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TRUST TERRITORY OF THE PACIFIC ISLANDS

HEADQUARTERS, SAIPAN, MARIANA ISLANDS

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IN THE SPOTLIGHT

TITLE 3

COMMUNICATIONS REGULATIONS

CHAPTER I

territorial

register

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The Territorial Register is editorially organized according to the Territorial or other agency issuing the documents published or having an immediate administrative or enforcement concern over them. Listing in these contents or publishing in the sections that follow in this manner is for public information and has no legal significance.

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territorial register



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The Territorial Register provides a uniform system for making available to the public regulations, rules, decisions, orders and notices issued by Territorial agencies and required to be published by Public Law 5-86, and other Territorial agency documents of public interest. It also includes proclamations, orders and directives issued by the President of the United States or the Secretary of the Interior pertaining to the Trust Territory of the Pacific Islands.

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STANDARDS AND REQUIREMENTS FOR USE OF HOMESTEAD LOTS
WITHIN TENETO SUBDIVISION, SONGSONG VILLAGE
PURSUANT TO PUBLIC LAW 5-30

In view of the fact that certain lots within Songsong Village Extension, Rota Island, Mariana Islands District have been designated by the High Commissioner as village homestead lots on April 4, 1973, the following regulations and requirements are hereby promulgated:

- (a) The maximum area of land available for each village homestead lot be such lot areas as shown on Division of Lands and Surveys - Cadastral Plat Nos. 010 R 00, 012 R 00, 013 R 00, provided that a person who now owns a village lot suitable for a home in the Trust Territory of the Pacific Islands be not permitted to homestead another lot provided also that a person shall not be permitted to homestead a village lot which, when added to the amount of land owned by such person in the Trust Territory, would exceed five and one-half (5.5) hectares.
- (b) The following standards and requirements for use, occupancy and development of the homestead lot are:
1. All construction thereon for housing of people shall provide sanitation facilities approved by the District Administrator's Representative on Rota, and the building and grounds shall be maintained in a state of cleanliness and sanitation satisfactory to the District Administrator's Representative on Rota.
 2. No building or structure shall be erected or maintained upon such building site closer than 12 feet on any side or back boundary and 20 feet from front boundary. Provided that side and back boundaries may be diminished if natural obstructions otherwise prevent the homesteading of the lot. All survey monuments and markers must be kept accessible.
 3. No buildings, improvements or trees erected or planted by the homesteader or otherwise, shall be intentionally demolished, damaged, destroyed, cut down or removed, during the proving up term of the homestead without the written consent of the District Administrator's Representative on Rota. If no written response is made within 15 calendar days to a written request, approval will be presumed.
 4. Any and all taxes or assessments levied upon the homestead land during the term of the homestead shall be paid, when due, by the homesteader to the same extent as if the title provided for had already been transferred to him.
 5. The homesteader shall comply with the conditions of occupancy as set forth in Section 207 of Title 67 of the Code of the Trust Territory which requires that the homesteader shall (1) enter upon and commence the use and improvement of the land within one hundred twenty (120) days to include starting the construction of a dwelling after the receipt of the permit. Upon non-compliance with the foregoing, the permit shall expire and be null and void and the homesteader shall be construed to have waived all rights in and to said land; (2) within six (6) months of entry, place markers at all corners of the land, and shall at all times, maintain all boundaries clear of any weeds, trash and underbrush; (3) within one year after receipt of permit to enter, shall occupy the homestead as his principal place of residence, such occupancy to continue for the balance of the homestead term; and (4) during the period of occupancy shall comply with all rules, regulations and requirements concerning the use, occupation and development of the land.
 6. That use of the homestead is limited to residential and all activities normally considered compatible to residential use. Commercial use is prohibited.
 7. That a ten dollar (\$10.00) filing fee be collected from each applicant and paid into the District Revenue Account. The purpose of this charge is to insure good faith on the part of the applicant and to partially defray the cost of the homestead program.

EXISTING REGULATIONS

This section of the Territorial Register contains regulations having general applicability and legal effect, adopted prior to July 1, 1974, which are now published pursuant to Public Law 5-86 and are to be compiled and codified pursuant to Public Laws 5-86 and 1-3.

DIVISION OF AGRICULTURE

118.761 Potted Meat Food Product and Deviled Meat Food Product. "Potted Meat Food Product" and "Deviled Meat Food Product" shall not contain cereal, vegetable flour, nonfat dry milk, or similar substances. The amount of water added to potted meat food product and deviled meat food product shall be limited to that necessary to replace moisture lost during processing.

118.762 Ham Spread, Tongue Spread, and Similar Products. "Ham Spread," "Tongue Spread," and similar products shall contain not less than 50 percent of the meat ingredient named, computed on the weight of the fresh meat. Other meat and fat may be used to give the desired spreading consistency provided it does not detract from the character of the spreads named.

SUBPART S—MEAT BABY FOODS (RESERVED)

SUBPART T—DIETETIC MEAT FOODS (RESERVED)

SUBPART U—MISCELLANEOUS

118.880 Breaded Products. The amount of batter and breading used as a coating for breaded product shall not exceed 30 percent of the weight of the finished breaded product.

118.881 Liver Meat Food Products. Meat food products characterized and labeled as liver products such as liver loaf, liver cheese, liver spread, liver paste, and liver pudding, shall contain not less than 30 percent of livers of livestock computed on the fresh weight of the livers.

PART 119 RECORDS, REGISTRATION, AND REPORTS

119.1 Records Required to be Kept.

a. Every person (including every firm or corporation within any of the classes specified in subparagraph (1), (2), or (3) of this subparagraph is required to keep records which will fully and correctly disclose all transactions involved in his or its business subject to the Act:

(1) Any person that engages, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food for export;

(2) Any person that engages in the business of buying or selling (as a meat broker, wholesaler, or otherwise), or transporting in commerce, or storing in or for commerce, or importing, any carcasses, or parts of products of carcasses, of any such animals for export;

(3) Any person that engages in export business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting in export commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, or parts of the carcasses of any such animals that died otherwise than by slaughter.

b. The required records are:

(1) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any livestock or carcass, part thereof, meat or meat food product is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act:

(i) The name or description of the livestock or article;

(ii) The net weight of the livestock or article;

(iii) The number of shipping containers (if any);

(iv) The name and address of the buyer of livestock or article sold by such person, and the name and address of the seller of livestock or articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

(2) Shipper's certificates and permits required to be kept by shippers and carriers of articles under Part 112.6 of this chapter.

119.2 Place of Maintenance of Records. Every person engaged in any business described in Section 119.1 and required by this part to keep records shall maintain such records at the place

where such business is conducted except that if such person conducts such business at multiple locations, he may maintain such records at his headquarters' office. When not in actual use, all such records shall be kept in a safe place at the prescribed location in accordance with good commercial practices.

119.3 Record Retention Period. Every record required to be maintained under this Part shall be retained for a period of 2 years after December 31 of the year in which the transaction to which the record relates has occurred and for such further period as the Chief may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records under this part.

119.4 Access to and Inspection of Records, Facilities and Inventory; Copying and Sampling. Every person (including every firm or corporation) within any of the classes specified in Section 119.1 shall upon the presentation of official credentials by any duly authorized representative of the Chief, during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept by Section 119.1 and the facilities and inventory pertaining to the business of such person subject to the Act, and to copy all such records and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to such authorized representative of the Chief.

119.5 Registration.

a. Except as provided in paragraph (c) of this section, every person that engages in export business in or for commerce, as a meat broker, renderer, or animal food manufacturer, or engages in business in or for commerce, as a meat broker, renderer, or animal food manufacturer, or engages in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, or any livestock, whether intended for human food or other purposes, or engages in business as a public warehouseman storing any such articles in or for export commerce, or engages in the business of buying, selling, or transporting in export commerce, any dead, dying, disabled, or diseased livestock, or parts of carcasses of any such livestock, shall register with the Chief, giving such information as is required, including his name, and the address of each place of business at which, and all trade names under which he conducts such business, by filling a form containing such information within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from the Chief, Agriculture Division, Trust Territory of the Pacific Islands.

b. Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conduct his business, he shall report such change in writing to the Chief within 15 days after making the change.

c. The registration requirements prescribed in this section shall not apply to persons conducting any of the businesses specified in this section only at an official establishment.

119.6 Information and Reports Required From Official Establishment Operators.

a. The operator of each official establishment shall furnish to Program employees accurate information as to all matters needed by them for making their daily reports of the amount of products prepared or handled in the departments of the establishment to which they are assigned and such reports concerning sanitation and other aspects of the operations of the establishment and the conduct of inspection thereat as may be required by the Chief in specific cases.

b. The operator of each official establishment shall also make such other reports as the Chief may from time to time require under the regulations.

119.7 Reports by Consignees of Allegedly Adulterated or Misbranded Product; Sale or Transportation as Violations.

Whenever the consignee of any product which bears an official inspection legend refuses to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the Chief, Agriculture Division Trust Territory of the Pacific Islands, of the kind, quantity, source, and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of the Act for any person to sell or transport, or offer for sale or transportation, or receive for transportation, in commerce, any such product which is capable of use as human food and is adulterated or misbranded at the time of such sale, transportation, offer, or receipt: Provided, however, that any such allegedly adulterated or misbranded product may be transported to the official establishment from which it had been transported.

PART 120 PENALTIES AND EFFECTIVE DATE

120.1 Penalties. In addition to the penalties and sanctions provided by Chapter 3 of Title 25 of the Trust Territory Code, any person who violates any of the provisions of the foregoing meat export regulations shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than one hundred dollars (\$100) or both.

120.2 Separate Offense. The continued existence of any violation of this chapter beyond the time stipulated for compliance with its provisions, constitutes a separate and distinct offense.

120.3 Effective Date. These regulations shall become effective December 31, 1971, after filing with the District Clerk of Courts.

121.0 Transactions in export commerce prohibited without official inspection legend or certificate; exceptions; and vehicle sanitation requirements. No person, engaged in the business of buying, selling, freezing, storing, or transporting, in or for

export commerce, meat or meat food products capable of use as human food, or importing such articles shall transport, offer for transportation, or receive for transportation, any product which is capable of use as human food unless the shipping container, ship's reefer, truck or other means of conveyance in which the product is contained or transported is adequately closed, so constructed and in such condition as to prevent entry of outside air or dust while in transit, reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, so that product placed therein will not become adulterated. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed. Such means of conveyance at official establishments shall be subject to inspection by an inspector prior to or during loading. The type and extent of such inspection shall be at the Program's discretion and shall be adequate to determine that product moved in such conveyance will not become adulterated. Any means of conveyance found upon such inspection to be in such condition that the product placed therein would become adulterated shall not be used. Product placed in any means of

conveyance that is found by the inspector to be in such condition that the product may have become adulterated, shall be removed from the means of conveyance and handled in accordance with 117.2(d) of this chapter.

121.1 Requirements for immediate containers or boxes used to ship meat products.

- a. All boxes or containers must be labeled in accordance with part 116 of this chapter.
- b. All containers must maintain their original shape after they are packed and sealed for shipment.
- c. All immediate containers must have a waxed surface approved by the Chief.
- d. It is prohibited to use any box for packing meat in an approved establishment unless it meets the requirements listed in paragraph 121.2(a), (b), or (c).

TITLE 49

**TRUST TERRITORY LABOR DIVISION
RULES AND REGULATIONS
(Release No. 8-73)**

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TITLE 49, Chapter 1

PROTECTION OF RESIDENT WORKERS

(Release No. 8-73)

PART 1. GENERAL PROVISIONS

1.1 Authority. The Chief of Labor, subject to approval by the High Commissioner is authorized to promulgate rules and regulations necessary or appropriate to effectuate the provisions of the Protection of Resident Workers, as per Title 49 of the Trust Territory Code.

1.2 Purpose. The purpose of these rules and regulations is to inform all parties of their rights, privileges and obligations in the administration of the law as applied to establishment of a public employment service and the control and regulation of importation of nonresident workers in private industry, toward the end to protect the wages and working conditions of Trust Territory workers who shall be given preference in employment when qualified and available.

1.3 Basic Provisions. Employers in private industry seeking nonresident workers shall file with the District Employment Service a certification stating that employment of such persons will not adversely affect the wages or working conditions of resident workers and request a worker's permit from the Chief of Labor. A Trust Territory entry permit for authority to enter is also required.

PART 2. DEFINITIONS

2.1 Trust Territory. Any and all areas within the six administrative districts of the Trust Territory of the Pacific Islands. These districts are Marianas, Marshalls, Palau, Ponape, Truk, and Yap.

2.2 Labor Division. A division of the Department of Resources and Development, headed by the Chief of Labor, with authority over all phases of private employment as described in Title 49 of the Trust Territory Code.

2.3 Employment Service. An office within the Labor Division, headed by the Employment Service Officer at headquarters with district offices administered by local District Employment Service Officer, offering free public employment services.

2.4 Resident Worker. Means any person who is capable of performing services or labor in any capacity and who is a citizen of the Trust Territory.

2.5 Nonresident Worker. Any person who is capable of performing labor or services in any capacity and who is not a citizen of the Trust Territory.

2.6 Employer. Means any individual, partnership,

association or corporation hiring employees in the Trust Territory and any individual who has in his employ a domestic servant, but does not include any branch or agency of the Trust Territory Government or of the United States Government.

2.7 Available. Means available to be on the island on which the employer desires workers on the date the employer states the workers are desired.

PART 3. IMPORTATION OF NONRESIDENT WORKERS

3.1 Application To Import Nonresident Worker. This is the application and certification presented by an employer for authorization to employ a certain number of nonresident skilled workers and includes an agreement for complete compliance with the Protection of Resident Workers Act, 49 TTC, as amended.

3.2 Worker Identification Card. The certificate issued by the Chief of Labor shows the name of the individual nonresident worker, job title, country of origin, employer's name and district of employment. This card is issued for a period not to exceed one year and remains the property of the Trust Territory Government. It must be returned to the Employment Service Office upon termination of employment. It is not transferable. It may be cancelled by the Chief of Labor for cause. It is issued in conjunction with an Entry Permit issued by the Immigration Department for the same period. Cancellation or expiration of one permit results in cancellation and expiration of both.

3.3 Temporary Worker Certificate. The provisions of this act shall not apply to temporary nonresident workers who are brought into the Trust Territory with permission of the Chief of Labor for a period of time not to exceed ninety (90) days. A temporary worker certificate will be issued in each case. Extensions of time may be granted by the Chief of Labor, but not to exceed a total of 180 days.

PART 4. FILING PROCEDURE

4.1 Application to Employ Nonresident Workers and Agreement (TT Form 1107). After certification by the District Employment Service Officer that no qualified resident workers are available an employer shall file four (4) signed copies of TT Form 1107, listing the number of nonresident workers required in all of the described occupational classes with a breakdown of the required information for each occupation.

4.2 Application for Entry Permit (TT Form 97). shall be completed by each prospective nonresident worker as per Immigration Department requirements and filed with TT Form 1107.

4.3 How Processed. TT Form 1107 will be processed in

the District Employment Service Office and shall be signed by the Employment Service Officer, the Immigration Officer and the District Administrator and then forwarded with TT Form 97 to the Labor Division at headquarters with a recommendation as to issuance of permits.

4.4 Worker Identification Card. All applications will be processed by the Chief of Labor and upon approval a Worker Identification Card will be issued in the name of each nonresident worker. Upon approval by the Chief of Immigration, a Trust Territory Entry Permit may be issued in the name of each nonresident worker. The permits and three (3) copies of TT Form 1107 will be returned to the district for proper distribution.

4.5 Application with Incomplete Information. All applications for nonresident workers shall be filed with sufficient time to allow for proper processing procedures. Applications with incomplete information will be returned to the employer applicant.

4.6 Permits Not Transferable. Permits are not transferable to any other person and a nonresident worker cannot be employed in any position other than the specific position certified by the Employment Service Officer, and cannot be employed by any other employer.

4.7 Extension or Renewal. A request by an employer for extension or renewal of a worker permit shall be treated as a new application and the job must be publicized for thirty (30) days in order to allow opportunity for employment of a qualified and available resident worker.

4.8 Readvertising After Sixty (60) Days. In the event a job vacancy is not filled within sixty (60) days after publication it will be necessary to readvertise through the Employment Services Office in order to allow opportunity for a qualified resident worker to make application.

PART 5. PHYSICAL EXAMINATION REQUIREMENTS

5.1 Certificate of Physical Examination. Every nonresident worker and all members of his family authorized to enter the Trust Territory shall have in their possession a certificate of freedom from communicable diseases. Such certification shall be executed and validated not more than thirty (30) days preceding the date of entry into the Trust Territory, by a physician licensed to practice medicine in the country of origin.

5.2 Physical Examination Required. Within ten (10) days after authorized entry into the Trust Territory for employment each nonresident worker and members of his family shall be subject to a physical examination to be conducted by the Department of Health Services.

The cost of such physical examination shall be borne by the entry permit holder.

5.3 Denial of Entry or Revocation of Permit. Failure to comply or a finding of unsatisfactory physical conditions may be grounds for denial of entry or revocation of nonresident worker's permit and entry permit.

PART 6. TRANSFER OF WORKERS

6.1 Transferability. An employer may transfer a nonresident worker from one project to another project of the same employer within the district for which employment is authorized.

6.2 Authorization, When Required. Transfer of a nonresident worker by his employer to another Trust Territory District for employment with the same employer must be authorized by the Chief of Labor, and only after the job vacancy has been publicized for thirty (30) days as required in an original application.

6.3 Transfer To Another Employer. A nonresident worker shall not transfer his employment in the Trust Territory except with a letter of agreement between employers and approved by the Chief of Labor. An unauthorized transfer may be cause for deportation.

6.4 Unlawful Employment. It shall be unlawful for any nonresident worker to engage in any other employment for compensation or for profits other than for the employer who has contracted with the Chief of Labor for the employment of such nonresident worker in the Trust Territory. Any violation may be cause for deportation.

6.5 Contracts or Agreements. Contracts or Agreements between employers for transfer or loan of workers shall be made only with written approval of the Chief of Labor.

PART 7. TERMINATION OF NONRESIDENT WORKERS

7.1 Notice of Termination. In the event that a nonresident worker is terminated by an employer prior to the termination of his contract or expiration of his worker certificate the employer must so advise the Employment Service Officer in writing at least ten (10) days prior to the nonresident worker's departure from the Trust Territory.

7.2 Notice, Contents of. The written notice should state the name and identity of the nonresident worker, dates of employment, hourly and weekly earnings and reason for termination stated in detail. The employer's right to terminate for cause is recognized.

7.3 Surrender of Permit. The employer will be responsible for surrender of worker permit and entry

permit prior to departure from the Trust Territory.

7.4 Investigation for Termination. In the event that public officials or law enforcement officers complain in writing that employment of a nonresident worker is not in the best interest or is detrimental to the public welfare, then the Chief of Labor will order an investigation as necessary and make a determination on termination of the nonresident worker for cause. An employer shall be responsible for the general conduct of his workers.

7.5 Investigation for Working Conditions. An employee may file a written complaint with the Employment Service Officer in matters related to unsafe working conditions, nonpayment of wages, working hours and other contractual provisions for labor services. Investigations will be conducted and decisions rendered pursuant to the law. All parties involved shall cooperate and all records shall be made available as required.

PART 8. RECORDS

8.1 Duty to Keep Records. Each employer hiring employees in the Trust Territory shall keep and present immediately upon demand of the Chief of Labor or his district representative and quarterly (every 3 months) to the Chief of Labor and his district representative up-to-date records with the following information:

- (a) The name, address, age and legal residence of each of his employees, resident and nonresident;
- (b) The classification and wage rate of each of his employees;
- (c) Payrolls showing the number of hours worked each week, the compensation earned and deductions made for each of his employees;
- (d) The educational and experiential backgrounds of each of his nonresident workers (to be provided but once by an employer for each nonresident worker working in the Trust Territory);
- (e) The number of employment related accidents, name of the injured, and disposition by the employer of the injured employee;
- (f) The number and types of illnesses by nonresident workers, the treatment and disposition of the nonresident worker, and whether hospitalization was required;
- (g) The citizenship, country of origin, and expiration date of entry permits of each nonresident worker employed; and
- (h) A copy of the nonresident workers agreement authorizing the hiring of the nonresident worker in question.

PART 9. TRANSPORTATION AND HOUSING FOR WORKERS

9.1 Equal Housing. A contractor employer on Trust Territory Government contracts who provides either transportation, lodging expenses, or room or board expenses to nonresident workers shall provide the same benefits to resident workers whose principal residence is not within normal commuting distance.

9.2 Charges. Employers charging workers for room and meals must be prepared to demonstrate that the workers are receiving goods and services of a value equal to the board and room charge.

9.3 Worker Camps. Worker camps or other housing arrangements provided by an employer shall be of safe construction, sanitary, screened, clean, with provision for good ventilation, supply of pure drinking water, suitable toilet and shower bath facilities, proper lighting. Kitchen, dining area and food refrigeration facilities shall be maintained in clean and sanitary condition at all times. Fire extinguishing equipment shall be provided in all housing areas.

9.4 Transportation To And From Job Site. An employer shall provide transportation for workers at a worker camp or other central meeting place to and from job site located beyond reasonable walking distance.

PART 10. WORKING CONDITIONS AND SAFETY

10.1 Employer's Duty. Every employer has a duty to furnish a safe place of employment and safeguards and such other safety measures required by the laws of the Trust Territory. Every employer shall furnish employment which shall be safe for the employees therein, and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations and process as are reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees.

10.2 Employee's Duty. No employee shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any person, or interfere with the use of any methods or process adopted for the protection of any employee in such employment or place of employment, or fail to do every other thing reasonably necessary to protect the life and safety of such employees.

10.3 Posting Signs. Wherever advisable, an employer shall post signs, notices or other safety devices to warn of conditions which may be hazardous to employees or to the public.

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the High Commissioner

OFFICE OF LAND MANAGEMENT
REGULATION NO. 1

Sec. 1. Purpose. The purpose of this regulation is to provide procedures for the determination of ownership of lands now or formerly used or occupied or controlled by the United States Government, or any of its agencies, or the Government of the Trust Territory of the Pacific Islands and to effect return of those lands no longer needed to the owners, consistent with the full protection of all parties, and to provide for the appraisal, evaluation and recommendation for settlement of any claim for damages or rent or alienation resulting from such use or occupation.

Sec. 2. Determination of land ownership. The District Land Title Officer is hereby authorized and empowered to determine, in accordance with this Regulation, the ownership of any tract of land now or formerly used, or occupied, or controlled by the United States Government or any of its agencies, or by the Government of the Trust Territory of the Pacific Islands in the District for which he is appointed; and to appraise, evaluate and recommend for settlement any claim for damage, rent or alienation resulting from such use or occupation.

Sec. 3. Release of land to owners. In accordance with further provisions of this Regulation, each District Land Title Officer is authorized and empowered to release to the owner any tract of private land or part thereof determined by the High Commissioner to be no longer required for use or occupation by the United States Government or any of its agencies, or the Government of the Trust Territory and to execute the necessary papers to formalize such release.

Sec. 4. Filing of claims. Every person claiming any right, title or interest in any tract of land that is now or has in the past been used, or occupied, or controlled by the United States Government or any of its agencies, or by the Government of the Trust Territory of the Pacific Islands may file with the District Land Office of the District in which the land is situated, a statement of claim which shall include the full name and address of the claimant, interest claimed, name or number and a description of the tract, dates of occupation or use by the United States Government, or any of its agencies, or the Government of the Trust Territory of the Pacific Islands, damages or rental claimed for such use or occupation, and such other information as may be of value in processing the claim.

(a) Each District Land Office shall determine and give public notice of the limit of time within which claims may be filed; but in no event shall such limitation be less than one year from the date such public notice is posted at the headquarters of the municipality in which the land is situated.

Sec. 5. Hearings, witnesses, contempts. Each District Land Title Officer is authorized and empowered to hold hearings, take testimony under oath, administer oaths to witnesses, subpoena witnesses and order the production of papers and documents, and punish for contempts committed in his presence. Punishment for contempt is limited to a maximum fine of ten dollars (\$10) and imprisonment for a period not to exceed five days or both.

Sec. 6. Hearings, notice. Both public and private notice shall be given of all hearings. Each notice shall contain a statement of time and place of the hearing, a brief but clear description of the land or lands to be considered, the names of the owners of record (if any), the names of all claimants of record, and such other information as the District Land Title Officer determines to be necessary to give full notice of matters to be considered.

(a) Public Notice. Public notice shall be given by posting in a public place at the District Administration headquarters, in the municipality in which the land is located, and, where practicable, on the land to be considered.

(b) Private Notice. Private notice shall be given to all parties of record by delivery of a copy of the notice to the party or to his last known place of residence.

All notices shall be served or posted not less than ten (10) days prior to the date of the hearing, except where practical considerations make this impossible in which case reasonable notice shall be given to all parties.

Sec. 7. Hearings, evidence, parties. In conducting the hearings, the District Land Title Officers shall be guided by, but need not conform to the usual rules of evidence. District Land Title Officers shall consider evidence that they believe will be helpful in reaching a just decision. All hearings shall be public, and every person claiming an interest in the land under consideration shall be given an opportunity to be heard.

Sec. 8. Minors and incompetents, representation. When a District Land Title Officer finds that any party in interest is a minor or incompetent, he shall immediately appoint a responsible person to represent such minor or incompetent, unless that person is already represented by a person appointed by a person appointed by a court or other proper authority. A representative appointed by a District Land Title Officer is authorized and empowered to act for the minor or incompetent in all matters pertaining to land return and real property claims arising out of the use of occupation of the land.

Sec. 9. Estates of deceased persons; estate claimed jointly or in common; other group-owned estates; representation by land trustees.

(a) Where an estate is determined to be claimed jointly or in common by the heirs of a deceased owner, or by any other group or association of individuals, the District Land Title Officer may appoint one or more persons to act as trustee or trustees for the group, and such person or persons shall have full authority to act for all members of the group in all matters connected with land return and claims for the use, retention, or occupation of the land. Such trustees shall be known as "Land Trustees," and shall be appointed only where no administrator or executor has been appointed for an estate, or no other responsible person or reasonably small group of persons is authorized to act for a group or association. The Land Trustee, shall act as administrator of lands of deceased persons, and shall take immediate steps to determine the person interested in the land as heirs or otherwise, and to have the land distributed according to law or the desires of the true owners, subject to approval of the courts in the event of controversy. The Trial Division of the High Court may upon petition duly filed and hearings thereon at any time remove and replace a Land Trustee, or, in the case of an estate, appoint an executor or administrator who shall automatically succeed and the Land Trustee in all matters affecting the estate. A Land Trustee may not sell or otherwise dispose of the land or any interest therein, except a lease not exceeding one year, except with the approval of all parties having an interest in the land or of the Trial Division of the High Court.

(b) A Land Trustee may represent the interest of a minor or incompetent who is one of a group of heirs or is a member of a group or association, and such appointment shall not relieve the representation of the minor or incompetent of his responsibility for the protection of the interest of the minor or incompetent in matters involving the handling of the estate by the Land Trustee.

(c) Any questions of the propriety of the actions of the Land Trustee shall be referred to the Trial Division of the High Court. A Land Trustee shall be held accountable for all assets, land, receipts, and disbursements as is a Trustee under the laws of the United States.

(d) The term "group" as used in this Section includes a clan, family, tribe, or other non-incorporated group owning land or any interest in land.

Sec. 10. Determination of ownership and release form. After hearing all of the evidence and making his findings, the District Land Title Officer shall publish his determination of ownership in substantially the following form, and shall file a copy of each determination with the Clerk of Courts of his District:

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the High Commissioner

----- District

DETERMINATION OF OWNERSHIP AND RELEASE
NO. ----

I, -----, District Land Title Officer for the ----- District, Trust Territory of the Pacific Islands, after due public and private notice to all parties of record, and after public hearings at which all persons known to claim an interest in the below described land were given full opportunity to be heard, have determined that the tract of land known as (name or Tract No.) and more fully described as follows:

is the property of (list names and interest of each) and I grant the release and immediate possession of the following described land to the above owners:

Signed this ----- day of ----- 19 --.

District Land Title Officer, --- District

Filed this ----- day of ----- 19 ----.

Clerk of Courts for the ----- District

Copies of the determination shall be distributed as follows:

Original to owner; executed copies to Clerk of Courts; to District Land Office and to Land and Claims Administrator; copy posted in a public place at District Administration Headquarters, or at the Headquarters of the Municipality in which the land is situated.

Sec. 11. Description of land. Each District Land Title Officer shall use, in the determination of ownership, descriptions of land based upon available information and which must be sufficient to permit accurate identification of the land covered.

Sec. 12. Improvements. Each District Land Title Officer shall prepare for each claim filed an accurate description of the improvements upon the land, by whom installed, and its condition and appraised value at the time of the determination of ownership or at the time the owner took possession, whichever is earlier.

Sec. 13. Determination of ownership, effect. Unless and until the decision of the District Land Title Officer is reversed or modified by the High Court, the legal interests of persons designated as owners shall be as shown on the determination of ownership, except that no person can convey better title than he has at the time of the conveyance.

not complete
see page 4

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the High Commissioner
Saipan, Mariana Islands

CODE OF PUBLIC REGULATIONS
Release No. 1-72

July 11, 1972
Date Approved

Subject: Repeal of Regulations for Land Commissions, approved September 12, 1969, and replacement with a new set of Regulations for promulgation under Title 6, Land Management, Chapter V, Land Commissions; Parts 201 and 225.

WHEREAS, in accordance with Section 1037 of the 1966 Editions of the Trust Territory Code, the Director of Land Management prepared rules and regulations for Land Commissions which had the force and effect of law following approval on September 12, 1969, by the Deputy High Commissioner in the absence of the High Commissioner, and were promulgated under Title 6, Land Management, Chapter V; and

WHEREAS, many of the rules and regulations for Land Commissions approved September 12, 1969, are now obsolete and not in accord with recently proposed procedures and forms now needed in the work of the Land Commissions; and

WHEREAS, Section 102 of Title 67 of the Trust Territory Code authorizes the Chief, Lands and Surveys to prescribe rules and regulations to implement the provisions of Section 101 - 120, inclusive, of the Trust Territory Code pertaining to Land Commissions, which

rules and regulations when approved by the High Commissioner shall have the force and effect of law; and

WHEREAS, in accordance with Section 102 of Title 67, Trust Territory Code, the Chief, Lands and Surveys, has prepared and prescribed a new set of rules and regulations to replace the entire set of Regulations on Land Commissions, approved September 12, 1969, and has submitted them to me for repeal of present Regulations for Land Commissions and approval of the new Regulations.

NOW, THEREFORE, pursuant to the authority vested in me as High Commissioner and in accordance with the provisions of Section 102 of Title 67 of the Trust Territory Code it is ordered that;

Article 1. Repeal and substitution of new rules and regulations

The present rules and regulations for Land Commissions which were approved September 12, 1969, and promulgated under Title 6, Land Management, Chapter V, are hereby repealed. The text of the new rules and regulations shall read as follows:

TITLE 67
PUBLIC LANDS AND RESOURCES
Table of Contents
Chapter 5 - Land Commissions
(Release No. 9-72)

<p>PART 201 GENERAL PROVISIONS</p> <p>201.1 Authority</p> <p>201.2 Purpose</p> <p>201.3 Land Commission Act: Land Commission; Jurisdiction</p> <p>201.4 Seal and Process</p> <p>201.5 Senior Land Commissioner: Authority; Registrar</p> <p>201.6 Land Registration Team: Designation, Disqualification, Disability or Absence of Chairman; Appointment, Disqualification or Disability of Members; Forms</p> <p>201.7 Registration Areas: Designation; Preliminary Inquiry; Forms</p> <p>201.8 Application for Certificate of Title and Request for Registration: By Whom Made; Minors or Incompetents; Form</p> <p>201.9 Application: Contents and Form</p> <p>201.10 Agent for Applicant; Form</p> <p>201.11 Hearings: Notice; Authority of Land Registration Team; Conduct of Hearings; Adjudication and Submission to the Commission; Forms</p> <p>201.12 Review of the Record of an Adjudication from a Land Registration Team by the Land Commission; Form</p>	<p>201.13 Issuance of a Certificate of Title; Forms</p> <p>201.14 Registration of Title: Original Certificate of Title; Owner's Duplicate Certificate of Title</p> <p>201.15 Repeal of Prior Land Commission Regulations</p>	<p>PART 225 FORMS</p> <p>225.1 Notice of Appointment; Land Registration Team</p> <p>225.2 Individual Certificate of Appointment</p> <p>225.3 Designation of Registration Area</p> <p>225.4 Notice of Preliminary Inquiry by Land Registration Team</p> <p>225.5 Letter of Explanation to Claimants Concerning Preliminary Inquiry</p> <p>225.6 Form for Appointing Representative for a Minor or Incompetent</p> <p>225.7 Application for Registration of Land Parcel</p> <p>225.8 Appointment of Agent for Applicant</p> <p>225.9 Notice of Formal Hearing by Land Registration Team on Claims</p> <p>225.10 Letter of Explanation to Claimants Concerning Formal Hearing</p> <p>225.11 Adjudication by Land Registration Team</p> <p>225.12 Determination of Ownership</p> <p>225.13 Original Certificate of Title</p> <p>225.14 Owner's Duplicate Certificate of Title</p>
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Part 201 - General Provisions

201.1 Authority. These regulations are issued under the authority of 67 TTC 102 which provides that the Chief of Lands and Surveys, with the approval of the High Commissioner, shall prescribe rules and regulations pertaining to Land Commissions.

201.2 Purpose. The purpose of these regulations is to implement the provisions of 67 TTC 101-120.

201.3 Land Commission Act: Land Commission; Jurisdiction. 67 TTC 101-120 created Land Commissions and outlined their duties, responsibilities, and limitations. These sections are referred to hereinafter as "The Land Commission Act". The Land Commission Act provides for the establishment of a Land Commission for each administrative district of the Trust Territory, to have exclusive jurisdiction of all applications for the registration of land, with the power to hear and determine all questions arising upon such applications. The proceedings upon the application shall be proceedings in rem and determinations, as evidenced by Certificates of Title, shall operate directly on the land and vest and establish title thereto.

201.4 Seal and Process. Each Land Commission shall have made a seal, and cause to be sealed therewith all orders, citations, orders of notice, processes and papers made by or proceeding from the Commission requiring a seal.

201.5 Senior Land Commissioner: Authority; Registrar. A Senior Land Commissioner may, in the absence of other Land Commissioners, act solely and with complete authority as the Land Commission. Until a registrar is appointed it shall be responsible for the custody of all the papers and documents relating to the registration of land and shall keep the same in an office to be called "Land Commission and Land Registration Office". When a separate Registrar for the district is appointed by the High Commissioner, he shall keep and preserve such papers and documents in a separate office to be known as the "Land Registration Office" which shall be situated in the vicinity of the Land Commission Office.

201.6 Land Registration Team: Designation, Disqualification, Disability or Absence of Chairman; Appointment, Disqualification or Disability of Members; Forms. The Land Commission shall appoint the members and designate a Chairman of a Land Registration Team. Upon the disqualification or disability of a Chairman or in his absence, the members of the team shall choose a temporary Chairman from those present at that meeting. Upon the disqualification or disability of a Land Registration Team member, the Land Commission shall appoint to the team a new member to fill the vacancy. The notice of appointment of a Land Registration Team may be in the form as shown in 225.1. Individual certificates of appointment may be in the form as shown in 225.2.

201.7 Registration Areas: Designation; Preliminary Inquiry; Forms. The Land Commission shall designate registration areas and the Land Registration Teams shall issue notices of preliminary inquiries for parcels of land within such areas. Surveys requested will be conducted according to Division of

Lands and Surveys Operations and Technical Instructions. The designation and the notice may be in the forms as shown in 225.3 and 225.4. A letter of explanation to claimants may be in the form as shown in 225.5.

201.8 Application for Certificate of Title and Request for Registration: By Whom Made; Minors or Incompetents; Form. Application for Certificate of Title and registration of land may be made by the following persons: Persons who claim singly or collectively to hold the legal estate or rights in land, either as a whole or as owner or owners of an undivided part; persons, who claim, singly or collectively, to have the power to dispose of the legal estate or rights in land, either as a whole or as owners of an undivided part. If a person is a minor or incompetent, the Commission or Land Registration Team can appoint a responsible person to represent him. The appointment may be in the form as shown in 225.6.

201.9 Application: Contents and Form. The application may be in writing, signed and sworn to by the applicant or by some person duly authorized in his behalf. If there is more than one applicant, the application shall be signed and sworn to by, or in behalf of, each one. The application may be in the form as shown in 225.7.

201.10 Agent for Applicant; Form. If for any reason the applicant is not able to appear before a Land Registration Team, he must file with his application a paper appointing an agent to represent him, giving his name and post office address, and shall therein agree that the service of any legal process in proceedings growing out of the application shall be of the same legal effect when made on the agent as if made on the applicant himself. If the agent dies, or becomes otherwise incapacitated, the applicant shall at once make another appointment. If he fails to do so, the Land Registration Team shall not consider the application until a new agent is appointed. The appointment may be in the form as shown on 225.8.

201.11 Hearings: Notice; Authority of Land Registration Team; Conduct of Hearings; Adjudication and Submission to the Commission; Forms.

(a) Upon completion of the preliminary inquiry required by 67 TTC 107, the Land Registration Team shall proceed, after due notice, to hear the parties and adjudicate claims to land.

(b) At least thirty days before the date set for hearing the Commission shall notify all parties, in the manner prescribed by 67 TTC 110, the time and place of the hearing, by notice which may be in the form shown in 225.9. An explanation to claimants concerning the formal hearing may be in the form as shown 225.10. If the land is located outside subdivided villages interested parties shall include all adjoining landowners of the land which is the subject of a claim. Any other person, who in the opinion of the Land Registration Team may be directly affected by its adjudication, shall also be notified of the hearing.

(c) The Land Registration Team is vested with the duty and general authority to conduct the hearing in an orderly, impartial and judicial manner, including authority to subpoena witnesses, recognize claimants, administer oaths and affirmations, call and question witnesses, regulate the course and conduct of the hearing, rule upon offers of proof and the relevancy of evidence, and to make findings of fact and adjudication of ownership. The Land Registration Team also may grant or order continuances when the ends of justice will be served thereby. Continuances shall not be granted unless they are clearly justified and a timely request has been made. If a continuance is granted or ordered, the Land Registration Team shall notify all interested parties of the new date of the hearing by written notice.

(d) At the hearing, before proceeding with the submission of evidence, the Chairman shall initially state the description and nature of each claim, and the person(s) having filed such claim. The Chairman shall determine the order of presentation of all claims, consistent with an orderly and efficient conduct of the hearing. During each claimant's presentation, the Chairman shall regulate the course and conduct of the hearing, and rule upon offers of proof and the relevancy of evidence, but any member may indicate his disagreement with any such ruling, and thereby cause a vote to be taken by the Land Registration Team on such ruling.

(e) All oral testimony shall be under oath or affirmation, and witnesses shall be subject to orderly and relevant cross-examination by any party to the proceeding. Any member of the Land Registration Team may question any witness whenever he deems it necessary. Documentary evidence shall be received by the Land Registration Team and made a part of the record, if pertinent to the issue, and may be entered by stipulation. No exception need be stated or noted and every ruling shall be subject to review by the Commission. The party affected by an adverse ruling sustaining an objection to the admission of evidence, may insert in the record, as a tender of proof, a brief written statement of the substance of the excluded evidence; and the opposing party or parties, if any, may then make an offer of proof in rebuttal.

(f) As promptly as possible after the hearing, the Land Registration Team shall submit with its adjudication the record concerning each claim to the Commission for its review. Such record may be in the form as shown in 225.11.

201.12 Review of the Record of an Adjudication from a Land Registration Team by the Land Commission; Form. Upon receipt of an adjudication from a Land

Registration Team and the record on which it is based, the Commission shall review the record and shall, if satisfied therewith, make a determination of ownership based thereon. The determination may be in the form as shown in 225.12. If the Land Commission finds that further hearing or action is required, it will return the record to the Land Registration Team pointing out the reasons for its return. If the record warrants and the Land Commission feels that to return the record for further action by the Land Registration Team would serve no useful purpose, the Commission may itself hold further hearings thereon and make a determination of ownership based on the record and the further evidence obtained by the Commission or the Commission may at its discretion refer the claim to the Trial Division of the High Court. See 67 TTC 108.

201.13 Issuance of a Certificate of Title; Forms. After the expiration of the 120 days allowed for an appeal from a determination without any notice of appeal having been filed, or after an appeal duly taken has been determined, the Land Commission shall issue a Certificate of Title setting forth the names of all persons or group of persons holding interest in the land pursuant to the determination. The Original Certificate of Title issued pursuant to 67 TTC 117 may be in the form as shown in 225.13 and the Owner's Duplicate Certificate of Title pursuant to 67 TTC 118 may be in the form as shown in 225.14.

201.14 Registration of Title; Original Certificate of Title; Owner's Duplicate Certificate of Title. The Original Certificate of Title shall be bound in a permanent register for the district in which it is issued. The Owner's Duplicate Certificate shall be delivered to the owner or his authorized representative.

201.15 Repeal of Prior Land Commission Regulations. The regulations approved September 12, 1969, Title 6, Land Management, Chapter V, Land Commissions are hereby repealed and superseded by the above regulations.

Forms referred to in the preceding rules and regulations are as follow:

Part 225 - Forms

225.1 Notice of Appointment; Land Registration Team Trust Territory of the Pacific Islands _____ District Land Commission. This is to certify that the Land Commission for the _____ District, Trust Territory of the Pacific Islands, pursuant to the authority conferred upon it by 67 TTC 103 hereby appoints the persons named below, all of whom are citizens of the Trust Territory, who are at least thirty-five (35) years of age and who have resided for at least ten (10) years in the Municipality for which

they are appointed, to be members of the Land Registration Team for the municipality of _____ District.

Land Registration Team:

The Land Commission hereby designates _____ to be Chairman of said Land Registration Team. In the event of his disqualification, or disability or absence from any meeting of said Land Registration Team, the members shall choose a temporary Chairman from among those present at that meeting. The Land Registration Team shall perform its duties in accordance with all applicable laws and regulations. The members appointed herein shall serve until further notice or until the termination of their duties.

Dated this _____ day of _____, 19____.

District Land Commission.
By: _____, Senior Land Commissioner

225.2 Individual Certificate of Appointment

**TRUST TERRITORY OF THE PACIFIC ISLANDS
_____ DISTRICT LAND COMMISSION**

By the Authority vested in the _____ District Land Commission, _____ is hereby appointed a member of the Land Registration Team for the municipality of _____ and is authorized and empowered to execute and fulfill the duties of that office according to law, and to have and to hold such office and all the rights and privileges legally pertaining thereto, as set forth in Public Law 2-1.

IN WITNESS THEREOF, I have hereunto set my hand and have caused the official seal of the _____ District Land Commission to be affixed hereto this _____ day of _____, 19____.

SENIOR LAND COMMISSIONER
FOR _____ DISTRICT LAND COMMISSION

225.3 Designation of Registration Area

**TRUST TERRITORY OF THE PACIFIC ISLANDS
_____ DISTRICT LAND COMMISSION**

The Lands Commission for the _____ District Trust Territory of the Pacific Islands, pursuant to the authority conferred upon it by 67 TTC 104, hereby designates as Registration Area No. _____ of the _____ Municipality, _____ District, as a Land Registration Area to register the ownership of all

private and public land. Said area is more particularly described as follows: _____

This designated area contains _____ square meters, more or less. This designation will remain in force and effect until all lands therein have been registered and Certificates of Title issued. A copy of this designation shall be filed upon execution with the Clerk of Courts, _____ District, as required by 67 TTC 105.

Designated this _____ day of _____, 19____
_____ District Land Commission

By: _____
Senior Land Commissioner

Filed this _____ day of _____, 19____.

Clerk of Courts
_____ District

225.4 Notice of Preliminary Inquiry by Land Registration Team

**TRUST TERRITORY OF THE PACIFIC ISLANDS
_____ DISTRICT LAND COMMISSION**

The duly appointed Land Registration Team of _____ Municipality, _____ District, composed of the following persons:

as constituted under the provisions of 67 TTC 103 will institute a preliminary inquiry regarding the title of all land claimed by individuals, families, lineages, clans, or otherwise, within the following described area:

If the team is satisfied that claims are well-founded, it shall record the same for hearing. The inquiry will be held at _____ on _____, 19____, at _____.

Official documents on file indicate the following tracts are owned by:

TRACT NO. OSTENSIBLE OWNER(S)

Each person listed above or any other claimants or any other interested parties shall bring to this preliminary inquiry all documents relating to the ownership of the tracts listed above or to any other lands within the designated area. He (they) shall be responsible for the attendance of witnesses who may wish to testify in his (their) behalf.

Issued this _____ day of _____, 19____.

By _____, Chairman,
Land Registration Team

1. Served on ostensible owner(s)

Signature: _____

Served by: _____

Title and Date: _____

2. Served on interested parties.

Signature: _____

Served by: _____

Title and Date: _____

3. Posted at Municipal Office in English and local language.

Date: _____

Signature and Title: _____

4. Posted at the principal meeting place in English and local language in the village of _____

Date: _____

Signature and Title: _____

5. Published in English and local language _____ Date(s) of publications _____, Attach copy(ies) of notice(s).

6. Announced in English and local language over _____ Radio.

Date and time _____

Signature and Title: _____

7. Served on adjoining landowners (Only if outside subdivided villages).

Signature: _____

Served by: _____

Title and Date: _____

8. Served on all Island Commissioners (or similar officials):

Signature _____

Signature, Title and Date _____

225.5 Letter of Explanation to Claimants Concerning Preliminary Inquiry.

TRUST TERRITORY OF THE PACIFIC ISLANDS
_____ DISTRICT LAND COMMISSION

Dear Claimant:

The Land Registration Team composed of _____, Chairman;

_____ and _____

_____ will hear claims for _____

You will notice that the time of the inquiry is set for _____ on _____, 19____.

However, to avoid inconveniencing you, please follow this schedule:

(For example, see below):

9:00 A.M. Inquiry on _____ (Parcels)

10:00 A.M. Inquiry on _____ (Parcels)

11:00 A.M. Inquiry on _____ (Parcels)

12:00 LUNCH TIME

1:00 P.M. Inquiry on _____ (Parcels)

2:00 P.M. Inquiry on _____ (Parcels)

3:00 P.M. Inquiry on _____ (Parcels)

In view of the above, you do not have to be present until the time set for hearing of your claim. However, if you have an interest or claim in any other listed land or an adverse claim, you should be present at the time scheduled for the land that you so adversely claim or have an interest in.

As well-founded claims will be recorded and a formal hearing will be held later, only at the formal hearing will evidence justifying claims be offered and demonstrated to the Land Registration Team. Where there is a dispute over property ownership, arguments will not be heard at the preliminary inquiry but only at the formal hearing.
Sincerely yours,

Chairman, Land Registration

225.6 Form for Appointing Representative for a Minor or Incompetent.

TRUST TERRITORY OF THE PACIFIC ISLANDS
_____ DISTRICT LAND COMMISSION

The Land Commission (or Land Registration Team as the case may be) of the _____ District (or Municipality of _____) finds that _____ of _____ municipality is the minor child of _____ and _____ and is aged _____.*

Therefore, pursuant to the provisions of 67 TTC 113, the Land Commission (Land Registration Team) has determined that _____ is a responsible person and does hereby

appoint him the representative of said _____ to act for him before the legally constituted Land Registration Team and Land Commission in all land matters under the Land Commission Act.

IN WITNESS WHEREOF, we have set our hands this _____ day of _____, 19____.

* If incompetent, state "is incompetent as declared by the _____ court on _____, 19____."

225.7 Application for Registration of Land Parcel.

TRUST TERRITORY OF THE PACIFIC ISLANDS
_____ DISTRICT LAND COMMISSION

To the _____ District Land Commission:

I, (we), the undersigned being a citizen(s) of _____, hereinafter called the applicant(s), hereby apply to have the land herein described brought under the operation and provisions of the Land Commission Act, 67 TTC 101-120, and to have the applicant's (s') title therein registered and confirmed as an absolute (qualified or possessory) title. And the applicant(s) declare(s):

(1) That the applicant(s) is (are) the owner(s) of the following described land:

(2) That there is no mortgage or other encumbrance affecting said land and that no other person has any estate or interest therein, legal or equitable, in possession, remainder, reversion or expectancy other than as follows:

(3) That the applicant(s) claim(s) title by virtue of the following: (If deed, state name of grantor, date and place of record).

(4) That said land is _____ occupied, _____ unoccupied.
Name(s) of occupant(s) _____
Address(es) of occupant(s) _____
Nature of occupancy _____

(5) That said land _____ is _____ is not in active use.
Type of use (if any) _____
Person(s) using _____
Address(es) _____

(6) That the names in full and addresses, as far as known to me (us), of the occupants of all lands adjoining said land area are as follows: (Not required for village lots).

(7) Applicant(s) is (are) _____ single, _____ married and his (their) name(s) and mailing address(es) is (are):

(8) The following are all the applicant's (s') legal heirs, their ages and present addresses:

(9) The land has (not) been the subject of a court action or a Land Title Officer's Determination. (If the answer is in the affirmative, state the civil action number and/or the Land Title Determination Number _____).

The land is (not) now involved in a court action, (If affirmative briefly explain the nature of the action):

(10) I certify that all of the above statements are true to the best of my knowledge and belief.

Date this _____ day of _____, 197____.
Signature: _____

_____ Municipality
_____ District

TRUST TERRITORY OF THE PACIFIC ISLANDS

Then personally appeared the above named _____, known to me to be the signer(s) of the foregoing application, and made oath* before me, that the statements made therein, so far as made of his (their) own knowledge are true, and so far as made upon information and belief, that he (they) believe(s) them to be true.

Date: _____
Signature and Title: _____

*Those authorized to administer this oath are: Any Judge, Notary Public, Clerk of Courts, Mayor, Members of a Land Registration Team or a Land Commissioner.

225.8 Appointment of Agent for Applicant

TRUST TERRITORY OF THE PACIFIC ISLANDS
_____ DISTRICT LAND COMMISSION

Power to Represent Claimant before a Land Registration Team and a Land Commission.

_____ District
Trust Territory of the Pacific Islands
Municipality of _____

Know all men by these presents, that I _____, of the _____ District, Municipality of _____, do make, constitute and appoint _____ of _____, my true and lawful attorney, for me and in my name, place and stead to act for me before the legally constituted Land Registration Team and Land Commission at _____, in the matter of my claim to the land on _____ located and described as: _____.

Giving and granting unto my said attorney full power and authority to do and perform all acts and things whatsoever requisite and necessary to be done, as fully, to all intents and purposes as I might or could do, hereby ratifying and confirming whatsoever my said attorney may do by virtue hereof in the premises.

IN WITNESS WHEREOF, I have hereto set my hand this _____ day of _____, 19_____.

ACKNOWLEDGMENT

TRUST TERRITORY OF THE PACIFIC ISLANDS)
DISTRICT OF _____) as

On this _____ day of _____, in the year _____, before me _____, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he (she or they) executed the same.

_____ Seal
my commission expires _____

225.9 Notice of Formal Hearing by Land Registration Team on Claims.

NOTICE NO. _____ OF FORMAL HEARING BY LAND REGISTRATION TEAM ON CLAIMS
TRUST TERRITORY OF THE PACIFIC ISLANDS
_____ DISTRICT LAND COMMISSION

Land Location: _____

Legal Description: _____

OLD TRACT NEW TRACT NO. OSTENSIBLE OWNER(S)

Claims of ownership having been filed by the above-named claimants, and a preliminary inquiry by the Land Registration Team for the Municipality of _____, _____ District, indicates that the claims are well-founded, all parties of interest are hereby notified as follows:

1. Notice to Appear

All parties named above are directed to appear at a hearing before the Land Registration Team of the Municipality of _____

District on _____, 19_____, commencing at _____ a.m. The hearing will be held at _____.

2. Nature of Proceedings

The hearing will be for the purpose of receiving oral testimony, under oath, and documentary or other written evidence supporting land ownership or rights.

3. Matters Asserted

The matters of fact in this action are those set forth in the claims of various dates.

4. Legal Authority and Jurisdiction

The hearing will be held under the authority of the Land Commission Act, 67 TTC 101-120.

5. Witnesses

Each claimant is responsible for the attendance of witnesses at the hearing who may wish to testify in his behalf.

6. Counsel

All parties may be represented and assisted by counsel.

7. Notice of Hearing

By the posting of this notice on the above-described lands and at the Municipality Office and the principal meeting place in the village in which, or near to which, the lands are situated and by service upon all interested parties, any person(s) or group(s) claiming an interest in the lands adverse to the claims stated above, is (are) advised that he or they may file or their claim(s) with the District Land Management Officer or the Magistrate of the Municipality in which the land is situated, who shall promptly notify the Land Commission or the Land Registration Team. Notice of such adverse claim or claims may be given orally or in writing at the hearing.

Issued this _____ day of _____, 19_____. Municipality of _____
Land Registration Team.

By: _____ Chairman, Land Registration Team.

1. Posted on the land in English and local language.

Date: _____
Signature and Title: _____

2. Posted at the Municipal Office in English and local language.

Date: _____
Signature and Title: _____

3. Posted at the principal meeting place in English and local language in the village of _____.

Date: _____
Signature and Title: _____

4. Published in English and local language in _____ Dates: _____ Attached copy(ies) of notice(s).

5. Announced in English and local language over Radio _____ Date _____ Time: _____ Signature and Title: _____

6. Served on ostensible owner(s)
Signature: _____
Served by: _____
Signature Title and Date: _____
Signature: _____
Served by: _____
Signature Title and Date: _____

7. Served on interested party(ies)
Signature: _____
Served by: _____
Signature Title and Date: _____

225.10 Letter of Explanaton to Claimants Concerning Formal Hearing.

TRUST TERRITORY OF THE PACIFIC ISLANDS
DISTRICT LAND COMMISSION

Dear Claimant:

Attached hereto is the notice of a formal hearing concerning land in which you have an interest. The hearing involves _____

A preliminary inquiry has already been held so that this is the final step before your land is registered for your protection and a Certificate of Title issued to you. After you appear at this hearing there is nothing more for you to do. Everything else will be done by the Land Commission and Land Registration Team. You will notice that the time of the hearing is set for _____ on _____

However, to avoid inconveniencing you, please follow this schedule:

- (Example)
- 9:00 A.M. Hearing on _____ (Parcels)
 - 10:00 A.M. Hearing on _____ (Parcels)
 - 11:00 A.M. Hearing on _____ (Parcels)
 - 12:00 LUNCH TIME
 - 1:00 P.M. Hearing on _____ (Parcels)
 - 2:00 P.M. Hearing on _____ (Parcels)
 - 3:00 P.M. Hearing on _____ (Parcels)

In view of the above, you do not have to be present until the time set for hearing of your claim. However, if you have an interest or claim in any other listed land or an adverse claim you should be present at the time scheduled for the land that you so adversely claim or have an interest in. You will note that on the notice of hearing that your parcel name or number has been changed. This new numbering system is required because all descriptions of lands and land records in the Trust Territory will be modernized. However, to avoid any

confusion your Certificate of Title, when issued, will contain both the old tract name or number and the new parcel number.

Senior Land Commissioner

225.11 Adjudication by Land Registration Team

TRUST TERRITORY OF THE PACIFIC ISLANDS
DISTRICT LAND COMMISSION

The Land Registration Team for the Municipality of _____ after conducting an investigation in accordance with 67 TTC 101-120, and the regulations issued pursuant thereto, has determined that the following described real property:

is the property of _____ Name

Street or P.O. Box _____ City-Village _____ Island _____
Name

Street or P.O. Box _____ City-Village _____ Island _____
Name

Street or P.O. Box _____ City-Village _____ Island _____
Name

Street or P.O. Box _____ City-Village _____ Island _____
Name

Street or P.O. Box _____ City-Village _____ Island _____

TYPE OF OWNERSHIP
check one

Individual (s) _____ Name

Clan _____ Name

Lineage _____ Name

Family _____ Name

Other (Explain) _____

Subject to the interest, easements, rights or encumbrances listed below:

Document Number	Kind of Instrument	Favor	Terms	Date

The following copies of documents are attached hereto and made part of this record:

Adjudicated this _____ day of _____ 19 ____.

By: _____ Land Registration Team for _____ Municipality.

Chairman

- _____ Member
- _____ Member
- _____ Member
- _____ Member
- _____ Member
- _____ Member
- _____ Member

225.12 Determination of Ownership

TRUST TERRITORY OF THE PACIFIC ISLANDS
 _____ DISTRICT LAND COMMISSION

DETERMINATION OF OWNERSHIP

This Determination of Ownership is issued pursuant to 67 TTC 109. After due public and private notice to all parties of record and a public hearing held by the Land Registration Team of the Municipality of _____, the Team has determined that the real property located in _____ and described as follows: _____

_____ as shown on the Division of Lands and Surveys Official Cadastral Plat number _____ Date _____, is (private) (public) land and that _____

_____ is (are) the owner(s) of this _____ estate.

Determined this _____ day of _____, 197_____.

Accordingly, unless an appeal is taken to the TRIAL DIVISION OF THE HIGH COURT within 120 days from the date of this determination, it is hereby ordered that the above described land be registered in the Office of the Registrar for the District and that, in accordance with 67 TTC 117, a Certificate of Title be issued setting forth the names of all persons or groups of persons holding an interest in the property as described in this determination.

By: _____
 Senior Land Commissioner
 District Land Commission

NOTICE

1. Posted on the Land in English and Local Language.
 Date: _____ Signature and Title: _____
2. Posted at the Municipal Office in English and Local Language.
 Date: _____ Signature and Title: _____

3. Posted at the principal meeting place in English and Local Language in the village of _____

(village) (municipality)

Date: _____ Signature and Title: _____

4. Published in English and Local Language in Publication(s) _____ [Date(s) of publication(s)]
 _____ [Attach copy(ies) of notice(s)]

5. Announced in English and Local Language on Radio Station _____

Date and Time: _____ Signature and Title: _____

6. Served on ostensible owner(s): _____

Signature(s): _____ Date: _____

Served by: _____ Date: _____

(Signature) and Title and Date: _____

7. Served on interested party(ies): _____

Signature(s): _____ Date: _____

_____ Date: _____

Served by: _____

(Signature) and Title: _____ Date: _____

8. Served on adjoining land owner(s) [if outside subdivided village]:

Signature(s): _____ Date: _____

_____ Date: _____

_____ Date: _____

Served by: _____

Signature Date and Title:

225.13 Original Certificate of Title

Parcel No. _____ ORIGINAL
 TRUST TERRITORY OF THE PACIFIC ISLANDS
 _____ DISTRICT LAND COMMISSION

Certificate of Title

This Certificate is issued pursuant to 67 TTC 117 and a determination of the _____ District Land Commission made on the _____ day of _____ in the year nineteen hundred and seventy _____ numbered _____ in the files of said Land Commission. This is to certify that _____

_____ now residing in _____ Municipality is (are) the owner(s) of an estate. _____ in land situated in _____ and more particularly described as follows: _____

_____ as shown on the Division of Lands and Surveys Official Cadastral Plat Number _____ dated _____ and containing an area of _____ more or less, subject, however, to any estates, liens, charges and encumbrances.

noted on the reverse hereof. From the date of this Certificate all transactions involving the land described herein, except any lease or use right for a term not exceeding one (1) year, shall be registered with the District Registrar instead of being recorded with the District Clerk of Courts. See 67 TTC 119.

In witness whereof, I have hereunto set my hand and caused my official seal to be affixed this _____ day of _____, 19 _____.

_____ District Land Commission

By: _____ Senior Land Commissioner Registered this _____ day of _____, 19 _____, as document number _____ at the _____ District Registrar's Office.

_____ Registrar.

225.14 Owner's Duplicate Certificate of Title

**TRUST TERRITORY OF THE PACIFIC ISLANDS
_____ DISTRICT LAND COMMISSION**

Certificate of Title

This Certificate is issued pursuant to 67 TTC 118 and a determination of the _____ District Land Commission made on the _____ day of _____ in the year nineteen hundred and seventy _____ numbered _____ in the files of said Land Commission. This is to certify that _____

now residing in _____ Municipality is (are) the owner(s) of an estate _____ in land situated in _____ and more particularly described as follows: _____

as shown on the Division of Lands and Surveys Official Cadastral Plat Number _____ dated _____ and containing an area of _____

more or less, subject, however, to any estates, liens, charges and encumbrances noted on the reverse hereof. From the date of this Certificate all transactions involving the land described herein, except any lease or use right for a term not exceeding one (1) year, shall be registered with the District Registrar instead of being recorded with the District Clerk of Courts. See 67 TTC 119.

In witness whereof, I have hereunto set my hand and caused my official seal to be affixed this _____ day of _____, 19 _____.

_____ District Land Commission
By: _____ Senior Land Commissioner.
Registered this _____ day of _____, 19 _____, as document number _____ at the _____ District Registrar's Office.
_____ Registrar.

Article 2: Filing with the Clerk of Court

It is further ordered that this release shall be filed with the Clerk of Courts in each administrative District of the Trust Territory in accordance with the provisions of 67 TTC 102.

Article 3: Effective Date

The rules and regulations set forth in this release shall become effective August 31, 1972, after filing with each District Clerk of Courts. Repeal of the present rules and regulations for Land Commissions which were approved September 12, 1969, will become effective August 31, 1972, the same time this release becomes effective.

CERTIFICATION

The rules and regulations set forth in this release have been prepared and prescribed by me as Acting Chief of Lands and Surveys this 10th day of July 1972.

_____ Maynard Neas
Acting Chief, Lands and Surveys

The rules and regulations set forth in this release have been reviewed by me as Attorney General this 10th day of July 1972, and are found to be in proper legal form.

_____ Richard I. Miyamoto
Attorney General

The rules and regulations set forth in this release have been approved by me this _____ day of _____ 1972.

_____ Edward E. Johnston
High Commissioner

RECORDATION WITH THE CLERK OF COURTS

Filed this _____ day of _____, 1972.

_____ District Court
_____ Clerk of Courts

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the High Commissioner

OFFICE OF LAND MANAGEMENT
REGULATION NO. 2

Sec. 1 Markers. The District Land Title Officer shall place markers at all corners of the land described in the Determination of Ownership and Release and shall collect and deposit with the Treasurer of the Trust Territory of the Pacific Islands the reasonable cost of said markers from the designated owners.

Sec. 2. Clearing of boundaries for survey purposes. The District Land Title Officer is hereby authorized and empowered to require any person who claims any right, title or interest in any tract of land that is now or has in the past been used or occupied or controlled by the United States Government or any of its agencies or the Government of the Trust Territory of the Pacific Islands to clear the boundaries of said land of any and all weeds, trash and underbrush for the purpose of survey. Any person who willfully fails to comply with such requirement shall forfeit said claim except where non-compliance is adjudged by the District Land Advisory Board to be unavoidable, provided, that nothing in this Regulation shall require the District Land Title Officer to mark or otherwise determine the boundaries or location of any tract of land until the boundaries of said land are cleared of obstructions as provided herein.

/s/ Donald Heron
Advisor of Island Government
and Land Affairs

APPROVED:

/s/ Frank E. Midkiff
High Commissioner

(Promulgated by Executive Order No. 41, dated 28
September 1953)

Chapter 5

LAND REGISTRIES AND LAND REGISTRATION
(Release No. 2-73)

PART 230	GENERAL PROVISIONS	230.15	Variance between Original and Owner's Duplicate Certificate
230.1	Authority	230.16	Partition of Land of Deceased
230.2	Purpose	230.17	Records: Open to Public
230.3	Objective	230.18	Letter to Certificate Holders
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230.5	District Registrar: Appointment; Duties		
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230.7	Stamp and Process		
230.8	Land Document Entry Book	PART 235	FORMS
230.9	Registry: Rules and Procedures	235.1	Registrar's Official Stamp
230.10	Land Instrument Registration	235.2	Land Document Entry Book (Daily Log)
230.11	Acknowledgments	235.3	Entries on Certificates of Title
230.12	Certificates of Title: Permanent Record; Entries; Surrender of Owner's Duplicate Certificate; Instructions for Entering Transactions; Issuance of New Duplicate Certificate	235.4	Original Certificate Issued Under the Provisions of 67 TTC 119
230.13	Certificates of Title: Tenants in Common	235.5	Owner's Duplicate Certificate Issued Under the Provision of 67 TTC 119
230.14	Lost Owner's Duplicate Certificate	235.6	Sample Deed of Conveyance by Heirs of Deceased
		235.7	Sample Letter to Certificate Holders

TITLE 67

CHAPTER 5

LAND REGISTRIES AND LAND REGISTRATION

(Release No. 2-73)

PART 230 GENERAL PROVISIONS

230.1 Authority. These regulations are issued under the authority of 67 TTC 102 which provides that the Chief of Lands and Surveys, with the approval of the High Commissioner, shall prescribe rules and regulations implementing the Land Commission Act, 67 TTC 101-120.

230.2 Purpose. The purpose of these regulations is to establish a land registry in each district of the Trust Territory and to outline the procedures to be followed.

230.3 Objective. The fundamental objective in land registration is to establish a final and unimpeachable record of rights to all parcels of land and other valid interests in those parcels. Once land is registered, the effect of every instrument modifying the legal situation of the land is entered against the parcel of land affected and its status is always ascertainable by a glance at the register. The record is initially constructed by the Land Registration Teams' adjudications and Land Commissions' subsequent ownership determinations; thereafter, it must be indefinitely maintained. The system of registration is aimed at combining the following features: security, simplicity, accuracy and expedition.

230.4 Establishment of District Registries. There is hereby established a Land Registry in each administrative district of the Trust Territory headed by a Registrar, who shall be appointed by the High Commissioner. The basic function of the District Registry is to legally register all acceptable documents.

230.5 District Registrar: Appointment; Duties. 67 TTC 118 provides that the registry remains in the custody of the Senior Land Commissioner until a separate Registrar is appointed, by the High Commissioner. The title "Registrar" as hereinafter referred to, means either the Senior Land Commissioner acting as the Registrar pursuant to law or a duly appointed Registrar. See 201.5 the Land Commission Regulations. The Registrar shall have custody of all documents affecting lands in the registry and shall number and index the same. He shall be responsible for organizing and maintaining the registry. He shall see that all documents of transfer or encumbrance are properly executed and the contents properly reflect the action desired. A copy of the original document will be retained by the Registrar. The Registrar and/or the Deputy Registrar shall follow established procedures. See 230.9.

230.6 Deputy Registrar: Appointment; Duties. The District Registrar shall, with the approval of the Chief of Lands and Surveys, designate a Deputy for whose official acts he shall be responsible. The Deputy shall act as Registrar only during the absence of the Registrar, or in case of vacancy in the office.

230.7 Stamp and Process. Each District Registrar shall have an official stamp, and shall stamp documents accepted for the registration process. Such stamp shall reflect the date and time of registration and document number. It shall be in form as shown in 235.1.

230.8 Land Document Entry Book. The Registrar shall keep a bound book entitled "Daily Log." Each page may be divided into columns as in the form shown in 235.2, subject to the requirements of 230.5 and the land registration procedures of 230.9. Mistakes or errors in the Daily Log may be corrected as outlined in 230.10.

230.9 Registry: Rules and Procedures. The Chief of Lands and Surveys is authorized to promulgate rules and procedures for the internal daily operation of the District Land Registry covering, but not limited to, registration procedures.

230.10 Land Instrument Registration. Definitions: (1) Instrument - a writing, such as a deed made and executed as the expression of some act, contract or proceeding, including maps; (2) Memorial - a memorial is a precis of a registered instrument.

Every instrument entitled by law to be registered shall be registered in the order and as of the time when the same is delivered to the Registrar for that purpose, and shall be considered as registered from the time of such delivery and acceptance for registration. It shall not be lawful for the Registrar to accept or enter any instrument on any Saturday or Sunday or legal holiday. Where a mistake has been made in the land register, the Registrar may correct it by a new entry in proper form. However, erroneous entries must not be erased or obliterated. Mistakes in memorials are to be corrected by drawing a line through words written in error and adding the correct words. The Registrar will note the day and hour of each correction and initial such correction. The Registrar may refuse to register any instrument containing an erasure or alteration, or may refuse to register any instrument that is improper in form or execution. See 230.5 and the procedures promulgated pursuant to 230.9. However, any defect may be corrected by having the person(s) executing the instrument and attesting witnesses, if any, initial such erasures or alterations. Provided that when the Registrar is in doubt as to proper execution and effect of a document or when the parties in interest fail to agree as to the proper memorial to be made in respect to any deed, mortgage or other voluntary instrument presented for registration, the question(s) shall be presented to the Senior Land Commissioner for review

and a decision, which will be binding on the Registrar. If the parties in interest do not agree with the decision of the Senior Land Commissioner, the question may be referred to the Trial Division of the High Court as the court of original jurisdiction by the parties in interest. See 5 TTC 53.

230.11. Acknowledgments. To entitle any conveyance or any other instrument to be registered, there shall be endorsed, appended, or attached thereto an acknowledgment. Drawings or plats approved and signed by the Chief of Lands and Surveys upon the recommendation of the Territorial Surveyor may be recorded without acknowledgment.

230.12. Certificates of Title: Permanent Record: Entries, etc. Certificates of Title issued pursuant to 67 TTC 117, 118, and 119 are the permanent documents and records affecting the land involved. The Registrar shall endorse or memorialize all transactions affecting the land described in the Certificate, the Original and Owner's Duplicate, in such a manner as to show and preserve their priorities, the particulars of all estates, mortgages, liens, encumbrances and charges to which the owner's title is subject. Examples of entries on Certificates of Title are shown in 235.3. All memorials must be typewritten and signed by the Registrar in the space provided for his signature. If transfers and encumbrances affecting the land consume the space for those memorials on the Certificates of Title, continuation sheets, so labeled, will be attached to and made a part thereof.

In accordance with 67 TTC 119, when a Certificate holder's entire interest in the land is transferred, it shall be the duty of the owner to submit his Owner's Duplicate Certificate to the Registrar. A new Owner's Duplicate Certificate will be issued to the transferee. The Original Certificate will be cancelled and a new original issued. The new Certificates may be in the form as shown in 235.4 and 235.5. (These new forms are based on alienation, see 67 TTC 119, and are necessary as the initial Certificates were based on a Land Commission's Determination of Ownership, see 67 TTC 117 and 118). Compare 201.13 and 225.13 and 225.14. If only a part of the land is transferred, the interested parties may be required, at their expense, to have the area to be transferred surveyed and a map thereof (showing the newly created parcels and the entire remaining parcel) submitted pursuant to the laws of the Trust Territory showing to the satisfaction of the Registrar the area so transferred.

The Owner's Duplicate Certificate must be submitted to the Registrar for cancellation. New Certificates of Title, Original and Owner's Duplicate, shall then be issued by the Land Commission for each part of the land covered by the former Certificate. They may be in the form as shown in 235.4 and 235.5.

230.13 Certificates of Title: Tenants in Common. Where two or more persons are entitled as tenants in common to an estate in registered land, except clan, lineage or family lands, such persons may receive one Owner's Duplicate Certificate for the entirety, or each may receive a separate Owner's Duplicate Certificate for his undivided share.

230.14 Lost Owner's Duplicate Certificate. If an Owner's Duplicate Certificate is lost or destroyed and the Land Commission directs the issuance of a new Certificate in accordance with 67 TTC 119, the Land Commission shall issue to the landowner a certified copy of the Original Certificate with all the memorials appearing on the Original Certificate and shall note on the new Certificate "Owner's certified copy issued in place of lost (or destroyed) Certificate." The issuance of the certified copy shall be noted by the Registrar on the Original Certificate of Title.

230.15 Variance between Original and Owner's Duplicate Certificate. The Certificate of Title is the owner's evidence of title to land. If there is a variance between the Owner's Duplicate Certificate and the Original Certificate of Title in the possession of the Registrar, the original prevails.

230.16 Partition of Lands of Deceased. In probate proceedings the High Court of the Trust Territory issues decrees distributing lands among the heirs of a deceased. However, when there is no dispute among the heirs and to obviate the necessity of petitioning the High Court for distribution, a deed of conveyance may be in the sample form as shown in 235.6 and is acceptable for registration and the issuance of Certificates of Title. See 235.4 and 235.5. The deed of conveyance must be accompanied by at least two affidavits by Trust Territory citizens residing in the same municipality as the heirs, stating that they (the heirs) are all of the heirs of the deceased.

230.17 Records: Open to Public. All records and papers relating to registered land in the office of the Registrar shall be open to the public subject to such reasonable rules as the Registrar may prescribe.

230.18 Letter to Certificate Holders. Upon the issuance of an Owner's Duplicate Certificate of Title, a letter should accompany that Certificate explaining the owner's responsibility in the registration process. The letter may be in the form as shown in 235.7.

230.19 Priority of Documents. 57 TTC 11202 reads in pertinent parts as follows: "Effect of failure to record. No transfer of or encumbrance upon title to real estate or any interest therein, other than a lease for a term not exceeding one year, shall be valid against any subsequent purchase (sic) or mortgage of the same real estate or interest, or any part thereof, in good faith for a valuable consideration without notice of such transfer or encumbrance, or against any person claiming under them, if the transfer to the subsequent purchaser or mortgagee is first duly recorded..." The same effect is achieved when documents are registered with the District Registrar. See 67 TTC 119.

TRANSACTIONS AFFECTING THE LAND DESCRIBED IN THIS CERTIFICATE

PARCEL NUMBER

Kind of Document	Date of Registration		Document Number	Effect of Document	Running in favor of	Signature of Registrar / Deputy



ERASURES on this certificate render it null and void.
In such case surrender this certificate and obtain a
new one.

ORIGINAL

Parcel No. _____



TRUST TERRITORY OF THE PACIFIC ISLANDS
Mariana Islands District Land Commission
Certificate of Title

This Certificate is issued in accordance with 67 TTC Section 119. This is to certify that

now residing in _____ Municipality is (are) the owner(s) of an estate
_____ in land situated in _____ and more particularly
described as follows: _____

as shown on the Division of Lands and Surveys Official Cadastral Plat Number _____
dated _____ and containing an area of _____
subject, however, to the estates, liens, charges and encumbrances noted on the reverse
hereof. In accordance with 67 TTC Section 119 from the date of this Certificate all
transactions involving the land described herein, except any lease or use right for a term
not exceeding one (1) year, shall be registered with the District Registrar instead of
being recorded with the District Clerk of Courts.

In witness whereof, I have hereunto set my hand and caused my official seal to be affixed
this _____ day of _____, 197 _____

Mariana Islands District Land Commission

By: _____ Senior Land Commissioner

Registered this _____ day of _____, 197 _____, as document
number _____ at the Mariana Islands District Registrar's Office.

Registrar

Parcel No. _____



OWNER'S
DUPLICATE
CERTIFICATE

TRUST TERRITORY OF THE PACIFIC ISLANDS
Mariana Islands District Land Commission
Certificate of Title

This Certificate is issued in accordance with 67 TTC Section 119. This is to certify that

now residing in _____ Municipality is (are) the owner(s) of an estate
in land situated in _____ and more particularly
described as follows: _____

as shown on the Division of Lands and Surveys Official Cadastral Plat Number _____
dated _____ and containing an area of _____

subject, however, to the estates, liens, charges and encumbrances noted on the reverse
hereof. In accordance with 67 TTC Section 119 from the date of this Certificate all
transactions involving the land described herein, except any lease or use right for a term
not exceeding one (1) year, shall be registered with the District Registrar instead of
being recorded with the District Clerk of Courts.

In witness whereof, I have hereunto set my hand and caused my official seal to be affixed
this _____ day of _____, 197 _____.

Mariana Islands District Land Commission

By: _____ Senior Land Commissioner

Registered this _____ day of _____, 197 _____ at _____ A.M./P.M.,

as document number _____ at the Mariana Islands District Registrar's Office.

Registrar

235.6 DEED OF CONVEYANCE
(Sample)

Know all men by these presents:

That we, the undersigned, being all of the legal heirs of _____, deceased, and the only persons entitled to share in lands belonging to his estate, do hereby agree to divide and partition the lands described herein in the manner hereinafter appearing, it being the intention of the parties herto to give, grant, remise, release, and quitclaim to each other lands as specified herein.

Now, therefore, in consideration of the premises and mutual conveyance of the lands comprising the estate of _____, deceased, the parties hereto hereby give, grant, remise, release, and quitclaim to the persons so indicated all right, title and interest in and to the land described below their names.

1. To John Blas

That certain real property located in South Garapan Village, Saipan, Mariana Islands and described as follows: Lot 006 D 08 (formerly Block 6 Lot 5) containing an area of 635 square meters as shown on the Division of Lands and Surveys Official Cadastral Plat 006 D 00 dated November 27, 1970.

2. To Mary Sablan

That certain real property located in South Garapan Village, Saipan, Mariana Islands and described as follows: Lot 006 D 15 (formerly Block 7 Lot 6) containing an area of 663 square meters as shown on the Division of Lands and Surveys Official Cadastral Plat 006 D 00 dated November 27, 1970.

That certain real property located in South Garapan Village, Saipan, Mariana Islands and described as follows: Lot 006 D 16 (formerly Block 7 Lot 7) containing an area of 591 square meters as shown on the Division of Lands and Surveys Official Cadastral Plat 006 D 00 dated November 27, 1970.

The certain real property located in South Garapan Village, Saipan, Mariana Islands and described as follows: Lot 006 D 18 (formerly Block 7 Lot 9) containing an area of 694 square meters as shown on the Division of Lands and Surveys Official Cadastral Plat 006 D 00 dated November 27, 1970.

3. To Victoria Castro

That certain real property located in South Garapan Village, Saipan, Mariana Islands and described as follows: Lot 006 D 32 (formerly Block 14 Lot 5) containing an area of 697 square meters as shown on

the Division of Lands and Surveys Official Cadastral Plat 006 D 00 dated November 27, 1970.

That certain real property located in South Garapan Village, Saipan, Mariana Islands and described as follows: Lot 006 D 40 (formerly Block 31 Lot 4) containing an area of 697 square meters as shown on the Division of Lands and Surveys Official Cadastral Plat 006 D 00 dated November 27, 1970.

To have and to hold the same, as the interest of each grantee may appear above, with all the privileges and appurtenances thereunto belonging unto the parties above named, their heirs and assigns forever in severalty.

In witness whereof, we have hereto set our signatures this _____ day of _____, 19____.

John Blas

Mary Sablan

Jesus Camacho

Jesus Camacho, Attorney in
Fact for Victoria Castro

Witnesses

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the Clerk of Courts ACKNOWLEDGMENT
Saipan, Mariana Islands District

On this _____ day of _____, 19____, before me personally appeared John Blas, Mary Sablan and Jesus Camacho for himself and as personal representative of Victoria Castro as her attorney in fact by virtue of the power of attorney granted him on July 7, 1971, to me know to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same as their own free act and deed for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this Court the day and year first written above.

Clerk of Court
Saipan, Mariana Islands

Filed and Recorded in the
Mariana Islands District
Record Book _____, this _____ day
_____ 19____ at _____ P.M.

Clerk of Courts
Saipan, Mariana Islands

MARIANAS DISTRICT LAND COMMISSION

Dear

Attached is your Certificate of Title to your land. Congratulations. This Certificate is evidence of your title. It takes effect from the time it is signed by the Senior Land Commissioner. You hold this land free of all encumbrances except those noted on the Certificate. To be certain that all of your property rights and those holding under you are protected, you must inform the Land Commission of any transactions involving your property. This means that if you sell your property, mortgage it, lease it or take any action that affects it, except a lease or use right not exceeding one year, bring this Certificate and the papers affecting the land to the Land Commission immediately upon execution of the documents. The Land Commission will then register them. If this is done it will not be legally necessary for you to file land documents with the District Clerk of Courts, although you may do so if you wish. When you bring land documents to the Land Commission and when they are registered, all parties to any transaction will be legally protected in their rights.

If you desire any information, please come to the Land Commission. And - remember this registration is for your protection.

Sincerely,

Senior Land Commissioner

PUBLIC REGULATIONS NO. 72-9
EFFECTIVE DATE: DECEMBER 21, 1972

TITLE 67 - PUBLIC LANDS AND RESOURCES

CHAPTER 13

LEASE OF PUBLIC LANDS TO CITIZENS

PART 1. GENERAL PROVISIONS

1.1 Authority. These regulations have been prepared and issued by the Chief, Lands and Surveys and promulgated by the High Commissioner of the Trust Territory of the Pacific Islands in accordance with the provisions of Section 57 (3) of Title 2, as amended by Public Law 4C-48 approved on April 12, 1972, and Section 301 of Title 67 of the Trust Territory Code. These regulations and any further amendments thereto shall have the force and effect of law and be binding upon all persons.

1.2 Effective Date. The effective date of these regulations shall be December 21, 1972.

1.3 Basis and Scope. The purpose of these regulations is to facilitate the administration of public land; to carry into effect the laws of the Trust Territory of the Pacific Islands concerning leasing of public land to citizens of the Trust Territory; to make known to the individual lessee the minimum development requirements which he is expected to fulfill; to delegate and delineate authority pertaining to the execution on behalf of the Trust Territory Government of documents affecting rights, title and interest in and use and occupancy of real property; and, to provide for (1) establishment of area limitations and requirements for use of leaseholds and other rights of use and occupancy granted in and to public lands, and (2) protection of property rights of citizens of the Trust Territory of the Pacific Islands, pursuant to Section 13 of Title 1 of the Trust Territory Code, Bill of Rights.

PART 2. AUTHORITY TO GRANT LEASES

2.1 General. The District Administrator of each administrative district is authorized pursuant to Section 301 of Title 67 of the Trust Territory Code to grant and execute leases and other use of agreements to public land to Trust Territory citizens or corporations or other business associations wholly owned by citizens of the Trust Territory. The District Administrator may not, however, delegate this authority.

2.2 Duration. The District Administrator may grant leases to citizens of the Trust Territory for periods of not more than twenty-five (25) years, including renewals.

2.3 Approval as to Form. Leases or other use agreements to public land shall be on forms approved by the Attorney General and the Chief of Lands and Surveys.

2.4 Limitations. In real property transactions to which the Trust Territory Government is a party, the District Administrators shall have the authority to execute documents, other than documents transferring title in real property, except the following:

(a) documents granting or transferring a leasehold, right of use and occupancy or other interest in real property any of which is of a greater duration than twenty-five (25) years;

(b) documents to which any party is a United States Government agency, an alien, a foreign corporation or any corporation or association in which an alien owns any interest; or

(c) documents in any respect purporting to affect right, title and interest in or use and occupancy of any military or administrative retention areas.

2.5 Documents to be executed by the High Commissioner. In real property transactions to which the Trust Territory Government is a party, all documents transferring title in real property and all documents listed in Section 2.4 (a) to (c) of these regulations shall be executed on behalf of the Trust Territory Government by the High Commissioner or his designated representative.

PART 3. INDEFINITE USE RIGHTS AGREEMENTS

3.1 Notwithstanding anything contained in these regulations, leases may not be granted for private purpose to land which the Government of the Trust Territory leases from private land owners under an Indefinite Use Rights Agreement or similar agreement unless the agreement expressly contains authorization to sub-lease.

PART 4. LEASES ARE GRANTED ONLY SUBJECT TO TERRITORIAL LAWS

4.1 A lease of public land shall not be granted for a purpose which would be in contravention of any law or regulation in force in the Trust Territory, or which may hereafter be in effect, relating to planning or to the use, construction or occupation of buildings or land.

PART 5. SURVEY REQUIRED

5.1 No lease of public land shall be granted unless such land is first described by a survey performed by a registered land surveyor in accordance with the surveying and mapping standards of the Division of Lands and Surveys and approved by the Chief, Lands and Surveys.

PART 6. IMPLIED RESERVATIONS

6.1 There is implied in a lease from the Trust Territory Government, the following:

(a) a reservation to the Trust Territory Government of all minerals and mineral substances in or upon the land the subject of the lease (including gold, silver, copper, tin, metals, ores and substances containing metals, gems, precious stones, coal, shale, mineral oils and valuable earths or substances), together with the right, subject to any law in force or which may hereafter be in force in the Trust Territory relating to mining, to authorize a person to enter upon the land to search for, mine, work or win, recover and remove them or any of them and to do all things necessary or convenient for these purposes;

(b) a reservation to the Trust Territory Government of all petroleum, gaseous substances, hydrocarbons, on or below the surface of the land the subject of the lease, together with all rights necessary for the purposes of searching for and obtaining petroleum in any part of the land and all rights of way and easements for pipelines and for other purposes required for searching for, obtaining or conveying petroleum; and

(c) a condition that the lessee will use the land bona fide for the purpose for which it is granted, or for a purpose ancillary to that purpose.

PART 7. EXPRESS RESERVATIONS

7.1 In granting a lease under these regulations, the District Administrator, shall expressly reserve from the lease:

(a) all existing rights of way for public use that may cross the property;

(b) easements for existing or future public utilities (power, water, sewage, telephone); and

(c) other uses in public interest which the District Administrator shall prescribe.

PART 8. RENTAL

8.1 The rent on a Trust Territory Government lease shall not be less than five per cent (5%) of the unimproved capital value of the land comprised in the lease.

8.2 The District Administrator may, where in any particular case he thinks fit and after considering a report of the District Land Management Officer, impose such rental as he thinks proper.

8.3 The unimproved capital value of the land comprised in a Trust Territory Government lease shall be reassessed every ten years, calculated from the commencement of the term of the lease.

8.4 Reassessment of the unimproved capital value of the land comprised in a Trust Territory Government lease shall be made by the District Administrator.

8.5 A reassessment takes effect, as from the first day of January following the giving by the District Administrator to the lessee notice of the reassessment.

8.6 If land to be leased under these regulations has improvements thereon, the lessee may be required to pay an amount in respect of the improvement fixed by the District Administrator.

8.7 All rental collected from the leasing of public land shall be to the account of the Congress of Micronesia.

PART 9. ADVERTISEMENT OF LANDS AVAILABLE FOR LEASING REQUIRED

9.1 The District Administrator may from time to time give notice by advertisement of lands available for leasing under these regulations.

9.2 An advertisement of lands available for leasing shall contain the following particulars:

(a) the type of lease available to be granted;

(b) the purpose of the lease;

(c) the term of the lease;

(d) the description of the land to be leased;

(e) the amount of rent (if any) payable for the first period of the lease;

(f) in the case of a special purposes lease the royalties (if any) payable on a substance or thing removed from or taken off the land to be leased;

(g) the reservations, covenants, conditions and provisions of the lease; and

(h) such other information as the District Administrator deems necessary.

9.3 The advertisement prescribed in this Part shall remain in effect for a minimum of thirty (30) days and shall be posted on the land and in other public places.

9.4 A statement contained in an advertisement under this Part does not in any way bind the Trust Territory Government in the granting of a lease over land the subject of the advertisement or constitute an offer to lease land.

9.5 Notwithstanding the provisions of this Part, leases to public land may be granted by a District Administrator. Such leases, however, shall be granted only where circumstances so require and with the prior approval of the High Commissioner.

PART 10. ALLOCATION OF LAND FOR LEASING

10.1 A District Office of Land Management shall recommend to the District Administrator from time to time areas of public land within their administrative jurisdiction to be made available for leasing purposes including the types of lease. If the District Administrator concurs he shall allocate the area as available for leasing. No allocation shall be in conflict with the official master plan for the areas subject of the allocation. After such allocation, the District Administrator shall notify the public in accordance with the provisions of Part 9 hereof.

10.2 No parcel of public land shall be leased until it is first allocated for such purpose and a copy of every allocation made shall be recorded with the Clerk of Courts of the administrative district within which the land is located. A copy of the recorded allocation document shall be forwarded to the Chief of Lands and Surveys.

PART 11. APPLICATION

11.1 During the effective period of the advertisement prescribed in Part 9 hereof applications for lease of the advertised public lands shall be made by interested parties on forms prescribed by the Chief, Lands and Surveys, which shall be accompanied by a non-refundable five (5) dollar fee, to the account of the Congress of Micronesia, for the registration of the application. Such application shall also contain a detailed proposal of the planned use of the advertised land.

11.2 Upon the closing of the advertisement period, the District Administrator shall:

(a) request the District Land Management Officer to evaluate the applications and proposals submitted and select a primary and an alternate candidate for the leasehold. Such evaluation in the case of land advertised for residential purposes shall be

based on (1) the need of the applicant for a residential tract of land and (2) the improvements proposed to be constructed on the advertised public land. For all other types of leases, the evaluation shall be based solely on the proposal submitted by the applicant;

(b) review the District Land Management Officer's recommendations and approve same if appropriate; and

(c) inform the successful applicant to appear and execute the prepared lease.

11.3 The names of successful applicants for leases, together with particulars of the lands to be leased to them, shall be published in the Land Gazette, if one is published in the district, in the local newspaper and on the local radio station.

11.4 The right of a successful applicant for a lease is extinguished if the applicant does not, within such time as is notified to him by the District Administrator, execute the lease. Upon such extinguishment the alternate candidate shall be given the opportunity to execute the lease, within such time as is notified to him by the District Administrator. If the alternate candidate fails to execute the lease, any remaining applications shall again be reviewed in accordance with this Part and if any is found to be acceptable the successful applicant shall be notified to execute the lease.

11.5 If no acceptable applications are filed or remain on file after failure of a candidate to execute a lease, the District Administrator may either readvertise the land or cancel the allocation made under Part 10 hereof.

11.6 Notwithstanding the provisions of this Part, an existing lessee or permittee, in good standing, who has actual possession or occupies the land the subject of an allocation pursuant to Part 10 shall be given preference in the granting of a further leasehold interest under these regulations. The words "good standing" as used above shall mean that the lessee or permittee is occupying the public land in good faith, with Government consent, and has developed it in accordance with the authorized purpose and has paid all rentals assessed.

PART 12. INSPECTION

12.1 The District Land Management Officer shall inspect annually each lease of public land in force and effect. The District Land Management Officer shall submit a report of his findings and recommendations to the District Administrator of his inspection.

PART 13. FORFEITURE

13.1 The District Administrator may, by notice, in writing, forfeit a lease of public land if:

(a) rent on the lease remains due and unpaid for a period of three months, or if fees (or the amount payable) in respect of improvements are not paid in accordance with these regulations; or

(b) any covenant or condition of the lease or the provisions of these regulations or any notice under these regulations relating to the lease is not complied with; or

(c) the granting of the lease has been obtained, in the opinion of the District Administrator, wholly or partly as a result of statements which were, to the knowledge of the lessee, false or misleading.

13.2 Before forfeiting a lease of public land under Section 13.1, the District Administrator:

(a) shall serve written notice upon the lessee calling upon him to show cause, within a period specified in the notice, why the lease should not be forfeited on the ground specified in the notice; and

(b) may, whether or not cause has been shown in accordance with a notice under paragraph (a) of Section 13.1, serve on the lessee a notice requiring him, within a period specified in the notice, to comply with the covenants or conditions of the lease or the provisions of these regulations.

13.3 The District Administrator shall not forfeit a lease under this Part unless,

(a) the lessee has failed to comply with a notice under paragraph (a) or (b) of Section 13.2; or

(b) the lessee has failed to show good cause why the lease should not be forfeited.

13.4 Copies of a notice of forfeiture and a notice under paragraph (a) or (b) of Section 13.2 of these regulations shall be served upon all persons who have or claim to have a right, title, estate or interest in, to or in relation to the land, or such, with reasonable diligence be ascertained and found.

13.5 Acceptance of rent by the Trust Territory Government shall not be construed to mean to waive a right to forfeit a lease under these regulations.

PART 14. EMINENT DOMAIN

14.1 If, at any time during the term of a lease agreement executed pursuant to these regulations, the land the subject of the lease or any part thereof is required for public purposes, it shall be taken or condemned under the laws of Eminent Domain, if a termination of the lease cannot be negotiated. All compensation awarded by reason of such taking of a leasehold, or any part thereof, shall be determined by the Trial Division of the High Court.

PART 15. COMPENSATION FOR IMPROVEMENTS

15.1 In this Part -

"Improvements" means improvements made, or in respect to which a payment has been made, by the outgoing lessee, as

authorized in the lease agreement which are suitable to the land and add to its leasing value, other than improvements in respect of which the lessee has received payment under this Part.

"Value" means the appraised value on the day next following the date of expiration of the lease.

15.2 Subject to this Part, where, on the expiration of the term of a lease of public land on which there are improvements, the lessee applies for and is not granted another lease of that land or is granted another lease of only part of that land, the District Administrator shall, within six months after the expiration, pay to the outgoing lessee the value of those improvements on the land, or on the part of the land not included in the further lease, as the case may be.

15.3 Where, within the period of six months specified in Section 15.2, a lease of public land is granted to other than the outgoing lessee, the District Administrator shall pay to the outgoing lessee, on or before the date of grant of the new lease, the value of the improvements on that land or part.

15.4 Nothing contained in this Part entitles a lessee who does not apply for another lease of the land the subject of the original lease to payment for improvements on the land at the expiration of the lease, but the lessee may remove such improvements as are severable on or before the expiration of the lease.

15.5 Where a lease is surrendered under these regulations, the lessee may remove such improvements which are severable on or before the expiration of the lease.

15.6 If the outgoing lessee and the incoming lessee (if any) agree as to the amount to be paid for improvements for which the outgoing lessee is entitled to receive payment by the Government or which he is entitled to remove under this Part, and as to the time and manner of payment, and so notify the District Administrator in writing of their agreement before the date on which a lease is granted to the incoming lessee, the amount payable in respect of the improvements under these regulations is payable by the incoming lessee to the outgoing lessee and the Government ceases to be liable under this Part to pay the value of the improvements to the outgoing lessee and the provisions of these regulations do not apply in respect of those improvements in relation to the new lease.

15.7 Nothing in this Part applies to or relates to a lease which is forfeited under these regulations.

15.8 Where, between the date of the expiration of the term of a public land lease upon which there are improvements for which the outgoing lessee is entitled to receive payment or which he is entitled to remove improvements under this Part and the date of the grant of public land lease of that land or a part thereof to the outgoing lessee or another person, revenue is derived, part or all of which is directly attributable to those improvements on that land or part, the District Administrator shall pay to the lessee, from time to time as the District Administrator determines, that revenue or such part of that

revenue as is directly attributable to those improvements, less the amount of such expenditure as has been incurred by the District Administrator in maintenance and other costs in respect of those improvements.

15.9 Without prejudice to any other remedies which may be available, the District Administrator may deduct from money payable under these regulations:-

(a) money due and outstanding during the term in respect to the land the subject of the lease; and

(b) if the outgoing lessee has continued to occupy the land after the expiration of the term of the lease, any occupation fee outstanding.

15.10 The lessee of a special purpose lease may remove, on or before the expiration of the lease, such improvements on the land which are severable, but otherwise is not entitled to payment under this Part relative to the improvements.

15.11 The amount to be paid under this Part shall be determined by the Government and is recoverable as nearly as may be in the same manner as compensation under these regulations.

15.12 For the purposes of this Section, where a lease expires and another lease cannot be granted because the land is reserved from lease or another lease under these regulations, the lessee shall be deemed to have applied for and not to have

been granted another lease over that land, and the period specified in Section 15.3 of these regulations shall be deemed to expire at the end of a period of one month after the date of expiration of the lease.

PART 16. ACKNOWLEDGMENT, RECORDING AND DISTRIBUTION OF LEASE AGREEMENTS

16.1 Upon the execution of a lease pursuant to these regulations, it shall be:

(a) acknowledged by the lessee before a notary public or other official authorized by law to administer oaths;

(b) recorded with the Clerk of Courts, and the District Land Registry if a Land Commission has been established, of the administrative district in which the leasehold premises are located; and

(c) distributed to the lessee, District Land Management Officer, office of recordation, Chief, Lands and Surveys, and District Finance Officer.

PART 17. PAST AGREEMENTS

17.1 The force and effect of documents executed prior to the promulgation of these regulations shall not in anywise be affected by the provisions of these regulations.

TITLE 35, Chapter 1 COMMUNICATIONS Division I General Provisions

PART 1. AUTHORITY

1.1 Authority. These rules and regulations have been promulgated by the High Commissioner of the Trust Territory of the Pacific Islands in accordance with Chapter 19 of the Code of the Trust Territory. These regulations and any future amendments thereto shall have the force and effect of law and be binding upon all persons seeking to perform or performing the act of providing radio communications within the Trust Territory.

1.2 Scope. All rules and regulations issued and promulgated in accordance with Chapter 19 of the Trust Territory Code, or in accordance with these general provisions, shall be binding upon all persons seeking to perform or performing the act of providing radio communications in any of the radio services within the Trust Territory. These services shall include:

(a) Government services (b) Maritime mobile services (c) Point-to-point fixed service (land stations) (d) Coastal stations in the maritime mobile service (e) Amateur radio service (f) Citizens radio service (g) Broadcast service (h) Other communications services, which may in the future be required for use in the Trust Territory.

1.3 Delegation of Authority. The High Commissioner has authorized the Director of Communications of the Trust Territory of the Pacific Islands, to represent him in all matters pertaining to the proper use of radio communications in the Trust Territory, including but not limited to assignment of radio frequencies, establishing and enforcing such procedures necessary to ensure proper utilization of radio energy compatible with national and international rules, regulations, laws, treaties or agreements to which the Trust Territory and/or the United States Government are a party.

(a) The Director of Communications may redelegate this authority in specific areas or cases which, in his discretion, may be carried out by such person or persons within the scope of his or their competency.

(b) Except as redelegated by the Director of Communications through regulations or other means, no person or persons may authorize the use of any radio station in a manner which is contrary to the authority contained in the station authorization, the rules and regulations pertaining to the radio service in which engaged; nor may any person authorize an unlicensed station to operate in any manner whatsoever. Emergency operations of any station are subject to the provisions of Part 8 of this Division.

PART 2. BASIS AND PURPOSE

2.1 Basis. The provisions of this Part are set forth to provide the basic requirements for establishing rules and regulations applicable to all matters pertaining to radio communications.

2.2 Purpose. The purpose of these regulations is to:

(a) Provide radio communications for the conduct of government and personal business, particularly in the areas of providing for the protection and safety of life and property in the Trust Territory.

(b) Provide for the protection of radio communications of the Government of the Trust Territory from harmful interference.

(c) Provide for the protection from harmful interference to radio Communications carried on by such person or persons which have been granted authority to perform such operation for a specified purpose.

(d) Provide for standardized operational procedure under national and international laws, treaties, and rules and regulations which will provide for the safety and protection of life and property, particularly safety of life at sea.

PART 3. DEFINITIONS

3.1 General

(a) Government Radio Communications (services). For the purpose of these regulations, government radio communications (services) shall be considered as communications or services provided by radio stations established by the Government of the Trust Territory for territory-wide use. All other radio communications provided for or by other government entities, such as district or municipal governments, and by such persons operating under contract with the Trust Territory Government, shall be considered as non-government radio communications (services).

(b) Government Station. As used in these regulations, a government station shall mean a station operated by the Government of the Trust Territory only.

(c) Alien. Unless otherwise specified, the term alien for the purpose of these regulations, includes any person not a citizen of the Trust Territory of the Pacific Islands or of the United States of America.

(d) Alien or Foreign Government. Unless otherwise specified, the term alien or foreign government does not include a state or territory of the United States of America.

(e) Person. Includes an individual partnership, association, joint stock company, trust, corporation and government entity, unless in context otherwise requires.

(f) Director of Communications. Wherever used herein, Director of Communications, or Director, shall include any person assigned to the Office of the Director of Communications designated by him to perform any act or function pertaining to these regulations.

3.2 Operational and Technical

(a) Authorization and/or Radio Frequency Assignment. A document issued by the Director of Communications which authorizes the person noted thereon to perform the operations and under the limitation noted in the document; a station license which notes specific frequencies, emissions, power limitation, and such other limitations on their usage.

(b) Construct (construction). When actual construction is not involved, the term construct as used herein is construed to mean "installation" or any action of an equivalent nature involved in preparing the station for actual operation prior to the issuance of a station license.

(c) Station. One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment necessary at one location for carrying on a radio communication service.

(d) Service. A classification of radio communications determined by the type and purpose for which used.

(e) Superfluous Radio Communications. Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(f) Harmful Interference. Any emission or radiation which seriously degrades, obstructs or repeatedly interrupts the function of any radio communication service.

(g) Assigned Frequency. The frequency coinciding with the center of an authorized bandwidth of emission.

(h) Type Acceptance. Wherever required, the Federal Communication Commission "Radio Equipment List," Parts A, B, or C, as applicable will be used for determining type acceptance.

PART 4. AUTHORIZATION REQUIRED

4.1 Station Authorization Required:

(a) No radio station may be operated without valid authorization issued by the Director of Communications.

(b) No authorized station may be operated except by the licensee, or his authorized representative, nor may it be operated in a manner or for a purpose other than included in the authorization.

(c) No authorization will be granted for non-government radio operation, nor for any change in station location, frequencies and emissions, unless written application therefor has been filed with the Director of Communications in accordance with the requirements set forth in the rules and regulations governing the radio service desired.

(d) No changes or additions to government operations may be made except in accordance with specific authorization from the Director of Communications; such request for changes or additions, shall be made in writing in accordance with established administrative procedures.

4.2 Qualified Radio Operator Required:

(a) No person may operate or adjust transmitting equipment except the holder of a valid operator license and only to the extent of the privileges authorized by such license.

(b) In lieu of a license, an operator of a government station shall be considered qualified after he has satisfactorily demonstrated his competency in the operations of specific equipment and the rules and regulations pertaining to radio communications.

4.3 Authorization not Transferrable:

(a) Station Authorization may not be transferred or reassigned.

(b) A station may not be relocated from one fixed location to another fixed location or from one vessel to another vessel.

(c) A request for new license, modification or amendment to current license, shall be submitted as outlined in the rules and regulations governing the type of service desired.

PART 5. ELIGIBILITY FOR LICENSE

5.1 Citizenship Requirement. An applicant for radio station license in any radio communication service, or for any type or class of radio operator license may be:

(a) Any citizen of the Trust Territory of the Pacific Islands at least 18 years of age;

(b) Any citizen of the United States of America at least 18 years of age;

(c) Any partnership, association, joint stock company, trust or corporation organized under the laws of the Trust Territory of the Pacific Islands or of the United States of America in the industrial, marine transportation, missionary or public safety services;

(d) An entity of the Trust Territory Government, including district, municipal and lower levels of government.

5.2 Ineligible. The following may not be granted authorization for operation of a radio station in any service or for any type or class of radio operator license, except under the provisions of Section 1.23:

(a) An alien; (b) An alien government or quasi-government entity; (c) A partnership if one member thereof is an alien; (d) An association, joint stock company, trust or corporation when one-third or more members are aliens.

5.3 Showing of Need. An applicant for radio station authorization must demonstrate the need for the type of operations requested and provided in his application sufficient information to show that the public need and/or interest will be served.

5.4 Other Requirements. An applicant must meet all the requirements for the service desired or for the type of operator license desired, as shall be set forth in the appropriate rules and regulations.

5.5 Waiver of Requirements. The High Commissioner, or his designated representative, may in his discretion waive eligibility or other requirements under the following conditions:

(a) A waiver of the citizenship requirements will be considered on receipt of justification provided by the applicant that an eligible person or other means of communications is not available to provide the radio communication services required;

(b) Waiver of other requirements will be considered on receipt of a request fully outlining the requirements (noting reference to specific section or sections) and the reason for requesting a waiver from such requirement.

5.6 The following requirements may not be waived:

- (a) The age limitation of applicant;
- (b) An applicant representing an alien government or quasi-government entity.

5.7 All requests for waiver must be set forth in writing in each individual case and may not be joined with another application(s) or requests of similar nature.

PART 6. PROHIBITED PRACTICES; ADMINISTRATIVE SANCTION

6.1 Prohibited Practices. The following prohibited practices shall apply to the licensee or any radio station and to any person operating a radio station regardless of the type of service being rendered and its inclusion in this Division shall be construed as applying to all radio communications whether or not included in the Division pertaining to a particular service. For the purpose of this Subchapter, the term "radio operator" means any person who transmits over a radio station whether or not such person holds a radio operator license.

(a) Operation of a radio station by any person not holding a valid radio operator license or permit of the class prescribed for the type of operation of the station.

(b) Operation of a radio station without identifying such station at the times and in the manner prescribed by the provisions of the chapter applicable to such station operations.

(c) Transmission of a false call sign or of a false distress call or message.

(d) Operation of a radio station on a frequency not authorized for use by such station, including operation with a frequency deviation beyond frequency tolerances authorized.

(e) Transmission of unauthorized communications on any frequency designated as a distress frequency or a calling frequency. Operation of a radio station so as to interfere with any distress call or distress communication, or with communications already in progress.

(f) Operation of a radio station so as to interfere with any distress call or distress communication, or with communications already in progress.

(h) Use of a radio station to render a communication service which is not authorized for the particular station.

(i) Operation of a radio station with a type of emission not authorized for the particular station.

(j) Communication with a foreign station, including any

state or territory of the United States, except:

- (1) When authorized for the particular station; or
- (2) When authorized for the type of service being rendered; or
- (3) In case of emergency under the provisions for emergency conditions.
- (k) Unauthorized disclosure of any information which he may have knowledge of resulting from the receipt or transmission of radio communications.

(l) Transmission of communications containing obscene, indecent or profane words, language or meaning.

6.2 Administrative Sanctions. Any person who appears to have violated any provisions of these rules and regulations, or any applicable national or international law, shall be served with a written notice by the Director of Communications calling the facts to his attention and requesting a statement concerning the matter and such person shall answer the notice in writing to the Director. The procedure for serving of notice and answering such notice shall be as outlined in the chapter of the service under which licensed. Pursuant to notice and answer, when administrative sanction is deemed advisable, such action shall be taken which may include but not necessarily be limited to the following:

- (a) Suspension of license;
- (b) Revocation of license;
- (c) Declaration that licensee is ineligible for future licensing privileges for a definite or indefinite period of time;
- (d) Filing of criminal complaint against the licensee.

6.3 Persistent and/or Continued Disregard of Notices of Violation. Any licensee who willfully and knowingly violates any of these regulations, any applicable national or international law, treaty or agreement, or who continues to operate after his license has been suspended or revoked, shall be subject to such additional action, administrative or judicial, as may be deemed necessary to prevent its recurrence.

6.4 Right to Appeal. A licensee or any employee of the Government, has the right to appeal a final decision of the Director of Communications, by directing the appeal within 30 days of such final decision to the High Commissioner of the Trust Territory. Such appeal shall be submitted as outlined in the chapter governing the service in which licensee is engaged. The decision of the High Commissioner shall be conclusive, however, the final decision of the Director of Communications which is under appeal shall remain in full force and effect unless and until the High Commissioner shall issue a decision to the contrary.

6.5 Violations Punishable. Notwithstanding any

administrative proceedings or actions taken pursuant to these regulations, any person defined in Trust Territory Code Section 1202(g), including any employee of any governmental entity, who willfully and knowingly violates any communications rules and regulations, shall upon conviction thereof, be punished in accordance with Section 1205, Trust Territory Code.

PART 7. GOVERNMENT OPERATIONS

7-1 Compliance with these Regulations. All government stations, and operators of government stations shall comply with these communications rules and regulations, with the following exceptions:

(a) Authorization for additional stations, changes to existing stations, shall be made in accordance with administrative procedures established by the Director of Communications.

(b) Operational and technical procedures shall be as established by the Director of Communications through appropriate manuals and directives, such manuals and directives, however, shall be within the provisions of all applicable laws, treaties and rules and regulations.

7.1 All government stations and operators shall set an example to non-government entities on the proper and ideal operations of radio communications.

PART 8. EMERGENCY CONDITIONS

8.1 Definition of Emergency. A communications emergency shall exist when -

(a) Normal communication facilities are disrupted as a result of typhoon, flood, earthquake or other Act of God;

(b) A ship or aircraft is in distress;

(c) The safety of life and property is in imminent danger from conditions noted in Subsection (a) above.

8-1 Operation Under Emergency. The licensee of any station during a period of emergency as defined above, may utilize such station for emergency Communication service in communicating in a manner other than that specified in the instrument of authorization or in any communication rule or regulation provided:

(a) The procedures for operations under emergency conditions shall be carried out as outlined in appropriate regulations.

(b) The emergency communications service may at any time be ordered discontinued by appropriate authority.

(c) That as soon as possible after the beginning of such emergency use, notice shall be sent to the appropriate authorities stating the nature of the emergency and the emergency use being made of the station; and

(d) That such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and

(e) The appropriate authorities are notified immediately when such special use of the station is terminated.

PARTS 9 THRU 13 -- Reserved for future use.

Division II

Non-Government Ship Radio Service

PART 14. BASIS AND PURPOSE

14.1 Basis. The basis of these regulations is to provide for the safety of life and property in the waters of the Trust Territory and to provide a means whereby vessels may conduct ship's business.

14.2 Purpose. The purpose of the regulations in this Division is to:

(a) Provide a means of communication between ship stations and any station in the fixed, maritime and aeronautical services, whether privately owned or government owned, when in distress or emergency, or in knowledge of meteorological disturbance and other dangers to the safety of the general public on land or on sea.

(b) Provide for a means of obtaining information which will be of assistance to the safe navigation of a vessel when plying waters of the Trust Territory and/or adjacent waters.

(c) To permit radio communications for the conduct of ship's business with other ship stations and land stations licensed to operate in the Trust Territory.

PART 15 DEFINITIONS

15.1 General:

(a) Alien. Unless otherwise specified, the term "alien" for the purpose of these regulations, includes any person not a citizen of the Trust Territory of the Pacific Islands or of the United States of America.

(b) Alien or Foreign Government. Unless otherwise specified, the term "alien or foreign government" for the purpose of these regulations, does not include a state or territory of the United States of America.

(c) Foreign ship (or vessel). Unless otherwise specified, the term "foreign ship" for the purpose of these regulations, does not include a ship registered in a state or territory of the United States of America.

(d) Director of Communications. Wherever used herein, Director of Communications, or Director, shall include any person assigned to the office of the Director of Communications designated by him to perform any act or function pertaining to these regulations.

(e) Radio Frequency Assignment. A station license which authorizes the licensee to operate on specified frequencies, emissions and which places limitation on their usage.

(f) Person. Includes an individual, partnership, association, joint stock company, trust and corporation.

(g) Construct (construction). When actual construction is not involved, the term "construct" as used herein is construed to mean "installation" or any action of an equivalent nature involved in preparing the station for actual operation prior to the issuance of a station license.

15.2 Station:

(a) Station. One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment necessary at one location for carrying on a radio communication service.

(b) Fixed Station. A station in the fixed service on land intended to provide point-to-point communications with other stations in the fixed service.

(c) Coastal Station. A land station in the maritime mobile service intended to provide communications which serves the operational and business needs of ships, and which provides for the safety of life and property.

(d) Mobile Station. A station in the mobile service intended to be used while in motion or during halts at unspecified points, including ship and land stations.

(e) Ship Station. A mobile station located on board a vessel which is not permanently moored.

15.3 Services:

(a) Fixed Service. A service of radio communications between specified points.

(b) Maritime Mobile Service. A service of radio communications between fixed stations and ship stations.

(c) Land Mobile Service. A mobile service between base stations and land mobile stations or between land mobile stations.

15.4 Ship or Vessel:

(a) "Ship" or "Vessel" includes every description of watercraft, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

(b) Passenger Ship. A ship is a passenger ship if it carries or is licensed to carry 16 or more passengers.

(c) Cargo Ship. A cargo ship is any ship which does not carry passengers.

15.5 Operational:

(a) Safety Communication. The transmission or reception of distress, alarm, urgency, or safety signals, or any communication preceded by one of these signals, or any form of radio communication which, if delayed in transmission or reception, may adversely affect the safety of life or property.

(b) Superfluous Radio Communications. Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) Harmful Interference. Any emission or radiation which seriously degrades, obstructs, or repeatedly interrupts the function of any radio communication service.

(d) 500 kilocycle Silence Period. The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich Mean Time, during which the International Radio Regulations require that all transmission must cease on all frequencies within a designated frequency band centered on 500 kcs.

(e) Watch. The act of listening on a designated frequency.

(f) Calling. Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(g) Working. Radio communication carried on, for a purpose other than calling, by any station or stations telephony, telegraphy, or facsimile.

(h) Operation Communications. Radio communications concerning the navigation, movement, or management of a ship or ships:

(1) Navigation includes the piloting of vessel.

(2) Movement includes information and necessary communication relative to when and where the ship or vessel will move or be moved as, for example, rendezvous at a port, basin.

(3) Management includes the obtaining of necessary supplies for the ship, limited to immediate needs, the

scheduling of repairs, or modifications to the ship, limited to communications with those directly involved in the repairs or modifications or concerned with changes in the movement of the ship because of those repairs or modifications.

(i) **Business Communications.** Radio communications pertaining to economic, commercial, or governmental matters related directly to the purpose for which the ship is being used.

(j) **Port Operations.** Communications in or near a port between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement and safety of ships, and, in emergency, to the safety of persons.

15.6 Technical:

(a) **Assigned Frequency.** The frequency coinciding with the center of an authorized bandwidth of emission; in single-side-band radiotelephone emission the assigned frequency shall be 1.5 kcs above or below the authorized carrier frequency.

(b) **Authorized Bandwidth.** The authorized bandwidth is the occupied bandwidth authorized to be used by a station.

(c) **Carrier Frequency.** A specific carrier frequency authorized for use by a station, from which the actual or suppressed carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(d) **Frequency Tolerance.** The extent to which an actual or suppressed carrier frequency is permitted to depart, solely because of frequency instability, from the authorized carrier frequency.

(e) **Spurious Emission.** Emission on a frequency or frequencies which are outside the necessary band, and the level of which may be reduced without affecting the corresponding transmission of information.

PART 16. ELIGIBILITY FOR LICENSE

16.1 Citizenship Requirement. Citizenship requirements for licenses are set forth in Part 5 of these regulations.

16.2 Other Requirements. A license may be issued only for vessels registered in the Trust Territory of the Pacific Islands and found in compliance with such maritime regulations concerning sea-worthiness and other safety factors as may have been promulgated by the High Commissioner of the Trust Territory.

PART 17. APPLICATION AND LICENSING

17.1 Application Precedent to Authorization. No authorization will be granted for use or operation of

any radio station on board a vessel in this service, nor for any change in station location, frequencies and emissions, unless written application therefor in proper form is first filed with the Director of Communications. These forms may be obtained from any District Administrator, District Radio Station, or by writing to the Director at Saipan, Mariana Islands 96950.

(a) A separate application shall be filed in respect to each station and shall be specific and complete with regard to the information required in the application form and as otherwise specifically requested by the Director. Failure on the part of the applicant to submit a complete application or to provide documents requested may constitute a defect in the application and the application will be returned to the applicant without action.

(b) An application should be filed at least 60 days prior to the earliest date on which it is desired that the requested authorization be granted.

17.2 Who May Sign Applications. An application, amendment and related statements of fact required to be signed by the applicant shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer if the applicant is a corporation; or by a member who is an officer if the applicant is an unincorporated association. Applications, amendments and related statements of fact filed on behalf of government entities, such as municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of such entity.

(a) All applications must be signed under oath before a notary public or such other person having authority to administer oaths.

(b) All applications must be approved by the District Administrator, or his authorized representative, of the district in which the vessel is or is proposed to be registered; provided that in the areas of Kwajalein and Eniwetok Atolls under military jurisdiction, the approval of the commanding officer, or his authorized representative, shall also be obtained.

17.3 Manner of Filing. All applications whether for a new station authorization or renewal of authorization, shall be submitted to the Director of Communications, Trust Territory of the Pacific Islands, Saipan, Mariana Islands.

17.4 Modification of Station Authorization. When during the term of a station license, any change is to be made with respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of said authorization, an application for modification of license shall be filed in the manner noted in the foregoing sections. Changes considered as deviation from the terms of an authorization are:

(a) Change in location of station, i.e., from one vessel to another.

(b) Change in or additions to frequencies, emissions and power.

(c) Major changes in type of equipment.

17.5 Issuance of Authorizations. When an application has been reviewed and accepted by the Director of Communications, he shall issue a radio frequency assignment which shall include, but not be limited to, the following:

(a) Name of licensee and address.

(b) Location of station-name of vessel, its homeport and areas of operation.

(c) Call sign.

(d) Authorized frequencies, emissions and limitations, if any, pertinent thereto.

(e) Maximum antenna power for frequencies authorized.

(f) Duration of authorization.

(g) Limitations on points of communications, hours of operation, and others, as necessary.

(h) The authorization shall be issued in duplicate; one copy being a part of the permanent record of the radio station, the other for the licensee's file.

17.6 Normal License Period. The license term for any class of station subject to the Non-Government Ship Radio Service Regulations shall be one year from July 1 to midnight of June 30 of the following year; provided however, that if a license is granted to become effective five months or less before the expiration date of the normal license period, the license may be issued by the Director, in his discretion, for the unexpired period of the current license term and for the full succeeding term.

17.7 Temporary or Short Term Authorization. When a valid reason exists, the Director of Communications may issue a temporary authorization or a short term authorization (less than one year) and the station license document shall contain a note of such limitation.

17.8 Renewal of License. Application for renewal of license shall be submitted sufficiently in advance of expiration date in order that the station may operate with a current authorization at all times. Notice of expiration may be sent to licensee by the Director, however, his failure to do so will not relieve the licensee of his responsibility to file timely request for renewal.

(a) The original of the current station authorization shall accompany each request for renewal, however, when

timely request for renewal has been submitted, no restriction of activities shall be placed on the station, except as may otherwise be provided for in these regulations, as to authority to operate until action on renewal request has been finalized.

17.9 Assignment of Call Signs. Ship stations shall be assigned call signs, consisting of four letters within the call groups KNGB to KNGK, WTFA to WTFI and WTFN to WTFZ.

(a) Stations on lifeboats, liferafts and other survival craft carried aboard ships shall, when authorized in accordance with Section 17.10, be assigned call signs consisting of the call sign that has been assigned to the vessel, followed by two digits, for example, KNGB 21.

17.10 Authority for Survival Craft Stations. Authority to operate a survival craft station shall be granted only when the parent vessel is equipped with and authorized to operate a ship station and request for such authority has been included in the application submitted for such vessel or by application for modification of such authority.

17.11 Establishment of Station. Except as provided in paragraph (a) and (b) of this Section, a newly authorized station shall be activated within a period of three months after the issuance of authorization and the licensee shall so inform the Director of Communications in writing, with a copy to the District Administrator of the district in which the vessel is registered, of such activation. In the absence of such notice, the authorization shall be cancelled, with or without notice to the licensee.

(a) If for reasons beyond the control of the licensee, it appears that activation of the station cannot be accomplished within the 3-month period, the licensee may request, in writing, extension of said period.

(b) If circumstances indicate that the activation period of a particular proposed station should be longer than three months, the Director may, in his discretion, extend the activation period and so note his decision on the station authorization.

17.12 Authorization Not Transferrable. Authorizations may not be transferred or reassigned, i.e., station may not be relocated to another vessel or transferred to new owner of the vessel. In lieu thereof, the authorization shall be forwarded to the Director for cancellation and a new application submitted.

17.13 Change of Homeport and/or Areas of Navigation. When the homeport of a vessel is changed, and/or the area of navigation is increased, notice of such change shall be given, in writing, to the Director of Communications as well as to the District Radio Stations concerned, at the earliest possible time.

17.14 Permanent Discontinuance of Station Operation. In all cases of permanent discontinuance of operation, the licensee shall immediately forward the station license to the Director of Communications, through the District Administrator of the district in which the vessel is registered, for cancellation.

PART 18. GENERAL REQUIREMENTS

18.1 Vessels Required to be Radio Equipped. Except as provided for in paragraph (a) of this Section, all vessels regularly engaged in the transportation of cargo and/or passengers, whether in exchange for goods, services, currency or good will, with an overall length exceeding 39 feet 11 inches, where normal ports of call or sailing distances shall exceed 25 nautical miles beyond the geographical limits of any port, and which are not canoes, shall be equipped with an operative ship radiotelephone and/or radiotelegraph with the minimum capabilities noted in Section 18.2

(a) Excepted from the provisions of this Section shall be those vessels exclusively owned and operated by an island community and evidence shown where the transportation of cargo and/or passengers is wholly confined to that island community.

18.2 Minimum Capabilities of Ship Radio Stations. All radio stations on vessels shall be capable of receiving and transmitting communications which affect the safety of life and property as outlined in paragraphs (a), (b), and (c) of this Section.

(a) Minimum capability when the navigation of the vessel is limited to the waters of the Trust Territory: Radiotelephone communications with Trust Territory port control authorities on the international emergency and calling frequency 2182 kcs and the working frequency 2616 kcs.

(b) Minimum capability when the navigation of the vessel includes waters in and near the Territory of Guam: In addition to the requirements of paragraph (a) above, radiotelephone communications with Guam port control authorities on the frequency 1716 kcs.

(c) When navigation includes other waters of the Pacific Ocean:

(a) Cargo and/or passenger ships under 1600 gross tons: In addition to the requirements of paragraphs (a) and (b) above, radiotelephone communications on ship-to-ship working frequencies of 2638 and 2738 kcs.

(2) Cargo and/or passenger ships over 1600 gross tons: In addition to the requirements of paragraphs (a), (b) and subparagraph (1) of this section, radiotelegraph capability on the international emergency frequency 500 kcs, and the working frequency 454 kcs.

(d) Vessels subject to the provisions of paragraph (c) (2) of this Section where only one licensed operator is provided, shall be fitted with a radiotelephone or radiotelegraph auto alarm, as appropriate.

(e) When a radio station on a vessel is associated with a land station in the coastal (maritime) service, the ship radio station shall be capable of communications on the frequency assigned to such coastal station.

(f) The frequencies and emissions which are available for assignment are set forth in Section 19.2 of these regulations.

18.3 Location of Station and Operating Control. Equipment comprising the ship radio installation shall be firmly secured against violent movement of the vessel and shall be adequately sheltered against rain and excessive spray, and adequate provision shall be made to prevent its use by unauthorized personnel.

(a) Operating controls shall be readily available at the principal operating location of the station for instant use by the authorized operator whenever the station is being used for transmission, capable of being used to:

(1) Commence and discontinue normal operation of the station;

(2) Change normally from transmission to reception and vice-versa.

(b) Every ship station shall, during its hours of service and when the authorized operator is present at the principal operating location be capable of:

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

18.4 Inspection of Station. All stations subject to these regulations and all station records shall be made available for inspection by authorized representatives of the High Commissioner or the Director of Communications at such times and intervals which are considered reasonable and necessary to assure compliance with applicable rules, regulations, laws, treaties and international agreements. A report of such inspection shall be made a part of the station records.

(a) Inspections are required prior to establishment of a new station and prior to renewal of a license.

(b) A certificate of inspection provided the licensee three months prior to submission of application shall meet the requirements set forth in paragraph (a) of this Section; Provided that the licensees of vessels whose normal area of navigation is limited to remote areas of the Territory

which an inspector has not visited for a period of more than three months, and if the vessel has not entered a port where such inspector is located for a period of more than three months, may request that the certificate provided by the last inspection be accepted.

18.5 Posting of Station License. The current station authorization(s) for each station shall be posted in the principal control point of that station. In addition, the transmitter shall be marked with a small card, readily accessible to the operator, with the following information:

- (a) Name of licensee.
- (b) Station call sign.
- (c) Exact location or locations of the actual station authorization.
- (d) The assigned frequency or frequencies on which the transmitter is authorized for operation.
- (e) Signature of the licensee or his duly authorized agent.

18.6 Authorized Operator Required. Except as provided in Section 20.2, the actual operation of all transmitting apparatus of a ship radio station shall be carried on only by a licensed operator as set forth in paragraphs (a) and (b) of this Section, issued in accordance with part 46 thru 55 of Trust Territory Communications Regulations; provided, however, the licensed operator may, if so authorized by the vessel's master to do so, permit any person to speak over the radiotelephone microphone; and provided further, that during such transmission the licensed operator shall exercise his lawful control with respect to operation of the station so as to insure compliance with all applicable laws and regulations.

(a) Ship stations having radiotelephony only as specified in paragraphs (a), (b), and (c) (1) of Section 18.2 may be operated by a licensed operator holding a restricted radiotelephone operator license, or by a holder of a first-or-second-class radiotelephone or radiotelegraph license.

(b) Ship stations having radiotelegraph or required to have radiotelegraph under the provisions of paragraph (c) (2) of Section 18.2 may be operated only by—

(1) A holder of a radiotelegraph first class license provided said holder has had at least six months satisfactory service as a qualified radiotelegraph operator at a Trust Territory Government or United States Government station employing radiotelegraph, either a land station or on board a ship.

(2) A holder of radiotelegraph second-class license provided that said holder must be under the supervision of a holder of a first-class radiotelegraph license.

(c) The original license of each operator while he is employed or designated as radio operator of a ship station shall be posted in a conspicuous place at the control point where the operator is stationed.

18.7 Operator Not Required for Survival Craft Station. No radio operator of survival craft station while it is being used solely for survival purposes.

18.8 Clock Required. Each ship station required by Section 18.2 (c) (2) to be equipped with radiotelegraph, shall be provided with a reliable clock equipped with sweep seconds hand. This clock shall be securely mounted in such a position that the entire dial can be easily and accurately observed by the operator from his normal operating position, from the operating position at which he would ordinarily transmit the international radiotelegraph alarm signal by hand, and from the position used for testing the radiotelegraph auto alarm, if installed, for response to signals from the testing device.

(a) Each ship station not subject to the requirements of paragraph (a) above, shall, as may be necessary during operations, have available to the operator a reliable clock or timepiece, preferable equipped with seconds hand.

PART 19. TECHNICAL REQUIREMENTS

19.1 Equipment Requirements. Equipment must be a type accepted for the purpose for which it will be used, i.e., it is capable of permitting reception and transmission of the class or classes of emission on the frequencies authorized for use. When the type of transmitter or receiver is not a specific and readily identifiable type, the applicant may be requested to present documentation, which may include certification from the manufacturer, charts, graphs or test data, attesting that the actual technical performance is in accordance with all pertinent rules, regulations and agreements.

(a) The antenna(s) of each ship station shall, insofar as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

19.2 Frequency, Emission and Power Limitations. The following frequencies and emissions and applicable maximum power output, are available for assignment to ship radio stations:

Frequency kcs	Emission	Max. Power	Carrier Frequency	Points of Communication and limitations
454	0.1A1/3F2	None		Ship-to-shore
500	0.1A1/3F2	None		Distress and calling
2182	6A3	150W		Distress and calling
2616	6A3	100W		Working frequency 2182, T.T. port control
2638	6A3	100W		Ship-to-ship
2725.5	3A3J	100W	2724	Ship-shore, T.T. secondary stations
2738	6A3	100W		Ship-to-ship
4538.5	3A3J	150W	4540	*Ship-to-shore: back-up, emergency
4540	**6A3	150W		*Ship-to-shore
4541.5	3A3J	150W	4540	*Ship-to-shore
4598.5	3A3J	150W	4600	*Ship-to-shore: back-up; emergency
4600	**6A3	150W		Ship-to-shore
4601.5	3A3J	150W	4600	*Ship-to-shore
5206.5	3A3J	100W	5205	Ship-to-shore, T.T. secondary stations

* Primarily daytime use, non-government coast stations.
**6A3 emission not authorized after January 1, 1970.
Single-side-band (3A3J) must be used after that date.

(a) Authorization for additional frequencies will be given separate consideration and applicants must allow 30 additional days for completion of action on their requests.

(b) Ships engaged in voyages in international waters may transmit on frequencies not included in the station authorization under the following conditions:

(1) As provided in Section 21.1, Operations During Emergency;

(2) On the working frequencies of coast stations when requested to do so by the coast station as set forth in Article 6, International Radio Regulations, Geneva, 1958.

19.3 Frequency Tolerance. The authorized frequency tolerance of station subject to these regulations shall be not more than .002 parts for emissions other than A3J. A3J emissions require a tolerance not to exceed 50 c/s.

19.4 Authorized Bandwidth. Unless otherwise specified in the station license, bandwidth shall not exceed 8.0 kcs in the case of 6A3 emission and 3.5 kcs in the case of A3J emission.

19.5 Suppression of Interference from Receiving Apparatus. No radio receiving apparatus shall be used that is capable of harmful interference to any radio determination service or that will impair the efficiency of any auto alarm or watch on any radio frequency.

19.6 Spurious Emission Limitations. Spurious emissions originating in authorized transmitters are subject to the limitations set forth below. The mean power of emission shall be attenuated below the mean power of the transmitter in accordance with the following schedule.

(a) When using emissions other than A3A, A3B, A3H, and A3J:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized band-width: At least 25 decibels.

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized band-width: At least 35 decibels.

(b) When using emissions A3A, A3H or A3J:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 150 percent of the authorized band-width: At least 26 decibels.

(2) On any frequency removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized band-width: At least 35 decibels.

(c) The requirements of this section shall apply to all transmitters except survival craft transmitters.

19.7 Modulation Requirements. Transmitters using A3 emission (telephony) shall be capable of proper technical operation with modulation of 75 percent on peaks but not more than 100 percent on negative peaks. Each such transmitter shall be so adjusted that the transmission of speech and the international radiotelephone alarm signal, if provision is made for transmission of the signal, normally produce peak modulation percentages within these limits.

(a) Single-side-band and independent side-band transmitters shall be capable of single-side-band operation with the carrier emitted at a power level at least 40 decibels below peak envelope power.

19.8 Requirements for Survival Craft Stations. Equipment provided for use in survival craft stations shall be capable of transmitting on the same emergency frequencies and emissions as that assigned to the parent vessel. If a receiver is provided, it shall be capable of receiving the frequency and types of emission which the transmitter is capable of using.

(a) Survival craft transmitters operating on the frequency 500 kcs (telegraphy only) shall be capable of manual keying.

PART 20 OPERATIONAL REQUIREMENTS & PROCEDURES

20.1 Authority of the Master. Except as may be directed by the High Commissioner of the Trust Territory in case of extreme emergency, the service of each station on board ship shall at all times be under the control of the master of the vessel who shall require that any operator of the station comply with all applicable rules and regulations, and that the ship station for which the operator is responsible is used, at all times, in accordance with such regulations.

20.2 Adjustment or Test of Equipment. Except as provided in paragraph (a) of this Section, all adjustment or tests of radio transmitting apparatus coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the class of station involved, or fully qualified Trust Territory, U.S. Government, or U.S. military advanced radio mechanic or electronic technician, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests.

(a) Only a restricted radiotelephone operator license is required to be held by the person performing transmitter adjustment or tests during or coincident with the construction, installation, servicing, or maintenance of such apparatus

provided that there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal controlled with a crystal capable of maintaining the station frequencies within the prescribed tolerance;

(2) The transmitting equipment either shall have been factory assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by nonfactory personnel;

(3) The frequency determining elements of the transmitter, including the crystal(s) and all other components of the crystal oscillator circuit, shall have been preassembled by the manufacturer, returned to a specific available frequency, and sealed by the manufacturer so that replacement of any component or any adjustment which might cause off frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph.

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the installation, servicing or maintenance of the station or during the normal rendition of the service of the station, or during the final assembly of kits or partially preassembled kits, may reasonably be expected to result in off frequency operation, excessive input power, overmodulation, or excessive harmonics or other spurious emissions; and

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled, shall have certified in writing to the purchaser of the equipment (or to the Director of Communications on request) that the equipment has been designed, manufactured and furnished in accordance with the specifications contained in the foregoing subparagraphs of this paragraph. The manufacturer's certification concerning design and construction features of transmitting equipment, as required if the provisions of this paragraph are invoked, may be specific as to a particular unit of equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment and/or the Director that the conditions described in this paragraph have been fulfilled.

20.3 Cooperative Use of Frequencies. Unless specifically noted on a station in the ship service is available on a shared basis and shall not be construed as available for the exclusive use by any one station or any one radio licensee. All station licensees shall cooperate in the use of their respective frequency assignments in order to minimize interference and obtain the most effective use of the authorized radio channels.

20.4 Current Copy of Regulations Required. A current copy of these regulations shall be maintained by each

licensee and at the principal location of transmitting apparatus.

20.5 Intercommunication in Mobile Service. Each ship station at sea shall, within the scope of its normal operations, be bound to exchange radio communications or signals with any other ship station or aircraft station in the maritime mobile service at sea or with any coast station in the maritime mobile service: provided, that such exchange of radio communications shall be without distinction as to radio systems or instruments adopted by each station.

20.6 Priority of Communications to be Observed. Ship stations shall observe at all times the priority of communications set forth in Section 20.7. In particular, all stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

20.7 Order or Priority of Communications. The order of priority of communications in the maritime mobile service on any frequency used for this service shall be as follows:

(a) Distress calls, either radiotelephony or telegraphy, the international alarm signal, distress messages and distress traffic.

(b) Any communication preceded by the international safety or urgency signal, either radiotelephony or radiotelegraphy, or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit, or of some person on board or within sight of the ship, aircraft, or mobile unit.

(c) Communications relative to radio direction finding bearings.

(d) Communications relative to the navigation, movement and needs of ships; including weather observation messages destined for official meteorological service.

(e) Government communications for which priority right has been claimed.

(f) All other communications.

20.8 Unauthorized Transmissions. Ship stations shall not engage in superfluous radio communications.

(a) Ship stations shall not transmit a general call or transmit signals or communications not addressed to a

particular station or stations, provided that this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

20.9 Control by Coast or Government Stations. When communicating with a coast station or any government station in the maritime mobile service, ship stations shall, except when transmitting distress signals or controlling distress traffic, comply with instructions given by the coast station or government station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communications, and to the permissible type of message traffic that may be transmitted or received by the particular coast or government station. This provision, however, does not apply in the event of distress, either actual or impending.

20.10 Prevention of Interference. From the standpoint of interference the operation of a ship radio station, including receiving equipment, required by law to be installed on board a vessel for safety purposes, shall have priority over the operation of any other radio apparatus on board the same vessel.

(a) Before commencing transmission, other than signals of distress, a ship station shall, insofar as is practicable, make sure that it will not cause interference to communications in the maritime mobile service being carried on within its range. For this purpose, the operator attending the station shall, before commencing transmission, use the necessary receiving installation to listen on the appropriate frequency or frequencies. If interference is likely, the station shall wait until the existing communications which it may disturb have been concluded; with due regard, nevertheless, for the priority of communications designated in Section 20.7.

(b) Whenever a radio communication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by Section 20.7. The station requesting this cessation must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(c) Except in cases of distress, communications between ship stations or between ship and aircraft stations, must not interfere with, the work of coast stations. When this work is thus interfered with, the ship or aircraft station which causes it must stop transmitting or change frequency upon the first request of the coast station concerned.

(d) Ship stations, when operating on a frequency below 3500 kcs or above 30 mcs shall not carry on, or

attempt to carry on, communications with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the ship station: provided, that this provision shall not apply in event of distress, either actual or impending.

20.11 Suspension of Transmission. Transmission shall be suspended immediately upon detection by the station or operator licensee, or upon notification by the Director of Communications, of a deviation from the technical requirements of the station authorization, and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended as soon as the emergency is terminated.

20.12 Hours of Service of Ship Stations. Ship stations whose service is not continuous may not close before finishing all operations resulting from a distress call, or urgency or safety signals; or before exchanging, so far as practicable and within the scope of their normal operation, all traffic originating in or destined for coast stations situated within their range and mobile stations, which being within their range, have indicated their presence before the actual cessation of communications.

(a) Ship stations shall provide the hours of service as outlined in the "Manual for use by Mobile Services" except in the case of short voyages where stations shall provide service fixed by the administrations to which they are subject.

20.13 General Purpose and Safety Watches. Each station on board a ship navigating the waters of the Trust Territory and licensed to transmit by telephony, shall, during its hours of service, maintain an efficient watch for reception of 6A3 emissions on the carrier frequency 2182 kcs, whenever the station is not being used for communication on other frequencies.

(a) Each station on board a ship navigating outside the waters of the Trust Territory and licensed to transmit by radiotelephony, except those required to be fitted with radiotelegraph equipment by paragraph (c) (2) of Section 18.2 shall during its hours of service for telephony, maintain an efficient watch for reception on 6A3 or 3A3J emission on the carrier frequency 2182 kcs whenever such station is not being used for transmission on that frequency or for communication on other frequencies. Such watch shall be maintained by at least one officer or member of the crew of the vessel who has been designated by the master to do so. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch.

(b) Each station on board a ship required by paragraph (c) (2) Section 18.2 to be equipped with radiotelegraph, shall while the vessel is navigating in the open sea

outside of the waters of the Trust Territory, keep a watch on the international distress frequency 500 kcs by a licensed operator during its hours of service.

(1) During its hours of service, ship stations shall take the necessary measures to insure an efficient watch for three minutes twice each hour, beginning at x h. 15 and x h. 45 Greenwich mean time. For this purpose, either headphones or a loudspeaker may be used, on condition that use of the loudspeaker is no less effective than use of headphones. While maintaining this watch, the operator shall not use or operate any radio equipment not actually required or maritime mobile service.

(2) Outside its hours of operation, the ship station shall maintain an efficient watch for reception on the carrier frequency 2182 kcs for telephony. Such watch shall be maintained by at least one officer or member of the crew of the vessel who has been designated by the master to do so. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch.

(d) The radiotelegraph or radiotelephone auto alarm required to be fitted on vessels by paragraph (d) of Section 18.2 shall be in operation connected to the main antenna and adjusted for optimum efficiency, at all times while the vessel is being navigated in the open sea outside of a harbor or port when a radio officer is not listening on the distress frequency 500 kcs.

20.14 Station Documents. All ship stations shall maintain the following documents:

- (a) A valid station license;
- (b) The necessary operator license(s);
- (c) The station log required by Section 20.15;
- (d) A list of coast stations, or alternatively, a list of coast stations with which communications are likely to be conducted showing watchkeeping hours, frequencies, and charges;
- (e) A current copy of these rules and regulations;
- (f) In addition to the documents noted above, each ship station required by paragraph (c) (2) of Section 18.2 to be equipped with a radiotelegraph, shall also maintain the following documents:

- (1) The alphabetical list of call signs of stations used by the maritime mobile service;
- (2) The list of radiodetermination and special service stations;

(3) The International Radio Regulations, Geneva, 1959;

(4) The Manual for Use by the Mobile Services.

20.15 Radio Station Log. A station log shall be maintained during the hours of service of ship stations in which the entries required by this Section shall be made. Pages of the log shall be numbered in sequence and each page shall include the name of the vessel and radio call sign of the station. All entries which show transmitter operation shall be made and signed by the licensed operator. Watch entries and signatures of each person keeping the required watch, shall be so related that they constitute a certification by each such person as to when he began and ended each period of his watch during the voyage. The date and time of each occurrence or incident to be entered in the log shall be shown opposite the entry and the time shall be counted from 0000 to 2400, beginning at midnight. Stations on board vessels engaged in international voyages shall use Greenwich mean time (GMT); stations on board vessels navigated only in the waters of the Trust Territory may use either GMT or local standard time (LST). The appropriate symbol, GMT or LST shall be entered at the head of the column in which time is entered.

(a) The log of ship stations shall include the following entries:

(1) The call signs of all stations called or communicated with, a notation of messages exchanged, and the frequency(s) used for such call or communication;

(2) A daily entry of the ship's position, preferably the noon position;

(3) An entry made of the date, time of departure and arrival of the vessel at each port, including in each entry the name of the port;

(4) All test transmissions, including the frequency(s) used;

(5) Results of required equipment tests;

(6) Results of inspections and tests of compulsorily fitted lifeboat radio equipment.

(7) A daily statement concerning the operating condition of all radio equipment, as determined by either normal communications or test communications.

(8) Pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator, mechanic or electronic technician, as the case may be, who supervised or performed the work, and unless such person is regularly employed on a fulltime

basis at the station and his operator license is properly posted, such entry shall include his address and the class, serial number and expiration date of his operator license, or in the case of radio mechanic or electronic technician, the name of his employer and his duty station.

(9) All radiotelephone or radiotelegraph distress, alarm, urgency, and safety signals and communications transmitted or intercepted, the text in as complete form as possible of distress and distress communications, and any information connected with radio service which may appear to be of importance to maritime safety, together with the time of such observation or occurrence, the frequencies used, and the position of the ship or other mobile unit in need or assistance, if this can be determined.

(10) The times when the required watch is begun, interrupted and ended. When the required watch is interrupted for any reason, except for the purpose of communications with other stations, the reason for such interruption shall be stated. A station required to maintain watch on the international frequency 500 kcs or 2182 kcs, shall during the period the watch is maintained, make an entry twice per hour stating whether or not the international silence period was observed. In addition, entries shall be made indicating any signals or communications heard during this period. If no signals are heard, an entry to that effect shall be made. The use of rubber stamps for making entries to show observation of the silence period is not authorized.

(11) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(a) The licensed radio operator shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the working of a coast or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur.

(b) The official call sign of the testing station, followed by the word "testing," shall be announced on the radio channel being used for the test, as a warning that test emissions are about to be made on that frequency.

(c) If, as result of the announcement prescribed in subparagraph (2) above, any station transmits by voice the word "wait," testing shall be suspended. When after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in paragraph (d) of this Section.

(d) The operator shall announce the word "testing" followed, in the case of a voice transmission test by the count "1, 2, 3, 4," or by test phrases or sentences.

(12) A daily entry shall be made regarding comparison of the station clock with standard time, including an indication of any error observed and corrections made. For this purpose, authentic radio time signals from land or fixed stations shall be acceptable as standard time.

(b) In addition, each station on board a vessel, except such vessels used exclusively for pleasure and whose voyages are limited to less than 24 hours, shall prepare a first page of each portion of the log consisting of a "title page," which upon completion of all entries for the particular voyage, shall contain the following information:

- (1) Name of ship and call letters of ship station;
- (2) Period of time covered by such portion of the log;
- (3) Number of pages constituting such portion of the log;
- (4) A statement as to whether or not such portion of the log contains distress entries; if so, the pages containing such entries shall be designated;
- (5) The operator's signature, mailing address and radio operator license date (number, class, and date of issuance).

20.16 Retention and Availability of Station Logs.

Station logs shall be made available for inspection to an authorized representative of Director of Communications or District Administrator. The ship radio log currently in use shall be kept by the licensed operator(s) of the station and while in use, it shall be located in the radio operating room of the ship. At the conclusion of each voyage terminating at the homeport of the vessel, the original station log or duplicate thereof dating from the last departure of the ship from its homeport shall be retained under proper custody on board the ship for a sufficient period of time, but not necessarily in excess of 24 hours, to be available for inspection by a duly authorized representative of the Director of Communications. Thereafter the original log, and the duplicate log, if such is maintained, may be filed at an established shore office of the ship station licensee and shall be retained by the licensee for a period of one year from date of last entry and for such additional periods as follows:

(a) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from last date of entry;

(b) Station logs which include entries of communications incident to or involved in an investigation by the Director and concerning which the station licensee has been notified shall be retained by the licensee and is specifically authorized in writing by the Director to destroy them;

(c) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

20.17 Secrecy of Communications. All persons who may have knowledge of the text or of the existence of radio communications transmitted or received by a station, have the obligation of observing and insuring the secrecy of communications to the extent required by the Code of the Trust Territory of the Pacific Islands.

20.18 Use of Morse Code Required. The signal code employed for telegraphy shall be the Morse Code signals specified in the International Telecommunication, Geneva, 1959.

20.19 Identification of Station. Ship and survival craft stations using radiotelephony shall identify all transmissions by announcement in the English language, of the station's call sign.

(a) Station identification shall be made:

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose; and

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

(b) During the course of radiotelephony communication with any other station, and subject to provisions of subparagraph (3) of this Section, the name of the ship on which the station is located may be used in lieu of the call sign.

20.20 Call and Reply

(a) Trust Territory Government Stations:

(1) Port Control Activities. The international distress and calling frequency 2182 kcs using 6A3 emission shall be used for calling the major Trust Territory stations at district centers. The calling station, however, will be required to shift to the working frequency 2616 kcs, 6A3 emission, after contact is made.

(2) Other Stations. Communications with other than port control stations shall be limited to essential ship business and to emergencies. Calling of these stations shall be made on 2725.5 kcs using 3A3J emission (upper side band of carrier frequency 2724 kcs).

(b) U.S. Navy Stations (port control). Calling of stations under the jurisdiction of the U.S. Navy is limited to port control activities and emergencies. Calls may be made on 2716 kcs using A3 emission; provided that the international calling frequencies 500 kcs (for telegraphy) or 2182 (for telephony) may be used in the event contact cannot be made on 2716 kcs.

(c) Other Coast Stations:

(1) Calling of Coast stations within the Trust Territory shall be made on the frequency authorized in the ship station license; provided that when 3A3J emission is authorized, the lower band shall be used for initial calling and emergency when contact cannot be made on the upper band.

(2) Calling of coast stations outside the area of the Trust Territory may be made on the international calling frequencies; except that after contact is made, either the calling or the receiving station, may request reply be made on a frequency available to both stations.

(d) Ship to Ship. Ship stations before transmitting on the international ship frequencies 2638 and 2738 kcs shall first establish communication with other ship stations by call and reply on 2182 kcs; provided that calls may be initiated on the inter-ship working frequency when it is known that the called vessel maintains a simultaneous watch on such working frequency and on 2182 kcs. After establishing communication with another station by call and reply on 2182 kcs, ship stations shall change to an authorized working frequency for the transmission of messages except in case of emergency.

(e) Nothing in this Section shall prevent a ship station from using any means available which will attract attention in the event of an emergency, disaster or when in distress.

20.21 Limitations on Communications.

(a) Limitation on Duration of Calling. Calling a particular station shall not continue for more than 30 seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of 2 minutes. When a station called does not reply to a call sent three times at intervals of 2 minutes, the calling shall cease and shall not be renewed until after an interval of 15 minutes, however, if there is reason to believe that no harmful interference will be caused to other communications in progress, the call sent three times at intervals of 2 minutes may be repeated after a pause of not less than 3 minutes. In event of an emergency involving safety, the provisions of this paragraph shall not apply.

(b) Limitation on Duration of Working. Any one exchange of communications between any two ship

stations on 2638 or 2738 kcs, or between a ship station and a coast station on 2616 or 2725.5 kcs, shall not exceed 3 minutes in duration after the two stations have established contact by calling answering. Subsequent to such exchange of communications, the same two stations shall not again use 2638 or 2738 kcs for communications with each other until 10 minutes has elapsed; provided, that this provision shall in no way limit or delay the transmission of communications concerning the safety of life or property.

(c) Limitation on 2182 kcs. Any one exchange of signals by ship stations on 2182 kcs, including calls, replies thereto, and operating signals, shall not exceed 2 minutes; provided that this time limitation is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

(d) Limitations on Business and Operational Communications. The exchange of all business and operational communications shall be limited to the minimum practicable transmission time. In the conduct of ship-shore communication, other than distress, stations on board ship shall comply with instructions given by the coast station with which they are communicating in all matters relative to operating practices and procedures and to the suspension of transmission in order to minimize interference.

(e) The periods of silence outlined in Section 20.22 shall be observed by all stations except in the event of emergency.

20.22 Silence Periods. Each ship station employing telegraphy shall observe the period of silence on 500 kcs as outlined in Section 20.13 (b) (1) of these regulations, provided that this period of silence is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

(a) Each ship station employing telephony shall not transmit on 2182 kcs during the silence period, 3 minute twice each hour beginning at xh.00 and h. 30, Greenwich mean time; provided that this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

20.23 Procedure in Testing. Radiotelephony. Ship stations must use every precaution to insure that when conducting operational transmitter tests, the emissions of the station will not cause harmful interference nor activate the auto alarm system, if such is installed. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed.

(a) The licensed radio operator shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the working of a coast or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur.

(b) The official call sign of the testing station, followed by the word "testing," shall be announced on the radio channel being used for the test, as a warning that test emissions are about to be made on that frequency.

(c) If, as result of the announcement prescribed in subparagraph (2) above, any station transmits by voice the word "wait," testing shall be suspended. When after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in paragraph (d) of this Section.

(d) The operator shall announce the word "testing" followed, in the case of a voice transmission test by the count "1, 2, 3, 4," or by test phrases or sentences not in conflict with normal operating signals: or followed in the case of other emission, by appropriate test signals not in conflict with normal operating signals. The test signals in either case shall have a duration not exceeding ten seconds. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station, the name of the ship on which the station is located, and the general location of the ship at the time the test is being made. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 2182 kcs, a period of at least five minutes shall elapse before the test transmission is repeated.

(e) Tests shall not be conducted on 2182 kcs during the silent period; nor shall tests be conducted of survival craft stations using telephony on the frequency 500 kcs during the 500 kcs silence periods.

20.24 Procedure in Testing. Radiotelegraph. Ship stations and survival craft stations may conduct necessary tests on any assigned frequency. Every precaution must be taken to ensure that transmitter emissions of the station will not cause harmful interference nor activate the auto alarm system, if such is installed. Radiation must be reduced to the lowest practicable value and if feasible, shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure prescribed in this paragraph shall be followed.

(a) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the service of a coast or aeronautical station in the vicinity of the ship station,

the consent of the former station(s) must be obtained before the test emission occurs.

(b) The operator shall transmit the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency of the test emission is within the frequency band 405-535 kcs, a listening watch shall be maintained on 500 kcs by a licensed radiotelegraph operator at the station throughout the test period.

(c) If, as a result of transmitting, the test signal "IE", any station indicates by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused the operator shall proceed as set forth in paragraph (d) of this Section.

(d) Test signals composed of a series of "VVV" having a duration of not more than ten seconds, followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 500 kcs, a period of at least five minutes shall elapse before the test transmission is repeated.

(e) When testing is conducted on the frequency 500 kcs, no tests shall be conducted during the 500 kcs silence periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

PART 21. SUBPART H. EMERGENCY, DISTRESS, ALARM, URGENCY AND SAFETY

21.1 Operation during Emergency. The licensee of any ship station on board ship may, during a period of emergency in which the normal communication facilities are disrupted as a result of typhoon, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than specified in the instrument of authorization or in these rules and regulations provided:

(a) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Director of Communications and the District Administrator of the district in which the station is located, stating the nature of the emergency and the emergency use being made of the station.

(b) That such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available.

(c) The Director and District Administrator are notified immediately when such special use of the station is terminated.

(d) That the frequencies, emissions and power used shall be that as specified in the instrument of authorization except that if such limitation would prevent the ship station from rendering the required communication service, communications may be made on any frequency, emission and power which would provide such communication or on which directed by the proper authority.

(e) The Director of Communications or the District Administrator may at any time order discontinuance of such emergency communication.

21.2. Applicable Regulations. In addition to these regulations, ships engaged in voyages in international waters are subject to the provisions of the International Radio Regulations, Geneva, 1958, Article 36, applicable to the transmission and interception of distress, alarm, urgency, and safety signals and messages.

21.3 Authority for Distress Transmission. No provision of these regulations or of the International Radio Regulations prevents the use by a mobile station in distress of any means at its disposal to attract attention, make known its position, and obtain help. A distress call and message, however, shall be transmitted only on the authority of the master or person responsible for the ship station. No person shall knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or communication relating thereto.

21.4 Frequencies for Use in Distress.

(a) Radiotelephony Stations. In case of distress, radiotelephony stations shall use 2182 kcs preferably with A3 emission, when requesting assistance from the maritime services.

(b) Radiotelegraphy Stations. In case of distress, radiotelegraphy stations shall use the international radiotelegraph distress frequency 500 kcs with maximum transmitter power obtainable, when requesting assistance from the maritime services; the class of emission to be used if possible shall be A1.

(c) Provided that after May 30, 1968, Trust Territory coast stations in the maritime service shall not provide listening watch on 500 kcs, and ship radiotelegraphy stations desiring contact with such stations shall use radiotelephony on 2182 kcs as provided in paragraph (a) above.

21.5 Distress Signals

(a) Radiotelephony. The international radiotelephone distress signal consists of the word MAYDAY.

(b) Radiotelegraphy. The international radiotelegraph distress signal consists of the group "three dots, three dashes, three dots," symbolized herein by "SOS",

transmitted as a single signal in which the dashes are slightly prolonged so as to be distinguished clearly from the dots.

(c) These distress signals indicate that a mobile station is threatened by a grave and imminent danger and requests immediate assistance.

21.6 Distress Calls.

(a) Radiotelephony Stations. The distress call sent by radiotelephone consists of:

- (1) The distress signal MAYDAY spoken three times;
- (2) The words THIS IS;
- (3) The call sign of the mobile station in distress spoken three times.

(b) Radiotelegraphy Stations. The distress call sent by radiotelegraphy consists of:

- (1) The distress signal "SOS," sent three times;
- (2) The word DE;
- (3) The call sign of the mobile station in distress, sent three times.

(c) The distress call shall have absolute priority over all other transmissions. All stations which hear it shall immediately cease any transmission capable of interfering with the distress traffic and shall continue to listen on the frequency used for the emission of the distress call. This call shall not be addressed to a particular station and acknowledgment of receipt shall not be given before the distress message which follows it is sent.

21.7 Distress Messages.

(a) The distress message consists of:

- (1) The distress signal, i.e., "SOS" in telegraphy, MAYDAY in telephony;
- (2) The name of the mobile station in distress;
- (3) Particulars of its position;
- (4) The nature of the distress;
- (5) The kind of assistance desired;
- (6) Any other information which might facilitate rescue such as the length, color and type of vessel; number of persons on board, etc.

(b) As a general rule, a ship shall signal its position in latitude and longitude, using figures for the degrees and minutes, together with one of the words NORTH or

SOUTH and one of the words EAST or WEST. In radiotelegraphy, the signal.—.— shall be used to separate the degrees from the minutes. When practicable, the true bearing and distance in nautical miles from a known geographical position may be given.

21.8 Radiotelephone Distress Call and Message Transmission Procedure.

(a) The radiotelephone distress procedure shall consist of:

- (1) The radiotelephone alarm signal, whenever possible - see Section 21.16
- (2) The distress call;
- (3) The distress message.

(b) The radiotelephone distress transmissions shall be made slowly and distinctly, each word being clearly pronounced to facilitate transcription.

(c) After the transmission by radiotelephony of its distress message, the mobile station may be requested to transmit suitable signals followed by its call sign or name, to permit direction-finding stations to determine its position. This request may be repeated at frequent intervals if necessary.

(d) The distress message, preceded by the distress call, shall be repeated at intervals until an answer is received. This repetition shall be preceded by the radiotelephone alarm signal whenever possible.

(e) When the mobile station in distress receives no answer to a distress message transmitted on the distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

21.9 Radiotelegraphy Distress Call and Message Transmission Procedure.

(a) The radiotelegraph distress procedure shall normally consist of the following six steps; however, when time is vital, and the second step of this procedure, or even the first and second steps, may be omitted. These two steps of the distress procedure may also be omitted in circumstances where transmission of the alarm signal is considered unnecessary:

- (1) The radiotelegraph alarm signal—see Section 2.96(a);
- (2) The distress call and an interval of two minutes;
- (3) The distress call;
- (4) The distress message;

(5) The dashes of ten to fifteen seconds each;

(6) The call sign of the mobile station in distress.

(b) The radiotelegraph distress transmissions shall be sent by means of the International Morse Code at a speed not exceeding 16 words per minute nor less than 8 words per minute.

(c) The distress message, preceded by the distress call, shall be repeated at intervals, especially during the 500 kcs international silence periods, until an answer is received. The radiotelegraph alarm signal may also be repeated, if necessary.

(d) The transmissions under paragraph (a) (5) and (6) of this Section are to permit direction finding stations to determine the position of the station in distress and may be repeated at frequent intervals if necessary.

(e) When the mobile station in distress receives no answer to a distress message transmitted on the distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

21.10 Acknowledgment of a Receipt of Distress Message.

(a) Stations of the maritime mobile service which receive a distress message from a mobile station which is beyond any possible doubt in the vicinity, shall immediately acknowledge receipt. However, in areas where reliable communication with one or more coast stations are practicable, ship stations may defer this acknowledgment for a short interval so that a coast station may acknowledge receipt.

(b) Stations of the maritime mobile service which receive a distress message from a mobile station which, beyond any possible doubt is not in their vicinity, shall allow a short interval of time to elapse before acknowledging receipt of the message, in order to permit stations nearer to the mobile station in distress to acknowledge receipt without interference.

21.11 Form of Acknowledgment.

(a) Radiotelephony. The acknowledgment of receipt of a distress message when radiotelephony is used, is transmitted in the following form:

(1) The call sign or other identification of the station sending the distress message, spoken three times;

(2) The word THIS IS;

(3) The call sign or other identification of the station acknowledging receipt, spoken three times;

(4) The word RECEIVED;

(5) The distress signal MAYDAY.

(b) Radiotelegraphy. The acknowledgment of receipt of a distress message, when radiotelegraphy is used, is transmitted in the following form:

(1) The call sign of the station sending the distress message, sent three times;

(2) The word DE;

(3) The call sign of the station acknowledging receipt, sent three times;

(4) The group RRR;

(5) The distress signal "SOS."

21.12 Information Furnished by Acknowledging Station.

Every mobile station which acknowledges receipt of a distress message shall, on the order of the master or person responsible for the ship, transmit as soon as possible the following information in the order shown:

(a) Its name;

(b) Its position, in the form prescribed in Section 2.87(b);

(c) The speed at which it is proceeding towards, and the approximate time it will take to reach, the mobile station in distress.

(d) Before sending this message, the station shall ensure that it will not interfere with the emissions of other stations better situated to render immediate assistance to the station in distress.

21.13 Transmission of Distress Message by a Station not Itself in Distress. A mobile station or a land station which learns that a mobile station is in distress shall transmit a distress message in any of the following cases:

(a) When the station in distress is not itself in a position to transmit the distress message;

(b) When the master or person responsible for the ship, aircraft, or other vehicle not in distress, or the person responsible for the land station, consider that further help is necessary;

(c) When, although not in a position to render assistance, it has heard a distress message which has not been acknowledged. When a mobile station transmits a distress message under these conditions, it shall take all necessary steps to notify the authorities who may be able to render assistance.

(d) The transmission of a distress message under the conditions prescribed in this Section shall be made on

either or both of the international distress frequencies (500 kcs radiotelegraphy; 2182 kcs, radiotelephony) or on any other available frequency on which attention might be attracted.

(e) The transmission of the distress message shall always be preceded by the call indicated below, which shall itself be preceded whenever possible by the radiotelegraph or radiotelephony alarm signal.

(f) When radiotelephony is used this call consists of:

- (1) The signal MAYDAY RELAY, spoken three times;
- (2) The words THIS IS;
- (3) The call sign or other identification of the transmitting station, spoken three times.

(g) When radiotelegraphy is used:

- (1) The signal "DDD" "SOS" "SOS" "SOS" "DDD;"
- (2) The word "DE;"
- (3) The call sign of the transmitting station, sent three times.

(h) When the radiotelegraph alarm signal is used, an interval of two minutes shall be allowed, whenever this is considered necessary, before the transmission of the call noted above.

21.14 Control of Distress Traffic. Distress traffic consists of all message relating to the immediate assistance required by the mobile station in distress. The distress signal shall be sent before the call and at the beginning of the preamble of any distress message. Control of distress traffic is the responsibility of the mobile station in distress or of the station which has sent the distress message. These stations may, however, delegate the control of the distress traffic to another station. The station in distress or the station in control of distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. It shall address these instructions "to all stations" or to one station only, according to circumstances. In either case it shall use:

(a) In radiotelephony, the signed SILENCE MAYDAY. The use of this signal shall be reserved for the mobile station in distress and for the station controlling distress traffic.

(b) In radiotelegraphy, the abbreviation QRT, followed by the distress signal "SOS." The use of the signal QRT "SOS" shall be reserved for the mobile station in distress and for the station controlling distress traffic.

(c) If it is believed to be essential, any station of the mobile service near the ship, aircraft, or other vehicle in distress, may also impose silence. It shall use for this purpose:

(1) In radiotelephony, the word SILENCE, followed by the word DISTRESS and its own call sign or other identification;

(2) In radiotelegraphy, the abbreviation QRT, followed by the word DISTRESS and its own call sign.

21.15 Notification of Resumption of Normal Working.

When distress traffic has ceased, or when silence is no longer necessary on a frequency which has been used for distress traffic, the station which has controlled this traffic shall transmit on that frequency a message addressed "to all stations" indicating that normal working may be resumed.

(a) In radiotelephony, this measure consists of:

- (1) The distress signal MAYDAY;
- (2) The call "to all station," spoken three times;
- (3) The words THIS IS;
- (4) The call sign or other identification of the station sending the message;
- (5) The time of handing in of the message;
- (6) The name and call sign of the mobile station which was in distress;
- (7) The words SILENCE FINISHED.

(b) In radiotelegraphy, this message consists of:

- (1) The distress signal "SOS."
- (2) The call "to all stations" (CQ), sent three times;
- (3) The call sign of the station sending the message;
- (4) The time of handing in of the message;
- (5) The name and call sign of the mobile station which was in distress;
- (6) The service abbreviation QUM.

(c) Until they receive the foregoing message indicating that normal working may be resumed, all stations which are aware of the distress traffic, and which are not taking part in it, are forbidden to transmit on the frequencies on which the distress traffic is taking place.

21.16 Radiotelegraphy and Radiotelephony alarm Signals.

(a) The international radiotelegraphy alarm signal consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between consecutive dashes one second. The purpose of this special signal is the actuation of automatic devices giving the alarm to attract the attention of the operator when there is no listening watch on the distress frequency.

(b) The international radiotelephony alarm signal consists of two substantially sinusoidal audio frequency tones transmitted alternately. One tone shall have a frequency of 2200 cycles per second and the other a frequency of 1300 cycles per second, the duration of each tone being 250 milliseconds. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute; when generated by other means the signal shall be transmitted as continuously as practicable over a period of approximately one minute. The purpose of this special signal is to attract the attention of the person on watch or to actuate automatic devices giving the alarm.

21.17 Use of Alarm Signals. The radiotelegraph or radiotelephone alarm signals, as appropriate, shall only be used to announce:

(a) That a distress call or message is about to follow;

(b) The transmission of an urgent typhoon or other weather disturbance warning.

(c) The loss of a person or persons overboard. In this case the alarm signal may only be used when the assistance of other ships is required and cannot be satisfactorily obtained by the use of the urgency signal, but the alarm signal shall not be repeated by other stations. The message shall be preceded by the urgency signal.

(d) In cases described in paragraphs (b) and (c) above, the transmission of the warning or message by radiotelegraphy shall not begin until two minutes after the end of the radiotelegraph alarm signal.

21.18 Urgency Signals. The urgency signal indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or the safety of a person. The urgency signal shall be sent only on the authority of the master or person responsible for the mobile station.

(a) In radiotelephony, the urgency signal consists of the word PAN, spoken three times and transmitted before the call.

(b) In radiotelegraphy, the urgency signal consists of three repetitions of the group XXX, sent with the individual letter of each group, and the successive groups, clearly separated from each other. It shall be transmitted before the call.

(c) The urgency signal shall have priority over all other communications, except distress.

All mobile and land stations which hear it shall take care not to interfere with the transmission of the message which follows the urgency signal.

21.19 Urgency Message. The urgency signal and call, and the message following it, shall be sent on one of the international distress frequencies (radiotelephony—2182 kcs, radiotelegraphy—500 kcs). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

(a) Mobile stations which hear the urgency signal shall continue to listen for at least three minutes. At the end of this period, if no urgency message has been heard, they may resume their normal service. However, land and mobile station which are in communication on frequencies other than those used for the transmission of the urgency signal and of the call which follows it may continue their normal work without interruption provided the urgency message is not addressed "to all stations" (CQ).

(b) When the urgency signal has been sent before transmitting a message "to all stations" (CQ) and which calls for action by the stations receiving the message, the station responsible for its transmission shall cancel it as soon as it knows that action is no longer necessary. This message of cancellation shall likewise be addressed "to all stations" (CQ).

21.20 Safety Signals. The safety signal indicates that the station is about to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(a) In radiotelephony, the safety signal consists of the word SECURITY, spoken three times, and transmitted before the call.

(b) In radiotelegraphy, the safety signal consists of three repetitions of the group TTT, sent with the individual letter of each group and the successive groups, clearly separated from each other. It shall be sent before the call.

(c) The safety signal and call shall be sent on one of the international distress frequencies (radiotelephony—2182 kcs radiotelegraphy—500 kcs). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

21.21 Safety Messages. The safety signal and call shall be followed by the safety message. Where practicable, the safety message should be sent on a working frequency and a suitable announcement to this effect shall be made at the end of the call.

(a) Except for the cases mentioned in paragraph (b) of this Section, the safety signal when sent on the frequency 500 kcs shall be transmitted towards the end of the first available period of silence; the safety message shall be transmitted immediately after the period of silence.

(b) Messages containing meteorological warnings, or containing information concerning the presence of typhoons, dangerous wrecks, or any other imminent danger to marine navigation, shall be preceded by the safety signal and transmitted with the least possible

delay to other mobile stations in the vicinity, and to the appropriate authorities at the first point of the coast with which contact can be established. Such messages shall be addressed, while in waters of the Trust Territory, to the Trust Territory Emergency Coordination Center and/or to Fleet Weather Central in Guam.

(c) All stations hearing the safety signal shall listen to the safety message until they are satisfied that the message is of no concern to them. They shall not make any transmission likely to interfere with the message.