

CAYMAN ISLANDS



Published 17 June 2004

**THE INFORMATION AND COMMUNICATIONS TECHNOLOGY
AUTHORITY LAW, 2002**

**THE INFORMATION AND COMMUNICATIONS TECHNOLOGY
AUTHORITY (PENALTIES FOR ANTI-COMPETITIVE
PRACTICES) RULES, 2004**

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The Information and Communications Technology Authority, in exercise of the powers conferred by section 34S of the Information and Communications Technology Authority Law, 2002, and after obtaining the approval of the Governor-in-Cabinet makes the following rules –

1. These rules may be cited as the Information and Communications Technology Authority Law (Penalties for Anti-Competitive Practices) Rules, 2004. Citation

2. In these rules – Definitions

“financial year” means the licensee’s financial year relevant to an anti-competitive investigation or determination and it may, in the Authority’s discretion, be the current or previous financial year of the licensee;

“Law” means the Information and Communications Technology Authority Law, 2002;

“section” means a section of the Law; and

“turnover” means the total amount of receipts in money or money’s worth earned by a licensee from all sources arising out of or in connection with the licensee’s business in or from the Islands in the licensee’s financial year.

3. (1) The Authority may impose upon any licensee who, intentionally or negligently, infringes section 34B or 34F a penalty – Penalty for infringement

(a) of not less than \$10,000; and

- (b). of not more than \$500,000 or any sum not exceeding 10 % of the turnover in the financial year of the licensee, whichever is less.

(2) In fixing the amount of the penalty, the Authority shall give due regard to the gravity and the duration of the infringement.

(3) The Authority, prior to levying the penalty, shall give the licensee 14 days to show cause why both the penalty and the amount of the penalty should not be levied as a consequence of the infringement.

Periodic penalty

4. (1) Where the licensee, after the imposition of a penalty under rule 3, continues to carry out the actions to which the penalty relates the licensee is liable for every day or a part thereof on which the action continues to a penalty of not less than \$100 and not more than \$10,000 per day and such penalty shall be imposed by the Authority.

(2) The penalty under paragraph (1) shall be calculated from the date that the licensee is notified of the decision and shall be imposed in order to compel the licensee to bring to an end an infringement of section 34B or 34F in accordance with a decision of the Authority.

(3) Where the licensee has satisfied the obligation which the Authority sought to enforce by imposing the periodic penalty, the Authority may, notwithstanding paragraph (1), fix the total amount of the periodic payment at a lower figure than that which it could have imposed in accordance with paragraph (1).

Made by the Information and Communications Technology Authority the 25th day of May, 2004.

STUART DIAMOND
Chairman of the Board of the Authority