



# **Guernsey telecommunications licences – filling in the application form**

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**Guernsey Competition and Regulatory Authority  
Suite 4, 1<sup>st</sup> Floor, La Plaiderie Chambers,  
La Plaiderie, St Peter Port,  
Guernsey, GY1 1WG  
Tel (0)1481 711120  
[www.cicra.gg](http://www.cicra.gg)**

## Introduction

This document sets out the procedure for applying for a licence to provide telecommunications services or to establish, operate and maintain a telecommunications network in the Bailiwick of Guernsey.

The document describes those services that require a licence and provides references to a number of other more detailed information documents to assist interested parties in considering whether or not they require a licence. It also sets out the legal provisions that underpin certain requirements that a licensee must comply with. Finally, it provides information on the timetable for receipt of applications and grant of licences, sets out the information required from applicants and the procedure to be followed in making an application and the fee payable on application. The application form, which is available on the CICRA website ([www.cicra.gg](http://www.cicra.gg)) sets out detailed questions as to the proposed operations of the applicant and requires a declaration by the applicant.

*Applicants should note that this document does not constitute legal, technical or commercial advice. If potential applicants are unclear as to whether or not their proposed activity requires a licence, CICRA will provide assistance wherever possible. However, responsibility lies with parties in the market to ensure that they hold all appropriate permissions to operate in the market and parties are advised to obtain independent advice if they consider it necessary.*

### 1. Requirement to Hold a Licence

Under the Telecommunications (Bailiwick of Guernsey) Law, 2001 (**the Telecoms Law**) a person needs a telecommunications licence from the Guernsey Competition Regulatory Authority (**GCRA**) if they are proposing to engage in;

- (a) establishing, operating and maintaining a telecommunications network; or
- (b) providing a telecommunications service as defined by the Telecoms Law.

Certain exemptions to this requirement are set out in Section 1(2) of the Telecoms Law. These include:

- (a) *the establishment, operation or maintenance by the States of Guernsey of a telecommunications network or the provision by the States of Guernsey of telecommunications services where the network or services are used exclusively for the purposes of -*
  - (i) *the salaried police force or special constabulary of the Island of Guernsey;*
  - or*
  - (ii) *the providers of an emergency service in the Bailiwick;*

*in the course of carrying out their duties;*

- (b) *the establishment, operation or maintenance by a person of a telecommunications network which is not connected to any other telecommunications network and in the case of which all telecommunications apparatus comprised in the network is situated either -*
- (i) *on a single set of premises occupied by that person;*
  - or*
  - (ii) *in a vehicle, vessel, aircraft or hovercraft or in two or more vehicles, vessels, aircraft or hovercraft mechanically coupled together,*
- and which is not -*
- (A) *operated for or provided to any third party for commercial gain;*
  - or*
  - (B) *provided to any third party for the provision by that third party of telecommunications services for commercial gain;*
- (c) *a broadcasting authority by reason only of the transmission by it, by wireless telegraphy, of sounds or visual images from a transmitting station for general reception direct from that station;*
- (d) *the reception of sounds or visual images transmitted, by wireless telegraphy, from a transmitting station for general reception direct from that station or through the medium of a relay service licensed under the Wireless Telegraphy Act;*
- or*
- (e) *activities carried out under a television licence; and "**television licence**" has the same meaning as in the Wireless Telegraphy Act.<sup>1</sup>*

In addition, following a public consultation, the GCRA has directed<sup>2</sup>, in accordance with section 3 of the Telecoms Law, that a number of other activities are exempted from the requirement to hold a licence. These include:

- (a) Telecommunications services provided by a person or class of persons, which are not provided for commercial gain or are not provided to third parties for provision by them for commercial gain;
- (b) Telecommunications services that consist wholly of the reception of telecommunications messages;
- (c) The establishment of a telecommunications network, where there is no requirement to have access to either, or both of, public or private third party land;

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<sup>1</sup> Extract from Section 1(2) of the Telecommunications (Bailiwick of Guernsey) Law, 2001

<sup>2</sup> Decision 2.1 in Document OUR 02/07: Telecommunications Licence Terms and Conditions, Report on the Consultation and Decision Notice

- (d) The establishment, operation or maintenance by a person of a telecommunications network which is connected to any other telecommunications network and in the case of which all telecommunications apparatus comprised in the network is situated either:
- (i) on a single set of premises occupied by that person;  
or
  - (ii) in a vehicle, vessel, aircraft or hovercraft or in two or more vehicles, vessels, aircraft or hovercraft mechanically coupled together,
- and which is not –
- (A) operated for or provided to any third party for commercial gain;  
or
  - (B) provided to any third party for the provision by that third party of telecommunications services for commercial gain.
- (e) The establishment and maintenance of payphones for use by third parties.

Applicants are advised to consult the Telecoms Law and Document OUR 02/07 directly for more detail on the classes of activities that are exempted from the requirement to hold a licence.

The GCRA will consider each application on a case by case basis to decide if a licence is required and, if so, to decide whether to grant or refuse to issue a licence, in accordance with its functions under the Telecoms Law.

## **2. ISP request for Disapplication of Conditions**

CICRA is prepared to consider a request from ISPs applying for a licence for certain specific licence conditions in the Telecommunications Licence to be disapplied subject to the applicant making out its case for such a modification.

The Licence Conditions that CICRA is prepared to consider disapplying are:

- Condition 16 – monitoring and development plans;
- Condition 17.9 – minimum service levels;
- Condition 17.11 – six monthly reports on service levels;
- Condition 17.13 – establishment of User Councils; and
- Condition 22 – Cessation of Services

Any ISP requesting any conditions to be disapplied should set out clearly in the form of a separate note the following information:

- (a) the licence conditions that they are requesting that be disapplied from those

listed above;

- (b) the detailed reasons why the applicant believes the conditions should be disapplied; and
- (c) a statement agreeing to notify the GCRA should the applicant at any time after the issue of any modified licence engage in services beyond the scope of the ISP licence. In such an eventuality the applicant will be issued a full telecommunications licence

Further information can be found in OUR 04/04<sup>4</sup>.

### **3. Submission of Applications**

In general, the GCRA will process applications within eight weeks of receipt of the fully completed application and all information required by the GCRA to assess the application. The GCRA is happy to review a pre-notification draft of the application form.

Applicants are advised to read carefully the information in this document before submitting an application for a Telecommunications Licence. They should also ensure that all necessary supporting documentation is enclosed with their application. Failure to provide all relevant information may delay the processing of the application. If necessary, additional sheets may be used.

Applications should be clearly marked 'Application for Telecoms Licence'. Applications may be submitted either by e-mail to [info@ccra.gg](mailto:info@ccra.gg) or by hard copy to:

Suite 4, 1<sup>st</sup> Floor  
La Plaiderie Chambers  
La Plaiderie  
St Peter Port  
Guernsey GY1 1WG

### **4. Application Fee**

All applications must be accompanied by the appropriate application fee which will be published on the GCRA's website. Applications will not be processed until the appropriate application fee is received.

Application fees should be paid by cheque, made payable to the Guernsey Competition and Regulatory Authority, or by direct transfer.

Annual fees are payable through the term of the licence; their application and the method for calculation is set out in CICRA 13/45