

**BERMUDA STATUTORY INSTRUMENT**

**BR 12/1987**

**CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME  
LAND SERVICES) REGULATIONS 1987**

ARRANGEMENT OF REGULATIONS

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

- 1 Citation
- 2 Interpretation
- 3 Purpose
- 4 Requirement for licence or permit
- 5 Secrecy of communications
- 6 Inspection
- 7 Application for licence or permit
- 8 Grant of licence or permit
- 9 Duration of licence or permit
- 10 Return of licence or permit and disposal of equipment
- 11 Loss or destruction of licence or permit or certificate
- 12 Transfer of licence or permit or station
- 13 Certificates
- 14 Operators
- 15 Points of communication and traffic
- 16 Permissible communications
- 17 Control
- 18 Frequencies
- 19 Order of priority for communications
- 20 Watch

## **CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME LAND SERVICES) REGULATIONS 1987**

---

- 21 Hours of service
- 22 Distress and safety calls
- 23 Call signs
- 24 Emergency operation
- 25 Discontinuance or reduction of service
- 26 Suspension of transmission
- 27 Access to stations
- 28 Harmful interference
- 29 Radio logs for public and operational stations
- 30 Radio logs for limited aeronautical stations
- 31 Maintenance logs
- 32 Service documents
- 33 Station identification
- 34 Unattended operation
- 35 Posting of station and operator licence permit or certificate
- 36 Type approval
- 37 Installation, construction or alteration of station
- 38 Changes to radio apparatus and antennae
- 39 Technical parameters
- 40 Equipment for stations
- 41 Maintenance
- 42 Antenna and buildings
- 43 False statements in application under regulation 7
- 44 Repeal [*omitted*]
- 45 Commencement [*omitted*]

### **Citation**

- 1 These Regulations may be cited as the Class Eleven Radio (Aeronautical and Maritime Land Services) Regulations 1987.

### **Interpretation**

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

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

"the aeronautical and maritime services" or "the Services" means all the land radiocommunication, radiodetermination and radionavigation services in Bermuda for aircraft and ships including but not limited to public and private correspondence, air traffic control and ship movements, the operational handling of ships in port and aircraft on the ground in Bermuda, navigation and safety, weather

information and time signals provided by the following categories of stations—

- (a) public aeronautical service stations;
- (b) limited aeronautical service stations;
- (c) public coast stations;
- (d) limited coast stations;
- (f) limited operational maritime services stations;

"the aeronautical mobile service" means a radiocommunication service between aeronautical land stations and aircraft stations or between aircraft stations;

"aircraft station" means a station in the aeronautical mobile service installed in an aircraft;

"automatic radionavigation station" means an operational services station used for radionavigation transmitting automatically or in response to a predetermined received signals, a pulsed radio signal with specific characteristics;

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

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

"land station" means any fixed station on the ground in Bermuda engaged in radiocommunication or transmission of energy by radio;

"licensee" means a person who is the holder of a licence or permit to possess or use, or operate a station in the Services;

"limited aeronautical service station" means a station at a fixed location in Bermuda in the aeronautical mobile service, not open for public correspondence and limited to the handling of private correspondence relating to the business of a licensee;

"limited coast station" means a coast station in Bermuda in the maritime mobile service not open to public correspondence and limited to the handling of private correspondence relating to the business of a licensee;

"limited operational maritime services station" means a station not open to public correspondence operated in Bermuda for the purposes of controlling ship movements, operational handling of ships in port in Bermuda and other local maritime operational functions;

**CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME  
LAND SERVICES) REGULATIONS 1987**

---

"maritime mobile service" means a radiocommunication service between coast stations and ship stations or between ship stations;

"operational services station" means a station in Bermuda, not open to public correspondence, operated for any of the following purposes—

- (a) air traffic control or ship movements;
- (b) operational handling of aircraft on the ground in Bermuda or of ships in port in Bermuda; and
- (c) radio navigation, radiodetermination, control, relay or other aeronautical or maritime functions;

"person" includes an individual, a company or association or body or persons, whether corporate or incorporate and a Government Department or Government Board,,

"public aeronautical service station" means a station on land in Bermuda in the aeronautical mobile service open for public correspondence;

"public coast station" means a coast station in Bermuda open to public correspondence;

"public station" means a public aeronautical service station or a public coast station;

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

"radiodetermination" means the determination of 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 cognate expressions shall be construed accordingly;

"radionavigation" includes information, directions and other facilities furnished by radiocommunication for the purposes of or in connection with the navigation or aircraft or ships and cognate expressions shall be construed accordingly;

"repeater station" means a fixed station in the Services used for reception and automatic retransmission of the signal of another station or stations;

"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 or certificate granted thereunder 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 Services may be possessed and used.

**Requirement for licence or permit**

4 Without derogating from the generality of section 9 of the Act a licence or permit, as the case may be, is required for the possession and use or operation of each station in the Services and may be granted by the Minister under the Act.

**Secrecy of communications**

5 If any message which the station operator or licensee of a station in the Services 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.

**Inspection**

6 (1) Any station in the Services 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 in the Services to produce the licence or permit for the station or the certificate of proficiency of the operator.

**Application for licence or permit**

7 A person wishing to obtain a licence or permit shall apply in writing to the Minister in such form and giving such information as the Minister shall deem necessary.

**Grant of licence or permit**

8 (1) A licence or permit may be granted by the Minister in accordance with the Act to a body corporate entitled to carry on business in Bermuda under the Companies Act 1981 [*title 17 item 5*], or to an

**CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME  
LAND SERVICES) REGULATIONS 1987**

---

individual resident in Bermuda who is over the age of eighteen years and who may engage in gainful occupation in Bermuda under the Bermuda Immigration and Protection Act 1956 [*title 5 item 16*]:

Provided that—

- (a) a licence or permit shall not be granted for a public station in the aeronautical or maritime mobile services unless there is a valid public telecommunication service licence for such aeronautical or maritime mobile service;
- (b) the station for which a licence or permit is requested is approved in accordance with regulation 36 or 37; and
- (c) the transmitting apparatus is capable of transmitting only on the frequencies mentioned in the licence or permit and on no other frequencies unless the Minister determines otherwise.

(2) A permit may be granted by the Minister to a Government Department or Government Board authorizing the operation of a station in the Services.

(3) If the Telecommunications Inspector considers that the operation of a station in the Services 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 such station on a temporary basis for the purposes of carrying out such tests as the Telecommunications Inspector 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.

**Duration of licence or permit**

9 (1) A licence shall be for a period of one year and may be renewed.

(2) A permit shall be issued for a period of up to one year and may be renewed.

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

10 (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 or his executors, heirs or assigns shall inform the

Telecommunications Inspector in writing within a reasonable time not to exceed 30 days as to the manner in which the apparatus of the station (hereinafter referred to as "the unlicensed apparatus") has been disposed of.

- (3) 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; 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 or his executors, heirs or assigns.

**Loss or destruction of licence or permit or certificate**

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

**Transfer of licence or permit or station**

12 (1) A licensee may not, without the prior consent 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 in the Services for which he holds a licence or permit to possess or use 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 or use such station.

**Certificates**

13 (1) The Telecommunications Inspector shall be an examiner under section 13(1)(c) of the Act for the purpose of examining applicants for certificates of competence to operate stations in the Services. The Minister may from time to time appoint such number of other persons as he considers necessary to be examiners for the same purpose.

(2) Any person wishing to be examined for a certificate shall apply to the Telecommunications Inspector and may be admitted to an examination conducted by an examiner or examiners on a date and at a time and place determined by the Minister.

**CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME  
LAND SERVICES) REGULATIONS 1987**

---

(3) The Minister may issue a certificate of competence of the appropriate class to an individual who has passed the required examination.

(4) The Minister may accept a certificate issued by a recognized authority country as sufficient proof of competency to operate a station in the Services in Bermuda.

**Operators**

14 (1) A station in the Services shall be operated only by persons authorized by the licensee in writing in that behalf and the licensee shall not permit or suffer it to be operated by any other person.

(2) Each manned station in the Services, except for a manned limited coast station transmitting on frequencies above 30 MHz, shall be operated only by a person holding a certificate of competence for the appropriate category of station issued by or recognized by the Minister.

(3) A licensee shall ensure that persons on duty in a station in the Services for which he holds the licence or permit are qualified in accordance with paragraph (2) and have sufficient experience with the particular station to enable them to operate it efficiently in accordance with the terms of the licence or permit.

**Points of communication and traffic**

15 (1) A public aeronautical service station shall communicate with any aircraft station in the aeronautical mobile service for the purpose of passing public correspondence.

(2) A public coast station shall communicate with any ship or aircraft station at sea for the purpose of passing public correspondence:

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

(3) Each public coast station shall without discrimination, acknowledge all calls and receive all messages and communications from mobile stations (except land mobile stations) within range which are addressed or directed to it, transmit all messages and communications delivered to or via the coast station which are addressed or directed to mobile (except land mobile stations) stations within range, and in all respects, render a maritime mobile service of public correspondence without discrimination.

(4) A limited aeronautical service station may communicate with—

- (a) stations on aircraft; and



- (b) with any mobile station in the aeronautical mobile service for the transmission or reception of safety communication.

Such stations shall not be open to public correspondence.

- (5) A limited coast station may communicate with—
  - (a) stations on ships or boats; and
  - (b) with any mobile station in the maritime mobile services for the transmission or reception of safety communication.

Such stations shall not be open to public correspondence.

- (6) An operational services station and a limited operational maritime services station may transmit or communicate only as authorized by its licence or permit or in writing by the Minister and shall not be open to public correspondence.

- (7) The stations mentioned in paragraphs (1) to (6) except for radiodetermination stations shall accept and deal with distress and safety messages in accordance with the provisions of the international Radio Regulations and without charge therefor.

**Permissible communications**

16 Speech shall not be encoded in transmissions in the Services unless this method has been approved by the Minister in writing.

**Control**

17 Aeronautical service stations and coast stations may, when communicating with a mobile station in the aeronautical mobile service or the maritime mobile service, as the case may be, for the sole purpose of reducing or avoiding interference, expediting communication, and rendering an efficient service, give instructions to the mobile station relative to the order, and time of transmission, to the choice of authorized frequency, to the suspension of communications, and to the permissible type of message traffic that may be transmitted or received by the particular aeronautical service station or coast station. This provision, however, shall not apply in the event of distress, either actual or impending, except as provided in respect to distress situations by the applicable provisions of the international Radio Regulations.

**Frequencies**

18 (1) Stations in the Services shall transmit only on the frequencies authorized in the licence or permit and shall not be equipped to transmit on unauthorized frequencies without the written permission of the Minister.

## **CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME LAND SERVICES) REGULATIONS 1987**

---

(2) Stations in the Services other than radiodetermination stations shall be capable of receiving on each assigned frequency.

### **Order of priority for communications**

19 (1) The order of priority for the communications of public aeronautical service stations and public coast stations shall be that established in the international Radio Regulations respectively for the aeronautical mobile service and the maritime mobile service.

(2) All communications of stations in the aeronautical mobile service are essential to the safe operation of aircraft and shall have priority over public correspondence. The operation of a public aeronautical service station shall be suspended when it interferes with the radiocommunications of the safety service.

(3) Limited aeronautical service stations, limited coast stations, operational services stations (where applicable) and limited operational maritime services stations shall give priority to distress, urgency and safety messages.

(4) No charge shall be made for the transmission of distress messages and replies thereto.

### **Watch**

20 (1) Public coast stations shall keep watch in accordance with the provisions of the international Radio Regulations.

(2) Public aeronautical service stations shall keep a continuous effective listening watch on the frequency or frequencies used for the aviation safety service messages while public service messages are being handled; and the installation and system of operation shall permit instantaneous interruption of aeronautical public service communications to transmit or receive safety service messages.

### **Hours of service**

21 The hours of service of stations in the Services shall be as determined by the Minister and stated in the licence or permit. The Minister may require a station to remain open during twenty-four hour periods, should he deem this necessary.

### **Distress and safety calls**

22 (1) With respect to distress and the safety of navigation, life, or property, each station in the Services shall acknowledge all safety calls and receive all safety communications addressed or directed to it by ship or aircraft stations.

(2) Notwithstanding the terms and conditions of the station licence or permit, such station may transmit safety communication to any ship or aircraft station.

(3) A station in the Services may, in exceptional circumstances, use any means at its disposal to assist a mobile station in distress or to warn a ship about to run aground in Bermudian waters.

**Call signs**

23 (1) Only call signs assigned by the Minister and included in the licence or permit shall be used by stations in the Services. Such call signs shall be transmitted in accordance with the provisions of the international Radio Regulations and in any event the call sign shall be transmitted at the beginning and end of each series of transmissions.

(2) Only identification signals assigned by the Minister and included in the licence or permit shall be used by automatic radionavigation stations. Such signals shall be transmitted in compliance with the international Radio Regulations.

**Emergency operation**

24 A licensee of a station in the Services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the licence or permit or these Regulations:

Provided that—

- (a) as soon as possible after the beginning of such emergency use, notice shall be given to the Telecommunications Inspector of the special emergency use;
- (b) such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available;
- (c) in no event shall any station engage in emergency transmission on a frequency other than, or with power in excess of, that specified in the licence or permit; and
- (d) the Minister may, at any time, order the discontinuance of any such emergency communication undertaken under this regulation.

**Discontinuance or reduction of service**

25 (1) When the service of any station in the Services, except a limited aeronautical service station or a limited coast station, is discontinued, reduced or impaired for any reason within the control of the licensee, notification thereof shall be given to the Telecommunications Inspector, together with, in the case of suspension

## **CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME LAND SERVICES) REGULATIONS 1987**

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a statement of the estimated or known time of resumption or normal service.

(2) In the case of a public aeronautical service station or a public coast station, such notification shall be given as soon as practicable.

(3) In respect to any other class of station such notification need be made only when the discontinuance, reduction, or impairment of service continues for a period of more than 10 days. In the event that any voluntary suspension, reduction, or discontinuance of operation includes discontinuance, reduction, or suspension of a watch normally kept by any coast station on 500 kHz, 2182 kHz or 156.8 MHz, immediately notification thereof shall be given by the licensee to Harbour Radio, together with notification of the estimated or known time of resumption of any such watch that has been suspended.

### **Suspension of transmission**

26 (1) Transmission shall be suspended immediately upon detection by the station licensee or operator, or upon notification by the Telecommunications Inspector, of a deviation from the technical requirements of the licence or permit.

(2) Transmission 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 immediately after the emergency is terminated.

### **Access to stations**

27 (1) A licensee shall not permit or suffer any unauthorized person to have access to the apparatus comprised in his station.

(2) Each 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.

(3) Provisions authorizing unattended operation of a repeater station or an automatic radionavigation station in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of a licensee to maintain control over such station (including all transmitter units thereof), or for the proper functioning and operation of such station and its transmitter units in accordance with the terms of the licence or permit of such station, the Act and these Regulations.

### **Harmful interference**

28 (1) The apparatus of the stations in the Services shall be so designed, constructed, maintained and used that their operation does not cause any avoidable harmful interference.

(2) A licensee shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for other communications in progress and such other measures as may be necessary to minimize the potential for causing interference.

(3) Where the Telecommunications Inspector or an individual appointed in that behalf by the Minister has reason to believe that transmission by a station in the Services is causing interference with any other station he may serve a written direction upon the licensee of the first station to cease operation immediately and the licensee shall comply unless such station is transmitting signals or communications relating to an aircraft or a ship in distress.

(4) Where a transmission results in harmful interference the Telecommunications Inspector may, at his discretion, require appropriate technical changes in equipment and the effective radiated power to eliminate such interference and the licensee shall comply.

**Radio logs for public and operational stations**

29 (1) A licensee of a public service and operational services station (excluding radiodetermination and limited operational maritime services stations) shall ensure that a radio log of a type approved by the Minister is kept in an orderly manner and in such detail that the information required for the particular class of station is readily available.

(2) An entry or entries in the radio log of each station shall bear the name of the person having actual knowledge of the events recorded.

(3) In the case of public service station the radio log shall contain information sufficient to serve as a basis for charging for public correspondence.

(4) Every operator shall when keeping duty, enter in the radio log—

- (a) the name of the operator and the times at which his duty commenced and ended;
- (b) the times at which radio watch was for any reason discontinued, together with the reason and the time at which radio watch was resumed;
- (c) if applicable, details of the watch kept on the International radiotelegraph distress frequency during silence periods;
- (d) all communications relating to distress traffic;
- (e) details of urgency and safety communications;

**CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME  
LAND SERVICES) REGULATIONS 1987**

---

- (f) a summary of communications exchanged between the station and aircraft or ship stations, including the serial numbers and the dates of any messages passed;
- (g) a record of all incidents connected with the radio service, including the radiotelephone installation and the VHF radiotelephone installation which may appear to be of importance to safety of life.

(5) The entries in the log shall be prepared in correct order to form a diary for each month a copy of which shall be submitted to the Minister, not later than 60 days after the end of each month.

(6) A licensee shall keep the log for three years but shall keep any entries concerning distress traffic indefinitely or for such period as the Minister may decide.

**Radio logs for limited aeronautical stations**

30 (1) A licensee of a limited aeronautical service station shall ensure that a radio log of a type approved by the Minister is kept by the operator thereof.

- (2) A radio log shall contain—
  - (a) the name of the operator on duty;
  - (b) the frequencies used for each contact;
  - (c) the time and date of each contact,

and each entry shall bear the name of the operator.

(3) Entries in the log shall be prepared in correct order to form a diary for each month a copy of which shall be submitted to the Minister, not later than 60 days after the end of each month.

(4) A licensee shall keep the log for three years but shall keep any entries concerning distress traffic indefinitely or for such period as the Minister may decide.

**Maintenance logs**

31 (1) A licensee of a public service station, operational services station or limited aeronautical service station shall ensure that a maintenance log is kept for the station in which shall be noted—

- (a) failure of apparatus to operate as required, failure of power supply and incidents tending unduly to delay communications;
- (b) all measurements of the transmitted frequencies, including such deviations from the assigned frequencies

as may be observed, and a statement of any corrective action taken,

and such entries shall be initialled by the operator or other person responsible with a note of the date and time.

(2) Entries shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible person who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator licence properly posted, shall also include his mail address and the class, serial number, and expiration date of his licence, if any.

(3) Maintenance logs shall be retained for a period of three years.

**Service documents**

32 (1) Public stations, manned operational services stations, and limited stations operating on frequencies below 30 MHz shall keep copies of the following publications as part of the station records—

- (a) the Act;
- (b) these Regulations;
- (c) the Convention; and
- (d) the international Radio Regulations.

(2) Limited stations operating on frequencies above 30 MHz shall keep a copy of these Regulations as part of the station records.

**Station identification**

33 Stations shall be identified in accordance with the provisions of the international Radio Regulations.

**Unattended operation**

34 (1) The Minister may authorize the unattended operation of stations in the radiodetermination services where he is satisfied as to the following conditions—

- (a) that the transmitter is of an approved type;
- (b) that the emissions of the transmitter will be monitored by the licensee by such methods and at such intervals as the Minister may direct;
- (c) that if as a result of monitoring, it is determined that a deviation from the terms of the station licence or permit

**CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME  
LAND SERVICES) REGULATIONS 1987**

---

has occurred, a properly authorized person will be dispatched immediately to the transmitter site and shall place the transmitter in an inoperative condition;

- (d) concerning the time, carefully estimated, that will be required to dispatch a properly authorized person to the transmitter site to place the transmitter in an inoperative condition;
- (e) that inspection of the equipment will be conducted at suitable intervals determined by the performance record of the equipment and maintenance experience, but in any event, an inspection shall be conducted at least every 180 days and that a record of the results of an inspection will be kept in the maintenance records of the station;
- (f) that the transmitter is so installed and protected that it is not accessible to, and may not be placed in operation by, any unauthorized persons;
- (g) that the location of the transmitter is such that it is impracticable to require an operator to be on duty at the transmitter or other point at which the operation of the transmitter could be directly controlled.

(2) Authority for unattended operation shall be expressly stated in the licence or permit before such operation may be commenced.

**Posting of station and operator licence permit or certificate**

35 (1) A licence or permit for a station in the Services other than an unattended station and any other instrument of station authorization, including the operators' certificate of competence, or a clearly legible photocopy thereof, shall be posted in a conspicuous place and in such a manner that all terms are visible at the place that the Minister considers to be the principal control point of the transmitter.

(2) Posting of any other instruments of station authorization shall be done by affixing them to the wall at the posting location, or by enclosing them in a binder or folder which is retained at the posting location so that the documents will be readily available and easily accessible.

**Type approval**

36 (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 the services; 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; or
- (c) for which in the case of a station to which regulation 37(1) or (2) applies, at the Minister has issued a certificate under regulation 37(5).

For the purposes of this paragraph "station" shall comprise the station and all associated equipment including the cabling and the antennae.

(2) Where paragraph (1) does not apply to a station or any part of it for which a licence or permit is requested, the person requesting such authorization shall make the 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 Services 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 including adequate stocks of parts 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.

**Installation, construction or alteration of station**

37 (1) Plans for the installation of any new station, for which a licence or permit is sought, shall be submitted in advance to the Minister for his approval and no such installation shall be undertaken without a construction permit in writing issued by him.

(2) Construction, alteration, enlargement or modification, of any existing station—

- (a) for which planning permission must be obtained in accordance with the provisions of the Development Planning Act 1974 [*title 20 item 1*] or any succeeding Act; or
- (b) which involves a substantial alteration in the characteristics of the station; or
- (c) which involves an increase in the number of transmitters, shall not be began without a construction permit in writing issued by the Minister.

(3) An application for a construction permit shall be made in writing to the Minister and shall contain full technical information,

**CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME  
LAND SERVICES) REGULATIONS 1987**

---

concerning the proposed construction, installation, alteration, enlargement or modification, and any other information required by the Minister.

(4) After the works have been completed for which a construction permit has been issued, the holder of such authorization shall inform the Minister accordingly and request that the said works be inspected by him or someone on his behalf. The Telecommunications Inspector may authorize the said holder to conduct any necessary tests and transmissions for the purposes of observation and measurements of the frequency emissions of the proposed station.

(5) When the Telecommunications Inspector is satisfied with the result of the inspection and tests he shall recommend to the Minister that a certificate to that effect be granted by the Minister to the person concerned, when such certificate has been granted, if that person is a licensee of the certified installation he may forthwith commence to operate it, or if he does not hold a licence or permit in respect of it he may apply in writing to the Minister for the grant thereof.

**Changes to radio apparatus and antennae**

38 (1) A licensee shall change the radio apparatus and antenna of his authorized station without the consent of the Minister only if—

- (a) the new apparatus or antenna is of a type, model or description that has been approved by the Minister or by an authority recognized by him and approved by him for use in the service performed by the authorized station;
- (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.

(2) Any change shall however be subject to regulation 36(1).

(3) The Minister may require in the licence or permit that changes and repairs to any apparatus and antenna shall only be made by or under the direct supervision of a person qualified in such manner as he shall decide.

**Technical parameters**

39 (1) The Minister may authorize in respect of each station any technical parameters which he may deem necessary and may include them in the licence or permit.

(2) For the purposes of paragraph (1) and of any licence or permit—

- (i) the effective radiated power (ERP) is the mean radio frequency power multiplied by the gain of the antenna in the horizontal plane;
- (ii) the mean radio frequency power (RFP) will be taken as that delivered to the antenna and generally for the unmodulated condition; but in the case of systems in which the application of modulation causes an increase in the effective carrier power, apart from any change in power due to redistribution between the carrier and the side bands, this will be allowed for;
- (iii) RFP, ERP, and the antenna characteristics will be assessed either by measurements or by calculation from the characteristics of the types of apparatus used, at the discretion of the Minister;
- (iv) the symbols used to determine the classes of emission shall have the meanings assigned to them in the Convention; and
- (v) "bandwidth" and "frequency tolerance" shall have the meanings assigned to them in the Convention.

**Equipment for stations**

40 When specified by the Minister, a station 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.

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

(3) A 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.

**Maintenance**

41 (1) Where upon inspection and investigation the Telecommunications Inspector or an individual appointed in that behalf by the Minister is satisfied that the station has not been properly maintained or that the maintenance facilities or the spare parts available are not adequate to assure its continued working on a reliable basis,

## **CLASS ELEVEN RADIO (AERONAUTICAL AND MARITIME LAND SERVICES) REGULATIONS 1987**

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according to good engineering practice and the provisions of these Regulations and of the international Radio Regulations, the Telecommunications Inspector or such individual may serve upon the licensee a notice in writing which shall call the attention of such licensee to the situation and shall require such licensee to remedy the state of affairs to the satisfaction of the Minister within a reasonable time, to be fixed by the Minister, not to exceed sixty days.

(2) If after the expiration of the time stipulated by the Minister 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.

### **Antenna and buildings**

42 (1) A licensee of a station in the Services shall ensure that the antenna and supporting structures are designed to be adequate for the loading specified by the Minister and are painted, lit and maintained responsible for Civil Aviation.

(2) 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 to the reasonable satisfaction of the owner of such utility wire or apparatus concerned.

(3) 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 provisions of the Development and Planning Act 1974 [*title 20 item 1*] or any other relevant legislation regarding land development and planning.

### **False statements in application under regulation 7**

43 Any person who wilfully and knowingly makes, in a written application under regulation 7 for the issue of a licence or permit, 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.

### **Repeal**

44 [*omitted*]

### **Commencement**

45 [*omitted*]