

*Telecommunications (Spectrum Management) Regulations*

SAINT LUCIA

No. 14 of 2002

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*Telecommunications (Spectrum Management) Regulations***SAINT LUCIA**

STATUTORY INSTRUMENT, 2002, No. 14

[ 3rd March, 2002 ]

In exercise of the power conferred under section 74 of the Telecommunications Act, 2000, No. 27, the Minister responsible for Telecommunications makes these Regulations:

**PART 1  
PRELIMINARY****Citation**

1. These Regulations may be cited as the Telecommunications (Spectrum Management) Regulations, 2002.

**Commencement**

2. These Regulations shall be deemed to have come into force on the 1st day of April, 2001.

**Interpretation**

3. In these Regulations:

“Act” means the Telecommunications Act, 2000, No. 27;

“assigned frequency” means the frequency band assigned to a transmitter;

“authorised frequency” means the frequency assigned to a provider by the Commission and which is specified in the frequency authorisation;

“authorised power” means the power assigned to a radio station by the Commission which is specified in the frequency authorisation, but not necessarily corresponding to the power which the Commission uses for the purposes of its Master Frequency Record (M.F.R.) and notification to the International Telecommunication Union;

“experimental radio service” means a service in which radio waves are employed for purposes of experimentation in the radio art, or for purposes of providing essential communications for research projects which could not be conducted without the benefit of such communications;

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- “experimental station” means a station utilising radio waves in experiments with a view to the development of science;
- “fixed service” means a service of radio-communication between specified fixed points;
- “fixed station” means a station in the fixed service;
- “geostationary satellite orbit” means the orbit in which a satellite must be placed to be a geostationary satellite;
- “harmful interference” means any radiation or induction which endangers the functioning of a radio navigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and these Regulations;
- “landing area” means any locality comprising land or water including aerodromes and intermediate landing fields used for the landing and take off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo;
- “land station” means a station in the mobile service not intended for operation while in motion;
- “mean power of radio transmitter” means the power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation;
- “Minister” means Minister responsible for Telecommunications;
- “mobile service” means a service of radio communication between mobile and land stations, or between mobile stations;
- “mobile station” means a station in a mobile service capable of being used while in motion or during halts at unspecified points;
- “peak power of radio transmitter” means the mean power supplied to the antenna during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation;
- “radio service” means an administrative subdivision of the field of radio communication, as for example mobile service and fixed services;
- “radio station” means any facility or installation that emits radio frequencies; and

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"station" means one or more transmitters or receivers or a combination of transmitters or receivers, including the accessory equipment, necessary at one location for carrying out a radio communication service, or the radio astronomy service.

**PART II**  
**MANAGEMENT OF SPECTRUM**

**Monitoring the use of radio frequencies**

4. The Commission shall monitor the use of radio frequencies in the use of radio in Saint Lucia in order to ensure that holders of frequency authorisations comply with the conditions, regulations and terms of those authorisations and that persons not holding frequency authorisations comply with these Regulations.

**Commission to manage spectrum**

5. Subject to these Regulations, the Commission shall :

- (a) have the power to withdraw or suspend any emission where it deems it necessary to do so;
- (b) manage and control accidental or non-restricted emissions of the electro-magnetic spectrum;
- (c) manage and control the use of the electro-magnetic spectrum from, to and within the territory of Saint Lucia; and
- (d) put into place measures to prohibit or minimize the incidence of those emissions.

**Commission to coordinate its management activities**

6. Where the acts of the Commission in the management of the spectrum involve the use of the electro-magnetic spectrum for broadcasting of television or radio programming, the Commission shall coordinate its management activities with the Saint Lucia Broadcasting Commission.

**Conformity with regional spectrum management plan**

7.— (1) Except as otherwise provided in these Regulations the following shall conform with the Regional Spectrum Management Plan developed by ECTEL, the:

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- (a) actual use of frequencies for radio communication or other purpose including the transfer of energy by radio;
- (b) assignment of frequencies and bands of frequencies to all stations and classes of stations;
- (c) licensing and authorising of the use of all such frequencies between 9kHz and 400 GHz.

(2) In developing the Regional Spectrum Management Plan, ECTEL shall, to the extent that it is reasonable to do so:

- (a) apply international norms and act consistent with international arrangements with respect to use and allocation of spectrum;
- (b) preserve existing spectrum use and allocations.

**Temporary use of frequencies**

8.—(1) The Commission may authorise on a temporary basis only, the use of frequencies outside the scope of the Regional Spectrum Management Plan, for emergencies or projects of short duration, where the Commission deems that exceptional circumstances require such utilization, and that harmful interference will not be caused to services operating in accordance with the Regional Spectrum Management Plan.

(2) The authorisations referred to in sub-regulation (1) shall not be used for any commercial purpose or to develop any service to be operated on frequencies other than those allocated to that service.

(3) All authorisations except any issued for emergency purposes or projects of short duration shall be forwarded to ECTEL for its advice and comments.

**Use of Government frequencies by non-Government stations**

9. The Commission may permit non-Government stations to use Government frequencies in bands above 25MHz, where after consultation with the appropriate Government agency finds that the use is necessary for the coordination of Government and non-Government activities.

**Conditions to apply**

10. Pursuant to the provisions of regulation 9, the following conditions shall apply:

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- (a) the Commission may authorize the use of Government frequencies by non-Government stations provided that the non-Government stations conform with the conditions agreed upon by the Commission, after consulting the relevant Government agency;
- (b) the frequencies of a non-Government station must be certified as necessary by the relevant Government Agency, and that the required written certification is furnished to ECTEL, the Commission and the non-Government station with which Communication is required, as soon as is practicably possible; and
- (c) non-Government station operating on Government frequencies do not cause harmful interference to Government stations and in the event of harmful interference, the non-Government station shall take immediate steps to eliminate the interference.

**Capacity of equipment**

11. Equipment utilised by the holder of a frequency authorisation shall be capable of being adapted within a reasonable time frame so that it may receive and transmit on any frequency in the bands assigned to that holder's authorisation.

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ROLE OF COMMISSION

**Regional spectrum management plan**

12. The Regional Spectrum Management Plan shall be in conformity with the Regional Plan of Frequency Allocations of Region 2 and the Master Table of Frequencies of the International Telecommunication Union.

**Guidelines for assigning frequencies**

13. The Commission in assigning the use of frequency shall in conjunction with ECTEL, take into account:

- (a) any representation or objection which is duly and timely made and not withdrawn;
- (b) the availability of frequencies and the ability for sharing the frequencies;
- (c) the distribution of frequencies between commercial, rural, urban or other categories;

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- (d) the need for, and location of radio frequency spectrum in use, or to be used by the national Government; and
- (e) the technical characteristics of the equipment involved, and its capability to interconnect with other communications equipment and networks.

**Management of electromagnetic spectrum**

14.— (1) The Commission may make issue a directive requiring a person to comply with technical regulation in respect of the emission of electro-magnetic radiation from equipment of any description.

(2) The Commission may limit the number of frequency authorisations for ensuring the efficient use and management of the electro-magnetic spectrum.

(3) A notice under this regulation shall be published in the *Gazette* and a local newspaper with a wide circulation for the purpose of bringing the matters to which it relates to the attention of those likely to be affected by those matters.

**Harmful interference**

15.— (1) Where a complaint of harmful interference resulting from the operation of a radio station or the use of the radio spectrum in Saint Lucia is received from a source within that state or from a foreign source, the Commission may issue a directive temporarily suspending the operation of the station on that particular frequency for a period not exceeding 30 days pending the investigation of the complaint.

(2) The Commission shall immediately notify ECTEL and the allegedly offending party upon receipt of a complaint of harmful interference resulting from the operation of that radio station or the use of that radio spectrum in Saint Lucia.

(3) The Commission shall conduct an investigation of the complaint referred to in sub-regulation (1) in conjunction with ECTEL, and shall give the party against whom the complaint has been made 10 days to respond to the complaint from the date of the notice of the complaint.

**Obligation to give information**

16. Any person on or at any premises or place entered by an Inspector or other authorised officer under this regulation, shall give to the

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inspector or other authorised officer any information he or she may reasonably require for the purposes of these Regulations and shall not hinder or obstruct him in the performance of his functions.

**Suspension of operations or revocation of authorisation**

17. A frequency authorisation shall contain provisions providing for the:

- (a) immediate suspension of operations upon the receipt of an order by the Commission to temporarily suspend its operations because of a complaint of harmful interference; or
- (b) revocation where the condition to avoid harmful interference has been breached.

**PART IV  
MISCELLANEOUS**

**Redistribution of radio frequencies**

18. — (1) The Minister may, on the advice of the Commission, and consistent with the Regional Spectrum Management Plan, redistribute frequency authorisations:

- (a) to allow the introduction of new technology;
- (b) where it is necessary to ensure the efficient use of the radio spectrum; or
- (c) where the overall demand for radio frequencies for a particular telecommunications service cannot be met.

(2) Before advising the Minister regarding the process of redistribution of radio frequencies the Commission shall:

- (a) allow any person likely to be affected by the proposed redistribution an opportunity to make representations;
- (b) ensure that any person licensed to provide telecommunications services or establish and operate a telecommunications network is able to maintain continuity in the provision of the relevant services or networks;
- (c) give holders of existing frequency authorisations at least one year notice of the pending redistribution; and
- (d) publish specific objectives and non-discriminatory rules for the proposed redistribution.

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(3) Any holder of a frequency authorisation shall be entitled to compensation where a redistribution of frequencies occurs

(4) Compensation referred to under sub-regulation (3) shall be for costs reasonably incurred in complying with that redistribution.

Made this 20th day of February, 2002.

FELIX FINISTERRE,  
*Minister responsible for Telecommunication.*

