

Registration
SOR/2001-533 5 December, 2001

RADIOCOMMUNICATION ACT

Regulations Amending the Radiocommunication Regulations

P.C. 2001-2257 5 December, 2001

Her Excellency the Governor General in Council, on the recommendation of the Minister of Industry, pursuant to section 6^a of the *Radiocommunication Act*^b, hereby makes the annexed *Regulations Amending the Radiocommunication Regulations*.

^a S.C. 1989, c. 17, s. 4

^b S.C. 1989, c. 17, s. 2

REGULATIONS AMENDING THE RADIOCOMMUNICATION REGULATIONS

AMENDMENTS

1. The definition "applicable standard" in section 2 of the *Radiocommunication Regulations*¹ is repealed.

2. The Regulations are amended by adding the following after section 2:

APPLICABLE STANDARDS

2.1 The applicable standards for equipment or any class of equipment are those established by the Minister pursuant to paragraph 5 (1) (d) of the Act and that are set out in the *Category I Equipment Standards List*, as amended from time to time, and the *Category II Equipment Standards List*, as amended from time to time, both published by the Department of Industry.

3. Section 15 of the Regulations is replaced by the following:

15. Radio apparatus that is set out in and meets a standard set out in the *Licence Exempt Radio Apparatus Standards List*, as amended from time to time, published by the Department of Industry is exempt from the application of subsection 4 (1) of the Act in respect of a radio licence.

4. Section 16 of the Regulations is replaced by the following

16. Radio apparatus that is set out in and meets a standard set out in the *Broadcasting Certificate Exempt Radio Apparatus Standards List*, as amended from time to time, published by the Department of Industry is exempt from the application of subsection 4 (1) of the Act in respect of a broadcasting certificate.

5. Section 19 of the Regulations is replaced by the following:

19. The following definitions apply in this Part.

"Category I equipment" means equipment that is described in subsection 21(1). (*matériel de catégorie I*)

"Category II equipment" means equipment that is described in subsection 21 (5). (*matériel de catégorie II*)

¹ SOR/96-484

6. Section 20 of the Regulations and the heading before it are repealed.

7. The heading before section 21 of the Regulations is replaced by the following:

Requirements for Certification

8. (1) Subsection 21 (1) of the Regulations is replaced by the following:

21. (1) All equipment that is listed and classified as Category I equipment in the *Category I Equipment Standards List*, as amended from time to time, published by the Department of Industry, and that is classified as Category I equipment in the applicable standard, requires a TAC unless it is

(a) the subject of a certificate issued by the Minister before the coming into force of these Regulations;

(b) the subject of a certificate issued by a foreign certification body that is designated under an international agreement, convention or treaty to which Canada is a party and that is recognized by Canada under that agreement, convention or treaty as competent to certify equipment, to the effect that the equipment complies with the applicable standards; or

(c) the subject of a certificate issued by a Canadian certification body that meets the requirements set out in the *Requirements for Certification Bodies*, as amended from time to time, published by the Department of Industry, to the effect that the equipment complies with the applicable standards

(2) Section 21 of the Regulations is amended by adding the following after subsection (4):

(5) Equipment that is listed and classified as Category II equipment in the *Category II Equipment Standards List*, as amended from time to time, published by the Department of Industry, and that is classified as Category II equipment in the applicable standard does not require a TAC.

9. The heading before section 22 and sections 22² and 23 of the Regulations are replaced by the following:

² SOR/98-437

Compliance with Standards

22. (1) No person shall use the authority of a TAC or a certificate referred to in paragraphs 21 (1) (a) to (c) to manufacture, import, distribute, lease, offer for sale or sell any Category I equipment, other than the specific model or models for which the TAC or certificate referred to in any of paragraphs 21(1)(a) to (c) was issued.

(2) If Category I equipment is modified in such a way as to affect any parameter specified in the applicable standard under which the TAC or a certificate referred to in any of paragraphs 21(1)(a) to (c) was issued, the modified equipment is no longer considered to be certified and requires testing in accordance with section 24.

10. Paragraph 24(1)(b) of the Regulations is replaced by the following:

(b) the maximum number of units of equipment that may be manufactured or imported without a TAC, without a certificate referred to in any of paragraphs 21(a) to (c) or not in compliance with the applicable standards shall be one more than the applicable number of units referred to in paragraph (a).

11. (1) Subsection 25(1) of the Regulations is replaced by the following:

25. (1) Subject to subsections (2) and (7), no person shall mark or label Category I or Category II equipment contrary to the requirements set out in the applicable standards.

(2) Subsection 25(5) of the Regulations is replaced by the following:

(5) No person shall mark, label or otherwise indicate that Category I or Category II equipment has been certified as complying with applicable standards unless a TAC or a certificate referred to in any of paragraphs 21(1)(a) to (c) has been issued in respect of the equipment and the equipment complies with the standards under which the TAC or certificate was issued.

(3) Section 25 of the Regulations is amended by adding the following after subsection (6):

(7) Subsections (1) to (6) do not apply to equipment that was labelled before the coming into force of these Regulations.

12. The portion of items 1 to 6 of Schedule II to the Regulations in column II³ is replaced by the following:

Column II	
Item	Radio Stations
1.	Radio installations that form part of any station authorized in the aeronautical service
2.	Radio installations that form part of any authorized station except stations authorized in the aeronautical service, maritime service or amateur radio service
3.	Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations, or radiotelephone installations that form part of any authorized station on board a ship that is compulsorily fitted with those installations in accordance with the <i>Ship Station Radio Regulations</i> and is not capable of digital selective calling or is a ship earth station
4.	Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations or compulsorily fitted with those installations in accordance with the <i>Ship Station Radio Regulations</i>
5.	Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations or compulsorily fitted with those installations in accordance with the <i>Ship Station Radio Regulations</i>
6.	Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations or radiotelegraph and radiotelephone installations that form part of any authorized station on board a ship that is compulsorily fitted with those installations in accordance with the <i>Ship Station Radio Regulations</i> and is not capable of digital selective calling or is a ship earth station

13. The portion of items 9 to 15 of Schedule II to the Regulations in column II⁴ is replaced by the following:

³ SOR/97-266

⁴ SOR/98-189

Column II

Item Radio Stations

9. Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations or radiotelephone installations that form part of any authorized station on board a ship that is compulsorily fitted with those installations in accordance with the *Ship Station Radio Regulations* and is not capable of digital selective calling or is a ship earth station

10. Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations or radiotelephone installations that form part of any authorized station on board a ship that is compulsorily fitted with those installations in accordance with the *Ship Station Radio Regulations* and is not capable of digital selective calling or is a ship earth station

11. Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations or radiotelephone installations that form part of any authorized station on board a ship that is compulsorily fitted with those installations in accordance with the *Ship Station Radio Regulations* and is not capable of digital selective calling or is a ship earth station

12. Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations or radio installations that form part of any authorized station on board a small fishing vessel that is compulsorily fitted with those installations in accordance with the *Ship Station Radio Regulations* or radiotelephone installations and VHF digital selective calling equipment that form part of any authorized station on board a ship, other than a small fishing vessel, that is compulsorily fitted with those installations in accordance with those Regulations

Column II

Item Radio Stations

13. Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations or radiotelephone installations that form part of any authorized station on board a ship that is compulsorily fitted with those installations in accordance with the *Ship Station Radio Regulations* and is not capable of digital selective calling or is a ship earth station
14. Radio installations that form part of any authorized station on board a ship that is voluntarily fitted with those installations or radiotelephone installations that form part of any authorized station on board a ship that is compulsorily fitted with those installations in accordance with the *Ship Station Radio Regulations* and is not capable of digital selective calling or is a ship earth station
15. Radio installations that form part of any station authorized in the amateur radio service
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COMING INTO FORCE

14. These Regulations come into force on the day on which they are registered.