



PUBLIC CONSULTATION ON NEW COMMUNICATIONS BILL 2025

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Communications Ordinance 2025 makes new provision for the regulation of electronic communications and the licensing of activities related to communications networks and services.

Background and context

The broadband service provided from the Equiano submarine cable branch should be a transformational improvement for St Helena. By switching from a service provided by a geostationary satellite to a service provided by a fibre optic cable, we have already started the process of reducing access restrictions by use of data allowances with the upgrades that took place in October 2023 when the island network was connected to the Equiano cable. More needs to be done to improve services. To support St Helena's digital modernisation, the Telecommunications Ordinance 1989 needs to be updated. Further economic development on St Helena is conditional on faster internet access and therefore the delivery of an enhanced access network within a modernised communications legal framework is crucial to economic growth.

A [Policy for Communication Networks and Services](#) was developed, and approved by EXCO, following public consultation, in 2020. This policy set the framework by which to update the legal and regulatory framework.

A new Communications Ordinance was drafted in 2022. However, this was not enacted in law and following a detailed review has been found to fall short of what was required by the Policy for Communications Networks and Services. In 2024 EXCO reviewed and re-approved the policy as still being the basis upon which to proceed with new legislation and agreed that more work was needed to ensure that the legislation reflects the Policy.

The Communications Bill 2025 takes what was drafted in 2022 and has developed it to ensure that it aligns with the intent of the Policy for Electronic Communications Networks and Services. The Communications Bill 2025 that is now available for public consultation aligns with the Policy.

Scope of consultation

The Policy for Communications Networks and Services was open to public consultation in 2020, during which time public meetings took place and written

submissions were also received. The Policy was amended based on public feedback and was approved by the Executive Council in October 2020. The intention of the consultation on the legislation is to provide stakeholders with an opportunity to identify whether the legislation achieves the stated policy objectives.

Policy objectives

The full policy objectives can be found in the [Policy for Electronic Communications Networks and Services](#). For ease of reference, a summary of key policy objectives is set out below. These will be implemented through the new Communications Ordinance 2025.

- 1) Introduction of a **Communications Regulator** (the “**Regulator**”) who will be regulating, supervising and enforcing compliance with conditions placed on licensees and compliance with the Communications Ordinance more widely such as the provisions on spectrum management and consumer obligations. The Regulator will investigate breaches and take targeted action. One of the primary functions of the Regulator will be, absent effective service and network competition, to ensure licensees act in the best interests of their customers in relation to price, quality and innovation.
- 2) Inclusion of a **Universal Service Obligation** in public electronic communication service licences. SHG must ensure that people and businesses on St Helena have access to services irrespective of their geographical location on St Helena and at a price that does not prohibit access and licensees must assist in this regard.
- 3) Introduction of **Consumer Safeguards and Quality of Service standards** within licence agreements. Communications licensees will be obliged to establish consumer complaints-handling procedures, with the Regulator investigating unresolved complaints; prohibited from engaging in misleading or deceptive conduct; obliged to protect the privacy of users’ communications, subject to lawful interception and warrant; and obliged to protect the confidentiality of users’ personal information and publish a Consumer Code that is approved by the Regulator. Furthermore, quality measures will be set that draw on SMART principles and licensees will be obligated to provide services that meet stated minimum quality/reliability standards and to regularly report and publish performance measurements against those standards.
- 4) Introduction of **Price Controls**. Price controls protect consumers against unfair pricing and aim to balance consumer access with provider incentives in non-competitive markets. Legislation will introduce price controls as a tool to ensure good value for customers (both affordable and proportionate to the costs of living on St Helena). This must be balanced against the need to allow licensees to earn returns

that are fair, and properly reflect the risks faced in operating communication services on St Helena.

5) Introduction of **Exit Provisions** in public electronic communications licences. The Policy states that to protect end users and ensure the continuity of service provision, there will be detailed provisions covering the exit of the licensee and transfer of services. These provisions must include a requirement for an exit plan. The exit plan must address and facilitate the transition of services from a licensee to the Government or a replacement licensee to ensure there is no disruption in the supply of services. The Exit Plan will detail how the transferrable assets, transferrable contracts, and transferrable data will be dealt with in the event of a change in licensee.

6) Improving procedures for the **effective management of the electromagnetic spectrum**. Legislation is required to introduce a statutory basis for spectrum management and the licensing of radiocommunications. The Regulator will be given the statutory responsibility to develop and implement a framework for the management of the spectrum. The new legal framework will also implement the strategic direction already identified through the Policy for Licensing of Permanent Earth Stations and Receive Only Earth Stations¹.

Questions for consultation

1. Do you agree that the draft legislation accurately reflects the Policy for Communications Networks and Services?
2. Do you have any comments with regards to the implementation of the legislation and how it might apply to you?

How to respond

Responses can be submitted electronically to:

Alexandria.Thomas@sainthelena.gov.sh

Responses can be submitted by post to:

Alexandria Thomas
Economic Development Portfolio
The Castle
Jamestown

¹ [1.-Policy-Licencing-Earth-Stations-2020.04.28-Final.pdf](#)

When submitting your response please state your full name, address, contact details and whether you are resident in St Helena, have a business interest in St Helena and if neither of these please declare what your interest is in St Helena.

Next steps

The consultation closes on **Wednesday 16 April 2025**. Once consultation has closed the Attorney Generals Chambers will be scrutinising the responses and making any necessary amendments to the Communications Bill 2025. The Bill will then proceed to the Legislative Assembly for enactment with the intention that this is achieved in June 2025.