

Government Notice No. 206 of 2008

**THE INFORMATION AND COMMUNICATION
TECHNOLOGIES ACT 2001**

**Regulations made by the Minister, on the recommendation
of, and after consultation with, the Board, under sections 21
and 48 of the Information and Communication Technologies
Act 2001**

1. These regulations may be cited as the Information and Communication Technologies (Universal Service Fund) Regulations 2008.

2. In these regulations -

“Act” means the Information and Communication Technologies Act 2001;

“communication” means the sending or receipt of information including, voice, sound, data, text, video, animation, visual images and pictures or a combination thereof by means of a public land mobile network;

“Fund” means the Universal Service Fund established under section 21 of the Act;

“international roaming service” means the service provided to a subscriber of a mobile telephony service provider located outside Mauritius who uses a mobile telephone or other device in Mauritius for communication under an arrangement between his mobile telephony service provider and a mobile telephony service provider located in Mauritius;

“universal service provider” means the licensee designated under regulation 7 to provide a universal service.

3. (a) For the purposes of section 21(2) of the Act, the annual contribution payable by a public operator into the Fund shall be paid in monthly instalments.

(b) Every monthly instalment payable under paragraph (a) shall consist of -

- (i) 5 per cent of the gross revenue which the public operator generates from the provision of international roaming service for that month;
- (ii) 1 rupee 50 cents on every minute of incoming international calls which the public operator terminates in Mauritius in that month or 2.5 per cent of the annual revenue it generates from the provision of telecommunication services, whichever is the lesser,

and shall be paid not later than 60 days after the end of that month.

4. The public operator shall, at the time of paying the monthly instalment under regulation 3, submit to the Authority information on -

- (i) the gross revenue generated by the public operator from the provision of international roaming service; and
- (ii) the number of minutes of incoming international calls which the public operator terminates in Mauritius,

for the month for which the payment is being effected.

5. Where a public operator fails to pay its monthly instalment as required under regulation 3, it shall, in addition to the amount due, pay a surcharge of 1 per cent per month on the amount due.

6. (a) Every public operator shall, for the purposes of these regulations, furnish to the Authority a true and certified copy of its audited financial accounts relating to its business operations not later than 3 months after the end of its financial year.

(b) The financial accounts under paragraph (a) shall include information relating to the total revenue generated by the public operator from the provision of international roaming service and the number of minutes which it terminates in Mauritius.

7. (a) The Authority shall, following a bidding exercise open to all licensees, designate one or more universal service providers.

(b) Every designated universal service provider shall enter into an agreement with the Authority which shall provide for –

- (i) such universal service as may be determined by the Authority;
- (ii) the imposition of performance targets;
- (iii) the sum to be paid from the Fund to the universal service provider; and
- (iv) such other terms and conditions as the Authority may determine.

8. (a) Subject to paragraph (b), every designated universal service provider shall be paid such sum from the Fund as may be approved by the Authority.

(b) Where the Authority is satisfied that the designated service provider has, without reasonable cause, failed to meet any performance target imposed under the agreement referred to under regulation 7, it may retain any payment due to the designated service provider.

9. Any public operator which –
- (a) furnishes any information to the Authority which is false in a material particular;
 - (b) contravenes these regulations,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

10. These regulations shall come into operation on 3 October, 2008.

Made by the Minister, on the recommendation of, and after consultation with, the Board, on 25 September, 2008.