GUIDELINE FOR APPARATUS ASSIGNMENT

20 May 2009

(SKMM/G/01/09)

[ Incorporated update/amendment 1: 30 October 2012 ]

This document is issued as a source of information to interested parties and the general public. This document shall supersede the previous Guideline for Apparatus Assignment which was published on 5th March 2004. The information contained in this document may be subject to changes without notice.

Suruhanjaya Komunikasi dan Multimedia Malaysia
Off Persiaran Multimedia, 63000 Cyberjaya, Selangor Darul Ehsan.
Tel: +603 - 8688 8000 Fax: +603 - 8688 1000
http://www.skmm.gov.my

Version 1.09
© 2012 by SKMM. All rights reserved

The information in this publication is protected under copyright and save where otherwise stated, may be reproduced for non-commercial use provided it is reproduced accurately and not used in a misleading context. Where any information is reproduced, SKMM at the address below as the source of the information must be identified and the copyright status acknowledged.

The permission to reproduce does not extend to any information or material the copyright of which belongs to any other person, organization or third party. Authorization or permission to reproduce such information or material must be obtained from the copyright holders concerned.

Suruhanjaya Komunikasi dan Multimedia Malaysia
Jalan IMPACT off Persiaran Multimedia
63000 Cyberjaya
Selangor Darul Ehsan
MALAYSIA

Tel : +6 03 8688 8000
Fax : +6 03 8688 1005
E-mail : webmaster@cmc.gov.my
Website : www.skmm.gov.my

Published by SKMM
20 May 2009

Updates / Amendments Records

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Pages</th>
<th>Changes / Remarks</th>
</tr>
</thead>
</table>
| 1   | 30 October 2012 | Appendix D | Enclose:  
1. A copy of IC or passport.  
2. Letter of reference from Radio Amateur Class A user (Appendix A).  
3. A declaration of secrecy (Appendix B).  
4. Call sign preference form (Appendix C). |
1.0 INTRODUCTION

There are three types of assignment under the Communications and Multimedia Act 1998 (CMA) viz., Spectrum Assignment, Apparatus Assignment and Class Assignment. The Minister may however exempt a person from requiring an assignment via an Exemption Order as provided under s157 of the CMA. Assignments must be consistent with the Spectrum Plan. This Plan divides the spectrum in Malaysia into a number of frequency bands and specifies the purpose for which the bands may be used. This process is referred to as the allocation of frequency bands to radio communication services.

The purpose of an assignment is to confer the right to a person to use the spectrum (frequencies up to 420 THz). It also serves as a means to manage the efficient use of spectrum.

There are three types of assignments namely, spectrum assignments, apparatus assignments and class assignments:

- A spectrum assignment authorises a person to use one or more specified frequency bands for any purpose consistent with the assignment conditions;

- An apparatus assignment authorises a person to use one or more specified frequency bands to operate a network facility of a specified kind or for a specified purpose

- A class assignment authorises use by any person of a specified frequency band for a specified purpose. No fee is payable and is valid until cancelled in writing by the Commission.

Note that unless exempted by the Minister, the CMA prohibits any person from using any part of the spectrum unless that person holds a spectrum assignment, an apparatus assignment or the use of the spectrum is subject to a class assignment. The penalty for contravening this section is a fine not exceeding RM500,000/- or imprisonment for a term not exceeding 5 years or both.
**Apparatus Assignment**

In the Communications and Multimedia (Spectrum) Regulations 2000 [P.U. (A) 128], apparatus assignment has been interpreted as:

“Apparatus” includes:-

a. Any transmitter or receiver or a combination of both including any accessory equipment;
b. Any other device or equipment which either alone or together with one or more other devices or equipment is capable of interfering with or being subject to interference by electromagnetic radiation; or
c. Any device which can be used for the purposes of radio communications-based network facilities, network services or applications services” and

An apparatus assignment authorises a person to use one or more specified frequency bands to operate an apparatus of a specified kind or for a specified purpose. The conditions that may be imposed on an apparatus assignment include the standard and additional conditions that apply to all types of apparatus assignments. The conditions for an apparatus assignment are set out in regulations 10 and 22 of the Communications and Multimedia (Spectrum) Regulations 2000.

Regulation 20 of the Communications and Multimedia (Spectrum) Regulations 2000 states that no person shall use or operate any apparatus which is of the type specified in the First Schedule except with an apparatus assignment being duly assigned.

While the Commission may grant an apparatus assignment to a person, the apparatus assignment holder does not have a monopoly to use the frequency or a right of continued tenure in respect of the frequency.

The fees that are applicable to an apparatus assignment comprise of a fixed and variable elements. The fixed element is determined by equipment or apparatus type and is depicted in Table A, First Schedule of the Communications and Multimedia (Spectrum) Regulations 2000. The variable element is depicted in Table B in the same Regulations and the fees that are applicable for the three spectrum locations are in an ascending structure based on the size of bandwidth used. An application fee of RM60 per application is payable and is provided under the Second Schedule.