



**GOVERNMENT OF GIBRALTAR**

Ministry for Education, Financial Services, Gaming, Telecommunications and Justice  
Suite 771  
Europort  
Gibraltar

**NOTIFICATION PURSUANT TO REGULATION 33(3) OF THE  
COMMUNICATIONS (AUTHORISATION AND LICENSING) REGULATIONS  
2006.**

**Notification concerning an intention to recover from a person an administrative charge or fee fixed for a charging year.**

**1. Legal and Regulatory Background.**

1. Regulations 31 to 36 of the Communications (Authorisation and Licensing) Regulations 2006 deal with Administrative Charges and Fees.
2. Regulation 32 deals with "Fees". 32(1) and (2) reads:
  - (1) *"A person who, at any time in a charging year, is a person to whom this regulation applies shall pay to the Authority the fee (if any) that is fixed by the Minister for the case that is applicable to that person pursuant to sections 36 (8), 49 (8) and 63 of the Act.*
  - (2) *"This regulation applies to a person at a time if, at that time, he is –*
    - (a) *a person to whom numbers have been allocated pursuant to section 36 of the Act;*
    - (b) *a person to whom a right to install facilities has been granted pursuant to section 49 of the Act; or*
    - (c) *a person to whom a licence has been granted pursuant to section 61 of the Act".*

The remainder of Regulation 32 sets out, *inter alia*, the Minister's powers in fixing or not fixing fees for a charging year.

3. Regulation 33 provides supplemental provisions on administrative charges and fees. Regulation 33(1) allows the Minister to fix a fee under regulation 32 for any charging year, by issuing a Direction and regulation 33(2) states that such charge or fee *"shall be paid as soon as it becomes due and if not paid is to be recoverable by the Authority"*.

However, as set out in regulation 33(3), proceedings for the recovery from a person of a fee for any charging year, *"shall not be commenced unless the Minister has –*

*(a) given that person a notification with respect to the amount he is seeking to recover; and*

*(b) granted that person a period of one month, beginning with the day after the one on which the notification was given, to comply with that notification".*

## **2. Purpose of this notification.**

The Minister proposes to exercise his powers under regulation 33(3) of the Communications (Authorisation and Licensing) Regulations 2006 in order to recover fee's from CTS (Gibraltar) Limited ("CTS"), which is authorised to provide electronic communications services and/or networks in Gibraltar since 2007.

In accordance with the provisions of the Communications (Authorisation and Licensing) Regulations 2006, and Direction M01/2011 concerning Fees For Certain Part VI Licences, the Gibraltar Regulatory Authority (the "Authority") calculated a fee of £109,500 to be paid by CTS for the charging period 25<sup>th</sup> February 2012 to 26<sup>th</sup> February 2013 in relation to their Universal Mobile Radiocommunications System (UMTS) Part VI licence and a fee of £4,160 for the charging period 27<sup>th</sup> February 2012 to 26<sup>th</sup> February 2013 in relation to their Fixed Radio Link licence.

The Direction lists the annual fees payable to the Authority in respect of the different Part VI licences.

CTS was informed by the Authority of their UMTS fee which would become due on the 26th February 2012, by letter dated 10th January 2012. On the 30th January 2012, they were also informed, by letter, that their Fixed Radio Link licence was due to expire on 26th February 2012.

CTS has failed to pay these fees as requested and as required in law.

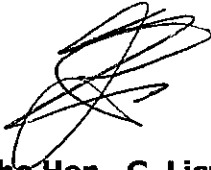
## **3. The notification.**

CTS is hereby notified, under the provisions of regulation 33(3)(a) of the Communications (Authorisation and Licensing) Regulations 2006, that unless the fee is paid within a period of one month, beginning with the day after the one on which the notification was given, the fee will be recovered as a debt owed to the Authority.

Without prejudice to this, and as provided for in regulation 34 of the Communications (Authorisation and Licensing) Regulations 2006, the Authority may impose a penalty on CTS for non-payment of the fee.

Furthermore, the Authority may give a Direction under regulation 35 of the Communications (Authorisation and Licensing) Regulations 2006, suspending CTS's entitlement to provide networks and services.

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**The Hon. G. Licudi**  
**Minister for Communications**  
**GIBRALTAR GOVERNMENT.**  
**28 February 2012**