

(52)

S.I. 40 of 2005

**BROADCASTING AND TELECOMMUNICATION
ACT, 2000***(Act 2 of 2000)***Broadcasting and Telecommunication (VOIP Services)
Regulations, 2005**

In exercise of the powers conferred by Section 38 of the Broadcasting and Telecommunication Act, 2000 the Vice President acting as the Minister of Information Technology and Communications hereby makes the following Regulations—

1. These Regulations may be cited as the (VOIP Services) Regulations, 2005. Citation

2. In these Regulations: Interpretation

“Directory Information” means information obtained by the licensee in the course of the provision of services concerning or relating to the name, address, and telephone numbers of each of its customers.

“IP” means the Internet Protocol, which is the dominant network layer protocol used with TCP/IP protocol suite;

“Packet Switched Network” means a type of network where the routing and transfer of data is by means of addressed packets;

“Public Internet” means the global, public IP-based meta-network created by the interconnection of many public and private IP-based networks (most commonly referred to as the Internet);

“Quality of Service (QOS)” means the indicator of performance of a network and of the degree to which the network conforms to the stipulated norms;

“Voice Over IP (VOIP)” means the transmission of voice, fax and related services, partially or wholly over packet switched networks, which comprises of the Public Internet and managed IP-based networks, subject to considerations and also referred to as IP telephony.

Licence required for provision of VOIP services

3. Any person seeking to deploy or operate any form of telecommunication network, system or facility for the purpose of providing VOIP services to the public shall require a licence as per Section 3 of the Broadcasting and Telecommunication Act, expressly allowing for the provision of such service.

Licence for VOIP services does not include mobile VOIP services

4. A holder of a telecommunication licence to provide VOIP services shall not provide mobile VOIP services or any other services unless authorised to do so by the Minister.

Additional particulars required for application for VOIP licence

5. An applicant for a telecommunication licence to establish a VOIP service shall in the application made to the Licensing Authority under the Licences Act state the following additional particulars —

- (a) Numbering requirement, if any;
- (b) Indicate the method of interconnection with other licensees;
- (c) Detailed network diagram and location of each component of the telecommunication system.

6. A holder of a telecommunication licence to provide VOIP services shall—

Mandatory requirements for provision of VOIP services

- (a) When making any promotion marketing or advertisement of such services to the public, provide up-to-date information about such services including the description and pricing of the services available, capabilities and limitations of the services and any other commercial and technical details it deems necessary;
- (b) Comply with the relevant standards, specifications or recommendations of the International Telecommunication Union or any other international standard for the provision of VOIP services, technical interfaces or network functions; and
- (c) Contribute towards the telecommunication Universal Service Fund at such rate and at such intervals as may be prescribed by the Minister, as provided for in Section 28(3) of the Broadcasting and Telecommunication Act.

7. A holder of a telecommunication licence to provide VOIP services may—

Discretionary requirement for provision of VOIP services

- (a) Provide a public emergency call service by way of which any member of the public can, at any time and without incurring any charge, by means of compatible apparatus connected to the network, contact the nationally designated number presently 999 for emergency services and any such other numbers as may be directed by the Minister, to report an emergency;

- (b) Establish, maintain and operate, or arrange for the establishment, maintenance or operation of a telecommunication service whereby customers, upon request, are provided with directory information and the operator assisted services;
- (c) Annually publish or cause to publish directory information in a printed form or such other form approved by the Minister, relating to all its customers, other than its customers who have requested that their details not be included in a published directory, to be made available free of charge to all the customers of the licensee; and
- (d) Make available to its customers backup power supply or inline powering in such manner as may be specified by the Minister to maintain continuity of the service without any deterioration in QOS during interruption of mains power supply on the customer's premises, to the network, or to any system or equipment delivering the service to the customer.

Promotion to list discretionary services not provided for

8. Notwithstanding the provision of Regulation 7 if the licensee decides not to provide any one of the facilities listed in Regulation 7, the licensee, shall in all its promotion, marketing or advertisement concerning its VOIP services state that such facility is not provided for in respect of its services.

Promotion to state effect of power failures on services if backup supply not provided for

9. Further to Regulation 8, in respect to backup power supply or inline powering the Licensee shall also inform its customers, through all its promotion, marketing or advertisement of its services, about the impact of power failures on their services

and how it compares to the operation of traditional telephone services in instances where there is a power failure.

10. A holder of a telecommunication licence to provide VOIP services shall enter into a written contract, for the provision of its services with each and every one of its customers and such contract shall contain the information specified in Regulations 8 and 9.

Licensee to enter into written contract with customer

11. The Minister may delegate, to any public officer subject to such conditions and restrictions as he may determine, any of his functions under these Regulations.

Power for Minister to delegate functions

MADE this 16th day of August, 2005.

JOSEPH BELMONT
VICE-PRESIDENT
