in favour of [*full name of first mortgagee*] and securing the principal sum of \$[*specify amount*] will rank as a first mortgage:
- (b) mortgage number [*specify reference number*] in favour of [*full name of second mortgagee*] and securing the principal sum of \$[*specify amount*] will rank as a second mortgage.

[*Insert additional particulars if there are more than 2 mortgages*]

\*Delete if inapplicable.

Date:

Signed by [*name of mortgagor*]:

in the presence of:

Witness name:

Occupation:

Full address:

Signed by [*name of second mortgagee*]:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** This memorandum must be signed by the mortgagor, and by the mortgagee under every mortgage that, by the memorandum, is postponed to any mortgage over which it previously had priority.

This memorandum must be signed in duplicate.

Schedule 7 form 16: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 17

Notice of default to mortgagor

*Section 79(1), Radiocommunications Act 1989*

Mortgage number: *[specify mortgage number]*.

\*Record of management rights number: *[specify reference number]*.

\*Spectrum licence number: *[specify reference number]*.

\*Delete if inapplicable.

To *[full name and last-known residential or business address of mortgagor]*.

**Default**

I *[full name of mortgagee]*, being the mortgagee under the mortgage described above, gives you notice that you are in default under the mortgage as follows:

1 You have failed to pay *[specify each default of payment claimed, stating the amount, due date, and nature (for example, principal, interest, insurance premiums, etc) of each missed payment, and any other particulars that are necessary to adequately inform the mortgagor of the nature and extent of the default]*.

The total amount now in arrears is \$*[specify amount]*.

2 You have failed to observe or comply with the following covenant(s) in the mortgage: *[specify each default complained of with sufficient particularity to adequately inform the mortgagor of the nature and extent of the default]*.

**Remedy**

You are required to remedy the default(s) described above as follows:

\*(a) by payment of the sum of \$ *[specify amount]*:

\*(b) by *[specify what action is required to remedy each default]*.

\*Delete if inapplicable.

*[If the default complained of is incapable of remedy, omit this paragraph and substitute the words "The default described above is incapable of remedy."]*

**Consequences**

If you do not remedy each default before *[specify date, which must not be earlier than 1 month from the date of service of the notice]*, the mortgagee will have the right to *[specify the rights that the mortgagee will be entitled to exercise if the default is not remedied within the specified period]*.

*[If the default complained of is incapable of remedy, omit the words "If you do not remedy each default before", and substitute the words "On and after".]*

Date:

Signed by, or on behalf of, the mortgagee:

in the presence of:

Witness name:

Occupation:

Full address:

This notice is given by [*full name*], whose address for service is [*specify address*].

Copy to: [*each subsequent mortgagee of whose name and address the mortgagee has actual notice*].

Form 18

Memorandum of discharge of mortgage

*Section 86(1), Radiocommunications Act 1989*

The mortgagee acknowledges that mortgage number [*specify reference number*] is discharged \*wholly [*or*] \*partially to the following extent [*specify the extent of the discharge*].

\*Delete if inapplicable.

Date:

Signed by [*name of mortgagee*]:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** This memorandum must be signed in duplicate.

Schedule 7 form 18: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

## Form 19

## Application to be registered as manager or rightholder by operation of law

*Section 87(1), Radiocommunications Act 1989***To** the Registrar of Radio Frequencies

I, *[full name]*, of *[address]*, apply to be registered as \*manager for the radio frequencies described in record of management rights number *[specify reference number]* [or] \*rightholder for spectrum licence number *[specify reference number]*.

\*Delete if inapplicable.

I believe that I am entitled to be registered by operation of law for the following reasons: *[specify sufficient information to inform the Registrar of the facts relied on to support the application]*.

The following persons have an interest in this application: *[list names and addresses of persons who have an interest in the application and who should be given notice of it, including persons who may oppose the application]*.

The following evidence accompanies this application: *[list the evidence that accompanies the application in order to establish the applicant's entitlement to be registered as manager or rightholder]*.

Signature of applicant:

in the presence of:

Witness name:

Occupation:

Full address:

Date:

**Note:** This application must be accompanied by the evidence in support of the application that is necessary to establish the applicant's entitlement to be registered as manager or rightholder.

Schedule 7 form 19: amended, on 1 July 2005, by regulation 9(2) of the Radiocommunications Amendment Regulations 2005 (2005 No 171).

Form 20  
Caveat

*Section 89(1), Radiocommunications Act 1989*

To the Registrar of Radio Frequencies

I, [full name], of [address],—

\*1 claim that I am \*entitled to [or] \*beneficially interested in,—

\*(a) the management rights for the radio frequencies relating to record of management rights number [specify reference number],

[or]

\*(b) spectrum licence number [specify reference number],

by virtue of \*an unregistered agreement [or] an instrument [or] \*an express or implied trust [or as the case may be].

[or]

\*2 am transferring to [full name] to be held in trust—

\*(a) the management rights for the radio frequencies relating to record of management rights number [specify reference number].

[or]

\*(b) spectrum licence number [specify reference number].

\*Delete if inapplicable.

I therefore forbid you to make any entry on the Register having the effect of—

\*charging, modifying, or transferring the management rights relating to this caveat, or creating any licence under those management rights.

[or]

\*charging, modifying, or transferring the licence relating to this caveat.

I believe that I am entitled to lodge this caveat because [specify the grounds on which the caveat is lodged].

I appoint [specify an address] as the place at which notices relating to this caveat may be served.

\*Delete if inapplicable.

Date:

Signed by [name of caveator]:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** This caveat must be signed in duplicate.

Schedule 7 form 20: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Form 21  
Withdrawal of caveat

*Section 96(1), Radiocommunications Act 1989*

Caveat number: [*specify reference number*].

**To** the Registrar of Radio Frequencies

I, [*full name*], having lodged caveat number [*specify reference number*] for—

\*record of management rights number [*insert reference number*] [*or*]

\*spectrum licence number [*insert reference number*],

withdraw that caveat as to—

\*the whole of the \*management rights [*or*] \*spectrum licence protected by the caveat  
[*or*]

\*the following part of the \*management rights [*or*] \*spectrum licence protected by  
the caveat: [*here specify that part of the management rights or licence for which the  
caveat is withdrawn*].

\*Delete if inapplicable.

Date:

Signed by [*name of caveator*]:

in the presence of:

Witness name:

Occupation:

Full address:

**Note:** This withdrawal of caveat must be signed in duplicate.

Schedule 7 form 21: amended, on 1 July 2003, by regulation 14(2) of the Radiocommunications  
Amendment Regulations 2003 (SR 2003/145).

Form 22  
Application for correction of register  
*Section 23, Radiocommunications Act 1989*

To the Registrar of Radio Frequencies

I, *[full name]*, request that the record on the Register of the particulars set out in the instrument described below be corrected on the grounds recorded below.

Instrument relating to this application: *[specify the instrument]*.

\*Record of management rights relating to the instrument: *[specify reference number]*.

\*Spectrum licence relating to the instrument: *[specify reference number]*.

Details of correction requested: *[specify the correction requested]*.

Grounds for correction: *[specify the grounds for the correction]*.

\*Delete if inapplicable.

Signature of applicant:

in the presence of:

Witness name:

Occupation:

Full address:

Date:

**Note:** This application must be accompanied by a copy of the certificate issued under section 17(b) of the Radiocommunications Act 1989 that relates to the record on the Register that is relevant to this application.

This application must be signed in duplicate.

Schedule 7 form 22: amended, on 1 July 2005, by regulation 9(3) of the Radiocommunications Amendment Regulations 2005 (2005 No 17).

Form 23

Consent by rightholder to transfer of management rights

*Section 42(2), Radiocommunications Act 1989*

I, *[full name]*, being the rightholder under spectrum licence number *[specify reference number]* consent to the transfer of management rights as specified in the Schedule.

Date:

Signed by *[name of rightholder]*:

in the presence of:

Witness name:

Occupation:

Full address:

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***Schedule***

***Management rights transferred***

- 1 Record of management rights number: *[specify reference number]*.
- 2 Frequencies in respect of which management rights are transferred: *[specify range of frequencies]*.
- 3 Transferee: *[specify full name and address of transferee]*.

## Form 24

## Consent by mortgagee to grant or modification of spectrum licence

*Section 26(1), Radiocommunications Act 1989*

I, [full name], being the mortgagee under mortgage number [specify reference number], for record of management rights number [specify reference number], acknowledge that I have consented to—

\*the grant of the spectrum licence \*attached [or] \*as specified in the Schedule.

[or]

\*the modification of spectrum licence number [specify reference number] \*as specified in the attached Notice of modification of spectrum licence [or] \*as specified in the Schedule.

\*Delete if inapplicable.

Date:

Signed by [name of mortgagee]:

in the presence of:

Witness name:

Occupation:

Full address:

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**Schedule**

***Grant or modification of spectrum licence***

The details of the \*spectrum licence [or] \*modifications that apply to the spectrum licence are [specify details of the spectrum licence or modifications using, where appropriate, the format set out in the prescribed form for spectrum licences (Form 7)].

\*Delete if inapplicable.

Form 25

Consent by manager to transfer of spectrum licence

*Section 56, Radiocommunications Act 1989*

I, [full name], being the manager under record of management rights number [specify reference number], consent to the transfer of spectrum licence number [specify reference number] to [full name] of [full address].

Date:

Signed by [name of manager]:

in the presence of:

Witness name:

Occupation:

Full address:

[Repeat if necessary for all relevant managers.]

## Form 26

## Request to refer matter to arbitration

*Section 108(6) and (7), Radiocommunications Act 1989*

To the chief executive of the Ministry of Business, Innovation, and Employment

I, [full name], being the rightholder for spectrum licence number [specify reference number] (or the holder of radio licence number [specify reference number] or the owner of the radionavigation or safety receiver described as [specify description of receiver]), request under section 108(6) (or section 108(7)) of the Radiocommunications Act 1989 that the chief executive of the Ministry of Business, Innovation, and Employment refer the matter described below to arbitration under section 109 of that Act.

- 1 The respondent's name is [specify full name of respondent].
- 2 The respondent is the rightholder for spectrum licence number [specify reference number] (or the holder of radio licence number [specify reference number]).
- 3 A notice under section 108(1) of the Radiocommunications Act 1989 was served on the respondent on [specify date]. A copy of the notice is attached to this form.
- \*4 The action specified in the notice has not been taken within 10 working days of the notice being properly given.
- \*5 I continue to believe that the respondent's transmissions have caused or contributed to, or are causing or contributing to, harmful interference in my protection area.
- \*6 I continue to believe that the action that is specified in the notice is justified.
- 7 The matters that the chief executive of the Ministry of Business, Innovation, and Employment must be satisfied of in section 109(1)(a) to (c) and (f) of the Radiocommunications Act 1989 are satisfied because [specify sufficient information to satisfy the chief executive of the Ministry of Business, Innovation, and Employment of the matters specified in section 109(1)(a) to (c) and (f) of the Radiocommunications Act 1989. Supporting documentation should be attached if appropriate].
- 8 The respondent and I have not agreed on a method of reaching an agreement to deal with the harmful interference or to refer the matter to arbitration.

or

- 8 The respondent and I agreed on a method of reaching an agreement to deal with the harmful interference under section 108(5)(c) of the Radiocommunications Act 1989, but no agreement was reached within 20 working days of the notice being properly given.

\*9 The chief executive of the Ministry of Business, Innovation, and Employment has made the following directions under section 108(3) of the Radiocommunications Act 1989: [*briefly describe the directions*].

10 My address for service is [*specify address*].

\*Delete if inapplicable.

Date:

Signed by [*name of claimant*]:

in the presence of:

Witness:

Occupation:

Address:

**Note:** This request must be accompanied by a copy of the notice given under section 108(1) of the Radiocommunications Act 1989. This request (together with any supporting documentation) should be sent, as soon as practicable, to the respondent by the claimant.

Schedule 7 form 26: amended, on 1 February 2015, by regulation 27(8) of the Radiocommunications Amendment Regulations 2014 (LI 2014/374).

Schedule 7 form 26: added, on 1 July 2003, by regulation 14(4) of the Radiocommunications Amendment Regulations 2003 (SR 2003/145).

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 13 September 2001.

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## **Radiocommunications Amendment Regulations 2003**

(SR 2003/145)

Silvia Cartwright, Governor-General

### **Order in Council**

At Wellington this 23rd day of June 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 115, 116, 134, and 135 of the Radiocommunications Act 1989, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### **Regulations**

#### **1 Title**

- (1) These regulations are the Radiocommunications Amendment Regulations 2003.
- (2) In these regulations, the Radiocommunications Regulations 2001 (SR 2001/240) are called “the principal regulations”.

#### **2 Commencement**

These regulations come into force on 1 July 2003.

#### **15 Transitional provision**

- (1) Subclause (2) applies to a person who, before the commencement of these regulations, has paid a fee under regulation 38(1) of the principal regulations (as in force immediately before the commencement of these regulations) but has not yet paid a fee under regulation 38(2)(a) of the principal regulations (as in force immediately before the commencement of these regulations).
- (2) The person must, instead of paying the fee under regulation 38(1) of the principal regulations (as substituted by these regulations), pay the fee under regulation 38(2)(a) of the principal regulations (as in force immediately before the commencement of these regulations).
- (3) Regulations 38(4) and 39(5) of the principal regulations (as in force immediately before the commencement of these regulations) continue to apply to the

Reprinted as at  
1 October 2017

**Radiocommunications Regulations 2001**

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fees payable before the commencement of these regulations under regulations 38 and 39 of the principal regulations.

Marie Shroff,  
Clerk of the Executive Council.

Date of notification in *Gazette*: 26 June 2003.

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## **Radiocommunications Amendment Regulations 2004** (SR 2004/126)

Silvia Cartwright, Governor-General

### **Order in Council**

At Wellington this 17th day of May 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 116 and 134 of the Radiocommunications Act 1989, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### **Regulations**

#### **1 Title**

- (1) These regulations are the Radiocommunications Amendment Regulations 2004.
- (2) In these regulations, the Radiocommunications Regulations 2001 (SR 2001/240) are called “the principal regulations”.

#### **2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

#### **12 Transitional provision for holders of limited amateur operator’s certificate**

Every person who, immediately before the commencement of these regulations, is the holder of a limited amateur operator’s certificate must be treated, on and after the commencement of these regulations, as being a holder of a general amateur operator’s certificate.

Diane Morcom,  
Clerk of the Executive Council.

Date of notification in *Gazette*: 20 May 2004.

## **Radiocommunications Amendment Regulations 2005** (SR 2005/171)

Silvia Cartwright, Governor-General

### **Order in Council**

At Wellington this 20th day of June 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 116, 134, and 135 of the Radiocommunications Act 1989, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### **Regulations**

#### **1 Title**

- (1) These regulations are the Radiocommunications Amendment Regulations 2005.
- (2) In these regulations, the Radiocommunications Regulations 2001 (SR 2001/240) are called “the principal regulations”.

#### **2 Commencement**

- (1) These regulations (except regulation 7) come into force on 1 July 2005.
- (2) Regulation 7 comes into force on 1 December 2005.

#### **10 Transitional provisions**

- (1) If a licensee of a radio licence has paid a fee under regulation 38(1) of the principal regulations (as in force immediately before the commencement of this regulation), the licensee is not liable to pay the fee under regulation 38(1)(a) of the principal regulations as substituted by regulation 6 of these regulations for that licence.
- (2) If a rightholder of a spectrum licence has paid a fee under regulation 39(2) of the principal regulations (as in force immediately before the commencement of this regulation), the rightholder is not liable to pay the fee under regulation 39(2)(a) of the principal regulations as substituted by regulation 6 of these regulations for that licence.

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- (3) Sections 38(4) and 39(6) of the principal regulations (as in force immediately before the commencement of this regulation) continue to apply to fees payable before the commencement of these regulations.

Diane Morcom,  
Clerk of the Executive Council.

Date of notification in *Gazette*: 23 June 2005.

## **Reprints notes**

### **1 *General***

This is a reprint of the Radiocommunications Regulations 2001 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2 *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3 *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4 *Amendments incorporated in this reprint***

Radiocommunications Amendment Regulations 2017 (LI 2017/120)  
Radiocommunications Amendment Regulations 2014 (LI 2014/374)  
Radiocommunications Amendment Act 2012 (2012 No 65): section 7  
Criminal Procedure Act 2011 (2011 No 81): section 413  
Radiocommunications Amendment Regulations 2007 (SR 2007/366)  
Radiocommunications Amendment Act 2006 (2006 No 54): section 35  
Radiocommunications Amendment Regulations 2006 (SR 2006/271)  
Radiocommunications Amendment Regulations 2005 (SR 2005/171)  
Radiocommunications Amendment Regulations 2004 (SR 2004/126)  
Radiocommunications Amendment Regulations 2003 (SR 2003/145)