L.N. 475 of 2004

FEES ORDINANCE
(CAP.35)

RADIOCOMMUNICATIONS ACT
(CAP. 49)

POSTAL SERVICES ACT
(CAP. 254)

Telecommunications and Wireless Telegraphy Fees (Modalities of Payment) (Amendment) Regulations, 2004

IN EXERCISE of the powers conferred by articles 2 and 5 of the Fees Ordinance, and in exercise of the powers conferred by article 4 of the Radiocommunications Act, and in exercise of the powers conferred by article 81 of the Postal Services Act, the Minister for Competitiveness and Communications with the concurrence of the Prime Minister and Minister for Finance after consultation with the Malta Communications Authority, has made the following regulations:-

Citation.

1. The title of these regulations is Telecommunications and Wireless Telegraphy Fees (Modalities of Payment) (Amendment) Regulations, 2004 and they shall be read and construed as one with the Telecommunications and Wireless Telegraphy Fees (Modalities of Payment) Regulations, 2000, hereinafter referred to as "the principal regulations".

L.N. 236 of 2000.

Amends regulation 1 of the principal regulations.

2. In regulation 1 of the principal regulations for the words "Telecommunications and Wireless Telegraphy Fees" there shall be substituted the words "Communications Fees".

Adds new regulation 1A to the principal regulations.

3. Immediately after regulation 1 of the principal regulations there shall be added new regulation 1A as follows:-

"Interpretation.

1A For the purposes of these regulations and unless the context otherwise requires -

"the Authority" means the Malta Communications Authority established under the Malta Communications Authority Act;

"fee" shall be construed as including any reference to any charge howsoever described

"the Minister" means the Minister responsible for communications and includes any public officer or government department or agency howsoever described who is authorised by the Minister to act for or on his behalf.".

4. Sub-regulation (1) of regulation 2 of the principal regulations shall be amended as follows:- Amends regulation 2 of the principal regulations.

(a) for the words "the Wireless Telegraphy Ordinance, or the Telecommunications (Regulation) Act, as the case may be, a fee is established in respect of any authorisation, licence or of the provision of any service related to telecommunications systems or services or to wireless telegraphy" there shall be substituted the words "the Radiocommunications Act, or the Postal Services Act, as the case may be, a fee is established in respect of any authorisation, licence howsoever described or of the provision of any service related to radiocommunications or to postal services", and

(b) in sub-paragraph (iii) of paragraph (b) thereof, for the words "and (ii) above." there shall be substituted the words "and (ii) above:" and immediately thereafter there shall be added the following proviso:-

"Provided that the Authority may issue directives to any person, specifying alternative modalities of payment, notwithstanding any other provision of these regulations applicable to specific fees, howsoever described, made under the Fees Ordinance or the Radiocommunications Act or the Postal Services Act.".

5. Regulation 3 of the principal regulations shall be amended as follows: Amends regulation 3 of the principal regulations.

(a) the words "sub-paragraphs (i), (ii) or (iii) of paragraph (b) of regulation 2" shall be substituted with the words "sub-paragraphs (i), (ii) or (iii) of paragraph (b) of subregulation (1) of regulation 2";

(b) the words "The Department of Wireless Telegraphy, or the Competent Authority to regulate Telecommunications, as the case may be, to whom the fee is payable, may require" shall be

substituted with the words "The Minister or the Authority, as the case may be, may require"; and

(c) the words "If the Department of Wireless Telegraphy or the Competent Authority to regulate Telecommunications, as the case may be, find that after verification an additional amount is owed, then the Department or the Competent Authority, as the case may be, shall notify" shall be substituted with the words "If the Minister or the Authority, as the case may be, finds that after verification an additional amount is owed, then the Minister or the Authority, as the case may be, shall notify".

Amends regulation 4 of the principal regulations.

6. Subregulation (2) of regulation 4 of the principal regulations shall be amended as follows:

(a) the words "the Department or the Competent Authority, as the case may be, to which any fee as mentioned in regulation 2 of these regulations is due, to review" shall be substituted with the words "the Minister or the Authority, as the case may be, to review";

(b) the words "The Department or the Competent Authority, as the case may be, shall treat" shall be substituted with the words "The Minister or the Authority as the case may be, shall treat"; and

(c) the words "the Department of Wireless Telegraphy or of the Ministry of Finance or of the Competent Authority to regulate Telecommunications" shall be substituted with the words "the Minister or the Authority".

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