

Telecommunications

TELECOMMUNICATIONS (LICENCE FEES) REGULATIONS, 2001

2000-18

Repealed
Subsidiary
2001/085

Regulations made under ss. 16(7) and 47.

TELECOMMUNICATIONS (LICENCE FEES) REGULATIONS, 2001

Repealed by Ord. 2006-15 as from 5.6.2006

(LN. 2001/085)

19.7.2001

Amending enactments

Relevant current
provisions

Commencement
date

None

2000-18

Repealed

**Subsidiary
2001/085**

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Title.

1. These Regulations may be cited as the Telecommunications (Licence Fees) Regulations 2001.

Interpretation.

2.(1) For the purposes of these Regulations–

“licensable activities” means the operation of networks or the provision of services or both including, but without prejudice to the generality of the foregoing, any one or more of the following activities–

- (a) conveyance of calls;
- (b) line rental and connection;
- (c) leased line income;
- (d) value added services;
- (e) telex;
- (f) data services;
- (g) cable television (CATV) provision;

“new market entrant” means a person who has not been operating networks or providing services or both in, from within or through Gibraltar for twelve months or more under a licence, contract or agreement granted or entered into by the Governor or Government under or as a result of the Public Utility Undertakings Ordinance (repealed by the Ordinance) or under an authorisation;

“relevant turnover” means such gross revenues as each holder of an authorisation in the form of an individual licence may have generated from licensable activities in its previous financial year.

(2) A reference in these Regulations to operating networks or providing services or both is a reference to any one or more of the following:

- (a) establishing or operating those networks;
- (b) establishing and operating those networks;

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- (c) providing those services.
- (3) A reference in these Regulations to—
 - (a) an authorisation, is a reference to an authorisation under the Ordinance; and
 - (b) rights granted by an authorisation, is a reference to rights granted by an authorisation granted under the Ordinance.

Licence fees.

3.(1) An applicant for a general authorisation shall pay a non-refundable application fee of £500 to the Government.

(2) An applicant for an authorisation in the form of an individual licence shall pay a non-refundable application fee of £1000 to the Government.

(3) A person who is granted a general authorisation or who is exercising rights granted under a general authorisation or both shall pay the Government, on the grant of that authorisation or on the date when he starts exercising any one or more of those rights as the case may be or, if both, on the earlier date, and annually thereafter, a licence fee of £1,000.

(4) A person who has been granted an authorisation in the form of an individual licence shall, subject to sub-regulation (5), pay the Government, on the grant of the authorisation and annually thereafter, a licence fee calculated in accordance with regulation 4.

(5) A new market entrant shall pay the Government a fixed licence fee of £50,000 for the first year for which he holds an authorisation in the form of an individual licence and annually thereafter a licence fee calculated in accordance with regulation 4.

(6) The general authorisation licence fee of £1,000 referred to in sub-regulation (3) and the new market entrant fee of £50,000 referred to in sub-regulation (5) shall be increased by 4% cumulatively each year from the date these Regulations enter into force.

(7) A licence fee which is to be calculated in accordance with regulation 4 shall, in each year, never be for an amount which is less than £50,000.

Calculation of licence fee referred to in regulation 3(4).

4.(1) The licence fee referred to in regulation 3(4) shall be calculated in accordance with the following formula—

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$$\frac{A \times C}{B}$$

where A is the relevant turnover of the holder of an authorisation in the form of an individual licence, B is the total relevant turnover of all holders of an authorisation in the form of an individual licence and C is the costs incurred by the Authority in the performance of its duties and functions under the Ordinance in its previous financial year, less the amount received by the Authority under regulation 3(1), (2) and (3) and the fixed licence fees referred to in regulation 3(5).

(2) A person who has been granted an authorisation in the form of an individual licence must provide the Authority, each year, with—

- (a) a statement of his relevant turnover for the previous 12 months signed by that person or, if that person is a corporation, by two of its directors; and
- (b) if that person is an individual, a report by an auditor supporting the statement referred to in paragraph (a); or
- (c) if that person is a corporation, a copy of its annual accounts.

5. The payment of fees under these Regulations does not relieve the person who is liable to make the payment from any requirement to make payments under Part IV of the Ordinance or any other payments under any other Ordinance.