

CHAPTER 49**RADIOCOMMUNICATIONS ACT**

To regulate radiocommunications.

25th September, 1922;

23rd January, 1923;

16th October, 1925;

ORDINANCE II of 1922 (as amended by Ordinance XXXVI of 1934); ORDINANCE I of 1923 (as amended by Ordinance V of 1923); and ORDINANCE III of 1925 consolidated.

This Chapter was subsequently amended by Ordinances: XVI of 1960, VII and XXV of 1962; Legal Notices: 4 of 1963, 28 of 1964; Act XLV of 1965; Legal Notices: 61 of 1965, 16 of 1966; Act XI of 1973; Legal Notices: 109 and 126 of 1979, 61 of 1981; Acts: XLIX of 1981, VIII of 1982 and XIII of 1983; Legal Notices: 54 of 1985, 23 and 114 of 1988, 6 and 34 of 1990; Acts: VIII and XI of 1990; Legal Notice 185 of 1993; Acts XXXIII of 1997 and XIX of 1998; Legal Notices 226 of 2000, and 111 and 194 of 2003; Act VII of 2004; and Legal Notices 422 and 532 of 2004.

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SCHEDULE

The Radiocommunications (Broadcast Licence Charges) Regulations

Short title.
Amended by:
VII. 2004.55.

1. The short title of this Act is the Radiocommunications Act.

Interpretation.
Substituted by:
VII. 1962.2.
Amended by:
XLV. 1965.2;
XLIX. 1981.6;
XI. 1990.2;
XXXIII. 1997.43;
VII. 2004.56, 57.

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

"broadcast receiving apparatus" means any apparatus used or capable of being used for the reception of sound or visual image or of sound and visual image transmissions intended for direct reception by the general public;

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"Minister" means the Minister responsible for communications and to the extent of any delegation made in terms of article 2A includes the Malta Communications Authority or any body established by law so delegated in terms of the said article;

"radiocommunications" means the emitting or receiving, over paths which are not provided by any material substance constructed or arranged for that purpose, of electro-magnetic energy which serves for the conveying of messages, sound or visual images (whether the messages, sound or images are actually received by any person or not), or is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion, of any object or of any objects of any class and references to apparatus or installations for radiocommunications or to radiocommunications apparatus or installations shall be construed as references to apparatus or installations for the emitting or receiving as aforesaid of such electro-magnetic energy as aforesaid:

Provided that where any apparatus is electrically coupled with any installation originating, transmitting or relaying visual images for the purpose of enabling any person to receive any of the said visual images (whether or not such installation is an installation for radiocommunications) the apparatus so coupled shall itself be deemed for the purpose of this Act to be apparatus for radiocommunications.

Delegation of powers by Minister.
Added by:
VII. 2004.58.

2A. (1) The Minister may by order in the Gazette delegate any of his powers or functions under this Act, other than the power to make regulations, to the Malta Communications Authority or to any other body established by law or to a Government agency and in making any such delegation the Minister may delegate different powers and, or functions to different bodies as stated above:

Provided that in delegating any such powers and, or functions the Minister may specify the purpose and limits, if any, of such delegation.

(2) The Minister shall be entitled to revoke or vary any delegation made in terms of subarticle (1) by order in the Gazette.

PART I

LICENCES FOR MAKING, BUYING, SELLING OR KEEPING
RADIOCOMMUNICATIONS APPARATUS

3. (1) No person shall, without the licence in writing of the Minister, make, buy, sell, or have in his possession or under his control any apparatus for radiocommunications, or any apparatus intended to be used as a component part of such apparatus; and no person shall sell or give any such apparatus to any person who has not obtained such licence as aforesaid, and any person having in his possession or under his control any such apparatus, whether with or without the licence of the Minister, shall on demand deliver the apparatus to the Minister, or as he may direct; and if any person contravenes the provisions of this article he shall be guilty of an offence against this Part of this Act:

Prohibition against possession of radiocommunications apparatus, etc., without licence.

Amended by:

VII. 1962.4;

L.N. 4 of 1963;

XLV. 1965.3;

VIII. 1982.2;

XI. 1990.2, 3;

XXXIII. 1997.43;

VII. 2004.56, 59.

Provided that no licence shall be required for sound only broadcast receivers:

Provided further that the Minister may, after consultation with the Malta Communications Authority, by order in the Gazette exempt certain categories of apparatus from the requirements of this article.

(2) A licence granted under this article (hereinafter in this Part referred to as a radiocommunications licence) may be issued subject to such terms, conditions and limitations as the Minister may think fit, including in particular limitations as to the apparatus which may be installed or used under such licence and the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used.

(3) On the breach of any terms, conditions or limitations attached to a radiocommunications licence the person committing such breach shall be guilty of an offence against this Part of this Act.

(4) A radiocommunications licence shall, unless previously revoked by the Minister, continue in force for such period as may be specified in the licence.

(5) A radiocommunications licence may be revoked, or the terms, conditions or limitations thereof varied by a notice in writing of the Minister served on the holder of the licence or by a general notice, applicable to licences of the class to which the licence in question belongs, published in the Government Gazette.

(6) The Minister shall have the right to demand from any person who deals or has dealt in the sale of radiocommunications apparatus information relating to the storing, purchase and sale of such apparatus and to the person or persons to whom such apparatus may have been sold by such dealer; and if the person from whom such information has been demanded fails to give the information requested, or gives false or incorrect information, and it is shown that radiocommunications apparatus which should have been in his possession has not been sufficiently accounted for by such person, it shall be presumed that such apparatus was sold by

him in contravention of the provisions of this article; and the burden to prove otherwise, in all civil or criminal proceedings, shall lie on such person.

Charges for radiocommunications licences.
Substituted by:
VII. 1962.5.
Amended by:
L.N. 4 of 1963;
XIII. 1982.2;
XI. 1990.2;
VII. 2004.56.

4. (1) On the issue and renewal of a radiocommunications licence, and, where the regulations under this article so provide, at such times thereafter as may be prescribed by the regulations, there shall be paid by the person applying for such issue or renewal such sums as may be prescribed by regulations to be made by the Minister, and different provision may be made in such regulations in relation to different licences, according to the nature, terms, conditions, limitations and duration thereof:

Provided that the regulations made may contain provisions authorising, in such cases as are not otherwise dealt with by the regulations, the charge of such sums, whether on the issue or renewal of the licence or subsequently, as may in the particular case appear to the Minister to be proper, but this proviso shall not apply to licences of any type wholly or mainly intended to meet the needs of persons desiring to use, in a private dwelling-house and without making any charge to other persons, apparatus not designed or adapted for emission (as opposed to reception).

(2) Until varied or revoked by regulations made under this article the Radiocommunications (Broadcast Licence Charges) Regulations, 1962 contained in the Schedule, shall be in force.

Parts of apparatus.
Amended by:
VII. 1962.6;
VII. 2004.56.

5. For the purpose of this Part of this Act, any apparatus ordinarily used as a distinctive component part of apparatus for radiocommunications shall be deemed to be intended to be so used, unless the contrary is proved.

Penalties.
Amended by:
XXXVI. 1934.2;
XXV. 1962.5;
L.N. 4 of 1963;
XLV. 1965.4;
VIII. 1982.2;
XIII. 1983.5;
XI. 1990.2, 4.
Substituted by:
XXXIII. 1997.43.
Amended by:
XIX. 1998.2;
VII. 2004.56, 60.

6. A person committing an offence against this Part of this Act shall be liable, on conviction, to a fine (*multa*) of not less than one hundred liri and not exceeding two thousand liri in respect of each apparatus, and on a second or subsequent conviction to a fine (*multa*) of not less than one hundred liri and not exceeding four thousand liri or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment; and upon the demand of the prosecution the court may order the apparatus to be forfeited and delivered to the Minister:

Provided that notwithstanding the above provisions, the Minister may make regulations in relation to any procedures for the out-of-court settlement of disputes that may be adopted, including any agreement in writing that may be entered into with a person accused of an offence under this article, and any agreement for the payment of a fine in lieu of prosecution for an offence under this Act.

PART II

USE OF RADIOCOMMUNICATIONS BY MERCHANT SHIPS

7. In this Part of this Act -

"passenger ship" means a ship which carries more than twelve passengers;

"maritime radiocommunications inspector" means an officer appointed by the Minister for the purposes of this Part of this Act, and any references to inspector in this Part shall be construed as referring to any such inspector.

8. Every sea-going Maltese ship being a passenger ship or a ship of three hundred tons gross tonnage or upwards shall be provided with a radiocommunications installation being a Global Maritime Distress Safety System (GMDSS) or such other radiocommunications installation as the Minister may prescribe in respect of any category of ships and a licence to keep and use the same, and shall maintain a radiocommunications service which shall be at least sufficient to comply with the rules made for the purpose under this Part of this Act, and with the provisions of the Merchant Shipping Act or with any regulations made thereunder, and shall be provided with one or more certified operators and watchers at least, in accordance with such rules and regulations:

Provided that the Minister may exempt, in whole or in part, from the obligations imposed by this Part of this Act any ships or classes of ships if he is of the opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, it is appropriate so to do.

9. The Minister may make rules prescribing the form and substance of licences to keep and use radiocommunications installations, the nature of the radiocommunications installation to be provided, the services to be maintained, and the number, grade and qualifications of the operators and watchers to be carried and providing for the examination of operators and watchers in cases where necessary and for fees payable in respect of such examination, the conditions for the issue or recognition of certificates for operators and watchers and the conditions for the replacement, suspension, cancellation, and alteration of certificates for operators and watchers:

Provided that no ship shall be required to carry more than one operator unless more than one operator would have been required under the provisions of the Merchant Shipping Act.

10. (1) A surveyor of ships or a radiocommunications inspector appointed by the Minister may inspect any ship for the purpose of seeing that she is properly provided with a radiocommunications installation and certified operators and watchers in conformity with this Part of this Act, and with any rules from time to time made thereunder, and for the purpose of that inspection shall have all the powers of a surveyor under the Merchant Shipping Act.

Definitions.
Amended by:
V. 1923.6;
VII. 1962.7;
L.N. 4 of 1963;
XI. 1973.377;
VIII. 1982.2;
XI. 1990.2;
VII. 2004.56, 61.

Radiocommunications requirements.
Amended by:
L.N. 4 of 1963;
XI. 1973.377;
VIII. 1982.2;
XI. 1990.2;
XXXIII. 1997.43;
VII. 2004.62.

Cap. 234.

Power of Minister to make rules.
Amended by:
L.N. 4 of 1963;
XI. 1973.377;
VIII. 1982.2;
XI. 1990.2;
XXXIII. 1997.43;
VII. 2004.56.

Cap. 234.

Inspection of ships.
Amended by:
V. 1923.2;
XVI. 1960.3;
L.N. 4 of 1963;
XI. 1973.377;
VIII. 1982.2;
XI. 1990.2;
VII. 2004.56, 63.
Cap. 234.

(2) The Minister may by rule made under this Part of this Act provide for the payment of a fee for such inspection.

(3) If the said surveyor or inspector finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(4) Every notice so given shall be communicated by the said surveyor or inspector in writing to the Comptroller of Customs, and any ship which may seek to obtain a clearance or transire shall be detained until a certificate under the hand of any such surveyor or inspector is produced by the master of the ship to the Comptroller of Customs to the effect that the ship is properly provided with radiocommunications installation and certified operators and watchers in conformity with this Part of this Act and with any rules from time to time made thereunder.

(5) If the surveyor or inspector is satisfied that a ship is properly provided with an installation and operators and watchers as required by the provisions of this Part of this Act or of any rules made from time to time thereunder he shall forthwith inform the Comptroller of Customs in writing that the ship is so provided and shall give a certificate under his hand to the same effect to the owner or master of the ship.

Licence to be issued by the Minister.
Added by:
V. 1923.4.
Amended by:
L.N. 4 of 1963;
VIII. 1982.2.
Substituted by:
XI. 1990.5.
Amended by:
VII. 2004.56.

11. (1) The licence to keep and use a radiocommunications installation required by this Part of this Act may be issued by the Minister to the owner of a ship or his agent applying for the same as soon as the Minister shall have received from the surveyor or inspector the certificate aforesaid:

Provided that the Minister may, notwithstanding the provisions of this subarticle, issue a provisional licence for a period of not more than six months, on the first registration of a vessel under the Maltese flag, in such circumstances and under such conditions as he may deem appropriate.

(2) A licence shall be valid for the period, not being more than a period of thirty-six calendar months as may be stated in the licence and may be renewed for successive periods each not being of more than thirty-six months, as may be stated on renewal.

Every sea-going ship provided with radiocommunications installation to obtain licence.
Added by:
V. 1923.4.
Amended by:
L.N. 4 of 1963;
XI. 1973.377;
VIII. 1982.2;
XI. 1990.2;
XXXIII. 1997.43;
VII. 2004.56.

12. (1) Every sea-going Maltese ship which is provided with a radiocommunications installation shall, whether the foregoing provisions apply to her or not, obtain a licence from the Minister to keep and use such installation.

(2) The Minister may by rules made under this Part of this Act prescribe the form, substance and duration of such licence, the conditions on which they are to be issued and held, the fees payable therefor and the nature and character of the apparatus authorised by the licence.

(3) This article shall not apply to a Maltese ship bareboat charter registered in a foreign registry, while it is so registered.

13. If the provisions of the foregoing articles of this Part of this Act or of any rules from time to time made thereunder are not complied with in the case of any ship, the master or owner of the ship shall, on conviction, be liable in respect of each offence to a fine not exceeding five hundred liri, and any such offence may be prosecuted before the Court of Magistrates.

Penalties.
Amended by:
XIII. 1983.4;
VIII. 1990.3;
VII. 2004.56.

14. The obligations imposed by this Part of this Act shall be in addition to, and not in substitution for, the obligations as to radiocommunications imposed by the Merchant Shipping Act.

Provisions of this Part to be in addition to Merchant Shipping Act.
Amended by:
XI. 1973.377;
VII. 2004.56.
Cap. 234.

15. The foregoing provisions of this Part of this Act shall apply to ships other than Maltese ships while they are in Malta in like manner as they apply to Maltese ships.

Application of this Part to ships not registered in Malta.
Substituted by:
XI. 1973.377.
Amended by:
VII. 2004.56.

PART III

USE OF RADIOCOMMUNICATIONS BY FOREIGN WARSHIPS AND SERVICE AIRCRAFT

16. (1) No foreign warship or foreign service aircraft accompanying such ship shall whilst in any harbour of Malta or within three miles of Malta, without permission first obtained from the Minister use its radiocommunications or telephony apparatus.

Restrictions on use of radiocommunications apparatus, by foreign warships or foreign aircraft accompanying such ships.
Amended by:
XI. 1973.377;
VIII. 1982.2;
XI. 1990.2;
VII. 2004.56.

(2) The application for such permission shall give particulars of the system, wave lengths and times of transmission which the applicant desires to use.

17. (1) No foreign service aircraft not accompanying a foreign warship shall, whilst in Malta or within any harbour of Malta, or within three miles of Malta, without the like permission as set forth in the last preceding article from the Minister, use its radiocommunications or telephony apparatus.

Restrictions on foreign service aircraft not accompanying foreign warships.
Amended by:
XI. 1973.377;
VIII. 1982.2;
XI. 1990.2;
VII. 2004.56.

(2) The application for such permission shall give the particulars set forth in subarticle (2) of the last preceding article.

18. The officer to whom an application is made in conformity with this Part of this Act may attach to the grant of such permission conditions -

Conditions on which permission to use apparatus may be granted.
Amended by:
XI. 1973.377;
VIII. 1982.2;
XI. 1990.2;
VII. 2004.56.

- (a) forbidding transmission on 600 metres, except for the purpose of making or answering signals of distress;
- (b) providing against interference with any other station;
- (c) requiring that transmission be forthwith discontinued on a request from the Minister or from any fixed shore station;
- (d) forbidding protracted signalling by the use of

apparatus transmitting other than pure continuous waves.

PART IV

MISCELLANEOUS

Power to make regulations.

Added by:
VII. 2004.64.

19. The Minister may make regulations for the better carrying out of any of the provisions of this Act and without prejudice to the generality of the aforesaid power such regulations may in particular provide for:

- (a) the manner in which radiocommunications apparatus is to be installed, operated, maintained, protected or controlled;
- (b) the technical standards or specifications to be observed with respect to radiocommunications apparatus;
- (c) any matter enabling the Minister to regulate and provide for general authorisations relating to radiocommunications apparatus; and
- (d) any matter that may be required for the purpose of complying with any international obligations of Malta relating to radiocommunications including those relating to standards in Malta.

Exemption from the provisions of this Act.

Added by:
VII. 2004.64.

20. The Prime Minister may by order in the Gazette exempt from the provisions of this Act any radiocommunications apparatus used by the State to satisfy the exigencies of defence, public security or civil protection requirements.

Penalty.

Amended by:
VII. 2004.56.

21. Upon the breach of any condition attached to a permission given under this Part of this Act, such permission shall forthwith cease and determine.

SCHEDULE

[Article 4(2)]

THE RADIOCOMMUNICATIONS

(BROADCAST LICENCE CHARGES) REGULATIONS, 1962.

Added by:

VII.1962.8.

Amended by:

L.N. 4 of 1963;

L.N. 28 of 1964;

L.N. 61 of 1965;

L.N. 16 of 1966;

L.N. 109 of 1979;

L.N. 126 of 1979;

VIII. 1982.2;

L.N. 6 of 1990;

XI. 1990.2;

L.N. 185 of 1993;

L.N. 226 of 2000;

L.N. 111 of 2003;

VII. 2004.65;

L.N. 532 of 2004.

Citation.

Amended by:
VII. 2004.65.

1. The title of these regulations is the Radiocommunications (Broadcast Licences Charges) Regulations.

2. (1) On the issue and on each renewal of a broadcast receiving licence of a type and description specified in columns 1 and 2 respectively of the First Schedule hereto the licensee shall pay a fee of the amount specified in relation to that type and description of licence in columns 3 and 4 of the said Schedule, whatever may be the duration of the licence.

Fees for issue and renewal of broadcast receiving licences.

Amended by:
L.N. 4 of 1963;
L.N. 28 of 1964;
L.N. 126 of 1979;
VIII. 1982.2;
XI. 1990.2.

(2) Licences shall be issued or renewed for such period as may be specified by the Minister responsible for radiocommunications in each case, provided that where the period for which the licence is issued or renewed as specified by the said Minister is less than one year, the issue fee or the renewal fee, as the case may be, shall be reduced in proportion to the number of months, or part thereof, as is included in the period for which the licence is issued or renewed.

Substituted by:
L.N. 185 of 1993.
Amended by:
VII. 2004.56.

3. On the revocation or variation of a licence to which these regulations apply no part of any fee already paid or due to be paid shall be refunded or cease to be due:

General.
Amended by:
L.N. 185 of 1993;
L.N. 532 of 2004.

Provided that in respect of any licence fee paid in respect of Satellite Terminal Receiving Equipment covering a period after the 30th April, 2004, the licensee shall be entitled to a refund of two liri and eight cents (Lm2.08) for every full period of one calendar month (with parts of calendar months not being reckoned) between the 1st May, 2004 and the date, not being after the 31st March, 2005, on which the said licence would have expired.

4. The Minister may reduce or remit any fee prescribed by or under these regulations where he is satisfied that the payment of such fee would cause hardship to the person by whom the fee is payable.

Exemption.
Amended by:
L.N. 4 of 1963;
L.N. 16 of 1966;
VIII. 1982.2;
XI. 1990.2;
L.N. 185 of 1993.

5. For the purpose of securing that the work of issuing and renewing licences to which these regulations apply shall be evenly spread, the Minister may fix the periods during which licences of any one or more classes shall be issued or renewed, and notice of such periods shall be published in the Government Gazette.

Arrangements for spreading work of issuing and renewing licences.
Amended by:
L.N. 4 of 1963;
VIII. 1982.2;
XI. 1990.2;
L.N. 185 of 1993.

6. The fees prescribed by the regulations in respect of broadcast receiving licences for apparatus in any area of in non-foreign going water craft shall be payable to such person or persons, in such place or places, and during such time or times as shall be specified by notice published in the Government Gazette.

Payment of fees.
Substituted by:
L.N. 61 of 1965;
L.N. 109 of 1979.
Amended by:
L.N. 185 of 1993.

Amended by:
L.N. 109 of 1979;
L.N. 126 of 1979;
L.N. 61 of 1981;
XIII. 1983.4;
L.N. 54 of 1985;
L.N. 23 of 1988;
L.N. 114 of 1988;
L.N. 6 of 1990;
L.N. 34 of 1990;
L.N. 185 of 1993;
L.N. 226 of 2000;
L.N. 111 of 2003;
L.N. 194 of 2003;
VII. 2004.56, 65;
L.N. 422 of 2004.

FIRST SCHEDULE

(Regulation 2)

Issue and Renewal Fees on Broadcasting Receiving Licenses

Column 1	Column 2	Column 3	Column 4
Type of licence	Description of Licence	Issue Fee	Renewal Fee
1. Broadcast Receiving Licence - General Form	A licence to have in one's possession or under one's control apparatus for radiocommunications and to use the apparatus for the reception of visual images in colour sent by television, (not being a licence authorising the use of apparatus for radiocommunications for the purpose of the exhibition of visual images received by television to persons who are charged for viewing such exhibition)-		
	(a) for each colour television receiver which is not connected with a satellite television receiving terminal, to be used exclusively in bedrooms of hotels, apart-hotels and tourists villages as defined in the Malta Travel and Tourism Services Act and regulations made thereunder	Lm 3	Lm 3
	(b) for each other colour television receiver used in hotels, apart-hotels and tourists villages	Lm 15	Lm 15
	(c) for one colour television receiver belonging to any one person or his or her spouse and to be used in premises other than in hotels, apart-hotels and tourists villages	Lm 15	Lm 15

Column 1	Column 2	Column 3	Column 4
Type of licence	Description of Licence	Issue Fee	Renewal Fee
	(d) for a second, third or fourth colour television receiver up to a total of four colour television receivers belonging to any one person or his or her spouse and to be used in premises other than in hotels, apart-hotels and tourists villages	Lm 24	Lm 24
	(e) for each additional group of four colour television receivers or part thereof belonging to any one person or his or her spouse and to be used in premises other than hotels, apart-hotels and tourists villages	Lm 24	Lm 24

Provided that in the case of the registration of a television receiver, there shall be paid once only a registration fee of Lm5 in respect of each television receiver.

Provided further that no issue or registration fee shall be incurred in the case of the transfer either *inter vivos* or *causa mortis* of a licence from a person to his spouse, or other members of his or her family living in the same household.
