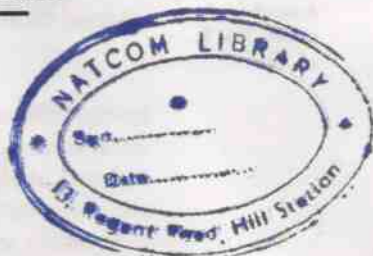


ACT

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dated 3rd September, 2009



SIGNED this 14th day of August, 2009

ERNEST BAI KOROMA,
President.

LS

No. 8



Sierra Leone

2009

The Telecommunications (Amendment) Act, 2009.

Short title.

Being an Act to amend the Telecommunications Act, 2006.

[

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Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

Amendment
of Act No. 9
of 2006.

The Telecommunications Act, 2006 is amended-

(a) in section 1 by the insertion at the appropriate place of the following definition:-

“ICT” means Information and Communication Technology, which involves technology used to gather, store, use and send information, including the use of computers or any other communication system;

(b) in subsection (1) of section 5 by the following subsection:-

“Tenure of office of members of Commission.

(1) The Chairman and other members of the Commission shall hold office for a term of five years and shall, subject to this Act, be eligible for re-appointment for another term only”;

(c) by the substitution for the words Executive Secretary wherever they appear of the words “Director-General”;

(d) by the insertion after section 9 of the following sections:-

“Additional functions of Commission.

9A. Without prejudice to section 9, the Commission shall perform the following additional functions:-

- (a) foster and protect an efficient market in ICT;
- (b) ensure effective and fair competition among operators, in the public interest;

- (c) deliver mandatory specifications and approve terminal equipment used by operators;
- (d) establish a suitable system for receiving complaints from consumers, conduct investigations into the complaints or submit them to any other appropriate body, where necessary;
- (e) in the application of paragraph (c) of subsection (2) of section 9, determine the technical standards for those services and the connection of user equipments to communication networks;
- (f) in case of lack of viable alternatives to the installation of new infrastructure by operators due to the protection of the environment, public health, public security, cultural heritage, town planning, landscape preservation, determine, after consultation with interested parties, the sharing of facilities such as ducts, masts and other installations, including the apportionment of costs;

- (g) where facilities are shared under paragraph (f), define measures that place restrictions on the operation of the facilities to be installed, that is, a limit on the maximum levels of transmission power”.

“Adoption of best practices.

9B. (1) The Commission shall ensure that operators and service providers adopt best practices of other operators in the ECOWAS region and elsewhere.

(2) In subsection (1), “best practices” include-

- (a) practices relating to the terms of agreements;
- (b) use of technology, quality of service, calculation of tariffs, accounting practices, corporate responsibilities, consumer protection and awareness, infrastructure colocation and data protection”.

“Commission to keep records.

9C. (1) The Commission shall keep records and store documentation containing data on-

- (a) operators and service providers;
- (b) users of assigned radio frequencies;

- (c) users of assigned numbers;
- (d) reference interconnection offers;
- (e) interconnection contracts entered into by operators with significant market share within the Sierra Leone market, on the basis of approved reference interconnection offers;
- (f) calculation of costs for the provision of universal services; and
- (g) such other data as the Commission may determine.

(2) The Commission shall retain the data-

- (a) for as long as the operator or service provider-
 - (i) provides ICT services; or
 - (ii) has the right to use the radio frequency spectrum or number;
- (b) in its archives for a period of five years".

"International 9D. The Commission shall-roaming.

- (a) ensure the widest possible compatibility among mobile systems in terms of roaming and take this into consideration when granting licences;
- (b) study tariffs charged for roaming in the ECOWAS region;
- (c) consult stakeholders in arriving at reasonable tariffs in order to encourage the greatest number of roaming users in the ECOWAS region to utilize the networks under the best price and quality conditions;
- (d) identify operators applying prohibitive tariffs and take necessary action;
- (e) inform customers about roaming tariffs in a clear, detailed and transparent manner; and
- (f) study and make use of international best practices in roaming”.

“Miscellaneous 9E. The Commission shall ensure that-
services.

- (a) 70 percent to the land owners;
- (b) 10 percent to the local council;
- (c) 15 percent to the Paramount Chief; and
- (d) 5 percent to the Constituency Development Fund in the constituency in which the land is to be used.

(2) Payments made under sub-section (1) shall be made at the chieftom Administration and be evidenced by a receipt signed by all the persons mentioned in subsection (1)".

- (e) by the insertion after section 11 of the following section:-

"Additional ministerial support.

11A. Without prejudice to section 11, the Minister shall have additional responsibility to-

- (a) encourage advanced education and training programmes in ICT including the use of the internet and electronic transactions;
- (b) promote public awareness of the importance of ICT in the overall economic and social development of Sierra Leone; and
- (c) formulate national policies on information technology which shall be in harmony with the ECOWAS Supplementary Acts and Directives on telecommunica-

tions;

- (f) by the insertion after subsection (3) of section 16 of the following subsection:-

“(4) The moneys accruing to the Commission under paragraph (b) of subsection (1) shall be divided as follows:-

- (a) one-third for the financing of the activities of the Commission;
- (b) one-third for the purchase of equipment and other capital expenditure; and
- (c) one-third to be collected by the National Revenue Authority and paid into the Consolidated Fund”.

Passed in Parliament this 30th day of July, in the year of our Lord two thousand and nine.

VICTOR KAMARA,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

VICTOR KAMARA,
Clerk of Parliament.