

S.I. 2004 No. 3

Telecommunications Act
(Act 2001-36)

**TELECOMMUNICATIONS (INTERNATIONAL
SUBMARINE CABLE LICENCE)
REGULATIONS, 2004**

The Minister in exercise of the powers conferred on him by section 110 of the *Telecommunications Act*, makes the following Regulations:

1. These Regulations may be cited as the *Telecommunications (International Submarine Cable Licence) Regulations, 2004*.

2. In these Regulations,

"cable licence" means a valid international submarine cable licence;

"exempt transmission apparatus" means any apparatus the functions of which are limited to one of the following:

- (a) the switching of telecommunications;
- (b) the input, capture, storage, organisation, modification, retrieval, output or other processing of intelligence; or
- (c) the control of speed, code, protocol, content, format, routing or similar aspects of the transmission;

"international submarine cable landing facility" means a facility where an international cable is used in Barbados for either a terminating or through cable provision;

"intelligence" means signs, signals, writing, images, sounds or intelligence of any nature;

"network terminating point" for the purpose of transmission facility, is the point from the international submarine cable landing facility in Barbados to the point of connection to the telecommunication service provider facility in Barbados;

"terminating cable licence" means a cable licence issued under paragraph (d) of section 4(2) of the Act for the construction or operation of an international submarine cable, including its associated works or facilities that extend between any place in Barbados or any place outside Barbados and is connected to telecommunications facilities in Barbados;

"through cable licence" means a cable licence issued, under paragraph (d) of section 4(2) of the Act for the construction or operation of an international submarine cable, including its associated works or facilities, that extend through Barbados between places outside Barbados, and does not connect to telecommunication facilities in Barbados;

"transmission facility" means any wire, cable, radio, optical or other electromagnetic system, or any other technical system, for the transmission of intelligence between network termination points, but does not include any exempt transmission apparatus.

3. (1) A person who is desirous of obtaining a cable licence must

- (a) obtain prior written approval to do so from the Chief Town Planner;
- (b) make an application for the licence in the Form set out in Part I of the *Schedule*; and
- (c) pay the application fee set out in Part II of the *Schedule*.

Schedule.

(2) The application fee referred to in paragraph (1) is not refundable.

4. A cable licence may be granted under these Regulations as

- (a) a terminating cable licence; or
- (b) a through cable licence.

5. A person who controls the administration and operation of an international submarine cable including works or facilities of the cable may be granted a cable licence.

6. (1) A licensee of a cable licence shall be required to pay an annual licence fee as set out in Part II of the *Schedule*.

Schedule.

(2) The first licence fee payable by the licensee pursuant to paragraph (1) must be paid on the grant of the licence and thereafter the annual licence fee must be paid not later than 30 days following the anniversary date of the grant.

7. A licence granted under these Regulations is for a period of 15 years and is renewable where the licensee has complied with the terms and conditions of the licence and with the Act and the relevant Regulations.

8. No person shall provide

- (a) an international service; and
- (b) an international network

in respect of international submarine cabling without obtaining an international service provider or international network carrier licence.

9. No person shall construct or operate

- (a) an international submarine cable; or
- (b) any works or facilities for the purpose of operating an international submarine cable

except in accordance with a cable licence issued under these Regulations.

10. A licensee of a cable licence that is a terminating cable licence shall not be permitted to connect to a telecommunications service provider in Barbados before the start of Phase III of the Transition Timetable.

11. A cable licence may be amended or modified on the application of the licensee; but no licence is transferable except with the consent of the Minister.

12. A cable licence may contain such conditions as the Minister considers are consistent with the Barbados telecommunications policy objectives.

13. The Minister may suspend or revoke a licence issued under these Regulations in accordance with section 19 of the Act.

14. A service provider and a network carrier shall not provide an international service or an international network in respect of international submarine cabling without obtaining a service provider and a network carrier licence.

15. A licensee of a terminating cable licence shall not connect to any telecommunication service provider in Barbados until the start of Phase III of the Transition Timetable.

SCHEDULE



PART I

Telecommunications Act
(Act 2001-36)

(Regulations 3, 6)

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**APPLICATION FOR INTERNATIONAL
SUBMARINE CABLE 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 office address):

SCHEDULE - Cont'd

5. Applicant is a (n):

Individual

Corporation

Unincorporated Association

Partnership

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.:

Facsimile No.:

"E-mail" Address:

11. Mobile No.:

Please indicate whether this is: a new application
 an application to modify an existing licence
 an application to renew a licence

SCHEDULE - Cont'd

12. Indicate

- (a) the approximate number of persons currently or to be employed by the applicant: _____
- (b) full complement of technical staff to be employed: _____

13. Applicant's Mobile Phone or Pager No.

14. Is application submitted with Cheque. Yes No

15. Licence Type

- (a) Terminating Cable
- (b) Through Cable

16. Origin of Cable:

17. Intended routes:

18. For terminating cable licence only:

- (a) Points of connection to telecommunications facilities in Barbados.
 - (b) Name and address of facilities to be connected to:
-

SCHEDULE - *Cont'd*

19. Capital costs of cable:

20. Technical capabilities of cable:

21. Leased Circuit Information

- (a) Lessor
 - (b) Duration of Lease
 - (c) Number of Circuits Leased
-

22. Cable Information

Cable type

- (a) Coaxial
 - (b) Fiber
 - (c) Other
-

23. Landing Site Information

- (a) Address _____

 - (b) Building type _____
 - (c) Associated Works _____
-

SCHEDULE - *Cont'd*

Applicant to supply details of contacts with the Chief Town Planner:

We declare that we have not commenced provision or operation of any of the telecommunication facilities applied for in this application and all the information in this application is true and correct. We understand that approval from the Ministry responsible for Telecommunications in Barbados is based on information as declared in this application. We further acknowledge that, should any of the information declared herein be found to be untrue, inaccurate or incorrect, any licence granted by the Ministry will be rendered null and void. The Ministry reserves its right to impose penal sanctions against us under any applicable laws and regulations in force and this is without prejudice to any civil liberties that the Ministry has against us if any of the information declared in this application be found to be untrue, inaccurate or incorrect.

Signature

Company Stamp

Name

Date

SCHEDULE - *Concl'd*

PART II

*(Regulation 3)***Fees**

<i>Column 1</i>	<i>Column 2</i>
Application fee	\$500.00
Annual licence fee	\$1% of Annual Gross Turn Over, subject to a minimum of \$20 000.00

Made by the Minister this 16th day of January, 2004.

ANTHONY P. WOOD
Minister responsible for Telecommunications.