

COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDER No. 33 OF 2016.

ORDER

Made by the Minister under section 6(2) and (4) of the
Telecommunications Act 2000, Act No. 8 of 2000.

(Gazetted October 20, 2016)

1. This Order may be cited as the -

Short title.

TELECOMMUNICATIONS (EXEMPTION) ORDER, 2016

2. In this Order -

Interpretation.

“Act” means the Telecommunications Act 2000;

Act No. 8 of 2000.

“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

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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;

“ship” means every description of a vessel used in navigation engaged in a voyage within the territorial waters of Saint Lucia;

“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.

Exemption.

3. Subject to paragraphs 4 and 5 the following category of, ship, aircraft, person or type of network or service is exempted from application of the Act –

- (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. (1) Exemption under paragraph 3(a) or (b) extends to an aeronautical or maritime mobile satellite service provider subject to the conditions that the aeronautical or maritime mobile satellite service provider -

Conditions of exemption under paragraph 3(a) or (b).

(a) is registered with the Commission;

(b) submits the following information and documents to the Commission :

(i) the name, email address, telephone number, fax number and location of the business place;

(ii) the type of telecommunications service the service provider wishes to offer;

(iii) the area where the telecommunications service will be provided;

(iv) the type of customers that the service provider intends to serve;

(v) the type of equipment to be utilized in the provision of a telecommunications service;

(vi) a certified copy of a valid licence authorising the person to provide an aeronautical or maritime mobile satellite service;

(vii) a certified copy of the Certificate of Incorporation of the service provider; and

- (viii) a certified copy of the Certificate of Good Standing for the service provider;
- (c) has and maintains a contact number which is readily available;
- (d) provides access for inspection and testing of apparatus used for providing the service on the request of the Commission or a duly authorised officer of the Commission;
- (e) complies with any direction given by the Commission for avoiding interference with other telecommunications apparatus or any licensed telecommunications network;
- (f) does not use the apparatus in a manner that would cause harmful interference with other telecommunications apparatus or any licensed telecommunications network;
- (g) does not violate any existing policy, code or international standard governing the use of aeronautical or maritime mobile satellite services;
- (h) provides 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;
- (i) unless specifically authorised by the Eastern Caribbean Civil Aviation Authority or any other authority responsible for civil aviation, does not provide an aeronautical or maritime mobile

satellite service when an air- craft or aeroplane is –

- (i) below 7000ft altitude;
- (ii) taking off or during take-off;
- (iii) in its initial climb out;
- (iv) in final approach position;
- (iv) landing or taxiing;
- (j) ensures that transmissions from apparatus are automatically terminated on the loss or significant degradation of the downlink signal from the relevant geostationary satellite.

5. Exemption under paragraph 3(c), (d), (e), (f) and (g) is subject to the condition that the service provider is registered with the Commission and supplies the following information and documents to the Commission –

Conditions of exemption under paragraph 3(c), (d), (e), (f) and (g).

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

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- (f) a certified copy of the Certificate of Incorporation of the service provider; and
- (g) a certified copy of the Certificate of Good Standing of the service provider.

Made this 14th day of October, 2016.

KELVER DARROUX
Minister for Telecommunications