

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 24 of 2015

TELECOMMUNICATIONS (EXEMPTION) ORDER

In exercise of the power conferred under section 3(3) of the Telecommunications Act, Cap. 16.05, the Minister responsible for Telecommunications, on the recommendation of the Eastern Caribbean Telecommunications Authority, makes this Order:

[Published 24th September 2015, Official Gazette No. 45 of 2015]

1. CITATION.

This Order may be cited as the Telecommunications (Exemption) Order, 2015.

2. INTERPRETATION.

In this Order,

- ‘aeronautical mobile satellite service’ means a mobile satellite service in which mobile earth stations are located on board an aircraft, aeroplane, emergency position-indicating radio beacon station or a survival craft station;
- ‘aircraft’ means a power driven machine that derives its lift in flight chiefly from the aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- ‘apparatus’ means all stations located on board an airplane, aeroplane or ship that is used for the purpose of providing satellite services;
- “customer premises wireman” means a person licensed by the Commission to wire a customer’s premises;
- “earth station” means a station located either on the earth’s surface or within the major portion of the earth’s atmosphere and intended for communication with one or more space stations or with one or more stations of the same kind by means of one or more reflecting satellites or other objects in space;
- ‘maritime mobile satellite service’ means a mobile satellite service in which mobile earth stations are located on board ships, survival craft stations and emergency position-indicating radio beacon stations;
- “mobile earth station” means an earth station in the mobile satellite service intended to be used while in motion or during halts at unspecified points;
- ‘owner’ includes the legal owner, an agent or any person in whom an owner of a ship vests authority to manage and operate a ship;

‘ship’ means every description of a vessel used in navigation engaged in a voyage within the territorial waters of Saint Christopher and Nevis;

“survival craft station” means a mobile station in the maritime mobile service or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life craft or other survival equipment.

3. EXEMPTION.

Subject to section 4, the following category of ship, aircraft, person or type of network or service is exempted from the requirement of obtaining an Individual Licence, Class Licence or Frequency Authorisation under the Telecommunications Act, Cap. 16.05

- (a) an aeronautical mobile satellite service provider;
- (b) a maritime mobile satellite service provider;
- (c) a citizen band radio network or service ;
- (d) a customer premises wireman;
- (e) a satellite phone service provider;
- (f) an internet or cyber café provider; and
- (g) a telecommunications equipment dealer.

4. CONDITIONS.

(1) For the purposes of section 4(a) and (b), a person must first submit a written request to the Minister, and copied to the Commission, for an exemption under section 3, that states the following

- (a) the name, email address, telephone number, fax number and location of the business place;
- (b) the type of telecommunications service the service provider wishes to offer;
- (c) the area where the telecommunications service will be provided;
- (d) the type of customers that the service provider intends to serve; and
- (e) the type of equipment to be utilized in the provision of a telecommunications service.

(2) A request made under subsection (1) must have the following documents attached

- (a) a certified copy of a valid licence authorising the person to provide an aeronautical or maritime mobile satellite service;
- (b) a certified copy of the Certificate of Incorporation of the service provider; and
- (c) a certified copy of Good Standing for the service provider.

(3) An aeronautical or maritime mobile satellite service provider must

- (a) register with the Commission before providing any service;
- (b) have and maintain a contact number which is readily available;

- (c) provide access for inspection and testing of apparatus used for the provision of that service on the request of the Commission or a duly authorised officer of the Commission;
 - (d) comply with any direction given by the Commission for avoiding interference with other telecommunications apparatus or any licensed telecommunications network;
 - (e) not use the apparatus in a manner that would cause harmful interference with other telecommunications apparatus or any licensed telecommunications network;
 - (f) not violate any existing policy, code or international standard governing the use of aeronautical or maritime mobile satellite services;
 - (g) provide evidence that the installation and operation of the apparatus used for the provision of the aeronautical or maritime mobile satellite service has been certified by the State in which the aircraft, aeroplane or ship is registered;
- (4) Unless specifically authorised by the Eastern Caribbean Civil Aviation Authority or any other authority responsible for civil aviation, an aeronautical or a maritime mobile satellite service provider shall not provide an aeronautical or maritime mobile satellite service when an aircraft or aeroplane is
- (a) below 7000 ft altitude;
 - (b) taking off or during take-off;
 - (c) in its initial climb out;
 - (d) in final approach position;
 - (e) landing or taxiing.
- (5) An aeronautical or maritime mobile satellite service provider must ensure that transmissions from apparatus shall automatically be terminated on the loss or significant degradation of the downlink signal from the relevant geostationary satellite.
- (6) For the purposes of section 3(c), (d), (e), (f) and (g) a service provider must register with the Commission, prior to the provision of any service in Saint Christopher and Nevis and provide the following information and documents to complete the registration process
- (i) the name, email address, telephone number, fax number and location of the business place;
 - (ii) the type of telecommunications services that the provider wishes to offer;
 - (iii) the area where the telecommunications service will be provided;
 - (iv) the type of customers the service provider intends to serve;
 - (v) the type of equipment to be utilised in the provision of the telecommunications service;
 - (vi) a certified copy of the Certificate of Incorporation of the service provider; and
 - (vii) a certified copy of the Certificate of Good Standing of the service provider.

5. TRANSITION.

A person who carries out a service that may be exempted under this Order shall, within one year of the date of commencement of this Order, register immediately with the Commission.

Made this 15th day of September 2015.

VINCENT F BYRON

Minister responsible for Telecommunications