

No. S 86

**TELECOMMUNICATIONS ORDER, 2001
(S 38/2001)**

TELECOMMUNICATIONS (RADIO-COMMUNICATION) REGULATIONS, 2013

ARRANGEMENT OF REGULATIONS

Regulation

PART I

PRELIMINARY

1. Citation and commencement.
2. Interpretation.

PART II

RADIO FREQUENCY PLANNING

Division 1

Radio spectrum plans and radio frequency band plans

3. Radio spectrum plans.
4. Radio frequency band plans.
5. Variation or revocation of radio spectrum plan and radio frequency band plan.

Division 2

Marketing plans and conversion plans

6. Designation of parts of spectrum for spectrum rights.
7. Marketing plans.
8. Conversion plans.
9. Variation of marketing plan or conversion plan.

PART III

SPRCTRUM RIGHTS

Division 1

Allocation and conditions of spectrum rights

10. Allocation of spectrum rights.
11. Procedures for determining allocation of spectrum rights.
12. Allocation of spectrum rights subject to requirements.
13. Exclusion from allocation of spectrum rights.
14. Conditions of grant of spectrum rights.
15. Authorisation to use assigned part of radio frequency spectrum.
16. Preferential rights.

Division 2

Spectrum sharing and trading

17. Spectrum sharing.
18. Spectrum trading.
19. Variation of conditions of spectrum rights on assignment.

Division 3

Variation, suspension, cancellation and resumption of spectrum rights

20. Variation of certain conditions of spectrum rights.
21. Suspension or cancellation of spectrum rights.
22. Resumption of spectrum rights by agreement.
23. Resumption of spectrum rights compulsorily.

PART IV

REQUIREMENT FOR LICENSING

24. Licensing requirement.
25. Grant of licence.
26. Licensee not exempted from other written laws.
27. Other conditions not affected.

PART V

APPARATUS (SPECTRUM) LICENCES

28. Grant of apparatus (spectrum) licences.
29. Particulars and records of apparatus (spectrum) licences.

PART VI

APPARATUS LICENCES

30. Grant of apparatus licences.
31. Power of Authority to change or withdraw radio frequency.
32. Particulars and records of apparatus licences.
33. Technical requirements, specifications and standards.

PART VII

PROVISIONS FOR SPECIFIC TYPES OF APPARATUS LICENCES

Fixed Apparatus licence

34. Fixed Apparatus licence.

Mobile Apparatus licence

35. Mobile Apparatus licence.
36. Common base station and shared radio frequencies.

Cellular mobile subscriber licence fee

37. Cellular mobile subscriber licence fee.

Radio-determination Apparatus licence

38. Radio-determination Apparatus licence.

Space Apparatus licence

39. Space Apparatus licence.
40. Obligations of licensee.
41. Compliance with International Telecommunication Convention.

Broadcasting Apparatus licence

42. Broadcasting Apparatus licence.

Amateur Apparatus licence

43. Amateur Apparatus licence.
44. Age restrictions.
45. Qualifications.
46. General conditions.
47. Prohibition on use of encryption devices.
48. Restrictions on transmission.
49. Power of Authority to order transmission.
50. Portable stations.

Ship Apparatus licence

51. Ship Apparatus licence.
52. Restrictions on grant of Ship Apparatus licence.
53. Compliance with Radio Regulations, Authority's requirements etc.
54. Radio-communication equipment not to cause interference.
55. Restrictions on use of radio-communication equipment while in territorial waters.

Aircraft Apparatus licence

56. Restrictions on grant of Aircraft Apparatus licence.
57. Duty of licensee in respect of radio-communication equipment, Radio Regulations etc.
58. Restrictions on use of aircraft radio-communication equipment.

Localised Radio-communication Apparatus licence

59. Localised Radio-communication Apparatus licence.
60. Sharing of radio frequencies.

Experimental Apparatus licence

61. Experimental Apparatus licence.
62. Power limitations.

Special Purpose Apparatus licence

63. Special Purpose Apparatus licence.

PART VIII

**PROVISIONS APPLICABLE TO APPARATUS (SPECTRUM) LICENCES AND
APPARATUS LICENCES**

64. Fees.
65. Validity of licence.
66. Assignment, transfer etc. of benefits of licence only with approval.
67. Employees of licensee.
68. Amendment of licence.
69. Return of licence.
70. Notification of change of particulars.

PART IX

CLASS LICENCES

71. Grant of class licences.
72. Conditions of class licences.
73. Fees for class licences.
74. Compliance with radio spectrum plans and radio frequency band plans.
75. Variation and revocation of class licences.

PART X

DUTIES AND GENERAL OBLIGATIONS

76. Inspection of radio-communication equipment.
77. Inspection of licence.
78. Secrecy.
79. Radio-communication equipment to be used for lawful purposes.
80. Restrictions on transmission.
81. International Telecommunication Convention.
82. Inspection to determine cause of interference.
83. Investigation by Authority on request.
84. Instructions to eliminate or reduce interference.

PART XI

GENERAL

85. Application of codes of practice.
86. Replacement licence.
87. Offence.
88. Repeal.
89. Savings.

SCHEDULE – FEES

TELECOMMUNICATIONS ORDER, 2001
(S 38/2001)

TELECOMMUNICATIONS (RADIO-COMMUNICATION) REGULATIONS, 2013

In exercise of the power conferred by section 77 of the Telecommunications Order, 2001, the Authority for Info-communications Technology Industry of Brunei Darussalam, with the approval of the Minister of Communications, hereby makes the following Regulations —

PART I

PRELIMINARY

Citation and commencement.

1. These Regulations may be cited as the Telecommunications (Radio-communication) Regulations, 2013 and shall commence on the day they are made.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

“Amateur radio-communication equipment” means any radio-communication equipment in respect of which an Amateur Apparatus licensee is authorised in the licence to use;

“apparatus licence” means any apparatus licence set out in regulation 30(1);

“apparatus (spectrum) licence” means a licence referred to in regulation 28;

“applicant” means a person who applies for a licence or a variation of a licence, as the case may be, under these Regulations;

“armed forces” means the Royal Brunei Armed Forces raised and maintained under the Royal Brunei Armed Forces Act (Chapter 149), and includes any visiting force, not being a police force, which is lawfully present for the time being in Brunei Darussalam;

“Armed Forces Communication” means communication between radio-communication equipment of —

(a) the armed forces; or

(b) the armed forces and any other radio-communication equipment, whether on shore or on any vessel or aircraft;

“bandwidth” means the width of a frequency band;

“broadcasting service” means a content applications service in which content is transmitted by means of radio-communication and intended for direct reception by the public or a section of the public;

“class licence” means a class licence referred to in regulation 71;

“conversion plan” means the conversion plan referred to in regulation 6(2)(b);

“fixed service” means a radio-communication service between specified fixed points;

“interference” —

(a) in relation to radio-communication, means interference to or with radio-communication that is attributable, whether wholly or partly and whether directly or indirectly, to an emission of electro-magnetic waves by any equipment;

(b) in relation to the uses or functions of any radio-communication equipment, means interference to or with the uses or functions that is attributable, whether wholly or partly and whether directly or indirectly, to an emission of electro-magnetic waves by radio-communication equipment;

“International Telecommunication Convention” means the Constitution and Convention of the International Telecommunication Union signed in Geneva in 1992 relating to telecommunications, and includes any subsequent Constitution and Convention, to which the Government is a party and it extends to any Radio Regulations made under the Constitution and Convention of the International Telecommunication Union;

“licence” means any licence granted under these Regulations;

“licensee” —

(a) in relation to an apparatus (spectrum) licence or an apparatus licence, means the holder of the licence, as the case may be;

(b) in relation to any class of apparatus licence, means the holder of the respective class of apparatus licence;

(c) in relation to a class licence, means the person granted the class licence;

“localised radio-communication equipment” means equipment that can only be used for communication with a base station or with another station within a defined power limit specified by the Authority;

“localised use” means the operation of specified radio-communication equipment at a specified frequency or in any specified frequency within a geographically bounded area or within a limited level of radio emission specified by the Authority;

“marketing plan” means the marketing plan referred to in regulation 6(2)(a);

“mobile service” means a radio-communication between a mobile station and a land station or fixed station, or between mobile stations;

“network” means two or more stations operated by a person and used or intended to be used in communication with one another;

“non-localised use” means the operation of specified radio-communication equipment or network at a specified frequency or in any specified frequency within the whole of Brunei Darussalam;

“radio-communication equipment” means —

(a) any transmitter, receiver or a combination of both, including any accessory equipment;

(b) any other device or equipment which either alone or together with one or more devices or equipment is capable of interfering with, or being subject to, interference by electro-magnetic radiation; or

(c) any device which can be used for the purposes of radio-communication based network facilities, network services or application services;

“radio emission” means any emission of electro-magnetic waves of frequencies less than 420 terahertz without continuous artificial guide, whether or not any person intended the waves to occur;

“radio frequency band” means any contiguous range of radio frequencies;

“radio frequency band plan” means the radio frequency band plan referred to in regulation 4(1);

“radio frequency spectrum” means the range of frequencies within which radio-communications are capable of being made;

“Radio Regulations” means the Radio Regulations annexed to the International Telecommunication Convention, and includes every revision or modification thereof which the Government has ratified or accepted;

“radio spectrum plan” means the radio spectrum plan referred to in regulation 3(1);

“reception”, in relation to any radio emission, includes interception;

“spectrum right” means a right to use any specified part of the radio frequency spectrum granted under regulation 10(1);

“station” means a transmitter, a receiver, a combination of transmitters and receivers or any accessory thereto which is used or intended to be used for radio-communication.

PART II

RADIO FREQUENCY PLANNING

Division 1

Radio spectrum plans and radio frequency band plans

Radio spectrum plans.

3. (1) The Authority may prepare a radio spectrum plan in respect of any part or all parts of the spectrum.

(2) The Authority may publish the radio spectrum plan in any form, electronic or otherwise, as it considers appropriate.

(3) A radio spectrum plan shall —

(a) conform with the Radio Regulations;

(b) have regard to any agreement, treaty or convention between Brunei Darussalam and any other country or territory, in relation to radio frequency band planning and radio emission;

(c) divide into such number of radio frequency bands as the Authority considers appropriate so much of the spectrum as the Authority considers necessary for the purpose of regulating radio-communication;

(d) designate one or more bands to be used primarily for the general purposes of defence;

(e) specify the general purpose for which each radio frequency band may be used, including reservation for future use and for the prevention or control of interference to radio-communication; and

(f) include such other matters as the Authority considers necessary to give the full effect to the radio spectrum plan.

Radio frequency band plans.

4. (1) The Authority may prepare and publish radio frequency band plans in any form, electronic or otherwise, as it considers appropriate relating to one or more radio frequency bands.

(2) A radio frequency band plan shall –

(a) be consistent with the use of the radio frequency bands specified in the radio spectrum plan;

(b) conform with any applicable radio frequency band allocation plans made pursuant to any agreement, treaty or convention which is binding on Brunei Darussalam;

(c) specify the purpose for which the radio frequency band may be used, including the reservation for future use and for the prevention or control of interference to radio-communication; and

(d) include such other matters as the Authority considers necessary to give the full effect to the radio frequency band plans.

Variation or revocation of radio spectrum plan and radio frequency band plan.

5. (1) The Authority may vary or revoke any radio spectrum plan or radio frequency band plan, in whole or in part, as the Authority considers necessary.

(2) In the case of a variation, the plan as varied shall comply with any requirement under regulation 3 or 4, as the case may be.

Division 2

Marketing plans and conversion plans

Designation of parts of spectrum for spectrum rights.

6. (1) The Authority may designate a specified part of the spectrum to be allocated for use by persons by the grant of spectrum rights, subject to such conditions as the Authority considers appropriate.

(2) On the designation made under sub-regulation (1), the Authority may prepare —

- (a) a marketing plan as set out in regulation 7; and
- (b) a conversion plan as set out in regulation 8,

for the grant of spectrum rights that authorise the use of the frequencies within the part of the spectrum and within the areas specified by the Authority.

Marketing plans.

7. (1) Without limiting the matters that may be included, the marketing plan may consist of —

- (a) the methods and procedures for determining the allocation of a spectrum right;
- (b) the timetable for granting a spectrum right;
- (c) the apportionment of the designated frequency bands in the radio spectrum plan for use or grant of a spectrum right;
- (d) the amount of spectrum to be reserved for public or community services;
- (e) the conditions of grant of a spectrum right; and
- (f) such other matters as the Authority considers necessary.

(2) The draft of the marketing plan and any material modification thereof shall be made available to the public for comments and any comment which is received within such period specified by the Authority shall be considered by the Authority before determining the allocation of a spectrum right.

(3) The marketing plan need not require a spectrum right to be granted for the whole of the spectrum to which the marketing plan applies.

(4) The marketing plan shall be consistent with —

- (a) the radio spectrum plan; or
- (b) the radio frequency band plan that relates, wholly or partly, to the part of the spectrum to which the marketing plan relates.

Conversion plans.

8. (1) Without limiting the matters that may be included, the conversion plan may consist of —

(a) the procedures and timetable for determining the allocation of a spectrum right to replace the spectrum use allocated for licensees; and

(b) such other matters as the Authority considers necessary.

(2) The conversion plan need not require a spectrum right to be granted for the whole of the spectrum to which the conversion plan applies.

(3) The conversion plan shall be consistent with —

(a) the radio spectrum plan; or

(b) the radio frequency band plan that relates, wholly or partly, to the part of the spectrum to which the conversion plan relates.

Variation of marketing plan or conversion plan.

9. The Authority may vary a marketing plan or a conversion plan as the Authority considers necessary.

PART III

SPECTRUM RIGHTS

Division 1

Allocation and conditions of spectrum rights

Allocation of spectrum rights.

10. (1) The Authority may grant any person the right to use any specified part of the spectrum on payment of such charges as the Authority may determine.

(2) Subject to sub-regulation (1), a person granted a spectrum right may utilise any specified part of the spectrum for a period of 20 years or such lesser period as the Authority may specify.

Procedures for determining allocation of spectrum rights.

11. (1) The Authority may determine the procedures for allocating spectrum rights and, without limiting the methods which may be used, may include any one or a combination of the following methods —

- (a)* by auction;
- (b)* by tender; or
- (c)* by allocation for a pre-determined fee or a negotiated fee.

(2) The procedures for allocation by auction may deal with any of the following matters —

- (a)* the types of auction;
- (b)* advertising of auctions;
- (c)* entry fees for prospective bidders;
- (d)* methods of payment for spectrum rights; or
- (e)* such other matters as the Authority considers appropriate;

(3) The procedures for allocation by tender may deal with any of the following matters —

- (a)* the types of tender;
- (b)* advertising of tenders;
- (c)* entry fees for prospective tenderers;
- (d)* the method for determining which tender is to be successful;
- (e)* methods of payment for spectrum rights; or
- (f)* such other matters as the Authority considers appropriate;

(4) The procedures for allocation for a pre-determined or negotiated fee may deal with any of the following matters —

- (a)* the way in which prices are to be determined or negotiated;
- (b)* advertising of proposed allocations; or
- (c)* such other matters as the Authority considers appropriate.

(5) The Authority shall determine the conditions for participation in the allocation of spectrum rights.

Allocation of spectrum rights subject to requirements.

12. The Authority may refuse to grant any spectrum right to any person unless the person meets such requirements as the Authority may determine.

Exclusion from allocation of spectrum rights.

13. (1) The Authority may, by notice in writing, exclude any person from participating or limit any person's participation in the allocation of any spectrum right —

(a) for the purposes of developing the communications industry in Brunei Darussalam and maintaining effective competition between persons engaged in the provision of radio-communication services; or

(b) in the public interest.

(2) The notice shall include the Authority's decision and the reasons for the exclusion from participating or limitation of participation in the allocation of any spectrum right.

(3) Before excluding any person from participating, or limiting any person's participation, in the allocation of any spectrum right, the Authority shall give the affected person an opportunity to be heard.

(4) Any person aggrieved by the Authority's decision under this regulation to exclude any person from obtaining, or limit any person's right to obtain, any spectrum right may appeal to the Minister whose decision shall be final.

Conditions of grant of spectrum rights.

14. (1) The Authority may grant a spectrum right subject to such conditions as the Authority considers appropriate, including —

(a) conditions specifying the part or parts of the radio frequency spectrum in which the operation of radio-communication equipment is authorised;

(b) conditions specifying the type of station or network, and type of radio-communication equipment comprising the station or network, which the person granted the spectrum right is authorised to operate;

(c) conditions specifying the periods during which operation of radio-communication equipment is authorised (the periods specified may include times during each day or times during particular days of each week);

(d) conditions specifying that the person granted the spectrum right and persons authorised by that person to operate radio-communication equipment shall not operate any radio-communication equipment without an apparatus (spectrum) licence;

(e) conditions specifying the maximum permitted level or radio emission that may be caused by operation of radio-communication equipment under the licence;

(f) conditions specifying the area within which operation of radio-communication equipment is authorised under the licence;

(g) conditions specifying the maximum permitted level of radio emission, outside the area referred to in paragraph (f) or outside the frequency band covered by the licence, that may be caused by the operation of radio-communication equipment under the licence;

(h) conditions requiring the payment to the Authority of the charges for the spectrum right determined by the Authority;

(i) conditions requiring the person granted the spectrum right to comply with the directions of the Authority in relation to the use of the spectrum right; or

(j) such other conditions as the Authority considers appropriate.

(2) The area specified in the condition referred to in sub-regulation(1)(f) may be the whole of Brunei Darussalam.

Authorisation to use assigned part of radio frequency spectrum.

15. (1) Subject to sub-regulation (2), a spectrum right authorises –

(a) the person granted the spectrum right; and

(b) if the conditions of the grant of the spectrum right permit, any person authorised by the person granted the spectrum right,

to utilise the assigned radio frequency spectrum for the purpose of operating radio-communication equipment in accordance with the conditions of the grant.

(2) Except as may be permitted by the Authority, a person is not authorised to operate radio-communication equipment under sub-regulation (1) unless the person has, and complies with the conditions of, an apparatus (spectrum) licence.

Preferential rights.

16. The Authority may determine that specified spectrum rights may only be granted to particular persons or classes of persons who satisfy such conditions as are specified by the Authority.

Division 2

Spectrum sharing and trading

Spectrum sharing.

17. (1) Subject to such conditions as the Authority may generally or specifically impose, a person granted a spectrum right may authorise another person to utilise the assigned radio frequency spectrum, in accordance with the conditions of the grant, for the purpose of operating radio-communication equipment subject to that person obtaining an apparatus (spectrum) licence.

(2) Subject to sub-regulation (1), the person granted a spectrum right shall notify to the Authority of the person he has authorised to utilise the assigned radio frequency spectrum for the operation of radio-communication equipment in accordance with the conditions of the grant.

(3) Any person authorised by a person granted a spectrum right to utilise the assigned radio frequency spectrum under sub-regulation (1) shall comply with the provisions of the Order, these Regulations and such other requirements as the Authority may specify.

Spectrum trading.

18. (1) Subject to such conditions as the Authority may generally or specifically impose, a person granted a spectrum right may assign, or otherwise deal with, the whole or any part of the rights and privileges granted under the spectrum right.

(2) No assignment of, or dealing with the whole or any part of the rights and privileges granted under, a spectrum right shall take effect until the Authority gives its approval in writing.

(3) The parties to an assignment of, or dealing with the whole or any part of the rights and privileges granted under, a spectrum right that involves —

- (a) a change in the person granted the spectrum right;
- (b) the issue of a grant of a spectrum right;
- (c) the variation of the conditions for a spectrum right; or

(d) the cancellation of one or more existing spectrum rights,

shall give to the Authority such information about the assignment or dealing as the Authority requires for the purpose of giving its approval under sub-regulation (2).

Variation of conditions of spectrum rights on assignment.

19. (1) The Authority may do any one or more of the following if it is satisfied that it is necessary or convenient to do so in order to give effect to any assignment or dealing under regulation 18 —

(a) vary a grant of a spectrum right by changing the name of the person to whom the spectrum right was granted;

(b) vary the conditions of grant of a spectrum right by —

(i) adding one or more further conditions; or

(ii) revoking or varying any condition;

(c) issue one or more new grants of spectrum right; or

(d) cancel one or more existing grants of spectrum right.

(2) A grant of spectrum right as varied, or a new grant of spectrum right granted, under sub-regulation (1), shall comply with requirements under regulations 14 and 15.

Division 3

Variation, suspension, cancellation and resumption of spectrum rights

Variation of certain conditions of spectrum rights.

20. (1) Subject to this regulation, the Authority may vary any condition of any grant of a spectrum right.

(2) This regulation shall not apply to a resumption of any spectrum right under regulation 22 or 23 or to a variation of the conditions of any grant of a spectrum right under regulation 19 or 22(3).

(3) Before varying the conditions of any grant of a spectrum right under this regulation, the Authority shall give notice to the person granted the spectrum right —

(a) stating that it proposes to make the variations in the manner as specified in the notice; and

(b) specifying the time (not being less than 28 days from the date of service of notice) within which written representations with respect to the proposed variation may be made.

(4) On receipt of any written representation referred to in sub-regulation (3), the Authority shall consider the representation and may —

(a) reject the representation; or

(b) amend the proposed variation in accordance with the representation or in any manner as the Authority considers appropriate,

and, in either event, the Authority shall issue a direction in writing to the person granted the spectrum right requiring that effect be given to the proposed variation specified in the notice or to the variation as amended by the Authority within a reasonable time.

(5) Any person aggrieved by the decision of the Authority under sub-regulation (4) may, within 14 days of the receipt of the direction, appeal to the Minister whose decision shall be final.

(6) The Authority shall not enforce its direction —

(a) during the period referred to in sub-regulation (5); and

(b) whilst the appeal is under consideration by the Minister.

(7) If no written representation is received by the Authority within the time specified in sub-regulation (3) or if any written representation made under that sub-regulation is subsequently withdrawn, the Authority may forthwith carry out the variation as specified in the notice given under that sub-regulation.

(8) Notwithstanding sub-regulations (3) to (7), the Authority may, with the agreement of the person granted the spectrum right, vary the conditions of any spectrum right in such manner as may be agreed.

Suspension or cancellation of spectrum rights.

21. (1) If the Authority is satisfied that —

(a) a person who is granted a spectrum right is contravening, or has contravened, whether by act or omission —

(i) any of the provisions of the Order or these Regulations;

- (ii) any condition of the grant of the spectrum right; or
- (iii) any direction given to the person by the Authority under section 27 or by the Minister under section 61; or

(b) a grant of the spectrum right was obtained by fraud or misrepresentation,

the Authority may, by notice in writing and without payment of any compensation, do either or both of the following —

- (i) suspend or cancel the grant of the spectrum right or part thereof;
- (ii) require the payment, within such time as may be specified, of a financial penalty of such amount not exceeding \$1,000,000 as the Authority thinks fit.

(2) The Authority shall, before suspending or cancelling the grant of any spectrum right or part thereof under sub-regulation (1) —

(a) give to the person to whom the spectrum right was granted notice in writing of its intention to do so; and

(b) in such notice call on that person to show cause within such time as may be specified in the notice as to why the grant of the spectrum right or part thereof should not be suspended or cancelled.

(3) If the person to whom a notice has been given under sub-regulation (2) —

(a) fails to show cause within the period of time given to him to do so or such extended period of time as the Authority may allow; or

(b) fails to show sufficient cause,

the Authority shall give notice in writing to that person of the date from which the suspension or cancellation of the grant of the spectrum right or part thereof is to take effect.

(4) Any financial penalty payable by any person under sub-regulation (1) shall be recoverable by the Authority as a debt due to the Authority from that person and the person's liability to pay shall not be affected by his spectrum right or any part thereof ceasing (for any reason) to be in force.

(5) The charges payable under regulation 10(1) for the spectrum rights are non-refundable notwithstanding any subsequent suspension or cancellation of the

spectrum rights by the Authority or withdrawal of any application or licence by the applicant or licensee, as the case may be.

Resumption of spectrum rights by agreement.

22. (1) The Authority may resume a spectrum right or part thereof under an agreement entered into with the person granted the spectrum right.

(2) Without limiting the matters that may be included in the agreement, if a part of the spectrum right is to be resumed, the agreement shall specify the variations to the other conditions of the spectrum right that will be made to give effect to the agreement and the date on which the resumption is to take effect.

(3) If a part of the spectrum right is resumed, the Authority shall vary, in a way that gives effect to the variations specified in the agreement, the other conditions of the grant of spectrum right.

(4) For the purposes of this regulation and regulation 23, “resume”, in relation to a grant of any spectrum right or part thereof, means to revoke or vary any condition relating to —

(a) the range of the radio frequencies comprised in the grant of the spectrum right.

(b) the duration of the grant of the spectrum right; and

(c) the geographical area covered by the grant of the spectrum right.

Resumption of spectrum rights compulsorily.

23. (1) Subject to this regulation, the Authority may resume a spectrum right or part thereof without the agreement of the person granted the spectrum right if the Minister has approved the resumption.

(2) Before resuming a spectrum right or part thereof under this regulation, the Authority shall give notice to the person granted the spectrum right —

(a) stating that it proposes to resume the spectrum right or part thereof in the manner specified in the notice and the compensation payable for the resumption;

(b) specifying the time (not being less than 28 days from the date of service of notice) within which written representations on the proposed resumption may be made; and

(c) if applicable, specifying the variations to the other conditions of the spectrum right that will be made to give effect to the resumption.

(3) On receipt of any written representation referred to in sub-regulation (2), the Authority shall consider the representation and may —

(a) reject the representation; or

(b) amend the proposed resumption, the compensation payable and the variations to the other conditions of the spectrum right, in accordance with the representation, or in any other manner as the Authority considers appropriate,

and, in either event, the Authority shall issue a direction in writing to the person granted the spectrum right requiring that effect be given to the proposed resumption specified in the notice or to the resumption as subsequently amended by the Authority within a reasonable time.

(4) Any person aggrieved by the decision of the Authority under sub-regulation (3) may, within 14 days of the receipt of the direction, appeal to the Minister whose decision shall be final.

(5) The Authority shall not enforce its direction —

(a) during the period referred to in sub-regulation (4); and

(b) whilst the appeal is under consideration by the Minister.

(6) If no written representation is received by the Authority within the time specified in sub-regulation (2) or if any written representation made under that sub-regulation is subsequently withdrawn, the Authority may forthwith carry out the resumption as specified in the notice given under that sub-regulation.

(7) Regulation 20 shall not apply to the variations to the other conditions of the spectrum right made under this regulation.

PART IV

REQUIREMENT FOR LICENSING

Licensing requirement.

24. (1) Subject to such privilege conferred by section 3 and exemption under section 36, a radio-communication equipment shall not be possessed, established, installed, maintained, provided or operated by any person otherwise than as authorised by —

(a) an apparatus (spectrum) licence;

(b) an apparatus licence; or

(c) a class licence.

(2) An application for, and renewal of, a licence shall be made in such form and manner as the Authority may determine and supported by such information as the Authority may require.

(3) A licence shall be —

(a) subject to such conditions as the Authority may determine; and

(b) valid for such period as the Authority may determine,

unless it is cancelled, suspended or reduced in duration in accordance with the provisions of the Order or these Regulations.

Grant of licence.

25. A licence, other than a class licence, shall only be granted by the Authority to —

(a) a citizen of Brunei Darussalam or permanent resident;

(b) a business registered under the Business Names Act (Chapter 92);

(c) a company incorporated under the Companies Act (Chapter 39); or

(d) such other person as the Authority considers appropriate.

Licensee not exempted from other written laws.

26. The grant of any licence under these Regulations does not exempt the licensee from obtaining any other approval, permit, licence or other authorisation required by any other written law for or in connection with the possession, establishment, installation, maintenance, provision or operation of any radio-communication equipment.

Other conditions not affected.

27. The conditions of any licence imposed under these Regulations shall be in addition to and not in derogation of any other condition imposed and specified by the Authority in the licence under section 5.

PART V

APPARATUS (SPECTRUM) LICENCES

Grant of apparatus (spectrum) licences.

28. (1) An apparatus (spectrum) licence may be granted by the Authority under section 5 if the Authority is satisfied that the radio-communication equipment is to be operated using a spectrum right granted by the Authority and the radio-communication equipment —

(a) meets with and conforms to applicable —

(i) radio emission standards; and

(ii) technical requirements, specifications and standards,

as the Authority may impose; and

(b) is of the kind or class that is approved by the Authority for use under a spectrum right.

(2) An apparatus (spectrum) licence may be granted in such form as the Authority may determine and may consist of —

(a) the type and the number of radio-communication equipment;

(b) the operating radio frequencies and the bandwidth;

(c) the level of radio emission;

(d) the site names and locations at which the radio-communication equipment are installed;

(e) the validity period of the licence;

(f) the conditions of usage of the radio-communication equipment; and

(g) such other information as the Authority considers appropriate.

Particulars and records of apparatus (spectrum) licences.

29. (1) A radio-communication equipment under an apparatus (spectrum) licence shall not be changed or modified in respect of any of the particulars mentioned in the licence, including the type of radio-communication equipment, the operating radio frequencies, the bandwidth, the level of radio emission and

the location at which the radio-communication equipment is installed, except with the prior approval of the Authority.

(2) The licensee shall keep an up-to-date record of the radio-communication equipment comprised in a station or network.

(3) The record referred to in sub-regulation (2) shall —

(a) contain such information including any report, analysis or other information regarding the radio-communication equipment or the use of the radio frequencies;

(b) be kept in such form; and

(c) be submitted to the Authority at such intervals,

as the Authority may require.

(4) The licensee shall, at all reasonable times, permit any officer authorised by the Authority to inspect and make copies of any entry in the record.

PART VI

APPARATUS LICENCES

Grant of apparatus licences.

30. (1) The following classes of apparatus licences may be granted under section 5 —

(a) Fixed Apparatus licence;

(b) Mobile Apparatus licence;

(c) Radio-determination Apparatus licence;

(d) Space Apparatus licence;

(e) Broadcasting Apparatus licence;

(f) Amateur Apparatus licence;

(g) Ship Apparatus licence;

(h) Aircraft Apparatus licence;

(i) Localised Radio-communication Apparatus licence;

(j) Experimental Apparatus licence; and

(k) Special Purpose Apparatus licence.

(2) An apparatus licence authorises the licensee to operate the specified radio-communication equipment at a specified frequency or in any specified frequency band or bands in accordance with the provisions of the Order, these Regulations and the conditions of the licence.

(3) The Authority shall not grant an apparatus licence that authorises the operation of a radio-communication equipment in any radio frequency band that is —

(a) inconsistent with the radio spectrum plan; or

(b) within a part of the radio frequency spectrum that the Authority has determined under regulation 6(1) to be allocated by the grant of spectrum rights,

unless the Authority is satisfied that the circumstances of the particular case justify the grant of the licence.

(4) An apparatus licence may be granted in such form as the Authority may determine and may consist of —

(a) the type and the number of radio-communication equipment;

(b) the operating radio frequencies and the bandwidth;

(c) the level of radio emission;

(d) the site names and locations at which the radio-communication equipment are installed;

(e) the validity period of the licence;

(f) the conditions of usage of the radio-communication equipment; and

(g) such other information as the Authority considers appropriate.

Power of Authority to change or withdraw radio frequency.

31. The Authority may, in its discretion and without paying compensation and on giving such notice as it considers appropriate, change or withdraw any radio frequency allocated to the licensee without assigning any reason therefor.

Particulars and records of apparatus licences.

32. (1) The Authority may, in respect of any class of apparatus licence, specify the type of radio-communication equipment that the licensee is authorised to use.

(2) A radio-communication equipment under an apparatus licence shall not be changed or modified in respect of any of the particulars mentioned in the apparatus licence, including the type of radio-communication equipment, the operating radio frequencies, the bandwidth, the level of radio emission and the location at which the radio-communication equipment is installed, except with the prior approval of the Authority.

(3) The licensee shall keep an up-to-date record of the radio-communication equipment comprised in a station or network.

(4) The record referred to in sub-regulation (3) shall –

(a) contain such information including any report, analysis or other information regarding the radio-communication equipment or the use of the radio frequencies;

(b) be kept in such form; and

(c) be submitted to the Authority at such intervals,

as the Authority may require.

(5) The licensee shall, at all reasonable times, permit any officer authorised by the Authority to inspect and make copies of any entry in the record.

Technical requirements, specifications and standards.

33. (1) Before an apparatus licence is granted, the applicant shall satisfy the Authority that the radio-communication equipment in respect of which the licence is to be granted comply with the technical requirements, specifications and standards as approved by the Authority.

(2) Every radio-communication equipment comprised in an apparatus licence shall be approved by the Authority before use.

(3) Every radio-communication equipment in respect of which an application for an apparatus licence has been made or for which an apparatus licence has been granted may at any time be inspected and tested by any officer authorised by the Authority.

PART VII

PROVISIONS FOR SPECIFIC TYPES OF APPARATUS LICENCES

Fixed Apparatus licence

Fixed Apparatus licence.

34. The Authority may grant a Fixed Apparatus licence to approved applicants for the purpose of enabling them to transmit, receive or transmit and receive messages by means of fixed service.

Mobile Apparatus licence

Mobile Apparatus licence.

35. (1) The Authority may grant a Mobile Apparatus licence to approved applicants for the purpose of enabling them to transmit, receive or transmit and receive messages by means of mobile service.

(2) The Authority may refuse to grant a Mobile Apparatus licence if it is satisfied that the radio-communication service that is, or is intended to be, provided by or through a network may be adequately provided by or through a public telecommunication system or by any other means, unless —

(a) the network provided by or through a public telecommunication system or by any other means is not available within the area where the network service is intended to be operated; or

(b) the number of mobile stations intended to be used is more than fifty units.

Common base station and shared radio frequencies.

36. It is a condition of every Mobile Apparatus licence that the licensee shall, if required by the Authority in the interest of radio frequency spectrum economy or for any other reason, work with a common base station operated or licensed by the Authority or to share a radio frequency with other stations, subject to any condition which the Authority may impose.

Cellular mobile subscriber licence fee

Cellular mobile subscriber licence fee.

37. The Authority may impose a cellular mobile subscriber licence fee to users using public mobile telecommunication networks for the purpose of enabling to

transmit, receive or transmit and receives voice, messages and data by means of public mobile telecommunication service.

Radio-determination Apparatus licence

Radio-determination Apparatus licence.

38. The Authority may grant a Radio-determination Apparatus licence to approved applicants for the purpose of navigating or detecting objects by means of radio-communication.

Space Apparatus licence

Space Apparatus licence.

39. The Authority may grant the following classes of Space Apparatus licences to enable the licensee to transmit, receive or transmit and receive messages by means of satellite communication for such purposes as the Authority may authorise —

- (a) Very Small Aperture Terminal (VSAT) licence;
- (b) Tracking, Telemetry and Command (TT & C) licence;
- (c) Earth Station licence;
- (d) Portable Satellite Communication Terminal licence; and
- (e) Handheld Satellite Communication Terminal licence.

Obligations of licensee.

40. It is a condition of every Space Apparatus licence that the licensee —

- (a) shall seek the approval of the Authority for access to any space segment and shall comply with the relevant rules, regulations and procedures imposed by the satellite operator for access, booking and fees;
- (b) may only use or work within the radio frequencies or radio frequency bands approved by the Authority for his use; and
- (c) shall not, without the written approval of the Authority, use any satellite communication equipment in respect of which the Space Apparatus licence has been issued to provide telecommunication services to the public.

Compliance with International Telecommunication Convention.

41. Unless exempted by the Authority, a Space Apparatus licensee shall at all times comply with the provisions of the International Telecommunication Convention.

Broadcasting Apparatus licence

Broadcasting Apparatus licence.

42. The Authority may grant a Broadcasting Apparatus licence to approved applicants for the purpose of enabling them to transmit signs or signals by means of radio-communication to provide any broadcasting services.

Amateur Apparatus licence

Amateur Apparatus licence.

43. (1) Subject to the provisions of these Regulations, the Authority may grant the following classes of Amateur Apparatus licences to qualified or approved persons interested in the operation of radio-communication equipment solely for pleasure and for the furtherance of radio-communication techniques and not for pecuniary gain —

(a) Standard Class;

(b) Advanced Class; and

(c) any other class of licence which the Authority considers appropriate.

(2) Notwithstanding regulation 25, an Amateur Apparatus licence may only be granted to an individual and shall not authorise the use of radio-communication equipment by the licensee's employees.

Age restrictions.

44. (1) An Amateur Apparatus licence shall not be granted to a person below the age of 14 years.

(2) Any application for an Amateur Apparatus licence by an applicant below the age of 18 years shall be countersigned by the applicant's parent, guardian or by any other person approved by the Authority.

(3) It is a condition of every Amateur Apparatus licence that a licensee between the ages of 14 and 18 years may only operate or use any Amateur radio-communication equipment if supervised by a qualified person approved by the

Authority who has agreed to supervise the licensee, and that qualified person shall ensure that the licensee observes and complies with all the duties and obligations specified in the licence and these Regulations.

Qualifications.

45. (1) An applicant for an Amateur Apparatus licence shall, unless exempted by the Authority –

(a) have passed the Amateur Radio Examination set by the Authority;
or

(b) be in possession of an Amateur Radio Certificate acceptable to the Authority.

(2) The fee payable to sit for the Amateur Radio Examination referred to in sub-regulation (1)(a) is specified in Part V of the Schedule.

General conditions.

46. An Amateur Apparatus licensee shall observe the following conditions –

(a) the radio-communication equipment shall only be operated at locations approved by the Authority;

(b) the radio-communication equipment shall in all cases be operated by the licensee or by persons named in the licence;

(c) the radio-communication equipment used or intended to be used by the licensee shall be erected, fixed, placed and used, so as not to cause interference to other radio-communication equipment in Brunei Darussalam;

(d) the licensee shall identify himself by the transmission of the call sign assigned to him by the Authority at the beginning and end of each transmission;

(e) any change in the approved location, equipment, mast or antenna system shall be approved by the Authority prior to the change being made;

(f) the licensee shall obtain the approval of all relevant authorities before erecting any mast or antenna to be used in connection with the operation of the radio-communication equipment; and

(g) the licensee shall –

- (i) keep a running record of all transmission periods showing the date and time of each period of transmission and the radio frequency and type of radio emission employed;
- (ii) preserve the record of each entry made for 12 months; and
- (iii) make the record mentioned in sub-paragraph (ii) available for inspection at all reasonable times by any officer authorised by the Authority.

Prohibition on use of encryption devices.

47. It is a condition of every Amateur Apparatus licence that the licensee may not make use of encryption devices or equipment in the operation or use of any radio-communication equipment.

Restrictions on transmission.

48. It is a condition of every Amateur Apparatus licence that —

(a) messages transmitted through an Amateur radio-communication equipment shall be in plain language and shall relate solely to the licensee's experiments or personal affairs (not being business affairs), or to the personal affairs of the person with whom the licensee is communicating;

(b) the Amateur radio-communication equipment shall not be used for transmitting news, advertisements, communications of a business or non-experimental character, messages for pecuniary reward or messages for or on behalf of a third party;

(c) except with the written permission of the Authority, no Amateur Apparatus licensee shall call or transmit to any radio-communication equipment other than an Amateur radio-communication equipment;

(d) messages may only be exchanged with another Amateur radio-communication equipment, except where prohibited by law; and

(e) transmission shall not commence without listening in on the radio frequency to be used in order to ascertain that no interference is likely to be caused to any other radio-communication equipment which may be functioning.

Power of Authority to order transmission.

49. It is a condition of every Amateur Apparatus licence that the licensee shall, if required by the Authority by notice in writing, transmit any message provided by the Authority by means of his licensed Amateur radio-communication equipment.

Portable stations.

50. The Authority may approve an Amateur radio-communication equipment as a portable or mobile equipment, subject to such conditions as the Authority may impose.

Ship Apparatus licence

Ship Apparatus licence.

51. (1) A Ship Apparatus licence may be granted by the Authority if –

(a) the vessel on which the radio-communication equipment is to be carried (referred to in this regulation and in regulations 52 to 55 as the vessel) has a valid internationally recognised Safety Radio Certificate;

(b) the radio-communication equipment is operated by an appropriate number and category of radio operators holding a Certificate of Competency granted by a competent authority recognised by the Authority, except where the vessel is used solely or principally for pleasure purposes;

(c) the vessel has an accounting authority acceptable to the Authority; and

(d) the vessel complies with such other requirements as the Authority may determine.

(2) A person who is unable to furnish all the information required by the Authority in the application form for a Ship Apparatus licence may, on payment of such charges and on satisfying such other requirements as the Authority may determine, be granted a Provisional Ship Apparatus licence which shall be valid for such period and subject to such conditions as the Authority may determine.

Restrictions on grant of Ship Apparatus licence.

52. A Ship Apparatus licence shall only be granted in respect of a vessel, including its lifeboats, which is registered or licensed by the competent authority in Brunei Darussalam.

Compliance with Radio Regulations, Authority's requirements etc.

53. A Ship Apparatus licensee shall –

(a) provide on board the vessel all documents either considered necessary by the Authority or required under the Radio Regulations for the efficient operation of the radio-communication equipment carried on board the vessel; and

(b) comply with the working procedures set out in the Radio Regulations and with such other requirements as the Authority may determine.

Radio-communication equipment not to cause interference.

54. (1) A radio-communication equipment on board any vessel in the waters of Brunei Darussalam shall be operated in such manner as not to impair or interfere with —

(a) any Armed Forces Communication; or

(b) the efficient and convenient working of any other radio-communication equipment, or telecommunication system or service in Brunei Darussalam authorised by the Authority under the Order or these Regulations.

(2) A radio-communication equipment on board any vessel shall not be used if the crew of the vessel observes, or when the crew has been informed by the Authority, that the working of the radio-communication equipment causes interference to radio-communication.

Restrictions on use of radio-communication equipment while in territorial waters.

55. (1) Subject to sub-regulation (2), no radio-communication equipment on board a vessel shall be used while the vessel is within the territorial waters of Brunei Darussalam.

(2) A radio-communication equipment on board a vessel, whether licensed by the Authority or by a foreign competent authority, may be used while the vessel is within the territorial waters of Brunei Darussalam for the purposes of —

(a) safety of navigation, life or property or for any other purposes as may be authorised by the Authority; and

(b) communication on such radio frequency bands as may be specifically authorised by the Authority, subject to such conditions as the Authority may determine, where the use of the radio-communication equipment does not cause interference to the working of any other radio-communication equipment licensed under these Regulations.

Aircraft Apparatus licence

Restrictions on grant of Aircraft Apparatus licence.

56. An Aircraft Apparatus licence shall only be granted in respect of all radio-communication equipment on aircraft registered in Brunei Darussalam.

Duty of licensee in respect of radio-communication equipment, Radio Regulations etc.

57. (1) All radio-communication equipment comprised in a station on board any aircraft shall be approved by the Director of Civil Aviation.

(2) The Authority may grant the Aircraft Apparatus licence before the submission of the certificate of approval issued by the Director of Civil Aviation pursuant to sub-regulation (1) on the condition that such certificate is submitted to the Authority as soon as it is issued.

(3) The Authority may revoke, cancel or suspend the licence granted on the condition stated in sub-regulation (2) if such condition is not satisfied within 3 months of the grant of the Aircraft Apparatus licence.

(4) The licensee shall observe the provisions of the Radio Regulations and any other local or international rules and regulations applicable to radio-communication equipment on board an aircraft.

(5) For the purposes of this regulation, "Director of Civil Aviation" means the Director of the Department of Civil Aviation appointed under section 7 of the Civil Aviation Order, 2006 (S 63/2006).

Restrictions on use of aircraft radio-communication equipment.

58. No radio-communication equipment fitted in an aircraft shall be operated or used while such aircraft is at rest on land or on water in Brunei Darussalam except —

(a) in exceptional cases or in time of emergency or distress;

(b) in exceptional circumstances if communication by means of a telecommunication line system is not available, for communication on matters relating to air navigation and services with the nearest aeronautical station, or, if communication with such station is impracticable, with any other station;

(c) for the purpose of carrying out experimental tests with the written approval of and subject to such conditions as the Authority may determine; or

(d) for the purpose of carrying out functional tests on frequencies other than on international distress frequencies to determine the service ability of the radio-communication equipment.

Localised Radio-communication Apparatus licence

Localised Radio-communication Apparatus licence.

59. The Authority may grant a Localised Radio-communication Apparatus licence to approved applicants to use the following equipment —

- (a) remote control devices;
- (b) local area paging devices;
- (c) wireless microphones;
- (d) transceivers (Walkie Talkies);
- (e) telemetry or alarm systems or both;
- (f) wireless data or voice systems;
- (g) cordless telephones; and
- (h) any other radio-communication equipment as the Authority may authorise.

Sharing of radio frequencies.

60. (1) The radio frequencies allocated to any localised radio-communication equipment may be shared by other users and the Authority shall not be responsible or liable for any interference arising from such use.

(2) Licensees operating on shared radio frequencies shall accept any interference that may result from the legitimate operation of stations, including the operation of industrial, scientific and medical equipment, functioning in the industrial, scientific and medical band.

Experimental Apparatus licence

Experimental Apparatus licence.

61. The Authority may grant an Experimental Apparatus licence to —

- (a) such educational institutions, training establishments or qualified persons as the Authority may determine for the purpose of conducting research and development activities, experiments or demonstrations in radio-communication; or

(b) licensed dealers in, or manufacturers or importers of, radio-communication equipment for the purpose of testing, demonstration or conducting research and development in radio-communication equipment.

Power limitations.

62. The Authority may limit the maximum power of a station in respect of which an Experimental Station licence has been granted, having regard to the purpose for which the station has been authorised and the conditions under which it is to work.

Special Purpose Apparatus licence

Special Purpose Apparatus licence.

63. (1) The Authority may grant a Special Purpose Apparatus licence for the installation and operation of any special purpose radio-communication equipment.

(2) For the purposes of sub-regulation (1), “special purpose radio-communication equipment” means an equipment not otherwise defined in these Regulations that is established exclusively for such purpose and on such conditions as the Authority may specify.

PART VIII

**PROVISIONS APPLICABLE TO APPARATUS (SPECTRUM) LICENCES AND
APPARATUS LICENCES**

Fees.

64. (1) The apparatus (spectrum) licence and apparatus licence may only be granted by the Authority under section 5 on payment of the following charges —

(a) the annual licence fees as specified in Part I of the Schedule;

(b) the application and processing fees for use of any radio frequency in the course of operating or using a radio-communication equipment under an apparatus (spectrum) licence or apparatus licence as specified in Part II of the Schedule;

(c) the annual fees payable for use of any radio frequency in the course of operating or using a radio-communication equipment —

(i) under an apparatus (spectrum) licence as specified in Division 1 of Part III of the Schedule; or

- (ii) under an apparatus licence as specified in Division 2 of Part III of the Schedule.

(2) The Authority may permit any person to use any radio frequency band temporarily on an *ad hoc* basis for a period not exceeding 90 days at a time on payment of the fees as specified in Part IV of the Schedule.

(3) Sub-regulation (2) shall not apply to any use of radio frequency band granted under a spectrum right or permitted under an apparatus (spectrum) licence, an apparatus licence or a class licence.

Validity of licence.

65. (1) An apparatus (spectrum) licence and apparatus licence shall be valid for a period of one year.

(2) An apparatus (spectrum) licence and apparatus licence comes into force on the day on which it is issued or such later day as is specified in the licence.

(3) An apparatus (spectrum) licence and apparatus licence shall only be renewed on payment of the fees determined by the Authority which shall be paid in not less than 60 days before the expiry of the licence.

Assignment, transfer etc. of benefits of licence only with approval.

66. (1) Except with the approval in writing of the Authority, a licensee shall not —

(a) assign, transfer, sublet or otherwise dispose of the benefit of any apparatus (spectrum) licence or apparatus licence; or

(b) permit another person to participate in any of the benefits, powers or authority granted under such licence.

(2) It is a condition of every apparatus (spectrum) licence and apparatus licence that every radio-communication equipment under the licence shall be under the control of the licensee unless the Authority otherwise permits in writing.

Employees of licensee.

67. It is a condition of every apparatus (spectrum) licence and apparatus licence that the licensee shall ensure that his employees comply with the provisions of the Order, these Regulations and the conditions of the licence.

Amendment of licence.

68. (1) Amendments to an apparatus (spectrum) licence or apparatus licence for —

(a) the transfer of location of a radio-communication equipment other than the transfer of a portable or mobile radio-communication equipment from one site to another; or

(b) any change in the radio-communication equipment,

may only be made if the radio-communication equipment has been satisfactorily inspected by any officer authorised by the Authority and the Authority has approved the transfer or change.

(2) Where any such authorised officer inspects a radio-communication equipment under sub-regulation (1), the Authority may impose a fee of \$150 for the inspection.

(3) Any amendment to an apparatus (spectrum) licence or apparatus licence for a change in the radio-communication equipment in a base or repeater station may only be made if —

(a) the licensee has notified the Authority of the change in writing;

(b) the base or repeater station has been inspected to the satisfaction of any officer authorised by the Authority; and

(c) the Authority approves the change.

Return of licence.

69. (1) When a licensee ceases to operate a radio-communication equipment or when an apparatus (spectrum) licence or apparatus licence ceases to be valid, the licensee shall —

(a) return the licence to the Authority for cancellation; and

(b) if required by the Authority, seal, disable or dismantle the radio-communication equipment in the presence of any officer authorised by the Authority.

(2) Unless authorised by the Authority, the licensee may only dispose of or offer the radio-communication equipment for sale if it has first been sealed, disabled or dismantled.

(3) Where any radio-communication equipment has been sealed, disabled or dismantled under sub-regulation (1), no person shall, unless authorised by the Authority, break or tamper with the seal or enable or reassemble the equipment, as the case may be.

(4) Where an apparatus (spectrum) licence or apparatus licence is returned to the Authority, no compensation shall be paid by the Authority to the licensee and no fee or part thereof shall, unless provided for in the licence, be refunded by the Authority to the licensee in respect of the unexpired period of such licence.

Notification of change of particulars.

70. An apparatus (spectrum) licensee or apparatus licensee, as the case may be, shall notify the Authority of any change in its particulars specified in the licence within 14 days of the change.

PART IX

CLASS LICENCES

Grant of class licences.

71. (1) The Authority may grant a class licence which authorises any person —

(a) to operate a radio-communication equipment of a specified type;

(b) to operate a radio-communication equipment for a specified purpose; or

(c) to operate a radio-communication equipment of a specified type for a specified purpose.

(2) The operation of radio-communication equipment is not authorised by a class licence if it is not in accordance with the conditions of the licence.

Conditions of class licences.

72. The Authority may include in a class licence such conditions as it considers appropriate including conditions —

(a) specifying the frequencies at which operation of radio-communication equipment is authorised under the licence;

(b) specifying other technical requirements about the operation of radio-communication equipment under the licence;

(c) specifying the area within which operation of radio-communication equipment is authorised under the licence;

(d) specifying the periods during which operation of radio-communication equipment is authorised under the licence; and

(e) that any radio-communication equipment operated under the licence shall comply with all the standards applicable to it.

Fees for class licences.

73. No fee shall be payable for a class licence.

Compliance with radio spectrum plans and radio frequency band plans.

74. The Authority shall not issue a class licence that is inconsistent with the radio spectrum plan or any relevant radio frequency band plan.

Variation and revocation of class licences.

75. (1) The Authority may vary a class licence by —

(a) adding one or more further conditions;

(b) revoking or varying any condition of the licence.

(2) The Authority may, in writing, revoke a class licence.

PART X

DUTIES AND GENERAL OBLIGATIONS

Inspection of radio-communication equipment.

76. (1) It is a condition of every licence that the licensee shall permit or ensure that permission is granted to any officer authorised by the Authority, on production of proof of identity, to enter any building, premises, compound or other place, vehicle, vessel or aircraft where any station or network is installed, or is being installed, to enable that officer to inspect, examine or test any radio-communication equipment comprised in the station or network.

(2) Where the owner or user of a radio-communication equipment requests the Authority to inspect, for the second or subsequent time, any radio-communication equipment licensed or to be licensed under these Regulations to verify that the station or network or any equipment designed, constructed, installed, established, maintained or operated in accordance with any of the

provisions of the Order, these Regulations or any condition of the licence, the Authority may impose a fee of \$150 for the inspection.

Inspection of licence.

77. A licensee of a radio-communication equipment shall permit any officer authorised by the Authority or a police officer not below the rank of inspector, on production of proof of identity, to examine his licence, or if it is not immediately available, to produce the licence at the office of the Authority or at the nearest police station within a reasonable period.

Secrecy.

78. (1) Except as may be provided by section 42(2), no person shall intercept or acquaint himself with the contents of any radio-communication other than those transmitted for general information or for the information of licensees belonging to the same licensed network.

(2) Except as otherwise provided in these Regulations or by the conditions of a licence granted under these Regulations, every person having access to radio-communication shall hold strictly secret all radio-communications, other than those transmitted for general information, which may pass through his hands or come to his knowledge.

(3) Every person referred to in sub-regulation (2) shall not —

(a) directly or indirectly, disclose the contents of the radio-communication referred to in that sub-regulation except to a person entitled to become acquainted with the radio-communication or to any officer authorised by the Authority or to a court; or

(b) make any other use of such radio-communication.

(4) No person having unauthorised access to radio-communication shall print or publish or cause to be printed or published in any newspaper, pamphlet, book or document any radio-communication that may pass through his hands or come to his knowledge, whether such radio-communication is for private or general reception.

Radio-communication equipment to be used for lawful purposes.

79. No person shall operate or use any radio-communication equipment for or in furtherance of any unlawful purpose.

Restrictions on transmission.

80. (1) The transmission of superfluous signals by a radio-communication equipment is prohibited.

(2) No test, trial or practical transmission shall be permitted except in such circumstances as to preclude the possibility of interference with any other radio-communication equipment.

(3) All tests, unless prior approval from the Authority has been obtained, shall be conducted on dummy load.

(4) No person shall transmit —

(a) any message containing indecent, obscene or offensive language;

(b) any message for an improper or illegal purpose;

(c) any message which interferes with the operation of any licensed radio-communication equipment; or

(d) any message which, to his knowledge, is false or misleading and likely to prejudice the efficiency of any life-service or endanger the safety of any person or of a place or premises, vessel, aircraft or vehicle.

(5) A licensee shall ensure that his radio-communication equipment is worked in a manner which is safe and which does not impair or interfere with —

(a) any Armed Forces Communication; or

(b) the efficient and convenient working or maintenance of any other radio-communication equipment, or telecommunication system or service in Brunei Darussalam authorised by the Authority under the Order or these Regulations.

(6) A licensee shall cease operating his radio-communication equipment and shall take any other immediate action which the Authority stipulates as soon as the licensee observes, or when the licensee has been informed by the Authority or any other competent authority, that the working of the radio-communication equipment causes interference to radio-communication.

(7) The licensee shall, where so directed by the Authority in writing, cease to operate all or any of the equipment comprised in his station for such period or periods of time as the Authority may require for the purposes of investigation of interference to radio-communication.

International Telecommunication Convention.

81. (1) The provisions of the International Telecommunication Convention shall, so far as they are applicable, apply to any radio-communication equipment established or operated in Brunei Darussalam and to any message transmitted or received by such radio-communication equipment.

(2) The Authority may, in its discretion, waive the application of any of the provisions referred to in sub-regulation (1) to any radio-communication equipment or message.

Inspection to determine cause of interference.

82. It is a condition of every licence that any owner or user of electrical, electronic or radio-communication equipment under the licence causing or suspected of causing electrical or radiated interference or disturbance to telecommunication equipment, stations, networks or systems belonging to, authorised or approved by the Authority shall permit any officer authorised by the Authority to inspect his radio-communication equipment in order to determine whether the interference is in fact caused by the equipment.

Investigation by Authority on request.

83. (1) The Authority may, where requested by any person —

(a) to investigate, for the second or subsequent time, the cause of electrical or radiated interference or disturbance to telecommunication equipment, stations, networks or systems; or

(b) to measure and compute the field strength of radiated electro-magnetic energy of any electrical, electronic or radio-communication equipment,

charge a fee of \$100 per hour or part thereof for work done.

(2) Where the Authority undertakes to measure and compute the field strength of radiated electro-magnetic energy under sub-regulation (1), the Authority shall determine the measuring device to be used, the method by which and the conditions under which tests are to be conducted and the manner in which the field strength from readings afforded by the measuring device is computed.

Instructions to eliminate or reduce interference.

84. (1) Where the Authority determines that interference or disturbance to telecommunication equipment, stations, networks or systems is or may be caused by any particular electrical, electronic or radio-communication equipment, the

Authority may, by notice in writing, direct the owner or user of that electrical, electronic or radio-communication equipment to do, at his own expense, any one or more of the following —

(a) take suitable measures to eliminate or reduce the interference or disturbance;

(b) remedy a fault in or the improper operation of the equipment;

(c) modify or alter the equipment; or

(d) disconnect the equipment.

(2) The Authority may require any action required to be taken under sub-regulation (1) to be effected within such period of time as the Authority may determine having regard to the circumstances of each case.

(3) In addition to any action the Authority may take under this regulation, the Authority may —

(a) by notice in writing, prohibit the installation or use of that electrical, electronic or radio-communication equipment unless and until the directions and requirements under sub-regulations (1) and (2) are complied with; and

(b) where it considers it necessary, seal or remove the equipment or any part thereof referred to in sub-regulation (1).

PART XI

GENERAL

Application of codes of practice.

85. No approval, consent, licence or authorisation given by the Authority pursuant to these Regulations shall be taken as specifically authorising or approving any act or thing for the purposes of any code of practice issued or approved by the Authority under section 26(1), as may be amended.

Replacement licence.

86. (1) If the Authority is satisfied that any licence issued by it is lost, destroyed or defaced, the Authority may, on payment of a fee of \$10, issue a replacement licence.

(2) No replacement licence shall be issued in place of a defaced licence unless the defaced licence is surrendered to the Authority for cancellation.

Offence.

87. Any person who —

(a) contravenes any direction or notice of the Authority issued under regulation 84; or

(b) contravenes any provision of these Regulations,

is guilty of an offence.

Repeal.

88. The Telecommunications Act (Satellite Radiocommunication Apparatus Regulations 1988)[S 5/1989] are hereby repealed.

Savings.

89. Any licence granted or issued under the repealed Telecommunications Act (Satellite Radiocommunication Apparatus Regulations 1988)[S 5/1989] shall, so far as they are not inconsistent with any provision of these Regulations and except as otherwise expressly provided in these Regulations or in any other written law, continue and be deemed to have been granted or issued under the corresponding provisions of these Regulations and shall have effect accordingly.

SCHEDULE
(regulations 45(2) and 64)

FEEs

PART I

**ANNUAL LICENCE FEES FOR APPARATUS (SPECTRUM) LICENCE AND
APPARATUS LICENCE**

Type of licences	Description	Fee payable per equipment per annum
FIXED	Land	\$25
	Experimental	\$25
	Press receiving	\$100
	Fixed	\$25
RADIO-DETERMINATION	Radio-determination	\$25
	Maritime radar	\$25
	Radar (Aeronautical)	\$2,400
SPACE	Satellite news gathering	\$2,400
	Earth station —	
	$x \leq 0.3\text{m}$	\$150
	$0.3\text{m} < x \leq 0.6\text{m}$	\$300
	$0.6\text{m} < x \leq 1.2\text{m}$	\$600
	$1.2\text{m} < x \leq 1.8\text{m}$	\$1,200
MOBILE	Above 1.8m	\$2,400
	Cellular mobile subscriber licence	\$25*
	Land mobile	\$25
	Mobile earth station	\$25
	Base station	\$100

SCHEDULE – (Continued)

Type of licences	Description	Fee payable per equipment per annum
	Cellular radio base station	\$100
	Maritime mobile earth station	\$25
	Coast	\$25
	Vessel	\$25
	Wireless alarm	\$25
	Aircraft	\$25
	Aeronautical mobile	\$25
	Aeronautical fixed	\$25
	Aeronautical mobile earth station	\$25
	Experimental	\$25
	Remote controlled	\$25
	Paging services	\$25
BROADCASTING	Broadcasting transmitter	\$100
	Broadcasting repeater	\$100
AMATEUR	Advance class	\$25
	Standard class	\$25
	Repeater	\$100

* The annual licence fee for cellular mobile subscriber licence is based on per registration of cellular services, not per equipment.

SCHEDULE – (Continued)

PART II

APPLICATION AND PROCESSING FEES FOR USE OF RADIO FREQUENCY

Bandwidth	Fee payable per frequency
1. Temporary use	\$100
2. All other frequencies –	
(a) bandwidth of 25 kHz or less	\$290
(b) bandwidth of more than 25 kHz but less than 500 kHz	\$450
(c) bandwidth of 500 kHz or more but less than 1 MHz	\$700
(d) bandwidth of 1 MHz or more but less than 20 MHz	\$900
(e) bandwidth of 20 MHz or more	\$1,200
3. Satellite frequencies	
Uplink	\$500
Downlink	\$500

PART III

ANNUAL FEES FOR USE OF RADIO FREQUENCY

Division 1

Broadcasting, cellular, land mobile or trunked radio wireless broadband access

The annual fee for radio frequency spectrum will be calculated using the following formula –

$$\text{Annual radio frequency spectrum fee} = (\text{Unit Price}) (B) (K1)$$

where,

$$\text{Unit Price} = \$1,000$$

$$B = \text{BUP} + \text{BDOWN} \text{ (assigned bandwidth in MHz or spectrum size in MHz)}$$

SCHEDULE – (Continued)

K1	=	Band factor
		1.0 for TV band
		6.0 for Radio band
		8.0 for 2.3/2.5 GHz band (WBA)
		10.0 for 1.7 to 2.1 GHz band (Cellular and WBA) and land mobile or trunked radio (non-localised use)
		12.0 for 700 MHz to 900 MHz band (Cellular and WBA)
Duplex/Simplex:		For simplex channel, unit price will be half of equivalent duplex channel.

Division 2

Microwave, satellite uplink and downlink and radar

The annual fee will be calculated using the following formula –

$$\text{Annual fee per hop} = \text{Unit Price (F1)(F2)(N)}$$

where,

Unit Price = \$500

F1 = Band factor

1.2 = 1 – 4 GHz band

1.0 = 5 – 8 GHz band

0.8 = 9 – 4 GHz band

0.7 = 15 – 18 GHz band

0.5 = 19 GHz and above

F1 = Bandwidth factor

2 = $x \leq 7$ MHz

4 = $7 \text{ MHz} < x \leq 14 \text{ MHz}$

6 = $14 \text{ MHz} < x \leq 28 \text{ MHz}$

SCHEDULE – (Continued)

8 = above 28 MHz

N = Total number of RF Channels

Land mobile, trunked radio, telemetry, fixed point-to-point, aeronautical and maritime (localised use)

Annual fee per channel = \$75 per 12.5 kHz of occupied bandwidth

Fixed fee : high frequency (3 MHz – 30 MHz)

Annual fee per channel = \$50

PART IV**FEES FOR TEMPORARY FREQUENCY***Division 1**Public telecommunications infrastructure and service*

Fee = \$1,000 per 1MHz of occupied bandwidth

*Division 2**Others*

Bandwidth (x)	Fee payable per frequency for 0-90 days
(a) $x \leq 25$ kHz	\$100
(b) $25 \text{ kHz} < x < 500$ kHz	\$150
(c) $500 \text{ kHz} \leq x < 1$ MHz	\$200
(d) $1 \text{ MHz} \leq x < 20$ MHz	\$400
(e) $x \leq 20$ MHz	\$700

PART V**FEES FOR RADIO AMATEUR EXAMINATION**

Type of examination	Fee payable to sit for examination
Amateur Radio Examination	\$10

BRUNEI DARUSSALAM GOVERNMENT GAZETTE

Made this 1st. day of Safar, 1435 Hijriah corresponding to the 4th. day of December, 2013.

AWANG ABD. MUTALIB BIN PEHIN ORANG KAYA SERI SETIA
DATO PADUKA HJ. MOHD. YUSOF
Chairman,
Authority for Info-communications Technology Industry of
Brunei Darussalam

Dicetak oleh PENGIRAN HAJI ZAINAL ABIDIN BIN PENGIRAN SERI WIJAYA
PENGIRAN HAJI AHMAD, Pengarah Percetakan,
di Jabatan Percetakan Kerajaan, Bandar Seri Begawan BB3510, Negara Brunei Darussalam.

Harga B\$5.00