

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 50 of 2020

Telecommunications (Exemption New Skies Satellites Licensee B.V.) Order, 2020

In exercise of the power conferred by section 4 of the Telecommunications Act, Cap. 16.05, the Minister makes the following Order:

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1. Citation.

This Order may be cited as the Telecommunications (Exemption New Skies Satellites Licensee B.V.) Order, 2020.

2. Interpretation.

In this Order:

“Act” means the Telecommunications Act, Chapter 16.05;

“Aeronautical mobile satellite service” means a mobile satellite service in which mobile earth stations are located on board an aircraft, aeroplane, emergency position-indication radio beacon station or a survival craft station;

“Aircraft” means a power driven machine that derives its lift in flight chiefly from the aerodynamic reaction on surface, which remain fixed under given conditions of flight;

“Apparatus” means all stations located on board an airplane, aeroplane or ship that is used for the purpose of providing satellite services;

“Commission” means the National Telecommunications Regulatory Commission established by section 15 of the Telecommunications Act, Chapter 16.05 of the Laws of Saint Christopher and Nevis as amended;

“Earth station” means a station located either on the earth’s surface or within the major portion of the earth’s atmosphere and intended for communication with one or more space stations or with one or more stations of the same kind by means of one or more reflecting satellites or other objects in space;

“maritime mobile satellite service” means a mobile satellite service in which mobile earth stations are located on board ships, survival craft stations and emergency position-indicating radio beacon stations;

“mobile earth station” means an earth station in the mobile satellite service intended to be used while in motion or during halts at unspecified points;

“owner” includes the legal owner, an agent or any other person in whom an owner of a ship vests authority to manage and operate a ship;

“survival craft station” means a mobile station in the maritime mobile service or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life craft or other survival equipment.

3. Exemption.

By virtue of the powers conferred by section 4 of the Telecommunications Act, Chapter 16.05 of the Laws of Saint Christopher and Nevis, and acting upon a recommendation from ECTEL, the Minister hereby exempts New Skies Satellites Licensee B.V (SES S.A.) from the requirement of obtaining an Individual Licence, Class Licence or Frequency Authorisation, as an aeronautical mobile satellite service provider, under the Telecommunications Act, Chapter 16.05 of the Laws of Saint Christopher and Nevis.

4. Conditions of Exemption.

(1) Notwithstanding section 3, New Skies Satellites Licensee B.V (SES S.A.) shall comply with the conditions set out in this section.

(2) An aeronautical or maritime mobile satellite service provider must

- (a) register with the Commission before providing any service;
- (b) have and maintain a contact number which is readily available;
- (c) provide access for inspection and testing of apparatus used for the provision of that service on the request of the Commission or a duly authorised officer of the Commission;
- (d) comply with any direction given by the commission for the avoiding interference with other telecommunications apparatus or any licensed telecommunications network;
- (e) not use the apparatus in a manner that would cause harmful interference with other telecommunications apparatus or any licensed telecommunications network;
- (f) not violate any existing policy, code or international standard governing the use of aeronautical or maritime mobile satellite services; and
- (g) provide evidence that the installation and operation of the apparatus used for the provision of the aeronautical or maritime mobile satellite service has been certified by the State in which the aircraft, aeroplane or ship is registered.

(3) Unless specifically authorised by the Eastern Caribbean Civil Aviation Authority or any other authority responsible for civil aviation, an aeronautical or maritime mobile satellite service provider shall not provide an aeronautical or maritime mobile satellite service when an aircraft or aeroplane is

- (a) below 7000 ft. altitude;
- (b) taking off or during take-off;
- (c) in its initial climb out;

- (d) in final approach position;
- (e) landing or taxiing.

(4) An aeronautical or maritime mobile satellite service provider must ensure that transmissions from apparatus shall be automatically terminated on the loss or significant degradation of the downlink signal from the relevant geostationary satellite.

(5) For the purposes of subsection (2)(c), (d), (e), (f) and (g) a service provider must register with the Commission, prior to the provision of any service in St. Christopher and Nevis and provide the following information and documents to complete the registration process

- (a) the name, email address, telephone number, fax number and location of the business place;
- (b) the type of telecommunications services that the provider wishes to offer;
- (c) the area where the telecommunications service will be provided;
- (d) the type of customers the service provider intends to serve;
- (e) the type of equipment to be utilised in the provision of the telecommunications service;
- (f) a certified copy of the Certificate of Incorporation of the service provider; and
- (g) a certified copy of the Certificate of Good Standing of the service provide.

Made this 26th day of November, 2020.

AKILAHBYRON-NISBETT
Minister responsible for Telecommunications