

SAINT CHRISTOPHER AND NEVIS  

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STATUTORY RULES AND ORDERS

No. 8 of 2002

The Minister responsible for telecommunications, in exercise of the powers conferred under section 54 of the Telecommunications Act, 2000 makes these Regulations.

1. **SHORT TITLE.** These Regulations may be cited as the TELECOMMUNICATIONS (TERMINAL EQUIPMENT AND PUBLIC NETWORK) REGULATIONS, 2002.

2. **COMMENCEMENT.** These Regulations shall come into force on such day as the Minister by Order published in the *Gazette* appoints.

3. **INTERPRETATION.** In these Regulations:

“Act” means the Telecommunications Act, 2000;

“equipment” means any equipment that is either radio equipment or telecommunications terminal equipment or both;

“harmful interference” means interference which, interrupts a radio communications or other telecommunications service or system, or otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with applicable national regulations;

“interface” means either or both of:

(a) an air interface specifying the radio path between radio equipment and their technical specifications; and

(b) a network termination point which is a physical connection point at which a user is provided with access to public telecommunications networks;

“Hertzian waves” means electromagnetic waves of frequencies from 1hz to 3,000GHZ propagated in space without artificial guide

4. **TYPE APPROVAL CONDITIONS.** (1) A person shall not install, sell for use or use any item of equipment in Saint Christopher and Nevis, unless the Commission grants a certificate of type approval in respect of that type of equipment.

(2) Items of equipment that require type approval include but are not limited to:

- (a) cellular telephones;
- (b) cordless telephones;
- (c) fax machines;
- (d) GSM telephones;

- (e) mobile radios;
- (f) modems;
- (g) wireless remote devices;
- (h) PABXs (including Small Business Systems and Key Systems);
- (i) pagers;
- (j) radio receivers;
- (k) radio transmitters;
- (l) satellite earth stations;
- (m) telecommunications switching equipment;
- (n) telephone instruments;
- (o) telex equipment;
- (p) other equipment emitting a radio signal; and
- (q) any other customer premises equipment to be attached to any part of a licensed telecommunications network.

(3) A person who is granted a certificate of type approval by the Commission for use of any of the items specified in sub-regulation (2) shall not be required to apply to the Commission for further approval, if that person uses the same model of equipment subsequently.

**5. SIGNATURE OF APPLICANT.** An application to the Commission for type approval of equipment shall be signed by:

- (a) an authorised representative of the applicant; or
- (b) the applicant personally.

**6. FILING OF APPLICATION.** (1) A person who applies for type approval in respect of any equipment shall forward to the Commission:

- (a) a sample of the equipment if requested;
- (b) completed application forms;
- (c) the prescribed fee;
- (d) the relevant literature; and
- (e) the technical specifications specified by the Commission after consultation with ECTEL.

(2) Copies of the application forms, the related documentation and samples referred to in sub-regulation (1) may be forwarded by the Commission to ECTEL, for recommendations and review.

**7. TIME FRAME FOR FUNCTION OF COMMISSION.** The Commission may require a maximum period of 6 weeks for:

- (a) testing the samples of equipment;
- (b) purpose of reviewing the application; and
- (c) granting of type approval for customer premises equipment.

8. **MORE TIME REQUIRED BY COMMISSION.** The Commission may require a maximum period of 3 months for the purpose of reviewing the applications, for testing any samples of equipment and for granting type approval for switches over 1000 points and high capacity microwave equipment.

9. **FRESH APPROVAL REQUIRED.** Where changes have occurred in the models, designs or technical specifications in respect of equipment which has been the subject of approval by the Commission to an applicant, that applicant shall apply for fresh approval in respect of that equipment.

10. **COMMISSION TO BILL APPLICANT.** (1) The Commission shall upon receipt of an application compute the applicable fee and forward an invoice to the applicant within 30 days of the receipt of the application.

(2) Where the applicant fails to remit the invoiced fee within 30 days of its receipt, the Commission may terminate any provisional approval it may have granted by written notice to the applicant.

11. **COMMISSION TO LIAISE WITH ECTEL.** The Commission may recognise type approvals granted by other Contracting States, and will consult and liaise with ECTEL, in respect of such matters where necessary.

12. **TECHNICAL REGULATIONS.** The Commission may, upon the recommendation of ECTEL, determine the technical regulations that should be recognised in Saint Christopher and Nevis and other approved States for the purposes of giving effect to the recognition of, or exemption from, type approval procedures.

13. **RECOGNITION OF FOREIGN TYPE APPROVALS.** (1) The Commission will recognise the type approvals which are specified in Schedule 1.

(2) The Commission shall ensure that appropriate manuals containing the legal requirements of type approval by Contracting States which it recognises, is printed and made readily available to telecommunications providers and other interested parties.

14. **EXEMPTIONS.** The following items of equipment when certified by the Commission to be compliant with the prescribed technical standards shall be exempt from type approval procedures:

- (a) cable;
- (b) for sale and installation inside wiring;
- (c) household appliances.

15. **BURDEN OF PROOF.** The party seeking the recognition of the type approval granted by the countries specified in Schedule 1 or exempted from type approval as specified in Regulation 14 shall produce to the Commission satisfactory documentary evidence that the relevant equipment qualifies for the recognition or exemption sought.

16. **IMPORTATION OF EQUIPMENT.** (1) A person shall ensure that the importation of radio equipment, customer premises equipment or other terminal equipment, does not damage or endanger the telecommunications network and shall comply with the procedures relating to the approval of equipment as set out in these Regulations.

(2) Notwithstanding the provisions of sub-regulation (1) compliance with type approval requirements does not apply to a cellular mobile phone brought in by an individual for personal use.

**17. REGISTRATION OF TERMINAL EQUIPMENT.** (1) A person who wishes to:

- (a) provide maintenance, repair services, reticulation and any related installation at customer premises; or;
- (b) supply items of terminal equipment such as fax machines, PABXs or telephone sets shall register with the Commission.

(2) Upon registration with, and payment of the prescribed registration fee to the Commission, it may issue a registration card to technicians or other authorised persons connected with the installation, maintenance and repair services.

(3) Registration is subject to annual renewal upon payment of the prescribed renewal fee.

**18. ADEQUACY OF REPORT.** Where a telecommunications operator or provider wishes to supply customer premises equipment and related services, it will be sufficient if that operator or provider attaches a report to the application showing that the equipment has conformed to the acceptance testing requirements or international type approval.

**19. NON-DISCRIMINATORY ACCEPTANCE TESTING.** An operator or provider of telecommunications services may carry out in non-discriminatory manner, acceptance testing of all customer premises equipment installations to be interfaced with its network, to ascertain whether the required installations meet the prevailing standards before connection.

**20. CHANGES FROM ACCEPTANCE TESTING.** Any changes that arises from acceptance testing of installations by an operator or provider of a telecommunications service shall represent a portion of the tariffs of the operator or provider and shall be approved by the Commission.

**21. ACCEPTANCE TESTING CHANGE TO BE IN AGREEMENT.** Changes relating to acceptance testing of installations at customer premises shall form part of the written agreement between an operator or provider of telecommunications services and the provider of customer premises equipment.

**22. PROVISIONS TO MAINTAIN EQUIPMENT.** A customer shall be responsible for the maintenance of customer premises equipment, without prejudice to incorporating into an agreement drawn up between himself and a provider of that equipment, a provision for the maintenance and repair of that equipment.

**23. SPEEDY REPAIRS OF EQUIPMENT.** A provider of customer premises equipment shall have in place, systems for the speedy and efficient repairs of its equipment, and as far as practicable, for the temporary allocation to customers of items of equipment whilst theirs are under repairs.

**24. FAULT REPORTS TO BE ADDRESSED EXPEDITIOUSLY.** A provider of customer premises equipment shall take all reasonable measures to ensure that its items of equipment or its services are maintained, provided or replaced within 48 hours of receiving a faults report.

25. **COMMISSION TO ISSUE DIRECTIVES.** The Commission may issue directives to a dealer or supplier of customer premises equipment upon receipt of complaints from consumers or providers or operators of telecommunications services.

26. **NOTICE TO BE GIVEN WHEN RIGHTS ARE AFFECTED.** (1) Where the Commission intends to take any action which may affect the rights, interests or privileges of the person complained against it shall notify the provider of the customer premises equipment in writing of the proposed action.

(2) The Commission shall specify a period of not less than 28 days in which the provider of the customer premises equipment may make representation on its behalf in respect of the proposed action.

27. **REGISTRATION FOR INSIDE WIRING.** (1) A person who wishes to provide or supply items of terminal equipment such as inside wiring shall register with the Commission.

(2) Upon registration with, and payment of the registration fee to the Commission, the Commission may issue a registration card to technicians or other authorised persons connected with such wiring, related installation, maintenance and repair services.

(3) Registration is subject to annual renewal upon payment of the prescribed renewal fee.

#### SCHEDULE 1

(Regulation 14)

- (a) AMPS cellular equipment – FCC Part 68, other US and Canadian Law Sections;
- (b) Facsimile machines that are certified to be in conformity with the technical requirements of Parts 15 and 68 of the Regulations of the United States Federal Communications Commission and the related radiation performance standards found in Title 21, chapter 1, subchapter j; of the United States Code of Federal Regulations;
- (c) PABX and related equipment that is certified to be in conformity with the technical requirements of Parts 15 and 68 of Regulations of the United States Federal Communications Commission, and related Canadian technical standards for electromagnetic interference, including ICES-003 class B;
- (d) TDMA cellular equipment – FCC Part 68, other US and Canadian Law;
- (e) GSM Cellular Equipment – FCC Part 68, other US, Canadian Law Sections;
- (f) European Telecommunications Standards Institute (ETSI). Definitions, Rules and Decisions.

Made this 22<sup>nd</sup> day of January 2002.

SAM CONDOR

*Minister responsible for Telecommunications*