



GOVERNMENT OF BARBADOS

Telecommunication Act – 2001
(Act 2001-36)

FORM 10

TU010

**APPLICATION FOR PUBLIC (LOCAL AREA NETWORK)
(SPEECH AND DATA SYSTEMS) LICENCE**

PART A: APPLICANT INFORMATION

(Please read the Notes provided at the back of this Form before completion)

1. Name (if individual):.....

2. Nationality (if individual):.....

3. Address of Applicant (registered office or principal place of business):
.....
.....

4. Mailing Address (if different from registered above address):
.....
.....

5. Applicant is a (n):
Individual Corporation Unincorporated Association Partnership
Please indicate whether this is: a new application an application to modify an existing licence
an application to renew a licence

6. Telephone No.:..... 7. Facsimile No.:

8. "E-mail" address:.....

9. Name of Manager of entity:.....

10. Person in Barbados to be contacted in absence of Manager:
Name:.....
Address:.....
.....
Telephone No.:..... "E-mail" Address:.....

11. Facsimile No.:.....

12. VAT Registration No.:.....

13. Sellers and Dealer's Licence No.:.....

14. Mobile No.:.....

15. Indicate the approximate number of persons currently or to be employed by applicant:.....

PART B: TECHNICAL INFORMATION

Applicant shall provide full details of the equipment to be deployed, which should be type approved by the Minister, along with details of service area covered.

Applicant shall also submit description of the system, along with diagrams, as necessary.

PART C: DOCUMENTARY EVIDENCE

The applicant also must provide the following documents:

- (a) Copies of certificate for incorporation or business registration certificate.
- (b) Most recent annual audited financial report.
- (c) Documentary evidence to demonstrate the financial capability of the company for the first 2 years of operation.
- (d) Performance Bond or Bank Guarantee for payment of licence fees for the first two years of the licence.

PART D: CERTIFICATION STATEMENT

The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are true, complete, correct, and made in good faith.

The applicant agrees to comply with the Telecommunications (*Public Telecommunications Licensing*) Regulations, 2003 with regard to the application procedures and requirements.

If granted a Licence by the Minister, the applicant agrees to provide the licensed carrier network in accordance with the *Telecommunications Act, 2001*. The relevant Regulations made under the Act, and terms and conditions of the licence. Licensee must pay an annual licence fee.

The applicant must obtain any other necessary government approvals required regarding the construction and use of the proposed network facilities.

If granted a licence by the Minister, applicant must have the capability of shutting down any transactions in the event of a malfunction.

Typed or printed name of party authorized to sign:.....

Position:

Signature:..... Date:.....

NOTES

1. The Licence is issued by the Minister and replaces any previous authority granted in respect of the Services that is the subject of this Licence.

2. The Licence authorizes (“the Licensee”) to establish, install or use radio transmitting or receiving stations or radio apparatus as described in the Schedule, hereinafter together called “the Radio Communications Equipment”, subject to the terms set out below.

Licence Term

3. (a) The Licence shall continue in force until revoked by the Minister or surrendered by the Licensee. The Licence shall be for a term of five years in the first instance.

(b) A Service Provider Licence is also required.

Licence Variation and Revocation

4. The Minister may exercise his power to vary or revoke the Licence by a written notice served on the Licensee or by a general notice applicable to holders of this class of Licence published in the *Official Gazette*.

Changes

5. The Licence may not be transferred.

6. The Licensee must give prior or immediate notice to the Minister at the following address in writing of change in the details of the name or address recorded above:

Chief Telecommunications Officer
Ministry responsible for Telecommunications
Barbados

Fees

7. The Licensee shall pay to the Chief Telecommunications Officer the relevant fee as provided in the *Telecommunications (Licence Fees) Regulations, 2003* as per section 110 of the *Telecommunications Act 2001-36* and the Regulations made thereunder.

Radio Equipment Use

8. The Licensee must ensure that the Radio-Communication Equipment is constructed and used only in accordance with the provisions specified in the Schedules. Any proposal to amend any detail specified in the Schedules must be agreed with the Minister in advance and implemented only after the Licence has been varied or re-issued accordingly.

9. The Licensee must ensure that the Radio-Communication Equipment is only used by persons who have been authorized by the Licensee to do so and that such persons are made aware, and of the requirement to comply with, the terms of the Licence.

Access and Inspection

10. The Licensee shall permit a person authorized by the Minister responsible for Telecommunications:
- (a) to have access to the Radio-Communication Equipment; and
 - (b) to inspect the Licence and the Radio-Communication Equipment, at any and all reasonable times, or when in the opinion of that person an urgent situation exists, at any time to ensure that the Radio-Communication Equipment is being used in accordance with the terms of the Licence.

Modification, Restriction and Closedown

11. A person authorized by the Minister may require the Radio Equipment or any part thereof to be modified or restricted in use, or temporarily or permanently closed down immediately where in the opinion of the person so authorized:

- (a) a breach of the Licence has occurred; or
 - (b) the use of the Radio Communication Equipment is causing or contributing to undue interference to the use of other authorized radio equipment.
12. The Minister may require the Radio-Communication Equipment to be modified or restricted in use, or temporarily or permanently closed down either immediately or on the expiry of such period as may be specified:
- (a) in the interest of long term planning; or
 - (b) in the event of a national state of emergency being declared.

The Minister shall exercise this power by a written notice served on the Licensee or by a general notice applicable to holders of this class of Licence published in the *Official Gazette*.

Licensee's Obligation to Customers

13. The Licensee shall, in accordance with regulations promulgated by the Fair Trading Commission, take such steps as are necessary to ensure that, in relation to the licensed services, each customer can reasonably and reliably have access to information services to assist the customer with queries relating to the licensed services, including service conditions, charges and billing.

Fair Trading

14. The Licensee shall not engage in any activities whether by act or omission, which have or are intended to have the effect of unfairly preventing, restricting or distorting competition in any market for the Licensed Services as specified in by statute or by regulations promulgated by the Fair Trading Commission.

Privacy and Confidentiality

15. The Licensee shall ensure the privacy and confidentiality of information and business secrets obtained in the course of its business from or with any customer by establishing and implementing procedures for maintaining confidentiality of such information as may be established by the Minister.

Compliance

16. The Licensee shall comply with all applicable acts, including, the Act and relevant provisions of the *Small Business Development Act, 1999-23*, regulations, directions, orders and recommendations of the Minister.

Interpretation

17. In this Licence,
- (a) the establishment, installation and use of Radio Equipment shall be interpreted as establishment and use of stations and installation and use of apparatus for wireless telegraphy as specified in the Act;

- (b) the expression “interference” shall have the same meaning that it has under the *Telecommunications Act 2001-36*;
- (c) the expression “inspect” includes examination and test;
- (d) the schedules form part of this Licence together with any subsequent schedule that the Minister may issue as a variation to this Licence at a later date; and
- (e) the *Interpretation Act* Cap. 1 shall apply to the Licence as it applies to an Act of Parliament.

Customer Disclosure Statement

18. Each Licensee registered under this Licence for the Provision of Public (Speech and Data Systems) services shall provide to every customer, client or purchase of services provided under this Licence a Customer Disclosure Statement that will set out the terms of use of said services. Such Statement may be provided in either written or electronic form it may be provided on all licensee’s website if some form of acknowledgement is received that the customer has accessed and accepted it at the commencement of the provision of service.

A Customer Disclosure Statement shall, as a minimum requirement, provide terms of use in the following categories:

- Acceptable uses to be made of services provided and restriction on such uses;
- Assumption of risk by customers relative to provision of services;
- Assumption of liability on the part of customers;
- Privacy policies;
- Procedures and policies related to changes in services provided;
- Notice procedures regarding changes in services provided, terms and conditions, service renewal and charges and billing;
- Acceptable methods of payment of charges;
- Conditions for termination or modification of services provided by the licensee and refusal of service to customers;
- Disclosure of the governing jurisdiction of law.