

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

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SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

ARRANGEMENT OF REGULATIONS

| | | | |
|----|---------------------------------|----|--|
| 1 | Citation | 17 | Transfer of licensee's shares |
| 2 | Interpretation | 18 | Registration of transfer of licensee's shares |
| 3 | Purpose | 19 | System engineer |
| 4 | Prohibition | 20 | Construction, installation and maintenance standards |
| 5 | Number of channels in WC System | 21 | Placement of equipment |
| 6 | Copyright | 22 | Records |
| 7 | Privacy | 23 | Service to multi-unit buildings and condominiums |
| 8 | Sub-letting | 24 | Attachment and removal of equipment |
| 9 | Two-way communications | 25 | Test equipment |
| 10 | Child-lock | 26 | Performance tests |
| 11 | Local television programmes | 27 | Measurements |
| 12 | Application for licence | 28 | Interference from wireless cable |
| 13 | Terms and conditions of licence | 29 | Advertising |
| 14 | Duration and renewal of licence | | |
| 15 | Transfer of licence | | |
| 16 | Annual returns | | |

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

| | | | |
|----|---|----|---|
| 30 | Records of subscribers and programmes | 42 | Conflicts |
| 31 | Inspection | 43 | Cancellation |
| 32 | Publicly listed telephone number | 44 | Offences against regulation 7 |
| 33 | Subscriber compliants | 45 | Offences against regulation 8 |
| 34 | Maintenance and repair service | 46 | Offences against regulation 9 |
| 35 | Prohibition against certain conditions for services | 47 | Offences against regulation 11 |
| 36 | Prorated credit for interrupted service | 48 | Other offences |
| 37 | Disconnections | 49 | Offences against regulation 29 |
| 38 | Refunds | 50 | Offences against regulation 35 |
| 39 | Security deposits | 51 | Offences concerning provision of child-locks or equipment |
| 40 | Direct relations with the public | 52 | Commencment |
| 41 | Notification of interruption of wireless cable | | |

The Minister of Tourism, Telecommunications and E-Commerce, in exercise of the powers conferred on her by section 59 of the Telecommunications Act 1986 and after consultation with the Telecommunications Commission, makes the following regulations:—

Citation

1 These Regulations may be cited as the Subscription Radio Service Regulations 2003.

Interpretation

2 In these Regulations, unless the context otherwise requires —

"the Act" means the Telecommunications Act 1986;

"channel" means a discrete radio circuit in a WC System linking a licensee with a subscriber for the purpose of passing intelligence;

"the Director" means the Director of Telecommunications referred to in section 6(2) of the Act;

"licensee" means a person licensed to construct, establish, maintain and operate a WC System;

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

“Minister” means the Minister responsible for Tourism Telecommunications and E-Commerce;

“non-origination WC channel” means a channel on a WC System to relay to subscribers television programmes and other material transmitted outside Bermuda and received by a licensee directly over the air or television programmes and other material captured or relayed to a licensee from a point in Bermuda;

"origination WC channel" means a channel (exclusive of a non-origination WC channel) on a WC System to relay to subscribers television programmes and other material, which channel is subject to the exclusive control of a licensee;

“subscriber” means a person who receives a service distributed by a WC System upon payment of a fee and does not further distribute it;

"WC" means a wireless cable subscription radio service involving multi-channel multipoint distribution for the conveyance of programmes to subscribers by means of radio transmission for their instruction, information and amusement by means of visual images and sounds;

"WC System" or “System” means a non-broadcast facility consisting of a set of radio transmission paths and associated signal generation, reception and control equipment, under common ownership and control, designed and intended for WC;

Purpose

3 These Regulations state the conditions under which an application for a WC System may be made and how a WC System may be constructed, established, maintained and operated.

Prohibition

4 (1) No person shall construct, establish, maintain or operate a WC System in Bermuda without being in possession of a valid licence granted by the Minister to operate a public telecommunication service (hereinafter referred to as “a subscription radio service licence”).

(2) No subscription radio service licence shall be granted to any person other than a body corporate and no such licence shall be granted or renewed unless the Minister is satisfied that the control of such body corporate is vested in persons who possess Bermudian status in accordance with the provisions of the Bermuda Immigration and Protection Act 1956.

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

Number of channels in WC System

5 While a subscription radio service licence issued under these regulations and any associated licences issued in respect of the radio transmission facilities are in force the licensee is authorized to be a carrier in Bermuda with respect to the provision of a wireless cable service capable of providing a minimum of 15 channels.

Copyright

6 (1) The subscription radio service license does not authorize the licensee to do any act which is an infringement of the copyright which may exist in the matter transmitted over a System.

(2) Nothing herein shall be construed to render a licensee liable for the failure of any user of the channels of a licensee or of a broadcasting station licensed in Bermuda to secure the right to the copyright in any material transmitted over a System.

Privacy

7 (1) During the operation of a WC System a licensee shall strictly observe the privacy and property rights of subscribers.

(2) A licensee may disclose to the public the number and the percentage of subscribers purchasing any wireless cable service but shall not reveal the identity of any individual subscriber except to the Minister at her request.

(3) A licensee may maintain such records as are necessary to bill subscribers for the purchase of any wireless cable service. No information about any individual subscriber maintained by a licensee for purposes of billing or locating malfunctions in a WC System shall be published, utilized, disseminated or disclosed in any manner to any person without the affected subscriber's prior knowledge and written consent. To the extent that a WC System has the capability to monitor individual subscriber reception and response, any information acquired through the use of such capability about an individual subscriber shall not be published, utilized, disseminated or disclosed in any manner to any person without the affected subscriber's written consent.

(4) A licensee shall not initiate in any form the discovery of any information on or about a subscriber's premises without prior written authorization from the subscriber potentially affected.

(5) Valid "authorization" means voluntary written approval and consent obtained from a subscriber to use information mentioned in paragraph (4) for a period of time not to exceed one year from the date of such authorization, and which approval and consent shall not have been obtained as a condition of the supply of wireless cable service or continuation thereof.

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

(6) Without the authorization described in paragraph (5) neither a licensee nor any other person shall in any manner activate or utilize any electronic signal from a subscriber's location.

(7) Every subscriber shall have the absolute right to deactivate any return path from the subscriber's receiver at a licensee's sole cost. To the extent that such a return path or signal is mandatory for the providing of a particular service to a subscriber, deactivation of the return path shall permit that service, and none other, to be discontinued for the subscriber.

Sub-letting

8 (1) A licensee shall not lease a channel on a WC System without the express authorization in writing of the Minister who may impose such terms and conditions for a lease as she may deem necessary for the proper carrying out of the provisions of a subscription radio service licence issued under these Regulations.

(2) Any agreement to let entered into between a licensee and a sub-lessor shall provide that-

- (a) the operation of the leased channel shall not cause objectionable interference with any other channel of a WC System;
- (b) in the event that such interference occurs the sub-lessor shall forthwith cease to operate the leased channel until such interference is eliminated;
- (c) failure of the sub-lessor to comply shall result in the immediate termination of the lease.

Two-way communications

9 A licensee shall be entitled to use a return path from a subscriber's receiver for the conveyance of any electronic signal.

Child-lock

10 At the request of any subscriber a licensee shall supply at cost a device (hereinafter called "a child-lock") enabling the subscriber to prevent the reception on the subscriber's receiver of any signal on a particular channel or channels by any person not in possession of the child-lock or the code necessary to activate it. A statement of the amount of such item cost during the previous year shall be submitted not later than the 1 February in each year to the Minister.

Local television programmes

11 (1) A licensee may carry on the System television programmes broadcast by a broadcasting radio station licensed in Bermuda.

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

(2) A broadcasting radio station shall elect for every period of three years commencing 1 November 2008 (in these Regulations referred to as the “election period”) whether they wish their television programmes to be carried on a “must carry” or a “retransmission consent” basis.

(3) A broadcasting radio station must make its election for the first election period before 1 November 2008, and must make its election for each subsequent election period at least four months prior to the end of the then current election period.

(4) If “must carry” is elected, a licensee shall carry on the System, free of charge, all television programmes broadcast by a broadcasting radio station.

(5) If “retransmission consent” is elected, a licensee must, within 30 days, confirm whether or not they intend to carry the television programmes of a broadcasting radio station.

(6) Where “retransmission consent” is elected under paragraph (5) and a licensee chooses not to carry the television programmes they must within fourteen days inform the public via the public printed media and by direct notice to their customers and must also within that fourteen day period file revised tariff rates with the Commission for the programme tier in which the television programmes will no longer be available.

(7) Where “retransmission consent” is elected under paragraph (5) and a licensee chooses to carry the television programmes on a “retransmission consent” basis and the parties are not able to reach a commercial agreement within sixty days, then either party may refer the matter to the Commission for determination.

(8) The Commission shall, in not more than sixty days or such longer period as the Minister may allow, conclude its deliberations and forward a decision to the parties.

(9) The date of implementation of any new agreement shall be the day following the expiration of the previous election period.

(10) If either party is aggrieved by the decision of the Commission, they may appeal to the Minister in accordance with the procedures outlined under section 25 of the Act.

(11) During an election period in which a licensee has elected “must carry” or “retransmission consent” —

- (a) neither party shall cause the television programmes of the broadcasting radio station to be unavailable on a licensee’s System without the express permission of the Minister;

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

- (b) television programmes shall be carried without material degradation in quality (within the limitations imposed by the technical state of the art); and
- (c) television programmes shall, at the request of a licensee of a broadcasting radio station licensed in Bermuda, be carried by the System on the channel number on which the broadcasting radio station is transmitting, except where technically not feasible.

(12) Where television programmes are carried by a System pursuant to this regulation, the programmes broadcast shall be carried in full, without deletion or alteration of any portion.

[Regulation 11 revoked and substituted by BR44/2008 r.2 effective 11 July 2008]

Application for licence

12 An application for a licence to construct, establish, maintain and operate a system shall be made in writing to the Minister and shall contain the following —

- (a) the legal name of the applicant corporation and its registered address;
- (b) proof to the satisfaction of the Minister that the control of the corporate body is vested in persons who possess Bermudian status in accordance with the provisions of the Bermuda Immigration and Protection Act 1956 together with a list of shareholders, shares held by each, and nationality of each and such other information relating to the corporation as the Minister may require;
- (c) proof to the satisfaction of the Minister showing conclusively that the applicant is in a financial position to construct, establish, maintain and operate the System for which a licence is being requested;
- (d) proof to the satisfaction of the Minister that firm arrangements have been made for the supply of entertainment and information material for not less than ten channels and that the necessary copyright licences have been obtained;
- (e) a description of the proposed System together with such technical information, plans and maps as the Minister may require;
- (f) a list of the proposed charges to be paid by subscribers;
- (g) any other information that the Minister may require.

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

Terms and conditions of licence

13 (1) The terms and conditions of a licence requested under regulation 12 and granted by the Minister may include the following —

- (a) a provision that a construction bond in such amount as the Minister may decide be furnished;
- (b) provision regarding standards for the installation of the System and for carriage of television broadcast signals that the Minister may deem appropriate;
- (c) a provision that the licence shall be only for the dissemination of programmes for entertainment purposes unless otherwise authorized in writing by the Minister;
- (d) a provision that the licence shall be for an island-wide wireless cable television service or that the System shall be confined to such areas or locations as she may designate;
- (e) a provision that the System shall be capable of serving such homes and other premises in Bermuda in such areas or locations as the Minister may designate within such period or periods as she may designate;
- (f) a provision that the construction of the System shall be commenced and terminated in whole or in part within such period as the Minister may decide.

(2) Any initial licence fee and an annual licence fee shall be paid as prescribed.

(3) The Minister may declare that the offer of the licence shall be valid for such period as she may decide.

Duration and renewal of licence

14 A subscription radio service licence for a System shall continue in force for such period of not less than ten years as the Minister may decide and may be renewed for a period of not less than one year nor more than twelve years as the Minister may decide.

Transfer of licence

15 A subscription radio service licence shall not be transferred without the consent in writing of the Minister.

Annual returns

16 The secretary of every body corporate licensed to operate a System shall submit annually to the Minister not later than six months after the closing of its financial year —

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

- (a) a copy of its annual financial statement and auditor's report; and
- (b) a list of shareholders specifying their nationality and the number of shares held by each and whether or not control is vested in persons possessing Bermudian status within the meaning of the Bermuda Immigration and Protection Act 1956.

Transfer of licensee's shares

17 (1) In any case where shares in the body corporate operating a WC System are transferred (including any transfer by operation of law), the secretary of the body corporate concerned shall forthwith notify the Minister-

- (i) of the transfer, specifying the number of shares concerned in the transaction.
- (ii) of the name, address and nationality of the transferor and the transferee;
- (iii) whether the transferor or the transferee possesses Bermudian status within the meaning of the Bermuda Immigration and Protection Act 1956;
- (iv) in the case where the transferee is a body corporate, whether or not the control of the body corporate is vested in persons possessing Bermudian status as aforesaid, together with such other information relating to the control thereof as the Minister may require; and
- (v) of the sale price, if any, of the shares transferred.

(2) For the purpose of this paragraph a reference to a transfer of shares shall include an issue of shares and, in any such event, the expressions "transferor" and transferee" shall include respectively, the company effecting the issue and the person receiving shares so issued.

Registration of transfer of licensee's shares

18 (1) No registration of the transfer (including any transfer by operation of law) of any shares in any body corporate operating a WC System or any change in the beneficial ownership of such shares shall be effected without the previous consent of the Minister and, in according assent, the Minister may sanction the registration of part only of the shares comprised in any transaction for the transfer of such shares.

(2) Any registration of shares effected in contravention of this regulations shall be null and void and shall confer no voting rights or other benefits on the transferee in respect of the shares so registered.

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

System engineer

19 (1) A licensee shall appoint a WC System engineer to be responsible for the maintenance and technical operation of the System who shall be either-

- (a) a person whose technical qualifications and experience satisfy the Minister that he is capable of satisfactorily discharging such duties; or
- (b) a contractor with like technical qualifications and experience.

(2) In the case that a system engineer referred to in paragraph (1)(a) is unavailable or unable to discharge his duties a licensee shall designate a person similarly qualified to act in the engineer's place on a temporary basis until he is available or able to discharge his duties. A contractor shall ensure that a properly qualified employee is readily available at all times during which the System is operating.

(3) The designation of the engineer or his temporary replacement or of the employee of the contractor who is to be available shall be in writing with a copy to the Director and a copy posted in a conspicuous place at the principal control point of the WC System indicating an address and telephone number where a system engineer or his replacement or the contractor's employee, as the case may be, can be contacted.

(4) A system engineer or the contractor is responsible for completion of, among other things, the following duties and when the duties are delegated to other persons, for maintaining supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner—

- (a) the placement, attachment, disconnection, relocation, removal and maintenance of all apparatus of the transmission plant;
- (b) any installations within subscribers' premises that are the responsibility of the licensee;
- (c) the maintenance of the technical standards, the completion of the performance tests and the making of measurements required by any subscription radio service licence issued under these Regulations;
- (d) ensuring that test data is recorded and that the relevant logs are maintained as required by any subscription radio service licence issued under these Regulations;

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

- (e) ensuring that the necessary notifications are made to the Minister pursuant to any subscription radio service licence issued under these Regulations; and
- (f) ensuring that the System does not cause harmful interference.

Construction, installation and maintenance standards

20 A System shall be constructed and installed by qualified persons in accordance with the best engineering standards prevailing in Bermuda and a licensee shall maintain all real and personal property and facilities comprising the System in good condition, order and repair to the satisfaction of the Director.

Placement of equipment

21 A licensee shall not place, or cause to be placed, any equipment or support structures in such a manner as to interfere with the safety, rights or reasonable convenience of adjoining property owners, or with any gas, electric or telephone utilities' fixtures or property. In the event that a System creates a hazardous or unsafe condition or an unreasonable interference with property, a licensee, at its own expense and at no additional cost to an affected property owner or the Minister responsible for Works and Engineering or the Corporation of the City of Hamilton or of the Town of St. George, as the case may be, and upon request by the said Minister or of the said Corporation, or town, or of the owner, as the case may be, shall remove the System or any part thereof from the property in question. In the event that a licensee fails to remove the System or any part thereof the Minister responsible for Works and Engineering, the Corporation of the City of Hamilton or of the Town of St. George or the owner, as the case may be, shall have the right to do so and recover the cost from a licensee in a court of law.

Records

22 A licensee shall to the satisfaction of the Director, keep accurate, complete and current records of the System and shall furnish annually a complete set of such records and their updates to the Minister.

Service to multi-unit buildings and condominiums

23 (1) Installation of a WC System, and subscriber use of a service which involves the retransmission of signals to multiple reception points within a multi-unit structure shall be subject to the rights of the owner of the structure.

(2) Service to condominium units shall be on such conditions as the owner of the common elements may require.

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

Attachment and removal of equipment

24 (1) All a licensee's WC equipment shall be removed from a subscriber's property within a reasonable time, not exceeding one month from the time of the subscriber's request for such removal.

(2) Where such removal makes it impossible to provide wireless cable service to another subscriber, it shall be the obligation of the subscriber so affected to secure the legal rights or easement that will enable a licensee to provide to the subscriber the wireless cable service that the subscriber desires. A licensee shall not be liable to provide such service where the easement or other legal right is not secured.

(3) Where attachment to or use of another's property is necessary for the provision of wireless cable service to a person, it shall be the obligation of such person to secure an easement or other legal right that will allow a licensee to provide the wireless cable service desired. A licensee shall not be responsible for inability to provide such service where the easement or other legal right is not secured.

Test equipment

25 (1) A licensee shall ensure that a sufficient stock of measuring and test equipment of the appropriate kind is kept available in good order and working condition at the control point of the System so that the technical standards and performance of the System can be tested and measured and maintained as required by any subscription radio service licence issued under these Regulations.

Performance tests

26 (1) A licensee shall be responsible for ensuring that the System is designed, installed, and operated in a manner that fully complies with the provisions of any subscription radio service licence issued under these Regulations. A licensee shall be prepared to demonstrate, on request by the Director or by any person appointed in that behalf by the Minister, that the System does, in fact, comply with the provisions of any subscription radio service licence issued under these Regulations.

(2) A licensee shall maintain at its principal office a current listing of the channels which that WC System delivers to its subscribers and the station or stations the signals of which are delivered on each non-origination WC channel.

(3) If a system has more than 50 subscribers, a licensee shall conduct complete performance tests of the System at least once each calendar year (at intervals not to exceed 14 months) and shall maintain the resulting test data on file at a licensee's principal office for at least five years.

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

(4) The data shall be made available for inspection by the Director or by a person appointed in that behalf by the Minister at any reasonable time on request.

Measurements

27 (1) Measurements made to demonstrate that a System does, in fact, comply with the provisions of any subscription radio service licence issued under these Regulations, shall be made under conditions which reflect system performance during normal operations.

(2) When it may be necessary to remove the television signal normally carried on a WC channel in order to facilitate a performance measurement, it will be permissible to disconnect the antenna which serves the channel under measurement and to substitute therefor a matching resistance termination. Other antennas and inputs should remain connected and normal signal levels should be maintained on other channels.

(3) The Minister may require such additional tests as may be necessary to ensure satisfactory service to a subscriber to demonstrate system performance or may specify the use of different test procedures.

Interference from a Wireless Cable System

28 (1) The operation of a System shall not cause harmful interference and a licensee shall promptly take appropriate measures to eliminate any harmful interference that may occur.

(2) If harmful interference to radio communications involving the safety of life and protection of property cannot be promptly eliminated by the application of suitable techniques, operation of the offending WC System or appropriate elements thereof shall immediately be suspended upon notification by the Director, and shall not be resumed until the interference has been eliminated to his satisfaction. When authorized by the Director, short test operations may be made during the period of suspended operation to check the efficacy of remedial measures.

(3) A licensee may be required by the Director to prepare and submit a report regarding the cause of the interference, corrective measures planned or taken, and the efficacy of the remedial measures.

Advertising

29 The licensee shall not insert any advertising matter into programmes transmitted over a non-origination WC channel without the consent in writing of the Minister.

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

Records of subscribers and programmes

30 (1) A licensee shall keep a record of all subscribers served each month and such records shall be retained for three years.

(2) A licensee shall keep a record of all programme material transmitted to subscribers over a System, (except for the programmes of broadcasting stations licensed in Bermuda and material transmitted over the Government channels), and copies of any agreements relating thereto, including copyright licences. The data in such record shall be retained for five years.

Inspection

31 A licensee shall at all reasonable times enable the Director or any person appointed by the Minister in that behalf to have free access to inspect all parts of the work related to the construction and operation of a System or any part thereof, or, to inspect, and if necessary take copies of any records relating thereto that a licensee is required to maintain under any subscription radio service licence issued under these Regulations, but such inspection will in no way lessen the responsibility of a licensee or release the licensee from the obligation to construct and maintain the System. A licensee shall permit the removal of records for a reasonable time for the purpose of making copies thereof.

Publicly listed telephone number

32 A licensee shall have a publicly listed telephone number.

Subscriber complaints

33 (1) A licensee shall employ an operator or maintain a telephone-answering device between the hours of 8:00 a.m. and 8:00 p.m. each day of the year, to receive subscriber complaints.

(2) A log shall be maintained by a licensee listing each and every subscriber complaint or request for repair received and the disposition thereof.

Maintenance and repair service

34 A licensee shall maintain a maintenance and repair service normally capable of responding to subscriber complaints or requests for repairs within twenty-four hours after the receipt of the complaint or request.

Prohibition against certain conditions for service

35 A licensee shall not make the provision of wireless service, or the continuation thereof, contingent upon a person's purchase of or failure to purchase services or equipment from another person who engages in the business or activity of selling, leasing, repairing, dismantling or installing television or radio receivers or WC Systems, or accessories for

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

such receivers, television cameras, audio or video tape machines, video tapes, microphones, converters, modulators, or other equipment utilized by users or subscribers in the operation of any WC System.

Prorated credit for interrupted service

36 In the event that service to subscribers is totally interrupted for more than twenty-four hours, a licensee shall provide the subscribers so affected with a prorated credit or rebate of the subscriber's fees paid or payable.

Disconnections

37 A licensee shall neither impose nor collect any additional charge for the disconnection of any installation or outlet.

Refunds

38 (1) If a licensee collects a deposit or advance charge on any service or equipment requested by a subscriber, the licensee shall provide such service or equipment within thirty days of the collection of the deposit or charge or shall refund such deposit or charge within five days thereafter.

(2) Nothing in this paragraph shall be construed to—

- (a) relieve a licensee of any responsibility to subscribers under any contractual agreements into which the licensee enters with them;
- (b) limit a licensee's liability for fines, penalties or damages arising under any provision of law for the violation or breach of any such provision; or
- (c) limit a licensee's liability for damages because of failure to provide the service for which the deposit or charge was made.

Security deposits

39 (1) A licensee shall not charge a security deposit for any equipment installed by or on behalf of the licensee on a subscriber's premises greater than the actual cost to a licensee of such equipment. A statement of the amount of the item cost in respect of each type of equipment during the previous year shall be submitted each year to the Minister not later than 1 February.

(2) Any security deposit for equipment collected by a licensee shall be returned to the subscriber twenty-four months after the installation of such equipment, or upon termination of service by the subscriber and return of such equipment undamaged, with allowance for

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

reasonable wear and tear, and payment of any outstanding balance due and payable, whichever occurs first.

Direct relations with the public

40 During the currency of any subscription radio service licence issued under these Regulations a licensee shall be permitted to have such direct relations with the public as are necessary for the provision of telecommunication services and facilities the subject of any subscription radio service licence issued under these Regulations including the collection of moneys due to a licensee and other activities relating to the promotion and development of the System.

Notification of interruption of wireless cable services

41 (1) If at any time the wireless cable service or any part thereof operated by a licensee under any subscription radio service licence issued under these Regulations becomes interrupted the licensee shall give notice of such interruption to the Minister.

(2) For the purposes of paragraph (1) "interruption" means a major facility failure with potential for interruption of four or more channels for a period in excess of four hours.

Conflicts

42 If at any time a conflict arises between any provision of any subscription radio service licence issued under these Regulations and a provision of the Act or any other Regulations made thereunder, the provision of the Act or the Regulations, as the case may be, shall prevail.

Cancellation

43 If—

- (a) whilst any subscription radio service licence issued under these Regulations remains in force a licensee shall be dissolved or go into liquidation otherwise than for the purpose of reconstruction (and such reconstruction does not in the opinion of the Minister destroy the identity of the licensee) or shall cease to carry on business as a telecommunication carrier;
- (b) any act shall be done or suffered either wholly or partially whereby a subscription radio service licence or permission hereby granted or any benefit arising therefrom or any powers hereby conferred shall without the assent of the Minister first obtained become vested in or delegated to any body or person other than a licensee; or

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

- (c) default shall be made in the observance or performance of any covenant or provision herein contained and on the part of a licensee to be observed and performed;

then in any such case, it shall be lawful for the Minister by three months prior notice in writing served on a licensee to cancel and determine the subscription radio service licence or permission granted by any subscription radio service licence issued under these Regulations or so much thereof as the Minister shall in her discretion think fit and such subscription radio service licence or permission shall thereupon cease and determine in whole or in part accordingly, but without prejudice to any remedy of the Minister under any provision herein contained and on the part of a licensee to be observed and performed:

Provided that in respect of paragraph (c) if a licensee shall within the said period of notice rectify such default to the satisfaction of the Minister then the said notice shall be deemed to have been withdrawn and to have no effect.

Offences against regulation 7

44 Any person who contravenes the provisions of paragraphs (2), (3), (4), or (6) of regulation 7, or any of them, commits an offence and is liable on summary conviction to imprisonment for 6 months or a fine of \$2,000, or both such imprisonment and fine.

Offences against regulation 8

45 Any person who sub-lets a channel on a system without the express authorization in writing of the Minister commits an offence and is liable on summary conviction to imprisonment for 12 months or a fine of \$2,000, or both such imprisonment and fine.

Offences against regulation 9

46 Any person, who without a licence granted by the Minister, uses or permits the use of, a return path on any channel on the System from a subscriber's receiver to convey any intelligence, except for the purpose of controlling the reception of a particular service by such subscriber, commits an offence and is liable on summary conviction to imprisonment for 12 months or a fine of \$2,000, or both such imprisonment and fine.

Offences against regulation 11

47 Any licensee of a broadcasting station in Bermuda which knowingly and wilfully impedes or prevents a licensee of a System from transmitting over such System the television programmes of such broadcasting station commits an offence and is liable on summary conviction to a fine of \$2,000.

[Regulation 47 amended by BR44/2008 r.3 effective 11 July 2008]

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

Other offences

48 Any person who —

- (a) fails to keep accurate, complete and current records of the System and to furnish copies of them annually to the Minister contrary to regulation 22;
- (b) fails to keep available and in good order a sufficient stock of measuring and test equipment of a kind appropriate for the testing, measuring and maintenance of the System, contrary to regulation 25;
- (c) fails to maintain at its office current listing as required by regulation 26(2);
- (d) fails to conduct performance tests and maintain the data on file as required by regulation 26(3);
- (e) fails to suspend operation of the System or any part of it upon notification by the Director under regulation 28(2);
- (f) fails to submit a report at the request of the Director made pursuant to regulation 28(3);
- (g) fails to maintain and keep a record of all subscribers served each month, contrary to regulation 30(1);
- (h) fails to maintain and keep a record of programme material transmitted, contrary to regulation 30(2);
- (i) fails to comply with regulation 31;
- (j) fails to maintain a log of complaints and requests in accordance with regulation 33;
- (k) fails to comply with regulation 34.

commits an offence and is liable on summary conviction to imprisonment for 12 months or a fine of \$2,000.

Offences against regulation 29

49 Any person who inserts any advertising matter into a programme transmitted over a non-origination WC channel without the consent in writing of the Minister commits an offence and is liable on summary conviction to imprisonment for 12 months or a fine of \$2,000, or both such imprisonment and fine.

Offences against regulation 35

50 Any person who contrary to regulation 35 makes, or attempts to make, the provision of wireless cable service to any other person contingent upon any of the conditions stated in that regulation commits

SUBSCRIPTION RADIO SERVICE REGULATIONS 2003

an offence and is liable on summary conviction to imprisonment for 12 months or a fine of \$2,000, or both such imprisonment and fine.

Offences concerning provision of child-locks or equipment

51 Any licensee who supplies to a subscriber a child-lock or installs equipment on a subscriber's premises and wilfully charges therefor a security deposit in excess of the cost-price of such child-lock or equipment, communicated to the Minister under regulation 10 or regulation 39 as the case may be, commits an offence and is liable on summary conviction to a fine of \$1,000.

Commencement

52 These Regulations shall come into force on the 10th day of January, 2003.

Made this 9th day of January, 2003

Minister of Tourism, Telecommunications and E-Commerce

[Amended by:

BR 44/2008]