



BERMUDA

ELECTRONIC COMMUNICATIONS (TRANSITIONAL) REGULATIONS 2013

BR 5 / 2013

The Minister responsible for telecommunications, in exercise of the power conferred by section 83 of the Electronic Communications Act 2011, makes the following Regulations:

Citation

1 These Regulations may be cited as the Electronic Communications (Transitional) Regulations 2013.

Telecommunications Act 1986 ceases to apply to electronic communications sector (other than broadcasting)

2 Subject to regulation 3, the Telecommunications Act 1986 ceases to apply to the electronic communications sector (other than broadcasting).

Continuing but temporary application of certain provisions of Telecommunications Act 1986 to communications providers

3 Notwithstanding regulation 2, sections 14, 21, 23, 23A, 24 (modified in subsection (1) by deleting the words “and subject to section 25(5)”), 42A, 43 and the First Schedule to the Telecommunications Act 1986 shall continue to apply to communications providers, but shall cease to apply—

- (a) in accordance with section 80(1)(b) of the Electronic Communications Act 2011, in the case of a communications provider that is not designated as having significant market power in any relevant market pursuant to section 74(b)(i), one day after the date on which the Authority issues one or more general determinations pursuant to section 74(b)(i); and
- (b) in accordance with section 80(1)(a) of the Electronic Communications Act 2011, in the case of any communications provider that is designated as

ELECTRONIC COMMUNICATIONS (TRANSITIONAL) REGULATIONS 2013

having significant market power in any relevant market pursuant to section 74(b)(i), on the date that the Authority publishes the written notice confirming that the communications provider has complied with all applicable ex ante obligations in accordance with section 73(5)(a).

References to Telecommunications Commission

4 In the continuing application of the Telecommunications Act 1986 to communications providers pursuant to regulation 3, in accordance with section 33 of the Interpretation Act 1951 and as required by section 80(3) of the Electronic Communications Act 2011, any reference in the Telecommunications Act 1986 to the Telecommunications Commission shall be read as a reference to the Regulatory Authority established under the Regulatory Authority Act 2011.

Commencement

5 These Regulations come into operation on 28 January 2013.

Made this 22nd day of January 2013

Minister of Economic Development