



RADIO REGULATIONS 1993

A.P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga this 1st day of November 1993

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE IN EXECUTIVE COUNCIL

PURSUANT to section 53 of the Telecommunications Act 1989, His Excellency the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title - These regulations may be cited as the Radio Regulations 1993.
2. Interpretation - (1) In these regulations, unless the context otherwise requires,
 - "The Act" means the Telecommunications Act 1989;
 - "Aerial" means an electrical conductor or system of conductors used for effecting radiocommunication, and includes any pole, insulator, stay wire, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such conductor or system of conductors;
 - "Aeronautical station" means a land station in the aeronautical mobile service;
 - "Aircraft station" means a mobile station in the aeronautical mobile service;
 - "Amateur service" means a radiocommunication service carried on by duly authorised persons interested in intercommunication and technical investigation solely with a personal aim and without pecuniary interest;
 - "Base station" means a land station in the land mobile service carrying on a service with land mobile stations;
 - "Broadcasting service" means a radiocommunications service in which the transmissions, whether by way of sound, television, or otherwise are intended for direct reception by the general public;

- "Broadcasting station" means a station in the Broadcasting service;
- "CEO" means the Chief Executive Officer of Telecoms Cook Islands Limited;
- "Citizen service" means a radiocommunications service provided by land or mobile stations in which the transmissions are intended for private reception by citizens for personal use or in the course of business;
- "Citizen station" means a station in the citizen service;
- "Coast station" means a land station in the maritime mobile service;
- "Fixed service" means a service of radiocommunications between specified fixed points;
- "Fixed station" means a station in the fixed service;
- "Harmful interference" means any emission, radiation, or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with the provisions of these Regulations;
- "IFRB" means International Frequency Registry Board;
- "International Radio Regulations" means the radio regulations annexed to the International Telecommunication Union Convention, and includes any regulations made in amendment, addition, or substitution for the said Radio Regulations;
- "Land mobile service" means a mobile service between base stations and land mobile stations, or between land mobile stations;
- "Land station" means a station in the mobile service not intended to be used while in motion or during halts at unspecified points;
- "Licence" means a licence under these Regulations for the installation and working of radio stations, or use of radio apparatus capable of transmitting or receiving radiocommunications within the Cook Islands, or on any ship or any aircraft registered in the Cook Islands;
- "Licensee" means any person to whom a licence is granted under these Regulations;
- "Maritime mobile service" means a mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate;
- "Minister" means the Minister of Post and Telecommunications;
- "Mobile service" means a service of radiocommunication between mobile stations and land stations, or between mobile stations;
- "Mobile station" means a station in the mobile service intended to be used while in motion or during halts at unspecified points;
- "Operator" means any person duly authorised by these Regulations to operate radio transmitting apparatus or radio receiving apparatus;
- "Premises" means any building, site, vehicle, vessel, or structure, or any group of buildings within the same site or boundary and forming part of the same establishment, or any part of any building or site under separate occupation or tenancy;
- "Public correspondence" means any communication which any station must, by reason of its being operated as a public service for the convenience of the general public, accept for transmission;

"Radiocommunication" means any transmission, emission, or reception of signs, signals, writing, images, sounds or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 3000 gigahertz propagated in space without artificial guide;

"Radio Apparatus" means any apparatus intended for the purpose of effecting radiocommunication, whether by transmission or reception, or both;

"Radio station" and "station" mean 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 classified by the service in which it operates permanently or temporarily;

"Radiotelegraphy" means a system of radiocommunication for the transmission of any kind of information by the use of a signal code;

"Radiotelephony" means a system of radiocommunication for the transmission of speech or other sounds;

"Ship station" means a mobile station in the maritime mobile service located on board a vessel other than a survival craft, which is not permanently moored;

"Survival craft" means a lifeboat, life-raft, or other survival equipment intended solely for survival purposes;

"TCI" means Telecom Cook Islands Limited;

"UTC" means Co-ordinated Universal Time;

PART I PRELIMINARY

3. Application of Regulations - Except as otherwise provided in these regulations, these regulations shall apply to apparatus -

- (a) within the territorial limits of the Cook Islands;
- (b) on any Cook Island ship;
- (c) on any aircraft registered in the Cook Islands.

4. Application of other laws - Except as otherwise provided in these regulations, these regulations shall apply notwithstanding that a licence, permit, or consent to install, operate, or use any apparatus may have been heretofore granted, or may hereafter be granted in accordance with any other law.

5. Minister may operate apparatus - Notwithstanding anything in these regulations, the Minister may, for the purposes of the administration of these regulations, install, operate, and use such apparatus, in such manner, as he may think fit.

6. Control of stations in emergency - (1) If and whenever Cabinet declares that an emergency has arisen in which it is expedient in the public interest that Government should have control over the radiocommunications of any licensed radio stations, the Minister may, subject to the Constitution direct that such station or stations be taken over and controlled by the Minister on behalf of the Government for such duration as he shall determine.

(2) In that event, the Minister or person authorised by the Minister in that behalf may enter upon any premises at or on which the station or any part thereof is installed and take possession of the station or any apparatus comprising the station and use the same as aforesaid.

(3) Any person who obstructs an officer or person authorised by this regulation, in the exercise of his powers under this regulation or in any way fails to comply with any prohibition, order or instruction made or given under this regulation, commits an offence and shall be liable on conviction to a fine not exceeding \$200.

7. Non-liability of Government or CEO - The Government, the CEO or any employee of TCI shall not be liable in respect of any action, claim or demand that may be brought or made by any person in respect of any bodily injury or damage to property or any other circumstance arising from any act permitted by a licence issued under these regulations.

8. Breaches of Regulations - It shall be the responsibility of the Minister to observe and monitor the operation and use of radiocommunications and to take appropriate action in cases where breaches of the regulations are detected, including the institution of legal proceedings against offending parties where such action is considered justified.

PART II LICENSING OF APPARATUS

9. Installation, operation and use of certain apparatus prohibited - No person shall install, operate, or use any apparatus for the transmission or reception of radiocommunication, except pursuant to a written licence granted by the Minister.

10. Application for licence - (1) Every person desiring to licence any apparatus shall make application in writing in such form as shall be required by the Minister.

(2) Every such application shall be accompanied by such fee as is prescribed by these regulations in respect of such application.

(3) Every such application shall be sent or delivered to the Minister at such address as shall be specified by the Minister for the purpose.

11. Further particulars - Notwithstanding that in relation to an application, an applicant may have complied with regulation 10, the Minister may require the applicant to provide further information to assist the Minister in considering the application.

12. Proof of information - The Minister may require, in such form as he may specify, proof of any information supplied by an applicant.

13. Grant of licence - (1) Subject to this regulation, the Minister may, in respect of an application made under regulation 10, grant a licence or decline to do so.

(2) The Minister may, from time to time of the Minister's own motion, and on payment of the prescribed fee, grant a licence to install, operate, or use any apparatus without requiring that an application under regulation 10 of these regulations be made.

- (3) Every licence granted under this regulation shall specify -
- (a) the name of the person to whom it is granted;
 - (b) the apparatus to which it applies;
 - (c) the purpose for which the apparatus may be used pursuant to the licence.

14. General issue of licences - (1) The Minister may, from time to time, grant licences for the installation, operation and use of apparatus of the class or classes admissible in the Cook Islands.

(2) The Minister shall decide the class of licence and the number of licences to which any person is entitled in respect of any existing or proposed radio station and the decision of the Minister shall be final.

(3) The Minister may, in connection with any licence, impose such terms, conditions and instructions, not inconsistent with these regulations as the Minister considers appropriate.

(4) Where the applicant for a licence is a corporate body, association, institution or other unincorporated organisation, the person making the application shall satisfy the Minister that he or she is duly authorised to do so.

15. Licensing of broadcasting stations - Notwithstanding the provisions of regulation 14, the Minister shall not grant a licence under these regulations for a radio station or relay station to be established and operated, until formal notification of approval under the Broadcasting Act 1989 is received from the Minister of Broadcasting, together with such technical details as the Minister may require for the purposes of these regulations.

16. Matters to which Minister to have regard - In determining whether to grant a licence under regulations 13, 14 or 15 of these regulations the Minister shall have regard to -

- (a) any agreement between the Cook Islands and any other country or countries, being an agreement that makes provision for or in relation to radio transmission; and
- (b) the public interest in achieving the maximum benefit from the radio spectrum; and
- (c) the technical compatibility of the apparatus or use for which the licence is required with existing licensed apparatus or uses of apparatus; and
- (d) any policies of the Government relating to broadcasting for telecommunications as transmitted in writing from time to time to the Minister.

17. Licences to be subject to terms, conditions, and restriction - (1) Except as may be provided therein, every licence granted under this Part of these regulations shall be subject to the terms, conditions, and restrictions specified in the First Schedule to these regulations.

(2) Nothing in subclause (1) shall limit the power of the Minister under regulation 14, to include in any licence such terms, conditions, and restrictions as the Minister thinks fit.

18. Revocation or modification of licence - The Minister may from time to time by notice in writing to the licensee, revoke any licence granted under this Part of these regulations or modify the terms, conditions, and restrictions not inconsistent with the Act as the Minister thinks fit.

19. Period of validity of licence - (1) Subject to subclause (2) each licence granted under this Part of these regulations shall be valid only for such period as shall be specified therein.

(2) The Minister may from time to time renew any licence upon the payment of the fee prescribed by these regulations for the purpose.

PART III PRIVACY OF RADIOCOMMUNICATIONS

20. Privacy of radiocommunications - (1) Except as may be authorised under these regulations or under any licence granted pursuant to these regulations, no person who receives any radio communication not intended for that person shall -

- (a) make use of the radiocommunication or any information derived therefrom;
- (b) reproduce or cause or permit to be reproduced the radiocommunication or any information derived therefrom;
- (c) disclose the fact of the existence of the radiocommunication.

(2) Before any radio licence, authorisation or operator's certificate may be issued under these regulations, a written declaration to preserve the secrecy of any radiocommunication not intended for his or her information shall be made by the applicant.

PART IV MANAGEMENT OF FREQUENCY SPECTRUM

21. Frequency management responsibilities - The recommendations, procedures and requirements of the IFRB, a permanent organ of the International Telecommunications Union which is responsible for all frequency management internationally, shall be strictly adhered to with regard to the co-ordination, allocation and registration of radio frequencies and the subsequent observance and control of their usage, to the extent that this is relevant and practicable in the Cook Islands and with due regard to Cook Islands considerations.

22. Frequency register - (1) The Chief Executive Officer Authority shall establish and maintain in an up-to-date condition, a comprehensive register of radio frequencies allocated -

- (i) containing the data required to fulfil obligations to the IFRB; and
- (ii) for local administrative purposes and fee collection.

(2) The frequency register may take whatever form the CEO considers appropriate, including by computer process.

PART V
CERTIFICATES OF COMPETENCY

23. Examinations as to competence - The Minister shall, from time to time, provide for the conduct, by persons authorised by the Minister to do so, of the examinations prescribed in these regulations to determine the competence of persons wishing to hold certificates of competency in the operation of apparatus.

24. Classes of certificates - (1) The Minister may from time to time grant to any person who has successfully completed an examination prescribed by these regulations, and to any other person who in the opinion of the Minister meets the requirements for the granting of a certificate, a certificate of competency of a class specified in subclause (2) of this regulation.

(2) The classes of certificates of competency which may be granted under subclause (1) of this regulation are -

- (a) general radiotelephone operator certificate;
- (b) restricted radiotelephone operator certificate;
- (c) radiotelegraph operators special certificate;
- (d) general amateur operator certificate;
- (e) limited amateur operator certificate;
- (f) novice amateur operators certificate;
- (g) radiocommunication operator general certificate for the maritime mobile service;
- (h) other classes of certificate prescribed in the International Radio Regulations.

(3) The Minister may, by notice in writing to the holder of a certificate, revoke any certificate issued under this regulation, or suspend any such certificate for such period as the Minister shall specify.

25. Examinations prescribed - The examinations prescribed in respect of the classes of certificate specified in regulation 24 (2) of these regulations shall be as specified in the Third Schedule to these regulations.

26. Form of certificate - Any certificate issued under this part of these regulations shall be in such form and subject to such conditions, directions, or rules as the Minister may from time to time prescribe for the purpose.

27. Terms, conditions, and restrictions in connection with certificate - The Minister may in connection with any certificate, impose such terms conditions and restrictions not inconsistent with the Act or these regulations, as the Minister thinks fit.

28. Minister may refuse to grant application for an operator certificate - The Minister may, in the Minister's discretion, refuse to grant an application for any class of operator certificate.

29. Recognition of foreign operator certificates - The Minister may from time to time, in the Minister's discretion, recognise as the equivalent of any certificate issued under these regulations, any certificate of similar class issued in another country in accordance with the laws of that country.

30. Conditions for the conduct of examinations - The Minister may from time to time prescribe the conditions for the conduct of any examination conducted under these regulations.

31. Re-examination - (1) Where the Minister considers that it is desirable in the public interest to do so, the Minister may require any person to whom any class of certificate under these regulations has been issued, 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) Where any person fails to submit himself or herself for re-examination in accordance with this regulation when so required by the Minister, or fails to qualify at the re-examination, the certificate or authorisation issued to that person may be suspended or revoked for such period as the Minister, in the Minister's discretion, shall determine.

32. Recount of marks awarded - (1) In circumstances in which any such action appears to the Minister to be desirable, the Minister may approve a recount being made of the marks awarded to a candidate in respect of any written examination prescribed by these regulations.

(2) The fee in respect of each paper for which a recount of marks is undertaken shall be that prescribed in the Fourth Schedule to these regulations.

PART VI RADIO INTERFERENCE

33. Interpretation - In this Part of these regulations, unless the context otherwise requires, - "Interfering equipment" means any apparatus or equipment of any kind (whether radio apparatus or equipment or not) that may generate electric waves (being radio frequency energy) likely to interfere with radiocommunications; and includes an electric power line belonging to an electric power supply authority.

34. Limits of intensity for interfering equipment - (1) The Minister may from time to time, prescribe limits within which radio frequency energy produced by interfering equipment of the class or classes specified must be suppressed.

(2) Except as otherwise provided in this Part of these regulations, no person shall install or use interfering equipment which is contrary to such specifications as may be prescribed by the Minister.

(3) Nothing in subclause (2) of this regulation shall apply to the installation or use of interfering equipment by the Minister for the purpose of testing for compliance with the requirements of these regulations.

(4) It shall not be a breach of this regulation if, in the opinion of the Minister, harmful interference suffered by any receiving apparatus is by reason of its being incapable of meeting such minimum technical performance as the Minister may prescribe.

35. Interference with radiocommunications - Notwithstanding anything in these regulations, where the Minister is satisfied that any equipment is interfering with reception of radiocommunications transmissions, the Minister may require the person operating the interfering equipment to cease operating the equipment or to modify the operation of the equipment to prevent the interference.

36. Offences - Any person who operates any apparatus contrary to any of the provisions of this Part, commits an offence and is liable on conviction to a fine not exceeding \$20,000.

PART VII RADIOCOMMUNICATION WITHIN TERRITORIAL LIMITS

37. Application of this Part - This part of these regulations shall apply to apparatus on -

- (a) merchant ships and aircraft of whatever nationality or registration; and
- (b) foreign ships of war and foreign military aircraft within the territorial limits of the Cook Islands.

38. Use of apparatus to which this Part applies - No person shall use any apparatus to which this Part of these regulations applies -

- (a) unless a valid licence or authority has been issued in respect of that apparatus by an International Telecommunication Union administration which the Cook Islands is required to recognise under the International Telecommunication Convention; and
- (b) except in accordance with any instructions given to the operator of the apparatus by the Minister.

39. Offences - Any person who operates any apparatus to which this Part of these regulations applies, commits an offence and is liable, on conviction, to a fine not exceeding \$20,000.

PART VIII FEES

40. Fees - (1) The fees payable in respect of licences and certificates issued under these regulations shall be those fees contained in the Fourth Schedule.

(2) The Minister may waive, in whole or in part, any fee payable under these regulations.

PART IX OFFENCES AND PENALTIES

41. Penalties for offences not prescribed elsewhere - Any person acting in contravention of, or failing to comply with the requirements of these regulations, shall, upon conviction be liable to a fine not exceeding \$100.

PART X
REPEALS AND TRANSITIONAL PROVISIONS

42. Transitional provisions - Every licence or certificate granted and which was valid immediately before the coming into force of these regulations shall -

- (a) be deemed to have been granted under these regulations; and
- (b) continue in force until -
 - (i) revoked by the Minister; or
 - (ii) replaced by a licence or certificate granted pursuant to these regulations.

(2) Subject to subclause (3) of this regulation, every such licence or certificate shall continue to be subject to all the terms, conditions and restrictions to which it was subject immediately before the coming into force of these regulations

(3) The Minister may from time to time, by notice in writing to the licensee or holder of the certificate, amend the terms, conditions or restrictions applying to any such licence or certificate.

T. Bishop
Clerk of the Executive Council

These Regulations are administered by Telecom Cook Islands Limited

(Reg. 17)

FIRST SCHEDULE**Terms, Conditions, and Restrictions Applying to All Licences:**

1. Compliance with technical specifications - The licensee shall ensure that the apparatus to which the licence relates complies with any technical specifications relating to such apparatus as may be issued from time to time by the Minister.
2. Compliance with International Radio Regulations - The licensee shall comply with the International Radio Regulations in so far as they apply to the class of licence held by the licensee.
3. Limits on use of apparatus - The licensee shall not take part in any radiocommunication other than as specified in the licence.
4. Licensee personally responsible for observance of terms and conditions of licence - Notwithstanding any approval that may from time to time be given by the Minister for any person other than the licensee to operate the apparatus to which the licence relates, the licensee shall be personally responsible for the observance of all terms, conditions, and restrictions which apply to the licence as if the apparatus were operated by the licensee.
5. Notification of change of address - When a licensee is expressed to apply to apparatus at a particular address, the licensee shall, within 7 days of removing the apparatus from the address, notify the Minister of the removal, and of the new address where the apparatus is situate.
6. Apparatus not to be operated in manner which endangers other radiocommunications - The licensee shall not operate the apparatus to which the licence relates in a manner which endangers the functioning of radio-navigation apparatus, or seriously degrades, obstructs, or repeatedly interrupts radiocommunications operating in accordance with these regulations.
7. Licensee to comply with directions - The licensee shall comply with any directions relating to the use of the apparatus to which the licence relates given to the licensee by the Minister or any person authorised by the Minister to give such directions on the Minister's behalf.
8. Allocation of frequency not to confer monopoly - The allocation of a frequency to a licensee shall not confer upon the licensee a monopoly of the use of that frequency.

9. Operator of apparatus to hold valid operator certificate - Except as otherwise provided herein, the apparatus to which the licence relates shall not be operated by any person who is not the holder of a valid certificate of the required class, or an authorisation issued, or a certificate recognised, by the Minister.
10. Callsigns - The callsign of the apparatus to which the licence relates shall be the callsign shown on the licence.
11. Use of apparatus for impersonation, etc. - Neither the licensee nor any other person transmitting from the apparatus to which the licence relates shall, by means of the apparatus to which the licence relates, impersonate any other person, or pass off that apparatus to be other apparatus, or improperly use the callsign allocated to other apparatus.
12. False or misleading communication - Neither the licensee nor any other person transmitting from the apparatus to which the licence relates shall cause or permit the transmission of any radio communication of a false, fictitious, or misleading character, and in particular (but without limiting the generality of the foregoing), cause or permit to be transmitted any false or deceptive distress signal or distress call.
13. Licence to be available for inspection - The licensee shall cause the licence to be available at all times for inspection by a person authorised by the Minister for such purpose.
14. Radio Station may at any time be inspected - The Minister or his duly authorised representative may at any time inspect any station, not being a broadcast receiving station, and the working and use of any such station, and for that purpose, or for the purpose of determining whether qualifications of any operators employed conform to the requirements of these Regulations, may enter upon any property or premises on which any such station is established and the licensee shall afford the appointed representative all reasonable facilities therefore.
15. Dismantling of apparatus when contravention has taken place - Where an authorised officer, being of the opinion that a contravention of the Act or the regulations (whether by a breach of any of these terms, conditions and restrictions or otherwise) has taken place in respect of the apparatus to which the licence relates, requires that operation of the apparatus shall cease, or that the apparatus shall be dismantled, or that the apparatus or any part thereof shall be surrendered to the officer or rendered inoperative, the licensee shall comply with the requirement.

(Reg. 17(3))

SECOND SCHEDULE

Terms, conditions and restrictions applying in the Cook Islands to certain categories of radiocommunications stations, in addition to those with general application contained in the First Schedule to these regulations

PART A Mobile Stations

1. Types of licences - Licences may be issued for the following categories of mobile stations:
 - (i) ship station licences for ship stations,
 - (ii) aircraft licences for aircraft stations; and
 - (iii) land mobile station licences for land mobile stations.
2. Limitation applying to ship stations - Except in the case of emergency, distress and safety traffic, ship stations are authorised to communicate only with other stations of the maritime mobile service or with aircraft or with registered Coast Stations in the Maritime service, provided that the provisions of the International Telecommunication Union are observed by both parties as they relate to the maritime mobile service.
3. Limitation applying to aeronautical stations - Except in the case of emergency, distress and safety traffic aeronautical stations are authorised to communicate only with other stations in the aeronautical mobile service or with stations of the maritime mobile service, provided that the requirements of the International Telecommunication Union are observed by both parties, as they relate to the maritime mobile service.
4. Distress calls and distress messages - (1) Mobile stations of the maritime mobile service and the aeronautical mobile service shall accept, with absolute priority, distress calls and distress messages regardless of their origin, and the operator shall immediately convey any such calls and messages to the master or person responsible for the ship or aircraft and take such other action in regard thereto as may be required.
(2) No provision in these regulations shall be so construed as to hinder a ship or aircraft station in distress using any means at its disposal to attract attention, indicate its position and obtain assistance.
5. Qualifications of operators of aircraft stations - The minimum qualification to be held by each operator of an aircraft station shall be -
 - (i) for a radiotelegraph installation, a second class radiotelegraph operator's certificate, and
 - (ii) for a radiotelephone installation, a general radiotelephone operator's certificate or a restricted radiotelephone operator's certificate, as determined by the Minister.

6. Ship stations licensed to engage in public correspondence -
- (i) There shall be four categories of ship stations licensed to engage in public correspondence, and the category of any such ship station shall be as determined by the Minister.
 - (ii) The licensee of a ship station shall provide a service at least during the hours of service for the category of ship station in which that ship is placed, prescribed as follows -
 - (a) **first category:** ship stations of the first category shall maintain a continuous service;
 - (b) **second category:** ship stations of the second category shall maintain a service for 16 hours a day;
 - (c) **third category:** ship stations of the third category shall maintain a service for 8 hours a day;
 - (d) **fourth category:** ship stations of the fourth category shall maintain a service the duration of which may, if not otherwise prescribed by the International Radio Regulations, be less than that of stations of the third category, as determined by the Minister.
 - (iii) The class of operator for each category of ship station shall be as prescribed by the International Radio Regulations for ship stations of the appropriate category participating in the International public correspondence service.
7. Ship stations employing radiotelephony not licensed to engage in public correspondence - The minimum qualification to be held by each operator of a ship station employing radiotelephony and not licensed to engage in public correspondence shall be a general radiotelephone operator's certificate.
8. Ship stations employing radiotelegraphy not licensed to engage in public correspondence - Ship stations employing radiotelegraphy and not licensed to engage in public correspondence shall be manned by an operator holding a radiotelegraph operator's special certificate or a radiotelegraph operator's certificate of higher grade.
9. Documents to be carried by ship stations - Ship stations shall carry such documents relating to the operation of the station as the International Radio Regulations may require.
10. Radio watches on distress frequencies -
- (i) While at sea, ships equipped for radiotelegraph operation shall observe a listening watch on the distress frequency of 500 KHz and have the technical capability to transmit and receive the classes of emissions laid down in the International Radio Regulations.

- (ii) Similarly, radiotelephone equipped ships shall observe a listening watch on the international distress frequency of 2182 KHz and have the technical capability to transmit and receive the classes of emissions laid down in the International Radio Regulations.
 - (iii) Vessels equipped for VHF radiotelephone operation shall listen on the international distress frequency 156.8 MHz.
11. Silence periods on distress frequencies -
- (i) Ships at sea which are equipped for radiotelephone operation shall observe periods of silence of 3 minutes on international distress frequencies at each hour and each 30 minutes after each hour (UTC).
 - (ii) Ships equipped with a radiotelegraph installation shall in addition observe periods of silence of 3 minutes on the international distress frequency at 15 and at 45 minutes after each hour (UTC).
12. Inspection of ship and aircraft stations -
- (i) If on inspection under provision 14 of the First Schedule to these regulations, a ship station or aircraft station is found to be not equipped or provided for as prescribed in these Regulations, or in the International Radio Regulations where those regulations are applicable, a notice in writing pointing out the deficiency shall be given to the master or licensee of the station.
 - (ii) Upon receipt of any such notice the Master or other person responsible for the station shall take immediate steps to rectify the deficiency.

PART B - LAND STATIONS

1. Type of licences - Licences may be issued for the following categories of land stations:-
- (i) Coast Stations;
 - (ii) aeronautical stations; and
 - (iii) base stations.
2. Cook Islands Coast Station - The Cook Islands Coast Station, operated on Rarotonga by TCI shall provide the hours of attendance, the range of equipment, transmitters and receiving technical capability, as well as the operational arrangements required by the International Telecommunication Union for the categories of ships involved and their respective needs.

3. Radio watches on distress frequencies -
 - (i) For ships equipped for radiotelephone operation, a listening watch shall be observed on the international distress frequency of 2182 KHz; and
 - (ii) For vessels equipped with a VHF radiotelephone installation a listening watch shall be observed on the international distress frequency of 156.8 MHz.
4. Silence periods on distress frequencies - The established periods of silence on the international distress frequencies, of 3 minutes at each hour and each 30 minutes after each hour UTC in the case of radiotelephone equipped ships; and also 3 minutes at each 15 and each 45 minutes after each hour, shall be observed.

PART C - FIXED STATIONS

A fixed station licence may be issued for a fixed station and shall specify the fixed points between which radiocommunications are authorised for that station and the nature of the business.

PART D - CITIZEN STATIONS

1. Citizen stations shall communicate only with citizen stations in the Cook Islands.
2. Citizen stations may be operated by the licensee or if so authorised by the licensee, by any person who is not less than 16 years of age.
3. No person operating a citizen station shall transmit or receive messages for a third party to the detriment of the public telecommunication services.

PART E - EMERGENCY STATIONS

1. An emergency station licence shall establish a station on an emergency frequency allocated by the Minister in accordance with the procedures of collaboration with the International Telecommunication Union, for use only in the case of an emergency for the purpose or for improving safety.
2. Such licences, which are temporary in nature, may be provided without incurring a licence fee.

PART F - EXPERIMENTAL STATIONS

1. An experimental station license shall authorise the establishment of a research organisation or establishment, to utilize radio waves in experiments for the advancement of science or technology, or by a person who satisfies the Minister that he or she has a need to test or demonstrate radio transmitting in the way of his or her business.

2. Terms and conditions shall be in accordance with the provisions of the International Radio Regulations and any terms, conditions and requirements specified by the Minister.

PART G - AMATEUR STATIONS

1. Amateur station licences shall authorise the establishment of stations in the amateur service and shall be issued only to persons who have achieved the relevant qualifications specific in Third Schedule to these regulations, Parts D, E, or F.
2. No person shall operate an amateur station unless he or she holds an amateur operator's certificate. Subject to the discretion of the Minister the holder of an amateur station licence from another country may be authorised to operate in the amateur service in the Cook Islands, subject to local terms and conditions being observed.
3. Except in the case of emergency, or where otherwise approved by the Minister, amateur stations shall be used only for the purpose of communicating with other stations of the amateur service.
4. No person operating an amateur station shall transmit or receive messages for a third party to the detriment of the public telecommunications services.
5. All radiocommunications from amateur stations, whether by speech or Morse code, shall be conducted in plain language and shall be limited to messages of a technical nature and to remarks of a personal character for which, by reason of their importance, would not be passed on the public telecommunications service.

(Reg. 25)

THIRD SCHEDULEExaminations Prescribed for the granting of Operator Certificates.Part A General Radiotelephone Operator Certificate

To qualify for a general radiotelephone operator certificate, a candidate shall be required to pass the appropriate examination prescribed in the International Radio Regulations.

Part B Restricted Radiotelephone Operator Certificate

To qualify for a restricted radiotelephone operator certificate, a candidate shall be required to pass the appropriate examination prescribed in the International Radio Regulations.

Part C Radiotelegraph Operator's Special Certificate

To qualify for a radiotelegraph operator's special certificate, a candidate shall be required to pass the appropriate examination prescribed in the International Radio Regulations.

Part D General Amateur Operator Certificate

To qualify for a general amateur operator certificate, a candidate shall be required to pass -

- (a) A written examination prescribed by the Minister for the purpose, in the principles of electricity, radio telegraphy, and radiotelephony, and in the adjustment and operation of apparatus used by amateur radio operators; and
- (b) A written examination, prescribed by the Minister in -
 - (i) The law relating to the installation, operation and use of apparatus used by amateur radio operators; and
 - (ii) The operating procedures, service codes, and abbreviations applicable to such apparatus;
and
- (c) A Morse operating test, prescribed by the Minister, both sending and receiving, at a speed of 12 words per minute.

Part E Limited Amateur Operator Certificate

To qualify for a limited amateur operator certificate, a candidate shall be required to pass the written examinations prescribed in respect of the general amateur operator certificate but shall not be required to pass a Morse operating test.

Part F Novice Amateur Operator Certificate

To qualify for a novice amateur operator certificate, a candidate shall be required to:

- (a) Complete the written examinations prescribed in respect of the general amateur operator certificate to a standard determined by the Minister for the purpose, being a standard no greater than the standard required in respect of the general amateur operator certificate; and
- (b) Pass a Morse operating test, both sending and receiving, at a speed of 6 words per minute.

Part G Radiocommunication Operator General Certificate for the Maritime Mobile Service

To qualify for a radiocommunication operator general certificate for the maritime mobile service, a candidate shall be required to pass the appropriate examination prescribed in the International Radio Regulations.

Part H Other classes of certificate prescribed in the International Radio Regulations

The examinations prescribed in respect for such certificates shall be as prescribed in the International Radio Regulations.

(Reg. 32)

FOURTH SCHEDULE**Part A Licences issued under Part I of these regulations**

Licence Type	Annual Fee \$
Aeronautical	20.00
Broadcast-Sound	40.00
Fixed	20.00
Public Correspondence Network Satellite	20.00
Private Correspondence Network Satellite	1,000.00
Amateur	20.00
Meteorological	20.00
Land Mobile	20.00
Maritime	20.00
Citizen	20.00
Miscellaneous	20.00

Part B Certificates of competency issued under Part IV of these regulations

Licence Type	Fee
Examination	
General Radiotelephone	20.00
Restricted Radiotelephone	20.00
Radiotelegraph operator's special	20.00
General Amateur	20.00
Limited Amateur	20.00
Novice Amateur	20.00
Radiocommunication operator for the Maritime	
Mobile service	20.00
Other classes specified in International	
Radio regulations	20.00
Recount of marks in respect of any class of	
Certificate	10.00
Duplicate of copy of certificate	10.00

Part C Certificates of compliance issued under Part V of these regulations

	Annual Fee \$
Certificate of Compliance	40.00

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