

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 25 of 2006

The Minister responsible for telecommunications in exercise of the powers conferred under section 54 of the Telecommunications Act, 2000 makes these Regulations

PART I

PRELIMINARY

1. **SHORT TITLE.** These Regulations may be cited as the **TELECOMMUNICATIONS (SPECTRUM MANAGEMENT) REGULATIONS, 2006.**

2. **INTERPRETATION AND APPLICATION.** (1) In these Regulations

“Act” means the Telecommunications Act, 2000;

“ECTEL” has the same meaning as that ascribed to it in the Telecommunications Act, 2000;

“harmful interference” means any radiation or induction that endangers the functioning of a radio navigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and these Regulations;

“incidental emissions” means radio-frequency energy generated and emitted during the course of normal operation of a device that is not intentionally designed to generate or emit unwanted radio frequency energy;

“radio” means the general term applied to the use of electro-magnetic waves of frequencies arbitrarily lower than 3,000GHz, propagated in space without artificial guide;

“radio frequency” means any frequency within the electro-magnetic spectrum associated with radio wave propagation;

“radio station” means any facility or installation that emits or receives radio frequencies;

“Region 2” means the geographical area defined by the International Telecommunication Union (ITU) that covers the Americas (North America, Central America and South America) and the Caribbean;

“station” means one or more transmitters or receivers or a combination of transmitters or receivers, including the accessory equipment, necessary at one location for carrying out a radio communication service, or the radio astronomy service.

(2) These regulations apply to all matters relating to the management and monitoring of radio frequency.

(3) All persons utilising radio frequency for or in relation to the operation of a telecommunications network or providing a telecommunications service shall obtain Frequency Authorisation for the use of such frequency.

PART II

MANAGEMENT OF SPECTRUM

3. **COMMISSION TO MAKE SPECTRUM.** (1) The Commission shall manage and control the use of electro-magnetic spectrum in Saint Christopher and Nevis.

(2) Subject to the ECTEL recommended Regional Radio Spectrum Plan the Commission may establish a National Plan for the allocation and assignment of Radio Frequencies and review and amend such plan whenever necessary.

(3) The Regional Radio Spectrum Plan shall comply with the Regional Plan of Frequency Allocation of Region 2 and the Master Table of Frequencies of the International Telecommunication Union.

(4) The National Plan shall also take into consideration the policy and objectives related to future use of Radio Frequency in Saint Christopher and Nevis.

(5) The management of the electro-magnetic spectrum shall as far as practicable be in conformity with the Regional Radio Spectrum Plan recommended by ECTEL;

4. **COMMISSION TO USE MONITORING EQUIPMENT.** (1) The Commission shall monitor the use of radio frequencies in Saint Christopher and Nevis in order to ensure compliance with these Regulations and that holders of Frequency Authorization comply with the conditions, regulations and terms of those authorisations;

(2) The Commission may use spectrum management and monitoring equipment to detect illegal use of frequencies or equipment;

(3) The results of such monitoring shall be prima facie evidence of the use of radio frequencies and radio equipment in Saint Christopher and Nevis.

5. **COMMISSION TO COORDINATE ITS MANAGEMENT ACTIVITIES.** Where the management of the spectrum involves the use of the electro-magnetic spectrum by the armed forces, police force, public security or civil aviation, the Commission may consult with the relevant body.

6. **TEMPORARY USE OF FREQUENCIES.** (1) The Commission may recommend that the Minister authorise, on a temporary basis only, the use of frequencies outside the scope of the Regional Radio Spectrum Plan for emergencies or projects of short duration if the Commission considers that exceptional circumstances require the utilisation, and that harmful interference will not be caused to services operating in accordance with the Regional Spectrum Management Plan or the National Plan if established.

(2) The Frequency Authorisations referred to in sub-regulation (1) shall not be used for any commercial purpose or to develop any service to be operated on frequencies other than those allocated to that service.

(3) All Frequency Authorisations except those issued for emergency purposes or projects of short duration shall prior to their issuance be forwarded to ECTEL for its advice and comments.

(4) All Frequency Authorisations issued for emergency or other short duration purposes shall as soon as practicable be forwarded to ECTEL for its information.

7. USE OF GOVERNMENT AGENCY FREQUENCY BY NON-GOVERNMENT AGENCY. (1) Where a frequency has been assigned to a government agency the Commission, may recommend to the Minister to grant permission to a non-government agency to use that frequency.

- (a) the recommendation shall be made after consultation with the appropriate government agency and ECTEL;
- (b) in that consultation the relevant government agency shall certify that the frequency required by the non-government agency is necessary for the purpose of coordinating activities between the government and non-government agencies.

(2) A recommendation made pursuant to regulation 7(1) may include the following conditions:

- (a) the non-government agency shall not cause harmful interference to a Frequency Authorisation holder;
- (b) in the event the non-government agency causes harmful interference to a Frequency Authorisation holder the non government agency shall take immediate steps, up to and including cessation of operation, to eliminate the harmful interference;
- (c) where a Frequency Authorisation holder causes harmful interference to a non-government agency the Frequency Authorisation holder may take such steps as it deems necessary to eliminate the harmful interference.

8. CAPACITY OF EQUIPMENT. Equipment utilised by a Frequency Authorisation holder shall be capable of being adapted within a reasonable time frame so that it may receive and transmit on any frequency in the bands assigned to the holder of that authorisation.

PART III

ROLE OF COMMISSION

9. GUIDELINES FOR ASSIGNING FREQUENCIES. In recommending to the Minister in relation to the assignment of frequencies, the Commission shall take into account

- (1) the views of ECTEL;
- (2) representations or objections that are timely and duly made and not withdrawn;
- (3) the availability of frequencies and the ability for sharing the frequencies;
- (4) the distribution of frequencies between commercial, non-commercial, rural, urban, military or other categories;

(5) the need for, and location of radio frequency spectrum in use, or to be used by the national Government; and

(6) the technical characteristics of the equipment involved, and its capability to interconnect with other communications equipment and networks.

10. MANAGEMENT OF ELECTRO-MAGNETIC SPECTRUM. (1) Subject to the Act and these regulations, the Commission shall

- (a) manage and control incidental emissions or emissions from exempted low powered emitters of the electro-magnetic spectrum;
- (b) manage and control the use of the electro-magnetic spectrum from, to and within the territory of Saint Christopher and Nevis; and
- (c) put in place measures, give directives and make recommendations to prohibit or minimise the incidence of those emissions.

(2) The Commission may issue a directive requiring a person to comply with technical regulation in respect of the emission of electro-magnetic radiation from equipment of any description.

(3) The Minister may limit the number of Frequency Authorisations in a given frequency band, after a public consultation, to ensure the efficient use and management of the electro-magnetic spectrum.

(4) A consultation under this regulation shall be for the purpose of bringing matters to which it relates to the attention of those likely to be affected and to provide opportunity for comment.

(5) The consultation shall be in accordance with the Commission's established guidelines and published on the Commission's website, in the *Gazette* and a local newspaper with wide circulation.

11. HARMFUL INTERFERENCE. (1) Where the Commission receives a complaint of harmful interference resulting from the operation of a radio station the Commission shall as soon as practicable investigate that complaint.

(2) Where the Commission determines that the source of the harmful interference is from within another Member State the affected Commission shall immediately notify ECTEL.

(3) Where ECTEL is notified pursuant to regulation 11 (2) ECTEL shall request the Commission of the other Member State to investigate the complaint.

(4) Where a Commission finds evidence to support a complaint, it shall give the alleged wrongdoer seven days from the date of service of the notice to satisfactorily respond to the complaint.

(5) Upon request of the alleged wrongdoer the Commission may extend by not more than seven days the time required to satisfactorily remedy the harmful interference.

(6) Where the party is a Frequency Authorisation holder and does not request an extension pursuant to regulation 11(5) and it fails to satisfy the Commission that it is not causing harmful interference as alleged or fails to remedy the breach, the Commission shall forthwith submit to the Minister a report including details of the complaint, results of the

investigation, any response from the Frequency Authorisation holder and the Commission's recommendation to revoke, suspend or vary the non-statutory terms and conditions of the Frequency Authorisation.

(7) The Minister, upon receipt of the recommendation from the Commission shall give that Frequency Authorisation holder notice in writing in accordance with the Act of his intention to revoke or suspend the Frequency Authorisation specifying the ground on which he proposes to do so, and giving the Frequency Authorisation holder an opportunity to

- (a) present his views;
- (b) satisfy the Minister that it is not causing the harmful interference as alleged;
- (c) provide satisfactory reasons why the Frequency Authorisation should not be revoked or suspended or its non-statutory terms or conditions varied.

(8) Where harmful interference is from a source in a non-ECTEL Member State, the Commission shall advise ECTEL and ECTEL shall as soon as practicable initiate the procedure established by the International Telecommunication Union for the management of electro-magnetic interference between its Member States.

(9) If after the Commission has conducted the investigation it is of the view that the harmful interference is from an unauthorized source within Saint Christopher and Nevis it shall:

- (a) advise the offender of the illegal operation and request they cease and desist from transmitting on unauthorised frequency;
- (b) in the event that the offender fails to comply with the Commission's request the Commission shall as soon as practicable advise ECTEL and submit a report including the results of its investigation to the Director of Public Prosecutions detailing the breach of the Act.

12. OBLIGATION TO GIVE INFORMATION. A Licensee or Frequency Authorisation holder, its agents or servants on or at any premises or place entered by an inspector or other authorised officer of the Commission under this Regulation shall give to the inspector or other authorised officer any information he may reasonably require for the purposes of these regulations and shall not hinder or obstruct him in the performance of his functions.

PART IV

MISCELLANEOUS

13. REASSIGNMENT OF RADIO FREQUENCIES. (1) The Minister may, on the advice of the Commission and consistent with the Regional Spectrum Management Plan, reassign frequency

- (a) to allow for the introduction of new technology;
- (b) where it is necessary to ensure the efficient use of the radio spectrum;
- (c) where the overall demand for radio frequency for a particular telecommunications service cannot be met; or

- (d) where a Frequency Authorisation holder requests frequency held by another Frequency Authorisation holder and the Minister considers it appropriate to do so.

(2) The Commission shall, before advising the Minister regarding the reassignment of radio frequency

- (a) consult with ECTEL;
- (b) allow any person likely to be affected by the proposed activity an opportunity to make representations;
- (c) ensure that any person licensed to provide telecommunications services or establish and operate a telecommunications network is able to maintain continuity in the provision of the relevant services or networks;
- (d) give holders of existing frequency authorisations reasonable notice of the pending reassignment; and where necessary;
- (e) publish specific objectives and non-discriminatory procedures for the proposed reassignment.

(3) Except a reassignment is made pursuant to sub-regulation (1)(d) a Frequency Authorisation holder shall not be entitled to compensation.

(4) Where a reassignment is made pursuant to sub-regulation (1)(d) the holder of a Frequency Authorisation for that frequency may be entitled to compensation from the requesting licensee.

(5) Compensation referred to under sub-regulation (4) shall be for costs reasonably incurred in complying with that reassignment.

14. **REVOCATION.** The Telecommunications (Spectrum Management) Regulations, No. 5 of 2002 are hereby revoked.

Made this 17th day of October 2006.

DENZIL L DOUGLAS
Minister responsible for Telecommunications

SAINT CHRISTOPHER AND NEVIS
STATUTORY RULES AND ORDERS

No. 5 of 2002

Received by:
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The Minister responsible for telecommunications, in exercise of the powers conferred under section 54 of the Telecommunications Act, 2000 makes these Regulations.

1. **SHORT TITLE.** These Regulations may be cited as the **TELECOMMUNICATIONS (SPECTRUM MANAGEMENT) REGULATIONS, 2002.**

**PART I
PRELIMINARY**

2. **COMMENCEMENT.** These Regulations shall come into force on such day as the Minister by Order published in the *Gazette* appoints.

3. **INTERPRETATION.** In these Regulations:

“Act” means the Telecommunications Act, 2000;

“assigned frequency” means the frequency band assigned to a transmitter;

“authorised frequency” means the frequency assigned to a provider by the Commission and which is specified in the frequency authorisation;

“authorised power” means the power assigned to a radio station by the Commission which is specified in the frequency authorisation, but not necessarily corresponding to the power which the Commission uses for the purposes of its Master Frequency Record (MFR) and notification to the International Telecommunication Union;

“experimental radio service” means a service in which radio waves are employed for purposes of experimentation in the radio art, or for purposes of providing essential communications for research projects which could not be conducted without the benefit of such communications;

“experimental station” means a station utilising radio waves in experiments with a view to the development of science;

“fixed service” means a service of radio communication between specified fixed points;

“fixed station” means a station in the fixed service;

“geostationary satellite orbit” means the orbit in which a satellite must be placed to be a geostationary satellite;

“harmful interference” means any radiation or induction which endangers the functioning of a radio navigation service or of a safety service or

obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and these Regulations;

"landing area" means any locality comprising land or water including aerodromes and intermediate landing fields used for the landing and take off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo;

"land station" means a station in the mobile service not intended for operation while in motion;

"main power of radio transmitter" means the power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation;

"mobile service" means a service of radio communication between mobile and land stations, or between mobile stations;

"mobile station" means a station in a mobile service capable of being used while in motion or during halts at unspecified points;

"peak power of radio transmitter" means the mean power supplied to the antenna during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation;

"radio service" means an administrative subdivision of the field of radio communication, as for example mobile service and fixed services;

"radio station" means any facility or installation that emits radio frequencies;

"region 2" means geographical area as defined by the International Telecommunication Union (ITU) that covers the Americas (North America, Central America, South America) and the Caribbean; and

"station" means one or more transmitters or receivers or a combination of transmitters or receivers, including the accessory equipment, necessary at one location for carrying out a radio communication service, or the radio astronomy service.

PART II MANAGEMENT OF SPECTRUM

4. **MONITORING THE USE OF RADIO.** The Commission shall monitor the use of radio frequencies in Saint Christopher and Nevis in order to ensure that holders of frequency authorisations comply with the conditions, regulations and terms of those authorisations and that persons not holding frequency authorisations comply with these Regulations.

5. **COMMISSION TO MANAGE SPECTRUM.** Subject to these Regulations, the Commission shall:

- (a) have the power to withdraw or suspend any emission where it deems it necessary to do so;
- (b) manage and control accidental or non-restricted emissions of the electro-magnetic spectrum;
- (c) manage and control the use of the electro-magnetic spectrum from, to and within the territory of Saint Christopher and Nevis; and
- (d) put into place measures to prohibit or minimise the incidence of those emissions.

6. COMMISSION TO COORDINATE ITS MANAGEMENT ACTIVITIES.

Where the acts of the Commission in the management of the spectrum involve the use of the electro-magnetic spectrum for broadcasting of television or radio programming, the Commission shall coordinate its management activities with the Saint Christopher and Nevis Broadcasting Commission.

7. CONFORMITY WITH REGIONAL SPECTRUM MANAGEMENT PLAN. (1) Except as otherwise provided in these Regulations the following shall conform with the Regional Spectrum Management Plan developed by ECTEL, the:

- (a) actual use of frequencies for radio communication or other purpose including the transfer of energy by radio;
- (b) assignment of frequencies and bands of frequencies to all stations and classes of stations;
- (c) licensing and authorising of the use of all such frequencies between 9kHz and 400GHz.

(2) In developing the Regional Spectrum Management Plan, ECTEL shall, to the extent that it is reasonable to do so:

- (a) apply international norms and act consistent with international arrangements with respect to use and allocation of spectrum;
- (b) preserve existing spectrum use and allocations.

8. TEMPORARY USE OF FREQUENCIES. (1) The Commission may authorise on a temporary basis only, the use of frequencies outside the scope of the Regional Spectrum Management Plan, for emergencies or projects of short duration, where the Commission deems that exceptional circumstances require such utilisation, and that harmful interference will not be caused to services operating in accordance with the Regional Spectrum Management Plan.

(2) The authorisations referred to in sub-regulation (1) shall not be used for any commercial purpose or to develop any service to be operated on frequencies other than those allocated to that service.

(3) All authorisations except any issued for emergency purposes or projects of short duration shall be forwarded to ECTEL for its advice and comments.

9. USE OF FREQUENCIES BY NON-GOVERNMENT STATIONS. The Commission may permit non-Government stations to use Government frequencies in bands above 25MHz, where after consultation with the appropriate Government agency finds that the use is necessary for the coordination of Government and non-Government activities.

(2) Before advising the Minister regarding the process of re-distribution of radio frequencies the Commission shall:

- (a) allow any person likely to be affected by the proposed re-distribution an opportunity to make representations;
- (b) ensure that any person licensed to provide telecommunications services or establish and operate a telecommunications network is able to maintain continuity in the provision of the relevant services or networks;
- (c) give holders of existing frequency authorisations at least one year notice of the pending redistribution; and
- (d) publish specific objectives and non-discriminatory rules for the proposed redistribution.

(3) Any holder of a frequency authorisation shall be entitled to compensation where a re-distribution of frequencies occurs.

(4) Compensation referred to under **sub-regulation (3)** shall be for costs reasonably incurred in complying with that redistribution.

Made this 22nd day of January 2002.

SAM CONDOR
Minister responsible for Telecommunications

SAINT CHRISTOPHER AND NEVIS
STATUTORY RULES AND ORDERS

No. 5 of 2002

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1. **SHORT TITLE.** These Regulations may be cited as the **TELECOMMUNICATIONS (SPECTRUM MANAGEMENT) REGULATIONS, 2002.**

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obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and these Regulations;

“landing area” means any locality comprising land or water including aerodromes and intermediate landing fields used for the landing and take off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo;

“land station” means a station in the mobile service not intended for operation while in motion;

“main power of radio transmitter” means the power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation;

“mobile service” means a service of radio communication between mobile and land stations, or between mobile stations;

“mobile station” means a station in a mobile service capable of being used while in motion or during halts at unspecified points;

“peak power of radio transmitter” means the mean power supplied to the antenna during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation;

“radio service” means an administrative subdivision of the field of radio communication, as for example mobile service and fixed services;

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PART II MANAGEMENT OF SPECTRUM

4. MONITORING THE USE OF RADIO. The Commission shall monitor the use of radio frequencies in Saint Christopher and Nevis in order to ensure that holders of frequency authorisations comply with the conditions, regulations and terms of those authorisations and that persons not holding frequency authorisations comply with these Regulations.

5. COMMISSION TO MANAGE SPECTRUM. Subject to these Regulations, the Commission shall:

- (a) have the power to withdraw or suspend any emission where it deems it necessary to do so;
- (b) manage and control accidental or non-restricted emissions of the electro-magnetic spectrum;
- (c) manage and control the use of the electro-magnetic spectrum from, to and within the territory of Saint Christopher and Nevis; and
- (d) put into place measures to prohibit or minimise the incidence of those emissions.

6. COMMISSION TO COORDINATE ITS MANAGEMENT ACTIVITIES.

Where the acts of the Commission in the management of the spectrum involve the use of the electro-magnetic spectrum for broadcasting of television or radio programming, the Commission shall coordinate its management activities with the Saint Christopher and Nevis Broadcasting Commission.

7. CONFORMITY WITH REGIONAL SPECTRUM MANAGEMENT PLAN. (1) Except as otherwise provided in these Regulations the following shall conform with the Regional Spectrum Management Plan developed by ECTEL, the:

- (a) actual use of frequencies for radio communication or other purpose including the transfer of energy by radio;
- (b) assignment of frequencies and bands of frequencies to all stations and classes of stations;
- (c) licensing and authorising of the use of all such frequencies between 9kHz and 400GHz.

(2) In developing the Regional Spectrum Management Plan, ECTEL shall, to the extent that it is reasonable to do so:

- (a) apply international norms and act consistent with international arrangements with respect to use and allocation of spectrum;
- (b) preserve existing spectrum use and allocations.

8. TEMPORARY USE OF FREQUENCIES. (1) The Commission may authorise on a temporary basis only, the use of frequencies outside the scope of the Regional Spectrum Management Plan, for emergencies or projects of short duration, where the Commission deems that exceptional circumstances require such utilisation, and that harmful interference will not be caused to services operating in accordance with the Regional Spectrum Management Plan.

(2) The authorisations referred to in sub-regulation (1) shall not be used for any commercial purpose or to develop any service to be operated on frequencies other than those allocated to that service.

(3) All authorisations except any issued for emergency purposes or projects of short duration shall be forwarded to ECTEL for its advice and comments.

9. USE OF FREQUENCIES BY NON-GOVERNMENT STATIONS. The Commission may permit non-Government stations to use Government frequencies in bands above 25MHz, where after consultation with the appropriate Government agency finds that the use is necessary for the coordination of Government and non-Government activities.

10. **CONDITIONS TO APPLY.** Pursuant to the provisions of **Regulation 9**, the following conditions shall apply:

- (a) the Commission may authorise the use of Government frequencies by non-Government stations provided that the non-Government stations conform with the conditions agreed upon by the Commission, after consulting the relevant Government agency;
- (b) the frequencies of a non-Government station must be certified as necessary by the relevant Government Agency, and that the required written certification is furnished to ECTEL, the Commission and the non-Government station with which Communication is required, as soon as is practicably possible; and
- (c) non-Government station operating on Government frequencies do not cause harmful interference to Government stations and in the event of harmful interference, the non-Government station shall take immediate steps to eliminate the interference.

11. **CAPACITY OF EQUIPMENT.** Equipment utilised by the holder of a frequency authorisation shall be capable of being adapted within a reasonable time frame so that it may receive and transmit on any frequency in the bands assigned to that holder's authorisation.

PART III ROLE OF COMMISSION

12. **REGIONAL SPECTRUM MANAGEMENT PLAN.** The Regional Spectrum Management Plan shall be in conformity with the Regional Plan of Frequency Allocations of Region 2 and the Master Table of Frequencies of the International Telecommunication Union.

13. **GUIDELINES FOR ASSIGNING FREQUENCIES.** The Commission in assigning the use of frequency shall in conjunction with ECTEL, take into account:

- (a) any representation or objection which is duly and timely made and not withdrawn;
- (b) the availability of frequencies and the ability for sharing the frequencies;
- (c) the distribution of frequencies between commercial, rural, urban or other categories;
- (d) the need for, and location of radio frequency spectrum in use, or to be used by the national Government; and
- (e) the technical characteristics of the equipment involved, and its capability to interconnect with other communications equipment and networks.

14. **MANAGEMENT OF ELECTRO-MAGNETIC SPECTRUM.** (1) The Commission may issue a directive requiring a person to comply with technical regulation in respect of the emission of electro-magnetic radiation from equipment of any description.

(2) The Commission may limit the number of frequency authorisations for ensuring the efficient use and management of the electro-magnetic spectrum.

(3) A notice under this regulation shall be published in the *Gazette* and a local newspaper with a wide circulation for the purpose of bringing the matters to which it relates to the attention of those likely to be affected by those matters.

15. HARMFUL INTERFERENCE. (1) Where a complaint of harmful interference resulting from the operation of a radio station or the use of the radio spectrum in Saint Christopher and Nevis is received from a source within that state or from a foreign source, the Commission may issue a directive temporarily suspending the operation of the station on that particular frequency for a period not exceeding 30 days pending the investigation of the complaint.

(2) The Commission shall immediately notify ECTEL and the allegedly offending party upon receipt of a complaint of harmful interference resulting from the operation of that radio station or the use of that radio spectrum in Saint Christopher and Nevis.

(3) The Commission shall conduct an investigation of the complaint referred to in sub-regulation (1) in conjunction with ECTEL, and shall give the party against whom the complaint has been made 10 days to respond to the complaint from the date of the notice of the complaint.

16. OBLIGATION TO GIVE INFORMATION. Any person on or at any premises or place entered by an inspector or other authorised officer under this regulation, shall give to the Inspector or other authorised officer any information he may reasonably require for the purposes of these Regulations and shall not hinder or obstruct him in the performance of his functions.

17. SUSPENSION OF OPERATIONS OR REVOCATION OF AUTHORISATION. A frequency authorisation shall contain provisions providing for the:

- (a) immediate suspension of operations upon the receipt of an order by the Commission to temporarily suspend its operations because of a complaint of harmful interference; or
- (b) revocation where the condition to avoid harmful interference has been breached.

PART IV MISCELLANEOUS

18. RE-DISTRIBUTION OF RADIO FREQUENCIES. (1) The Minister may, on the advice of the Commission, and consistent with the Regional Spectrum Management Plan, re-distribute frequency authorisations:

- (a) to allow the introduction of new technology;
- (b) where it is necessary to ensure the efficient use of the radio spectrum; or
- (c) where the overall demand for radio frequencies for a particular telecommunications service cannot be met.

(2) Before advising the Minister regarding the process of re-distribution of radio frequencies the Commission shall:

- (a) allow any person likely to be affected by the proposed re-distribution an opportunity to make representations;
- (b) ensure that any person licensed to provide telecommunications services or establish and operate a telecommunications network is able to maintain continuity in the provision of the relevant services or networks;
- (c) give holders of existing frequency authorisations at least one year notice of the pending redistribution; and
- (d) publish specific objectives and non-discriminatory rules for the proposed redistribution.

(3) Any holder of a frequency authorisation shall be entitled to compensation where a re-distribution of frequencies occurs.

(4) Compensation referred to under sub-regulation (3) shall be for costs reasonably incurred in complying with that redistribution.

Made this 22nd day of January 2002.

SAM CONDOR
Minister responsible for Telecommunications