

COMMUNICATIONS AND MULTIMEDIA (TECHNICAL STANDARDS) REGULATIONS 2000

ARRANGMENT OF REGULATIONS

PART I PRELIMINARY

Regulation

1. Citation and commencement.
2. Interpretation.
3. Forms.
4. Fees.

PART II CERTIFYING AGENCY

5. Prohibition of unregistered certifying agency.
6. Qualification requirements.
7. Application for registration.
8. Categories of registration.
9. Duration and renewal of registration.
10. Certification program.
11. Certificate of registration.
12. Function of registered certifying agency.
13. Right of Commission to certify.

PART III COMMUNICATIONS EQUIPMENT

14. Communications equipment to be certified.
15. Prohibitions of design, *etc.*, of communications equipment.
16. Prohibitions of sale, *etc.*, of communications equipment.
17. Improper certification marks or labels of communications equipment.
18. Application for certification of communications equipment.

Regulation

19. Certification of communications equipment.
20. Compliance approval.
21. Special approval.
22. Conditions for certified communications equipment.
23. Suspension or cancellation of compliance certificate.
24. Recall of communications equipment.
25. Disposal of communications equipment.
- 25A. Mutual Recognition Arrangement.

PART IV
CERTIFICATION OF PROFICIENCIES

26. Designated skill areas.
27. Certification.
28. Examination.
29. Hearing requirements of candidate.
30. Fitness of holder of certificate of proficiency.
31. Refusal or failure to have a medical examination.
32. Non-compliance with the International Telecommunication Convention, *etc.*

PART V
GENERAL

33. Register.
34. Replacement of certificate.
35. Certified true copies of certificates.
36. Indemnity.
37. General penalty.
38. Extension of time.
39. Transitional and revocation.

SCHEDULES.

IN exercise of the powers conferred by sections 16 and 158 of the Communications and Multimedia Act 1998, the Minister, on the recommendation of the Commission, makes the following regulations:

PART I
PRELIMINARY

1. Citation and commencement

- (1) These regulations may be cited as the **Communications and Multimedia (Technical Standards) Regulations 2000**.
- (2) Subject to subregulation (3), these Regulations shall come into operation on 1 April 2000.
- (3) Subregulation 26(4) and the Fifth Schedule shall come into operation on 1 April 2002.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**candidate**” means a person who has applied for an examination for a certificate of proficiency under Part IV;

“**certification program**” means a program, including its processes or procedures, to certify communications equipment or persons;

“**certified**”, and its cognate expressions, means confirmation that the standards or proficiencies under these Regulations have been complied with;

“**code group**” means a series of—

- (a) characters consisting of letters, accented letters, punctuation marks or a combination of them; and
- (b) figures including the fraction bar or the decimal mark;

“**communications equipment**” means any network facilities or customer equipment;

“**Conformity Assessment Body**” means an assessment body whose activities and expertise include the certification of communications equipment;

“**current standards**” means the standards relevant to the subject matter of these Regulations prevailing at the time of the coming into operation of these Regulations;

“**designated skill area**” means a skill area designated by the Commission under regulation 26;

“**GMDSS**” means the Global Maritime Distress and Safety System derived and established by the International Maritime Organisation;

“**International Telecommunication Convention**” means the Constitution and Telecommunication Union Convention of the International Telecommunication Union signed in Geneva in 1992 relating to telecommunications and includes any subsequent constitution or convention to which the Government is a party and it extends to any radiocommunications regulations made under the Constitution or Convention; and if any amendment of the Constitution and Convention comes into operation with respect to Malaysia, it shall be construed as the Constitution and the Convention as amended;

“**lightwave apparatus**” means any apparatus requiring optical lenses or optical surfaces for operation;

“Malaysian standard” means a standard declared to be a standard specification or a provisional standard specification under the Standards of Malaysia Act 1996 [*Act 549*];

“Mutual Recognition Arrangement” means an arrangement entered into between Malaysia and any other country for the mutual recognition or acceptance of communications equipment certified by the Conformity Assessment Body of that country;

“plain language” means prose text excluding accented letters, figures or punctuation marks;

“prescribed fee” means the relevant fee as prescribed by the Commission in the First Schedule;

“proficient”, and its cognate expressions, means that the relevant person has been confirmed as having the minimum proficiency levels in accordance with the standards;

“radio waves” means electromagnetic waves of frequencies arbitrarily lower than 3000 GHz propagated in space without artificial guides;

“radiocommunications” means communications by means of radio waves;

“standards” means the applicable technical standards or proficiency tests including processes and procedures, whether set out in the current standards, mandatory standards, technical codes or Malaysian standards and established for the purpose of ensuring proficiency levels of persons and the safety, non-interference levels, performance levels and interoperability of any communications equipment;

“supplier” means—

- (a) a manufacturer or importer of communications equipment; or
- (b) an authorised agent of the manufacturer or importer of communications equipment;

who holds a compliance certificate under these Regulations;

“word”, in relation to Part IV, means for counting purposes in plain language and code group portions of international Morse Code examinations, the unit of measurement consisting of letters, accented letters, figures and punctuation marks counted at the rate of five characters per word with letters counted as one character each and accented letters, figures and punctuation marks counted as two characters each.

3. Forms

Every application made under these Regulations shall be in such form as may be issued by the Commission from time to time.

4. Fees

- (1) The prescribed fees chargeable by the Commission for the purposes of these Regulations are specified in the First Schedule.
- (2) The fees shall be paid to the Commission by such means as the Commission may determine.

PART II CERTIFYING AGENCY

5. Prohibition of unregistered certifying agency

(1) No person in Malaysia shall carry on or operate, or hold itself out as carrying on or operating, as a certifying agency for the purposes of certifying compliance with the standards or proficiencies required unless that person has been registered with the Commission as a certifying agency.

(2) Notwithstanding subregulation (1), any person performing the function of a certifying agency before the date of coming into operation of these Regulations shall be deemed to have been duly registered under these Regulations until the registration has been reviewed by the Commission.

(3) A person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

6. Qualification requirements

A person who applies for registration as a certifying agency shall be—

- (a) a body corporate incorporated in Malaysia;
- (aa) a body registered by the Registrar of Societies under the Societies Act 1966 [Act 335];
- (b) a Government department or agency; or
- (c) a foreign agency which has established a local agent for service of process in Malaysia—
 - (i) that is registered, licensed or otherwise authorised by the relevant authority in that other country to carry on or operate as a certifying agency for technical standards or proficiencies in that country; or
 - (ii) that is in a country that has arrangements with Malaysia for the recognition of certifying agencies for the purpose of certifying compliance with the other country's standards or proficiencies.

7. Application for registration

(1) A person qualified under regulation 6 may apply in writing to the Commission to be registered as a certifying agency for one or more categories of registration, as specified in regulation 8, together with any information and documents to substantiate that the applicant—

- (a) has paid the prescribed fee;
- (b) has a working capital and the technical capability that is reasonably sufficient to enable the applicant to carry on or operate as a certifying agency for the category of registration;
- (c) has a proven track record as a competent certifying agency or evidence to show that despite the lack of a track record the applicant has the necessary knowledge, skill and expertise to carry on or operate a certification program;
- (d) has a certification program and skilled personnel which fulfils the requirements under these Regulations; and
- (e) complies with such other requirements as the Commission may decide.

(2) After an application is made, the Commission may in writing require that the applicant submits any additional information or document and the applicant shall comply within the time period specified by the Commission.

(3) If any additional information or document as required under subregulation (2) is not provided by the applicant within the time period specified by the Commission or any extension of time granted by the Commission, the application shall be deemed to be withdrawn and shall not be further proceeded with, but without affecting the right of the applicant to make a fresh application.

(4) The Commission shall, within ninety days from the date of receipt of any information or document, or any additional information or document, as the case may be, inform the applicant in writing, whether his application has been approved or refused.

(5) If the application is refused, the Commission may, upon the request of the applicant, provide reasons in writing to the applicant for such refusal.

(6) If the application is approved, the registration of the applicant as a certifying agency shall be subject to the following conditions:

- (a) that its registration is without prejudice to the right of the Commission to register other bodies as certifying agencies;
- (b) that the type of certification marks or labels, or certificates or other certification indicators issued by the registered certifying agency and, where applicable, the manner of affixing it to a communications equipment shall be in accordance with the specifications set out by the Commission;
- (c) that the registered certifying agency shall submit periodic reports in writing in the national language and English language regarding the types of communications equipment which have been tested and approved or the persons who have been certified as complying with the standards under its certification program;
- (d) that the registered certifying agency shall take up public liability insurance or other appropriate insurance at its own cost and expenses;
- (e) that its certification program shall be subject to periodic reviews by the Commission;
- (f) the obligation of the registered certifying agency to amend its certification program on the direction of the Commission;
- (g) that the registered certifying agency shall indemnify the Commission for any expenses, cost, loss or damage suffered by the Commission arising out of any act, default, negligence or omission of the registered certifying agency;
- (h) that the Commission shall have the right to suspend or cancel the registration of the certifying agency in specific circumstances including the winding up of the registered certifying agency or a breach by the registered certifying agency of the Act or these Regulations; and
- (i) that the Commission may impose any other conditions.

8. Categories of registration

(1) A certifying agency registered by the Commission under section 186 of the Act and regulation 7, shall be as follows :

- (a) categories of communications equipment—
 - (i) electrical safety;
 - (ii) electromagnetic immunity and compatibility within any or all of the following frequency bands:
 - (A) below 30 kHz;
 - (B) between 26 kHz and 1300 MHz; and
 - (C) above 1000 MHz;
 - (iii) network interoperability for any or all of the following:
 - (A) public switched and cellular telephony networks;
 - (B) data networks; and
 - (C) software;

- (iv) wireless within any or all of the following frequency bands:
 - (A) below 30 kHz;
 - (B) between 26 kHz and 1300 MHz; and
 - (C) above 1000 MHz;
 - (v) lightwave apparatus; or
 - (v) cabling and accessories primarily utilising any or all of the following propagation methods:
 - (A) waveguide type cable;
 - (B) optical-based cable; and
 - (C) other cables, including copper and aluminium; or
- (b) categories of designated skill areas—
- (i) radio operator-First Class Radio Electronic Certificate;
 - (ii) radio operator-Second Class Radio Electronic Certificate;
 - (iii) radio operator-General Operator's Certificate;
 - (iv) radio operator-Restricted Operator's Certificate;
 - (v) radio operator-Amateur Radio Operator's Certificate (Class A and Class B);
 - (vi) cabling provider-copper pair for customer's premises (installation, jointing, testing and maintenance);
 - (vii) cabling provider-coaxial cable for customer's premises (installation, jointing, testing and maintenance);
 - (viii) cabling provider-fiber optic for customer's premises (installation, jointing, testing and maintenance);
 - (ix) cabling provider-cabling network design for customer's premises;
 - (x) cabling provider-copper pair for network (aerial and underground installation, jointing, testing and maintenance);
 - (xi) cabling provider-coaxial cable for network (aerial and underground installation, jointing, testing and maintenance);
 - (xii) cabling provider-fiber optic for network (aerial and underground installation, jointing, testing and maintenance);
 - (xiii) cabling provider-cabling network design for network;
 - (xiv) communications equipment-radio equipment installation, testing and maintenance;
 - (xv) communications equipment—non-radio equipment installation, testing and maintenance;
 - (xvi) communications equipment-radio network facility design; or
 - (xvii) communications equipment—non-radio network facility design.
- (2) The Commission may revise and modify the categories of registration of the type of communications equipment and designated skill areas.

9. Duration and renewal of registration

- (1) The maximum period for the registration of a certifying agency for a particular category of registration shall be five years or such lesser period as the Commission deems fit.

(2) A registered certifying agency shall apply for renewal of its registration to the Commission at least ninety days before the expiry of any category of registration for which it is registered.

(3) The Commission shall renew the category of registration of a registered certifying agency if the Commission is satisfied that—

- (a) the registered certifying agency complies with any of the categories of registration; and
- (b) the registered certifying agency has paid the prescribed fee.

10. Certification program

The certification program carried on or operated by a registered certifying agency shall include—

- (a) evidence of the control of the certification mark or label, certificate or other indicators of compliance;
- (b) periodic monitoring and testing of the equipment;
- (c) quality control and quality assurance requirements;
- (d) procedures to review and re-establish certification status when revisions are made to standards, policies and procedures;
- (e) recording and reporting systems which demonstrate that procedures have been fulfilled;
- (f) procedures for the resolution of disputes between the persons who apply for certification and the registered certifying agency; and
- (g) any other matters as may be required by the Commission.

11. Certificate of registration

The Commission shall issue, a certificate of registration to the certifying agency for the relevant category of registration subject to—

- (a) expiration of the certificate for a particular category of registration; and
- (b) the applicant has paid the prescribed fee.

12. Function of registered certifying agency

A registered certifying agency in certifying communications equipment or persons, as the case may be, may issue certification marks or labels, certificates or other indicators of compliance.

13. Right of Commission to certify

The registration of a certifying agency by the Commission under the Act and these Regulations shall not affect the right of the Commission to certify any communications equipment or persons, as the case may be.

PART III COMMUNICATIONS EQUIPMENT

14. Communications equipment to be certified

All communications equipment which are required to be certified under these Regulations shall be so certified.

15. Prohibitions of design, etc., of communications equipment

(1) No person shall intentionally design, install, operate, maintain or modify any communications equipment in a manner—

- (a) which is contrary to the standards;
- (b) which is likely to cause non-interoperability between any communications equipment;
- (c) which is likely to cause interference with, impairment, or malfunction of, or harm to any communications equipment or any other equipment; or
- (d) which is likely to compromise the safety of—
 - (i) the general public;
 - (ii) any communications equipment; or
 - (iii) any other equipment.

(2) A person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term of not exceeding three years or to both.

16. Prohibitions of sale, etc., of communications equipment

(1) No person shall use, offer for sale, sell or have in his possession with a view to sell any communications equipment—

- (a) which is contrary to the standards;
- (b) which is not certified as required by these Regulations; or
- (c) which has been certified but is subsequently altered or modified and no longer complies with the standards.

(2) Notwithstanding subregulation (1), the Commission may authorise a person to use, offer for sale, sell or have in his possession with a view to sell any communications equipment as stated in subregulation (1).

(3) A person who contravenes subregulation (1) and is not authorized under subregulation (2) commits an offence.

17. Improper certification marks or labels of communications equipment

(1) No person shall affix a certification mark or label to any communications equipment indicating that it complies with the standards—

- (a) unless the communications equipment is certified; or
- (b) if the person knows or reasonably knows that such an act is false or misleading.

(2) A person who contravenes subregulation (1) commits an offence.

18. Application for certification of communications equipment

Any person may make an application in writing to the Commission or a registered certifying agency, as the case may be, for the certification of communications equipment as specified in the Second Schedule.

19. Certification of communications equipment

(1) The Commission or a registered certifying agency, as the case may be, may certify communications equipment for a compliance approval or a special approval.

(2) A compliance approval may be granted to a specific model of communications equipment when the Commission or a registered certifying agency, as the case may be, is satisfied that the communications equipment complies with the standards.

(3) Notwithstanding subregulation (2), special approval may be granted to any communications equipment which is used exclusively by the applicant—

- (a) for the applicant's sole purpose;
- (b) for the applicant's sole research or demonstration purposes; or
- (c) within defined parameters which may include—
 - (i) location;
 - (ii) *technical* specifications;
 - (iii) time period;
 - (iv) type or class of users; or
 - (v) condition of usage.

20. Compliance approval

(1) The certification process for a compliance approval may involve paper evaluation, laboratory or field tests or a combination of them.

(2) The Commission or a registered certifying agency, as the case may be, shall not be liable for any damage caused during or loss arising from the testing of the communications equipment.

(3) The applicant shall give to the Commission or a registered certifying agency, as the case may be, any assistance and clarification on technical matters pertaining to the communications equipment as it may require for the purposes of its evaluation.

(4) If the Commission or a registered certifying agency, as the case may be, is not satisfied that the communications equipment complies with the standards, it shall refuse the application in writing, together with the reasons for its refusal but such refusal shall not prejudice the right of the applicant to make a fresh application for certification.

(5) Where the Commission or a registered certifying agency, as the case may be, is satisfied that the communications equipment complies with the standards, it shall issue to the applicant a certificate of compliance.

21. Special approval

(1) The certification process for a special approval shall be specified by the Commission or a registered certifying agency, as the case may be.

(2) A certification process specified by a registered certifying agency under subregulation (1) shall be subject to regulation 10.

(3) Notwithstanding subregulation (1), the Commission may exempt an applicant for special approval from laboratory or field tests and the certification of any communications equipment shall be based solely by way of a paper evaluation.

22. Conditions for certified communications equipment

(1) The following conditions shall apply to a certified communications equipment:

- (a) a supplier shall ensure that all certified communications equipment bears a certification mark or label approved by the Commission or a registered certifying agency, as the case may be, so as to indicate that it complies with the standards;
- (b) a supplier shall apply for a fresh certification if any modification to or alteration of certified communications equipment result in the communications equipment failing to comply with the standards;
- (c) where communications equipment is found to be defective after its certification or due to any modification or alteration done—
 - (i) with the consent or knowledge of the supplier, he shall; or
 - (ii) without the consent or knowledge of the supplier, the person who modified or altered the communications equipment shall,

at the direction of the Commission or a registered certifying agency, as the case may be, be responsible for resolving the matter within thirty days of being notified in writing;
- (d) if the defect under paragraph (c) is not resolved and is serious, the Commission or a registered certifying agency, as the case may be, may direct that all of the defective communications equipment be recalled at the cost and expenses of—
 - (i) in the case of subparagraph (c)(ii), the supplier; or
 - (ii) in the case of subparagraph (c)(ii), the person who modified or altered the communications equipment;
- (e) the certification of the communications equipment does not in itself confer a right on the applicant to operate the communications equipment;
- (f) the communications equipment shall be subject to such other approvals by the Commission or a registered certifying agency, as the case may be, before the operation of the communications equipment; and
- (g) any other conditions as the Commission or a registered certifying agency, as the case may be, may decide.

(2) The Commission or a registered certifying agency, as the case may be, shall have the right after the communications equipment has been certified to conduct further or any other tests on any certified communications equipment as it deems fit.

(3) A breach of any of the conditions referred to in subregulation (1) is an offence.

23. Suspension or cancellation of compliance certificate

(1) Subject to subregulations (2) and (7), a compliance certificate issued in respect of certified communications equipment may be suspended or cancelled for failure to comply with the conditions and the standards under the Act or any subsidiary legislation made under the Act.

(2) Before suspending or cancelling the certification of communications equipment, the Commission shall notify the supplier in writing of its intention.

- (3) After being notified, the supplier shall within fourteen days from the issuance of the notice provide a written submission to the Commission stating the reasons for not suspending or cancelling its compliance certificate.
- (4) The Commission shall give due consideration to the written submission made by the supplier before making a decision to suspend or cancel the compliance certificate.
- (5) Where the Commission, after giving due consideration to the written submission, suspends or cancels the compliance certificate, the Commission shall issue a notice in writing to the supplier together with the reasons for the suspension or cancellation.
- (6) The suspension or cancellation of a compliance certificate shall take effect on the expiry of twenty-one days from the date on which the notice of suspension or cancellation is issued to the supplier.
- (7) Notwithstanding subregulations (2) to (6), where the Commission is of the view that an urgent action is required to safeguard the safety of the public, the Commission may, pursuant to subregulation (1), suspend or cancel the certification of communications equipment with immediate effect upon serving a notice in writing to the supplier.
- (8) The suspension or cancellation of the compliance certificate shall be without prejudice to the rights of the Commission to take any other action against the supplier or any other person under the Act or any subsidiary legislation made under the Act.
- (9) Notwithstanding subregulation (6), the supplier shall cease to supply or sell any communications equipment of which its compliance certificate has been suspended or cancelled by the Commission from the date specified in the notice.

24. Recall of communications equipment

- (1) Where a compliance certificate issued in respect of any certified communications equipment has been suspended or cancelled under regulation 23, the Commission may direct the supplier to recall the certified communications equipment within a reasonable time and in the manner specified by the Commission.
- (2) A person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

25. Disposal of communications equipment

- (1) Subject to subregulation (2), the Commission may give a direction to the supplier to dispose a communications equipment or any part of it provided that the Commission has notified the supplier of its intention.
- (2) The Commission may give a direction under subregulation (1) if—
- (a) the Commission is satisfied that a certified communications equipment or any part of it has failed to comply with these Regulations and the standards subsequent to certification, and the supplier is unable to resolve the matter within a period of not less than sixty days;
 - (b) the compliance certificate of the communications equipment has been cancelled; or
 - (c) the communications equipment or any part of it has not been certified.

(3) A person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

25A. Mutual Recognition Arrangement

(1) Where a Mutual Recognition Arrangement has been entered into between Malaysia and any other country, the Commission shall publish the list of the Conformity Assessment Body of that country and the terms of such arrangement.

(2) The Conformity Assessment Body shall certify the communications equipment by way of a compliance approval pursuant to regulation 19.

PART IV CERTIFICATION OF PROFICIENCIES

26. Designated skill areas

(1) Subject to subregulation (5), the Commission may designate skill areas.

(2) The minimum proficiencies required for each designated skill area in relation to radio operators are specified in the Third Schedule.

(3) The designated skill areas in relation to radio operators are specified in the Fourth Schedule.

(4) The designated skill areas, other than radio operators, are specified in the Fifth Schedule.

(5) For the purposes of these Regulations, the requirement for certification of the designated skill areas shall not apply—

(a) when the activity is not on a professional basis or not for gain; and

(b) where the safety of other parties is not likely to be jeopardised by the activity.

27. Certification

(1) Subject to subregulation 26(4), no person shall undertake or conduct any activity in a designated skill area unless that person is certified.

(2) The Commission or a registered certifying agency, as the case may be, may certify any person with whom it is satisfied is proficient in the designated skill areas.

(3) All proficiency certificates are valid for a period of five years and may be renewed if the holder of the certificate can satisfy the Commission or a registered certifying agency, as the case may be, that he has been employed in the designated skill area for at least twelve months during the five years before the application for renewal was made.

(4) If the holder of the certificate does not fulfill the condition specified under subregulation (3), his certificate shall not be renewed and he shall resit for an examination.

28. Examination

(1) Unless otherwise decided by the Commission, a candidate must be eighteen years of age or more.

(2) An examination for a certificate of proficiency shall be conducted by examiners and at locations specified by the Commission or a registered certifying agency, as the case may be.

(3) The syllabus and particulars of an examination for a certificate of proficiency shall be made available to the candidate upon an application made to the Commission or a registered certifying agency, as the case may be, and upon payment of the prescribed fee.

(4) Where a candidate has failed in an examination for a certificate of proficiency, the Commission or a registered certifying agency, as the case may be, shall inform the candidate in writing of the reasons for his failure.

29. Hearing requirements of candidate

(1) The hearing of a candidate for an examination for certification under the Fourth Schedule, as certified by a registered medical practitioner, shall be as follows:

- (a) an examination for a certificate, other than for a radio amateur operator's certificate, shall not be less than seventy-five per cent of normal hearing in each ear; and
- (b) an examination for a radiotelephone operator's restricted certificate, shall not be less than seventy five per cent of normal hearing in one ear.

(2) Notwithstanding subparagraph (1)(b), a candidate who, with the assistance of a hearing aid complies with the hearing requirements and if a certificate is issued to him shall bear an endorsement stating that where the operation of a radiocommunications equipment may involve the safety of life, the holder of the certificate is authorised to act as a radio operator only if another operator whose certificate is not similarly endorsed is on duty at the same time.

30. Fitness of holder of certificate of proficiency

(1) Where the Commission or a registered certifying agency, as the case may be, has reason to believe that the fitness of the holder of a certificate of proficiency has become impaired by reason of defective hearing, colour blindness or other physical or mental disability, it may direct the holder of the certificate of proficiency to be examined by a registered medical practitioner within the time specified by the Commission or a registered certifying agency, as the case may be.

(2) Where a registered medical practitioner certifies that the holder of a certificate of proficiency is unfit to be certified as competent by any of the reasons as specified in subregulation (1), the Commission or a registered certifying agency, as the case may be, may—

- (a) suspend the certificate until it is satisfied that the holder is physically and mentally fit to hold the certificate of proficiency based on medical evidence given by the registered medical practitioner; or
- (b) cancel his certificate immediately if it is satisfied that the holder of the certificate of proficiency is no longer fit due to a physical or mental disability.

31. Refusal or failure to have a medical examination

Notwithstanding subregulation 30(1), where a holder of a certificate of proficiency refuses or fails to be examined by a registered medical practitioner, the Commission or a registered certifying agency, as the case may be, may cancel his certificate of proficiency with immediate effect.

32. Non-compliance with the International Telecommunication Convention, etc.

Where the Commission or a registered certifying agency, as the case may be, is satisfied that a holder of a certificate

of proficiency has failed to comply with the International Telecommunication Convention, the Act or any subsidiary legislation made under the Act, it may suspend or cancel the certificate of proficiency of the holder.

PART V
GENERAL

33. Register

- (1) The Commission shall keep and maintain a register of—
 - (a) standards;
 - (b) communications equipment and persons who comply with the *standards*;
 - (c) registered certifying agencies; and
 - (d) Conformity Assessment Body pursuant to any Mutual Recognition Arrangement,in accordance with the Act and these Regulations.
- (2) Any person may inspect the register and make copies of or take extracts from the register upon payment of a prescribed fee.

34. Replacement of certificate

- (1) A certifying agency may apply, in writing, to the Commission for a replacement certificate.
- (2) An application made under subregulation (1) shall be accompanied by—
 - (a) in the case of loss, a police report or a statutory declaration made before a Magistrate or Commissioner of Oaths, as the case may be, of the loss;
 - (b) in the case of defacement, the defaced certificate;
 - (c) the prescribed fee; and
 - (d) any information required by the Commission.
- (3) If the Commission is satisfied that the loss or defacement of a certificate was not the result of any fraud or negligence, the Commission may issue a replacement certificate with the word “DUPLICATE” endorsed on the certificate.

35. Certified true copies of a certificate

- (1) A person may apply, in writing, to the Commission for a certified true copy of the certificate.
- (2) Upon payment of a prescribed fee, the Commission shall provide a certified true copy of the certificate to the person.

36. Indemnity

- (1) Neither the Government nor the Commission shall be responsible for any loss or damage arising from the use of a certified communications equipment nor for any act or omission of a person certified under the Act and these Regulations.

(2) The certifying agency, certified person, or supplier or owner of a certified communications equipment shall indemnify the Government and Commission against any action, claims or demand for any expenses, cost, loss or damage arising out of any of their act or omission or the usage of the certified communications equipment, as the case may be.

37. General penalty

Where no penalty is expressly provided for an offence under these Regulations, a person who commits such offence shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both.

38. Extension of time

Notwithstanding anything contained in these Regulations, where a time period is specified for an act to be done or a condition to be fulfilled, the person affected may apply in writing for an extension of time and the Commission may grant such extension of time as it deems fit.

39. Transitional and revocation

(1) The Radiocommunications Regulations 1995 [*P.U. (A) 224/95*] are revoked (“the revoked Regulations”) in so far as they relate to matters which are now provided for in these Regulations.

(2) A certificate, an approval or an action issued, done or taken under the revoked Regulations shall continue to have effect as if these Regulations had not been made.

(3) Notwithstanding subregulation (1), a certificate, an approval or an action issued, done or taken under the revoked Regulations shall continue to have effect until it expires or is revoked.

FIRST SCHEDULE

COMMUNICATIONS AND MULTIMEDIA (*TECHNICAL STANDARDS*) REGULATIONS 2000

(Subregulation 4(1))

FEES

<i>PARTICULARS</i>	<i>FEE (RM)</i> <i>(Not Exceeding)</i>
Application fee for a registered certifying agency per category under regulation 8	10,000
Application fee for subsequent applications and made within 18 months of the previous application	7,000
Annual/renewal fee of registration for each category	5,000
Issuance/reissuance of certificate of registration	100
Application fee for a copy of syllabus and particulars of an examination for a certificate of proficiency	20
Certified true copy of certificate (per page)	10

<i>PARTICULARS</i>	<i>FEE (RM)</i> <i>(Not Exceeding)</i>
Application fee for making a copy or taking extracts from the register (per page)	1

SECOND SCHEDULE

COMMUNICATIONS AND MULTIMEDIA (*TECHNICAL STANDARDS*) REGULATIONS 2000

(Regulation 18)

APPLICATION FOR CERTIFICATION OF COMMUNICATIONS EQUIPMENT

CATEGORIES	TEST SUITES	
A. Electrical Safety		
B. Electromagnetic Immunity and Compatibility		
C. Network Interoperability	<ol style="list-style-type: none"> 1. Public Switched Telephone Network 2. Integrated Services Digital Network (ISDN) 3. Packet-switched Data Network 4. Application Software 5. Cellular (e.g. Global System for Mobile Communications or Groupe Speciale Mobile etc.) 6. Telex / Telegraph 7. Circuit-switched Data Network 8. Leased Line Data / Analogue 9. Accessories for any of the above 	Voice / Data <ol style="list-style-type: none"> (a) Primary (b) Basic <ol style="list-style-type: none"> (a) Asynchronous Transfer Mode (b) Internet Protocol (c) Frame Relay (d) Others
D. Wireless	<ol style="list-style-type: none"> 1. Frequency below 30MHz 2. Frequency from 30 MHz to 3000 MHz 3. Frequency above 3000 MHz 4. Accessories for any of the above 5. others 	
E. Lightwave Apparatus		
F. Cabling Facilities and Systems	<ol style="list-style-type: none"> 1. Copper cable 2. Coaxial cable 3. Optical Fiber cable 4. Trunking System 5. Cable terminator 	<ol style="list-style-type: none"> (a) distribution box/ housing (b) terminal block (c) joints (d) plugs (e) socket

CATEGORIES	TEST SUITES	
	6. Over-voltage protection device 7. Accessories for any of the above 8. Others	(f) splitter
G. Labels		

THIRD SCHEDULE

COMMUNICATIONS AND MULTIMEDIA (TECHNICAL STANDARDS) REGULATIONS 2000

(Subregulation 26(2))

FIRST CLASS RADIO ELECTRONIC CERTIFICATE

In order to qualify for a first class radio electronic certificate, a candidate shall have the following minimum proficiencies:

- (a) a knowledge of the principles of electricity and the theory of radio and of electronics sufficient to meet the requirements specified in paragraphs (b),(c) and (d);
- (b) a theoretical knowledge of the GMDSS radiocommunications equipment, as well as a general knowledge of the principles of other equipment generally used for radionavigation, with particular reference to maintaining the equipment in service;
- (c) a practical knowledge of the operation and a knowledge of the preventive maintenance of the GMDSS radiocommunications equipment referred to in paragraph (b);
- (d) a practical knowledge necessary for the location and repairing, by using appropriate testing equipment and tools, of faults in the GMDSS radiocommunications equipment referred to in paragraph (b) which may occur during a voyage;
- (e) a detailed practical knowledge of the operation of all GMDSS subsystems and radiocommunications equipment;
- (f) an ability to send and receive messages correctly by radiotelephone and direct-printing telegraphy;
- (g) a detailed knowledge of the International Telecommunication Union Radio Regulations relating to radiocommunications, a knowledge of the documents relating to charges for radiocommunications and of the provisions of the International Convention for the Safety of Life at Sea relating to radiocommunications; and
- (h) proficient in the English language, both spoken and written.

SECOND CLASS RADIO ELECTRONIC CERTIFICATE

In order to qualify for a second class radio electronic certificate, a candidate shall have the following minimum proficiencies:

- (a) a knowledge of the principles of electricity and the theory of radio and of electronics sufficient to meet the requirements specified in paragraphs (b), (c) and (d);
- (b) a general theoretical knowledge of GMDSS radiocommunications equipment, as well as a general knowledge of the principles of other equipment generally used for radionavigation, with particular reference to maintaining the equipment in service;
- (c) a practical knowledge of the operations and a knowledge of the preventive maintenance of the GMDSS radiocommunications equipment referred to in paragraph (b);

- (d) a practical knowledge necessary for effecting repairs in the case of faults in the equipment referred to in paragraph (b), using the means available on board and, if necessary, replacing modular units;
- (e) a detailed practical knowledge of the operation of all GMDSS subsystems and radiocommunications equipment;
- (f) an ability to send and receive messages correctly by radiotelephone and direct-printing telegraphy;
- (g) a detailed knowledge of the International Telecommunication Union Radio Regulations relating to radiocommunications, a knowledge of the documents relating to the charges for radiocommunications and of the provisions of the International Convention for the Safety of Life at Sea relating to radiocommunications; and
- (h) proficient in the English language, both spoken and written.

GENERAL OPERATOR'S CERTIFICATE

In order to qualify for a general operator's certificate, a candidate shall have the following minimum proficiencies:

- (a) a detailed practical knowledge of the operation of all GMDSS subsystems and radiocommunications equipment;
- (b) an ability to send and receive messages correctly by radiotelephone and direct-printing telegraphy;
- (c) a detailed knowledge of the International Telecommunication Union Radio Regulations relating to radiocommunications, a knowledge of the documents relating to the charges for radiocommunications and of the provisions of the International Convention for the Safety of Life at Sea relating to radiocommunications; and
- (d) proficient in the English language, both spoken and written.

RESTRICTED OPERATOR'S CERTIFICATE

In order to qualify for a restricted operator's certificate, a candidate shall have the following minimum proficiencies:

- (a) a practical knowledge of the operation of all GMDSS sub-systems and radiocommunications equipment which are required while the ship is sailing within the range of the very high frequency ("VHF") coast stations;
- (b) an ability to send and receive messages correctly by radiotelephone;
- (c) a knowledge of the International Telecommunication Union Radio Regulations relating to radiotelephone communications and specifically, on the part relating to the safety of life; and
- (d) able to speak and write in the English language.

AMATEUR RADIO OPERATOR'S CERTIFICATE

1. In order to qualify for an amateur radio operator's certificate, a candidate shall have the following minimum proficiencies:

- (a) an ability to send messages correctly on a radiotelegraph key, semi automatic key or an electronic hand key for three consecutive minutes at a speed of not less than twelve words a minute in plain language, including figures, punctuation marks, "Q" signals and emergency signals in the international Morse Code;
- (b) an ability to receive messages, correctly by ear and write legibly or type for not less than three consecutive minutes at a speed of not less than twelve words a minute in plain language including figures, punctuation marks, "Q" signals and emergency signals in the international Morse Code; and
- (c) an ability to answer, in written examination, questions on—

- (i) the fundamental theory of electricity, electronics and radiocommunications;
 - (ii) the theory and operation of any amateur radio equipment including the antenna systems, transmission lines, transistors, amplitude and frequency modulation and single sideband techniques;
 - (iii) the regulations made under the Act which are applicable to the establishment and operation of a station performing an amateur experimental service; and
 - (iv) the International Telecommunication Union Radio Regulations applicable to the operation of a station performing an amateur experimental service; and those provisions relating to the operation of stations generally.
2. (1) A candidate for the Class A amateur radio operator's certificate is required to pass the examination as specified in paragraphs 1(a), (b) and (c).
- (2) A candidate for the Class B amateur radio operator's certificate is required to pass the examination as specified in paragraph 1(c).

FOURTH SCHEDULE

COMMUNICATIONS AND MULTIMEDIA (*TECHNICAL STANDARDS*) REGULATIONS 2000

(Subregulation 26(3))

DESIGNATED SKILL AREAS (RADIO OPERATORS)

First Class Radio Electronic Certificate

Second Class Radio Electronic Certificate

General Operator's Certificate

Restricted Operator's Certificate

Amateur Radio Operator's Certificate (Class A and Class B)

FIFTH SCHEDULE

COMMUNICATIONS AND MULTIMEDIA (*TECHNICAL STANDARDS*) REGULATIONS 2000

(Subregulation 26(4))

DESIGNATED SKILL AREAS (OTHER THAN RADIO OPERATORS)

1. Cabling provider—customer's premises

- (a) copper pair—installation, jointing, testing and maintenance
- (b) coaxial cable—installation, jointing, testing and maintenance
- (c) fiber optic—installation, jointing, testing and maintenance
- (d) cabling network design

2. Cabling provider—network

- (a) copper pair—airial and underground installation, jointing, testing and maintenance
- (b) coaxial cable—airial and underground installation, jointing, testing and maintenance

- (c) fiber optic—airial and underground installation, jointing, testing and maintenance
- (d) cabling network design

3. Communications equipment

- (a) radio equipment installation, testing-and maintenance
- (b) non-radio equipment installation, testing and maintenance
- (c) radio network facility design
- (d) non-radio network facility design

Made 29 March 2000.

[KTKM(S) 353/146/5 Klt.3; PN(PU²)601]

LIST OF AMENDMENTS

Amending law	Citation	In force from
P.U. (A) 89/2001	Communications and Multimedia (<i>Technical Standards</i>) (Amendment) Regulations 2001	31-03-2001
P.U.(A) 261/2001	Communications and Multimedia (<i>Technical Standards</i>) (Amendment) Regulations 2001	31-08-2001
P.U.(A) 279/2006	Communications and Multimedia (<i>Technical Standards</i>) (Amendment) Regulations 2006	01-08-2006
