

ANTIGUA AND BARBUDA



TELECOMMUNICATIONS (AMENDMENT) BILL, 2018

NO. OF 2018

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AN ACT to amend the Telecommunications Act Cap. 423 and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Telecommunications (Amendment) Act, 2018.

2. Interpretation

In this Act—

“principal Act” means the Telecommunications Act, Cap. 423.

3. Amendment of section 2 – Interpretation

The principal Act is amended in section 2 by –

(a) inserting in the appropriate alphabetical order, within the section, the following terms and their meanings –

“Mobile Number Portability” or “MNP” refers to the ability of a subscriber to change service providers without having to change their telephone number;

“Porting” refers to the process by which a subscriber is able to move his/her telephone number from one service provider to another service provider.

“service provider” means a person who is a holder of a licence granted under this Act to provide a specified public telecommunications service;

“subscriber” means a person that is a party to a contract with the provider of a publicly available electronic communications service for the supply of such service;

“Telecommunications Authority” means the Authority established under section 3 of the principal Act;

(b) by repealing the following term and its meaning –

“telecommunications officer”;

4. Repeal and replacement of Section 3

Section 3 of the principal Act is repealed in its entirety and replaced as follows –

“3. Appointment of Telecommunications Authority

(1) There shall be a Telecommunications Authority which shall be responsible for administering the provisions of this Act under the directions of the Cabinet.

(2) The Telecommunications Authority shall consist of five (5) members appointed as follows –

(a) one member from the Ministry of Telecommunications;

(b) one member being an Attorney-at-Law in the Attorney General’s Chambers;

(c) three members being persons with knowledge and experience in telecommunications, information technology or business administration appointed by the Cabinet.

5. Amendment of the principal Act

The principal Act is amended in sections 5(2), 6(1), 6(2), 8, 11(1), 15(1), 17, 18(2), 19(1), 19(2) by repealing the words “telecommunications officer” wheresoever they appear in those sections and replacing these words with the words, “Telecommunications Authority”.

6. Insertion of new sections 8A, 8B and 8C

The principal Act is amended by inserting immediately after section 8 the following new sections as follows –

“8A. Numbering and electronic address

(1) The Telecommunications Authority shall administer, manage and assign numbers for telecommunications services to licensees on an equitable and a non-discriminatory basis.

(2) The Telecommunications Authority shall develop a plan for the numbering of telecommunications services and may make rules pursuant to that plan regarding the assignment and reassignment of telephone numbers by licensees to users.

(3) For the purposes of subsection (2), the Telecommunications Authority shall —

- (a) take account of relevant international regulations;
- (b) ensure that sufficient numbers are available for the current and reasonably anticipated future needs of licensees;
- (c) have regard to the role that numbers can play in conveying useful information to customers, including information about the type of service being used;
- (d) promote efficient use of numbers;
- (e) make the numbering plan available to the public as it may determine;
- (f) promote fair and open competition;
- (g) as far as possible and subject to paragraphs (a) to (e), avoid the imposition of costs on customers as a result of changes in the numbering system; and
- (h) to such extent as may be reasonable and subject to paragraphs (a) to (e), preserve the numbering system maintained by the existing telecommunications licensees and the numbering allocations existing immediately before the commencement of this Act.

8B. Withdrawal and cancellation of numbers and electronic address

(1) Subject to subsection (2) the Telecommunications Authority may withdraw an allocated number or electronic address —

- (a) by consent or where necessary for the transfer of numbers as may be provided for in the numbering and electronic address plan;
- (b) where the person to whom the number was allocated has repeatedly and seriously contravened the numbering condition and where no other remedy is likely to secure compliance; and
- (c) for the purposes of numbering reorganization.

(2) A withdrawal under subsection (1) shall not unduly discriminate against any particular licensee and user of the particular numbers or electronic addresses.

8C. Mobile Number Portability

(1) Subject to this Act, the Telecommunications Authority may make rules imposing on any licensee, the responsibility to offer mobile number portability if the Telecommunications Authority is satisfied on reasonable grounds that—

(a) the market conditions and the benefits likely to arise from the requirement to provide a particular form of mobile number portability outweigh the likely cost of implementing it; and

(b) the requirement will not impose an unfair burden on any licensee or service provider.

(2) The holder of a licence shall configure its network to facilitate mobile number portability between similar networks as and when directed by the Telecommunications Authority.

Passed the House of Representatives
this the day of 2018.

Passed the Senate
this day of 2018

Speaker

President

Clerk to the House of Representatives

Clerk to the Senate

EXPLANATORY MEMORANDUM

This amendment to the Telecommunications Act, Cap. 423, seeks to lay the legal framework for the introduction of mobile number portability in Antigua and Barbuda.

Clause 3 of the amendment seeks to refine the language used in the principal Act, by introducing concepts that are more familiar to today's users of telecommunication services. These words and phrases will likely form part of the mobile number portability rules and regulations that will underpin the provision of the service.

Clause 4 repeals the telecommunications officer which was a sole individual having control of the provisions of the principal Act as envisaged in 1951. The Telecommunications Officer is now replaced with a Telecommunications Authority, which is a committee of five members appointed by the Cabinet.

Clause 6 inserts new sections 8A, 8B and 8C. The new sections 8A and 8B brings together some of the important allied activities that will assist the Telecommunications Authority with the introduction and facilitation of mobile number portability service.

Hon. Melford Nicholas
Minister with responsibility for
Telecommunications