CAYMAN ISLANDS



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A BILL FOR A LAW TO AMEND THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY LAW (2010 REVISION) SO AS TO GRANT LIMITED POWER TO THE GOVERNOR IN CABINET TO EXEMPT COMPANIES FROM CERTAIN LICENSING PROVISIONS OF THE LAW; AND FOR INCIDENTAL AND CONNECTED PURPOSES

THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY (AMENDMENT) BILL, 2011

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Information and Communications Technology Authority Law (2010 Revision).

Clause 1 of the Bill provides the short title.

Clause 2 amends section 2 of the principal Law in two respects. First, it adds a definition of "ICT infrastructure". Second, it amends the definition of "ICT service" so that it includes the provision of ICT infrastructure.

Clause 3 amends section 23 of the principal Law so as to empower the Governor in Cabinet, after consultation with the Authority, by notice published in the Gazette, to exempt a company from the requirement to obtain an ICT licence if the sole ICT network or ICT service that the company provides is the provision of ICT infrastructure to a wholly-owned subsidiary that is subject to the Law. The exemption will be subject to such terms and conditions as the Governor in Cabinet sees fit.

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Information and Communications Technology Authority (Amendment) Law, 2011.

Amendment of section 2 of the Information and Communications Technology Authority Law (2010 Revision) - definitions

2. Section 2 of the Information and Communications Technology Authority Law (2010 Revision) is amended in section 2 as follows -

(a) by inserting, after the definition of "ICT", the following definition -

" "ICT infrastructure" includes dark fibre;"; and

(b) in the definition of "ICT service" by inserting after the word "service", where lastly appearing, the words "and includes a service that consists of or includes the provision of ICT infrastructure".

Amendment of section 23 of the Information and Communications Technology Authority Law (2010 Revision) - licences

3. Section 23 of the Information and Communications Technology Authority Law (2010 Revision) is amended -

(a) in subsection (2), by deleting the words "Subject to subsection (3)" and substituting the words "Subject to subsections (3) and (3A)";

(b) by inserting after subsection (3), the following subsection -

" (3A) The Governor in Cabinet may, after consultation with the Authority, by notice published in the Gazette, exempt a company from the requirement to obtain an ICT licence if the sole ICT network or ICT service that the company provides is the provision of ICT infrastructure to a wholly-owned subsidiary that is subject to this Law, and the exemption shall be subject to such terms and conditions as the Governor in Cabinet sees fit.".

Passed by the Legislative Assembly the day of , 2011.

Speaker.

Clerk of the Legislative Assembly.