
GOVERNMENT NOTICES

Personnel and Statutory Notices

POLICY DIRECTIVES TO THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY (THE "AUTHORITY")

WHEREAS the Minister is empowered pursuant to Section 11(1) of the *Information and Communications Technology Authority Law, 2002* (the "Law"), to give to the Authority directions of a general character as to the policy to be followed in the exercise and performance of the functions of the Authority in relation to matters appearing to the Minister to concern the public interest;

AND WHEREAS the Authority is required by Section 11(1) of the Law to give general effect to any such directions;

AND WHEREAS the Minister considers the liberalisation of the information and communications technology markets in the Cayman Islands a matter of public interest;

AND WHEREAS a smooth transition to a fully liberalised and competitive information and communications technology market is in the public interest, and specifically, beneficial to the development of the information and communications technology sector in the Cayman Islands;

AND WHEREAS the number and type of licences issued by the Authority during 2003 will impact the speed of the transition to a competitive information and communications technology market;

AND WHEREAS the Government proposes to amend the Law to increase the criteria that the Authority may take into account when considering licence applications;

AND WHEREAS the Government believes that it is in the public interest that the Authority may immediately take these additional matters into consideration;³

THEREFORE, the Minister hereby directs that:

- a. the Authority may, in addition to the matters specified in section 26 of the Law, take into account:
 - (i) whether an applicant has at the date of application, or proposes to have within a specific time frame if a licence is issued, participation by Caymanians and if so, the nature and extent of any such participation, including without limitation, the level of beneficial ownership by Caymanians, if any, and any participation by Caymanians as directors, management or otherwise.
 - (ii) whether the proposed system is capable of delivering, with the claimed standards of quality and reliability, the networks and services for which licences are sought.
- b. the Authority should not restrict the number of ICT licences issued during 2003 on any basis other than:
 - (i) the failure of an applicant to satisfy the Authority in regard to the matters specified in section 26 of the Law or paragraph (a) above; or
 - (ii) to ensure the discharge of the Authority's responsibility to properly manage the electromagnetic spectrum and maintain an efficient, economic and harmonised ICT infrastructure.

Nothing in the above precludes the Authority from deferring consideration of applications for a specific type or types of licence, pending the outcome of public consultation on the subject, if the Authority in its discretion considers that it is in the public interest so to do.

Dated at George Town, Grand Cayman, Cayman Islands, this 26th day of August 2003.

THE HON. LINFORD A. PIERSON, OBE, JP
Minister for Planning, Communications, Works & Information Technology