

Appendix 1

TELECOMMUNICATIONS (AMENDMENT) BILL BY THE TELECOMMUNICATIONS AUTHORITY OF TRINIDAD AND TOBAGO

Administrative Penalties

- 8.63 A new **Part IXA**, including new **sections 72A to 72F**, is inserted to provide for the process by which the Authority may notify, consider and ultimately impose an administrative penalty or fine against a person for the contravention of the Act, regulations, or lawful directions of the Authority.
- 8.64 **Clause 72A** identifies the process by which the Authority shall issue a notification of its intent to levy the administrative charge to the contravening party. The section provides for the period of notification within which the offending party must respond, but also provides for the shortening of that period in the instance of repeated breaches and notifications served to the same person.
- 8.65 **Clause 72B** provides a framework by which the Authority may abandon the process of levying the administrative penalty. It is based upon the person providing such evidence to prove, to the satisfaction of the Authority, that the offensive action has been remedied. In this way, the provision provides for a mediated settlement to the impasse.
- 8.66 **Clause 72C** provides for the actual imposition of the administrative penalty where the contravening party has not acted to rectify the contravention under consideration, whilst **Clause 72D** provides guidelines and related matters to be considered in determining the quantum of the administrative penalty. **Clause 72E** extends liability for contraventions to directors, officers or agents who bore some degree of responsibility for the contravention. **Clause 72F** provides for the retention of the powers of the Minister or the Authority to exercise their respective powers of suspension or termination of an authorisation or licence notwithstanding the new **PART IXA**.