

## **THE INFORMATION AND COMMUNICATION TECHNOLOGIES ACT 2001**

### **Regulations made by the Minister, after consultation with the Board of the Authority, under section 48 of the Information and Communication Technologies Act 2001.**

1. These Regulations may be cited as the Information and Communication Technologies (Licensing and Fees) Regulations 2003.

2. In these regulations -

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

“annual fee” means the fee mentioned in the fourth column of the Schedule and payable annually in respect of a licence;

“application fee” means the fee payable to the Authority for the processing of an application for a licence;

“initial fee” means a fee mentioned in the third column of the Schedule and payable to the Authority upon the grant of a licence.

3. Any person who wishes to operate an information and communication network or provides an information and communication service shall, notwithstanding any other enactment, apply for the appropriate licence specified in the Act and reproduced in the Schedule to these regulations.

4. A licence issued by the Authority shall be of such duration as shall be specified in the licence.

5. A non-refundable application fee of Rs 2,000 shall be paid to the Authority upon application for a commercial or private network licence specified in the Schedule.

6. (1) Subject to paragraphs (2), (3) and (4), where the Authority grants a licence, it shall issue such licence upon payment by the applicant of the initial fee.

(2) Where, upon an application for a licence, the Authority grants the application, the applicant shall, not later than 3 months from the date on which the application was granted, take out a licence subject matter of the application.

(3) Where an applicant fails to comply with paragraph (2), the Authority may rescind its decision, unless the applicant has, on or before the expiry of the period of 3 months, applied to the Authority for an extension of time by giving reasonable grounds for his inability to operate the information and communication network or to provide the information and communication service within the specified period.

(4) Where the Authority grants an application for extension of time under paragraph (2), the applicant shall operate the information and communication network or provide the information and communication service within a period fixed by the Authority but not exceeding 3 months, failing which the Authority shall rescind its decision and no further request for an extension shall be entertained.

**7.** (1) Subject to regulation 10, every licensee shall pay to the Authority an annual fee on the date of issue of the licence and thereafter not later than 15 days before the anniversary date of the licence.

(2) Where a licensee has paid the annual fee prior to the coming into operation of these regulations, he shall, subject to regulation 10, pay the appropriate annual fee specified in the Schedule not later than 15 days before the anniversary of the licence.

(3) Where a new licence has been issued in replacement of a licence which has been surrendered to the Authority pursuant to section 51 of the Act, the anniversary date of the new licence shall be deemed to be the anniversary date of the surrendered licence.

**8.** The annual fee in respect of SPL.10 to SPL.39 type licences specified in the Schedule shall, where the licensee is assigned the exclusive use of the frequency band, be 3 times the corresponding annual fee specified for that licence.

**9.** (1) Subject to paragraph (2), where the Authority has granted a licence for a period of not more than 3 months, the fee payable in respect of that licence shall be half the annual fee.

(2) Where the Authority grants a RA25 (Radio Amateur Visitor's) licence for a period of not more than 6 months, the licensee shall be exempt from payment of the annual fee.

**10.** Where an annual fee is in excess of Rs 100,000 rupees, the Authority may authorise that the fee be paid in 12 monthly equal instalments, the first instalment being payable upon issue of the licence and each remaining installment being payable at latest on the first day of each subsequent month.

**11.** Where a licensee fails to pay the annual fee, or any instalment, as the case may be, within the time specified in these regulations, he shall in addition to the amount due, pay a surcharge of 10 percent.

**12.** Where the annual fee remains unpaid for a period of 90 days as from the date the fee is due, the Authority may revoke the licence in accordance with the Act.

**13.** The licensee shall –

(1) refer for determination by the Authority, any question of interpretation arising under his licence;

(2) be bound by any determination made by the Authority pursuant to a reference made under paragraph (a), until such time as the Tribunal or a court of competent jurisdiction decides otherwise.

**14.** Where a licensee provides a telecommunications service or operates a telecommunication network, he shall within 14 days of the start of the provision or operation, notify the Authority in writing.

**15.** Where the licensee terminates the provision of a telecommunication service or the operation of a network, he shall within 28 days of the termination, notify the Authority of the termination in writing.

**16.** The following regulations are revoked –

The Telecommunication (Licensing Fees) Regulations 2000

**17.** These regulations shall come into operation on 21 July 2003.

Made by the Minister, after consultation with the Board of the Authority, on 14 July 2003.

SCHEDULE  
(regulation 2)

<b>CATEGORY 1: COMMERCIAL</b>			
<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>A</b>	<p><b>Network Infrastructure Provider:</b> To own and provide network infrastructure facilities to service providers and not to the public. The facilities shall include earth stations, cables, wireless equipment, towers, posts, ducts, and pits used in conjunction with other communication infrastructure and distribution facilities including facilities for broadcasting distributions, and does not include services such as provision of bandwidth or any other services covered by this Schedule.</p>	100,000	50,000
<b>B</b>	<b>Networking Services Provider</b>		
<b>B.01</b>	<p><b>Networking Services Provider (National):</b> To provide networking services for national traffic, such as provision of bandwidth to service providers and not to the public. The service providers may either setup the physical infrastructure themselves or take the infrastructure from network infrastructure providers, but they shall not perform any activities covered under types B.02, C and D licences.</p>	1,000,000	1,000,000
<b>B.02</b>	<p><b>Networking Services Provider (International):</b> To provide networking services for international traffic of Internet service providers and Internet telephony service providers, such as provision of bandwidth to Internet service providers and Internet telephony service providers and not to the public. The service providers may either setup the physical infrastructure themselves or take the infrastructure from network infrastructure providers, but they shall not perform any activities covered under types C and D licences.</p>	2,000,000	2,000,000
<b>C</b>	<b>Network Application Services Provider</b>		
<b>C.01</b>	<p><b>GMPCS:</b> To establish and operate Global Mobile Personal Communication System (GMPCS) by satellite for the public, whereby the network is satellite based and the satellite coverage extends over the territory of Mauritius.</p>	6,000,000	6,000,000

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>C.02</b>	<b>PSTN:</b> To establish and operate a Public Switched (fixed) Telephone Network (PSTN) and service to the public.	8,000,000	8,000,000
<b>C.03</b>	<b>PLMN:</b> To establish and operate a Public Land Mobile Network (PLMN) and service to the public.	8,000,000	8,000,000
<b>C.04</b>	<b>ILD:</b> To establish and operate an International Long Distance (ILD) network and service to the public.	5,000,000	5,000,000
<b>C.05</b>	<b>PMRTS:</b> To establish and operate a Public Mobile Radio Trunking System (PMRTS) and service to the public.	20,000	20,000
<b>C.06</b>	<b>Audiotex Service:</b> To operate a kiosk for the hosting of audiotex services whereby these services are accessed by the public via a fixed or mobile public telecommunication network.	50,000	50,000
<b>C.07</b>	<b>Data Service:</b> To establish and operate data services whereby these services are accessed by the public via a fixed or mobile public telecommunication network.	50,000	50,000
<b>C.08</b>	<b>Internet Service:</b> To provide Internet services to the public. The service providers may either use the public telecommunication network or set up their own last mile from their point of presence to the subscriber using any appropriate technology after taking the necessary spectrum licence where applicable.	Nil	50,000
<b>C.09</b>	<b>Internet Telephony Service:</b> To provide Internet telephony services to the public. The service providers shall use the Internet as the medium for voice conversation using (i) computers, (ii) a computer to a telephone abroad (iii) a telephone in Mauritius to a telephone abroad. No call shall be terminated on a PSTN/PLMN telephone in Mauritius or, any media gateway be established between the Internet and a PSTN/PLMN network of Mauritius.	1,000,000	1,000,000
<b>C.10</b>	<b>Facsimile Service:</b> To establish and operate switched or store and forward facsimile services accessible by the public via a public telecommunication network.	50,000	50,000

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>C.11</b>	<b>Radio Paging Service:</b> To establish and operate a paging network and service to the public.	50,000	50,000
<b>C.12</b>	<b>Payphone Service:</b> To establish and operate payphone services to be accessed by the public.	50,000	50,000
<b>C.13</b>	<b>UMS:</b> To establish and operate a Unified Messaging Service (UMS) system to be accessed by the public.	50,000	50,000
<b>C.14</b>	<b>Alarm Monitoring Service:</b> To establish and operate an alarm monitoring network and service for the public, based on a public telecommunication network or private radio network.	20,000	10,000
<b>D</b>	<b>Value Added Services:</b> To provide value added network application services to the public. This would include services such as call centres, electronic commerce, tele-banking, telemedicine, tele-education, tele-trading.	50,000	50,000
<b>E</b>	<b>Dealers' Licence:</b> Includes selling, exposing or offering for sale or hire a radio communication or telecommunication apparatus or device.	Nil	5,000

#### **CATEGORY 2: PRIVATE NETWORK**

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>PVT</b>	To establish private networks which are used by organisations or corporate entities for their internal use only and which do not have any connectivity to a public PSTN or PLMN network. The private networks shall be set up using only the telecommunication resources of the network owner.	Nil	Nil

**CATEGORY 3: ENGINEERING**

Licences are issued for spectrum or frequency usage and for the use of radio apparatus or device. Spectrum or radio apparatus or device may be used by the licensed telecommunication network operators or telecommunication service providers or by private users for their private network.

**Station licences**

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>RA01</b>	Aeronautical Base Station (erp less than 5 W)	Nil	1,000
<b>RA02</b>	Aeronautical Base Station (erp equal to or more than 5 W but less than 100 W)	Nil	2,500
<b>RA03</b>	Aeronautical Base Station (erp equal to or more than 100 W)	Nil	5,000
<b>RA04</b>	Aircraft Station (maximum aircraft take off weight equal to or more than 14,000 kg)	Nil	5,000
<b>RA05</b>	Aircraft Station (maximum aircraft take off weight more than 3,200 but less than 14,000 kg)	Nil	3,000
<b>RA06</b>	Aircraft Station (maximum aircraft take off weight up to 3,200 kg)	Nil	1,000
<b>RA07</b>	Coast Station.	Nil	30,000
<b>RA08</b>	Port Station.	Nil	10,000
<b>RA09</b>	VHF Maritime Base Station.	Nil	3,000
<b>RA10</b>	Ship Station (Full Licence).	Nil	3,000
<b>RA11</b>	Ship Station (VHF only)	Nil	1,500

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>RA12</b>	Private Mobile Radio Base Station	1,500	1,500
<b>RA13</b>	Private Mobile Radio (Repeater Station) Licence (where the licensee has been assigned the shared use of frequencies in a private mobile radio network or in a Private Access Mobile Radio Network).	2,500	2,500
<b>RA14</b>	Immarsat Mobile Earth Station (Types A, B, C, M and Mini-M).	1,000	Nil
<b>RA15</b>	Radiolocation/Radiodetermination station.	50,000	50,000
<b>RA16</b>	Earth Station (in a fixed satellite service).	50,000	50,000
<b>RA16A</b>	Portable Satellite communication terminal.	50,000	50,000
<b>RA17</b>	Telemetry, Command and Ranging (TCR) Satellite Earth Station.	50,000	50,000
<b>RA18</b>	Disaster recovery station.	50,000	Nil
<b>Apparatus licences</b>			
<b>RA19</b>	Extended Radio-based Private Network device (ELAN/ WLAN beyond 1 Km range and/or EIRP > 20 dBm).	10,000	2,000 per device
<b>RA20</b>	Radio Paging Transmitter.	Nil	2,500
<b>RA21</b>	Local Area Private Radio Paging.	Nil	1,000
<b>RA22</b>	Model Radio Control.	Nil	1,000
<b>RA23</b>	Radio Amateur Licence (class A).	Nil	500
<b>RA24</b>	Radio Amateur Licence (class B).	Nil	300
<b>RA25</b>	Radio Amateur Visitor's Licence.	1,000	500

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>RA26</b>	Radio Telemetry System.	Nil	1,000 per device
<b>RA27</b>	Low Power Radio Devices	Nil	1,000 per device
<b>RA28</b>	Data Terminating Radio Devices operating in the band 2.4 to 3.5 GHz	Nil	1,000 per device
<b>RA29</b>	Data Terminating Radio Devices operating in the band 4.5 to 5.7 GHz	Nil	1,000 per device
<b>RA30</b>	Local Multipoint Distribution (LMD) transmitter (eirp equal to or more than 5 W operating in the band 2.4 to 3.5 GHz)	30,000	30,000
<b>RA31</b>	Local Multipoint Distribution (LMD) transmitter (eirp equal to or more than 1 W but less than 5 W, operating in the band 2.4 to 3.5 GHz)	30,000	30,000
<b>RA32</b>	Local Multipoint Distribution (LMD) transmitter (eirp less than 1 W operating in the band 2.4 to 3.5 GHz)	25,000	25,000
<b>RA33</b>	Local Multipoint Distribution (LMD) transmitter (eirp equal to or more than 5 W operating in the band 4.5 to 5.7 GHz)	20,000	20,000
<b>RA34</b>	Local Multipoint Distribution (LMD) transmitter (eirp equal to or more than 1 W but less than 5 W, operating in the band 4.5 to 5.7 GHz)	20,000	20,000
<b>RA35</b>	Local Multipoint Distribution (LMD) transmitter (eirp less than 1 W operating in the band 4.5 to 5.7 GHz)	20,000	20,000
<b>RA36</b>	MF/HF Radio Broadcasting Transmitter.	10,000	7,000

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>RA37</b>	VHF FM Radio Broadcasting Transmitter (eirp equal to or more than 1 kW)	10,000	5,000
<b>RA38</b>	VHF FM Radio Broadcasting Transmitter (eirp equal to or more than 200 W but less than 1 kW)	8,000	3,000
<b>RA39</b>	VHF FM Radio Broadcasting Transmitter (eirp less than 200 W)	5,000	2,000
<b>RA40</b>	Television Broadcasting Transmitter (eirp equal to or more than 1 kW)	20,000	20,000
<b>RA41</b>	Television Broadcasting Transmitter (eirp equal to or more than 100 W but less than 1 kW)	15,000	12,000
<b>RA42</b>	Television Broadcasting Transmitter (eirp less than 100 W)	10,000	8,000
<b>RA43</b>	Private Mobile Radio Apparatus (Mobile/ Portable Station)	Nil	300
<b>RA44</b>	VSAT/USAT (C, Ku, Ka band operation)	50,000	50,000
<b>RA45</b>	Temporary test licence for frequency usage.	5,000	Nil

<b>Network Spectrum Licences</b>			
<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>SPL.1</b>	Network Spectrum Licence (operating in the frequency band below 1GHz).	10,000 per 100 kHz per occupied channel bandwidth	10,000 per 100 kHz per occupied channel bandwidth
<b>SPL.2</b>	Network Spectrum Licence (operating in the frequency band equal to or more than 1GHz but less than 3 GHz).	30,000 per 100 kHz per occupied channel bandwidth	30,000 per 100 kHz per occupied channel bandwidth
<b>SPL.3</b>	Network Spectrum Licence (operating in the frequency band equal to or more than 3GHz but less than 10 GHz).	20,000 per 100 kHz per occupied channel bandwidth	20,000 per 100 kHz per occupied channel bandwidth

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>SPL.4</b>	Network Spectrum Licence (operating in the frequency band equal to or more than 10 GHz).	15,000 per 100 kHz per occupied channel bandwidth	15,000 per 100 kHz per occupied channel bandwidth
<b>Fixed Radio Spectrum Licences</b>			
<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>SPL.10</b>	Radio-Relay Link Licence (operating in the frequency band below 1GHz with bandwidth less than 12.5 kHz).	5,000	5,000
<b>SPL.11</b>	Radio-Relay Link Licence (operating in the frequency band below 1GHz with bandwidth equal to or more than 12.5 kHz but less than 25 kHz).	8,000	8,000
<b>SPL.12</b>	Radio-Relay Link Licence (operating in the frequency band below 1GHz with bandwidth equal to or more than 25 kHz but less than 50 kHz).	10,000	10,000
<b>SPL.13</b>	Radio-Relay Link Licence (operating in the frequency band below 1GHz with bandwidth equal to or more than 50 kHz but less than 100 kHz).	15,000	15,000
<b>SPL.14</b>	Radio-Relay Link Licence (operating in the frequency band below 1GHz with bandwidth equal to or more than 100 kHz).	20,000	20,000
<b>SPL.15</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 1GHz but less than 3 GHz with bandwidth less than 1 MHz).	42,000	42,000
<b>SPL.16</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 1GHz but less than 3 GHz with bandwidth equal to or more than 1 MHz but less than 7 MHz).	63,000	63,000
<b>SPL.17</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 1GHz but less than 3 GHz with bandwidth equal to or more than 7 MHz but less than 14 MHz).	84,000	84,000
<b>SPL.18</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 1GHz but less than 3 GHz with bandwidth equal to or more than 14 MHz but less than 28 MHz).	105,000	105,000

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>SPL.19</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 1GHz but less than 3 GHz with bandwidth equal to or more than 28 MHz).	126,000	126,000
<b>SPL.20</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 3 GHz but less than 5 GHz with bandwidth less than 1 MHz).	30,000	30,000
<b>SPL.21</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 3 GHz but less than 5 GHz with bandwidth equal to or more than 1 MHz but less than 7 MHz).	45,000	45,000
<b>SPL.22</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 3 GHz but less than 5 GHz with bandwidth equal to or more than 7 MHz but less than 14 MHz).	60,000	60,000
<b>SPL.23</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 3 GHz but less than 5 GHz with bandwidth equal to or more than 14 MHz but less than 28 MHz).	75,000	75,000
<b>SPL.24</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 3 GHz but less than 5 GHz with bandwidth equal to or more than 28 MHz).	90,000	90,000
<b>SPL.25</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 5 GHz but less than 8 GHz with bandwidth less than 1 MHz).	24,000	24,000
<b>SPL.26</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 5 GHz but less than 8 GHz with bandwidth equal to or more than 1 MHz but less than 7 MHz).	36,000	36,000
<b>SPL.27</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 5 GHz but less than 8 GHz with bandwidth equal to or more than 7 MHz but less than 14 MHz).	48,000	48,000

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>SPL.28</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 5 GHz but less than 8 GHz with bandwidth equal to or more than 14 MHz but less than 28 MHz).	60,000	60,000
<b>SPL.29</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 5 GHz but less than 8 GHz with bandwidth equal to or more than 28 MHz).	72,000	72,000
<b>SPL.30</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 8 GHz but less than 10 GHz with bandwidth less than 1 MHz).	18,000	18,000
<b>SPL.31</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 8 GHz but less than 10 GHz with bandwidth equal to or more than 1 MHz but less than 7 MHz).	27,000	27,000
<b>SPL.32</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 8 GHz but less than 10 GHz with bandwidth equal to or more than 7 MHz but less than 14 MHz).	36,000	36,000
<b>SPL.33</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 8 GHz but less than 10 GHz with bandwidth equal to or more than 14 MHz but less than 28 MHz).	45,000	45,000
<b>SPL.34</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 8 GHz but less than 10 GHz with bandwidth equal to or more than 28 MHz).	54,000	54,000
<b>SPL.35</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 10 GHz with bandwidth less than 1 MHz).	12,000	12,000
<b>SPL.36</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 10 GHz with bandwidth equal to or more than 1 MHz but less than 7 MHz).	18,000	18,000
<b>SPL.37</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 10 GHz with bandwidth equal to or more than 7 MHz but less than 14 MHz).	24,000	24,000

<b>Type</b>	<b>Description</b>	<b>Initial Fees (Rs)</b>	<b>Annual Fees (Rs)</b>
<b>SPL.38</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 10 GHz with bandwidth equal to or more than 14 MHz but less than 28 MHz).	30,000	30,000
<b>SPL.39</b>	Radio-Relay Link Licence (operating in the frequency band equal to or more than 10 GHz with bandwidth equal to or more than 28 MHz).	36,000	36,000