

SAMOA

RADIO SPECTRUM RULES 2018

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PURSUANT to section 23 of the Telecommunications Act 2005 (“the Act”), the Regulator issues these Rules for the management, use and operation of radio spectrum in Samoa and in correlation with the National Spectrum Plan:

DATED this 19th day of February 2018.



.....
(Lefaoalii Unutoa Auelua Fonoti)
REGULATOR

Preamble:

- 1. The Radio Frequency Spectrum (“Radio Spectrum”) is a resource that can be used to increase the efficiency and productivity of Samoa’s work force and to enhance the quality of life of the people of Samoa. It is used to provide a range of radiocommunication services including, but not

limited, to personal and corporate communications, radio navigation and broadcasting.

2. The Radio Spectrum is however a limited resource, which needs to be efficiently and effectively managed to ensure that it is not wasted but used for the optimum benefit of our society and economy. Furthermore the use of Radio Spectrum needs to be coordinated to avoid interference problems.

RULES

PART 1 PRELIMINARY

1. Citation and commencement - These Rules may be cited as the Radio Spectrum Rules 2018, and commence on the date they are signed by the Regulator.

2. Definitions - In these Rules, unless the context otherwise requires:

“amateur station” means a station that a licensed amateur radio operator is authorised to use for the purposes of self-training in radiocommunications, inter-communication with other radio operators and technical investigation into radiocommunications without any direct or indirect pecuniary interest;

“authorised officer” means any officer authorised under rule 34;

“day” means a day of a calendar month, including a Saturday, Sunday or public holiday declared or set out under the Public Holidays Act 2008;

“*force majeure*”:

(a) means any event that is outside the reasonable control of the licensee; and

(b) without limitation, includes -

(i) the failure of any supplier to deliver equipment at the specified time;

(ii) an act of God, such as lightning, earthquake, cyclone or flood;

(iii) an industrial dispute of any kind;

(iv) a war or military operations;

- (v) a blockage or civil disturbance;
- (vi) fire or explosion;
- (vii) weather of exceptional severity;
- (viii) interruption or failure of utility service (including but not limited to electric power, gas, water);
- (ix) an emergency declared under an enactment.

“licence” means a licence issued under section 22 of the Act;

“licensee” means the holder of a licence;

“National Spectrum Plan” means the Plan prepared under section 22 of the Act;

“radiocommunication” means any transmission, emission or reception of signs, signals, impulses, writing, images, sounds, or intelligence of any nature, including radio frequency emission, by the free radiation in space of electromagnetic waves of frequencies between 9 kHz and 3,000 GHz;

“Radio Frequency Band Allocation Plan” means the Plan prepared under rule 5;

“radio spectrum” means that part of the spectrum in the range of 9 kHz and 3,000 GHz;

“radio station” means any facility or installation that emits radio frequencies on a permanent or temporary basis;

“Regulations” means Regulations made under the Act;

“short range devices” or “SRDs” means the devices referred to in rule 31;

“station” means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location or in one mobile station for carrying on a radiocommunication service or the radio astronomy service;

“year” means a calendar year commencing on 1 January and ending on 31 December.

3. Objective-(1) The objective of these Rules is to establish fair and objective rules and procedures to manage the use of radio spectrum pursuant to the Act.

(2) These Rules are to be implemented in a non-discriminatory, proportionate and transparent manner in respect of all relevant persons and entities (whether privately, publicly or jointly owned) having regard to objectively specified criteria.

PART 2

PLANS AND ALLOCATION OF SPECTRUM

4. National Spectrum Plan - The Regulator must consider the policy and objectives relating to the future use of radio frequency when preparing the National Spectrum Plan under section 22 of the Act.

5. Radio Frequency Band Allocation Plan - The Regulator must:

- (a) prepare a Radio Frequency Band Allocation Plan;
- (b) publish it for information in any form as the Regulator considers appropriate;
- (c) ensure that it is consistent with the International Telecommunications Union's Regional Allocation Plan of Frequency Allocations for Region 3 and Radio Regulations and Resolutions; and
- (d) ensure that it specifies the services to which particular radio frequency bands are allocated.

6. Amendment to National Spectrum and Radio Frequency Band Allocation Plans - The Regulator may amend the National Spectrum Plan or the Radio Frequency Allocation Plan (in whole or in part) if the Regulator considers that the amendment is necessary for the implementation of the Act.

7. Granting access to use of radio spectrum-(1) The Regulator may:

- (a) by licence, determine any specified part of the radio spectrum to be assigned on an exclusive or shared basis for use by stations belonging to an individual or entity; or

(b) without a licence, determine that any specified part of the radio spectrum be made available for the use and access to radio spectrum by users of short range devices.

(2) The Regulator may, upon receipt of a prescribed fee, grant a licence to any person to use a specified part of the radio spectrum under sub-rule (1), subject to any conditions specified by the Regulator.

(3) Users of short range devices must, at all times, comply with these Rules, or terms and conditions specified by the Regulator, including, but not limited to users providing details of stations operating with the use of short range devices.

(4) The Regulator may refuse to grant authorisation to use any part of the radio spectrum to any person where the person refuses to comply with any of the requirements the Regulator considers necessary.

8. Procedures for access to use of radio spectrum -

The procedure for granting access the use of radio spectrum, the conditions for participating in the allocation of radio spectrum and the fees payable for the use of radio spectrum must be determined by the Regulator.

9. Power of the Regulator to change radio frequency-

(1) The Regulator may change the radio frequency assigned to the licensee under the licence where there are compelling reasons to do so.

(2) The Regulator will provide reasonable notice to users affected by the change in radio frequency in order to ensure minimum disruption of services.

10. Procedures for inspections-(1) The Regulator or any authorised officer may:

(a) upon producing their identification, enter any property where a station, network or equipment is located for the purposes of inspection; and

(b) inspect any station, network or equipment to check that whether the operations of that station, network or equipment comply with the requirements of the licence and these Rules.

(2) The licensee must make all reasonable efforts to co-operate with the Regulator or the authorised officer.

PART 3 LICENCES

Division 1 - General

11. Power to issue any types of licences - Any reference in these Rules to the power of the Regulator to issue a licence refers to the power under section 22(2)(g) of the Act to issue radio spectrum licences including the power:

- (a) to refuse, suspend, vary or cancel the licence; or
- (b) to determine the types of spectrum licences to which a person is entitled to for any existing or proposed radio station and radiocommunication services.

12. Requirement for licence - A person must not use any part of the radio spectrum except with a licence authorising that person:

- (a) to establish, operate or use a radiocommunication service;
- (b) to install, operate or use any radio transmitting equipment;
- (c) to establish, operate or use any radiocommunication service on board any ship, aircraft or other vessel in the territorial waters of Samoa.

13. Procedure and eligibility criteria for granting of a licence-(1) A person who applies for a licence or renewal of a licence must:

- (a) submit an application in writing to the Regulator and pay the prescribed fees;
- (b) provide, on the written request of the Regulator, any additional technical specifications, financial information and legal information including any other necessary approvals, permits, licences or authorisations required

by law associated with the possession, establishment, installation, maintenance, provision or operation of any station, network or equipment; and

(c) meet any other requirements or criteria specified, in writing, by the Regulator.

(2) A licence is:

(a) valid for any period as the Regulator may determine unless suspended or terminated in accordance with the Act; and

(b) subject to the conditions, including any restrictions or limitations contained in these Rules or in the licence.

(3) A licence must not exempt the licensee from obtaining any other approval permit, licence or authorisation required by law or in connection with possession, establishment, installation, maintenance, provision or operation of any station, network or equipment.

14. Conditions of licence - A licence for radio spectrum is subject to any conditions of the licence imposed by the Regulator as he or she considers appropriate, including any of the following conditions:

(a) type of station, network or equipment the person is authorised to use;

(b) conditions regarding the use of the frequency or frequencies so licensed;

(c) the expiration and renewal of the licence;

(d) the circumstances under which the licence may be amended, including but not limited to force majeure, national security or any amendment to any enactment, implementation of international obligations or the National Spectrum Plan;

(e) types of emission, power and other technical and operational requirements for radiocommunication services, to avoid harmful interference and to limit exposure of the general public to electromagnetic fields, including -

(i) conditions specifying the maximum permitted level of radio emission that may be caused by operation

of a station, network or equipment under the licence;

(ii) conditions specifying the location or locations at which operation of a station is authorised;

(iii) the geographic coverage area and population coverage area within which the operation of a station or network is authorised;

(iv) conditions specifying the maximum permitted level of radio emission, outside the coverage area referred to in rule 14(1)(e)(iii), that may be caused by the operation of the station or network;

- (f) conditions specifying part or parts of the frequency of the radio spectrum in which operation of a station, network or equipment is authorised;
- (g) the bandwidth or frequency range for which the licence authorises use;
- (h) conditions specifying periods during which the operation of a station or network is authorised;
- (i) payment of the fees prescribed under section 10 of the Act;
- (j) conditions requiring licensee to comply with the directions of the Regulator concerning the use of the spectrum;
- (k) conditions of minimum coverage requirements;
- (l) coordination of radio frequencies internationally and any other conditions imposed, in writing, by the Regulator for the efficient use of the radio spectrum.

15. Amendment or additional conditions-(1) The Regulator may amend or impose additional conditions of the licence.

(2) The licensee, at his or her own expense, must comply with any amendments or additional conditions made under sub-rule (1).

16. Transfer of licence - A licensee must not:

- (a) assign, sublet, transfer or otherwise dispose of the rights and obligations contained in the licence; or
- (b) enter into an agreement with a third party assigning any rights and privileges granted to the licensee to that third party.

17. Suspension or revocation of licence - The Regulator may suspend or revoke a licence if the Regulator is satisfied that:

- (a) the licence was obtained by fraud or misrepresentation; or
- (b) the licensee is contravening or has contravened -
 - (i) any of the provisions of the Act or Regulations;
 - (ii) any terms or conditions of the licence; or
 - (iii) any direction given to the licensee by the Regulator under the Act or Regulations.

18. Licence fees-(1) A licensee must pay the annual licence fees, including any interest for overdue fees, prescribed under section 10 of the Act.

(2) The Regulator may permit any person to use any radio frequency band for any network or station for a period not exceeding 90 days at a time upon payment of the fees prescribed under section 10 of the Act.

(3) Sub-rule (2) does not apply to any use of radio frequency band granted under a spectrum right, or permitted under a network licence, a station licence or a spectrum licence.

Division 2 - Radio Spectrum Licence

19. Radio spectrum licence-(1) The Regulator may issue a person or entity a radio spectrum licence under section 22 of the Act authorising the licensee to operate radio stations on the assigned radio frequencies or frequency bands under the Act, these Rules and the conditions of that licence.

- (2) The Regulator must not issue a spectrum licence unless:
- (a) all relevant technical standards are met; and
 - (b) any other requirements specified in writing by Regulator are met.
- (3) The licensee:
- (a) must -
 - (i) keep up-to-date records of frequencies along with required technical characteristics assigned by the Regulator to the licensee; and
 - (ii) submit the records to the Regulator within 14 days of a written request by the Regulator; and
 - (b) must not use the spectrum in a manner which causes interference with other licensed radiocommunication services.

Division 3 - Station

- 20. Station-**(1) The Regulator must authorise a station where the radiocommunication service requires the use of a specific location, technical standard, equipment or frequencies within a frequency band in order:
- (a) to achieve the purpose of the radiocommunication service; or
 - (b) to facilitate co-existence with other radiocommunication services.
- (2) Station types include the following:
- (a) aeronautical;
 - (b) aircraft;
 - (c) amateur;
 - (d) broadcasting;
 - (e) maritime;
 - (f) satellite communications;
 - (g) ship;
 - (h) special purpose;
 - (i) general radiocommunication;
 - (j) test and development;
 - (k) any other kind determined under rule 11(b).
- (3) A station authorisation permits the licensee to operate a station specified in the licence, pursuant to the Act, Regulations, these Rules and any conditions of the licence.

(4) A station for radiocommunication service must not, without the prior approval of the Regulator, be changed or modified in respect of any of the particulars contained in the licence, including:

- (a) the radiocommunication equipment;
- (b) the operating radio frequencies; and
- (c) the location at which the station or network is installed.

(5) The licensee must comply with the Act, Regulations, these Rules, other enactment or any international rules or regulations applicable to the station.

21. Aeronautical station-(1) The Regulator must only issue an aeronautical station authorisation for an aeronautical ground station, radiolocation or radionavigation system of a station on a civil aircraft registered under the Civil Aviation Act 1998.

(2) The operations covered in an aeronautical station authorisation licence may include the following:

- (a) all mobile stations operating on the ground in support of aircraft operations;
- (b) mobile stations operating in the air communicating with other mobile stations in the air or on the ground including non-mobile stations such as airport control towers;
- (c) any other station or matter determine in writing by the Regulator.

22. Aircraft station-(1) An aircraft station authorisation permits the licensee to establish, maintain and operate a radiocommunication apparatus on board an aircraft.

(2) The types of equipment included in aircraft station are:

- (a) aircraft transmitters and receivers;
- (b) aircraft radio-navigation apparatus such as automatic direction finders, beacon receivers, instrument landing systems, transponders and weather radars; and
- (c) any other equipment determined in writing by the Regulator.

(3) Any apparatus comprised in a station on board an aircraft must meet the applicable requirements of the International Civil Aviation Organisation and comply with

the Civil Aviation Act or other enactment regulating civil aviation.

(4) A station fitted in an aircraft must not be operated or used while the aircraft is at rest on land or water in Samoa except:

- (a) in times of emergency or distress;
- (b) for communication and navigation purposes relating to air navigation;
- (c) for the purposes of carrying out experimental tests with the written approval of and subject to such conditions as may be determined by the Regulator; or
- (d) for the purpose of carrying out functional tests on frequencies other than on international distress frequencies to determine the serviceability of the station.

23. Amateur station-(1) The following are types of amateur stations:

- (a) general class (authorised to transmit morse code);
- (b) restricted class (not authorised to use morse code);
- (c) novice;
- (d) limited; or
- (e) any other type determined under rule 11(b).

(2) An amateur station:

- (a) is only to be issued to qualified or approved persons determined by the Regulator, for the operation of radio-communication equipment solely for the purpose of self-training, intercommunication and technical investigations in radio technique and not for pecuniary gain purpose; and
- (b) does not authorise the licensee to allow use of the radiocommunication equipment by any other person not holding a valid licence; and
- (c) despite rule 20(3), may be mobile or experimental, subject to any conditions imposed by the Regulator.

(3) Unless exempted by the Regulator, the applicant for an amateur station must:

- (a) have an amateur radio certificate acceptable to the Regulator; and

- (b) in order to qualify for an amateur station licence, (general class), provide evidence of proficiency in sending and receiving of Morse code at 13 words a minute.
- (4) The licensee must observe the following conditions:
- (a) the station -
 - (i) is not to be operated at any locations or in any geographical areas that are expressly prohibited in the licence;
 - (ii) in all cases, is to be operated by the licensee or agents authorised in writing by the licensee under the licensee's supervision;
 - (b) the licensee must -
 - (i) ensure that no harmful interference to the other radiocommunication services is caused by any equipment operated under the licence and immediately cease transmission if requested to do so, in writing, by the Regulator or an authorised officer;
 - (ii) obtain the approval of all relevant authorities, including the Regulator, before erecting any mast or antenna for the operation of the station;
 - (iii) identify himself or herself by transmission of the call sign assigned, in writing, to the licensee by the Regulator at the beginning and end of each communication and every 5 minutes during any given communication;
 - (iv) keep a log of all transmission periods showing the date and time of each period of transmission, the station communicated with and the radio frequency and type of emission employed;
 - (v) keep the record of each entry made for 1 year; and
 - (vi) make the record mentioned in paragraph (v) available for inspection at all reasonable times by an authorised officer.

(5) The following conditions are treated as conditions of an amateur station:

- (a) messages transmitted through an amateur station are to be in plain language and are to relate solely to the licensee's experiments or personal affairs (not being business affairs), or to the personal affairs of the person with whom the licensee is communicating;
- (b) the amateur station is not to be used for transmitting news, advertisements, communications of a business or non-experimental character, messages for pecuniary reward or messages for and on behalf of a third party;
- (c) despite paragraph (b), an amateur station may be used to transmit messages on behalf of a third party only in cases of national emergencies or national disaster relief efforts;
- (d) the amateur station is not to be used as a broadcast station for news, music or any other transmission except for distress messages;
- (e) except with the prior written approval of the Regulator, the licensee must not call or transmit to any station other than an amateur station;
- (f) messages may only be exchanged with another amateur station except where the message is prohibited by law;
- (g) transmission must not commence without listening in on the radio frequency to be used in order to ascertain that no interference is likely to be caused by any other station which may be functioning;
- (h) the licensee may not use any encryption devices or equipment in the operation or use of the station;
- (i) the licensee must, if required by the Regulator, transmit through the authorised station any message of the Regulator;
- (j) any obscene language must not be transmitted through the authorised station; and

- (k) any other condition imposed in writing by the Regulator.

24. Broadcasting station-(1) The Regulator must give authorisation for a broadcasting station for the operation of a radio or television station, authorising the licensee to provide broadcasting services through radio-transmitting equipment.

(2) The use of radio spectrum for broadcasting services under the broadcasting authorisation is subject to the Act, these Rules and any conditions of the broadcasting licence.

(3) The licensee:

(a) must -

(i) provide the Regulator with a site map of the licensee's transmitters, the effective radiated power, the radiated pattern and any other information required by the Regulator;

(ii) keep an up-to-date record of the information required under paragraph (a); and

(iii) if required by the Regulator, give the information to the Regulator in writing; and

(b) with the prior approval of the Regulator, may change the location or any of the technical parameters of any transmitter.

25. Maritime station-(1) A maritime station authorisation may be issued for coastal maritime, including limited coast stations or maritime stations.

(2) A maritime station may be granted authorisation if:

(a) the station is operated by an appropriate number and category of radio operators holding appropriate qualifications to operate radiocommunication stations; and

(b) the ship complies with any other requirements, determined by the Regulator.

(3) A maritime station must:

(a) provide on board the ship all documents either considered necessary by the Regulator or required under these Rules or the efficient

operation of the station carried on board the ship; and

- (b) comply with the working procedures set out in these Rules and any other requirements determined by the Regulator.

(4) A station on board any ship in the territorial waters of Samoa must be operated in a manner as not to impair or interfere with the efficient and convenient working of any other station or network or telecommunications system or service in Samoa.

(5) A station on board any ship must not be used if the crew of the ship observes, or when the crew has been informed by the Regulator that the operation of the station causes interference to radiocommunication.

26. Satellite station-(1) The following classes of satellite communication station may be issued authorisation to transmit or transmit and receive messages by means of satellite communication for any purposes authorised by the Regulator:

- (a) very small aperture terminal (VSAT) licence;
- (b) tracking, telemetry and command (TT & C) Earth station licence;
- (c) earth station licence;
- (d) portable satellite station terminal licence.

(2) The satellite station must:

- (a) seek the approval of the Regulator for access to any space segment and comply with the relevant rules, regulations and procedures set by the satellite operator for station access, booking, charges and fees;
- (b) not use any of the satellite communication equipment for the provision of a public telecommunications or broadcasting service, without having applied for, and been granted the appropriate licence by the Regulator; and
- (c) use or work within the radio frequency bands approved by the Regulator for the licensee's use.

27. Ship station-(1) A ship station may be issued:

- (a) for all radiocommunication equipment on board a ship (including maritime radio-navigation or

radiolocation systems or stations installed on a ship's lifeboats) if the ship is registered or licensed in Samoa under the Shipping Act or any other enactment; or

- (b) if the ship on which the station is to be carried has a valid internationally recognised Safety Radio Certificate.

(2) A station on board a ship (whether licensed by the Regulator or by a relevant foreign authority) may be used while the ship is in the territorial waters of Samoa, subject to compliance with International Maritime Organisation and International Telecommunications Union regulations for the purposes of:

- (a) safety of navigation, life or property or for any other purposes as the Regulator may authorise; and
- (b) communication on the radio frequency bands, as may be specifically authorised by the Regulator, including internationally designated frequencies for maritime communication, subject to any conditions determined by the Regulator, if the use of the station does not cause interference to the working of any other station or network licensed under these Rules.

28. Special purpose station-(1) An authorisation may be issued for the installation and operation of any special purpose station, subject to any condition imposed by the Regulator.

(2) In this rule, "special purpose station" means a station which can be established exclusively for use in connection with a special event for a limited time period and not for any commercial service offering.

29. General radiocommunication station-(1) A localised radiocommunication station may be granted authorisation to use one or more of the following equipment:

- (a) point to point fixed link;
- (b) point to multi-point fixed link;
- (c) private mobile radio;
- (d) trunked mobile radio;

(e) radio-navigation and radiolocation systems which do not fall under aeronautical or maritime type station;

(f) any other type of station which the Regulator considers appropriate.

(2) The Regulator may, in the interest of the efficient use of radio spectrum or for any other reason, use any existing radio transmission sites or share a radio frequency with other stations, subject to condition the Regulator may impose.

30. Test and development station-(1) A test and development station authorisation may be issued for any of the following purposes:

(a) educational institutions, training establishments or qualified persons as the Regulator may determine for the purpose of conducting research and development activities, experiments or demonstrations in radiocommunications; or

(b) licensed dealers in, or manufacturers or importers of, radiocommunication equipment for the purpose of testing, demonstrating or conducting research and development in radiocommunication technologies or services.

(2) A test and development station:

(a) may not be used (other than as authorised in any conditions) -

(i) to provide public telecommunications services on a commercial basis; or

(ii) to provide any service to the general public; or

(b) must not confer any entitlement on the part of the licensee to any station or spectrum licence in the future.

(3) The Regulator may limit the maximum power of a station for which a test and development station has been granted, having regard to the purpose for which the station has been authorised and the conditions under which it is to work.

(4) The licensee must monitor the assigned frequency band for any potential interference and must provide to the Regulator the results of its monitoring exercise.

PART 5 SHORT RANGE DEVICES (SRDs)

31. SRDs-(1) SRDs:

- (a) refer to radio devices or transmitters which provide either unidirectional or bi-directional communication and have low capability of causing interference to other equipment; and
- (b) use integral, dedicated or external antennas and all types of modulation and channel patterns.

(2) An unlimited list of SRDs is set out in Part 1 of the Schedule.

32. SRDs operational principles-(1) SRDs are permitted to operate on a non-interference and non-protected basis.

(2) SRDs operate on a secondary basis for the designated bands and must not interfere with the other users in the radio frequency band.

(3) The maximum powers and designated frequencies set out in Part 2 of the Schedule must not be exceeded except with the prior written approval of the Regulator.

PART 6 DUTIES AND GENERAL OBLIGATIONS

33. Spectrum sharing - A licensee must not share or authorise another person or persons to use any part of the spectrum assigned to the licensee without the prior written approval of the Regulator who must not unreasonably withhold the approval.

34. Authorised officers - The Regulator may, in writing, authorise an officer of the Office to carry out any functions, duties or powers under these Rules.

35. Inspection of radiocommunication equipment-(1)
The licensee must permit an authorised officer (on providing identification):

- (a) to enter any building, premises, compound or other place, vehicle, vessel or aircraft where any station or network is installed, or is being installed; and
 - (b) to inspect, examine or test any equipment comprised in the station or network.
- (2) A person must not:
- (a) intercept or acquaint himself or herself with the contents of any radiocommunication other than those transmitted for general information or for the information of licensees belonging to the same licensed network; or
 - (b) print or publish or cause to be published or broadcasted any private or general reception radio-communication that may be or pass through that person's possession, or come to that person's knowledge, if the person has unauthorised access to the radio-communication.

(3) Except as otherwise provided in these Rules or by the conditions of a licence, a person having access to radiocommunication must strictly hold in confidence all radiocommunication (except those transmitted for general information) which may pass through that person's hands or come to that person's knowledge.

(4) Any licensee who owns, possesses or uses electrical, electronic or radiocommunication equipment which causes or is suspected of causing electrical or radiated interference or disturbance to telecommunications equipment, stations, networks or systems must permit the Regulator or an authorised officer to inspect that person's equipment in order to determine whether the interference is in fact being caused by the licensee's equipment.

36. Station and network to be used for lawful purposes - A person must not operate or use any radio spectrum station or network for or in furtherance of any unlawful or illegal purpose.

37. Restrictions on transmission-(1) A person must not transmit any unauthorised signals by a radio spectrum station or network.

(2) A person must not undertake any test, trial or practical transmission except with the prior written approval of the Regulator.

(3) Sub-rule (2) does not apply to circumstances of any test, trial or practical transmission to prevent the possibility of interference with any other radio spectrum station or network.

(4) A person must not transmit:

- (a) any message containing indecent, obscene or offensive language (text, audio or images);
- (b) any message for an improper, unlawful or illegal purpose;
- (c) any message which interferes with the operation of any authorised station or network; or
- (d) any message which, to that person's knowledge, is false or misleading, illegal or unlawful and likely to prejudice the efficiency of any life-saving service or endanger the safety of any person or of a place or premises, vessel, aircraft or vehicle.

(5) A licensee must:

- (a) cease operating the licensee's radio spectrum station or network;
- (b) take any other immediate action which the Regulator stipulates as soon as the licensee observes, or when the licensee has been informed by the Regulator that that person's station or network causes interference to radiocommunication services; and
- (c) if directed by the Regulator in writing, cease to operate all or any of the equipment comprised in the licensee's station for a period specified by the Regulator for the purposes of investigation.

38. Instructions to eliminate or reduce interference-

(1) If the Regulator determines that interference or disturbance to telecommunications equipment, stations, networks or systems is or may be caused by any particular electrical, electronic or radiocommunication equipment, the Regulator may, by notice in writing, direct the owner or user

of that electrical, electronic or radiocommunication equipment to do, at his or her own expense, any one or more of the following:

- (a) take suitable measures to eliminate or reduce the interference or disturbance;
 - (b) remedy a fault in or the improper operation of the equipment;
 - (c) modify or alter the equipment; or
 - (d) disconnect the equipment.
- (2) The Regulator may:
- (a) require any action required to be taken under sub-rule (1) to be effected within the period of time as the Regulator may determine having regard to the circumstances of each case;
 - (b) by notice in writing, prohibit the installation or use of an equipment until the directions under sub-rules (1) or (2)(a) are complied with; and
 - (c) if necessary, seal or remove the electrical, electronic or radiocommunication equipment or any part of it referred to in sub-rule (1).

39. Immediate action to eliminate interference - If the Regulator is satisfied that the interference:

- (a) is caused by the licensee; and
- (b) may endanger lives,

the Regulator may, in writing, direct the licensee to immediately cease transmissions made through the licensee's electrical, electronic or radiocommunication equipment until the cause of interference has been removed or minimised so as not to endanger lives.

40. Relocation of station - A licensee must not relocate or remove any licensed radio spectrum station except with the prior written approval of the Regulator to relocate or remove the station.

41. Emergency use of radio spectrum - A person does not contravene rule 12 if the person has reasonable belief that the use or operation of the radio spectrum was necessary for the purpose of:

- (a) dealing with an emergency involving risk of death, or injury to a person;

- (b) dealing with an emergency involving a serious threat to the environment; or
- (c) dealing with an emergency involving risk of substantial loss or damage to property.

42. Penalty for breach of rules - A contravention of a provision these Rules is an offence under section 75 of the Act.

SCHEDULE
(Rules 31 and 32)

PART 1 - Short Range Devices (SRD) (Rule 31)

The following most used frequency ranges are designated for Short Range Devices (SRDs).

S.No.	Typical Application Type	Authorized Frequency Bands / Frequencies (channel spacing)	Maximum Field Strength / RF Output power	Harmonized Standard Reference	Remarks (Emission type, duty cycle, other restrictions etc)
<i>Non Specific Short range Devices</i>					
1	ISM	6765.00 kHz – 6795.00 kHz	42 dB μ A/m at 10 m	FCC Part 15 EN 300 220 EN 300 330	
2	ISM	13.5530 MHz – 13.5670 MHz	42 dB μ A/m at 10 m	FCC Part 15 EN 300 220 EN 300 330	
3	ISM, CB	26.9570 MHz – 27.4050 MHz	42 dB μ A/m at 10 m E.R.P 10mW	EN 300 220 EN 300 330	
4	ISM	40.66 MHz – 40.70 MHz	E.R.P 10mW	EN 300 220	
5	ISM	433.05 MHz – 434.79 MHz	E.R.P 10mW	EN 300 220	
6		868.00 MHz – 868.60 MHz	E.R.P 25 mW	EN 300 220	
7		868.70 MHz – 869.20 MHz	E.R.P 25 mW	EN 300 220	
8		869.40 MHz – 869.65 MHz	E.R.P 100 mW	EN 300 220	
9		869.70 MHz – 870.00 MHz	E.R.P 25 mW	EN 300 220	

10	SRC/D ECT	1880.00 MHz – 1900.00 MHz	E.I.R.P 100 mW	EN 300 220	
11	ISM, WLAN, Blueto oth	2400.00 MHz – 2483.50 MHz	E.I.R.P 10 mW	EN 300 440 EN 300 328	Indoor use only
12	WLAN	5470.00 MHz – 5725.00 MHz	E.I.R.P 25 mW	EN 300 440	Indoor use only
13	ISM, WLAN	5725.00 MHz – 5875.00 MHz	E.I.R.P 25 mW	EN 300 440	Indoor use only
14	ISM	24.00 GHz – 24.2500 GHz	E.I.R.P 100 mW	EN 300 440	
15	ISM	61.00 GHz – 61.50 GHz	E.I.R.P 100 mW	FCC Part 15	
16	ISM	122.00 GHz – 123.00 GHz	E.I.R.P 100 mW		
17	ISM	244.00 GHz – 246.00 GHz	E.I.R.P 100 mW		
RADIODETERMINATION APPLICATION					
<i>Including SRD radar systems, Equipment for Detecting Movement and Alert. Radio-determination is defined as the determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation properties of radio waves</i>					
18		10.50 GHz – 10.60 GHz	E.I.R.P 500 mW	EN 300 440	
19		24.05 GHz – 24.25 GHz	E.I.R.P 100 mW	EN 300 440 EN 302 288	
20		57.00 GHz – 64.00 GHz	E.I.R.P - 41.3 dBm/MHz	EN 302 372	
21		75.00 GHz – 85.00 GHz	E.I.R.P - 41.3 dBm/MHz	EN 302 372	

ROAD TRANSPORT AND TRAFFIC TELEMATICS (RTTT)					
22		76.00 GHz – 77.00 GHz	55 dBm peak E.I.R.P -50 dBm average power - 23.5 dBm	EN 301 091	For pulse radar only. Vehicle and infrastructure radar systems
INDUCTIVE APPLICATIONS					
<i>Include for example car immobilizers, animal identification, alarm systems, cable detection, waste management, personal identification, wireless voice links, access control, proximity sensors, antitheft systems including RF anti-theft induction systems, data transfer to handheld devices, automatic article identification, wireless control systems and automatic road tolling.</i>					
23		9.00 kHz – 148.50 kHz	72 dB μ A/m at 10m	EN 302 291 EN 300 330	
24	Security device	3155.00 kHz – 400.00 kHz	13.5 dB μ A/m at 10 m	EN 302 291 EN 300 330	
25		6765.0 kHz – 6795.0 kHz	42 dB μ A/m at 10 m	EN 302 291 EN 300 330	
26		7400.0 kHz – 8800.0 kHz	9 dB μ A/m at 10 m	EN 302 291 EN 300 330	
27		13.553 MHz – 13.567 MHz	60 dB μ A/m at 10 m	EN 302 291 EN 300 330	
28	Wireless microphone/ Remote Control	26.957 MHz – 27.283 MHz	42 dB μ A/m at 10 m ERP 10mW	EN 302 291 EN 300 330	
29	Wireless microphone	830.00 MHz – 850.00 MHz	E.R.P 10mW	EN 300 220	

MODEL CONTROL					
<i>Solely for the purpose of controlling the movement of the model (e.g. in the air, on land or over or under the water surface.</i>					
30		26MHz, 27MHz, 76MHz;	E.R.P 100 mW	EN 300 220	
RADIO FREQUENCY IDENTIFICATION APPLICATIONS					
<i>Include for example automatic article identification, asset tracking, alarm systems, waste management, personal identification, access control, proximity sensors, anti-theft systems, location systems, data transfer to handheld devices and wireless control systems.</i>					
31		13.5530 MHz – 13.5670 MHz	60 dBµA/m at 10 m	EN 302 291 EN 300 330	
32		2446.00 MHz – 2454.00 MHz	E.I.R.P 500 mW	EN 300 440	Power levels above 500 mW (max E.I.R.P 4W) are restricted to use inside the boundaries of a building and the duty cycle ≤15 % in any 200 ms period (30 ms on /170 ms off)
WIRELESS APPLICATIONS IN HEALTHCARE & LISTENING DEVICES					
33	Active Medical Implant	401.00 MHz – 406.00 MHz (25kHz)	E.R.P 25 µW	EN 301 839 EN 302 537	
34	Active Medical Implant	9.00 kHz – 315.00 kHz	30 dBµA/m at 10 m	EN 302 195	Duty Cycle <10%

35	Medical membrane Implants	30.00 MHz – 37.50 MHz	E.R.P 1 m W	EN 302 510	Duty Cycle <10%
36	Aids for hearing impaired	169.40 MHz – 174.00 MHz (50kHz)	E.R.P 10 m W	EN 300 422	
WIRELESS AUDIO APPLICATIONS					
<i>Include for example cordless loudspeakers; cordless headphones; cordless headphones for portable use, for example portable CD, cassette or radio devices carried on a person; cordless headphones for use in a vehicle, for example for use with a radio or mobile telephone etc; in-ear monitoring, for use with concerts or other stage productions.</i>					
37	SRC/Cordless	47.0000 MHz	E.R.P 10 mW	EN 301 357	
38	SRC/Cordless	43.00 MHz, 46.00 MHz, 49.0000MHz;	E.R.P 10 mW	EN 301 357	
39	SRC/Cordless	2400.00 MHz – 2483.50 MHz	E.R.P 10 m W	EN 301 357	
40		863.00 MHz – 865.00 MHz	E.R.P 10 m W	EN 301 357 EN 300 220	
41		1795.00 MHz – 1800.00 MHz	E.I.R.P 20 m W	EN 301 357	
42		87.500 MHz – 108.00 MHz (200kHz)	E.R.P 5 m W	EN 301 357	
VEHICLE FITTED RADIO PRODUCTS					
43	Vehicle Immobilizer	133.00 kHz	60 dBµA/m at 10 m	EN 300 220	Modulation type: ASK, FSK
44	Passive anti-theft system Parts	134.00 kHz	70 dBµA/m at 10 m E.R.P. 10 mW (10 dBm)	EN 300 220	Class of emission: F1D Modulation type: FSK
45	Remote Keyless Entry system /Smart Key System	433.72 MHz – 434.12 MHz	75.6 dBµA/m at 3 m E.R.P. 0.1 mW	EN 300 220	Modulation type: ASK, FSK

46	Smart Key System	133.00 kHz	95 dB μ A/m at 3 m	EN 300 220	Modulation type: ASK
47	TPMS (Tyre Pressure Monitoring System)	433.92 MHz	E.R.P 1 m W		Modulation type: FSK
48	Vehicle paging alarm	458.95 MHz	70 dB μ A/m at 10 m E.R.P 10 mW (10 dBm)	EN 300 220	Class of emission: F1D Modulation type: FSK
49	EMV (Display) with Bluetooth	2400.00 MHz – 2483.50 MHz	E.I.R.P 2.51 mW	EN 300 328	Modulation type: GFSK, $\pi/4$ DQPSK, 8DPSK
50	Intrusion sensor	2450.00 MHz	E.I.R.P 1 m W	EN 300 328	
51	Intrusion sensor	24.15 GHz	E.I.R.P 10 m W	EN 300 440	
52	Milli-meter Wave Radar	76.00 GHz – 81.00 GHz	10 W to 15 W Peak E.I.R.P 316.22 W Peak E.I.R.P	EN 301 091	Automatic cruise control, collision warning system for vehicle
53	Navigation Device (GPS Receiver)	1575.42 MHz			
54	Glass Breakage sensor (Alarm)	13.5530 MHz – 13.5670 MHz	60 dB μ A/m at 10 m	EN 302 291 EN 300 330	

Note:

1. *Citizen Band (CB) and Private mobile radio (PMR 446) equipment are NOT considered Short Range Devices.*
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