



NATIONAL RADIO RULES

PART I

PRELIMINARY

**BHUTAN INFORMATION, COMMUNICATIONS AND MEDIA AUTHORITY
(BICMA)**

**Royal Government of Bhutan
THIMPHU: October 2011**



**BHUTAN INFOCOMM & MEDIA
AUTHORITY**

Royal Government of Bhutan



Chairperson

14th October 2011

FOREWORD

Radio frequency spectrum is a natural asset and national resource with limited amount which have to be managed properly for effective and fair utilization. The demand for application of frequencies is growing daily and it is a predominant need of all equipments which are in operation using energy of electromagnetic waves. Airplanes, ships, satellites, radars, cell phones, sound and TV broadcasters, TV receivers, radio transceivers, microwave links, radio trunk, cordless phones, handsets, wireless apparatus, home appliance, industrial and medical equipments, weather forecasters and many other applications are managed internationally and nationally to take benefit of spectrum.

Fairly and efficiently regulating of spectrum employment among numerous radio applications and disparate users requires an adequate amount of transparent executive rules and terms of reference. Fortunately, the Bhutan Information, Communications and Media Act – 2006 provides Bhutan InfoCom and Media Authority (BICMA) with sufficient authority to regulate Radiocommunications activities inside the Kingdom and to represent national interests in international entities.

Referencing the Act as legal base, introducing *National Radio Rules*, clarification of areas of authorization and addressing other initiative elements is the main objectives of this part. Definition of terms used here is available in Part **II**. Part **III** provides the Rules of licensing, planning, permitting, enforcing, pricing and standardization. Finally Part **IV** presents all Schedules.



(Chairperson)

BHUTAN INFOCOMM & MEDIA AUTHORITY

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CHAPTER 1 – PRELEMINARY

1.1 Introduction and Legal basis

These Rules is issued by the Bhutan InfoComm and Media Authority (the “Authority”) in accordance with the provisions **25** and **80** of the Bhutan Information, Communications and Media Act 2006 (the “Act”) that entitle the Authority to make, modify, replace, repeal and enforce radio Rules so that the Authority could carry out its mandate to control, plan, administer, manage, regulate and to charge for radio frequency spectrum, as well as to enforce rules and to issue license, permits and certificates.

1.2 Title

- (a) These rules shall be called “*National Radio Rules*” and may be shortened as “*Radio Rules*”.
- (b) These rules consist of four following Parts:
 - Part **I**: Preliminary
 - Part **II**: Definitions
 - Part **III**: Rules of National Radio Rules
 - Part **IV**: Schedules

1.3 Commencement

These rules shall be called “*National Radio Rules*” and shall come into force on **14th of October, 2011**.

1.4 Scope of Application

- (a) Unless otherwise appears in rules for particular cases, these Rules shall apply:

- (i) to all matters by any entity related to the radiocommunications within or from the territory of Bhutan, its atmosphere and its outer space, except otherwise stipulated in **1.4 (b)**; and
 - (ii) to an apparatus using radio frequency spectrum for a non-radiocommunications purpose,
- (b) This Rule does not apply to:
- (i) a license of any type before its validity end or one year which ever happens earlier; and
 - (ii) a permit of any type before its validity end or one year which ever happens earlier; and
 - (iii) a certificate of any type before its validity end or one year which ever happens earlier, and
 - (iv) an accreditation of any type before its validity end or one year which ever happens earlier.

1.5 Amendment

These rules have been updated in effect of Act and by its commencement as in provision **1.3**, the former “National Radio Regulation – 1999” is repealed.

1.6 Interpretation

- (a) The power to interpret these rules shall vest with the Authority who may issue such instruction as may be necessary to give effect to, and carry out the provisions of these rules.
- (b) In any instance of a difference in meaning between the Dzongkha and English texts of this Act, the Dzongkha text shall prevail.

1.7 Power of the Authority relating radiocommunications

- (a) Pursuant to sections **25**, **27** and **80** of Act, the Authority has power to apply National Radio Rules:
- (i) To all types of radiocommunications; and,
 - (ii) To all radiocommunication apparatus; and,
 - (iii) To all radiocommunication stations
- (b) and has power to manage radio frequency spectrum through:

Regarding to making regulation:

- (i) Make, modify, replace, repeal and enforce National Radio Rules; and
- (ii) prescribe any obligation, which it deems fit, for which it has powers under the Act, for the purposes of implementation of these Rules in order to ensure efficient utilisation of radiofrequency spectrum

Regarding to planning, licensing, permitting and certifying:

- (iii) Planning radio frequency spectrum; and
- (iv) Production of table of frequency allocations; and
- (v) Improvement of radio frequency spectrum for ICT and media services; and
- (vi) Categorization of licenses; and
- (vii) Issuing, renewing and cancellation of a license; and
- (viii) Granting an exemption from the licensing or permitting requirement; and
- (ix) Approval and registration of license transfer; and

- (x) Issuing, modification, renewing and cancellation of a permit; and
- (xi) Assigning call signs to radiocommunication stations; and
- (xii) Registering radio frequency spectrum utilization; and
- (xiii) Issuing, modification, renewing and cancellation of a certificate; and

Regarding to the spectrum monitoring and standardization:

- (xiv) Supervising radio frequency spectrum utilization; and
- (xv) Inspection of radiocommunication stations of ICT networks and production of license as well as obtaining information; and
- (xvi) Calling for any information from the licensee including information necessary for ensuring transparency or for ascertaining the true ownership of the licence or licensee, whenever necessary; and
- (xvii) Requiring any person to answer all questions related to the illegal license transfer and investigation including entering and searching premises for obtaining relevant evidences; and
- (xviii) Harmful interference resolutions; and
- (xix) Exercising section **15** of the Act, if authorized by the Minister; and
- (xx) Establish national technical standards; and
- (xxi) Ensuring compliance of equipment with standards; and
- (xxii) Ensuring achievement of environmental health and radiation safety; and

Regarding to Fees:

- (xxiii) Prescription and collection of fees for radio frequency spectrum usage, licensing, permitting and for such other cases as the Authority thinks fit under the act; and
- (xxiv) Granting an exemption from prescribed fees, under the Act; and

1.8 Power of Director or Director General of Authority

Pursuant to the subsection **21(3)** of Act, the Director shall be the chief executive and the legal representative of the Authority and have powers of general superintendence and direction in the conduct of affairs of the Authority and shall exercise and discharge such powers and functions of the Authority that have been assigned to the Authority under the Act or any other Acts.

1.9 Appeal

- (a) Any person who contravenes any provision of National Radio Rules made under the Act, or causes or permits any radiocommunication station or any radiocommunication apparatus to be used in contravention of any such National Radio Rules, shall be guilty of an offence, which shall be a misdemeanour. In accordance with the gravity of crime, a Court may impose an additional fine of up to one thousand days of the daily minimum national wage rate.
- (b) Any person who establishes or uses any station for radiocommunication or installs or uses any apparatus for radiocommunication except under and in accordance with such a licence shall be guilty of an offence punishable with penalties in accordance with Penal Code.

Note – In determining the liability of a body corporate for an offence under the provisions **1.10 (a)** and **1.10 (b)**, the Penal Code will apply.

- (a) The Authority is empowered to execute the provisions of this Act where the jurisdiction of the Courts does not extend.