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COMMUNICATIONS ACT 2006

NOTICE CONCERNING AN EXEMPTION FROM THE REQUIREMENT TO NOTIFY THE PROVISION OF AN ELECTRONIC COMMUNICATIONS NETWORK OR SERVICE.

NOTICE No. 3/2006.

In exercise of the powers conferred on it by Regulation 4 (11) of the Communications (Authorisation and Licensing) Regulations 2006 and of all other enabling powers, and after having obtained the consent of the Minister with responsibility for Communications, the Gibraltar Regulatory Authority hereby issues this Notice pursuant to section 12 of the Communications Act 2006.

1. Title.

This Notice may be cited as the Communications (Exempted Networks and Services) Notice 2006.

2. Interpretation.

(1) In this Notice-

"connected persons" means-

- (a) persons who are wholly owned by a common person (either directly or indirectly) ; or
- (b) a person who is a wholly owned subsidiary of the other.

"the Act" means the Communications Act 2006;

"the Regulations" means the Communications (Authorisation and Licensing) Regulations 2006;

“wholly for own use” means an electronic communications network or an electronic communications service used exclusively by the person providing that network or service.

- (2) Except where the context otherwise requires and subject to sub-paragraph (1), any word or expression used in this Notice which is also used in the Act has the same meaning in this Notice as it has in the Act.

3. Exemption.

- (1) Electronic communications networks and electronic communications services which are wholly for own use, including use by connected persons, shall be exempt from the requirement of regulation 4 (1) of the Regulations.
- (2) Accordingly, a person seeking to provide an electronic communications network or an electronic communications service of the type described in sub-paragraph (1), is not required to notify the Authority of his intention to provide such a network or service and is deemed to be an authorised person in accordance with regulation 4 (12) of the Regulations.

Dated this 5th day of June, 2006

**Paul J. Canessa
Chief Executive Officer
Gibraltar Regulatory Authority**