



Tuvalu

**TELECOMMUNICATIONS (RADIO)
REGULATIONS**

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Tuvalu

TELECOMMUNICATIONS (RADIO) REGULATIONS

Arrangement of Regulations

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Tuvalu

TELECOMMUNICATIONS (RADIO) REGULATIONS¹

1 Short title

These Regulations may be cited as the Telecommunications (Radio) Regulations.

2 Interpretation

In these Regulations —

“**the aeronautical service**” means the service intended for the transmission of information relating to air navigation, preparation for air navigation and flight safety;

“**aircraft station**” means a mobile station in the aeronautical service located on an aircraft;

“**amateur station**” means a station the transmissions of which are intended for private reception, within or outside Tuvalu, by radio amateurs for personal use, provided that no payment is charged or received for the use of the facilities of the station;

“**citizen station**” means a station the transmissions of which are intended for private reception, within Tuvalu, for personal use or for use in the course of the user’s business, provided that no payment is charged or received for the use of the facilities of the station;

“**emergency station**” means a station to be used exclusively on a frequency allocated as an emergency frequency by the International Telecommunications Union and, apart from test use, to be used only in case of emergency or for the purpose of improving safety;

“**the maritime service**” means a service between associated on-board communications stations and —

- (a) coast stations and ship stations; or

- (b) ship stations;

“**miscellaneous station**” means a station other than an aircraft station, an amateur station, a citizen station, an emergency station or a ship station;

“**ship station**” means a mobile station in the maritime service located on a vessel, other than a vessel which is —

- (a) permanently moored; or
(b) a survival raft;

“**station**” means any radio-communications equipment capable of transmitting messages by means of radio waves.

3 Licences

- (1) There shall be the following classes of licences: —
- (a) aircraft station licences; and
 - (b) ship station licences; and
 - (c) amateur station licences; and
 - (d) citizen station licences; and
 - (e) emergency station licences; and
 - (f) miscellaneous station licences.
- (2) A licence authorizes the licensee to install and use a station of the class to which it relates.
- (3) An application for a licence shall be in Form 1 in Schedule 1.
- (4) A licence shall be in Form 2 in Schedule 1.
- (5) The fees for the grant or renewal of a licence and for related matters are as set out in Schedule 2.
- (6) A licence or the renewal of a licence is valid for a period of 12 months.

4 Conditions of licence

- (1) A licence is subject to such conditions as are specified in Form 2 in Schedule 1.
- (2) A licence is subject to such other conditions as are —
- (a) prescribed by the Act or these Regulations; or
 - (b) imposed by the Authority in respect of any licence or class of licences and endorsed on the licence.

5 Suspension or cancellation of licence

- (1) If in the opinion of the Authority the holder of a licence has contravened or failed to comply with any provision of the Act or of the conditions of the licence, the Authority may —
 - (a) cancel the licence; or
 - (b) suspend the licence, pending correction of the default or otherwise.
- (2) A person aggrieved by the cancellation or suspension of a licence may appeal to the Minister, whose decision is final.

6 Emergency station licence

- (1) An emergency station licence authorizes the use of the emergency station only on a frequency allocated as an emergency frequency by the International Telecommunications Union, and only —
 - (a) to the minimum extent necessary to test the equipment of the station or of some other emergency station; or
 - (b) in case of emergency or for the purpose of improving safety.
- (2) An emergency station licence may be combined with a licence of some other class.

7 Operation of stations

All stations shall be operated only in accordance with internationally accepted standards and on wave-lengths internationally assigned for the purpose.

8 Radio interference

- (1) If any person, or any electrical or other equipment, is causing interference to any station, the Authority may, by notice, require that person, or the owner, operator or person in charge of the equipment, as the case may be —
 - (a) to cease the activity causing the interference; or
 - (b) to take such action as the Authority directs to prevent the interference, or both.
- (2) A person aggrieved by a notice under subsection (1) may appeal to the Minister, but pending the Minister's decision he shall comply with the notice.
- (3) If a person contravenes or fails to comply with a notice under subsection (1) he is guilty of an offence, and is liable, in accordance with section 5(2) of the Act, to imprisonment for six months and to a fine of \$500.00, and in addition the court that convicts him may order the forfeiture to the Crown of any equipment or thing causing the interference.

9 Inspection

- (1) A person authorized by the Authority for the purpose may at all reasonable times enter any premises on which a station is situated and inspect the equipment with a view to ensuring —
 - (a) compliance with this Act; and
 - (b) the fitness of the equipment for the purpose for which it is used or to be used.
- (2) A person who hinders or obstructs a person in the performance of his functions under subsection (1) is guilty of an offence, and is liable, in accordance with section 5(2) of the Act, to imprisonment for six months and to a fine of \$500.

SCHEDULE 1

Form 1

(Regulation 3(3))

APPLICATION FOR RADIO LICENCE

**GOVERNMENT OF TUVALU
Telecommunications Act
APPLICATION FOR A LICENCE**

I,, of, apply for a

*licence/renewal of a*licence+ under the Telecommunications Act.

- 2. The following information is supplied in support of this application: —
 - (a) Proposed location or area of operation:
 - (b) Proposed frequency(ies):
 - (c) Emission:
 - (d) Maximum power (watts) —
 - Transmitter:
 - EIRP:
 - (e) Stations with which communications proposed:
 - (f) Equipment —
 - Manufacturer:
 - Model number:
 - Name and address of equipment supplier or previous owner.
- 3. I undertake to furnish any other information relating to the proposed operations required by the Telecommunications Authority, and to abide by the Telecommunications Act and the regulations made under it, as in force from time to time, and with the conditions to be endorsed on the licence.
- 4. The prescribed fee/the Accountant's receipt for the prescribed fee† of \$ is attached.

.....

(Signature of Applicant)

Date:20

* State class of licence, namely: —

Aircraft station licence

Ship station licence

Amateur station licence

Citizen station licence

Emergency station licence (either alone or in conjunction with some other licence)

Miscellaneous station licence

† Strike out whichever is inapplicable.

FORM 2

RADIO LICENCE

(Regulations 3(4), 4)

**GOVERNMENT OF TUVALU
Telecommunications Act
LICENCE**

In pursuance of Section 11 of the Telecommunications Act the Telecommunications Authority hereby grants to: —

of

alicence under that Act, in accordance with the provisions of that Act and the regulations made under it, as in force from time to time, and with the conditions endorsed on this licence.

Renewal is not and cannot be automatic due to changing community demands on the radiofrequency spectrum. Every effort will be made to give adequate notice of non-renewal or changes in licensing conditions. In any event, the Government of Tuvalu and the Telecommunications Authority accept no liability for costs due to non-renewal or changes of licence conditions.

Effective date of issue/renewal:

Fee paid: \$

.....

Telecommunications Authority

/ / 20

(REVERSE OF FORM)

Details of Operations

LICENCE Number	EXPIRY DATE	STATION IDENTIFICATION	LOCATION OR AREA OF OPERATION	FREQUENCY (IES)	EMISSION	MAX. POWER (WATTS) Transmitter	EIRP	STATIONS WITH WHICH COMMUNICATION IS AUTHORIZED
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
Class (see below)	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)

CLASSES OF LICENCES

1. Aircraft station licence
2. Ship station licence
3. Amateur station licence
4. Citizen station licence
5. Emergency station licence
6. Miscellaneous station licence

Note:- If an emergency station licence is combined with a licence of some other class, the reference should be shown in the form "5/1".

CONDITIONS

A. General Conditions in respect of all Licences

1. This licence authorizes the use of radio-communications equipment only in accordance with —
 - (a) the Telecommunications Ordinance 1979 (No.11 of 1979, as amended) and the regulations made under that Ordinance, as in force from time to time.
 - (b) the International Telecommunications Convention and current radio practice.

2. The licensee must obtain the prior approval of the Telecommunications Authority for the transfer of any station to another person or location, change in operating frequency or other departure from the details of operations set out in this licence, and must promptly advise the Authority of any change of name or address as recorded in this licence.
3. This licence is subject to immediate cancellation if the licensee permits any unlicensed person to make use of the radio communications equipment the subject of this licence.
4. The licensee must operate under this licence only on a frequency set out above. Frequencies may not be changed without the permission of the Telecommunications Authority.
5. Only radio-communications equipment approved by the Telecommunications Authority for the purpose may be used under this licence.
6. The make or model of the transmitter to be used under this licence shall not be changed without the written permission of the Telecommunications Authority.
7. Any new or replacement radio-communications equipment must be produced to the Telecommunications Authority for inspection before use.
8. An official receipt for the payment of fees for or in respect of the current period of this licence must be held with this licence.
- B. Special Conditions in respect of Amateur Station Licences**
 1. This licence permits the use of radio-communications equipment only for private reception, within or outside Tuvalu, by radio amateurs for personal use.
 2. No payment or reward may be charged or received for the use of the facilities of the station to which this licence applies.
 3. The permitted power for operation under this licence is a maximum equivalent isotropically radiated power of one kilowatt peak envelope.
- C. Special Conditions in respect of Citizen Station Licences**
 1. This licence permits the use of radio-communications equipment only for private reception, within Tuvalu, for personal use or for use in the course of the user's business.
 2. No payment or reward may be charged or received for the use of the facilities of the station to which this licence applies.
 3. The permitted power for operation under this licence is a maximum equivalent isotropically radiated power of 10 watts peak envelope power.
- D. Special conditions in respect of Emergency station Licences (under Reg.6)**
 1. This licence authorizes the use of radio-communications equipment only on a frequency allocated as an emergency frequency by the International Telecommunications Union, and only—
 - (a) to the minimum extent necessary to test the equipment of the station or of some other emergency station; or
 - (b) in case of emergency or for the purpose of improving safety.
 2. This licence may be combined with a licence of some other class.

SCHEDULE 2

(Regulation 8(5))

FEES

	\$
1. Aircraft station licence —	
(a) grant	20
(b) renewal	20
2. Ship station licence —	
(a) grant	20
(b) renewal	20
3. Amateur station licence —	
(a) grant	10
(b) renewal	10
4. Citizen station licence —	
(a) grant	5
(b) renewal	5
5. Emergency station licence	Free
6. Miscellaneous station licence – grant or renewal	As assessed by the Authority in each case, but not to exceed \$20
7. Inspection of new or replacement equipment	5

ENDNOTES

¹ Made 19th March 1984