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**Second Session Eighth Parliament Republic of
Trinidad and Tobago**

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Telecommunications Act, 2001

THE TELECOMMUNICATIONS (AMENDMENT) BILL, 2004

Explanatory Note

(These notes form no part of the Bill, but are intended only to indicate its general purport)

These amendments to the Telecommunications Act, 2001 purport, *inter alia*, to bring clarity to provisions considered ambiguous, to encourage investment by creating and sustaining a framework for fair competition and to ensure the availability of quality services at affordable prices; all of the foregoing being required by the International Telecommunications Union and the World Trade Organization in respect of legislative reform in the telecommunications/ICT industry. The details of the proposed amendments are listed as follows:

Section 1(2)

Under the current legislative provision, upon Proclamation only Parts III, IV, V, VI and IX will take effect. The amendment is necessary in order to permit sections 77, 81, 82, 83, 84 and 85 to take effect upon proclamation.

Section 2

Amendments to the definitions of the following terms are considered necessary for the reasons given:

“public telephone service”

As drafted, there may be an interpretation that this definition applies only to traditional switched telephony. The proposed amendment which will delete the words “the direct transport and switching of voice” and substitute the words “interactive voice communication” will make it abundantly clear that the Authority will regulate the delivery of all public voice services irrespective of the means used to provide the service (e.g., VOIP);

“telecommunications”

As drafted, the definition was not technology neutral. Consequently, as technologies develop there is the concern that the definition will be limited in scope. The proposed amendment that deletes the words “radio, terrestrial or submarine cables” and substitutes the word “wireless” permits the broadest possible scope of meaning for continued applicability;

“telecommunications service”

As drafted, the definition was self-referential. The proposed amendment more accurately defines the term;

“terminal equipment”

As drafted, the definition was not technology neutral. To ensure continued applicability, it is proposed that the definition be amended to conform to the revised definition of “telecommunications” and as such the word “wireless” was inserted after the word “wire”;

“universal service”

As drafted, the reader is required to go to section 28 in order to obtain the full meaning of universal service. The proposed amendment, which marries the definition with the prescriptions laid down in section 28(1), addresses this issue; as such the proposed revised definition of universal service will now read as follows:

“universal service” means the provision of telecommunications services throughout Trinidad and Tobago, taking into account the needs of the public, affordability of the service and advances in technologies;

“value added service”

The existing definition creates ambiguity with respect to the classification of Internet Service Providers (ISPs). Government’s policy requires the regulation of ISPs as public data telecommunications service providers. The revised definition is in accordance with this policy prescription as the definition makes it clearer that value added services are services that provide content and shall not include services by which such content is provided. It is proposed, therefore, that the definition be revised to read as follows:

“value added service” means a service, other than a public telecommunications service that, using a telecommunications service, provides or modifies content and applications not associated with the telecommunications service;”.

Section 4

It was felt that the current name of the Authority precluded the derivation of an acceptable acronym based on local custom.

Section 6

Pursuant to section 6(1) the members of the Board consist of:

- (a) a Chairman, a Deputy Chairman and not less than five or more than nine members appointed by the President on such terms and conditions as the President may determine; and
- (b) an Executive Director.

However, pursuant to section 8 of the Act, the Executive Director is appointed by the Board to manage the affairs of the Authority and is subject to the direction of the Board. In addition, section 8 states that while the Executive Director may attend meetings of the Board and take part in its deliberations, he does not have voting rights. It is proposed to address this contradiction by removing paragraph (b) above from section 6(1).

Section 13

This section currently provides that four (4) members constitute a quorum of the Board. Good corporate practice requires that resolutions be carried by a majority of Board members. As such, it is proposed that this section be amended so that the quorum for any Board meeting will be half the number of members plus one. Additionally, the section failed to deal with the possibility of a tie in the deliberations of the Board. The proposed amendment addresses this issue by giving the presiding Chairman an original and casting vote where such scenario arises. It is proposed that the amendment to section 13 read as follows:

- “ 13. (1) At any meeting of the Board, half of the members plus one member shall constitute a quorum.
- (2) Decisions of the Board shall be by a majority of votes of the members present and voting.
- (3) The Chairman, or other member duly presiding, shall have an original, and if the vote is equal, a casting vote.”

Section 17

Section 17(1) protects Board members from personal liability for any acts or omissions of the Board. As such, the wording of section 17(2), which states that “. . . sums of money, damages or costs recovered against the Authority or any member of the Board

for anything done, omitted or permitted in good faith . . . shall be paid out of such amounts as may be appropriated by Parliament” are unnecessary and possibly misleading. Therefore it is prudent that the words “or any member of the Board” be removed. The proposed amendment reflects this.

Section 18

There is a contradiction between the existing paragraphs *(d)* and *(f)*. Paragraph *(d)* purports to give the Authority the power to establish national telecommunications industry standards and technical standards, while paragraph *(f)* grants the Authority the power to advise the Minister in respect of technical standards. These policy prescriptions are matters of regulatory control and as such should fall under the ambit of the Minister, by way of making regulations pursuant to section 78. Thus it is proposed that paragraph *(d)* read as follows:

“(d) advise the Minister on national telecommunications industry standards and technical standards and implement such standards upon the approval of the Minister;”.

It is proposed to delete paragraph *(f)* as this paragraph duplicates in part the content of paragraph *(d)* while giving no additional function or power to the Authority.

In subsection (3) the proposed amendment would establish the Authority’s function as the Regulator of Quality of Service Standards for the sector. Under the existing provision this, at best, is only implied.

Section 18(5), requires the Authority to act in “an objective and non-discriminatory manner”. The proposed amendment will introduce the requirement for transparency by the Authority, in accordance with Trinidad and Tobago’s WTO commitments. Thus the proposed amendment will read as follows:

“(5) At all times the Authority shall, in the performance of its functions and exercise of its powers, act in an objective, transparent and non-discriminatory manner.”.

Section 21

As drafted, the form of disseminating information to the public is limited. Currently the Act states that:

“The terms of a concession shall be available for public scrutiny at the office of the Authority . . .”

The proposed amendment to subsection (8) will give the Authority greater latitude in determining how information shall be made available (for example, by accessing its website). It may or may not wish to charge a fee. This should be at the Authority's discretion. The proposed amendment should therefore read as follows:

“ (8) The terms of a concession shall be available for public scrutiny in the manner prescribed by the Authority.”.

Section 24

Subsection (1)(i) as drafted requires public telecommunications service providers to refrain from terminating the services of a user (a customer) or other provider without the approval of the Authority. Such a requirement will place an onerous burden on the Authority which would be required to treat with possibly hundreds of requests from Public Telecommunications Service Providers to terminate services for non payment of bills. Furthermore such a provision will likely encourage many customers to dispute/query a bill simply to delay making payment. The preferred method of dealing with this issue and following international best practice, is to implement Quality of Service Standards on the Public Telecommunications Service Providers (with penalties to be imposed for failure to comply) as well as giving to the consumer the opportunity to seek redress from a Consumer Complaints Bureau set up by the Authority. The Act has made provision for these mechanisms. However, it is recommended that the permission of the Authority to terminate services be retained in circumstances of dispute between Public Telecommunications Service Providers. As such it is proposed that the words “a user or other” be deleted and the word “another” be inserted in their place. Thus the proposed amendment to subsection (1)(i) shall read as follows:

“(i) refrain from impairing or terminating the telecommunications service provided to another provider of a telecommunications service during a dispute, without the prior written approval of the Authority, except that, the concessionaire may, in respect of a billing dispute, collect from such other provider amounts that are not in dispute; and”.

In addition, subsection (2) as drafted, places the requirement for provision of such technical information as the Authority may prescribe, solely on the dominant service provider. This provision will become troublesome to manage if and when there is a change in dominance. It is proposed that the responsibility for the provision of technical information be placed on all providers. This will be achieved by deleting subsection (2).

Section 25

Currently, as prescribed by subsection (3), the responsibility for particular services, such as number portability, dialing parity, operator services, and disaggregation of the network, is placed on the dominant provider alone. While this may be necessary in the newly liberalized market, this will not be the case as the market matures. The proposed amendment, which deletes subsection (3) places the responsibility for number portability, dialing parity, etc., on all providers. In addition the proposed amendments to paragraphs (l) and (m) give the Authority more flexibility in the derivation of mechanisms allowing the implementation of the various forms of interconnection, both in the near term, where the newly liberalized market would be unstable, and the long term, where the market should have stabilized. Thus paragraph (l) should read as follows, with the words that have been inserted by way of amendment highlighted:

“(l) permit other concessionaires of public telecommunications networks and public telecommunications services to have equal access to telephone numbers, operator services, directory assistance and directory listing at a cost efficient rate without unreasonable delay, in accordance with requirements prescribed by the Authority;”.

Paragraph (m) is amended by deleting the word “oriented” occurring after the word “cost”, to read as follows:

“(m) disaggregate the network and on a cost basis, in such manner as the Authority may prescribe, establish prices for its individual elements and offer the elements at the established prices to other concessionaires of public telecommunications networks and public telecommunications services;”.

Consequent upon the amendments made, the definition of dominance is not required in this section and is removed to section 29, where dominance and pricing issues arise. Thus subsections (4) and (5) are deleted.

Section 26

Currently, subsection (2) requires that where difficulties arise between the parties to a negotiation for a facilities sharing arrangement, both parties are required to request the assistance of the Authority before the Authority can intervene. The proposed amendment allows either party to invite the Regulator to assist. This will be achieved by substituting the words “either party” for the words “both parties”.

Section 28

The amendment to this section is consequent upon the amendment to the definition of universal service in section 2. Having regard to the definition as amended, the words after “apply” will be both repetitive and redundant. By its nature, the Universal Service Obligation is a “moving target”, and the amendment will give the Authority the flexibility to treat with it as the requirement changes. Thus the proposed amendment will read as follows:

“ 28. (1) In accordance with the policy established by the Minister, the Authority shall determine the public telecommunications services in respect of which the requirement of universal service shall apply.”.

Section 29

In keeping with the requirements of the GATS Agreement with respect to the telecommunications sector, the Regulator is required to manage this sector in a non-discriminatory manner. As such, the Authority should consider the possibility of price regulation in the instance of cross subsidies for any telecommunications service provider and not just the dominant provider. The amendment to subsection (2)(b) which deletes the words “sole or dominant” expands the jurisdiction of the Authority in respect of any public telecommunications service provider that cross-subsidises its public service with any of its other services. Thus it is proposed that the amendment read as follows:

“ 29. (2) The Authority may establish price regulation regimes, which may include setting, reviewing and approving prices, in any case where—

(b) a concessionaire operating a public telecommunications network or providing a public telecommunications service cross-subsidises another telecommunications service provided by such concessionaire;”.

Subsection (3) as drafted, is contrary to the principles of free competition to which Trinidad and Tobago has committed itself. International rates are negotiated between operators. This price is already subject to the vagaries of the international market. Control by the Authority in this area is impossible. Thus the original provision which reads:

“ (3) The Authority shall regulate prices for public telecommunications services and international incoming and outgoing settlement tariffs by publishing pricing rules and principles.”.

will now read as follows:

“ (3) The Authority shall regulate prices for public telecommunications services.”.

Subsection (6) as drafted requires competition as a pre-condition to the regulation of prices. However, the issue is not one of competition but whether the service is offered on an exclusive basis or not. A provider may provide a service, not on an exclusive basis, yet is the sole provider of that service. In this latter case, there may be an argument that a provider whose market is so defined falls outside of the regulatory purview of the Authority. The proposed amendment corrects this possible loop hole. Furthermore to avoid predatory pricing by the dominant provider subsection (6) is further amended to enable the Authority to put limits on how low a service may be priced. Thus it is proposed to remove the words “in which there is competition” and insert the words “and floors”. In keeping with these recommendations it is proposed that the subsection read as follows:

“ (6) For any public telecommunications services the Authority may introduce a method for regulating the prices of a dominant provider of such telecommunications service by establishing caps and floors on such prices, or by such other methods as it may deem appropriate.”.

The issue of dominance arises specifically in this section and therefore, the provisions defining dominance properly belong in this section. Previously they were in section 25. Subsections (8) and (9) are therefore introduced as follows:

“ (8) For the purposes of this Part and wherever the issue of dominance otherwise arises in the Act, the Authority may determine that an operator or provider is dominant where, individually or jointly with others, it enjoys a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers and, for such determination, the Authority shall take into account the following factors:

- (a) the relevant market;
- (b) technology and market trends;
- (c) the market share of the provider;
- (d) the power of the provider to set prices;
- (e) the degree of differentiation among services in the market;
- (f) any other matters that the Authority deems relevant.

(9) Where a concessionaire, deemed dominant by the Authority pursuant to subsection (8), considers that it has lost its dominance, it may apply to the Authority to be classified as non-dominant and should the Authority so classify, the relevant concession shall be amended to reflect such classification.”.

Section 31

Because so much time has passed between drafting and passing the Bill as an Act, this section together with subsection 85(6), now has the conjoint effect of limiting the duration of a concession for international telephony that may be granted to TSTT to a maximum of four years with a guaranteed renewal of four years only (this is based on the assumption that a concession will be granted in 2005). Such period will then have to be applied to other concessionaires for identical services, in keeping with the requirements of non-discrimination, transparency and fairness.

A guaranteed period of eight years hardly constitutes an attractive investment opportunity in the public telecommunications sector, given the level of investment required and the time needed to realize returns on that investment.

The amendments in subsections (1) and (2) remove this limitation and allow the concessionaire to renegotiate a new concession with the Minister without the existing prejudice. Thus where section 31(1) states that “. . . the Minister shall, on the recommendation of the Authority, renew that concession for a period equivalent to the period for which the first concession was granted. . . .”, the proposed amendment will state that “. . . the Minister shall, on the recommendation of the Authority, renew that concession . . .”. The amendment to subsection (2) is consequential to the amendment in subsection (1) and should state therefore that the “renewal shall be as agreed between the concessionaire and the Minister acting upon the recommendation of the Authority”.

Section 33

As drafted subsection (2)(d) suggests that the Authority may validate the carrying out of road works without the necessary permissions of the relevant utility installation owners. Section (2)(d) states that a concessionaire shall “notify the Authority of any intended road works and in the event of the failure to obtain the permission of a utility installation owner under paragraph (c), the Authority shall facilitate relief thereof.”. It is proposed that the subsection be amended to remove all the words

after “works”. As such, the proposed amendment shall require a concessionaire to—

“(d) notify the Authority of any intended road works;”.

Furthermore it was felt that several provisions were operational in nature and properly belong in subsidiary legislation. To this end, therefore, subsections (4), (5), (6), and (7) have been removed.

Subsection (9) is also amended to require the notice period for the carrying out of road works to be at least two weeks, as follows:

“(9) The Authority shall require that at least two weeks prior to carrying out road works, a concessionaire publish a description thereof in at least one daily newspaper.”.

Section 34

The amendment is required to obtain consistency in the use of the term “utility installation owner” which is periodically substituted with the word “authority”.

Section 36

The proposed amendment to subsection (7) will give the Authority greater latitude in determining how information shall be made available (for example, by accessing its website). It may or may not wish to charge a fee. This should be at the Authority’s discretion. The proposed amendment should therefore read as follows:

“(7) The terms of a licence shall be available for public scrutiny in the manner prescribed by the Authority.”.

Section 39

The rationale given in respect of the renewal of concessions (the amendment to section 31 above refers) is pertinent here. The amendments in subsections (8) and (9) will remove the limitation in respect of the duration of the licence renewal and allow the licensee to renegotiate a new licence with the Minister without the existing prejudice. Thus where section 39(8) states that “. . . the Minister shall, on the recommendation of the Authority, renew that licence for a period equivalent to the period for which the first licence was granted . . .”, the proposed amendment will state that “. . . the Minister shall, on the recommendation of the Authority, renew that licence . . .”. The amendment to subsection (9) is consequential to the amendment in subsection (8) and should state therefore that the “renewal shall be as agreed between the licensee and the Minister acting upon the recommendation of the Authority”.

Section 41

A National Spectrum Plan is critical to proper spectrum management and as such the Authority should seek Government's approval regarding the policy on the assignment of spectrum. The current legislative provision as drafted does not require the approval of the National Spectrum Plan by the Minister. The proposed amendment to subsection (2) is therefore relevant and reads as follows:

“ (2) The Authority shall develop a National Spectrum Plan for the approval of the Minister in order to manage and regulate the use of the spectrum.”.

It is proposed that subsections (3) and (4) be amended to ensure consistency of terminology, whereby the term “National Spectrum Plan” is substituted for the term “spectrum plan”.

Additionally, it is proposed that subsection (3) be amended further to remove the restriction that is imposed on the Authority in making information available to the public; the reasons put forward above in respect of sections 21 and 36 are pertinent. Thus it is proposed that subsection (3) be amended to read as follows:

“ (3) The National Spectrum Plan shall be made available to the public in the manner prescribed by the Authority.”.

Section 44

The reasons put forward above in respect of sections 21, 36 and 41 are pertinent. Thus it is proposed that subsection (4) be amended to read as follows:

“ (4) The numbering plan shall be made available to the public in the manner prescribed by the Authority.”.

Section 50

As drafted paragraph (a) which states that an Inspector may “. . . test any equipment or article . . . ” restricts the Inspector from examining the traffic of a telecommunications service provider or network provider. Access to such information is critical in establishing non-compliance with the terms and conditions of a concession and/or licence on the part of an operator or provider. Thus it is proposed that the paragraph be amended to introduce the word “traffic” as follows:

“(a) test any equipment, traffic or article . . . ”.

Section 65

The element of subjectivity that the word “knowingly” introduces in the determination of guilt will make prosecution of the offences difficult. Thus it is recommended that this word be deleted. As such it is proposed that the section begins as follows:

“65. A person who—”
(previously, “A person who knowingly—”).

Section 73

The current provision creates a direct channel of communication between the Executive Director and the Minister with responsibility for Telecommunications as well as the Minister with responsibility for National Security without reference to the Board of the Telecommunications Authority. The proposed amendment permits notification of the Board by the Executive Director contemporaneous with his notification of the Ministers. Thus the proposed amendment should read as follows:

“ 73. (1) . . . the Executive Director shall immediately notify the Minister of National Security, the Minister and the Board in writing.”.

Section 78

Quality of Service Standards will be of utmost importance in the newly liberalized regime. While the Act enables the development of same, it is felt that the importance of such regulations should be recognized by stating the need for them, in similar manner to the requirement of regulations for interconnection, numbering, price regulation, etc. Thus it is proposed that section 78 be amended to include a new paragraph *(i)* as follows:

“(i) quality of service standards;”;

the remaining paragraphs to be renumbered accordingly.

BILL

AN ACT to amend the Telecommunications Act, 2001

[, 2004]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Telecommunications Short title
(Amendment) Act, 2004.

2. In this Act, “the Act” means the Telecommunications Interpretation
Act, 2001.

Section 1 amended **3.** Section 1 of the Act is amended in subsection (2) by inserting immediately after the word “Parts” occurring in the fourth line, the words “and sections referred to above”.

Section 2 amended **4.** Section 2 of the Act is amended—

- (a) in the definition of “public telephone service” by deleting the words “the direct transport and switching of voice” and substituting the words “interactive voice communication”;
- (b) in the definition of “telecommunications” by deleting the words “radio, terrestrial or submarine cables” and inserting the word “wireless”;
- (c) by deleting the definition of “telecommunications service” and substituting as follows:
 - “means a service using telecommunications whereby one user can communicate with any other user in real time, regardless of the technology used to provide such a service and includes a public telecommunications service, a private telecommunications service, a closed user group service and a radiocommunication service;”;
- (d) in the definition of “terminal equipment” by inserting after the word “wire,” the word “wireless”;
- (e) by deleting the definition of “universal service” and substituting as follows:
 - “means the provision of telecommunications services throughout Trinidad and Tobago, taking into account the needs of the public, affordability of the service and advances in technologies;”;

(f) by deleting the definition of “value added service” and substituting as follows:

“means a service, other than a public telecommunications service that, using a telecommunications service, provides or modifies content and applications not associated with the telecommunications service;”.

5. Section 4 of the Act is repealed and replaced as Section 4 amended follows:

“ 4. There is hereby established a body corporate to be known as the Telecommunications Authority of Trinidad and Tobago (hereinafter referred to as “The Authority”).

6. Section 6 of the Act is amended by deleting— Section 6 amended

- (a) the word “and” occurring at the end of subsection (1)(a); and
- (b) subsection (1)(b).

7. Section 13 of the Act is repealed and replaced as Section 13 amended follows:

“ 13. (1) At any meeting of the Board, half of the members plus one additional member, shall constitute a quorum.

(2) Decisions of the Board shall be by a majority of votes of the members present and voting.

(3) The Chairman, or other member duly presiding, shall have an original, and if the vote is equal, a casting vote.”.

8. Section 17 of the Act is amended in subsection (2) Section 17 amended by deleting the words “or any member of the Board”.

Section 18 amended

9. Section 18 of the Act is amended—*(a)* in subsection (1)—*(i)* by deleting paragraph *(d)* and substituting as follows:

(d) advise the Minister on national telecommunications industry standards and technical standards and implement such standards upon the approval of the Minister; and

(ii) by deleting paragraph *(f)*;*(b)* in subsection (3)*(a)* by deleting the words “to reliability of service” and substituting the words “to the quality and reliability of the service”; and*(c)* in subsection (5) by inserting the word “transparent” after the word “objective”.

Section 21 amended

10. Section 21 of the Act is amended in subsection (8) by deleting all the words occurring after the word “scrutiny” and substituting the words “in the manner prescribed by the Authority”.

Section 24 amended

11. Section 24 of the Act is amended—*(a)* in subsection (1)*(i)* by deleting the words “a user or other” and substituting the word “another”; and*(b)* by repealing subsection (2).

Section 25 amended

12. Section 25 of the Act is amended—*(a)* in subsection (2)*(l)* by inserting the words “at a cost efficient rate” before the words “without unreasonable delay”; and

(b) by deleting subsection (2) (m) and substituting as follows:

“(m) disaggregate the network and on a cost basis, in such manner as the Authority may prescribe, establish prices for its individual elements and offer the elements at the established prices to other concessionaires of public telecommunications networks and public telecommunications services.”;

(c) by deleting subsections (3), (4) and (5).

13. Section 26 of the Act is amended in subsection (2) Section 26 amended by deleting the word “as” before the word “between” and by deleting the words “both parties” and substituting the words “either party”.

14. Section 28 of the Act is amended in subsection (1) Section 28 amended by deleting all the words occurring after the word “apply”.

15. Section 29 of the Act is amended in— Section 29 amended

(a) in subsection (2) (b) by deleting the words “sole or dominant”;

(b) in subsection (3) by deleting the words “and international incoming and outgoing settlement tariffs”;

(c) in subsection (6) by deleting the words “in which there is competition” and substituting the words “provided on a non-exclusive basis” and by inserting after the word “caps” the word “floors”; and

(d) by inserting the following subsections:

“ (8) For the purposes of this Part and wherever the issue of dominance otherwise arises in the Act, the Authority may determine that an operator or provider is dominant where, individually or jointly with others, it enjoys a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers and, for such determination, the Authority shall take into account the following factors:

- (a)* the relevant market;
- (b)* technology and market trends;
- (c)* the market share of the provider;
- (d)* the power of the provider to set prices;
- (e)* the degree of differentiation among services in the market;
- (f)* any other matters that the Authority deems relevant.

(9) Where a concessionaire, deemed dominant by the Authority pursuant to subsection (8), considers that it has lost its dominance, it may apply to the Authority to be classified as non-dominant and should the Authority so classify, the relevant concession shall be amended to reflect such classification.”.

16. Section 31 of the Act is amended— Section 31 amended

- (a) in subsection (1) by deleting the words “for a period equivalent to the period for which the first concession was granted”;
- (b) in subsection (2) by deleting the words “for any renewal after the renewal of the first concession, the” and substituting the word “The”.

17. Section 33 of the Act is amended— Section 33 amended

- (a) in subsection (2)(d) by deleting all the words after the word “works”;
- (b) by deleting sections (4), (5), (6) and (7); and
- (c) in subsection (9) by inserting the words “at least two weeks” before the word “prior”.

18. Section 34 of the Act is amended by deleting the Section 34 amended
word “authority” wherever occurring and substituting the words “utility installation owner”.

19. Section 36 of the Act is amended in subsection (7) Section 36 amended
by deleting all the words occurring after the word “scrutiny” and substituting the words “in the manner prescribed by the Authority”.

20. Section 39 of the Act is amended— Section 39 amended

- (a) in subsection (8) by deleting the words “for a period equivalent to the period for which the first licence was granted”; and
- (b) in subsection (9) by deleting the words “For any renewal after the renewal of the first licence, the” and substituting the word “The”.

21. Section 41 of the Act is amended— Section 41 amended

- (a) in subsection (2) by deleting the words “spectrum plan” and substituting the words “National Spectrum Plan for the approval of the Minister”;

(b) by deleting subsection (3) and substituting as follows:

“ (3) The National Spectrum Plan shall be made available to the public in the manner prescribed by the Authority.”; and

(c) in subsection (4) by deleting the words “spectrum plan” and substituting the words “National Spectrum Plan”.

Section 44 amended **22.** Section 44 of the Act is amended in subsection (4) by deleting all the words occurring after the word “public” and substituting the words “in the manner prescribed by the Authority”.

Section 50 amended **23.** Section 50 is amended in paragraph (a) by inserting the word “, traffic” after the word “equipment”.

Section 65 amended **24.** Section 65 of the Act is amended by deleting the word “knowingly”.

Section 73 amended **25.** Section 73 of the Act is amended by deleting the words “Minister of National Security and the Minister” and substituting the words “Minister of National Security, the Minister and the Board”.

Section 78 amended **26.** Section 78 of the Act is amended by renumbering paragraphs (i) and (j) as paragraphs (j) and (k) respectively and inserting a new paragraph (i) as follows:

“(i) quality of service standards;”.

Passed in the House of Representatives this day
of , 2004.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2004.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 8 of 2004

SECOND SESSION
EIGHTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Telecommunica-
tions Act, 2001

Received and read the

First time

Second time

Third time
