Revised Regulations of Anguilla: P175-5

PUBLIC UTILITIES COMMISSION ACT (R.S.A. c. P175)

TELECOMMUNICATIONS LEVY AND LICENCE FEES REGULATIONS

Note: These Regulations are enabled under section 53 of the Public Utilities Commission Act, R.S.A. c. P175.

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Method of ascertaining annual licence fee
3. Commission's yearly costs
4. Deficit or surplus
5. Licensees to pay annual licence fees
6. Preparation and publication of Schedules 1 and 2
7. Citation

SCHEDULE 1: Notice of Telecommunications Levy and Licence Fees
SCHEDULE 2: List of Licensees

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Interpretation

1. In these Regulations—

"annual licence fee" means the annual fee—

(a) imposed on a licensee under section 48 of the Telecommunications Act; and

(b) ascertained in accordance with these Regulations;

"eligible revenue" means the Total Revenue (Turnover) per the last annual audited financial statement.

Method of ascertaining annual licence fee

2. The amount of a licensee's annual licence fee in force at the beginning of the financial year that begins on 1 January and ends on 31 December is ascertained using the formula—

$$10{,}000 + (MCA - (OTC + (10{,}000 \times TNC))) \times \frac{ER}{TER}$$

where—

(a) "MCA" (maximum charge amount) is the sum of the amounts determined under section 48 of the Telecommunications Act and section 21(2) of the Public Utilities Commission Act;

(b) "OTC" (other telecommunications charge) is the proportion of the Commission's costs for the financial year that—

(i) is attributable to the Commission's telecommunications functions and powers, and

(ii) will be recovered from telecommunications charges other than annual licence fees;

(c) "TNC" (total number of licensees) is 4;

(d) "ER" means eligible revenue; and

(e) "TER" (total eligible revenue) is the sum of the eligible revenue for the last annual audited financial statement for all the licensees listed in Schedule 2.

Commission's yearly costs

3. (1) The proportion of the Commission's costs for each financial year that is attributable to the Commission's telecommunications functions and powers shall be ascertained in accordance with the audited accounts of the Commission.

(2) The Ministry shall publish the costs ascertained under subsection (1) in the manner stated in Schedule 1.

Deficit or surplus

4. (1) The deficit or surplus for each financial year that is attributable to the Commission's telecommunications functions and powers shall be ascertained in accordance with the audited accounts of the Commission.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) The Ministry shall publish the deficit or surplus ascertained under subsection (1) in the manner stated in Schedule 1.

Licensees to pay annual licence fees

5. Each licensee listed in Schedule 2 shall pay the annual licence fee for the relevant year as ascertained by the Commission in accordance with section 2 of these Regulations.

Preparation and publication of Schedules 1 and 2

6. (1) Schedules 1 and 2 shall be prepared by the Commission and the Ministry and published in the *Gazette*.

(2) The permanent secretary may amend Schedules 1 and 2 from time to time to correct typographical errors.

(3) Each Schedule shall be numbered and filed by the permanent secretary and a copy forwarded to the Commission.

Citation

7. These Regulations may be cited as the Telecommunications Levy and Licence Fees Regulations, Revised Regulations of Anguilla, P175-5.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

SCHEDULE 1

(Sections 3 and 4)

Reference Number……./…….

NOTICE OF TELECOMMUNICATIONS LEVY AND LICENCE FEES

TAKE NOTICE that for the financial year 20……

1. The Commission assessed that the proportion attributable to its telecommunications functions and powers is

EC$.....; and

2. The deficit/surplus[1] attributable to the Commission's telecommunications functions and powers is

EC$.....

[1] Delete as appropriate

SCHEDULE 2

(Section 5)

Reference Number……./…….

LIST OF LICENSEES

1. Cable & Wireless (Anguilla) Limited (trading as Lime)
2. Caribbean Cable Communications (Anguilla) Limited
3. Wireless Ventures (Anguilla) Limited (trading as Digicel)

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai