

CHAPTER 115

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CHAPTER 115

TELECOMMUNICATIONS

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO TELECOMMUNICATIONS

[1st January 1972]

11 of 1971
LN 46A of 1978
LN 88 of 1978
11 of 1992

PART I

PRELIMINARY

1. This Act may be cited as the Telecommunications Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"broadcast receiving station" means a radio-communication station designed for the reception of sound transmission from broadcasting stations;

"communication officer" means any person employed either permanently or temporarily in connection with a telecommunication established, maintained or worked by the Government, or by a person licensed under this Act;

"dealer in radio-communication apparatus" means any person carrying on the business of producing, manufacturing, repairing, selling or distributing radio-communication apparatus constructed or adapted for the emission of sound transmission by means of Hertzian waves;

"Guide" means the Telecommunications Guide issued under section 8;

"message" means any communication sent or received, or made by telecommunication, or given to a communication officer to be sent by telecommunication;

"post" means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telecommunication line;

"radio-communication" means any telecommunication by means of Hertzian waves;

"radio-communication station" means any apparatus or any component part thereof capable of being used or being adapted for the emission or reception of Hertzian waves and includes a complete set of components designed and

intended to be assembled so as to become such apparatus;

"telecommunication" means any system (which expression shall not be deemed to include a broadcast receiving station) for the transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wires, radio, visual, or other electro-magnetic systems;

"telecommunication authority" means the Comptroller of Posts and Telecommunications in Solomon Islands and includes any officer empowered by him to perform all or any of the functions of the telecommunication authority under this Act;

LN 46A of 1978

"telecommunication line" means any wire or wires used for the purpose of a telecommunication with or without any casing, coating, tube or pipe enclosing the same and any appliances and apparatus connected therewith for the purpose of fixing or insulating the same.

3. The provisions of this Act shall not apply to officers or men of Her Majesty's Forces using telecommunications in the performance of their official duties or to telecommunications so used.

Application of Act

PART II

PRIVILEGES AND POWERS OF TELECOMMUNICATION AUTHORITY

4. Subject to the provisions of section 5, the Government shall have the exclusive privilege of establishing, maintaining and working telecommunications within Solomon Islands.

Exclusive privilege
LN 46A of 1978

5. The telecommunication authority may, subject to the provisions of any regulations made under this Act, grant to any person a licence (hereinafter called a telecommunication licence) to establish or maintain or work a radio-communication station or telecommunication within Solomon Islands or a licence to import radio-communication equipment constructed or adapted for emission, subject to such terms, provisions and limitations as the telecommunication authority may think fit to impose.

Power to grant licence
LN 46A of 1978

(2) A telecommunication licence shall, unless previously revoked, continue in force for such period as may be specified therein.

6. A telecommunication licence may be revoked at any time by the

Revocation of licence

telecommunication authority upon proof to his satisfaction that the licence holder has contravened or failed to comply with any of the terms, provisions or limitations of the licence.

7. On the issue of a telecommunication licence and, where regulations under section 12 so provide, at such times thereafter as may be therein prescribed, there shall be paid to the telecommunication authority by the person to whom the licence is issued such sums as may be therein prescribed and different provisions may be made in relation to different licences according to the nature, terms, provisions limitations and duration thereof.

Fees and charges for
telecommunication
licences

8. The telecommunication authority shall publish a guide to be known as the Telecommunications Guide and shall include therein any regulations made under this Act, and may also include therein-

Telecommunications
Guide
LN 46A of 1978

(a) a declaration of the adoption of the International Telegraph Regulations agreed upon by the International Telecommunication Union and that the same or any part or modification thereof shall be enforced within Solomon Islands;

(b) a statement of the manner in which amendments to the Guide will be published;

(c) information or notification as to-

(i) the examination of and issue of certificates of proficiency to operators of telegraphs or of radio-communication stations;

(ii) the rates at which and the conditions subject to which messages shall be accepted, transmitted or delivered by or on behalf of the telecommunication authority;

(iii) the installation by or on behalf of the telecommunication authority of telephones in private houses, shops or other buildings, the use of telephones so installed and the charges and fees to be paid in respect of their installation;

(iv) the period during which and the conditions subject to which messages and papers relating or belonging to, or in the custody of, the telecommunication authority shall be preserved;

(v) the fees to be charged in respect of any search made for any message or other paper relating thereto in the custody of the telecommunication authority;

- (vi) the levy of fees and other charges for the hire and use of equipment supplied or let on hire by the telecommunication authority;

(d) such other information as the telecommunication authority may think fit to include.

9.-(1) On the occasion of any public emergency or in the interest of public safety the Prime Minister in his discretion or any officer specially authorised in that behalf by the Prime Minister acting in his discretion may-

Powers of Government in
emergency
LN 46A of 1978
LN 88 of 1978

(a) take temporary possession of any radio-communication station or telecommunication established, maintained or worked by any person licensed under this Act;

(b) prohibit or regulate the use of radio-communication stations or telecommunications in all cases or in such cases as may be deemed desirable;

(c) order that any message or class of messages to or from any person or class of persons or relating to any particular subject matter, brought for transmission by, or transmitted or received by, any radio-communication station or telecommunication shall not be transmitted or shall be interrupted or detained or shall be disclosed to the Prime Minister or to any public officer mentioned in the order:

Provided that any order made under paragraph (c) shall not be construed to apply to the use of radio-communication for the purpose of making or answering signals of distress.

(2) If any doubt arises as to the existence of a public emergency or whether any act done under this section was in the interests of public safety a certificate signed by the Prime Minister and delivered to the person in charge of the radio-communication station or telecommunication shall be conclusive proof of the fact.

10. Where it appears to the Prime Minister that such a course is expedient in the public interest, he may in his discretion by warrant under his hand require any person who owns or controls any radio-communication station or telecommunication to produce to him or to any person named in the warrant the originals and transcripts of all messages or of messages of any special class or description or of messages sent from or addressed to any specified person or place by means of such radio-communication station or telecommunication and all other papers relating to such messages.

Powers to require
production of messages
LN 46A of 1978
LN 88 of 1978

11. The holder of a telecommunication licence shall ensure that, as far as practicable, broadcasts and transmissions intended for public reception comply with the following requirements-

Standards to be
observed in broadcasts
and transmissions
11 of 1992, s. 2

(a) that nothing is included in any such programme which offends against good taste or decency or is likely to incite to crime or to lead to disorder or to offend any racial or religious susceptibilities or to be offensive to public feeling;

(b) that the programmes maintain a proper balance in their subject matter and a high general standard of quality; and

(c) that any news given in the programme (in whatever form) is presented with due accuracy and impartiality and with due regard to the public interest.

12. The Minister may make regulations for any purpose for which regulations may be made under this Act and for prescribing anything that may be prescribed under this Act and generally for the purpose of carrying this Act into effect and in particular but without prejudice to the generality of the foregoing may make regulations with respect to any of the following matters-

Regulations
LN 46A of 1978
LN 88 of 1978

(a) the working and use of telecommunications;

(b) the secrecy of telecommunications;

(c) electrical interference with the working or using of any radio-communication apparatus and the requirements to be complied with to prevent or reduce such interference;

(d) the regulation of the use of any radio-communication station on board any vessel while in Solomon Islands waters;

(e) the regulation of the use of any radio-communication station on any aircraft while in or over Solomon Islands;

(f) the licensing, and fees therefor, of dealers in radio-communication apparatus and the sale or transfer of radio-communication apparatus;

and different regulations may be made as respects different classes or descriptions of radio-communication stations or tele-communications or as respects the same class or description of radio-communication stations or telecommunications in different circumstances.

PART III

TELECOMMUNICATION LINES AND POSTS

13. The telecommunication authority may from time to time place and maintain a telecommunication line under, over, along or across, and posts in or upon, any immovable property and do all such works and things as may be necessary for such purpose including cutting and removing on each side of any proposed or existing line all such trees and underwood as may interfere or be likely to interfere with the construction or proper working of any telecommunication line:

Power to place telecommunication lines and posts

Provided that-

(a) the telecommunication authority shall not exercise the powers conferred by this section except for the purposes of a telecommunication established or maintained by the Government, or to be so established or maintained;

(b) the Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telecommunication authority places any telecommunication line or post; and

(c) in the exercise of the powers conferred by this section or section 15, the telecommunication authority shall do as little damage as possible, and, when he has exercised these powers in respect of any property, other than property across which a right is reserved to the Government whether expressly or by implication to make telecommunications without compensation, shall pay compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

14. The telecommunication authority, his officers, servants and agents may at any time for the purpose of examining, repairing, altering or removing any telecommunication line or post, enter on the property under, over, along, across, in or upon which the line or post has been placed.

Power to enter on property

15. The telecommunication authority may, for the purpose of exercising the powers conferred upon him by this Act, require to have altered the position of any high tension or other overhead wire, or of any pipe (not being a main) for the supply of water, or of any drain (not being a main drain):

Power to alter position of overhead wires and water pipes and drains

Provided that-

(a) when the telecommunication authority desires to have the position of any such high tension or other overhead wire or pipe or drain altered, he shall give reasonable notice of his desire to do so, specifying the time at which such alteration will be commenced to the person under whose control the wire or pipe or drain is; and

(b) a person receiving notice under paragraph (a) shall send a person to superintend the work and the telecommunication authority shall have the work executed to the reasonable satisfaction of the person so sent.

16.-(1) If any dispute arises concerning the exercise by the telecommunication authority of his powers under sections 13 or 15, or concerning the sufficiency of the compensation to be paid under paragraph (c) of the proviso to section 13, it shall, on application for that purpose by either of the disputing parties to a Judge, be determined by such Judge.

Determination of disputes

(2) If any dispute arises as to the persons entitled to receive compensation, or as to the proportion in which the persons interested are entitled to share in it, the telecommunication authority may pay into the court such amount as he deems sufficient, or where all the disputing parties have in writing admitted the amount tendered to be sufficient, or where the amount has been determined under subsection (1), that amount; and the Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive compensation, or, as the case may be, the proportions in which the persons interested are entitled to share in it.

(3) Every determination of a dispute by a Judge under subsection (1) or subsection (2) shall be final and conclusive and shall not be questioned in any proceedings whatsoever:

Provided that nothing in this subsection shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telecommunication authority from the person who has received the same.

17.-(1) When, under the foregoing provisions of this Act, a telecommunication line or post has been placed by the telecommunication authority under, over, along, across, in or upon any property, and any person entitled to do so desires to deal with that property in such manner as to render it necessary or convenient that the telecommunication line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the telecommunication authority to remove or alter the line or post accordingly:

Application to telecommunication authority to remove telecommunication post or line

Provided that he shall when making the requisition, tender to the telecommunication

authority the amount requisite to defray the expense of the removal or alteration.

(2) If the telecommunication authority fails to comply with the requisition the person making it may apply to a Judge within the province in which the property is situated to order the removal or alteration.

(3) A Judge receiving an application under subsection (2) may, in his discretion, reject the same or make an order absolutely or subject to conditions for the removal of the telecommunication line or post to any other part of the property or to a higher or lower level or for the alteration of its form; and the order so made shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

18. Every telecommunication line or post placed before the passing of this Act under, over, along, across, in or upon any property for the purposes of a telecommunication established or maintained by the Government shall be deemed to have been placed in exercise of the powers conferred by, and after observance of all the requirements of, this Act.

Telecommunication lines or posts placed before passing of this Act

19.-(1) Any person desiring to deal in the legal exercise of a right with any property in such a manner as is likely to cause damage to a telecommunication line or post which has been duly placed in accordance with provisions of this Act, or to interrupt or interfere with telecommunications, shall give not less than one month's notice in writing of the intended exercise of such right to the telecommunication authority.

Notice of acts likely to cause damage to a telecommunication line to be given and powers in connection therewith

(2) If any such person without having complied with the provisions of subsection (1) deals with any property in such a manner as is likely to cause damage to any telecommunications, line or post, or to interrupt or interfere with telecommunications, a Magistrate within the province in which such property is situate may, on the application of the telecommunication authority, order such person to abstain from dealing with such property in such manner for a period not exceeding one month from the date of his order, and forthwith to take such action with regard to such property as may be, in the opinion of the said Magistrate, necessary to remedy or prevent such damage, interruption or interference during such period.

(3) A person dealing with any property in the manner referred to in subsection (1) with the bona fide intention of averting imminent danger of personal injury to himself or other human beings shall be deemed to have complied with the provisions of the said subsection if he gives such notice of the intended exercise of the right as is in the circumstances possible or, where no such previous notice can be given without incurring the imminent danger referred to above, if he forthwith gives notice of the actual exercise of such right to the telecommunication authority.

20. The Minister may by notice confer upon any person to whom a telecommunication licence has been granted under section 5, in respect of the extent of his licence, and subject to any conditions and restrictions which the Minister may think fit to impose, and to the provisions of this Part, all or any of the powers which the telecommunication authority possesses under this Part with regard to a telecommunication established or maintained by the Government or to be so established or maintained:

Power of the Minister to confer powers under this Part on licensees
LN 46A of 1978
LN 88 of 1978

Provided that the notice prescribed in section 19 shall always be given to the telecommunication authority.

PART IV OFFENCES

21. Any person who imports into Solomon Islands without a licence from the telecommunication authority any radio-communication equipment constructed or adapted for emission, or establishes, maintains or works a radio-communication station other than a broadcast receiving station, or a telecommunication within Solomon Islands except under and in accordance with a licence issued under this Act shall be guilty of an offence and liable to a fine of two hundred dollars and in the case of a continuing offence to a further fine of one hundred dollars for each week or part of a week during which the offence continues.

Unlicensed telecommunications
LN 46A of 1978

(2) Where any person is convicted of an offence under this section, the court by which he was convicted may direct that the radio-communication station or telecommunication in respect of which the offence has been committed or any part of such radio-communication station or telecommunication be forfeited.

22. Any person who, knowing or having reason to believe that a radio-communication station or telecommunication has been established or is maintained or worked in contravention of this Act, transmits or receives any message by such radio-communication station or telecommunication, or performs any service incidental thereto, or delivers any message sent thereby, shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment.

Assisting the working of an unauthorised telecommunication station

23. Any person who-

Trespass and wilful obstruction of a communication officer

(a) without permission of the communication officer in charge enters any room in any telecommunication office reserved for the transmission of signals; or

(b) enters a fenced enclosure around such a telecommunication office in contravention of any notice erected or displayed by or by authority of the telecommunication authority forbidding such entry; or

(c) refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein; or

(d) wilfully obstructs any such officer or servant in the performance of his duty,

shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment;

Provided that any person who does any of the aforesaid acts with the intention of unlawfully learning the contents of any message shall be liable to imprisonment for one year.

24. Any person who, intending-

Tampering with plant of telecommunications

(a) to prevent or obstruct the transmission or delivery of any message; or

(b) to intercept or to acquaint himself with the contents of any message; or

(c) to commit mischief,

damages, removes, tampers with or touches any battery, machinery, telecommunication line, post or other thing whatever, being part of or used in or about any telecommunication or in the working thereof, shall be liable to a fine of five hundred dollars or to imprisonment for three years, or to both such fine and such imprisonment.

25. Any communication officer, or any person not being a communication officer but having official duties connected with any office which is used as a telecommunication office, who-

Detaining or altering a message or revealing its contents
LN 46A of 1978
LN 88 of 1978

(a) wilfully secretes, makes away with or alters any message which he has received for transmission or delivery; or

(b) wilfully, and otherwise than in obedience to an order of the Minister or of an officer especially authorised by the Minister to make the order, omits to transmit, or intercepts, or detains any message or any part thereof, or otherwise than in pursuance of his official duty or in obedience to the direction of a court discloses the contents or any part of the contents of any message to any person not entitled

to receive the same; or

(c) divulges the purport of any message to any person not entitled to become acquainted with the same,

shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for three years, or to both such fine and such imprisonment.

26. Any communication officer who transmits by telecommunication any message on which the prescribed charge has not been paid, intending thereby to defraud the telecommunication authority or a person licensed under this Act, shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for three years, or to both such fine and such imprisonment.

Fraudulently transmitting messages

27. Any communication officer or any person not being a communication officer but having official duties connected with any office which is used as a telecommunication office who is guilty of any act of drunkenness, carelessness, or other misconduct whereby the correct transmission or the delivery of any message is impeded or delayed, or any communication officer who wilfully delays in the transmission or delivery of any message, shall be guilty of an offence and liable to a fine of twenty dollars or to imprisonment for one month, or to both such fine and such imprisonment.

Impeding or delaying messages

28. Any person who, without due authority-

Representing without authority that a document has been issued with authority

(a) makes or issues any document of a nature reasonably calculated to cause it to be believed that the document has been issued by, or under the authority of, the telecommunication authority; or

(b) makes on any document any mark in imitation of or similar to, or purporting to be, any stamp or mark of any telecommunication office under the telecommunication authority, or a mark of a nature reasonably calculated to cause it to be believed that the document so marked has been issued by, or under the authority of, the telecommunication authority,

shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment.

29. Any person who fraudulently retains, or wilfully secretes, makes away with, or detains a message which ought to have been delivered to some other person, or, being required by a communication officer to deliver up any such message, neglects or refuses to do so, shall be guilty of an offence and liable to a fine of five hundred dollars

Fraudulent retention of messages

or to imprisonment for three years, or to both such fine and such imprisonment.

30. Any person who obstructs an officer authorised under section 9 in the exercise of his powers under that section or who fails to comply with any prohibition, regulation or order made under the said section shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for one year, or to both such fine and such imprisonment.

Offences in connection with exercise by Government of its powers in an emergency

31. Any person who on being required to produce any original or transcript of a message or any paper relating to a message refuses or neglects to do so shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for one year, or to both such fine and such imprisonment.

Refusal or neglect to produce message

32.-(1) Any person who with intent to deceive forges or wilfully and without due authority alters a telegram, or utters a telegram knowing the same to be forged or wilfully and without due authority altered, shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for one year, or to both such fine and such imprisonment.

Forged telegram

(2) For the purposes of this section, the expression "telegram" means a written or printed communication sent to or delivered at a post office or telecommunication office for transmission by telecommunication.

33. If any person-

Offences in connection with telecommunications

(a) sends any message by telecommunication which is grossly offensive or of an indecent, obscene or menacing character;

(b) sends any message by telecommunication which he knows to be false for the purpose of causing annoyance, inconvenience or needless anxiety to any other person; or

(c) persistently makes telephone calls without reasonable cause and for any such purpose as aforesaid,

he shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for six months, or to both such fine and such imprisonment.

PART V
SUPPLEMENTAL

34.-(1) Any person who is in possession of a radio-communication station shall be deemed to have worked it until the contrary is proved. Onus of proof

(2) The occupier of any dwelling-house or premises in which there is any radio-communication station shall be deemed to be in possession thereof unless he satisfies the court that he was not aware and could not with reasonable diligence have become aware of the presence in the dwelling-house or premises of the radio-communication station in question.

(3) Any apparatus which, if fully assembled and in working order would be a radio-communication station shall not, unless completely dismantled, cease to be a radio-communication station by reason of the fact that it is temporarily incapable of emitting or receiving Hertzian waves owing to a defect or the absence of some part.

35. The transcript of every message after transmission shall before delivery thereof to a person to whom the same is addressed be stamped or initialled by the official receiving the same for delivery, and such transcript message, purporting to have been so stamped or initialled, shall be admissible in every court and in every judicial proceeding as prima facie evidence of the matter therein contained being the same as that stated in the original message left for transmission, and of such original message having been duly signed and delivered for transmission by the person by whom the same purports to be signed and it shall not be necessary to prove the signature of the person purporting to have signed such original message or that the same was left at any telecommunication office for transmission, nor to prove the stamps or initials of the official receiving such transcript for delivery.

Admissibility of transcript
message in judicial
proceedings

36.-(1) The provisions of this Act, other than the provisions of regulations made under paragraphs (d) or (e) of section 12, shall not apply to any foreign vessel or aircraft. Exemption

(2) A licence shall not be required under this Act in respect of any radio-communication station being part of the radio-communication apparatus of a British vessel or aircraft registered outside Solomon Islands where such radio-communication station is licensed by a competent authority in the country of registration.

(3) Nothing in this Act shall apply in respect of any telecommunication, other than radio-communication, contained wholly within a building or part of a building where such telecommunication is owned and operated by a person occupying that building or

part of a building for his sole use and interest.

37. The telecommunication authority or any person authorised in writing by him in that behalf shall have the right at all reasonable hours to inspect any radio-communication station in respect of which a person is licensed under this Act.

Inspection of radio-communication station

38. Every person who is required to possess a licence under this Act shall exhibit his licence for inspection on demand by the telecommunication authority.

Inspection of licence

39.-(1) Neither the Government nor the telecommunication authority shall be responsible for any loss or damage which may occur in consequence of any communication officer failing in his duty with respect to the receipt, transmission or delivery of any message.

Non-responsibility for loss or damage

(2) No communication officer shall be responsible for any such loss unless he causes the same negligently, maliciously or fraudulently.

40. No communication officer shall be liable to any criminal proceedings or in any suit for damages by reason of his having in the course of his employment transmitted or conveyed by any telecommunication or taken any part in transmitting or conveying by any telecommunication any defamatory libel.

Non-liability of communication officers for libel in message

41. The Minister of Finance may, if he thinks fit, remit the whole of any portion of any charge, rate or fee payable under this Act.

Remission of fees
LN 88 of 1978

42. The Minister may by order exempt any person or any class of persons from this Act or from such of the provisions thereof as he thinks fit.

General exemption
LN 40A of 1978
LN 88 of 1978

CHAPTER 115

TELECOMMUNICATIONS

Subsidiary Legislation

THE TELECOMMUNICATIONS REGULATIONS

LN 85/1971
LN 35/1974
LN 61/1978
LN 16/1981

(Section 12)

[17th December 1971]

1. These Regulations may be cited as the Telecommunications Regulations.

Citation

2. In these Regulations-

Interpretation

"aircraft station licence" means a licence to operate a radio-communication station on board an aircraft;

"amateur station licence" means a licence to operate a radio-communication station, the sole purpose of which is to enable the licensee to communicate with other radio-communication stations of a similar nature for recreational purposes and without financial gain;

"broadcasting station licence" means a licence to operate a radio-communication station the transmissions of which are intended for direct reception by the public;

"experimental station licence" means a licence to operate a radio-communication station for scientific experimental purposes;

"fleet control station licence" means a licence to operate two or more small portable short range radio-communication stations, but does not include a land mobile station licence;

"land mobile station licence" means a licence to operate a radio-communication station designed or intended for use whilst in motion or during halts at unspecified points, whether in taxis or otherwise;

"private network licence" means a licence to operate a radio-communication station either fixed or mobile intended for radio-communication between that station and other radio-communication stations within a network specified in the licence;

"private station licence" means a licence to operate a land-based radio-communication station fixed at one location and not normally mobile;

"public correspondence licence" means a licence to operate a radio-communication station for the purpose of transmitting or receiving messages for or on behalf of the Government or any other person;

"ship station licence" means a licence to operate a radio-communication station on board any vessel, other than a survival craft, which is not permanently moored.

3. The operation and administration of telecommunications shall, subject to the provisions of the Act, be conducted in accordance with such conditions as may be specified in the Guide.

Operation and
administration of
telecommunications

4.-(1) No licence other than a licence to import radio-communication equipment constructed or adapted for emission shall be granted under section 5 of the Act unless the radio-communication apparatus in respect of which the licence is sought has first been inspected and approved by a person authorised in that behalf by the telecommunication authority.

Inspection of apparatus
prior to grant of licence
LN 35/1971

(2) Any modification or any change in the characteristics or functioning of such apparatus occurring after such inspection shall be notified within seven days of the occurrence to the telecommunication authority.

(3) Any person who fails to comply with the provisions of this regulation shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment.

5. The following classes of telecommunication licences may be granted by the telecommunication authority on payment of the fee prescribed in relation thereto in the Schedule-

Classes of
telecommunication
licences Schedule

(a) an aircraft station licence;

(b) an amateur station licence;

(c) a broadcasting station licence;

(d) an experimental station licence;

(e) a fleet control licence;

- (f) a land mobile station licence;
- (g) a private network licence;
- (h) a private station licence;
- (i) a private land line telegraph system licence;
- (j) a private land line telephone system licence;
- (k) a public correspondence licence; and
- (l) a ship station licence.

6. The telecommunication authority may, on payment of the fee prescribed in the Schedule, grant a licence to any person to carry on business as a dealer in radio-communication apparatus.

Dealer's licence
Schedule

7. Any licence granted under regulations 5 or 6 shall unless previously revoked be valid from the date of the granting thereof for the period specified therein.

Period of validity of
licences
LN 61/1978

8.-(1) The annual fee payable in respect of any licence granted under regulations 5 or 6 shall be reduced by one-quarter for each expired quarter of the year.

Reduced fees

(2) Any person who, before the 31st December in any year in respect of which he has been granted a licence under regulations 5 or 6, surrenders such licence to the telecommunication authority for cancellation shall upon cancellation of the licence be granted a refund of one-quarter of the licence fee in respect of any uncommenced quarter of that year.

9. Neither the Crown, the telecommunication authority nor any officer of the Department of Posts and Telecommunications shall be liable in respect of any action, claim, or demand that may be brought or made by any person in respect of any bodily injury or damage to property or any other circumstances arising from any act permitted by a licence issued under the Act.

Non-responsibility for
bodily injury or damage
to property

10. Notwithstanding any approval that may from time to time be given to a licensee

Personal responsibility of
licensee

by the telecommunication authority for any person other than the licensee to utilize any radio-communication station for the transmission of any message or radio-communication, the licensee shall be personally responsible for the observance of these Regulations and all other conditions imposed as if any such message or radio-communication were delivered by him.

11. The issue of a licence under the Act shall not relieve the licensee of responsibility for any infringement of copyright or of any patent for an invention, or of compliance with any law or instructions which may otherwise be applicable.

Responsibility of licensee for infringement of copyright, etc.

12. Except with the consent in writing of the telecommunication authority or any person authorised by him in that behalf, a licensee shall not assign, sublet, transfer, or otherwise dispose of, or for the purpose of profit admit any other person or body to participate in the benefit of any telecommunication licence.

Licences not transferable

13. Except in the case of a fleet control station or a land mobile station, a telecommunication station licence shall be deemed to authorise the erection, construction, establishment, and use of a station, plant, or apparatus capable of transmitting radio-communications, and the possession and use of apparatus capable of receiving radio-communications other than solely for the reception of broadcast programmes, at the particular address stated in the licence, but nowhere else.

Fixed stations licensed for a particular address

14.-(1) In the event of a radio-communication station being dismantled, or (except in the case of a fleet control station or a land mobile station) removed from the address stated in the licence, the licensee shall, within seven days thereafter, notify the telecommunication authority in writing accordingly.

Dismantling or removal of stations to be notified

(2) Any person who fails to comply with the provisions of paragraph (1) shall be guilty of an offence and liable to a fine of fifty dollars.

15. Fleet control stations and land mobile stations shall be subject to such conditions regarding the area within the boundaries of which they may be operated as the telecommunication authority may impose.

Mobile stations

16.-(1) Except as otherwise provided in these Regulations or in the case of an emergency involving the safety of life or property, no person shall operate the apparatus at a radio-communication station licensed under these Regulations unless

Operators of transmitting stations to be certified

he is the holder of a valid certificate and authority to operate of the class required by regulation 29.

(2) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment.

17. Any certificates or authorisations issued under these Regulations shall be in such form and subject to such conditions as the telecommunication authority may from time to time impose.

Form and conditions of certificate, etc.

18. The licensee of any radio-communication station and the operator of the station shall cause the licence and the operator's certificate, or authorisation, as the case may be, to be available at the station at all times for inspection by any person authorised in that behalf by the telecommunication authority.

Licences and authorisations to be available for inspection

19. The telecommunication authority shall allot to every radio-communication station licensed under these Regulations an official call-sign by which the station may be identified, which call-sign shall be used in the manner prescribed by the telecommunication authority in the Guide.

Allotment of call signs

20.-(1) The licensee of a radio-communication station shall operate the station in such manner as not to cause harmful interference to any other station and shall comply with all such directions and observe all such rules as may be given or made by the telecommunication authority from time to time for that purpose.

Harmful interference to be avoided

(2) Any licensee failing to comply with any directions given to him under this regulation or failing to observe any rules made under this regulation shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment:

Provided that it shall not be deemed to be a breach of this regulation if harmful interference experienced at a receiving station is, in the opinion of the telecommunication authority, due to the use at that station of receiving apparatus which is of inferior design or construction.

21. Every licensee of a radio-communication station shall cause the station, so far as possible, to be kept abreast of scientific and technical progress, and shall ensure that the characteristics of the emissions shall, unless otherwise prescribed by the telecommunication authority, be in conformity with the appropriate provisions of the

Transmitting stations to be operated under the best conditions

International Radio Regulations agreed upon by the International Telecommunication Union.

22.-(1) No radio aerial shall be erected above or below lines used for the supply of electricity, or above or below any lines erected and maintained by the telecommunication authority or by a person licensed under the Act, or sufficiently near to any such lines to permit contact with them should any such lines or the radio aerial break or become detached from its support, or should the support fail.

Aerials close to electric supply and telecommunications lines

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment.

23.-(1) The telecommunication authority shall assign to every radio-communication station licensed under the Act the use of such frequencies or band of frequencies as he considers necessary or appropriate.

Frequencies

(2) The assignment of the use of any frequency or band of frequencies to any radio-communication station shall not be deemed to confer upon that station a monopoly of the use of that frequency or band of frequencies.

24. Any person who, without the written authority of the telecommunication authority, uses the call sign of another radio-communication station shall be guilty of an offence and liable to a fine of one hundred dollars:

Improper use of call signs

25.-(1) No licensee, operator, or other person shall communicate to a newspaper for publication any correspondence or other radio-communication that may be received by him from any radio-communication station except with the consent of the intended recipient of such correspondence or radio-communication.

Publication of correspondence or radio-communications

(2) Any person contravening any of the provisions of paragraph (1) shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment.

26.-(1) If at any time any apparatus, motor, machinery, vehicle, installation or appliance causes interference with any radio-communication apparatus, a communication officer may by notice in writing require the owner, operator or other person in charge of such apparatus, motor, machinery, vehicle, installation or appliance to fit thereto at the owner's expense such devices or suppressors as may be necessary to limit such interference to the satisfaction of such communication officer, and, on

Suppressors

receipt of such notice, such apparatus, motor, machinery, vehicle, installation or appliance shall not be used without such devices or suppressors.

(2) If it is found impossible to suppress such interference, a communication officer may require the owner, operator or other person in charge of such apparatus, motor, machinery, vehicle, installation or appliance to discontinue its use or to remove the same to such distance from any radio-communication apparatus as may be necessary to limit such interference to the satisfaction of such communication officer.

(3) Any person who-

(a) uses any apparatus, motor, machinery, vehicle, installation or appliance without having fitted thereto such devices or suppressors as may be necessary to limit such interference upon being required by a communication officer to fit such devices or suppressors thereto; or

(b) uses any apparatus, motor, machinery, vehicle, installation or appliance or fails to remove the same to such distance from any radio-communication apparatus as may be necessary to limit such interference upon being required to discontinue to use or to remove the same,

shall be guilty of an offence and liable to a fine of one hundred dollars and in the case of a continuing offence to a further fine of ten dollars for each day during which the offence continues.

27.-(1) Any police officer in uniform may stop any motor vehicle on any road within Solomon Islands and may require the person in charge of the motor vehicle to take it to such place as may be specified so that the engine therein may be tested to ascertain whether or not it is causing electrical interference, and any person who fails to comply with any such requirement shall be guilty of an offence and liable to a fine of fifty dollars.

Motor vehicles may be stopped

(2) In this regulation, the expressions "motor vehicle" and "road" shall have the meanings ascribed to them by the Traffic Act.

28. If a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that any apparatus, motor, machinery, vehicle, installation or appliance on any premises is causing electrical interference with any radio-communication apparatus he may grant a search warrant authorising a communication officer with such assistance as may be necessary to inspect and search such premises at any hour of the day or night and to test such apparatus, motor, machinery, vehicle, installation or appliance so found.

Search warrants

29.-(1) The following classes of certificates may be granted by the telecommunication authority- Classes of certificates

(a) a flight radio operator's certificate of competency in radio telephony (restricted);

(b) a marine radio operator's certificate of competency and authority to operate (restricted);

(c) a marine radio operator's certificate of competency and authority to operate (unrestricted);

(d) a radiotelephone operator's certificate of competency and authority to operate (restricted);

(e) an amateur operator's certificate of competency and authority to operate (restricted); and

(f) an amateur operator's certificate of competency and authority to operate (unrestricted).

(2) The telecommunication authority may issue a duplicate certificate on proof to his satisfaction that an original certificate has been lost or destroyed.

30. Before any certificate or authorisation under these Regulations is issued to any person a declaration in writing that he will preserve the secrecy of correspondence shall be made and signed by that person. Secrecy of correspondence

31. No certificate of any class shall be issued to any person under sixteen years of age. Age of certificate holders

32. The telecommunication authority may at his discretion recognise as the equivalent of a certificate issued under these Regulations a certificate of similar class granted in any country outside Solomon Islands. Certificates issued outside the Solomon Islands

33.-(1) Radio-communication stations on board vessels shall not except in cases of distress or urgency be operated by any person other than the holder of a valid marine radio operator's certificate of competency and authority to operate, whether restricted Operation of radio-communication stations on vessels

or unrestricted.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months, or to both such fine and such imprisonment.

34.-(1) No person shall operate a radio-communication on board a vessel in port or harbour except in cases of distress or urgency where there is no other suitable method of communication available.

Radio-communication stations not to be operated in port

(2) Calls others than distress calls or port control calls may be addressed to the nearest coast station only:

Provided that British and foreign warships may operate radio-communication apparatus while in port or harbour subject to non-interference with existing telecommunication services and to any other restrictions that the telecommunication authority may impose.

(3) Any person who contravenes the provisions of this regulation shall be guilty of an offence and liable to a fine of one hundred dollars.

35. The erection and operation of amateur radio-communication stations may be authorised and licences issued in such manner and subject to such conditions as may be specified in the Guide.

Amateur stations

36.-(1) It shall not be lawful for any person to carry on business as a dealer in radio-communication apparatus unless he is the holder of a dealer's licence granted to him under these Regulations.

Dealers in radio-communication apparatus to be licensed

(2) This regulation shall not apply to radio receivers used solely for the purpose of receiving broadcast programmes.

(3) Except with the prior permission of the telecommunication authority, no dealer in radio-communication apparatus shall transfer to any other person any licence granted to him under these Regulations.

(4) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence, and liable to a fine of one hundred dollars.

37.-(1) Every dealer in radio-communication apparatus shall keep at his place of

Record of sales to be kept

business a book in which he shall record or cause to be recorded a true record of all sales of apparatus made by him or on his behalf.

(2) Any dealer failing to comply with the provisions of paragraph (1) shall be guilty of an offence and liable to a fine of one hundred dollars.

38.-(1) Any dealer in radio-communication apparatus who sells or otherwise disposes of a radio transmitting set shall within fourteen days of such sale or disposal report the fact to the telecommunication authority, and shall include in his report the date of the transaction, the serial number and type of the set, and the name of the manufacturer.

Radio dealer to report sale

(2) Any dealer in radio-communication apparatus who contravenes or fails to comply with any of the provisions of this regulation shall be guilty of an offence and liable to a fine of one hundred dollars.

SCHEDULE

Fees and Charges

Licence to import radio-communication equipment

constructed or adapted for emission..... \$10 a year

Aircraft station licence..... \$25 a year

Amateur station licence..... \$12 a year

Broadcasting station licence..... \$25 per frequency

Experimental station licence..... \$12 a year

Fleet control licence..... \$12 a year

Land mobile station..... \$25 a year

Private network licence-

(i)..... Scheduled from 0630-1830 \$200 a year
for
a unit of 5 minutes a day.

(ii)..... Scheduled from 1830-0630 \$200 a year
for
a unit of 10 minutes a day.

NOTICE OF EXEMPTION

LN 4/1974

(Section 42)

All Departments of the Government are exempted from liability to pay any licence fees payable under the Telecommunications Act in respect of radio-communication stations owned by the Government.