Telecommunications Regulatory Commission

Notice of Public Consultation on Telecommunications Code (Part X) (Penalty) Guidelines, 2024

(12th September 2024)

TAKE NOTICE THAT:

In accordance with section 6(j) of the Telecommunications Act, 2006 (***Act***), the Telecommunications Regulatory Commission of the Virgin Islands (***Commission***) is responsible for the collection of all fees and any other charges payable to the Commission under the Act. Additionally, in accordance with section 75(2)(b) of the Act, if the Commission is entitled to take enforcement action, it may exercise this power through the imposition of a fine on a licensee or authorisation holder in such amount as it thinks fit.

The Commission considers that it is in the interest of the industry, and in keeping with the Commission's mandate under the Act, to regulate the process and considerations applicable to the exercise of its enforcement powers when imposing a fine, so as to ensure that the process is objective, transparent and non-discriminatory. Accordingly, the Commission has developed the Draft Telecommunications Code (Part X) (Penalty) Guidelines, 2024 (the ***Guidelines***) to establish the factors that the Commission will consider when determining the amount of a penalty and to ensure that any penalty imposed serves the overarching aim of deterrence. These Guidelines are applicable to all licensees and authorisation holders in the telecommunications services industry, for which the Commission has responsibility.

The consultation will be open to the public as we seek to receive views from all interested stakeholders, citizens and businesses of the Virgin Islands. The Commission shall, at least fourteen (14) days before the commencement of the consultation, publish notice of same on the Commission's website and in a newspaper published and circulated in the Virgin Islands.

TAKE FURTHER NOTICE THAT:

The Commission shall commence a public consultation on the Guidelines on 26 September 2024. In accordance with Part II, section 7(2) of the Telecommunications Code (Part 1) (Public Consultations and Public Hearings) Guidelines, 2010, responses to the public consultation shall be due 28 days from the date of publication of the consultation document. Further, the Commission may allow a longer period for responses to a public consultation where it considers this to be necessary. Accordingly, this consultation will close on 7 November 2024.

When published, the consultation document will be made available at the Reception desk of the office of the Commission located at 3rd Floor, LM Business Centre, Fish Lock Road, Road Town, Tortola, British Virgin Islands. Alternatively, a copy of the consultation document will be available on our website (www.trc.vg). Instructions for responding to the consultation will be included in the consultation documents.

The person responsible for this consultation is Mr. Guy L. Malone, Chief Executive Officer, and he can be contacted at gmalone@trc.vg concerning this consultation. All queries in relation to this consultation should be copied to Mrs. Chantal L. Flax-Ward, Chief Legal Advisor, at cflax-ward@trc.vg.

Issued by the Telecommunications Regulatory Commission on the 12th day of September 2024.

(Sgd.) Guy L. Malone.

Chief Executive Officer