



NOTICE TO RADIO EQUIPMENT SUPPLIERS & RADIOCOMMUNICATION USERS

The mandate of Innovation, Science and Economic Development Canada - Spectrum Management (ISED) is to foster the orderly development and operation of communications through the management of the radio frequency spectrum. The following information is provided to advise you of regulations pertaining to two-way radio equipment typically found in logging trucks, transport trucks, commercial vehicles and private vehicles.

- Unless specifically exempted¹, **every two-way radio requires a radio licence** (authorization) from ISED.
- **Narrow-band channels (11K0)**, are now standard in Canada and **are NOT permitted to be installed in wide-band radios (16K0) as they are not compatible**. Contact your local ISED office to determine if a radio is narrow band capable.
- **Amateur, marine and user programmable radios are NOT permitted** for land mobile use in Canada and may be subject to seizure.
- **Installation of Police, Fire, Ambulance** or other frequencies without permission **is forbidden, even if the frequencies are installed as receive only**. All frequencies programmed into your radio must be listed on your radio licence.
- The authorized **“Area of Operation”** for each frequency is stated on your radio licence or appendix text. Operation outside of the “Area of Operation” is a violation of the *Radiocommunication Act* and can cause interference which endangers lives.

Installation, possession or operation of unauthorized equipment is a violation of the *Radiocommunication Act* and as such subject to possible legal action including administrative monetary penalties, tickets or seizure. Penalties for an individual range from a minimum of \$1000 up to \$50,000 and penalties for a company range from a minimum of \$2500 up to \$15 million, as described in the Administrative Monetary Penalties (AMPs) policy².

Applicable excerpts from the *Radiocommunication Act*, *Radiocommunication Regulations*, Radio Standards Specifications and Appendix RR are listed on the reverse. If you have any questions regarding this, please contact one of our District Offices at the numbers listed below.

British Columbia District Offices 1-800-667-3780
Edmonton 1-800-461-2646 Calgary 1-800-267-9401
Saskatoon 1-877-783-7757 Regina 1-877-510-7875 Winnipeg 1-800-665-3421

Innovation, Science and Economic Development Canada - Spectrum Management Website Address:

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/Home>

Radiocommunication Act:

Prohibitions

- 4 (1) No person shall, except under and in accordance with a radio authorization, install, operate or possess radio apparatus, other than
- (a) radio apparatus exempted by or under regulations made under paragraph 6(1)(m); or
 - (b) radio apparatus that is capable only of the reception of broadcasting and that is not a distribution undertaking.

Offences

- 10 (1) Every person who
- (a) contravenes section 4...,
 - (d) contravenes or fails to comply with a regulation, where no punishment is prescribed by regulations made under paragraph 6(1)(r) for that contravention or failure to comply,
- is guilty of an offence punishable on summary conviction and is liable, in the case of an individual, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year, or to both, or, in the case of a corporation, to a fine not exceeding twenty-five thousand dollars.
- Administrative Monetary Penalties

15.1 Every contravention of subsection 4(1), (3) or (4) or 5(1.5) constitutes a violation and the person who commits the violation is liable

- (a) in the case of an individual, to an administrative monetary penalty not exceeding \$25,000 and, for a subsequent contravention, a penalty not exceeding \$50,000; or
- (b) in any other case, to an administrative monetary penalty not exceeding \$10,000,000 and, for a subsequent contravention, a penalty not exceeding \$15,000,000.

Radiocommunication Regulations:

- 39 A person may install, place in operation, modify, repair, maintain or permit the operation of radio apparatus on behalf of another person only where, if a radio licence is required,
- (a) that other person has obtained a radio licence; and
 - (b) the person does so in accordance with the terms of the radio licence

Radio Standards Specification Gen “General Requirements and Information for the Certification of Radiocommunication Equipment”, Section 6.3 - External Controls:

The device shall not have any external controls accessible to the user that enable it to be adjusted, selected or programmed to operate in violation of the regulatory requirements, including RSS-Gen and the applicable RSSs. Furthermore, information on internal adjustments, reconfiguration or programmability of the device which would in any way enable or cause the equipment to operate in violation of Industry Canada requirements must be made available only to service depots and agents of the equipment supplier, and NOT to the public.

Radio Standards Specification 119 “Land Mobile and Fixed Radio Transmitters and Receivers Operating in the Frequency Range 27.41-960 MHz”, Section 3.2 - Transmitters with External Frequency Selection Controls:

In order to prevent radio interference caused by end-user transmissions on unauthorized frequencies, transmitters with external frequency selection controls and/or frequency programming capability shall conform to the following:

- a. Transmitters with external frequency selection controls shall operate only on authorized channels which have been preset by the manufacturer, equipment supplier, service technician or maintenance personnel.
- b. Transmitters with frequency programming capability must have at least one of the following design characteristics, which prevent the user from altering the preset frequencies:
 - i. Transmitters with external controls available to the user can only be internally modified to place the equipment in the programmable mode. Furthermore, while in the programmable mode, the equipment is not capable of transmitting. The procedure for making the modification and altering the frequency program is not available to the user of the equipment.
 - ii. Transmitters are programmed for frequencies through controls that are inaccessible to the user.
 - iii. Transmitters are programmed for frequencies through the use of external devices or specifically programmed modules that are available only to the service technician or maintenance personnel.
 - iv. Transmitters are programmed through cloning (i.e., copying a program directly from another transmitter) using devices and procedures that are available only to the service technician or maintenance personnel.

Appendix RR, General Licence Condition:

The use of marine, amateur and user programmable radio equipment is not permitted.

Footnotes:

1. Licence exempt equipment must be certified under, and comply with ISED Radio Standards Specifications RSS-210, *Low-power Licence-exempt Radiocommunication Devices (All Frequency Bands): Category I Equipment*, or RSS-310, *Low-power Licence-exempt Radiocommunication Devices (All Frequency Bands): Category II Equipment*. These documents can be found at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06129.html
2. CPC-3-24-01 — Administrative Monetary Penalties (AMPs) Under the Radiocommunication Act — Guidance to Stakeholders: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10972.html>