

**BERMUDA STATUTORY INSTRUMENT**

**BR 14/1988**

**CLASS NINE RADIO (MARITIME MOBILE SERVICE)  
REGULATIONS 1988**

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

ARRANGEMENT OF REGULATIONS

- 1 Citation
- 2 Interpretation
- 3 Purpose
- 4 Requirement for licence or permit
- 5 Secrecy of communications
- 6 Inspection
- 7 Convention
- 8 Application for licence or permit
- 9 Grant of licence or permit
- 10 Duration of licence or permit
- 11 New licence or permit
- 12 Revocation of licence or permit
- 13 Loss or destruction of licence or permit
- 14 Transfer of licence or permit or disposal
- 15 Surrender of licence or permit and disposal of ship station
- 16 Certificate of competence required by operator
- 17 Examination for or recognition of certificate
- 18 Replacement of certificate
- 19 Authority to operate
- 20 Compliance with licence or permit
- 21 Conditions for operation of ship stations
- 22 Persons who may operate ship stations
- 23 Harmful interference
- 24 Access by unauthorized persons not to be permitted
- 25 Posting of licence

26	Station identification
27	Intercommunication
28	Distress communications
29	Type approval
30	Technical parameters
31	Equipment for stations
32	Changes to radio apparatus
33	Adjustment of equipment
34	Transmitter power
35	Transmitter measurements
36	Frequencies
37	Upkeep
38	General requirement for receiving apparatus
39	Settlement
40	Accounting authority
41	False statement in application under regulation 8
42	False statements under regulation 17
43	Failure to procure revocation of Class Five licence an offence
44	Repeal [ <i>omitted</i> ]
45	Commencement [ <i>omitted</i> ]

**Citation**

1 These Regulations may be cited as the Class Nine Radio (Maritime Mobile 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*];

"Bermudian vessel" means—

- (a) a British ship; or
- (b) a vessel, not being a British ship, and not registered in any country other than Bermuda which is owned—
  - (i) by an individual possessing Bermudian status in accordance with the provisions of the Bermuda Immigration and Protection Act 1956 [*title 5 item 16*]; or
  - (ii) by a body corporate in which the control of such body corporate is vested in persons who possess Bermudian status in accordance with the provisions of the Bermuda Immigration and Protection Act; and

or the ship station of which the Minister has not granted a licence or permit under the Class Five Regulations;

"British ship" means any ship registered in Bermuda under the Merchant Shipping Act 1894, Part 1;

"Class Five Regulations" means the Class Five Radio (Small Craft Service) Regulations 1987 or any succeeding regulations;

"Class Nine Service" or "Service" means the radiocommunication service provided on board a Bermudian vessel by a ship station;

"coast station" means a fixed land station in the maritime mobile or maritime mobile satellite service;

"earth station" means a station on the Earth's surface intended for communication with space stations or other earth stations by means of reflecting satellite;

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

"I.T.U." means the International Telecommunication Union, a specialized agency of the United Nations;

"licensee" means a person, Government Department or Government Board holding a licence, provisional licence or a permit, as the case may be, to possess or use, or operate a ship station in the Service;

"Maritime Mobile Service" means a mobile service between coast stations and ship stations, or between ship stations, or between associated on-board communication stations; survival craft stations and emergency position-indicating radiobeacon stations may also participate in this service;

"on-board radiocommunications station" means a portable radio station in the Service intended for use for internal communications on board a vessel, or between a vessel and its lifeboats and liferafts or tenders during lifeboat drills or operations, or for communication within a group of vessels being towed or pushed, as well as for line handling and mooring instructions;

"operator" means a ship's radio officer or a ship's radio operator;

"portable station" means a low-powered station intended to be carried by hand or on the person;

"private operating agency" means any individual or company or corporation, other than a governmental establishment or agency, which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service;

"public coast station" means a coast station which accepts public correspondence;

"public correspondence" means any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission;

"radar" means a radiodetermination system based on the comparison of reference signals with radio signals reflected or retransmitted, from the position to be determined;

"radiodetermination" means the determination of the position, velocity or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation properties of radio waves and includes radar;

"radiotelegraph station" means a ship station on a British ship which is required by law to be fitted with a radiotelegraph station, that is to say, a station for telecommunication, or for the transmission of written matter by the use of a signal code;

"radiotelephone station" means a ship station on a British ship which is required by law to be fitted with a radiotelephone station, that is to say a station for telecommunication, for the transmission of speech, or in some cases, other sounds;

"restricted radio station" means a ship station on a Bermudian vessel which is not required by law to have a ship station on board and may be authorized to operate a radiotelephone station in accordance with the licence or permit on any frequency for radiotelephony in the Maritime Mobile Service;

"restricted VHF radio station" means a ship station on a Bermudian vessel which is not required by law to have a ship station on board and is a radiotelephone station, capable of operating on the frequencies in the Band 156-174 MHz for stations in the Maritime Mobile Service and such other frequencies as may be required for radiodetermination purposes;

"recognized private operating, agency" means any private operating agency, as defined above, which operates a service open to public correspondence and upon which the obligations to abide by the provisions of the Convention are imposed by the state in whose territory the head office of the agency is situated, or by the state which has authorized such operating agency to establish and operate a telecommunication service on its territory;

"ship station" means one or more apparatus for radiocommunication on board any Bermudian vessel including ship earth stations and apparatus used for—

- (a) radiocommunication between a ship station and a coast station or between ship stations;
- (b) radiodetermination;
- (c) survival craft purposes;

(d) on-board radiocommunication;

"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;

"survival craft station" means a mobile station intended solely for survival purposes and located on any lifeboat, life-raft or other survival equipment;

"VHF" means very high frequencies in the range 30 to 300 MHz.

(2) In these Regulations or in any licence, provisional licence or permit, certificate or authority to operate 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 (1) These Regulations state the conditions under which ship stations in the Service may be possessed, used and operated and under which a certificate of competence (hereinafter referred to as "certificate") may be granted or recognized, and an authority to operate issued.

(2) The ship stations to which these Regulations apply shall be classified for the purpose of granting licences and permits into the following categories—

- (a) radiotelegraph; or
- (b) radiotelephone; or
- (c) restricted radiotelephone; or
- (d) restricted VHF radiotelephone.

### **Requirement for licence or permit**

4 (1) Without derogating from the generality of section 9 of the Act, no person may possess or use a ship station in the Service without a licence granted by the Minister in respect of a particular Bermudian vessel.

(2) Without derogating from the generality of section 3 of the Act, a Government Department or Government Board may operate a ship station in the Service only under a permit granted by the Minister in respect of a particular Bermudian vessel.

(3) The Minister shall not issue a licence or permit under these Regulations—

- (a) for a ship station in respect of which he has granted a licence or permit under the Class Five Regulations unless the holder of such Class Five licence or permit first surrenders it to the Minister; or
- (b) for a ship station in a vessel registered outside Bermuda.

(4) When a Class Five licence or permit is surrendered under paragraph 3(a) no part of the fee for such licence or permit shall be refunded.

**Secrecy of communications**

5 (1) The master or the person responsible, as well as all persons who may have knowledge of the text or even of the existence of the radiocommunications transmitted or received by a ship station or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and ensuring the secrecy of communications to the extent required by the Act.

(2) If any message which the master, the operator or the licensee 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 of Bermuda or a competent Bermudian 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.

**Inspection**

6 (1) Every ship station licensed or permitted under these Regulations, the licence, provisional licence or permit, any record or document required to be kept under these Regulations, the certificate and authority to operate of the ship's operators, shall be open to inspection, at any reasonable time, by the Telecommunications Inspector or by any person appointed in writing by the Minister in that behalf.

(2) The Minister may require an inspection of a ship station whether inside or outside Bermudian waters before granting or renewing a licence or permit for its possession, use or operation or whenever he considers it necessary for the proper carrying out of the provisions and purposes of the Act and the international Radio Regulations.

(3) Where an inspection is made outside Bermudian waters under paragraph (2) it shall be at the expense of the licensee, the person applying for a licence or the person requesting the inspection, as the case may be.

(4) The Telecommunications Inspector or any officer appointed in writing by the Minister in that behalf may, at any reasonable time, and in accordance with the international Radio Regulations, inspect any ship in Bermudian waters which is not a Bermudian vessel or a naval vessel, and the operators' certificates and any other instrument of authority.

(5) A police officer in Bermudian waters may at any reasonable time ask the licensee, or operator of a ship station on a Bermudian vessel to produce the licence, provisional licence or permit for the ship station. If such licensee or operator fails to produce such instrument or if when produced such instrument is found to be invalid or defective, or if the police officer has reasonable grounds for believing that it is invalid or defective or that the operator has not been authorized by the licensee to

possess and use the station he may impound the station and the instrument of authorization and submit them to the Telecommunications Inspector for inspection.

(6) Any ship station licensed under these Regulations on board a Bermudian vessel may be inspected in accordance with the international Radio Regulations by the competent authority of any country where the vessel calls.

#### **Convention**

7 The licensee shall observe the provisions of the Convention and the international Radio regulations so far as they are applicable.

#### **Application for licence or permit**

8 (1) A person, Government Department or Government Board wishing to obtain a licence or permit, to possess or use, or operate, as the case may be, a ship station on board a Bermudian vessel, shall apply in writing to the Minister in such form and giving such information as the Minister may deem necessary.

(2) Proof that a Bermudian vessel is a British ship must be furnished. If a Bermudian vessel is not a British ship then proof of ownership and proof of the Bermudian status of the owner must be furnished.

(3) If the Bermudian vessel is owned by more than one person, the owners shall designate one of them to be the licensee and that person shall make the application.

#### **Grant of licence or permit**

9 (1) The Minister may, according to the class of ship mentioned in regulation 3(2), grant—

(a) a licence to a person for the possession and use of a ship station on a Bermudian vessel;

(b) a permit to a Government Department or Government Board to operate a ship station on a Bermudian vessel:

Provided that the ship station for which a licence or permit is requested is approved in accordance with regulation 29.

(2) Where he considers it necessary to allow the temporary operation in the Service of a ship station pending his decision whether to grant a licence or for any other reason, or where application is made for temporary permission to possess and use such a ship station, the Minister may grant a provisional licence in respect of such ship station and may attach to the grant of such provisional licence such conditions and restrictions as he deems fit.

#### **Duration of licence or permit**

10 (1) A licence for a radiotelegraph or radiotelephone station shall be for a period of one year and may be renewed.

(2) A licence for a restricted radiotelephone or restricted VHF radiotelephone station shall be for three years, ending on the 30th of June in the third year on first application and may be renewed.

(3) A provisional licence shall be for a period of up to six months, but shall automatically be revoked by the grant of a licence in its place before the elapse of such period.

(4) A permit may be issued for a period not exceeding one year and may be renewed.

#### **New licence or permit**

11 (1) A licensee shall make application within thirty days in writing to the Minister for a new licence, provisional licence or permit whenever there is any change—

- (a) of his address; or
- (b) of his name without change in beneficial ownership, of the ship; or
- (c) of the name of the ship; or
- (d) of any other circumstances which may materially affect the terms of the licence, provisional licence or permit.

#### **Revocation of licence or permit**

12 Subject to section 13 of the Act, the Minister may at any time after the date of issue of a licence, provisional licence or permit revoke it or vary its terms, provisions or limitations by a notice in writing served on the licensee or by a general notice published in the Gazette addressed to all holders of licences or permits for ship stations granted by the Minister under these Regulations. Any notice given under this regulation may take effect forthwith or on such subsequent date as may be specified in the notice.

#### **Loss or destruction of licence or permit**

13 In the event of loss, mutilation or destruction of a licence, provisional 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, provisional licence or permit may be issued.

#### **Transfer of licence or permit or disposal**

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

(2) When a licensee transfers to another person the ownership of the Bermudian vessel in respect of which his ship station licence, provisional licence or permit was granted without such vessel thereby ceasing to be a Bermudian vessel, he shall inform the Minister in writing within a reasonable time not to exceed thirty days of such transfer of ownership giving such information as the Minister may deem necessary.

**Surrender of licence or permit and disposal of ship station**

15 (1) A licence, provisional licence or permit shall be returned to the Telecommunications Inspector—

- (a) if revoked or suspended;
- (b) if expired by effluxion of time and not renewed; or
- (c) if the licensee has ceased to be the owner of the Bermudian vessel; or
- (d) if the vessel ceases to be a Bermudian vessel.

(2) When a licence, provisional licence or permit is revoked or lapses and is not renewed, and the vessel remains a Bermudian vessel, the licensee shall inform the Telecommunications Inspector in writing within a reasonable time not to exceed thirty days how the radio equipment of the licensed or permitted station (hereinafter referred to as "the unlicensed radio equipment") has been disposed of.

(3) Upon the death of a licensee his licence, provisional licence or permit shall lapse and his executors, heirs or assigns shall within ninety days of his death inform the Telecommunications Inspector how the unlicensed radio equipment has been disposed of.

(4) Unlicensed radio equipment 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 licence or permit valid under these Regulations or a stock licence or permit; or
- (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, his heirs or assigns.

**Certificate of competence required by operator**

16 No person shall operate a radiotelegraph or radiotelephone station on board a Bermudian vessel unless he is in possession of a valid certificate in accordance with the requirements of the international Radio Regulations, granted by or recognized by the Minister and an authority to operate issued pursuant to regulation 19.

**Examination for or recognition of certificate**

17 (1) The Minister may in writing accept a valid certificate granted by a recognized authority (hereinafter referred to as a "recognized certificate") as sufficient proof of competency to operate a station of the designated category in a Bermudian vessel.

(2) The Telecommunications Inspector shall be an examiner under section 13(1)(c) of the Act for the purpose of examining applicants for a certificate to operate a radiotelegraph or radiotelephone station on board a Bermudian vessel. The Minister may from time to time appoint

such number of other persons as he considers necessary to be examiners for the same purpose.

(3) Any person wishing to be examined for a certificate shall apply in writing to the Minister supplying such information as the Minister may require.

(4) Where an examiner has reason to believe that the physical condition of a candidate appearing before him is such that it could adversely affect the candidate's capacity to operate a radiotelegraph or radiotelephone station on board a Bermudian vessel, he may request that the candidate provide a medical certificate issued by a medical practitioner attesting to his fitness.

(5) A candidate shall, if requested to do so by an examiner for the purpose of determining the candidate's qualifications or identification, produce to him a log book, a seaman's discharge book, a birth certificate or some other form of identification acceptable to the examiner.

(6) A certificate of an appropriate category within the categories recognized in the international Radio Regulations may be granted by the Minister to an applicant who has satisfied the examiner and whose physical condition has been attested if necessary in accordance with paragraph (4).

(7) The Minister may take such steps as he shall deem necessary to ensure the continued proficiency of holders of certificates while such persons are in service on board Bermudian vessels.

**Replacement of certificate**

18 (1) A replacement certificate for a certificate issued by the Minister may be issued to an operator on the production by him of a mutilated certificate or satisfactory evidence, verified under oath, that his original certificate or any replacement certificate has been lost or destroyed.

(2) The holder of a recognized certificate that is lost, mutilated or destroyed shall obtain a replacement certificate from the authority which issued the original.

**Authority to operate**

19 (1) Subject to regulation 22 no person shall perform the service of and control and operate any radiotelegraph or radiotelephone station licensed or permitted under these Regulations unless he is in possession of a valid authority to operate a ship station of the designated category issued by the Minister or by a person designated by him in writing in that behalf:

Provided that an authority to operate a ship station of a designated category on board a United Kingdom ship issued by the competent authority in the United Kingdom shall constitute a valid authority to operate a station of a similar category on board a Bermudian vessel.

(2) A person holding a valid certificate granted by or recognized by the Minister, who does not possess a valid authority to operate, may

apply in writing to the Minister for an authority to operate the category of station designated in his certificate and, the Minister or a person designated by him, if he is satisfied that there are no grounds why such authority should not be granted, shall issue it.

(3) The Minister may, after giving the holder thereof written notice and affording him a reasonable opportunity to make representations, revoke or suspend an authority to operate issued by him where —

- (a) the holder thereof has wilfully or negligently failed to operate the facilities or services in respect of which the authority to operate was issued in accordance with the Regulations or the terms or conditions of his certificate or of the Convention; or
- (b) false statements of material facts, fraud or misrepresentation have been made or committed by the holder of the authority in the application for his certificate, or authority to operate or related to any subsequent statement in connection with them required by him; or
- (c) he is satisfied that there is other just and reasonable cause for so doing.

(4) Where the Minister is satisfied that any of the provisions of paragraph (3)(a), (b) or (c) apply to an operator on board a Bermudian vessel holding an authority to operate issued in the United Kingdom, the Minister may, after giving such operator reasonable opportunity to make representation, declare by notice published in the Gazette that such person shall not again be authorized to perform the service of and control and operate any radiotelegraph or radiotelephone station on board a Bermudian vessel, or shall not do so for such period as the Minister may decide.

#### **Compliance with licence or permit**

20 (1) The licensee shall ensure that persons operating the ship station shall observe the terms, provisions and limitations of the licence, provisional licence or permit at all times.

(2) Except as may be regulated by law or international agreement the service of each ship station shall at all times be under the supreme control of the master, who shall require that each operator of such station comply with the international Radio Regulations and that the station for which the operator is responsible is also used at all times in accordance with these Regulations.

#### **Conditions for operation of ship stations**

21 (1) The following conditions shall apply to ship stations:—

- (a) when used for transmitting, a ship station shall be used only with emissions which are of the classes specified in the licence, provisional licence or permit and are on the frequency specified therein in relation to those respective classes of emission, and with a power not exceeding that

specified in the licence, provisional licence or permit in relation to the class of emission and frequency in use at the time;

(b) except in the case of distress or in emergency involving danger to life or to navigation or for purposes of safe navigation—

(i) no message shall be sent to a ship station for onward transmission to any other station for radiocommunication except for onward transmission to a coast station or another ship station;

(ii) while any vessel is in Bermudian territorial waters its ship station may be used only in accordance with section 37 of the Act.

(2) The following conditions shall apply to survival craft stations:—

(a) the survival craft stations shall be used—

(i) in an emergency involving danger to life or to navigation only for transmitting and receiving by radiocommunication such messages as the circumstances may require, and at other times for testing the working of the apparatus comprised in such stations on or in the vicinity of the vessel; and

(ii) when used for transmitting only with emissions which are of the classes specified in the licence, provisional licence or permit and are on the frequencies specified in the licence, provisional licence or permit in relation to those respective classes of emission, and with a power not exceeding that specified in the licence or permit in relation to the class of emission and frequency in use at the time;

(b) the survival craft stations associated with any radiotelegraph or radiotelephone station shall be operated only by a person authorized a valid certificate issued or recognized by the Minister and an authority to operate issued by him or by a competent authority in the United Kingdom:

Provided that nothing in these limitations shall prevent the use or operation of the survival craft stations in distress in whatever manner and by whatever persons may be necessary for the purpose of attracting attention, making known their position and obtaining help.

**Persons who may operate ship stations**

22 (1) The service of every radiotelegraph station shall be performed by an operator holding a certificate issued or recognized by

the Minister and an authority to operate issued by him or by a competent authority in the United Kingdom.

(2) For the purposes of paragraph (1) no certificate shall be deemed to be valid on any date if granted more than 2 years before that date and either:

- (a) the holder's period, or aggregate of periods, of experience on that date is less than three months; or
- (b) the holder last had experience at a time earlier than 2 years before that date, unless he can satisfy the Telecommunications Inspector or a person appointed in writing by the Minister in that behalf by re-examination or otherwise that he still possesses all the qualifications described in his certificate and that his experience with modern equipment is adequate.

For the purpose of this paragraph "experience" means experience as the operator of radiotelegraph apparatus:—

- (i) at sea, as a radio officer or a radiotelegraph operator; or
- (ii) on land, as an operator at a radiotelegraph station maintained on land by the Government of Bermuda, or at an entity for communication with ships recognized by the Minister.

(3) For the purposes of these Regulations no person shall be deemed to be a radio officer on board a ship registered outside Bermuda unless he holds a valid certificate in radiotelegraphy granted by an authority empowered or recognized in that behalf by the laws of the country in which the ship is registered and issued in accordance with the international Radio Regulations.

(4) The service of every radiotelephone station shall be controlled by an operator holding a certificate issued or recognized by the Minister and a valid authority to operate issued by him or by a competent authority in the United Kingdom:

Provided that such station is so controlled, other persons besides the holder of the certificate and authority may use the radiotelephone equipment.

(5) The service of automatic communication devices installed in a ship station shall be controlled by an operator holding a certificate issued or recognized by the Minister and a valid authority to operate issued by him or by a competent authority in the United Kingdom:

Provided that if the devices are so controlled, they may be used by other persons: and

Provided further that if such devices require for their basic function the use of Morse code signals specified in the Instruction for the Operation of the International Public Telegram Service, issued by the I.T.U. the service shall be performed by an operator holding a radiotelegraph operator's certificate: this latter requirement however does

not apply to automatic devices which use Morse code signals solely for identification purposes.

(6) In the case of complete unavailability of the operator in the course of a sea passage and solely as a temporary measure, the master or the person responsible for the ship station may authorize an operator holding a certificate not issued by or recognized by the Minister to perform the radiocommunication service.

(7) When it is necessary to employ a person without a certificate or an operator not holding an adequate certificate as a temporary operator, his performance as such must be limited solely to signals of distress, urgency and safety, messages relating thereto, messages relating directly to the safety of life and urgent messages relating to the movement of the vessel. Persons employed in these cases are bound by the provisions of regulation 5 regarding the secrecy of communications.

(8) In all cases, such temporary operators must be replaced as soon as possible by operators holding one of the certificates required by paragraphs (1) to (4) and a valid authority to operate.

#### **Harmful interference**

23 (1) The apparatus of ship stations in the Service shall be so designed, constructed, maintained and used that their operation does not cause any avoidable harmful interference with any other radio service or prevent the efficient operation of any other equipment installed on the ship.

(2) Licensees and operators shall take reasonable precautions to avoid causing harmful interference.

(3) All ship stations shall radiate only as much power as is necessary to ensure a satisfactory service.

(4) Transmission shall be suspended immediately upon detection by the licensee, or operator, or upon notification by the Telecommunications Inspector or a person appointed in writing by the Minister in that behalf, of a deviation from the technical requirements of the station authorization, and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended as soon as the emergency is terminated.

(5) If the Minister is satisfied that transmission by any ship station on board a Bermudian vessel persistently causes harmful interference he may, at his discretion—

- (a) require appropriate changes in equipment to eliminate such interference;
- (b) by notice published in the Gazette, prohibit transmission in the area to be defined in the notice.

**Access by unauthorized persons not to be permitted**

24 A licensee, or an operator shall not permit or suffer any unauthorized person to operate the ship station on board a Bermudian vessel or to have access to the apparatus comprised therein:

Provided that the licensee or operator, shall permit any person, acting in the course of his duty, and authorized in writing in that behalf by the Minister to have access to such station at all reasonable times for the purpose of inspecting and testing the apparatus comprised therein.

**Posting of licence**

25 The licence, provisional licence or permit together with any notices of variation served on the licensee in writing by virtue of regulation 12, a copy of the Act and of these Regulations, and the documents listed in the international Radio Regulations as required to be carried on board a vessel of the category to which the vessel belongs, shall be carried on board a Bermudian vessel in the radio room.

**Station identification**

26 The call sign of the ship station on board a Bermudian vessel as shown in the licence, provisional licence or permit shall be used whenever it is necessary to identify the ship station. Such call sign followed by 2 digits (other than 0 or 1) shall be used to identify any of the survival craft stations. A different combination of digits shall be used in respect of each survival craft station.

**Intercommunication**

27 Each ship station in the Service on board a Bermudian vessel at sea shall, within the scope of its normal operations, be bound to exchange messages, or signals with any other ship station in the Maritime Mobile Services at sea or with any public coast station in the Maritime Mobile Service; or any aircraft station:

Provided that such exchange of radio communications shall be without distinction as to radio systems or instruments adopted by each station.

**Distress communications**

28 A ship station on board a Bermudian vessel may use any means at its disposal to attract attention, make known its position and help in case of distress. A distress call and message, however, shall be transmitted only on the authority of the master or person responsible for the station. No person shall knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or communication relating thereto.

**Type approval**

29 (1) A licence or permit shall be granted by the Minister only in respect of the apparatus of a ship's station on board a Bermudian vessel—

- (a) which is of a type, model or description that has already been approved by the Minister for use and operation in

the Service and is installed in a manner approved by him; or

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

(2) Where paragraph (1) does not apply to a ship station on board a Bermudian vessel or any part of it for which a licence or permit is requested, the person requesting the licence or permit shall make the station available to the Telecommunications Inspector or some other person appointed in that behalf by the Minister for Inspection and type approval for use and operation in the Service on Bermudian vessels. If the Minister decides to withhold type approval he may refuse to grant a licence or permit.

(3) Where an examination in connexion with type approval has to be made outside Bermuda, such examination shall be at the expense of the person requesting it.

(4) 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 adequate and sufficient facilities for the repair and maintenance of the type of ship station for which a licence or permit is requested and which are available to the person, requesting such licence or permit.

(5) If the Minister decides to withhold type approval or does not approve of the installation, or decides that adequate repair and maintenance facilities are not available, he may refuse to grant a licence or permit.

#### **Technical parameters**

30 The Minister shall authorize in respect of each ship station the following technical parameters which shall be included in the licence, provisional licence or permit:

- (a) frequencies to be used;
- (b) class of emission;
- (c) mean radio frequency power; and
- (d) any other parameter deemed to be necessary by the Minister.

#### **Equipment for stations**

31 (1) A ship station on board a Bermudian vessel shall be equipped with sufficient and suitable indicating instruments to confirm that the station is functioning as authorized and to enable all normal adjustments to be made without recourse to external instruments.

(2) All equipment and the location and arrangement thereof shall conform to specifications, if any, issued by the Minister from time to time.

(3) The licensee shall take all necessary precautions to ensure that in the construction of the transmitter and associated equipment and in the manner of installation no parts are exposed that, in the operation of the station, might constitute a danger to any person.

(4) The radio operating area or room, as the case may be, shall be of sufficient size and of adequate ventilation to enable the radiocommunication station to be operated efficiently and safely.

#### **Changes to radio apparatus**

32 A licensee may only change the radio apparatus of his ship station without the consent of the Minister if—

- (a) the new apparatus is of a type, model or description that has been approved by the Minister or by an authority recognized by him and accepted by him for use in the service performed by the authorized station; and
- (b) no change is made in the type of emission, radio frequency, antenna characteristics, or the power to be used, as specified in—
  - (i) the application pursuant to which the licence or permit for the station was issued; or
  - (ii) the licence or permit.

#### **Adjustment of equipment**

33 The transmitting equipment of each ship station on board a Bermudian vessel shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency band that causes harmful interference or is capable of causing harmful interference to the service of any other station. Any spurious emissions including radio frequency harmonics and audio frequency harmonics shall be maintained at the lowest practicable level.

#### **Transmitter power**

34 The actual power of each radio transmitter in a ship station on board a Bermudian vessel shall, insofar as is practicable, be no more than that necessary to carry on the service for which the station is licensed or permitted.

#### **Transmitter measurements**

35 (1) Except as provided for in paragraph (4) a determination shall be made that the carrier frequencies of each transmitter are within prescribed tolerance as follows—

- (a) when the transmitter is initially installed;
- (b) when any change is made in the transmitter which may affect the carrier frequencies or stability thereof; and
- (c) upon receipt of an official notice of off-frequency operation.

(2) When the manufacturer's rated power of a ship station transmitter is more than 120 percent of the maximum authorized power the actual power shall be determined as follows—

- (a) when the transmitter is initially installed; and
- (b) when any change is made in the transmitter which may increase its power.

(3) Except as provided for in paragraph (4), a determination shall be made that each radiotelephone station transmitter is properly adjusted in accordance with the manufacturer's specifications—

- (a) when the transmitter is initially installed; and
- (b) when any material change is made in the transmitter.

(4) The determinations required by paragraphs (1) and (3) may be made at a test or service bench, provided the load conditions are equivalent to those of actual operation. In the case of transmitters operating in the VHF band, these determinations shall be performed by the manufacturer for each channel of frequency installed at the point of manufacture or, in the case of frequency synthesized equipment, on channel 16 (156.8 MHz) and the highest and lowest transmit frequencies. This shall be in lieu of these measurements being performed when the transmitter is initially installed.

(5) The results of the determinations of paragraphs (1), (2), and (3) shall be entered in or made a part of the radiotelegraph or radiotelephone station log, as the case may be.

#### **Frequencies**

36 Any apparatus comprised in the ship station shall at all times be so adjusted that it shall only be possible to transmit with such apparatus on a frequency specified in the licence or permit.

#### **Upkeep**

37 The apparatus comprised in the ship station or survival craft stations and in particular the headgear receivers and microphones thereof, shall be kept in clean and sanitary condition, and dangerous parts of such apparatus shall be so screened or isolated as to ensure the reasonable comfort and health of the persons operation the Stations.

#### **General requirement for receiving apparatus**

38 Each ship station on board a Bermudian vessel shall be equipped for the reception of signals on frequencies in current use at the station at any time.

#### **Settlement**

39 (1) A licensee shall be responsible for the settlement of charges incurred by any person using the licensed or permitted ship station on board a Bermudian vessel for public correspondence in the Service by radiocommunication with a coast station or another ship station (hereinafter referred to as "maritime accounts").

(2) A licensee of a radiotelegraph, radiotelephone or restricted radiotelephone station shall enter into a written agreement with an accounting authority either appointed or recognized by the Minister for the purpose of settling maritime accounts.

(3) The maritime accounts shall be promptly settled by the licensee with the concerned accounting authority (appointed by the Minister under regulation 40) in accordance with procedures laid down under the Convention and the Recommendations of the ITU.

(4) If a licensee habitually fails to settle maritime accounts within six months the Minister may, without prejudice to any other steps that he may take within the law to ensure settlement of any such outstanding account, refuse to renew the licence or permit until he is satisfied that the outstanding maritime accounts of the licensee with accounting authorities have been settled.

#### **Accounting authority**

40 (1) The Minister may appoint or recognize in accordance with the international Radio Regulations, recognized operating agencies or other entities to be accounting authorities authorized to collect charges for maritime accounts from licensees.

(2) No person may act as an accounting authority in respect of a Bermudian vessel unless appointed in writing by the Minister.

(3) The Minister shall allocate to each accounting authority in Bermuda, a discrete identification code number (hereinafter referred to as "AAIC"). The Minister shall notify the name, and address of the accounting authority to the ITU General Secretariat for inclusion in the ITU List of Ship Stations.

(4) Each accounting authority in Bermuda shall—

(a) notify its AAIC to the Administration of each country that has recognized it as an accounting authority for ship stations licensed by that Administration; and

(b) ensure that all licensees for which it accounts are notified of its AAIC and are aware of their responsibilities under the Convention and ITU Recommendations in using the AAIC when transmitting radio traffic.

#### **False statement in application under regulation 8**

41 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: imprisonment for 6 months or a fine of \$1,000 or both such imprisonment and fine.

#### **False statements under regulation 17**

42 Any person who wilfully and knowingly—

- (a) makes in a written application under regulation 17(3) for examination for a certificate of competence, a statement that is false in a material particular; or
- (b) produces to an examiner under regulation 17(4) or (5) any documents that are forged or falsified in a material particular,

commits an offence:

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

**Failure to procure revocation of Class Five licence an offence**

43 Any person who, being a licensee of a ship station under the Class Five Regulations, applies for and obtains the grant by the Minister of a licence for the same station under these Regulations and fails to procure the revocation by the Minister of his Class Five licence commits an offence:

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

**Repeal**

44 [omitted]

**Commencement**

45 [omitted]