

CAYMAN ISLANDS



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**THE INFORMATION AND COMMUNICATIONS TECHNOLOGY
AUTHORITY LAW, 2002**

**THE INFORMATION AND COMMUNICATIONS TECHNOLOGY
AUTHORITY (INTERFERENCE AND EQUIPMENT
STANDARDIZATION) REGULATIONS, 2004**

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The Information and Communications Technology Authority, in exercise of the powers conferred by sections 52 and 70 (3) of the Information and Communications Technology Authority Law, 2002, makes the following regulations-

1. These regulations may be cited as the Information and Communications Technology Authority Law (Interference and Equipment Standardization) Regulations, 2004. Citation

2. In these regulations- Definitions

“apparatus” means a product enabling communication, or a relevant component thereof, which is utilized in any manner whatsoever as part of an ICT Network or a product, or relevant portion thereof, enabling communication by means of the emission and/or reception of radio waves utilizing the electromagnetic spectrum allocated to terrestrial/space radiocommunication, or both;

“certification bodies” means certification bodies so designated by the European Commission and/or certification bodies accredited by the National Institute of Standards and Technology in accordance with the rules of the United States Federal Communications Commission;

“certified equipment” means either apparatus or an assembly of various apparatus designed for interoperability as a system, which has been approved by certification bodies either individually or as a system;

“harmful interference” means interference, including system degradation, which endangers the functioning of an ICT Network or ICT Service or which otherwise

seriously degrades, obstructs or repeatedly interrupts an ICT Network or ICT Service ;

“the Law” means the Information and Communications Technology Authority Law, 2002.

Interference

3. No person shall use any apparatus in such a manner as to cause direct or indirect harmful interference with any ICT Network or ICT Service, whether public or private.

Equipment Standards

4. (1) Unless otherwise agreed to by the Authority, no apparatus shall be utilized within, or connected to, a public ICT Network or to offer a public ICT Service unless it fully qualifies as certified equipment and is utilized in accordance with operating parameters and specifications for which it has been certified.

(2) Unless otherwise agreed to by the Authority, the utilization of certified equipment within a public ICT Network or to offer a public ICT Service shall also be in accordance with the standards, specifications and recommendations established by the International Telecommunications Union.

(3) These regulations shall equally apply to apparatus in use on the date upon which these regulations come into effect and apparatus brought into use thereafter.

Experimental Licence

5 The Authority may, pursuant to an application, issue an experimental licence which may exempt apparatus from the application of section 4 on such terms and conditions as it deems appropriate giving due consideration to the following:

- (i) the period of time for such experimental licence;
- (ii) the presence of exceptional circumstances associated with the utilization of the apparatus;
- (iii) that an experimental licence would have little or no potential to cause harm to any private or public ICT Network or ICT Service; and
- (iv) such other considerations as are deemed appropriate.

6. If the Authority is of the opinion that the utilization of any apparatus does not comply with section 3 or 4, the Authority may issue a cease and desist order pursuant to section 35 of the Law. Enforcement

7. If the Authority is of the opinion that a person has repeatedly or substantially and without reasonable regard for the impact upon an ICT Network or an ICT Service contravened section 3 or 4, the Authority may make an application to the Court in accordance with subsection 36(c) of the Law for an exercise of the Courts powers specified in section 37 of the Law. Application to the Court

Made by the Information and Communications Technology Authority this 10th day of May, 2004

Stuart Diamond, Chairman of the Board of the Authority