

[CAP. 323, Rg 3, 2002 Ed.]

**TELECOMMUNICATIONS ACT
(CHAPTER 323, SECTION 74)**

TELECOMMUNICATIONS (CLASS LICENCES) REGULATIONS

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[1st April 2000]

PART I PRELIMINARY

Citation

1. These Regulations may be cited as the Telecommunications (Class Licences) Regulations.

Definitions

2. In these Regulations —

"class licence" means a licence granted by the Authority under section 5 of the Act as set out in the First, Second, Third, Fourth, Fifth, Sixth and Seventh Schedules;

"Facilities-Based Operator" or "FBO" means a person who is granted a specific licence under section 5 of the Act to run any telecommunication system for the purpose of offering to other persons all or any of the following:

- (a) telecommunication switching capacity;
- (b) telecommunication switching services;
- (c) telecommunication transmission capacity; or
- (d) telecommunication transmission services;

"licensee" means a person who is deemed to have been granted a class licence;

"operator" means a person who runs any of the specified telecommunication systems and services;

"Services-Based Operator" or "SBO" means a person who leases from an FBO any telecommunication system (including telecommunication network elements such as transmission capacity, switching services, ducts and fibre) to provide telecommunication services to third parties or to resell the telecommunication services of FBOs;

"specified telecommunication systems and services" means telecommunication systems and services specified in the class licences.

PART II GRANT OF CLASS LICENCE

Class licence

3. An operator shall, upon compliance with regulations 4 and 5, be deemed to have been granted such class licence as may be appropriate to the type of specified telecommunication systems and services run by him.

Registration

4. An operator shall —

- (a) register with the Authority in such form; and
 - (b) submit to the Authority upon registration such information in writing relating to his particulars and the description and scope of telecommunication systems and services run by him,
- as the Authority may require.

Fees payable upon registration

5. An operator shall upon registration or renewal of registration, as the case may be, pay the fee specified in the Eighth Schedule, if any, appropriate to the type of specified telecommunication systems and services run by him.

Duration

6. —(1) Subject to paragraph (2), the registration of a class licence and any renewal thereof shall continue in force for a period of 3 years from the date of registration or renewal, as the case may be.

(2) Paragraph (1) does not apply to the registration of the following class licences for which there is no renewal of registration:

- (a) class licence for store-and-retrieve value-added network services (as set out in the First Schedule) where no leased circuits are used;
- (b) class licence for the resale of public switched telecommunication services (as set out in the Third Schedule);
- (c) class licence for public chain payphone services (as set out in the Fourth Schedule).

Conditions in addition to codes of practice

7. The conditions set out in these Regulations are in addition to any code of practice or standard of performance issued or approved under section 26 of the Act which applies to the licensee.

Waiver

8. The Minister, or the Authority subject to any direction by the Minister, may —
- (a) waive the application of all or any of the provisions of these Regulations or all or any of the conditions of any class licence in respect of any person; and
 - (b) waive any fee or part thereof payable under these Regulations.

PART III GENERAL CONDITIONS

Telecommunication links outside licensee's premises

9. —(1) Subject to paragraph (2), it is a condition of every class licence that the licensee must not establish or provide any telecommunication link outside the licensee's premises,

whether by wire, cable, radio, fibre optics or otherwise, for the purpose of connecting its systems to any other telecommunication system or equipment without the prior approval of the Authority.

(2) Paragraph (1) does not apply to any internal telecommunication link within the licensee's premises.

Publication of information

10. —(1) It is a condition of every class licence that a licensee who provides services to the public must publish information about the services it provides, including details such as, but not limited to, the description of each service available, the charges, quality of service standards, customer support services and other service terms and conditions.

(2) The information referred to in paragraph (1) must be published in such manner as the Authority may direct, or in the absence of the Authority's direction, in the manner that the licensee sees fit.

Financial requirements

11. It is a condition of every class licence that any licensee who intends to collect money deposits or to use prepaid cards (other than credit cards) as a means of collecting payment from its customers must take such measures as the Authority considers necessary to ensure that it is able to refund any balance due to such customers in the event of default in the provision of its services.

Compliance with guidelines

12. It is a condition of every class licence that the licensee must comply with such advisory guidelines relating to fair practices and conduct as may be issued under section 28 of the Act for telecommunication service providers.

Auditor

13. It is a condition of every class licence that the licensee must, if directed by the Authority —

(a) appoint at its own expense a separate and independent auditor to audit its activities to determine whether the licensee has complied with the conditions of class licence; and

(b) submit the audited accounts and other reports prepared by the auditor to the Authority for its inspection.

Change of particulars

14. It is a condition of every class licence that the licensee notifies the Authority of any change or inaccuracy in its particulars, the description and scope of telecommunication systems and services run by it and any other information submitted to the Authority under these Regulations or the conditions of licence.

PART IV
SAVINGS PROVISIONS

Savings provisions

15. —(1) Any class licence for store-and-retrieve value-added network services, audiotex services, resale of public switched telecommunication services and public chain payphone services granted under the revoked Telecommunication (Class Licences) Regulations (Rg 10, 1999 Ed.) shall be deemed to have been granted under, and subject to, the corresponding provisions of these Regulations and any registration in respect thereof shall expire or be renewable under these Regulations on the date on which it would have expired or been renewable had these Regulations not been enacted.

(2) Any person who was granted a class licence for Bulletin Board Services under the revoked Telecommunication (Class Licences) Regulations shall be deemed to have been granted a class licence for store-and-retrieve value-added network services where no leased circuits are used.

FIRST SCHEDULE

Regulations 2 and 6

CLASS LICENCE FOR STORE-AND-RETRIEVE
VALUE-ADDED NETWORK SERVICES

Definition

1. Store-and-retrieve value-added network services are any of the following services provided by telecommunication systems, built over and above the telecommunication systems operated by an FBO and accessed through public telecommunication systems or leased circuits, which allow telecommunication traffic between a user and the value-added network or between users:

- (a) on-line information and database retrieval services;
- (b) on-line information and data processing services;
- (c) voice information services;
- (d) electronic broking services;
- (e) transaction services such as on-line shopping, on-line reservation service, etc.;
- (f) remote computing services;
- (g) on-line games;
- (h) mailbox services including e-mailbox, voice-mailbox, facsimile-mailbox and multimedia mailbox;
- (i) electronic data interchange services;
- (j) store-and-retrieve file transfer services;
- (k) electronic chatting services;
- (l) bulletin board services;

(m) other multimedia services where the content or format of the telecommunication traffic is changed or processed.

Conditions to be complied by licensee

2. A licensee must ensure that no store-and-forward telecommunication traffic is carried through the value-added network.
3. A licensee must not, except with the prior approval of the Authority, provide value-added network services of another value-added network through a leased circuit connecting its value-added network to the other value-added network.
4. In the event that a licensee decides to terminate its value-added network services, it must notify the Authority in writing of its intent.

SECOND SCHEDULE

Regulation 2

CLASS LICENCE FOR AUDIOTEX SERVICES

Definition

1. Audiotex services are telecommunication systems and services which enable a caller, by dialling a designated telephone number beginning with “1900”, to receive a recorded announcement or to interact with a programme whereby he may communicate, by means of a dual-tone multi-frequency telephone key pad, a touch-tone telephone or other similar device, with a value-added network connected to the public switched telephone system for the purposes of sending or receiving information.

Conditions to be complied by licensee

2. Access to the audiotex services by users must be through the public switched network.
3. A licensee must ensure that all announcements and programmes on the audiotex services are pre-recorded and stored in the audiotex system and must not enable callers to communicate directly in real-time with other callers.
4. A licensee must comply with the following transmission standards:
 - (a) there must be no delay in starting the announcement or programme when a call is connected;
 - (b) each audiotex service must be assigned a different telephone number;
 - (c) there must be no interruption during the announcement or programme;
 - (d) each call must be for a maximum period of 10 minutes with an option for the caller to extend his call;
 - (e) where callers are required to enter a unique code to access the audiotex services, such codes must be made available to the public either in lists published by the licensee or through a telephone answering line available for enquiries 24

hours a day, the number for which must be published in all advertisements for the audiotex services.

5. A licensee must ensure that the number of attempted calls at any time does not significantly exceed the number of call-in lines for the audiotex services and, if the Authority determines that additional lines are required to adequately handle calls for the audiotex services and to prevent congestion to other users of the public switched telephone system, the licensee must subscribe for such number of additional lines as the Authority may direct.
6. A licensee must not, except with the prior approval of the Authority, organise any mass calling event which will generate a high influx of calls to its audiotex system.
7. A licensee must ensure that its current call charging rate is published in all advertisements for the audiotex services and is announced at the beginning of a pre-recorded charge announcement played immediately after every call is connected.
8. A licensee must provide a grace period during which callers are not charged, of —
 - (a) the first 6 seconds of a call where the charge announcement lasts less than 4 seconds; or
 - (b) the first 12 seconds of a call where the charge announcement lasts between 4 seconds and 10 seconds.
9. A licensee must not claim any propriety right to any telephone number assigned to it.
10. If a licensee decides to terminate its audiotex services, it must notify the Authority in writing of its intent.

THIRD SCHEDULE

Regulations 2 and 6

CLASS LICENCE FOR RESALE OF PUBLIC SWITCHED TELECOMMUNICATION SERVICES

Definition

1. The following public switched telecommunication services (whether domestic or international) may be resold under this class licence where they are provided through an FBO who is licensed to provide public basic telecommunication services, public cellular mobile telephone services or public radio paging services:

- (a) public switched telephone services, other than public chain payphone services;
 - (b) public cellular mobile telephone services;
 - (c) public radio paging services;
 - (d) public switched message services;
 - (e) public switched data services;
 - (f) public integrated services digital network services.
- (a) an FBO who is licensed to provide public basic telecommunication services, public cellular mobile telephone services or public radio paging services; or

(b) an SBO who is licensed to provide international simple resale, mobile virtual network operation, international calling card services, internet based voice and data services, or call-back and call re-origination services.

Conditions to be complied by licensee

2. A licensee must not, except with the approval of the Authority, engage in the construction or building of any telecommunication system.
3. Where a licensee subscribes to any domestic or international leased circuit, it must not, except with the approval of the Authority, provide its users with any direct or indirect connection to that leased circuit.
4. A licensee must market itself as a reseller of telecommunication services.
5. A licensee must not charge its users any usage rate higher than the published rates of the FBO through which it provides its services.
6. Notwithstanding paragraph 5, a licensee may charge a maximum set-up charge of 30 cents for every successful international dialling (IDD) call and 10 cents for every successful subscriber trunk dialling (STD) call.
7. A licensee must list the rental of equipment charge and the usage charge separately in its bills to its users.
8. Where a licensee provides the services through resale or shared use of PABX, the licensee must not restrict the occupants of the premises served by the PABX from subscribing to services or facilities directly from any FBO.
9. A licensee must enter into a written service agreement with each of its users.

FOURTH SCHEDULE

Regulations 2 and 6

CLASS LICENCE FOR PUBLIC CHAIN PAYPHONE SERVICES

Definition

1. Public chain payphone services are the provision of payphone services in multiple customer premises through the resale of public switched telephone services.

Conditions to be complied by licensee

2. A licensee must not, except with the approval of the Authority, engage in the construction or building of any telecommunication system.
3. Where a licensee subscribes to any domestic or international leased circuit, it must not, except with the approval of the Authority, provide its users with any direct or indirect connection to that leased circuit.
4. A licensee must market itself as a reseller of telecommunication services.
5. A licensee must not charge its users any usage rate higher than the published rates of the FBO through which it provides its services.

6. Notwithstanding paragraph 5, the licensee may charge a maximum set-up charge of 30 cents for every successful international direct dialling (IDD) call and 10 cents for every successful subscriber trunk dialling (STD) call.
7. A licensee must comply with the coverage obligations as may, from time to time, be set by the Authority for public chain payphone operations.
8. A licensee must comply with such quality of service requirements as may, from time to time, be determined by the Authority.
9. A licensee must comply with such equal access requirements as may, from time to time, be determined by the Authority.
10. A licensee may only resell the services of an FBO and not those of any other licensee.

FIFTH SCHEDULE

Regulation 2

CLASS LICENCE FOR CALL-BACK AND CALL RE-ORIGINATION SERVICES

Definition

1. Call-back and call re-origination services are International Direct Dial (IDD) call reversal services passing over any FBO's international telephone gateway and public switched telecommunication network.

Conditions to be complied by licensee

2. A licensee must not route the voice or data traffic or both over frame-relay or through leased circuits.
3. A licensee must distinguish its services from IDD services by including the term "call-back", "call re-origination" or its equivalent in its marketing and promotion materials.
4. A licensee must comply with such minimum Quality of Service (QOS) standards as the Authority may, by notice in writing, determine.

SIXTH SCHEDULE

Regulation 2

CLASS LICENCE FOR INTERNET BASED VOICE AND DATA SERVICES

Definition

1. Internet based voice and data services are the carriage of voice and data services through the internet access facilities provided by an SBO.

Conditions to be complied by licensee

2. A licensee must comply with such minimum Quality of Service (QOS) standards as the Authority may, by notice in writing, determine.

SEVENTH SCHEDULE

Regulation 2

CLASS LICENCE FOR INTERNATIONAL CALLING CARD (ICC)
SERVICES

Definition

1. The International Calling Card (ICC) services are services that use PIN validation and call routing through an FBO's international telephone gateway to provide IDD services.

Conditions to be complied by licensee

2. A licensee must not route voice or data traffic or both over frame-relay or through leased circuits.

EIGHTH SCHEDULE

Regulation 5

REGISTRATION FEES FOR CLASS LICENCE

PART I — FEES FOR TYPES OF CLASS LICENCES

<i>Licences</i>	<i>Registration fees</i>
1. Store-and-retrieve value-added network services —	
(a) Where no leased circuits are used	No fee
(b) Where leased circuits are used	\$200 for 3 years
2. Audiotex services	\$200 for 3 years
3. Resale of public switched telecommunication services	No fee
4. Public chain payphone services	No fee
5. Call-back and call re-origination services	\$200 for 3 years
6. Internet based voice and data services	\$200 for 3 years
7. International calling card service	\$200 for 3 years.

PART II — FEES WHERE CLASS LICENCES OVERLAP

The maximum fee payable by an operator who runs specified telecommunication systems and services falling within more than one class licence is \$200 for every 3 years.

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