

THE TELECOMMUNICATIONS ACT

REGULATIONS  
(*under section 16*)

The Telecommunications (Regulatory Fees) Regulations, 2013 L.N. 173B/2013

DELEGATION OF FUNCTION (Omitted)  
(*under section 20(4)*)

REGULATIONS  
(*under section 26*)

The Telecommunications (Spectrum Regulatory Fees) Regulations, 2003 L.N. 44/2003

ORDER  
(*under section 38 and 72*)

The Telecommunications (Universal Service Levy) (No.2) Order, 2011 L.N. 157L/2011

REGULATIONS  
(*under section 72*)

The Telecommunications (Forms) Regulations, 2000 L.N. 61/2000  
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ORDER  
(*under section 72*)

The Telecommunications (Prescribed Equipment) Order, 2005 L.N. 151A/2005

## THE TELECOMMUNICATIONS ACT

REGULATIONS  
(under section 26)THE TELECOMMUNICATIONS (SPECTRUM REGULATORY FEES)  
REGULATIONS, 2003

(Made by the Minister on the 30th day of April, 2003)

L.N. 44/2003

1. These Regulations may be cited as the Telecommunications (Spectrum Regulatory Fees) Regulations, 2003.

2. Each holder of a spectrum licence falling within the groups specified in the first column of the Schedule shall pay the appropriate regulatory fees to the Authority as specified in the second column of the Schedule.

<i>Licenses</i>	SCHEDULE <i>Spectrum Regulatory Fees</i>	(Regulation 2) <i>Fees</i>
—		—
<b>Group I</b>		
Licenses who derive no significant commercial benefit from the use of the spectrum:		35% of spectrum licence fee
<b>Group II (Level I)</b>		
Licenses whose business activities are wholly dependent upon the use of the spectrum:		$d \times e$ which is as follows c
		c = aggregate derived annual value of spectrum licence fees paid by all Level 1 users.
		d = derived annual value of spectrum licence fee paid by each Level 1 user.
		e = \$44M.
<b>Group II (Level II)</b>		
Licenses who use the spectrum as a preferred means of communication:		70% of spectrum licence fee.

## THE TELECOMMUNICATIONS ACT

## ORDER

*(under sections 38 and 72)*THE TELECOMMUNICATIONS (UNIVERSAL SERVICE LEVY)  
(NO. 2) ORDER, 2011*(Made by the Minister on the 28th day of October, 2011)*

L.N. 157L/2011

1. This Order may be cited as the Telecommunications (Universal Service Levy) (No. 2) Order, 2011.

Citation.

2. In this Order, unless the context otherwise requires—

Interpretation.

“business day” means any day other than a Saturday, Sunday or a Public General Holiday within the meaning of section 2 of the *Holidays (Public General) Act*;

“domestic carrier” means a carrier who provides domestic service;

“Fund” means the Universal Service Fund;

“international carrier” means a carrier who provides international service;

“Levy” means the charge originally imposed by the Ministerial Order (issued by the Minister of Commerce, Science and Technology pursuant to sections 38 and 39 of the Telecommunications Act) and any levy imposed by paragraph 3;

“terminating carrier” means a domestic carrier who provides termination service on its network;

“transit carrier” means a carrier which provides transit service for the traffic of an international carrier and delivers the traffic to a terminating carrier;

“UAFCL” means the Universal Access Fund Company Limited, a company established under the Laws of Jamaica and which is a wholly owned subsidiary of the Spectrum Management Authority;

“value” has the same meaning as in section 7 of the *General Consumption Tax Act*.

Universal service  
levy.

3.—(1) A levy to be known as the Universal Service Levy shall continue to be payable under the Act in the amount and manner specified in this Order.

(2) The Levy shall be—

- (a) US\$0.03 per minute on all incoming international minutes for termination to the Public Switched Telephone Network (hereinafter called “PSTN”);
- (b) US\$0.02 per minute on all incoming international minutes for the termination to the Public Land Mobile Network (hereinafter called “PLMN”); and
- (c) 3% of the value of the products and services specified in the First Schedule to this Order as provided by the domestic carriers and service providers, where such sums are to be identified from sums due as general consumption tax on the products and services.

International carrier  
to the remit levy.

4. Every international carrier shall remit to the terminating carrier upon whose PSTN or PLMN it terminates an incoming international call, the Levy, as specified in paragraph 3 (2) (a) and (b), unless otherwise remitted in accordance with the provisions of paragraph 8 (e), (f), (g) and (h).

Terminating carrier  
to remit levy.

5. Every terminating carrier shall remit to the Fund through UAFCL, on collection, the Levy specified in paragraph 3 (2) (a) and (b).

Domestic carriers  
and service  
providers to  
contribute to fund.

6. Every domestic carrier and every service provider shall contribute to the Fund, the Levy specified in paragraph 3 (2) (c).

Levy to fund  
approved plans re  
universal service  
obligations.

7. The Levy shall be used to fund the implementation of the obligation to provide Universal Service as approved by the Minister in accordance with section 39(2) of the Act and pursuant to the powers conferred by section 39(1) of the Act.

Procedure for Levy  
on the incoming  
international calls.

8.—(1) The procedure outlined in paragraph (2) shall apply in relation to the Levy on incoming international calls.

(2) The procedure mentioned in sub-paragraph (1) shall be—

- (a) the Levy will be added to the Office approved or, as the case may be, contracted, termination rates for incoming international calls payable by third party carriers to the terminating carriers, and will be collected by those terminating carriers in accordance with the billing and payment terms of the prevailing interconnection on other agreements between the respective parties;
- (b) every international carrier and very terminating carrier shall provide—

- (i) to the office and UAFCL such traffic reports as specified by the Office; and
  - (ii) any other information requested by the Office or UAFCL, in order to validate the calculation of the Levy;
- (c) where a carrier fails to pass on calling line identification, the call shall be deemed to be an incoming international call for the purposes of the Levy;
- (d) a licensee shall not use calling line identification to disguise the origination of a call;
- (e) the Levy to be paid by an international carrier shall be remitted either to the terminating carrier or directly to UAFCL and shall be due and payable in accordance with the terminating carriers' monthly billing and payment cycles;
- (f) where the Levy is remitted by an international carrier to the terminating carrier, the terminating carrier shall remit the Levy collected to UAFCL within five business days of such collection; so, however, that where the Levy is remitted directly to UAFCL by an international carrier, the international carrier shall submit evidence of such payment to the relevant terminating carrier;
- (g) where an international carrier's incoming international traffic must first transit the network of another carrier (namely, a transit carrier) before being delivered to a terminating carrier, the Levy payable in respect of that traffic shall be paid over either to the transit carrier or directly to UAFCL in accordance with the transit carrier's monthly billing and payment cycles;
- (h) where the Levy is remitted by an international carrier to the transit carrier, the transit carrier shall remit the Levy collected to UAFCL within five business days of such collection and shall provide evidence of such payment to the terminating carrier upon whose network the international traffic is ultimately terminated; so however, that where the Levy is remitted directly to UAFCL by an international carrier, the international carrier shall submit evidence of such payment to the relevant transit carrier and terminating carrier;
- (i) terminating carriers who are also international carriers shall remit to UAFCL the Levy payable in respect of incoming international traffic that they terminate on their own network, and the Levy payable for any month shall be remitted within similar timeframes as are accorded to other international carriers who terminate calls on the said terminating carrier's network in accordance with subparagraphs (e) and (f);