

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**18<sup>th</sup> March, 2020**

**Proposition No. P.2020/8**

**AMENDMENT**

Proposed by: Deputy L C Queripel  
Seconded by: Deputy M P Leadbeater

**REQUÊTE**

**Ensuring That A Policy Letter On The Policy Governing 5G Technology**  
**Is Debated By The Assembly**

To insert the following Propositions after Proposition 2:

- '3 To agree that the States should issue a States' Direction under Section 3(1A) of The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001
- i) To direct the Channel Islands Competition Authority to terminate the process for Channel Islands' telecommunication operators to acquire innovation and trial licences for 5G testing in the Bailiwick of Guernsey through Ofcom or any other method until such time as a 5G policy (in line with the requirements set out in the Requête) has been debated and agreed by the States of Deliberation'.
  - ii) To direct the Channel Islands Competition Authority to modify conditions under section 8 of The Telecommunications (Bailiwick of Guernsey) Law, 2001 on current innovation and trial licences for 5G testing in the Bailiwick of Guernsey through Ofcom or any other method to cease such trials until such time as a 5G policy (in line with the requirements set out in the Requête) has been debated and agreed by the States of Deliberation'.
- 4 To direct the Committee *for* Economic Development to consult with the Channel Islands Competition Authority, the States of Alderney and Chief Pleas, in order to recommend to the States whether
- i) the Channel Islands Competition Authority should terminate the process for Channel Islands' telecommunication operators to acquire innovation and trial licences for 5G testing in the Bailiwick of Guernsey through Ofcom or any other method until such time as a 5G policy (in line with the

requirements set out in the Requête) has been debated and agreed by the States of Deliberation and

- ii) that the Channel Islands Competition Authority should modify conditions under section 8 of The Telecommunications (Bailiwick of Guernsey) Law, 2001 on current innovation and trial licences for 5G testing in the Bailiwick of Guernsey through Ofcom or any other method to cease such trials until such time as a 5G policy (in line with the requirements set out in the Requête) has been debated and agreed by the States of Deliberation.

5 To direct the Committee *for* Economic Development, after consulting in accordance with Proposition 4, to make the recommendation to the States on the issuance of the States' Direction as set out in Proposition 1 within 5 working days of the date of the approval of these Propositions.

6 To agree that, if the Committee *for* Economic Development recommends to the States that the States' Direction as set out in Proposition 1 should be so issued ("the Positive Recommendation"), the States' Direction be issued on the day that the Positive Recommendation is lodged at the Greffe.

7 To agree that if the Committee *for* Economic Development does not recommend to the States that the States' Direction as set out in Proposition 1 should be issued ("the Negative Recommendation"), the States' Direction should be issued in any event on the day that the Negative Recommendation is lodged at the Greffe.

8 To agree that, if any aspect of the above Propositions are not technically correct in any degree, the Committee *for* Economic Development are directed to act in accordance with the legislation in order to fulfil the aims of the Propositions and, if they are unable to do so, to advise the States within 5 working days of the date of the approval of these Propositions.

#### **Rule 4(3) Information**

This amendment is not believed to have any financial implications.

#### Explanatory Note

The proposer and seconder do not believe 5G testing should be allowed in any form pending the debate on the Requête and believes that the States should issue a Direction under the necessary legislation to CICRA.

The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001

**States Directions.**

3. (1) The States may, on the recommendation of the [Committee for Economic Development] made after consultation with [the Authority], by Resolution give to [the Authority] directions (referred to in this Law as "**States' Directions**") specifying –

- (a) the identity of the person to whom the first licence containing a universal service obligation is to be awarded under a Sector Law,
- (b) any special or exclusive rights to be awarded to any licensee, and the term of such rights, which in the case of telecommunications networks or telecommunications services shall not exceed a period of 5 years,
- (c) the scope of any universal service obligation, and
- (d) any requirements to be imposed on licensees in the light of any international obligations to which the Bailiwick may from time to time be subject,

and, in exercising [its] [functions and powers under this Law and any Sector Law], [the Authority] shall comply with States' Directions except where to do so would be in contravention of the duty imposed on [it] by section 2 [or by any other enactment].

[ (1A) The States may, on the recommendation of the [Committee for Economic Development] made after consultation with [the Authority], and without prejudice to the provisions of subsection (1), by Ordinance give [the Authority] directions of a strategic or general nature including, without limitation, directions concerning the priorities to be taken into account by [it] in the exercise of [its] [functions and powers under this Law and any Sector Law] in respect of any utility service.

(1B) References in this Law, however expressed, to States' Directions include references to directions under subsection (1A).]

(2) The [Committee for Economic Development] shall consult the Policy and Finance Committee of the States of Alderney and the [Policy and Finance Committee] of the Chief Pleas of Sark in relation to any recommendation as to States' Directions [...].

Section 8 of The Telecommunications (Bailiwick of Guernsey) Law, 2001

**Modification of licence conditions.**

8. (1) Having regard to the objectives set out in section 2 of the Regulation Law, and subject to the provisions of any States' Directions and the following provisions of this section, the [Authority] may modify a licence by amending or revoking any condition included in it or by adding any condition to it (including, subject to the provisions of section 9, any condition as to the application in relation to the licensee of the code).

(2) Before making modifications under this section to a licence, the [Authority] shall publish, and (in the case of an individual licence) give to the holder of the licence, notice –

- (a) stating the modifications which [it] proposes to make,
- (b) stating the reasons why [it] proposes to make those modifications, and
- (c) specifying the time (not being less than 7 days from the date of publication of the notice) within which written representations or objections in respect of the proposed modifications may be made by interested parties, and [it] shall
  - (i) before making the modification, consider any representations or objections received from any interested party, and
  - (ii) having followed the procedure set out in this subsection, modify the licence (and publish notice of the modification) or decide not to modify the licence (and publish notice of that decision).

(3) A modification to a licence shall take effect from such time as the [Authority] directs, not being earlier than the expiry of the period specified by the [Authority] in accordance with subsection (2)(c).