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TELECOMMUNICATIONS ACT 2009

**TELECOMMUNICATIONS (CLASS LICENCE) ADMINISTRATIVE
ORDER 2011**

(TCSI Order No.01 of 2011)

Explanatory note

(This note is part of the Order, but is intended to indicate its general effect.)

This administrative order of the Telecommunications Commission is made under section 38 of the Telecommunications Act 2009 and brings into force a general telecommunications class licence.

The class licence provides a general entitlement for Solomon Islands individuals and registered companies to carry on business in Solomon Islands in the provision of any or all kinds of local and international telecommunications services.

The wide range of commercial telecommunications activity generally authorised by the class licence is nevertheless subject to the requirements in the Act for a business to pre-register with the Commission, and to re-register annually, as well as the Commission's issue from time to time of standard licence conditions or special conditions.

Those using the class licence must also continue to pay the applicable licence fees.

The class licence does not entitle any person to use Solomon Island's radio spectrum, and any person who proposes to undertake a telecommunication activity which would use radio spectrum must first apply to the Commission for a separate radio spectrum licence.

IN exercise of the powers conferred upon it by subsections (3) and (5) of section 38 of the Telecommunications Act 2009 the Telecommunications Commission makes the following administrative order for, and in respect of, the issue of a class licence:

1. CITATION AND COMMENCEMENT

1.1 This Order may be cited as the Telecommunications (Class Licence) Administrative Order 2011 (*TCSI Order No. 01 of 2011*).

1.2 This Order commences on the date it is published in the *Gazette*, and the terms and conditions, and other provisions for the class licence which it issues, remain in full force and effect until the date appointed for their amendment or revocation, in subsequent order issued by the Commission.

2. DEFINITIONS AND INTERPRETATION

2.1 In this Order:

“Act” means the Telecommunication Act 2009, (No. 20 of 2009);

“Class Licensee” means a person who remains duly registered with the Commission pursuant to section 40 of the Act;

“Commission” means the Telecommunications Commission established under section 6 of the Act.

2.2 Subject to subsection (1), words and expressions which appear in this Order, and which also appear in the Act, have the meaning ascribed to them by the Act.

3. ISSUE OF TELECOMMUNICATIONS CLASS LICENCE

3.1 Further to section 38(3)(a) of the Act, the terms of the class licence issued under this Order are:

- (a) the right to carry on business in Solomon Islands in the provision of any or all kinds of local and international telecommunications services:
 - (i) whether to users located in the Solomon Islands or elsewhere; or,
 - (ii) in conjunction with the supply of other services; and,
- (b) the right to operate telecommunications networks and other telecommunications equipment of any or all kinds, in the course of providing such services.

3.2 Further to section 38(3)(a) of the Act, the conditions of the class licence issued under this Order are:

- (a) any conditions which may apply to Class Licensees from time to time in any standard licence conditions or special conditions prescribed by the Commission by order under section 41 of the Act; and,
- (b) the condition that Class Licensees duly pay the licence fees applicable to the class licence from time to time;

3.3 Further to section 38(3)(b) and section 38(5)(b) of the Act, the qualification criteria for persons to provide services under the class licence issued under this Order are:

- (a) that the person is a registered company in Solomon Islands; or,
- (b) is an individual who is lawfully resident in Solomon Islands; and,
- (c) that the person remains duly registered as a Class Licensee pursuant to section 40 of the Act.

3.4 Further to section 38(5)(c) of the Act, the expected time periods for the issuance of the class licence, are:

- (a) in respect of a person who is an applicant for registration as a Class Licensee under section 40 of the Act, the time period of 45 days after the filing of the applicant's registration form, or corrected registration form, if the Commission has not notified that applicant that the class licence is to come into force in respect of that person after a period of less than 45 days; and,
- (b) in respect of an applicant who is notified by the Commission that the class licence will come into force in respect of that person after a time period of less than 45 days, the time period for issuance which is specified in the notice from the Commission to that applicant.

MADE AT HONIARA this eleventh day of September, 2011.

Bernard M Hill
TELECOMMUNICATIONS COMMISSIONER