L.N. 195 of 2000

TELECOMMUNICATIONS (REGULATION) ACT (CAP. 399)

Telecommunications Services (Modification of Maltacom p.l.c. and Vodafone Malta Limited Licences) Regulations, 2000

IN exercise of the powers conferred upon him by article 38 of the Telecommunications Regulation Act, 2000, and for the purposes of article 44 of the said Act, the Minister for Transport and Communications, after consultation with the Competent Authority to regulate Telecommunications, has made the following regulations:–

Citation and commencement.

1. The title of these regulations is the Telecommunications (Modification of Maltacom p.l.c. and Vodafone Malta Limited) Licences, Regulations, 2000, and shall be deemed to have come into force on the 19th September, 2000.

Definitions.

2. In these regulations —

"Act" means the Telecommunications (Regulation) Act, and includes the First Schedule thereto;

"the instruments of modification" means the Maltacom Instrument of Modification and the Vodafone Instrument of Modification;

"the Maltacom licence" means the Licence granted to Maltacom p.l.c. by means of an instrument of the 10th day of August, 1998 described as a "Licence Agreement" and entered into in the form of an agreement between the Telecommunications Regulator, acting with the concurrence of the Minister for Telecommunications, and Maltacom p.l.c., which instrument was concluded with retrospective effect from the 2nd January, 1998, which licence is included in the First Schedule to the Maltacom Instrument of Modification;

"the Maltacom Instrument of Modification" means the "Instrument of Modification of an authorisation and an Agreement in respect of the operation of a Telecommunications System or the provision of a Telecommunications Service" issued by the Minister under article 46 of the Act on the 19th September, 2000 in respect of the Maltacom licence and whereby Mobisle Communications Limited as a subsidiary of Maltacom p.l.c. was also granted a

licence for public mobile telecommunications which instrument was laid on the Table of the House on the 22nd September, 2000;

"the modified Maltacom licence" means the modified licence issued to Maltacom p.l.c. and the licence issued to Mobisle Communications Limited as a subsidiary of Maltacom p.l.c. by means of the Maltacom Instrument of Modification;

"the Vodafone Instrument of Modification" means the "Instrument of Modification of an authorisation and an Agreement in respect of the operation of a Telecommunications System and the provision of a Telecommunications Service" issued by the Minister under article 46 of the Act on the 19th September, 2000 in respect of the Vodafone licence, which instrument was laid on the Table of the House on the 22nd September, 2000.

"the Vodafone licences" means (1) the Licence granted to Telecell Limited (now Vodafone Malta Limited) by means of an instrument of the 11th day of August, 1989 described as and entered into in the form of a "Licence Agreement" between the Telemalta Corporation and the said Telecell Limited , and (2) the licence issued in terms of the Wireless Telegraphy Ordinance by the Chief Inspector of Wireless Telegraphy to Telecell Limited (now Vodafone Malta Limited) on the 2nd July, 1990, and (3) an authorisation entitled and concluded in the form of a "Supplementary Agreement" of the 5th November, 1997 between Telemalta Corporation and Telecell Limited (now Vodafone Malta Limited) and (4) a Licence to operate a global system for mobile communications (GSM) radio telephone network issued on the 4th September 1997 by the Director of the Department of Wireless Telegraphy to Telecell Limited (now Vodafone Malta Limited) in terms of the Wireless Telegraphy Ordinance, which licences are included in the First Schedule to the Vodafone Instrument of Modification;

"the modified Vodafone licences" means the modified licence issued to Vodafone Malta Limited on the 19th September, 2000 by means the Vodafone Instrument of Modification, and the modifications to the Wireless Telegraphy licences held by Vodafone Malta Limited also made in the said Vodafone Instrument of Modification;

"Wireless Telegraphy licences" means licences issued under the Wireless Telegraphy Ordinance.

Modification of Maltacom licence.

3. The terms and conditions of the Maltacom licence shall, as from the 19th September 2000 and for the purpose of putting into effect the provisions of the Act and of implementing the liberalisation of the Maltese telecommunications market in accordance with the Act, and of implementing a new commercial and regulatory framework as has been deemed to have been made necessary by the implementation of the provisions of the Act, be modified to the terms and conditions included in the modified Maltacom licence included in the Maltacom Instrument of Modification and in accordance therewith.

Modification of Vodafone licences.

4. The terms and conditions of the Vodafone licences shall, as from the 19th September, 2000 and for the purpose of putting into effect the provisions of the Act and of implementing the liberalisation of the Maltese telecommunications market in accordance with the Act, and of implementing a new commercial and regulatory framework as has been deemed to have been made necessary by the implementation of the provisions of the Act, be modified to the terms and conditions included in the modified Vodafone licences included in the Vodafone Instrument of Modification and in accordance therewith.

Relationship with instruments of modification.

5. These regulatations shall complement the instruments of modification and nothing in these regulations shall be interpreted as prejudicing the force, effect and validity of the instruments of modification.