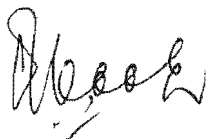



I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the Wireless Telegraphy Act 1974 that has been made by Parliament and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.



Clerk of Parliament
31/12/1974

Pursuant to Article 35(3) and 47 of the Constitution, I, KENAS AROI, Speaker of Parliament, HEREBY CERTIFY that the Wireless Telegraphy Act, 1974 a copy of which is attached has been passed by Parliament.



Speaker
31/12/1974

REPUBLIC OF NAURU

WIRELESS TELEGRAPHY ACT 1974

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
2. Interpretation
3. Exclusive privileges of the Republic
4. Licences
5. Offences
6. Forfeiture of appliances unlawfully erected, etc.
7. Search warrant
8. Regulations
9. Amendment of the Laws Repeal and Adopting Ordinance 1922-1967
10. Repeal

REPUBLIC OF NAURU
(No. 16 of 1974)



To make new provision for wireless telegraphy and to repeal existing legislation thereon.

(Certified: 31st December, 1974)

Enacted by the Parliament of Nauru as follows :

SHORT TITLE AND COMMENCEMENT

1. This Act may be cited as the Wireless Telegraphy Act 1974 and shall come into force on a date to be fixed by the Minister by notice in the Gazette.

INTERPRETATION

2. In this Act, "wireless telegraphy" includes all systems of transmitting and receiving telegraphic or telephonic messages by means of electricity without a continuous metallic connection between the transmitter and the receiver.

EXCLUSIVE PRIVILEGES OF THE REPUBLIC

3. The Republic shall have the exclusive privilege of establishing, erecting, maintaining and using stations and appliances for the purpose of -

- (a) transmitting messages by wireless telegraphy within Nauru and receiving messages so transmitted;
- (b) transmitting messages by wireless telegraphy from Nauru to any place, ship or aircraft outside Nauru; and
- (c) receiving in Nauru messages transmitted by wireless telegraphy from any place, ship or aircraft outside Nauru.

LICENCES

4. The Cabinet may make regulations to provide for licences to establish, erect, maintain or use stations and appliances for the purpose of transmitting or receiving messages by means of wireless telegraphy to be granted for such periods and on such conditions and on payment of such

fees, if any, as are prescribed:

Provided that the Cabinet may by regulations authorise the establishment, erection, maintenance or use of any such station or appliance as may be specified thereby by any person or class of persons without a licence.

OFFENCES

5. (1) Any person who, except as authorised by or under this Act, in Nauru or in any Nauruan ship or aircraft -

(a) establishes, erects, maintains or uses any station or appliance for the purpose of transmitting messages by means of wireless telegraphy;

(b) transmits any message by wireless telegraphy; or

(c) makes improper use of any message received by wireless telegraphy,

is guilty of an offence and is liable to imprisonment for two years.

(2) Any person who, except as authorised by or under this Act, receives in Nauru any message by wireless telegraphy is guilty of an offence and is liable to a fine of one hundred dollars.

(3) Subsections (1) and (2) shall not, except as prescribed, extend to appliances maintained on any ship, other than a Nauruan ship, arriving from any place beyond Nauru, for the purpose of enabling messages to be transmitted from or received on that ship by means of wireless telegraphy; but all such appliances shall, while the ship is within Nauru -

(a) be subject to such control as the Minister thinks fit to exercise; and

(b) not be used in contravention of any regulations expressly applied thereto which may be made under this Act,

and any person who uses such appliances in contravention of any direction given by the Minister or of any such regulations is guilty of an offence and is liable to a fine of one thousand dollars.

FORFEITURE OF APPLIANCES UNLAWFULLY ERECTED, ETC.

6. All appliances erected, maintained or used in contravention of this Act or of regulations made thereunder for the purpose of transmitting or receiving messages by means of wireless telegraphy shall be forfeited to the Republic.

SEARCH WARRANTS

7. (1) If a magistrate is satisfied by information on oath that there is reasonable ground for believing that any

appliance is established, erected, maintained or used in contravention of this Act or of regulations made thereunder for the purpose of transmitting or receiving messages by means of wireless telegraphy, he may issue a search warrant to any person.

(2) A search warrant under this section shall authorise the person to whom it is addressed to break and enter any place or ship, where the appliance is or is believed to be, either by day or by night and to seize all appliances which appear to him to be used or intended to be used for transmitting or receiving messages by means of wireless telegraphy.

REGULATIONS

8. The Cabinet may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

AMENDMENT OF THE LAWS REPEAL AND ADOPTING ORDINANCE 1922-1967

9. The First Schedule to the Laws Repeal and Adopting Ordinance 1922-1967 is amended by deleting therefrom -
"Wireless Telegraphy Act 1905-1919".

REPEAL

10. The Wireless Telegraphy Regulations Ordinance 1923-1967 is repealed:

Provided that, where -

- (a) a licence of any class to establish, erect, maintain or use any station or appliance has been granted, or
- (b) a certificate of proficiency in wireless telegraphy has been issued,

under the provisions of the Regulations applied to Nauru by the said Wireless Telegraphy Regulations Ordinance 1923-1967 and is in force immediately before the commencement of this Act, that licence or certificate shall, for the purposes of this Act and regulations made thereunder, be deemed to be a licence or certificate, as the case may be, of the same class granted or issued under the provisions of regulations made under this Act and, in the case of a licence, shall remain in force until the date on which it would have expired if the said Regulations had continued to be applied to Nauru or 31st December, 1974, whichever is the earlier, unless before that date it is revoked in accordance with the provisions of regulations made under this Act.