

35. NATIONAL ROAMING

- 35.1 If the Licensee or the Licensee's Subsidiary or Associated Company or joint venture and any Other Licensed Operator fail to reach agreement within sixty (60) days in respect of a request by the Other Licensed Operator for National Roaming, the JCRA may instruct the Licensee to allow, or to procure that the Licensee's Subsidiary or Associated Company or joint venture allows the Other Licensed Operator National Roaming on reasonable terms unless the JCRA determines that it would be unreasonable to require the Licensee or the Licensee's Subsidiary or Associated Company or joint venture concerned, alone or with any other person willing or required to do so, to grant the necessary National Roaming.
- 35.2 Any such agreement concluded under Condition 35.1 shall take effect at the latest date on which the Other Licensed Operator has rolled out its Mobile Telecommunications Service to cover an area in which 60% of the Jersey population lives and shall be capable of having effect at least for the period defined in Condition 35.6.
- 35.3 Where the Licensee is under a duty to negotiate an agreement under Condition 35.1, it shall, in addition, be obliged when requested by the Other Licensed Operator to cooperate with it to ensure that the Other Licensed Operator is in a position to take reasonable advantage of the agreement.
- 35.4 In the absence of agreement between the parties on an agreement under Condition 35.1, the terms of National Roaming, including time limits for completion of any agreement, shall be determined by the JCRA.
- 35.5 The Licensee shall comply with any directions or determinations of the JCRA in respect to National Roaming.
- 35.6 Unless otherwise determined by the JCRA, the Licensee's obligations in this Condition shall cease to have effect three years after the date on which the Other Licensed Operator's spectrum licence for the operation of mobile telephone systems in Jersey takes effect.

In definitions:

“Associated Company”: means a company that controls or is controlled by the Licensee or which is under the control of the same person or persons as control the Licensee;

“National Roaming”: means the service whereby a User of Mobile Telecommunication Services of an Other Licensed Operator is able to obtain registration on and service from the mobile Network of the Licensee anywhere within the Island of Jersey.