

CAYMAN ISLANDS



Supplement No. 5 published with Gazette No. 15 of 1975.

**THE RADIO LAW**  
(Law 7 of 1975)

Date of operation:

Date of non-disallowance published in Gazette No..... of 197...

**LAW TO REPEAL AND REPLACE THE WIRELESS  
TELEGRAPHY (CONTROL) LAW, 1965  
(Law 1 of 1966)**

**MEMORANDUM OF OBJECTS AND REASONS**

**The Wireless Telegraphy (Control) Law, 1965 (Law 1 of 1966) is largely outdated and this fact, together with the desirability of compliance with international conventions taking effect in 1975 makes this a good time for the introduction of up to date legislation covering the subject of radio communication. The Bill would also repeal Cap. 166 which should have been repealed by Law 1 of 1966.**

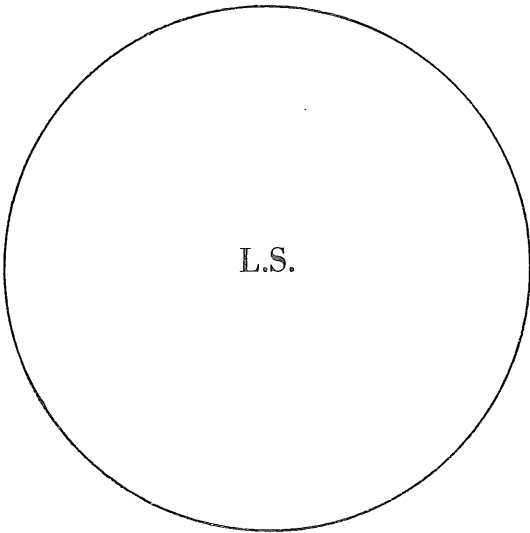
**THE RADIO LAW**

**The Arrangement of Sections**

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**THE SCHEDULE**



LAW 7 of 1975

I assent

T. RUSSELL  
Governor

14th July, 1975.

A LAW TO REPEAL AND REPLACE THE WIRELESS  
TELEGRAPHY (CONTROL) LAW, 1965  
(Law 1 of 1966)

ENACTED by the Legislature of the Cayman Islands.

Short title and com-  
mencement.

1. This Law may be cited as the Radio Law and shall come into operation on a day to be appointed by the Governor by Notice published in the Gazette.

Interpretation.

2. In this Law, unless the context otherwise requires —

“Committee” means the Radio Advisory Committee established by section 4;

“functions” includes duties and powers;

“harmful interference” means any emission, radiation or induction which endangers the functioning of a radionavigation or other safety service, or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating lawfully;

“hertz” means one cycle per second;

“inspector” means an inspector designated under section 11;

Committee and shall call a special meeting within fourteen days of the receipt of a written requisition for that purpose addressed to him by any two members of the Committee.

(3) The chairman shall preside at meetings of the Committee, and in the case of the absence of the chairman from a meeting, the members present and constituting a quorum shall elect one of their number to preside at that meeting.

(4) The quorum of the Committee shall be two or such greater number as may be fixed by the Committee.

(5) The decision of the Committee shall be by a majority of votes. The chairman or other person presiding at a meeting shall have only a casting vote.

(6) Minutes in proper form of each meeting of the Committee shall be kept.

(7) The validity of the proceedings of the Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member thereof.

Protection of members  
of the Committee.

9. No action, suit prosecution or other proceedings shall be brought or instituted personally against any member of the Committee in respect of any act done bona fide in pursuance or execution or intended execution of this Law.

Office of member not  
public office.

10. The office of chairman or member of the Committee is not a public office for the purposes of the Constitution.

Passed the Legislative Assembly this 27th day of June, 1975.

T. RUSSELL  
President.

MERCEDES JACKSON  
Acting Clerk of the Legislative Assembly.

commencement of this Law shall remain in full force and effect until revoked by regulations made under this Law.

THE SCHEDULE  
(Section 4)

Constitution of the Committee.

1. The Committee shall consist of such number of persons, not being less than three nor more than five as the Member may from time to time appoint, who are in the opinion of the Member, qualified by technical training in the field of radiotechnology and have practical experience in frequency management and the utilization of the radio frequency spectrum and are thoroughly familiar with local economic conditions and telecommunication problems.

Tenure of office of members.

2. (1) The appointment of a member of the Committee shall, subject to the provisions of this schedule, be for a period not exceeding three years, and such member shall be eligible for reappointment.

(2) The Member may at any time revoke the appointment of any member of the Committee.

Temporary appointments.

3. The Member may appoint any person qualified in accordance with paragraph 1 to act temporarily in the place of any member of the Committee in the case of the absence or inability to act of such member.

Chairman.

4. The Member shall appoint one of the members of the Committee to be chairman thereof.

Resignations.

5. (1) Any member of the Committee other than the chairman may at any time resign his office by instrument in writing addressed to the Member and transmitted through the chairman and from the date of the receipt by the Member of such instrument, such member shall cease to be a member of the Committee.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Member and such resignation shall take effect as from the date of the receipt by the Member of such instrument.

Filling of vacancies.

6. If any vacancy occurs in the membership of the Committee, such vacancy shall be filled by the appointment of another member and in making such appointment, the Member shall have regard to the provisions of paragraph 1.

Publication of membership.

7. The names of all members of the Committee as first constituted and every change in the membership thereof shall be published in the Gazette.

Procedure and meetings.

8. (1) The Committee shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times as the Committee may determine.

(2) The chairman may at any time call a special meeting of the

“megahertz” means one million cycles per second;

“Member” means the Member for Communication, Works and Transport;

“mobile service” means a service of radiocommunication between mobile and fixed stations or between mobile stations;

“mobile station” means a station in the mobile service intended to be used while in motion or during halts at unspecified points;

“old law” means the Wireless Telegraphy (Control) Law, 1965;

“radio” has reference to the use of radio waves;

“radio waves” means electromagnetic waves of frequencies lower than three million megahertz, propagated in space without artificial guide;

“safety service” means any radiocommunication service used permanently or temporarily for the safeguarding of human life and property;

“special licence” means a licence issued under section 7;

“spurious emissions” means emissions on a frequency or frequencies outside the prescribed band, the level of which may be reduced without affecting the corresponding transmission of information, and includes harmonic emissions, parasitic emissions and intermodulation products but excludes emissions in the immediate vicinity of the prescribed band which are a result of the modulation process for the transmission of information;

“station” means one or more transmitters or receivers, or a combination of transmitters and receivers, including the equipment necessary at one location for carrying on a telecommunication service each station being classified by the service in which it operates permanently or temporarily;

“telecommunications” means any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, or any visual or

Law 1 of 1966.

other electromagnetic system;

“telegraphy” means a system of telecommunication which is concerned in any process providing transmission and reproduction at a distance of documentary matter such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in that form.

Application.

3. This Law has no application to radio and television receiving sets primarily designed to receive transmissions intended for direct reception by the general public, to any undertaker operating within or between the Islands under the Telephone Law or to any licensee under the Broadcasting Law.

Law 31 of 1966.  
Law of 1975.

Establishment of Advisory Committee.

4. (1) There shall be established for the purposes of this Law a body to be called the Radio Advisory Committee.

The Schedule.

(2) The provisions of the schedule shall have effect as to the constitution of the Committee and otherwise in relation thereto.

Functions of Advisory Committee.

5. The functions of the Committee shall be to advise the Member on any matters connected with radio and telegraph control referred to them by the Member for advice, and to hold enquiries and obtain statements from interested parties in connection with any matter on which their advice has been sought and to exercise such other powers and duties as are conferred upon them by this Law or any regulation.

Unlicensed radio or telegraph apparatus prohibited.

6. (1) No person shall within the Islands or their territorial waters establish, maintain, import or use any radio or telegraph station or apparatus without first obtaining a licence for the purpose, issued pursuant to regulations made under section 17.

Provided that the provisions of this section shall not apply to —

Law.... of 1975

(a) the holder of a licence granted under the Broadcasting Law in accordance with the provisions of that Law;

(b) any mobile station of foreign registry temporarily in or over the Islands which is covered by a valid licence in the country in which it is registered;

(c) radio and telegraph equipment designed and used only for reception of news broadcasts transmitted by news agencies and intended for reception by their subscribers; or

(d) the establishment, installation or use of such radio or telegraph station or apparatus as may from time to time be exempted by the Member, which exemption may be absolute or subject to such terms and limitations as the Member may specify.

(2) Every licence issued pursuant to regulations made under

(k) requiring users of radio and telegraph stations or apparatus to observe the provisions of any International Treaty or Convention or any bilateral or regional agreements relating to telecommunications to which the Cayman Islands is or is deemed to be a party, and providing penalties or for the suspension or revocation of licences for failure to observe those provisions;

(l) in relation to the control or use by the Government of any radio or telegraph station or apparatus during a state of emergency;

(m) providing for the operation of foreign registered or licensed mobile stations while in or over the Islands or territorial waters;

(n) in relation to mobile stations licensed in the Islands which are not for the time being in or over the Islands or territorial waters;

(o) in respect of the licensing of persons wishing to maintain or repair radio transmitting apparatus by way of a business and the qualifications to be held by such persons;

(p) regulating the importation, sale and demonstration of radio transmitting apparatus;

(q) providing for the dismantling or confiscation of any radio or telegraph station or apparatus;

(r) as respects the holding of enquiries by the Committee;

(s) prescribing forms for use in administering this Law; and

(t) prescribing any other matter or anything which may be, or is required by this Law to be prescribed.

Fees.

18. All fees collected under the authority of this Law shall be paid to the Treasury for the benefit of the Revenue.

Penal.

19. Whoever contravenes any provision of this Law is liable on summary conviction to a fine not exceeding \$2,000 and in default of payment to imprisonment for a term not exceeding twelve months.

Repeal of Cap. 166, Cap. 165 and of Law 1 of 1966 with savings.

20. (1) The Telegraph Control Law, the Telegrams (Production of) Law and the old law are hereby repealed.

(2) Any licence, exemption or other instrument or document whatsoever made or issued, or any other thing done under or by virtue of the old law shall be deemed for the purposes of this Law to have issued or to have been done, as the case may be, under this Law, and anything begun under the old law may be continued under this Law as if begun thereunder.

(3) Any regulations made under the old law in force at the

owning or controlling any station or apparatus of which control was assumed and use was made pursuant to this section, and where agreement cannot be reached between the parties concerned as respects the compensation to be paid the matter shall be referred by the Government to arbitration and such reference shall be deemed to be an arbitration agreement for the purposes of the Arbitration Law, 1974.

Law 2 of 1974.

Governor-in-Council  
may make regulations.

17. The Governor-in-Council may make regulations —

- (a) classifying the various types of radio station, and prescribing the nature of the service to be rendered and the frequencies which may be used by each class of station;
- (b) prescribing the minimum performance specifications for equipment which may be used in each class of station, with particular reference to the power output, necessary bandwidth, frequency stability and spurious emissions, and prohibiting the manufacture and importation of radio transmitters and radiomicrophones which do not conform to the technical specifications prescribed in respect of such radio apparatus;
- (c) respecting the grant, revocation or suspension of licences, the various types of licences which may be issued, the manner in which they may be applied for, their respective forms, the period of their validity, and the delegation of the functions in respect of such licences;
- (d) specifying the qualifications to be held by operators of the various types of station, the classes of certificates of proficiency which may be issued to such operators and providing for the holding of examinations to determine the competence of such operators;
- (e) prescribing fees to be paid in respect of licences and examinations and the manner in which such fees may be paid;
- (f) in respect of watches, if any, to be maintained at the various classes of station;
- (g) providing for the inspection of radio and telegraph stations;
- (h) providing for the persons authorized in that behalf to be notified of the characteristics of all radio stations to which this Law applies;
- (i) prohibiting or regulating the importation, sale or use of any apparatus or machinery causing or capable of causing harmful interference to radio reception;
- (j) preserving the secrecy of radiocommunications not intended for public reception;

section 17 shall specify the equipment or class of equipment to which it relates and shall be for such period, contain such terms, and be subject to such conditions as may be specified in the licence and in any regulations as may for the time being be in force in relation to that type of licence.

Member may grant  
special licences.

7. Notwithstanding the provisions of section 6, the Member may grant to any applicant a special licence whether exclusive or non-exclusive, to establish, maintain, import or use any radio or telegraph station or apparatus, for such period and on such terms and conditions as the Member may determine, so, however, that the holder of a special licence granted under this section shall conform to any regulations for the time being in force in relation thereto.

Offence to act contrary  
to sections 6 and 7.

8. (1) Whoever establishes, maintains, imports or uses any radio or telegraph station or apparatus in contravention of section 6 or 7 is guilty of an offence.

(2) For the purposes of this Law, a person shall be deemed to maintain in or upon any premises, vehicle, vessel or aircraft of which he is in control or is the owner, any radio or telegraph station or apparatus found in or upon such premises, vehicle, vessel, or aircraft, as the case may be, whether such station or apparatus is in working condition or not.

(3) In any legal proceedings for contravention of any of the provisions of section 6 or 7, the burden of proving the existence of a valid licence in respect of any radio or telegraph station or apparatus, as the case may be, shall be upon the person charged.

Dealer to have licence.

9. Whoever by way of his trade or business, hires, sells, exchanges or deals in any radio or telegraph station or apparatus save under the terms of a valid licence issued to him for that purpose under this Law is guilty of an offence.

Sale by private persons.

10. (1) Whoever, other than by way of his ordinary trade or business, sells, exchanges or otherwise disposes of, any radio or telegraph station or apparatus the establishment, maintenance or use of which requires a licence under this Law, shall within fourteen days of such sale, exchange or disposal, as the case may be, notify the person authorized by the Member in that behalf of the transaction, giving such particulars in respect thereof as may be required by such person.

(2) Whoever aforesaid fails to notify the authorized person of a transaction in accordance with subsection (1) is guilty of an offence.

Designation of in-  
spectors.

11. (1) The Governor, on the recommendation of the Member may from time to time appoint any public officer by name or by the title of his office to be an inspector for the purposes of this Law.

(2) An inspector may at any reasonable time enter any premises, vehicle, vessel or aircraft where he reasonably believes any radio or telegraph station or apparatus may be found, for the purpose of making such inspection or examination as in his opinion

may assist in the enforcement of the provisions of this Law and may seize and detain for such time as may be prescribed, any article by means of or in relation to which he reasonably believes any provision of this Law has been contravened.

(3) An inspector shall be furnished with a certificate of appointment and on entering any premises, vehicle, vessel or aircraft pursuant to subsection (2) and shall, if required to do so, produce the certificate to the person in charge of the premises, vehicle, vessel or aircraft, as the case may be.

(4) The owner or person in charge of any premises, vehicle, vessel, or aircraft entered by an inspector pursuant to subsection (2) and every person found therein shall give the inspector all reasonable assistance in their power and furnish him with such information as he may reasonably require and whoever obstructs, hinders or prevents any such inspector from entering as aforesaid is guilty of an offence.

(5) Any article seized pursuant to this Law may at the option of the inspector, be stored or kept in the premises, vehicle, vessel or aircraft where it was seized, or may on his direction be removed to any other place which he considers satisfactory for the purpose.

(6) Notwithstanding any provision to the contrary an inspector shall release any article seized by him pursuant to subsection (2) when all the provisions of this Law with respect thereto have been complied with.

Entry and search of premises.

12. (1) Where a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Law has been or is being committed, and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified, he may grant a search warrant authorizing an inspector appointed under section 11 and named in the warrant, with or without a constable, to enter, at any time within one month from the date of the warrant, the premises specified in the information or, as the case may be, the vehicle, vessel or aircraft so specified and to search the premises, or, as the case may be, the vehicle, vessel or aircraft, and to examine and test any apparatus found therein.

(2) A warrant granted pursuant to subsection (1) may authorize the inspector named therein to seize any radio or telegraph station or apparatus found in any premises, vehicle, vessel or aircraft specified in the warrant and in respect of which any offence under this Law has been or is being committed.

(3) Whoever obstructs, hinders, or prevents any inspector authorized pursuant to subsection (1) from entering as aforesaid is guilty of an offence.

Misleading messages and interception and disclosure of messages.

13. Whoever —

(a) by means of radio or telegraphy sends or attempts to send, any message which to his knowledge, is false or

misleading and is, to his knowledge, likely to prejudice the efficiency of any safety service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance; or

(b) otherwise than in the course of his duty as a public officer, either —

uses any radio or telegraph station or apparatus with intent to obtain information as to the content, sender or addressee of any message (whether sent by means of radio, telegraphy or otherwise) which neither the person using the apparatus nor any person on whose behalf he is acting, is authorized to receive; or

except in the course of legal proceedings or for the purpose of any report thereof, discloses any information as to the content, sender or addressee of any such message, being information which would not have come to his knowledge but for the use of that apparatus by him or by another person,

is guilty of an offence.

Harmful interference.

14. Whoever uses any apparatus for the purpose of causing harmful interference to any telecommunications service is guilty of an offence.

Disposal of article seized.

15. Where a person has been convicted of an offence under this Law, the court may order in addition to any other penalty that any article by means of or in relation to which the offence in respect of which he was convicted was committed, be forfeited, and upon such order being made, such article shall be forfeited and may be sold or otherwise disposed of as the Member may direct.

Governor may assume control of, use or prohibit use of station or apparatus.

16. (1) Where it appears expedient to the Governor by reason of the existence of a state of emergency so to do, the Governor may assume control of, use, or prohibit the use of, any radio or telegraph station or apparatus or documents, including messages (whether transmitted, received, or in course of transmission or receipt) for such time as the Governor thinks necessary in the particular circumstances.

(2) The person owning or controlling any station or apparatus of which control has been assumed by the Governor pursuant to subsection (1) shall give up possession thereof, and the operators and other persons employed therein shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such signals, calls and telegrams as they are required to transmit and receive by any person duly authorized in that behalf by the Governor.

(3) The Governor shall compensate reasonably the person