

THE TELECOMMUNICATONS ACT

The Telecommunications (Forms) (Amendment)
Regulations, 2009

In exercise of the power conferred upon the Minister by sections 13 and 72 of the Telecommunications Act, the following Regulations are hereby made: -

1. These Regulations may be cited as the Telecommunications (Forms) (Amendment) Regulations, 2009, and shall be read and construed as one with the Telecommunications (Forms) Regulations, 2000 (hereinafter referred to as the principal Regulations) and all amendments thereto.

2. The principal Regulations are amended by deleting regulation 3 and substituting therefor the following -

"3. A licence granted under section 13 of the Act shall, in the case of -

(a) a carrier licence, be in the form prescribed as

**Form 2.
Schedule.**

Form 2 in the Schedule; and

(b) a service provider licence, be in the form

Form 3.

prescribed as Form 3 in the Schedule."

3. The Schedule to the principal Regulations is deleted and the following substituted therefor -

" **SCHEDULE** (Regulations 2 and 3)

FORM 1

THE TELECOMMUNICATIONS ACT

The Telecommunications (Forms) Regulations, 2000

APPLICATION FOR CARRIER OR SERVICE PROVIDER LICENCE

(under section 13)

Please specify type of licence being applied for:

Service Provider Licence

Carrier Licence

SECTION A: PARTICULARS OF APPLICANT

1(a) Name of applicant:.....

(b) Address of applicant:.....

2. Where applicant is a company -

(a) country and date of incorporation and registration:

.....

(b) registration number:

.....

(c) address of registered office:

.....

(d) share capital:

	par value	authorized	issued
	(J\$)	(number)	(number)

preference shares.....

ordinary shares.....

- *Set out in an attachment the names, businesses, addresses and dates of appointment of the directors, the chief executive officer and the company secretary.*
- *Set out in an attachment the names, addresses and country of domicile and shareholdings of all shareholders holding more than 10% of any class of shares in the company.*
- *Attach certified copies of memorandum of association, articles of association and certificate of incorporation.*

3. Applicant's postal address (if different):

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.....

4. Telephone No.: Facsimile No.:

E-mail address:.....

5. Name and address of any person or organization acting on behalf of the applicant (contact in Jamaica):

Name:

Address:

Telephone No.: Facsimile No.:

E-mail address:.....

6. Applicant's bank or financial institutions:

Name:

Address:

Telephone No.: Facsimile No.:

E-mail address:.....

7. Applicant's auditor:

Name:

Address:

Telephone No.: Facsimile No.:

E-mail address:.....

SECTION B: HISTORY OF APPLICANT

Please tick the appropriate box. If "YES" give particulars.

1. Has the applicant ever applied for a licence or registration under any Act in Jamaica and been refused?

YES NO

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.....

2. Has the applicant ever been licensed under the Telecommunications Act or the Radio and Telegraph Control Act?

YES NO

.....
.....

3. If the answer to question 2 is YES, has any such licence been revoked?

YES NO

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.....

4. Has any connected person previously been granted a licence under the Telecommunications Act which was revoked?

YES NO

.....

.....

Note: for the definition of "connected person", see section 11(6) of the Telecommunications Act.

5. Is the applicant the holder of a telecommunications licence in any other country?

YES NO

.....

.....

6. Has the applicant or any connected person been refused a licence mentioned in question 5 above, or has such licence been revoked?

YES NO

.....

.....

7. Has the applicant operated under or carried on business under any name other than the name shown on this application?

YES NO

.....

.....

8. Has the applicant ever -

(a) been the defendant or respondent in any proceedings in any court in any jurisdiction in any part of the world involving fraud?

YES NO

.....

.....

(b) at any time declared bankruptcy or made voluntary assignment in bankruptcy?

YES NO

.....

.....

If YES, in addition to giving particulars, attach certified copy of discharge.

SECTION C: FINANCIAL INFORMATION

If the applicant has been incorporated for longer than eighteen months, attach an audited financial statement for period ending not later than one year prior to the date of this application.

Please tick the appropriate box. If "YES" give particulars.

Is there any person or company whose name is not disclosed above who has any financial interest in the applicant, either beneficially or otherwise?

YES NO

.....
.....

SECTION D: OFFENCES

Please tick the appropriate box. If "YES" give particulars.

1. Has the applicant, or any director or executive officer of the applicant, ever pleaded guilty or been found guilty under any law of Jamaica or any other country of any offence involving dishonesty, fraud or theft?

YES NO

.....
.....

2. Has the applicant, or any director or executive officer of the applicant, ever been convicted of any criminal offence not mentioned in paragraph 1?

YES NO

.....
.....

3. Is the applicant, or any director or executive officer of the applicant, currently the subject of a charge or indictment under any law of Jamaica or any other country for contravention of any law or for any conduct of the type described in paragraph 1 or 2?

YES NO

.....
.....

SECTION E: CIVIL PROCEEDINGS

Please tick the appropriate box. If "YES" give particulars.

1. Has any claim been made successfully in any civil matter before a court or other tribunal in Jamaica or any other country which was based in whole or in part on fraud, theft, deceit or misrepresentation or similar conduct against -

(a) the applicant?

YES NO

.....
.....

(b) any director of the applicant?

YES NO

.....
.....

(c) any executive officer of the applicant?

YES NO

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.....

2. Is there any claim pending in any civil matter before a court or other tribunal in Jamaica or any other country against the applicant, or any director or executive officer of the applicant, which is based in whole or in part on fraud, theft, deceit or misrepresentation or similar conduct?

YES NO

.....
.....

SECTION F: DETAILS OF NETWORK OR SERVICE

1. Provide a precise description of the Network or Service for which the licence application is made. Include (as applicable) a description of the technical and operational systems configuration, how the network or service systems will be connected with the facilities or services of other carriers or service providers, and the operation of the proposed services, for example the dialing procedures or call set up arrangements. (Use continuation sheet if necessary).

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- 2. Attach a schematic diagram showing the network and facilities configuration and other associated customers' telecommunication equipment used to provide the specified services. The diagram should include the parties connected with and the transition media for connection, e.g. switched or leased circuits.

SECTION G: DECLARATION OF APPLICANT

I,declare/for
(name of applicant)

and on behalf of
(name of company, if applicable)

that -

- 1. I am/..... is not disqualified
(name of company)
from being granted a licence by reason of any legal impediment. I possess the technical qualifications to fully perform the obligations imposed by the licence. I satisfy the financial requirements for the construction and operation of the facility or provision or service to which this applications relates.
- 2. I am/..... is a fit and
(name of company)
proper person to be granted a licence.
- 3. All information submitted in support of this application is true and correct. I understand that a recommendation for approval from the Office of the Utilities Regulation in respect of this application is based on information as declared herein. I understand that, if I knowingly make any false statement in this application, any licence granted pursuant to this application may be revoked.
- 4. I/..... undertake(s) to
(name of company)
comply with the provisions of the Telecommunications Act relating to the type of facility or specified

Assignment or Transfer of Licence

4. This licence and any right granted hereunder shall not be assigned or otherwise transferred except in accordance with the Telecommunications Act.

General

5. Any notice or other document required or authorized to be served upon the licensee may be served at the licensee's address, or where the licensee is a company, the address of its registered office.

6. This licence, and the terms and conditions hereof, shall constitute the entire licence and supersede any prior licenses, permits or undertakings.

7. Other

Please specify any other term or condition subject to which this licence is granted.

Revocation or Suspension of Licence

8. Any contravention of the above terms and conditions may result in the suspension or revocation of this licence pursuant to the provisions of the Telecommunications Act.

Dated thisday of20.....

.....
Minister

FORM 3

(Regulation 3)

THE TELECOMMUNICATIONS ACT

**The Telecommunications (Forms)
Regulations, 2000**

**Service Provider Licence
(pursuant to section 13)**

Licence No.:

The Minister pursuant to section 13 of the Telecommunications Act hereby grants a service provider licence toof.....

(insert name of licensee)

(insert licensee's address)

subject to the terms and conditions specified in the Schedule.

SCHEDULE

Terms and Conditions of Licence

Grant of Rights

1(a) The licensee is licensed to provide to the public the specified services described in paragraph 3.2 in accordance with the terms of this licence.

(b) The licensee is authorized pursuant to this licence to provide the following services to the public:

-
-
-
-
-

Commencement, Duration and Renewal of Licence

2. This licence shall take effect on _____ and shall expire on _____.

3. This licence shall be renewable pursuant to section 15 of the Telecommunications Act.

Assignment or Transfer of Licence

4. This licence and any right granted hereunder shall not be assigned or otherwise transferred except in accordance with the Telecommunications Act.

General

5. Any notice or other document required or authorized to be served upon the licensee may be served at the licensee's address, or where the licensee is a company, the address of its registered office.

6. This licence, and the terms and conditions hereof, shall constitute the entire licence and supersede any prior licenses, permits or undertakings.

7. Other

Please specify any other term or condition subject to which this licence is granted.

Revocation or Suspension of Licence

8. Any contravention of the above terms and conditions may result in the suspension or revocation of this licence.

Dated thisday of20.....

.....
Minister .".

Dated this day of , 2009.

Minister Mining and Telecommunications