

**BERMUDA STATUTORY INSTRUMENT**

**BR 15/1988**

**CLASS EIGHT RADIO (PERSONAL RADIO SERVICE)  
REGULATIONS 1988**

*[made under section 59 of the Telecommunications Act 1986 [title 24 item  
10] and brought into operation on 1 April 1988]*

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### **Citation**

- 1 These Regulations may be cited as the Class Eight Radio (Personal Radio service) Regulations 1988.

### **Interpretation**

- 2 (1) In these Regulations unless the context otherwise requires—

"the Act" means the Telecommunications Act 1986 [*title 24 item 10*];

"double sideband emission" means an emission in which both upper and lower sidebands resulting from the modulation of a particular carrier are transmitted;

"external radio frequency power amplifier" means any device which when used in conjunction with a station as a signal source is capable of amplifying that signal and is not an integral part of the station as manufactured;

"fixed station" means a station situated at a fixed location;

"international Radio Regulations" means the Radio Regulations annexed to the Convention;

"licensee" means the holder of a licence or permit issued under these Regulations;

"mobile station" means a station intended to be used while in motion or during halts at unspecified points;

"personal radio station" means a radio transmitting and receiving unit (transceiver) used in the service;

"personal radio service" or "service" means a radiocommunication service of fixed mobile and portable

stations intended for radiocommunication between persons in Bermuda;

"portable station" means a station intended to be carried by or on an individual;

"power" means the power at the transmitter output terminals which is delivered to the antenna, antenna transmission line, or any other impedance matched radio frequency load;

"station" means a personal radio station;

"stock licence or permit" means a licence or permit granted by the Minister to a person to possess in the course of trade or business radio stations, radio apparatus or any radio receiving apparatus not excluded from the application of the Act by section 3(6)(b) thereof.

(2) In these Regulations or in any licence or permit, where definitions or symbols are used, they shall bear the same meanings as in the international Radio Regulations unless otherwise provided in the Act or these Regulations.

**Purpose**

3 These Regulations state the conditions under which stations in the personal radio service may be possessed and used or operated.

**Requirement for licence or permit**

4 (1) Without derogating from the generality of section 9 of the Act no person shall possess or use, a station without a licence or permit which may be granted by the Minister under the Act.

(2) Without derogating from the generality of section 3 of the Act no Government Department or Government Board may operate a station without a permit which may be granted by the Minister under the Act.

**Secrecy of communications**

5 If any message which the licensee or operator of a station is not entitled to receive is, nevertheless, received, he shall not make known or allow to be made known its contents, its origin or destination, its existence or the fact of its receipt to any person (other than a duly authorized officer of the Government or a competent legal tribunal) and shall not reproduce in writing, copy or make any use of such message or allow the same to be reproduced in writing, recorded, copied or made use of.

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**Inspection**

6 (1) Any station and its licence or permit or any other record required by these Regulations to be kept, shall be open to inspection, at any reasonable time, by the Telecommunications Inspector or by any officer appointed in writing by the Minister in that behalf.

(2) A police officer may at any reasonable time ask the licensee, or operator of a station to produce the licence or permit for the station. If such licensee, or operator should fail to produce such instrument within a reasonable time, or if when produced such instrument should be invalid or defective, or if the police officer should have reasonable grounds for believing that it is invalid or defective or that the operator has not been authorized by the licensee to possess and operate the station he may impound the station and the licence or permit and submit them to the Telecommunications Inspector for inspection.

**Marking of apparatus**

7 (1) The Minister shall, on the granting of a licence or permit, issue to the licensee an identification tag or label and the licensee shall attach the tag or label to each licensed station.

(2) A licensee shall keep the identification tag or label attached to the station and failure to do so shall be an offence.

**Application for licence or permit**

8 A person, Government Department or Government Board wishing to possess, use, or operate a station shall make application for the grant of a licence or permit in writing to the Minister in such form and containing such information as the Minister may require.

**Issue of licence or permit**

9 (1) A licence to possess and use a station may be granted under the provisions of the Act to a person or to an individual resident in Bermuda who is over the age of sixteen years.

(2) A permit to operate a station may be granted to a Government Department or Government Board.

(3) Where the Minister considers it necessary to allow the operation of a personal radio service pending his decision whether to grant a licence or permit, or for any other reason, or where a person applies for temporary permission to operate such a service, the Minister may issue a temporary permit for the operation of that service.

(4) If the Telecommunications Inspector should consider that the operation of a station for which a licence or permit is sought might cause harmful interference he may recommend to the Minister that a permit be granted to the applicant to operate the station on a temporary basis for the purpose of carrying out such tests as the

Telecommunications Officer may deem necessary with such other persons, if any, that the Inspector may deem appropriate. The Minister may withhold the grant of a licence or permit until the Inspector is satisfied that the station can be operated without risk of harmful interference.

(5) The Minister may attach to the grant of a licence or permit such conditions and restrictions as to him may seem reasonable having regard to the public interest, the locality in which the station will be operated, the circumstances of the licensee and any other circumstances which he may think reasonable.

**Duration of licence or permit**

10 (1) Every licence or permit shall be issued for three years ending on 31st August and may be renewed.

(2) A temporary permit shall be issued for a period not exceeding six months.

**Transfer of licence, permit or station**

11 (1) A licensee may not, without the prior approval in writing of the Minister, assign, transfer or otherwise dispose of his licence or permit to any other person.

(2) A licensee shall not transfer the possession of a station for which he holds a licence or permit to possess, use or operate, to any other person, unless such person holds a valid licence or permit or stock licence or permit, as the case may be, to possess, use or operate such station.

**Return or revocation of licence or permit and disposal of equipment**

12 (1) When a licence or permit is revoked or suspended or is superseded by a new licence or permit or lapses and is not renewed, the Telecommunications Inspector may require that the revoked, suspended, superseded or lapsed licence or permit, as the case may be, be returned to him together with any letters authorizing additions or alterations to the terms of such licence or permit.

(2) When a licence or permit is revoked or lapses and is not renewed, the licensee shall inform the Telecommunications Inspector in writing within a reasonable time not to exceed 30 days as to the manner in which the station (hereinafter referred to as "the unlicensed apparatus") has been disposed of.

(3) Upon the death of a licensee, his licence or permit shall lapse and his executors, heirs or assigns shall within ninety days of his death inform the Telecommunications Inspector as to the manner in which the unlicensed apparatus has been disposed of.

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- (4) Unlicensed apparatus shall be disposed of as follows—
- (a) by removal from Bermuda and its territorial waters; or
  - (b) by disposal by sale or otherwise to a person in possession of a valid licence, permit or a stock licence or permit; of
  - (c) by surrender to the Telecommunications Inspector for disposal.

Written proof of removal under paragraph (a) shall be furnished to the Minister within a reasonable time by the licensee or his executors, heirs or assigns.

**Loss or destruction of licence or permit**

13 In the event of loss, mutilation or destruction of a licence or permit, the licensee shall immediately report the circumstances in which it was lost, mutilated or destroyed to the Telecommunications Inspector. A duplicate licence or permit may be issued.

**Fee not refunded**

14 In the event of revocation or suspension of a licence or permit under section 13 of the Act no part of any fee paid in respect of such licence or permit shall be refunded.

**Keeping of licence or permit**

15 (1) The current licence or permit for each station in the service shall be kept with the station.

(2) A copy of the Regulations made by the Minister for this service shall be retained with the records of each station in the service.

**General operating practices**

16 (1) A licensee shall in the operation of a station observe the relevant provisions of the Act and of any applicable regulations made by the Minister and shall use frequencies, power, types of emission or modes of transmission authorized by the Minister in the licence or permit and in no other manner. He shall ensure that the station maintains its assigned frequency within the specified tolerance.

- (2) A licensee shall not use his station or allow it to be used—
- (a) for any purpose or in connection with anything which is contrary to law;
  - (b) to communicate with an unlicensed station, or with a foreign station;

- (c) intentionally to interfere with the transmission or reception of any other station;
- (d) for transmitting music, whistling, sound effects, or any matter for amusement or entertainment, or for the sole purpose of attracting attention;
- (e) to transmit the word "Mayday" or any other internationally recognized distress signal (except when the station is located in a ship, aircraft or other vehicle which is in imminent danger and requires assistance);
- (f) for advertising the sale or soliciting the purchase of any goods or services or for any other commercial purpose;
- (g) for transmitting speech or messages in code;
- (h) for transmitting any communication for reward whether direct or indirect;
- (i) for the dissemination of any matter of a political nature.

(3) Any licensee or operator of a station who uses any signal by the station for the sole purpose of attracting attention or of controlling remote objects or devices shall be guilty of an offence.

**Control of station**

17 (1) A licensee shall at all times be responsible for the proper control of each station in relation to which he holds a licence or permit and shall permit no other person to operate it except that an individual of or over the age of 16 years who resides in the home of a licensee may operate such station.

(2) Where upon investigation the Telecommunications Inspector or an individual appointed in that behalf by the Minister is satisfied that a licensee has failed to exercise proper control over any station of which he is the licensee, the Telecommunications Inspector or such individual may serve upon such licensee a notice in writing which shall call the attention of such licensee to such failure and shall require such licensee to correct such failure within 7 days of the date of service of such notice.

(3) If after the expiration of the 7 days stipulated in paragraph (2) the default has not been corrected the Minister may give such licensee notice under section 13(4) of the Act of his intention to revoke or suspend the licence or permit.

**Harmful interference**

18 (1) A station shall not be used in such manner as to cause harmful interference.

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(2) When the Telecommunications Inspector or a person appointed in that behalf by the Minister has reason to believe that transmission by a station is causing harmful interference he may serve a written direction upon the licensee of the station to cease operation immediately.

(3) If the Minister is satisfied that transmission by any station persistently interferes with the operation of any other radio station in the service or any other class of service in the vicinity of the first station, the Minister may, by notice published in the Gazette, prohibit transmission in the area to be defined in the notice.

(4) Any transmission made after the date stipulated in the notice for the cessation of transmission shall be an offence.

**Access to stations**

19 (1) The licensee of any fixed station in the Service shall not permit or suffer any unauthorized person to have access to the apparatus comprised therein. Each such station shall be so installed and protected that it is not accessible to or capable of operation by individuals other than those duly authorized by and under the control of the licensee. Provisions authorizing unattended operation of such a station in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of a licensee to maintain control over the station licensed or permitted (including all transmitter units thereof), or for the proper functioning and operation of such a station and transmitter units in accordance with the terms of the licence or permit of such station, the Act and these Regulations.

(2) A mobile or portable station in the Service may not be installed, maintained or operated in any place which is not at all times controlled exclusively by the licensee or any individual authorized by him unless reasonable precautions have been taken to eliminate effectively the possibility of the station being operated by an unauthorized individual during the period that such place is not under the control of the licensee, or authorized individual, as the case may be.

For the purposes of this paragraph "place" shall include a vehicle or vessel.

**Station identification**

20 (1) The call sign of a station shall be as stated in the licence or permit and shall be clearly transmitted:

Provided that in place of any letters in the call sign well known words may be used of which the initial letters are the same as those in the call sign, but words used in this manner must not be of a facetious character nor be capable of undesirable misinterpretation.



(2) Every transmission of a station call sign shall be made in the English language, shall be complete, and each letter or phonetic alphabet and digit shall be separately and distinctly transmitted.

(3) Every transmission from a station shall be identified by that station's call sign at the commencement and ending thereof, and, where there is a series of transmissions, at intervals of three minutes.

(4) Where a mobile or portable station calls or is called by its base station the words "mobile", "portable" or "base" (as the circumstances warrant) shall be added at the end of the call sign; and for the purpose of this regulation "base" means a fixed station in relation to its mobile or portable unit.

**Transmission by voice only**

21 No transmission on any station in the service shall be made by any medium other than voice.

**Type approval**

22 (1) A licence or permit shall be granted by the Minister only in respect of a station—

- (a) which is of a type, model or description that has already been approved by the Minister for use and operation in service; or
- (b) which is of a type, model or description that has been approved by an authority recognized by the Minister and is accepted by him.

(2) Where paragraph (1) does not apply to a station for which a licence or permit is requested, the person requesting such authorization shall make such station available to the Telecommunications Inspector, or to some other individual appointed in that behalf by the Minister for inspection and type approval for use and operation in the service in Bermuda.

(3) Before granting a licence or permit the Minister may request the applicant to furnish such proof to the Telecommunications Inspector as will satisfy him that there exist in Bermuda adequate and sufficient facilities for the repair and maintenance of the type of station for which a licence or permit is requested and which are available to the person, requesting such licence or permit.

(4) If the Minister decides to withhold type approval or decides that adequate repair and maintenance facilities are not available in Bermuda he may refuse to grant a licence or permit.

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### **Minimum equipment specification**

23 (1) Every transmitter for which an application for a licence or permit has been made shall be of the following minimum specifications—

- (a) its design shall be such that any person using it will be adequately protected from high voltage shock and radio frequency burns;
- (b) where a battery is used it shall be connected to the transmitter in such a manner as not to cause disruption of or injury to the transmitter when being replaced;
- (c) any controls likely to effect changes in the carrier frequency of the transmitter shall be adequately isolated from the exterior of the transmitter;
- (d) a durable nameplate shall be mounted on the transmitter showing—
  - (i) the name of the manufacturer;
  - (ii) the model designation; and
  - (iii) the serial number.

(2) There shall be attached to every station a list of instructions relating to the proper operation thereof; and the list shall be attached to the station in such position as to be easily visible.

### **Bandwidth**

24 The permitted bandwidth of the emission of any station shall be—

- (a) 8 KHz where double sideband is used; and
- (b) 4 KHz where single sideband is used.

### **Modulation requirements**

25 (1) Where double sideband amplitude modulation is used the modulation percentage shall not exceed 100 per cent.

(2) Every station (other than single sideband, suppressed carrier or controlled carrier station) having an output of more than 2.50 watts shall be equipped with a device which will automatically prevent modulation in excess of 100 per cent on positive and negative peaks.

### **External frequency amplifier prohibited**

26 Save with the consent in writing of the Minister no external radio frequency power amplifier shall be used or attached to a station, whether by connection or coupling attachment or by any other means whether of the foregoing or not.

**Antenna**

27 (1) An antenna which crosses above or is liable to fall upon or to be blown onto any overhead utility wire or apparatus shall be guarded by the licensee of the station to the reasonable satisfaction of the owner of such utility wire or apparatus concerned.

(2) The issue of a licence or permit by the Minister shall not relieve the applicant of the necessity of obtaining planning permission for the construction of any works, buildings, antennae or other installations in accordance with the Development and Planning Act 1974 [*title 20 item 1*] or any other relevant legislation regarding land development and planning.

**Tests and adjustments**

28 Where tests of, or adjustments to, any transmitter are being made and such tests or adjustments involve the use of an external connection to the radio frequency output only a non-radiating dummy antenna shall be used:

Provided that—

- (a) where, at a new station, an adjustment of a transmitter to an antenna is being made; or
- (b) a change of antenna or transmitter is being made at an existing station; or
- (c) when a directional change in antenna is necessary; or
- (d) when there is a change for measurement, suppression of harmonic or other spurious radiation;

a short test signal with or without modulation may be used.

**Failure to keep station labelled an offence**

29 Any licensee who fails to ensure that an identification tag or label is attached to a personal radio station, for which he holds a licence or permit, in accordance with the provisions of regulation 7 commits an offence:

Punishment on summary conviction: a fine of \$500.

**False statement in application under regulation 8**

30 Any person who wilfully and knowingly makes, in a written application under regulation 8 for the issue of a licence, a statement that is false in a material particular commits an offence:

Punishment on summary conviction: a fine of \$1,000 or imprisonment for 6 months or both such fine and imprisonment.

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**Repeal**

31 (1) The provisions of the Wireless Telegraphy (Licence) Regulations 1961 that apply to the issuance of licences for, and the operation of, personal radio stations and the personal radio service shall be revoked insofar as they concern such stations and services.

(2) The Telecommunications (Personal Radio Service) Regulations 1977 are revoked.

**Commencement**

32 [omitted]