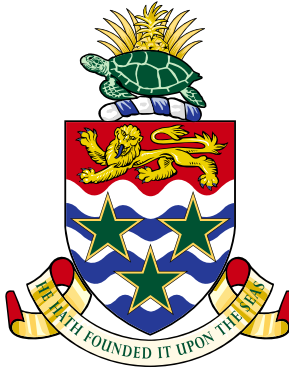


CAYMAN ISLANDS



INFORMATION AND COMMUNICATIONS TECHNOLOGY (VALIDATION) BILL, 2024

Supplement No. 1 published with Legislation Gazette No. 28 dated 28th August, 2024.

A BILL FOR AN ACT TO VALIDATE THE CHARGING, PAYMENT AND COLLECTION OF LICENCE FEES DURING SPECIFIED PERIODS; TO VALIDATE CERTAIN ACTIONS TAKEN IN THE CHARGING AND COLLECTION OF LICENCE FEES; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Planning, Agriculture, Housing and Infrastructure,Transport and Development (PAHITD)



Memorandum of OBJECTS AND REASONS

The Bill seeks to validate the charging, payment and collection of licence fees for the periods from 5th August, 2003 to 15th January, 2017, and from 16th January, 2017 and ending on the commencement of this legislation.

This Bill also validates certain actions taken in the charging and collection of licence fees.

Clause 1 provides the short title of the legislation.

Clause 2 provides for the definitions of terms used in the legislation.

Clause 3(1) provides for the validation of licence fees charged by, paid to, and collected by, the Authority during the period 5th August, 2003 to 15th January, 2017 by deeming that the licence fees were prescribed in Regulations which were —

- (a) made under section 70(3) of the Information and Communications Technology Authority Act, 2002; and
- (b) published in the Gazette.

Clause 3(2) provides for the validation of licence fees that were charged by, paid to, and collected by, the Office for the period commencing 16th January, 2017 and ending on the commencement of this legislation by deeming that the licence fees were prescribed in Regulations which were —

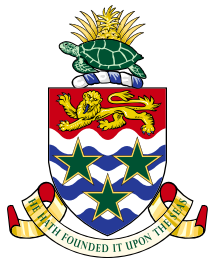
- (a) made under section 97(3) of the Information and Communications Technology Authority Act (2016 Revision) as amended by the Information and Communications Technology Authority (Amendment) (No. 2) Act, 2016 and any later revisions of that Act; and
- (b) published in the Gazette.

Clause 4 provides for the immunity of any director of the Board or any staff member of the Authority and any director of the Board, non-executive member, or staff member of the Office by validating their actions in the charging and collecting of licence fees during the specified periods as if the actions would have been valid had the licence fees been prescribed in Regulations which were published in the Gazette. However, where the actions of these persons were done in bad faith, the actions are not deemed to have been lawful or valid.

Clause 5 provides that any order or determination of a court in respect of licence fees made prior to the commencement of the legislation is not affected by this legislation.

Clause 6 contains the transitional provision which provides that any matter or proceeding in a court in respect of licence fees pending or in progress prior to the commencement of this legislation is not affected by this legislation.

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INFORMATION AND COMMUNICATIONS
TECHNOLOGY (VALIDATION) BILL, 2024

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INFORMATION AND COMMUNICATIONS TECHNOLOGY (VALIDATION) BILL, 2024

A BILL FOR AN ACT TO VALIDATE THE CHARGING, PAYMENT AND COLLECTION OF LICENCE FEES DURING SPECIFIED PERIODS; TO VALIDATE CERTAIN ACTIONS TAKEN IN THE CHARGING AND COLLECTION OF LICENCE FEES; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Act may be cited as the Information and Communications Technology (Validation) Act, 2024.

Interpretation

2. In this Act —

“**Authority**” means the Information and Communications Technology Authority established by section 3 of the *Information and Communications Technology Authority Act, 2002*;

“**licence**” means a licence granted under the *Information and Communications Technology Act (2019 Revision)* and any earlier version of that Act;

“**licence fees**” means the initial, annual or renewal fees for a licence payable to the Office by an applicant for a licence or a licensee;

“**licensee**” means a person to whom a licence was granted by —

- (a) the Authority under the *Information and Communications Technology Authority Act (2016 Revision)* and any earlier version of that Act in force immediately before the 15th January, 2017; or
- (b) the Office under the *Information and Communications Technology Authority Act (2016 Revision)* as amended by the *Information and Communications Technology Authority (Amendment) (No. 2) Act, 2016* and any later revisions of that Act; and

“**Office**” has the meaning assigned under section 2 of the *Information and Communications Technology Act (2019 Revision)*.

Validation of licence fees

3. (1) The licence fees charged by, paid to, and collected by, the Authority during the period commencing on 5th August, 2003 and ending on 15th January, 2017 are —

- (a) validated; and
- (b) taken to have been lawfully charged by, paid to, and collected by, the Authority,

as if the licence fees had been prescribed in Regulations which were —

- (i) made under section 70(3)(a) of the *Information and Communications Technology Authority Act, 2002*; and
- (ii) published in the *Gazette*.

- (2) The licence fees charged by, paid to, and collected by, the Office during the period commencing on 16th January, 2017 and ending on the commencement of this Act are —

- (a) validated; and
- (b) taken to have been lawfully charged by, paid to, and collected by, the Office,

as if the licence fees had been prescribed in Regulations which were —

- (i) made under section 97(3)(a) of the *Information and Communications Technology Authority Act (2016 Revision)* as amended by the *Information and Communications Technology Authority (Amendment) (No. 2) Act, 2016* and any later revisions of that Act; and
- (ii) published in the *Gazette*.



Immunity

4. (1) Notwithstanding any law to the contrary, any action of a director of the Board or any staff member of the Authority in the charging and collecting of licence fees by the Authority during the period commencing on 5th August, 2003 and ending on 15th January, 2017 are—
- (a) validated; and
 - (b) taken to have been lawful and valid,
- if the action would have been lawful and valid had the licence fees been prescribed in Regulations which were —
- (i) made under section 70(3)(a) of the *Information and Communications Technology Authority Act, 2002*; and
 - (ii) published in the *Gazette*.
- (2) Notwithstanding any law to the contrary, any action of a director of the Board, non-executive member, or staff member of the Office in the charging and collecting of licence fees by the Office during the period commencing on 16th January, 2017 and ending on the commencement of this Act are—
- (a) validated; and
 - (b) taken to have been lawful and valid,
- if the action would have been lawful and valid had the licence fees been prescribed in Regulations which were —
- (i) made under section 97(3)(a) of the *Information and Communications Technology Authority Act (2016 Revision)* as amended by the *Information and Communications Technology Authority (Amendment) (No. 2) Act, 2016* and any later revisions of that Act; and
 - (ii) published in the *Gazette*.
- (3) For the purposes of subsections (1) and (2), an action of a director of the Board or a staff member of the Authority, or a director of the Board, a non-executive member, or a staff member of the Office, is not taken to have been lawful or valid if the action was done in bad faith.

Orders or determinations by a court

5. This Act does not affect any order or determination made by a court with respect to licence fees prior to the commencement of this Act.

6. Nothing in this Act affects any matter or proceeding in a court with respect to licence fees which is pending or in progress prior to the commencement of this Act.

Passed by the Parliament the _____ day of _____, 2024.

Speaker

Clerk of the Parliament