



Tonga

RADIOCOMMUNICATION ACT

1988 Revised Edition



RADIOCOMMUNICATION ACT

Arrangement of Sections

Section

1	Short title.....	5
2	Interpretation.....	5
3	Exclusive privileges of the Prime Minister.....	6

PART I.—REGULATION OF RADIOCOMMUNICATION **6**

4	Licence for radiocommunication.	6
5	Apparatus on board ships to be worked in accordance with regulations.	6
6	Regulations.	6
7	Exclusive privilege in respect of radio-telegrams.....	7
8	Search warrant.	8
9	Penalties and procedure.	8

PART II.—PROTECTION FROM INTERFERENCE **8**

10	Interference to be eliminated.	8
11	Machinery of parts may be condemned in certain cases.....	9
12	Service of notices or certificates.	9
13	Penalty.	9
14	General Manager to have right of entry.....	9

FIRST SCHEDULE **10**

REGULATIONS.....	10
------------------	----

SECOND SCHEDULE **12**

NOTICE OF REPAIRS OR REQUIREMENTS.....12

NOTICE THAT MACHINERY OR FITTINGS CONDEMNED.....12

THIRD SCHEDULE **13**

CLASSES OF LICENCES AND FEES PAYABLE FOR LICENCES13



RADIOCOMMUNICATION ACT

Acts Nos. 6 of 1930, 14 of 1938, 3 of 1939, 13 of 1948, 4 of 1962, 14 of 1982,
15 of 1983

AN ACT TO PROVIDE FOR THE REGULATION OF RADIOCOMMUNICATION

Commencement [8th August, 1930]

1 Short title.

This Act may be cited as the Radiocommunication Act. (*Amended by Act 14 of 1982.*)

2 Interpretation.

In this Act—

“**Radio-telegram**” means a message from one person to another sent or received by radio by a person duly authorized in that behalf by the Prime Minister; (*Added by Act 13 of 1948.*)

“**radiocommunication**” means any transmission emission or reception of signs, signals, impulses, writing, images, sounds or intelligence of any nature by the free radiation of electromagnetic waves of frequencies between 9 kHz and 400 GHz. (*Inserted by Act 14 of 1982.*)

3 Exclusive privileges of the Prime Minister.

The Prime Minister shall have the exclusive privilege of establishing, erecting, maintaining and using radiocommunication stations in any place or on board any vessel in or on board any ship or aircraft registered in the Kingdom. (*Inserted by Act 14 of 1982.*)

PART I.—REGULATION OF RADIOCOMMUNICATION**4 Licence for radiocommunication.**

- (1) A person shall not establish any radiocommunication station or install or work any apparatus for radiocommunication in any place or on board any ship registered in the Kingdom except under and in accordance with a licence granted in that behalf by the Prime Minister, or an officer duly authorized by him for the purpose. (*Amended by Acts 14 of 1982 and 15 of 1983.*)
- (2) Every such licence shall be in such form and for such purpose as the Prime Minister may determine and shall contain the terms, conditions and restrictions on and subject to which it is granted. (*Amended by Act 14 of 1982.*)
- (3) The classes of licences that may be granted under this Act and the fee payable in respect to the grant or renewal of the licence are specified in the Third Schedule to this Act. (*Inserted by Act 14 of 1982.*)

5 Apparatus on board ships to be worked in accordance with regulations.

A person shall not work any apparatus for radiocommunication installed or being on any foreign ship of war or on any service aircraft accompanying such man of war or on any merchant or other ship whether Tongan, British or foreign whilst that ship is in the territorial waters of the Kingdom otherwise than in accordance with regulations made under this Act.

6 Regulations.

- (1) The King in Council may make regulations for carrying into effect the purposes of this Act and such regulations shall on publication in the Gazette have the same effect as if enacted in this Act.

- (2) The regulations in the First Schedule to this Act shall have effect except in so far as they may be amended, added to or rescinded by regulations made under the authority of this section.
- (3) If at any time in the opinion of the King in Council an emergency has arisen in which it is expedient for the public service that the Tongan Government should have control over the transmission of messages by radiocommunication, the use of radiocommunication on board merchant ships whilst in the territorial waters of the Kingdom shall be subject to such further regulations as may be made by the King in Council from time to time and such regulations may prohibit or regulate such use in all cases or in such cases as may be deemed advisable. (*Amended by Act 14 of 1982.*)
- (4) Where it appears to the Prime Minister that such a course is expedient in the public interest, he may, by warrant under his hand, require any person who owns or controls any telegraphic cable or wire, or any apparatus for radiocommunication, used for the sending or receiving of telegrams, to or from any place out of the Kingdom, to produce to him, or to any person named in the warrant, the originals and transcripts, either of all telegrams of any specified class or description or of telegrams sent from or addressed to any specified person or place, sent or received to or from any place out of the Kingdom by means of any such cable, wire or apparatus and all other papers relating to any such telegram as aforesaid. (*Added by Act 3 of 1939 and Amended by Act 14 of 1982.*)

7 Exclusive privilege in respect of radio-telegrams.

- (1) Subject to the provisions of this section the Prime Minister or an officer duly authorized by him for the purpose shall have the exclusive privilege of transmitting and receiving radio-telegrams and to charge therefor.
- (2) The Prime Minister may make in respect of the transmission or reception of such radio-telegrams such charges as may from time to time be authorized by His Majesty in Council:

Provided always that the Prime Minister may, with the approval of His Majesty in Council, permit the master of any specified vessel in respect of which a coasting licence has been issued, to transmit and receive radio-telegrams within Tongan territorial waters, and to levy charges therefor at rates not in excess of those levied under this section. (*Added by Act 13 of 1948.*)

8 Search warrant.

If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that a radiocommunication station has been established without a licence in that behalf or that any apparatus for radiocommunication has been installed or worked in any place or on board any merchant ship without a licence in that behalf or contrary to the provisions of any regulations made under this Act or of any licence granted under this Act, he may grant a search warrant to any police officer or any person appointed in that behalf by the Minister of Police and named in the warrant and a warrant so granted shall authorize the police officer or person named therein to enter and inspect the station, place or ship and to seize any apparatus which appears to him to be used or intended to be used for radiocommunication therein. (*Amended by Act 14 of 1982.*)

9 Penalties and procedure.

- (1) Any person who shall offend against any provisions of this part of this Act or of any regulations made thereunder shall be liable on conviction for every such offence either to a fine not exceeding \$500 and/or to a term of imprisonment not exceeding 6 months and upon such conviction the Court may order that any apparatus for radiocommunication in connection with which the offence was committed shall be seized and forfeited. (*Amended by Act 14 of 1982.*)
- (2) Proceedings shall be taken before a magistrate on the complaint of the police or of any person authorized by the Minister of Police in writing.

PART II.—PROTECTION FROM INTERFERENCE**10 Interference to be eliminated.**

All electrical or other machinery and/or plant or any part or parts thereof may from time to time be inspected by the General Manager of the Tonga Telecommunications Commission or an officer duly authorized by him for the purpose and if in his opinion such electrical or other machinery and/or plant or any part thereof interferes or is likely to interfere with reception by any wireless receiving set he shall order, in writing in form number 1 in the Second Schedule hereto, such electric or other machinery and/or plant, within a reasonable time, to be repaired and/or fitted with a device or devices of a type or types to be approved by the said General Manager, or he shall order in writing as aforesaid, such part or parts to be repaired or renewed within a reasonable time if, in the opinion of the said General Manager or duly authorised officer the interference can be eliminated in whole or in part by the fitting of such device or devices or by such repair or renewal. (*Amended by Acts 14 of 1982 and 15 of 1983.*)

11 Machinery of parts may be condemned in certain cases.

Any electrical or other machinery or plant or any part or parts thereof, the condition of which is such that in the opinion of the General Manager of the Tonga Telecommunications Commission interference therefrom cannot be readily suppressed, may be condemned by Cabinet on the recommendation of the said General Manager who shall thereupon cause to be served on the owner, or person for the time being in apparent charge or control of such electrical or other machinery or plant or any part or parts thereof, notice in writing in the form number 2 in the Second Schedule hereto and the using of any such condemned electrical or other machinery or plant or any part or parts thereof so condemned, after the expiry of the period of time stated in such notice shall constitute an offence under this Act. (*Amended by Act 15 of 1983.*)

12 Service of notices or certificates.

Any certificate or notice hereunder shall be properly issued or served if posted, addressed to the person concerned or to be charged, at his last known place of abode or residence, or handed to such person, or by leaving it for him with some adult inmate at his last known place of abode.

13 Penalty.

Any person who commits an offence under this Part of this Act shall upon conviction be liable to a fine not exceeding \$10 for a first offence, and to a fine not exceeding \$20 for each subsequent offence.

14 General Manager to have right of entry.

For the purposes of this Act the General Manager of the Tonga Telecommunications Commission or an officer duly authorized by him for the purpose shall be and is hereby authorized to enter in, upon or about any premises for the purpose of any inspection under this Act, and any person who by any means whatsoever prevents the said General Manager or duly authorised officer from entering or wilfully obstructs, hinders or misleads the said General Manager or duly authorized officer during an inspection shall be guilty of an offence under this Act. (*Amended by Acts 14 of 1982 and 15 of 1983.*)

FIRST SCHEDULE

(Section 6(2))

REGULATIONS**1 Interpretation**

In these regulations “**naval signalling**” means signalling by means of any system of radiocommunication between two or more ships of His Majesty's Navy, between ships of His Majesty's Navy and Naval stations; or between a ship of His Majesty's Navy or a Naval station and any other radiocommunication station whether on shore or on any ship. (*Amended by Act 14 of 1982.*)

2 Wireless Apparatus on Merchant Ships not to interfere with Naval Signalling or Wireless Stations

All apparatus for radiocommunication on board a merchant ship in the territorial waters of the Kingdom shall be worked in such a way as not to interfere with—

- (a) naval signalling;
- (b) the working of any radiocommunication station lawfully established installed or worked in the Kingdom or the territorial waters thereof and in particular the said apparatus shall be so worked as not to interrupt or interfere with the transmission of any messages between radiocommunication stations established as aforesaid on land and radiocommunication stations established on ships at sea. (*Amended by Act 14 of 1982.*)

3 Permission of Prime Minister required for Working of Radiocommunication Apparatus on Merchant Ships in Harbour of the Kingdom

No apparatus for radiocommunication on board a merchant shall be worked or used whilst such ship is in any harbour or bay of the Kingdom except with the special or general permission of the Prime Minister.

4 Foreign Ships of War and Aircraft—Use of Radiocommunication by

Foreign ships of war and service aircraft accompanying them lying or being in any harbour port or roadstead within the Kingdom shall conform to the following provisions—

- (a) transmission on 50 kHz is forbidden, except for the purpose of making or answering signals of distress; (*Amended by Act 14 of 1982.*)
- (b) interference with Commonwealth country naval, army or air force signalling or with any fixed shore station, must be avoided; (*Amended by Act 14 of 1982*)
- (c) transmission must be discontinued on request from:
 - (i) any Commonwealth country naval authority; (*Amended by Act 14 of 1982.*)
 - (ii) the port authorities;
 - (iii) any fixed shore station;
- (d) protracted signalling, using apparatus transmitting other than pure continuous waves, must be avoided;
- (e) if there is a Commonwealth authority fleet or warship lying in the harbour, the senior naval officer should be consulted. (*Amended by Act 14 of 1982.*)

5 Master of Ship to be Responsible

For the purpose of any proceedings under these rules the master or person being or appearing to be in command or charge of any ship shall be deemed to have authorized and to be responsible for the use or working of any apparatus on board such ship.

6 Service of Summons

Any summons or other document in any proceedings under these rules shall be deemed to have been duly served on the person to whom the same is addressed by being left on board the ship on which the offence is charged to have been committed with the person being or appearing to be in command or charge of the ship.

7 Saving Clause

These rules shall not apply to the use of radiocommunication for the purpose of making or answering signals of distress.

SECOND SCHEDULE

Form No. 1

(Section 10)

Issued by Authority under the Radiocommunication Act

NOTICE OF REPAIRS OR REQUIREMENTS

To.....
.....

Take Notice that you are required, withindays, from the date hereof, to comply with the following requirements—

Further Take Notice that failure to comply herewith will render you liable to a penalty under the Act.

Dated this day of 19

General Manager of the Tonga Telecommunications Commission

Form No. 2

(Section 11)

Issued by Authority under the Radiocommunication Act

NOTICE THAT MACHINERY OR FITTINGS CONDEMNED

To.....
.....

Take Notice that at a meeting of Cabinet held at Nuku'alofa the following was condemned—

Take Notice also that the use thereof after the expiry of days from the date hereof will constitute an offence under the Act.

Dated this day of 19

General Manager of the Tonga Telecommunications Commission

THIRD SCHEDULE

(Section 4(3))

CLASSES OF LICENCES AND FEES PAYABLE FOR LICENCES

Item No.	Class of Licence	Fee per annum—in Pa'angas. \$
1.	Fixed station:	
	a) below 30 MHz:	40
	b) above 30 MHz:	
	(i) 1 to 6 telephone channels:	40
	(ii) 7 to 24 telephone channels:	100
	(iii) above 24 telephone channels:	300
2.	Aeronautical station:	40
3.	Aircraft station:	20
4.	Limited Coast station:	20
5.	Ship station:	
	(i) in commercial vessel:	20
	(ii) in private vessel:	10
6.	Base station:	20
7.	Land Mobile station:	10
8.	Radiodetermination station:	40
9.	Private Experimental (Amateur) Radio station:	
	(i) full privileges:	20
	(ii) novice category:	10
10.	Special station:	Determined by the Prime Minister, on a case by case basis.