

S.I. 2005 No. 101

Telecommunications Act
Cap. 282B

**TELECOMMUNICATIONS (DECLARATION OF
DOMINANCE) REGULATIONS, 2005**

The Minister in exercise of the powers conferred on him by section 26(3) and 110(1)(h) of the *Telecommunications Act*, makes the following Regulations:

1. These Regulations may be cited as the *Telecommunications (Declaration of Dominance) Regulations, 2005*.

2. In these Regulations, “Cable & Wireless (Barbados) Limited” means a company incorporated as such under the *Companies Act*.

Cap. 308.

3. The Minister hereby determines, pursuant to section 26(3) of the Act, the following criteria to be used in addition to the criteria specified in that section in determining the dominant carrier for the purposes of these Regulations:

- (a) the presence of competitors;
- (b) whether a competitor has a sizable share of the relevant market;
- (c) whether a competitor has the capacity in place to expand its operations to attract a significant number of the customers of its competitors.

4. The Minister hereby declares Cable & Wireless (Barbados) Limited to be the dominant carrier in respect of the provision of the following services based on the criteria specified in section 26(3) of the Act and regulations 3:

- (a) international telecommunications services; and
- (b) fixed telecommunications services.

5. (1) A dominant carrier that is desirous of becoming a non-dominant carrier may make an application to the Minister in writing.

(2) Where an application referred to in paragraph (1), has been made, the Minister shall determine whether the carrier is no longer a dominant carrier for the purposes of the Act and these Regulations.

(3) The Minister shall inform the applicant in writing of the decision in respect of an application under paragraph (1) within 30 days of the making of the decision.

6. The Minister may review the determination of dominance made under regulation 4 in respect of the provision of telecommunications services in any sector of the telecommunications market in Barbados

- (a) to ensure that the criteria referred to in section 26(3) and in regulation 3 are consistently met; or
- (b) to determine whether the criteria should be altered.

7. Where the Minister determines to alter the criteria pursuant to regulation 6, he shall give written Notice of his intention to do so by publishing that Notice in the *Official Gazette* and in at least one daily newspaper at least 3 months before the alteration is made.

S.I. 2003
No. 75.

8. The *Telecommunications (Declaration of Dominance) Regulations, 2003*, are revoked.

Made by the Minister this 4th day of August, 2005.

ANTHONY P. WOOD
Minister responsible for Telecommunications.