

BRITISH ANTARCTIC TERRITORY

**THE COMMUNICATIONS**

**(WIRELESS TELEGRAPHY)**

**(ISSUANCE OF AMATEUR RADIO LICENCES)**

**REGULATIONS 2021**

 Government of the British Antarctic Territory

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**BRITISH ANTARCTIC TERRITORY**

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Enacted by the Commissioner,

Paul Candler,

XXXXXXX 2021

**Statutory Instrument No. 3 of 2021**

**THE COMMUNICATIONS (WIRELESS TELEGRAPHY)**

**(ISSUANCE OF AMATEUR RADIO LICENCES) REGULATIONS 2021**

The Commissioner, in exercise of the powers conferred by section 10 of the Communications (Wireless Telegraphy) Ordinance 2021, hereby makes the following Regulations:

|  |  |
| --- | --- |
| Citation and commencement. | **1.** These regulations may be cited as the Communications (Wireless Telegraphy) (Issuance of Amateur Radio Licences) Regulations 2021 and shall come into force on XXXXXXX. |
| Definition. | **2.** In these regulations –“amateur radio licence” means a licence issued pursuant to section 6(1) of the Communications (Wireless Telegraphy) Ordinance 2021;“Regulator” means the person appointed as, or holding the office of, Regulator in accordance with section 4 of the Communications (Wireless telegeraphy) Ordinance 2021. |
| Application for new licence. | **3.** Any person desirous of obtaining an amateur radio licence shall apply in writing to the Regulator stating full particulars of –(a) the purpose for holding an amateur radio licence;(b) the apparatus which it is proposed to install and use;(c) the location where it is proposed the apparatus will be installed;(d) the relevant qualifications held by the person concerned.  |
| Application for variation of existing licence. | **4.** Any person, being the holder of a valid amateur radio licence issued by the Regulator, may apply to the Regulator for amendment to that licence by stating full particulars of –(a) the proposed amendment to the amateur radio licence, and(b) the reasons for the proposed amendment.  |
| Form of licence. | **5.** (1)On receipt of an application pursuant to regulation 3 or 4, together with payment of any fees imposed by the Regulator pursuant to regulation 6, the Regulator may issue to the applicant an amateur radio licence, or an amendment to such a licence. (2) An amateur radio licence, or amended amateur radio licence, issued by the Regulator shall be substantially in the form set out in the Schedule to these regulations. |
| Fees. | **6.** (1) The Regulator may charge such fees as the Regulator considers appropriate for – (a) considering an application for an amateur radio licence;(b) issuing an amateur radio licence;(c) considering an application for amendment to an amateur radio licence;(d) issuing an amended amateur radio licence.(2) In determining the amount of fees payable pursuant to regulation 6(1), the Regulator shall take account of the amount of fees payable in the Falkland Islands at that time for the application or issuance of a licence of a similar nature. (3) All fees collected by the Regulator shall be paid to the Commissioner, unless the Commissioner has agreed in writing that the fees may otherwise be disbursed.(4) The Regulator may, in exceptional circumstances and after consultation with the Administrator, waive the requirement for the applicant to pay any fees under regulation 6(1). |
| Conditions of licence. | **7.** An amateur radio licence issued by the Regulator shall be subject in all respects to –(a) the provisions of the Communications (Wireless Telegraphy) Ordinance 2021 and of the regulations made thereunder;(b) the conditions specified in the licence. |
| Duration of Licence. | **8.** (1) The Regulator may issue an amateur radio licence with a validity of any specified duration of time, but where such duration is in excess of one year, the holder of such a licence must verify his or her details to the satisfaction of the Regulator each year, within 28 days of the calander date on which the amateur radio licence was issued.(2) If the holder of an amateur radio licence fails to verify his or her details to the satisfaction of the Regulator in accordance with sub-regulation (1), the amateur radio licence shall thereupon elapse and cease to be valid. |

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**SCHEDULE**

(Regulation 3)

**AMATEUR RADIO LICENCE**

**GRANT OF RADIO SPECTRUM LICENCE FOR AMATEUR RADIO EQUIPMENT**

**LICENCE**

1. This Amateur Radio licence (Licence) is granted to [Name] under section 6(1) of the Communications (Wireless Telegraphy) Ordinance 2021.

**LICENSEE DETAILS**

Licensee’s name\*

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Club name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Call sign

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mailing address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Main Station Address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Issue date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

First issue date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\* A club licence is issued to a named licensee insofar he/she represents the named club.

**DEFINITIONS**

2. Unless listed below, the words and expressions used in this licence have the meanings given in the Communications (Wireless Telegraphy) Ordinance 2021.

3. “Unattended Operation of Radio Equipment” refers to the operation of Radio Equipment by the Licensee when the location of the Licensee is different from the location of the Radio Equipment. An operator can simply transmit and receive through the station;

“Remote Operation of Radio Equipment” Unattended Operation but where the Radio Equipment is operated by remote control, which is where the licensee has the ability to control the Radio Equipment from a different location from that of the Radio Equipment and the operator in the remote location can, for example, switch the transmitter on or off, retune it or change other characteristics of it;

“Territory” means the British Antarctic Territory;

“Undue interference” Electromagnetic energy emitted from apparatus that affects the correct functioning of radiocommunications.

**PURPOSE OF THE LICENCE**

4. (1) This Licence allows the Licensee to establish and operate an Amateur Radio Station within the Territory. The licensee shall ensure that the Radio Equipment is only

used –

a. For the purpose of self-training in radiocommunications (including technical investigation), and

b. As a leisure activity and not for commercial activities of any kind.

(2) The Licensee shall use the Radio Equipment, when directed by the Regulator, to assist with communications in times of disaster or national or international emergency.

**LOCATION**

5. (1) The Licensee may only operate the Radio Equipment in the Territory (including its territorial seas)

a. At the Main Station Address

b. At the Residential Address

c. At a Temporary Location

d. When Mobile, or

e. From on-board a marine vessel within the British Antarctic Territory’s territorial waters

(2) The Radio Equipment may not be established or used in any Aircraft or Airborne Vehicle

**DURATION OF THE LICENCE**

6. (1) This Licence shall commence on the [xxx, 20xx] (Commencement Date) and will be valid [until xxxx] [indefinitely] unless the licence is revoked, suspended or cancelled.

 (2) The Licensee must note the requirements set out in regulation 8 of the Communications (Wireless Telegraphy) (Issuance of Amateur Radio Licences) Regulations 2021 and, where applicable, comply with these requirements.

**OPERATORS AND QUALIFICATIONS**

7. A pre-condition of obtaining a licence is that the licensee shall ensure that they have the necessary skills to operate the equipment such as through completion of a Recognised Training Course or are 15 years of age or older and have signed a declaration that they have the required level of competence to operate an amateur radio station.

8. The licence will be cancelled if there are grounds to believe that the licensee is not competent to operate and has falsely self-certified to the contrary.

9. (1) The Licensee shall ensure that the Radio Equipment shall only be operated by the Licensee personally.

(2) The Licensee may permit a non-licensed person to send a Message using the Radio Equipment provided that the Radio Equipment is operated by the Licensee.

**AVOIDANCE OF INTERFERENCE**

10. The Licensee must comply with any decisions issued by the Regulator in relation to harmful and undue interference.

11. There are no minimum standards for the equipment used by the Licensee but the Licensee must ensure that the equipment does no seriously reduce the quality or disrupt the lawful use or operation of any electronic communications networks or services.

12. (1) The Licensee shall ensure that –

a. The emitted frequency of the apparatus comprised in the Radio Equipment is as stable and as free from Unwanted Emissions as the state of technical development for amateur radio reasonably permits, and

b. Whatever class of emission is in use, the bandwidth occupied by the emission is such that not more than 1% of the mean power of the transmission falls outside the nominal modulated carrier bandwidth.

13. Neither the Regulator nor the Government of the British Antarctic Territory (GBAT) shall be held responsible in any matter whatsoever by the Licensee for any harmful or undue interference that may hinder the use or operation of their radio equipment.

**IDENTIFICATION**

14. The Licensee must ensure that –

a. The station is clearly identifiable at all times;

b. The Call sign is transmitted as frequently as possible in appropriate format consistent with the mode of operation.

**UNATTENDED OPERATION**

15. The Licensee may conduct Unattended Operation of Radio Equipment within the Territory provided that any such operation is consistent with the terms of this Licence.

16. Any communication links used to control the Radio Equipment or to carry Messages must be secure and failsafe so as not to result in unintended emissions.

17. Remote operation of radio equipment is prohibited.

**INFORMATION**

18. For the purposes of any interference investigation, to determine compliance with the terms, conditions and limitations of this Licence, or for any other matter concerning the enforcement of any relevant legislation, the Licensee shall at the request of a person authorised by the Regulator, keep a permanent record (a “log”) of such matters concerning the operation of the Radio Equipment, over such a period, and in such form, as the authorised person may require. The Licensee must keep a permanent record (a “log”) concerning the operation of the Radio Equipment. Such information should be provided promptly upon request and without charge if requested by GBAT, the Regulator or duly authorised persons to act on their behalf.

19. The Licensee must allow the Regulator and members of GBAT, or any duly authorised persons to act on their behalf, to inspect the facilities, upon receiving reasonable prior notice, and must provide any related assistance to satisfy the Regulator and GBAT that the Licensee is in compliance with the terms and conditions of this Radio Spectrum Licence.

**MESSAGES**

20. The Licensee shall be permitted to use the Radio Equipment to discuss any topics of mutual interest with other Amateurs.

21. Messages sent from the station shall only be addressed to other Amateurs or to the stations of those Amateurs;

22. Messages sent from the station shall not be encrypted for the purposes of rendering the message unintelligible to other radio spectrum users.

23. The use of the station for the following purposes is prohibited-

a. Advertising

b. Broadcasting

c. The sending or receiving of social or political propaganda or the transmission or reception of conversations or messages involving or referring to foreign powers or states, of the heads of Government of such powers or states.

**VARIATION AND REVOCATION**

24. This licence may be amended or revoked in the event of its terms becoming incompatible with-

a. Changes to the National Frequency Allocation Table

b. Changes to international requirements and standards

c. Changes to national requirements and standards

In the event that a licence falls to be varied or revoked under this paragraph, the Regulator will give the licensee 28 days’ notice in advance of the variation or revocation.

25. A person authorised by the Regulator may require the Radio Equipment, or any part thereof, to be modified or restricted in use, or temporarily or permanently closed down with immediate effect if, in the reasonable opinion of the authorised person –

a. A breach of this Licence has occurred; and/or

b. The use of the Radio Equipment is causing or contributing to Undue Interference to the authorised use of other radio equipment.

26. The Regulator may require the Radio Equipment to be modified or restricted in use, or temporarily closed down immediately or on the expiry of such period as may be specified in the event of a national or local emergency being declared. This will be exercised through a written notice served on the Licensee or a general notice is published by the Regulator. Any general notices will be published on the Regulator’s website.

**CHANGES**

27. (1) This Licence is personal to the Licensee and may not be transferred.

(2) The Licensee must give notice, in writing, to the Regulator of any change to the Licensee’s name, mailing address

**FEES**

28. The Licensee shall pay to the Regulator such fees as have been determined by the Regulator pursuant to regulation 6(1) of the Communications (Wireless Telegraphy) (Issuance of Amateur Radio Licences) Regulations 2021.

**Annex 1**

**Applicable Frequency Bands**

| FREQUENCIES (MHz) |
| --- |
| 0.1357 – 0.1378 | 14.25 – 14.35 | 432 - 435 |  |
| 0.472 – 0.479 | 18.068 – 18.168 | 435 - 438 |  |
| 1.8 – 1.85 | 21.0 – 21.45 | 438 - 440 |  |
| 3.5 – 4.0 | 24.89 – 24.99 | 1240 - 1300 |  |
| 5.3515 – 5.3665 | 28.0 – 29.7 | 24000 - 24050 |  |
| 7.0 – 7.1 | 144 - 146 | 24150 - 24250 |  |
| 7.1 – 7.2 | 146 - 148 |  |  |
| 14.0 – 14.25 | 220 - 225 |  |  |