

BERMUDA STATUTORY INSTRUMENT

BR 28/1987

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

*[made under section 59 of the Telecommunications Act 1986 [title 24 item
10] and brought into operation on 1 July 1987]*

ARRANGEMENT OF REGULATIONS

- 1 Citation
- 2 Interpretation
- 3 Purpose
- 4 Requirement for a licence, permit or public service licence
- 5 Requirement for a subsidiary communications permit (SCP)
- 6 Copyright
- 7 Secrecy of communications
- 8 Applications for licence or permit
- 9 Conditions of licence or permit
- 10 Transfer of shares of licensee
- 11 Registration of transfer of licensee's shares
- 12 Duration and renewal of licence and permit
- 13 Revocation of licence
- 14 Experimental authorization
- 15 Application for an SCP
- 16 Accessibility of transmitter
- 17 Station engineers
- 18 Permitted frequencies
- 19 Operation of station

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

- 20 Station identification
- 21 Broadcast of telephone conversations
- 22 Broadcast of taped, filmed or recorded material
- 23 Station logs
- 24 Retention of logs
- 25 Posting of station and operator licences and permits
- 26 Privacy of subscribers
- 27 Records of subscribers
- 28 Authorized transmissions
- 29 Station inspections
- 30 Construction or installation of a Class One station
- 31 Equipment for stations
- 32 Construction certificate
- 33 Changes to radio apparatus
- 34 Technical standards for SCP operations
- 35 Repeal
- 36 Commencement [omitted]

Citation

1 These Regulations may be cited as the Class One Radio (Broadcasting Service and Subscription Radio Service in the Broadcasting Frequency Bands) Regulations 1987.

Interpretation

2 In these Regulations unless the context otherwise requires—

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

"broadcasting radio station" means a radio station in the broadcasting service for sound only or for sound and images;

"carrier" means a radio signal generated for the purpose of carrying another message signal;

"Class One radio station" means a broadcasting radio station or a subscription radio station;

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

"licensee" means a person or a Government Department or Government Board granted a license or a permit, as the case may be, under the Act to possess and use a Class One station;

"modulation" means either:

- (i) the variation of the amplitude of the carrier wave signal in exact proportion to the message signal to be transmitted, that is to say, amplitude modulation or AM; or
- (ii) variation in the frequency of the carrier signal about a reference point in exact proportion to the message signal to be transmitted, that is to say, frequency modulation, or FM;

"multiplex radio transmission" means a transmission by a licensee, made (subject to regulation 15(3)) simultaneously with the signal for the programme service authorized by its licence, of a secondary signal (subcarrier) superimposed on a radio channel authorized by its licence;

"non-origination programme" means programme matter transmitted by telecommunications from a source outside Bermuda and retransmitted to subscribers by the licensee of a subscription radio station;

"radio channel" or "channel" means a band of frequencies of a width sufficient to permit its use for radio communication;

"station" means radio station;

"subchannel" means the portion of a radio channel that is used for a multiplex radio transmission;

"subscriber" means a person who receives a subscription radio service from a subscription radio station upon payment of a fee and does not further distribute it;

"subscription radio station" means a radio station in the subscription radio service transmitting on frequencies in the frequency bands allocated to the broadcasting service by the International Radio Regulations.

Purpose

3 These Regulations state the conditions under which Class One radio stations may be possessed, installed, maintained and operated.

Requirement for a licence, permit or public service licence

4 (1) Without derogating from the generality of section 9(3)(ii) of the Act no person may possess, or use a Class One station without a licence (hereinafter referred to as a "licence") granted by the Minister under the Act. In special circumstances however the Minister may grant a permit on a temporary basis.

(2) No licensee shall offer a subscription radio service to subscribers without first obtaining in addition to the licence mentioned

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

in paragraph (1) the grant under section 9(1) of the Act of a licence (hereinafter referred to as a "public service licence") from the Minister to operate a public telecommunications service.

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

(4) The provisions of the Act regarding licences to operate a radio station for the purposes of a broadcasting service shall apply mutatis mutandis to licences to operate a radio station for the purposes of a subscription radio service except that section 13(6)(d) of the Act shall not apply to the latter.

Requirement for a subsidiary communications permit (SCP)

5 (1) No licensee shall permit multiplex radio transmissions to be made from its radio station without first obtaining the grant from the Minister of a subsidiary communications permit (hereinafter referred to as an "SCP") authorizing it to provide subsidiary services on a multiplex basis falling within the following categories—

- (a) programmes for instruction, information or amusement—
 - (i) broadcast; or
 - (ii) transmitted only to authorized subscribers;
- (b) signals which are directly related to the operation of broadcasting or subscription radio stations;
- (c) signals for other purposes not comprised in subparagraphs (a) and (b).

(2) No transmission of programmes referred to in subparagraph (1)(a)(ii) shall be made unless the licensee obtains from the Minister the grant under the Act of a public service licence.

(3) The SCP is of a subsidiary or secondary nature and shall not exist apart from the licence or permit granted under section 9(3) of the Act. If such licence or permit is not renewed or is revoked or suspended the SCP is automatically terminated or suspended, as the case may be.

(4) In all agreements respecting transmissions made under an SCP entered into with other parties, the licensee shall retain control over all material transmitted under an SCP over the radio station's facilities, with the right to reject any materials which it deems inappropriate or undesirable. Subchannel leasing, broadcasting or subscription radio or

other related agreements shall be reduced to writing, kept at the radio station, and made available for inspection upon request by the Minister.

Copyright

6 A licence, permit or public service licence does not authorize the licensee to do any act which is an infringement of any copyright which may exist in the matter transmitted.

Secrecy of communications

7 A licensee shall not transmit over its licensed or permitted radio station the contents of or, divulge the existence of, any communication which the licensee is not authorized to receive, incidentally intercepted by means of radiocommunications.

Applications for licence or permit

8 (1) An application for a licence or permit for a broadcasting radio station or for the transfer of such a licence or permit shall be made in writing to the Minister and shall contain the following—

- (a) in the case of an application other than one made by a Government Department or Government Board, particulars of the body corporate making the application with satisfactory proof that the conditions of section 12(1) of the Act are met, including a list of the shareholders and their holdings;
- (b) the certificate issued under regulation 32 if required;
- (c) full technical information in respect of any proposed installation;
- (d) the proposed frequency band;
- (e) the proposed times of emission;
- (f) the date upon which it is proposed to start transmitting programmes;
- (g) evidence that any necessary planning permission has been obtained;
- (h) any additional information in connexion with the application that the Minister deems necessary for the proper carrying out of the Act and these Regulations.

(2) An applications for a public service licence and for a licence or permit for a subscription radio station shall be submitted together and shall contain the information required to be submitted under paragraph (1) and in addition the following—

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

- (a) whether it is proposed to encrypt the signal transmitted, and if so the make and type and technical characteristics of the proposed encryption or decryption equipment;
- (b) the proposed subscription charges.

Conditions of licence or permit

9 (1) The conditions of a licence or permit granted by the Minister pursuant to an application under regulation 8 may include the following—

- (a) for a broadcasting radio station conditions in respect of—
 - (i) the technical characteristics of the transmitter and antennae, their location, and regarding power supply;
 - (ii) the time within which the licensee shall commence to operate the service;
 - (iii) the maximum amount of time during which the licensee may suspend the operation of the service after its commencement;
 - (iv) the minimum number of hours in each 24 hours and in any week during which broadcasting shall take place;
 - (v) the minimum amount of broadcasting time which the licensee shall make available free of charge to Government Departments or Boards, and the times of the day when such broadcasts shall be transmitted;
 - (vi) the compliance by the licensee with any regulations made or directions given by the Broadcasting Commissioners established under the Broadcasting Commissioners Act 1953 [*title 24 item 11*]; and
- (b) for a subscription radio station conditions in respect of—
 - (i) the technical characteristics of the transmitter and antennae and their location, and regarding power supply;
 - (ii) the technical characteristics of the encryption/ decryption equipment;

- (iii) the time within the licensee shall commence to operate the service;
- (iv) the maximum amount of time in each 24 hours during which the service may be operated;
- (v) the minimum amount of transmission time for messages which the licensee shall make available free of charge to Government Departments or Boards and the times of day when such messages shall be transmitted;
- (vi) such annual or other report on the finances of the licensee as the Minister shall deem necessary.

(2) When issuing a permit to construct under regulation 30 to a licensee or an applicant for a licence or permit the Minister if necessary may grant to such licensee or applicant a provisional licence or permit to transmit for test purposes without payment of any fee.

Transfer of shares of licensee

10 (1) Where shares in a body corporate operating a Class One radio station are transferred (including any transfer by operation of law), the secretary of the body corporate concerned shall forthwith notify the Minister—

- (i) of the transfer, specifying the number of shares concerned in the transaction;
- (ii) of the name, address and nationality of the transferor and the transferee;
- (iii) whether the transferor or the transferee possesses Bermudian status within the meaning of the Bermuda Immigration and Protection Act 1956 [*title 5 item 16*];
- (iv) where the transferee is a body corporate, whether or not the control of that body corporate is vested in persons possessing Bermudian status as aforesaid, together with such other information relating to the control thereof as the Minister may require; and
- (v) of the sale price, if any, of the shares transferred.

(2) For the purpose of this regulation and of regulation 11 reference to a transfer of shares shall include an issue of shares and, in any such event, "transferor" and "transferee" shall include respectively,

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

the company effecting the issue and the person to receive shares so issued.

Registration of transfer of licensee's shares

11 (1) No registration of the transfer (including any transfer by operation of law) of any shares in any body corporate operating a Class One radio station or any change in beneficial ownership of such shares shall be effected without the previous consent of the Minister and, in according assent, the Minister may sanction the registration of part only of the shares comprised in any transaction for the transfer of such share.

(2) Any registration of shares effected in contravention of this regulation shall be null and void and shall confer no voting rights or other benefits on the transferee in respect of the shares so registered.

Duration and renewal of licence and permit

12 A licence or permit shall continue in force for five years from the date of issue and may be renewed by the Minister subject to section 12(1) of the Act.

Revocation of licence

13 Where the Minister is satisfied concerning a subscription radio station that—

- (a) there may be grounds for revoking the public service licence;
- (b) the control of a body corporate granted a licence to operate a subscription radio station is vested in persons who do not possess Bermudian status within the meaning of the Bermuda Immigration and Protection Act 1956 [*title 5 item 16*]; or
- (c) the licensee has failed to comply with any term, condition or limitation imposed upon it by the licence or permit, as the case may be,

he may request the Commission to enquire into the facts in accordance with its procedure and to report thereon to him and if after consideration of the report the Minister is satisfied that the public service licence or the licence or either of them should be revoked, he may revoke the licence.

Experimental authorization

14 (1) A licensee may obtain an authorization to conduct technical experimentation directed toward improvement of the technical phases of operation and service, and for such purposes may use a method of

transmission other than the normal broadcast programme signal or normal subscription radio signal.

(2) An experimental authorization may be requested by application in writing to the Minister describing the nature and purpose of the experimentation to be conducted, the nature of the experimental signal to be transmitted, the proposed schedule of hours of transmission and the duration of the experimentation. An experimental authorization shall be posted with the station licence or permit at the station.

(3) Experimental operations are subject to the following conditions—

- (a) the authorized power of the station may not be exceeded except as specifically authorized by the Telecommunications Inspector for the experimental operations;
- (b) emissions outside the authorized bandwidth must be attenuated to the degree required for the particular type of station;
- (c) the experimental operations may be conducted at any time the station is authorized to operate, but the minimum required schedule of programming for the class and type of station must be met. AM stations may also conduct experimental operations during the experimental period (12 midnight to sunrise) and at additional hours if permitted by the experimental authorization, provided no interference is caused to other stations maintaining a regular operating schedule within such periods;
- (d) if an experimental authorization permits the use of additional facilities or hours of operation for experimental purposes no sponsored programmes or commercial announcements may be transmitted during such experimentation;
- (e) the licensee may transmit regularly scheduled programming concurrently with the experimental transmission if there is no significant impairment of service;
- (f) no charges may be made, either directly or indirectly for the experimentation; however, normal charges may be made for regularly scheduled programming transmitted concurrently with the experimental transmissions;
- (g) the licensee shall furnish the Telecommunications Inspector with a report of the research experimentation

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

and results at the conclusion of the experimental operation;

The Minister may impose such additional terms and conditions as he may deem appropriate.

(4) An experimental authorization may be granted for an initial period of six months which may be extended by the Minister upon application in writing to him by the licensee.

Application for an SCP

15 (1) An application for an SCP shall be made in writing to the Minister and shall include the following information—

- (a) particulars of the nature and purpose of the proposed use including information required by regulation 8(1)(c)-(g) or 8(2) as the case may be;
- (b) if transmission of visual material is contemplated the application shall include the following technical information—
 - (i) a full description of the system for the transmissions of visual data;
 - (ii) a block diagram of the system, as installed at the radio station, with all components, including filters, identified as to make and type. Response curves of all composite filters shall be furnished;
 - (iii) the results of measurements which demonstrate that the subcarrier, when modulated by the signal for the visual data, meets any requirement of the Minister, and of such observations or measurements as may be necessary to show that signal components of appreciable strength are not produced outside the band normally occupied by the radio station's emissions. A description of the apparatus and techniques employed in these measurements and observations shall be furnished.

(2) Experimental operation of a radio station to obtain the technical information necessary to support an application for an SCP for the transmissions of visual data may be conducted under the provisions of an experimental authorization under regulation 14(4).

(3) Transmissions may be made under an SCP during each twenty-four hour period as follows—

- (i) at any time during which programmes are being transmitted over the main channel; and
- (ii) for not longer than a total of twelve hours during which programmes are not being transmitted over the main channel.

(4) If any significant changes in the technical system for transmissions of visual data are made after the grant of an SCP, revised information shall forthwith be communicated in writing to the Minister who may change the terms and conditions of the SCP.

(5) The licensee must seek renewal of an SCP at the same time that renewal of the licence is sought.

(6) The Minister may, after giving the licensee written notice and affording it reasonable opportunity to make representations, revoke or suspend its SCP if the licensee has wilfully or negligently failed to operate the multiplex radio transmissions in accordance with the terms and conditions of the SCP, of these Regulations or of the Act.

Accessibility of transmitter

16 Transmitting plant including connecting cables and antennae shall be installed and protected to the satisfaction of the Minister so as not to be accessible to unauthorized persons.

Station engineers

17 (1) The licensee shall appoint a station engineer to be responsible for the apparatus of such radio station who shall be a person whose technical qualifications and experience satisfy the Minister that he is capable of satisfactorily discharging such duties. The licensee shall ensure that it is possible at all times to contact the engineer or a replacement.

(2) Where the station engineer is unavailable or unable to discharge his duties the licensee shall designate a person similarly qualified to get in the engineer's place on a temporary basis until he is available or able to discharge his duties.

(3) The designation of the station engineer or his temporary replacement shall be in writing with a copy to the Minister; a copy shall also be posted in accordance with regulation 25. A notice shall be kept posted at the principal control point in the radio station and communicated to the Minister, indicating an address and telephone number where the station engineer or his replacement, as the case may be, can be contacted.

(4) The station engineer is responsible for completion of the following duties and when the duties are delegated to other persons he

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

shall maintain supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner—

- (a) weekly inspections and calibrations of the transmission system, required monitors, metering, and control systems; and any necessary repairs or adjustments where indicated;
- (b) equipment performance measurements, or other tests as specified in the rules or terms of the station licence or permit;
- (c) review of the station operating logs at least once each week as part of the transmission system inspections to determine if the entries are being made correctly and if the station has been operating as required by the licence or permit. Upon completion of the review, the station engineer or his designee is to make a notation in the log of any discrepancies observed and date and sign the log, initiate necessary corrective action and advise the licensee of any condition which is a repetitive problem;
- (d) entries in the maintenance log.

Permitted frequencies

18 The frequencies that shall be used by a Class One radio station shall be those provided in the International Radio Regulations and specified by the Minister in the licence or permit.

Operation of station

19 (1) The licensee shall operate its radio station at all times within the power specified in the licence or permit and shall at no time exceed that power. It shall notify the Minister as soon as possible if for any reason it anticipates having to operate the station at a power substantially below that specified in the licence or permit for a period exceeding twenty-four hours.

(2) Modulation amplitude shall be in accordance with the manufacturer's specified parameters unless any variation has been authorized by the Minister in writing.

(3) The transmitter and antenna system shall be so designed and operated that no emission shall be radiated that is not essential to the type of communication being carried on unless otherwise authorized by the Minister in writing.

Station identification

20 (1) Station identification by Class One radio stations shall be made visually or orally—

(a) at the beginning and ending of each time of operation; and

(b) hourly, as close to the hour as feasible, at a natural break in programme offerings.

(2) Official station identification shall consist of the call letters immediately followed by the word "Bermuda", but the name of the licensee or the station's frequency or channel number, or both, as stated on the station's licence or permit may be inserted between the station's call letters and station location. No other insertion is permissible.

Broadcast of telephone conversations

21 Before recording a telephone conversation for broadcasting, or broadcasting such conversation simultaneously with its occurrence, a licensee of a broadcasting station shall inform any party to the call of the intention of the licensee to broadcast the conversation, except where such party is aware, or may be presumed to be aware from the circumstances of the conversation, that it is being or likely will be broadcast. Such awareness is presumed to exist only when the other party to the call is associated with the station (such as an employee or part-time reporter), or where the other party originates the call and it is obvious that it is in connection with a programme in which the station customarily broadcasts telephone conversations.

Broadcast of taped, filmed or recorded material

22 (1) Any taped, filmed or recorded programme material in which time is of special significance, or by which an affirmative attempt is made to create the impression that it is occurring simultaneously with the broadcast or transmission, shall be announced at the beginning as having been taped, filmed or recorded. The language of the announcement shall be clear and in terms commonly understood by the public. For television radio stations, the announcement may be made visually or orally.

(2) Taped, filmed, or recorded announcements which are of a commercial, promotional or public service nature need not be identified as taped, filmed or recorded.

(3) Paragraphs (1) and (2) are not applicable to material transmitted under an SCP.

Station logs

23 (1) A licensee shall ensure that station logs of a type approved by the Minister are kept as follows—

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

- (a) programme logs—
- (i) in respect of each broadcasting radio station a log shall be kept of such information as to programmes, including programmes mentioned in regulation 5(1)(a)(i), as may be required by the Broadcasting Commissioners under the Broadcasting Commissioners Act 1953 [*title 24 item 11*] or any succeeding Act. The entries relating to programmes mentioned in regulation 5(1)(a)(i) shall be kept in a special column;
 - (ii) a daily record shall be kept at each subscription radio station showing details of programmes and other matters transmitted to subscribers and the amount and distribution of commercial or advertising matter transmitted each day, including programmes mentioned in regulation 5(1)(a)(ii);
- (b) operating logs — in respect of each Class One radio station an operating log shall be kept by station employees competent to do so, having actual knowledge of the facts required. Any employee making a log entry shall sign the log, thereby attesting to the fact that the entry, or any correction or addition made thereto, is an accurate representation of what transpired. Entries shall be made either manually by a properly qualified operator in actual charge of the transmitting apparatus or by automatic devices accurately calibrated and with appropriate time, date and circuit functions. Entries shall be made as follows—
- (i) the time that the station begins to supply power to the antenna and the time it ceases to do so shall be entered;
 - (ii) operating parameters shall be logged prior to any adjustment of the equipment. Where adjustments are made to restore parameters to their proper operating values, the corrected indications shall be logged and accompanied, if any parameter deviation was beyond a prescribed tolerance, by a notation describing the nature of the corrective action. Indications of all parameters the values of which are affected by modulation of the carrier shall be read

without modulation. The actual time of observation shall be included in each log entry;

(iii) as regards transmissions made under an SCP except those for control and data telemetry for remote control the following log entries are to be made, in a separate column excluding, however, subcarrier interruptions of 15 minutes or less—

- (1) time subcarrier generator is turned on;
- (2) time modulation is applied to subcarrier;
- (3) time modulation is removed from subcarrier;
- (4) time subcarrier generator is turned off;

(c) maintenance logs — a maintenance log shall be kept for each Class One radio station. Entries in the log shall be made by or under the direction of the station engineer reflecting the results of all transmitter inspections, tests, adjustments and maintenance.

(2) The logs shall be kept in an orderly and legible manner, in suitable form and in such detail that the data required for the particular class of station concerned are readily available.

(3) No log, or portion thereof, shall be erased, obliterated or wilfully destroyed during the period in which it is required to be retained.

(4) The operating log and the maintenance log may be kept individually or on the same sheet in one common log, at the option of the licensee.

Retention of logs

24 Logs of all Class One radio stations shall be retained by the licensee for a period of five years. However, logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Minister and about which the licensee has been notified, shall be retained by the licensee until it is specifically authorized in writing by the Minister to destroy them. Logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

Posting of station and operator licences and permits

25 (1) A licence or permit for a Class One radio station and any other instrument of station authorization shall be posted in a

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

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 and if the transmitter itself is not at the principal control point copies shall also be posted with 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.

Privacy of subscribers

26 (1) A licensee of a subscription radio station shall strictly observe the privacy of subscribers.

(2) Such licensee may disclose to the public both the number and the percentage of subscribers purchasing the service or any particular programme thereof but shall not reveal the identity of any individual subscriber except to the Minister at his request without the written authorization of the subscriber concerned.

(3) Such licensee may maintain such records as are necessary to bill subscribers for the purchase of the subscription service or any particular programme thereof. No information about an individual subscriber maintained by the licensee for purposes of billing in such service shall be published, utilized, disseminated or disclosed in any manner to any person without the affected subscriber's prior knowledge and written consent.

Records of subscribers

27 (1) A licensee of a subscription radio station shall keep a record of all subscribers served each month. Such records shall be retained for three years.

(2) Such licensee shall keep a daily record showing details of programmes and other matter transmitted to subscribers by its subscription radio station and the amount and distribution of commercial or advertising matter so transmitted each day.

Authorized transmissions

28 A licensee of a subscription radio station may transmit only non-origination programme matter to subscribers and may not transmit other matter without the consent of the Minister who may decide the terms and conditions of transmission:

Provided however that the licensee may insert matter consisting of information about future programmes and station operation for the information of subscribers.

Station inspections

29 (1) In the course of an inspection or Investigation under section 18 of the Act the Telecommunications Inspector or any person appointed by the Minister in that behalf may require special equipment tests, programme tests or operation tests.

(2) The following logs and records shall be made available upon request by the Telecommunications Inspector or by any person appointed by the Minister in that behalf—

(a) For AM stations—

- (i) programme, operating and maintenance logs;
- (ii) equipment performance measurements;
- (iii) station engineer agreements and any contracts with persons employed part-time for maintenance duties.

(b) For FM stations—

- (i) programme, operating and maintenance logs;
- (ii) equipment performance measurements;
- (iii) station engineer agreements and any contracts with persons employed part-time for maintenance duties.

(c) For TV stations—

- (i) programme, operating and maintenance logs;
- (ii) equipment performance measurements;
- (iii) station engineer agreements and contracts with persons employed part-time for maintenance duties.

Construction or installation of a Class One station

30 (1) The construction or installation of any Class One radio station or its alteration, shall not be begun without a permit to construct issued by the Minister subject however to regulation 33:

Provided that the issue of a permit by the Minister shall not relieve the applicant of the necessity of obtaining planning permission for the construction of any works, buildings, antennae or other installations in accordance with the Development and Planning Act 1974 [*title 20 item 1*] or any succeeding Act.

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

(2) An application for a permit to construct shall be made in writing to the Minister and shall contain full technical information concerning the proposed construction, installation or alteration.

(3) After the works have been completed for which a permit to construct has been issued, the holder of such permit shall so inform the Minister and request that the said works be inspected by him. The Telecommunications Inspector may authorize such holder to conduct any necessary tests for the purposes of observation and/or measurements of the frequency emissions of the proposed station.

Equipment for stations

31 (1) No transmitter capable of operating at an output greater than that specified in the licence or permit shall be installed or operated without the consent in writing of the Minister.

(2) Each Class One radio 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 without recourse to external instruments.

(3) All equipment and the location and arrangement thereof shall conform to specifications issued by the Minister from time to time.

(4) The transmitter and associated equipment shall be of standard design and shall conform to the best current engineering practice; and the transmitter, the location of the transmitter and the location, type, height, painting and lighting of the antenna structure shall conform to the requirements specified by the Minister and the Minister responsible for planning from time to time.

(5) The transmitter shall be equipped with—

(a) suitable indicating instruments of accepted accuracy to measure the antenna current;

(b) an apparatus approved by the Minister for the continuous visual indication of the percentage modulation of the carrier; and

(c) an automatic means approved by the Minister to control and maintain its frequency at the value assigned in the licence, and within the required tolerance limits specified.

(6) The radio station shall be equipped with means for checking the frequency of the emitted wave independent of the automatic frequency control of the transmitter and capable of the same degree of accuracy.

(7) The hum modulation component shall not exceed one per cent of the normal programme signal when rectified alternating current is employed as a power source in any part of the transmitter.

(8) The licensee shall take all the necessary precautions to ensure that in the construction of the transmitter and in the manner of the installation no live parts are exposed that, in the normal operation of the transmitter, may constitute a danger to any person.

Construction certificate

32 When the Minister is satisfied with the result of the inspection and tests referred to in regulation 30(3) he shall grant a certificate to that effect to the person concerned. If that person is a licensee it may forthwith commence to operate the certified installation, otherwise it may apply in writing to the Minister for a licence or permit.

Changes to radio apparatus

33 A licensee may change the apparatus of its Class One radio station without the consent of the Minister if—

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

Technical standards for SCP operations

34 (1) Superaudible and subaudible tones and pulses may, when authorized in writing by the Minister be employed by SCP holders to activate and deactivate subscribers' multiplex receivers. The use of these or any other control techniques to delete main channel material is specifically forbidden.

(2) Frequency modulation shall be used on subcarriers used by SCP holders.

(3) The frequency of each subcarrier used by SCP holders shall be measured as often as necessary to ensure that it is kept at all times within 500 Hz of the authorized frequency and, in any event, the measurement shall be made at least once each calendar month with not more than 40 days expiring between successive measurements.

**CLASS ONE RADIO (BROADCASTING SERVICE AND
SUBSCRIPTION RADIO SERVICE IN THE BROADCASTING
FREQUENCY BANDS) REGULATIONS 1987**

(4) The instantaneous frequency of subcarriers used by SCP holders shall at all times be within the range 20 to 75 kHz:

Provided, however, that when the station is engaged in stereophonic broadcasting, the instantaneous frequency of secondary signals or subcarriers shall at all times be within the range 53 to 75 kHz.

(5) The arithmetic sum of the modulation of the main carrier by the subcarriers used by SCP holders shall not exceed 30 percent:

Provided, however, that when the station is engaged in stereophonic broadcasting, the arithmetic sum of the modulation of the main carrier by the subcarriers use by SCP holders shall not exceed 10 percent.

(6) Frequency modulation of the main carrier caused by the operation of subcarrier use by SCP holders shall, in the frequency range 50 to 15,000 Hz, be at least 60 dB below 100 percent modulation:

Provided, however, that when the station is engaged in stereophonic broadcasting, frequency modulation of the main carrier by the operation of the subcarrier used by SCP holders shall, in the frequency range 50 to 53,000 Hz, be at least 60 dB below 100 percent modulation.

Repeal

35 (1) The provisions of the Wireless Telegraphy (Licence) Regulations 1961 [*title 24 item 10(a)*] that apply to the issuance of licences for, and the operation of, stations in the Class One public broadcasting service shall be revoked insofar as they concern such stations and services.

(2) [*omitted*]

Commencement

36 [*omitted*]