



TELECOMMUNICATIONS (AMENDMENT) BILL 2023



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Telecommunications Ordinance, 1989, to make provision for the licensing of a person providing network installation or maintenance services; and for connected and incidental purposes.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title, commencement and interpretation

1. (1) This Ordinance may be cited as the Telecommunications (Amendment) Ordinance, 2023, and comes into force on a date or dates fixed by the Governor by Order.

(2) An Order under subsection (1) may—

- (a)** appoint different dates for different provisions or for different purposes of the same provision; and
- (b)** contain such transitional or consequential provisions as appear to the Governor to be necessary or convenient.

(3) In this Ordinance “the principal Ordinance” means the Telecommunications Ordinance, 1989.

Substitution of the term “Governor in Council”

2. The principal Ordinance is amended by substituting the term “Governor in Council” wherever this term appears with the term “Governor on the advice of the Executive Council”.

Amendment of section 2 - interpretation

3. The principal Ordinance is amended in section 2 as follows—

- (a)** in the definition of the word “service” by inserting after the words “supplying telecommunications” the words “including the installation of a telecommunications network or any apparatus necessary for the supply of telecommunications services”; and
- (b)** in definition of the term “telecommunication services” by inserting after the word “facsimile” the words “, fibre optic”.

Amendment of section 3 - Telecommunications services not to be provided without licence

4. The principal Ordinance is amended as follows—
 - (a) in section 3 in subsection (3) as follows—
 - (i) by repealing the word “or” at the end of paragraph (b);
 - (ii) by repealing the full stop at the end of paragraph (c) and substituting the word “; or”; and
 - (iii) by inserting after paragraph (c) the following paragraph—

“(d) so as to be valid for a period of time specified by agreement entered into or on behalf of the Government of St Helena necessary for the installation of a telecommunications network or for the maintenance or repair of a telecommunications network.”; and
 - (b) by inserting after subsection (3) the following subsection—

“(3A) A service provided pursuant to the issue of a licence pursuant to subsection (3)(d) must not in any way conflict with the operation of a licence issued for the provision of a telecommunications service so that, for the avoidance of doubt, the installation of a telecommunication service must not in any way conflict with the provision of a telecommunication service.”.

Amendment of section 14 - Right of entry to construct lines across land

5. The principal Ordinance is amended in section 14 as follows—
 - (a) in subsection (1) in paragraph (a) by repealing the words “and construct and maintain on it any telegraph or telephone lines” and substituting the words “and install, construct or maintain, any cable including but not limited to fibre optic cable, telegraph or telephone lines”; and
 - (b) in subsection (1A) by repealing the words “attach wires, stays or any kind of support to any building or other structure, and may remove or alter any such line, work, wires stays or support” and substituting the words “install aboveground or underground any cables or attach any wires, stays or any kind of support to any building or other structure, and may remove or alter any such cable, line, work, wires stays or support”.

Amendment of section 19 - Trees obstructing telegraph lines

6. The principal Ordinance is amended in section 19 as follows—
 - (a) in the headnote by repealing the words “obstructing telegraph lines”; and
 - (b) in subsection (1) by repealing the words “a telegraph or telephone line” and substituting the words “any cables, telegraph or telephone lines”.

Amendment of section 20 - Height and depth of lines

7. The principal Ordinance is amended in section 20 as follows—
 - (a) in the headnote by repealing the words “of lines”; and
 - (b) in subsection (2) by inserting after the words “lay underground” the words “cable,”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Bill would make provision for the licencing of a person installing or maintaining a telecommunications network.

