

**BERMUDA STATUTORY INSTRUMENT**

**BR 11/1988**

**TELECOMMUNICATIONS RADIO (STOCK) REGULATIONS  
1987**

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

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## **TELECOMMUNICATIONS RADIO (STOCK) REGULATIONS 1987**

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21 Commencement [omitted]

### **Citation**

1 These Regulations may be cited as the Telecommunications Radio (Stock) Regulations 1987.

### **Interpretation**

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

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

"licensee" means any person licensed or permitted to possess a stock of radiocommunication equipment as a Radio Dealer;

"radiocommunication equipment" means any radio station, radio apparatus, radio receiving apparatus not excluded from the application of the Act, or any apparatus of any kind that generates and emits radio waves, notwithstanding that the apparatus is not intended for radiocommunication;

"Radio Dealer" means a person who in the course of business or trade possesses radiocommunication equipment or material or demonstrates it with a view to trade.

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

### **Purpose**

3 These Regulations state the conditions under which persons in Bermuda or the territorial waters thereof may possess stocks of radiocommunication equipment in the course of business or trade.

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

4 Without derogating from the generality of section 9(3) of the Act no Radio Dealer may possess a stock of radiocommunication equipment in Bermuda or the territorial waters thereof without first obtaining the grant of a licence or permit (hereinafter called a "stock licence" or "stock permit") by the Minister, authorizing such Radio Dealer to possess stocks of radiocommunications equipment of such type or description and in such place as the Minister may specify (hereinafter called "the licensed apparatus") for the purposes of carrying on the business of trading in such licensed apparatus.

**Inspection**

5 The licensed apparatus and any records relating thereto that the licensee is required to maintain under these Regulations shall be open to inspection at any reasonable time by the Telecommunications Inspector, or by any person, appointed in that behalf by the Minister.

**Application for stock licence or permit**

6 A person wishing to obtain a stock licence or permit shall complete and sign a form to be supplied by the Minister giving such information as the Minister shall deem necessary and submit such form to the Minister.

**Grant of stock licence or permit**

7 (1) A stock 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 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*].

(2) The Minister may impose such conditions in the stock licence or permits as he considers necessary for the purposes of the Act and inter alia may determine the type and description of the licensed apparatus which the licensee may possess for the purpose of carrying on business as a Radio Dealer.

(3) Before granting a stock licence or permit the Minister may request the applicant to furnish such proof as will satisfy him that there exist or will be established in Bermuda adequate and sufficient facilities for the repair and maintenance of the type or description of radiocommunication equipment for which such licence or permit is requested and which facilities are or will be available to the person requesting such licence or permit and to such persons as might purchase licensed apparatus. In default of such proof he may refuse to grant such licence or permit.

**Duration of stock licence or permit**

8 (1) A stock licence shall normally be for a period of one year from the last day of the month in which the licence is issued and may be renewed.

(2) A stock permit shall be for a period of up to six months from the date of issue.

**Transfer of stock licence or permit**

9 A stock licence or permit shall not be transferred without the consent of the Minister.

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

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

### **Return of stock licence or permit and disposal of licensed apparatus**

11 (1) When a stock licence or permit is revoked or suspended or is superseded by a new licence or permit or lapses and is not renewed, the revoked, suspended, superseded or lapsed licence or permit, as the case may be, shall be returned by the licensee, or in the case of decease by his executor, heirs or assigns, to the Telecommunications Inspector as soon as possible.

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

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

(4) Licensed 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 any person in possession of a valid licence or permit granted by the Minister under section 9(3) (ii) of the Act to possess or use such apparatus, or an appropriate stock licence or permit;
- (c) by surrender to the Telecommunications Inspector for disposal.

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

### **Posting of stock licence or permit**

12 The stock licence or permit or a copy thereof shall be prominently displayed at all times in the Radio Dealer's place of business mentioned in such licence or permit, if there is more than one place of business the original shall be displayed at the principal place and a copy at each of the others.

**Business and storage premises**

13 (1) A licensee may trade in licensed apparatus at the place of business, the address of which is contained in his stock licence or permit and shall not, without the consent of the Minister, change such place of business. If at any time a licensee wishes to change his authorized place of business or open a new place of business for the purposes of trading in licensed apparatus he shall make application to the Minister for consent to the proposed change not less than ten days before the date on which he intends to make such change. The licensee shall, when making such application, return his stock licence or permit to the Minister for amendment in the event of consent to the proposed change being granted.

(2) All the licensed apparatus shall, unless and until disposed of in accordance with the provisions of the licensee's licence or permit, be stored at the place mentioned in the licence or permit and in no other place unless the Minister has consented to a request for a change made in like manner as an application under paragraph (1).

**Stock records**

14 A Radio Dealer shall—

- (a) keep and maintain complete and accurate registers of the licensed apparatus and of all his dealings and transactions therewith;
- (b) produce such registers and exhibit his stock of such licensed apparatus to and on the demand of the Telecommunications Inspector or any officer authorised by the Minister in that behalf;
- (c) forward once in each calendar year to the Telecommunications Inspector a complete and accurate list of all transactions carried out in respect of licensed apparatus, which list shall reach the Inspector not later than the 30th of April in each year.

The list referred to in paragraph (c) above shall consist of four parts, namely, "Goods Purchased", "Goods Sold", "Repairs Carried out" and "Stock in Hand", and in the case of the first three parts, the names and addresses of all customers or supplies shall be included.

**Transfer of licensed apparatus**

15 (1) It shall be unlawful for a Radio Dealer to transfer possession of any licensed apparatus to any other person, whether by way of sale or otherwise, unless that person holds a valid licence or permit to possess or use, or operate such licensed apparatus or a stock licence or permit for the same type of apparatus, granted by the Minister under the Act.

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(2) A Radio Dealer shall inform the Telecommunications Inspector in writing on a form to be supplied by the Minister of each transfer of possession of licensed apparatus giving the type, manufacturer, model and serial number of the apparatus, the name, and address of the transferee and his licence or permit number.

### **Type approval**

16 A stock licence or permit shall authorize a Radio Dealer to possess and deal only in licensed apparatus—

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

### **Marking of licensed apparatus**

17 (1) It shall be unlawful for a Radio Dealer to transfer possession to any person in Bermuda of a unit of licensed apparatus that does not bear an indication that it is of a description, type or model that has been approved or accepted by the Minister under regulation 16.

(2) Each radio apparatus shall be clearly marked with an indication of its designated transmitting frequency or frequencies.

### **Operation of licensed apparatus**

18 (1) No unit of the licensed apparatus shall be used for or by a Radio Dealer or any other person for the purpose of radiocommunication except under and in record with a licence or permit granted by the Minister for the operation of that particular apparatus.

(2) The licensee shall not permit the licensed apparatus to be operated for the purpose of transmissions by any person who does not possess a licence or permit required in paragraph (1) and shall take all reasonable precautions to ensure that such operation does not occur.

### **False statement in application under regulation 6**

19 Any person who wilfully and knowingly makes, in a written application under regulation 6 for the issue of a stock licence or permit, a statement that is false in a material particular commits an:

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

### **Transitional**

20 [omitted]

**Commencement**

21 [omitted]