

Government Notice No. 168 of 2010

**THE INFORMATION AND COMMUNICATION
TECHNOLOGIES ACT 2001**

**Regulations made by the Minister, after consultation with the
Board, under section 48 of the Information and
Communication Technologies Act 2001**

1. These regulations may be cited as the Information and Communication Technologies (Fraud Tracking Account Charge) Regulations 2010.

2. In these regulations –

“Act” means the Information and Communication Technologies Act;

“communication” means the sending or receipt of information including voice, sound, data, text, video, animation, visual images and pictures or a combination thereof by means of a public land mobile network;

“fraud tracking” means the provisions put in place by the Authority to track fraud on incoming international traffic from ILD operators in accordance with sections 18(1)(b) and 18(1)(c) of the Act;

“fraud tracking account” means the account referred to in regulation 4;

“fraud tracking account charge” means the charge to be levied on international incoming calls in respect of fraud tracking and paid by every ILD operator into the fraud tracking account;

“ILD operator” means an international long distance operator.

3. (1) Every ILD operator shall pay to the Authority a fraud tracking account charge in monthly instalments.

(2) Each monthly instalment referred to in paragraph (1) –

(a) shall consist of such amount as may be fixed by the Authority; and

(b) shall be paid not later than 60 days after the end of that month.

4. A fraud tracking account shall be opened under the General Fund of the Authority –

(a) into which all fraud tracking account charges received by the Authority in accordance with these regulations shall be paid;

(b) out of which all payments required to be made by the Authority in relation to fraud tracking shall be effected.

5. Every ILD operator shall, at the time of paying the monthly instalment under regulation 3, submit to the Authority information on –

(a) the gross revenue generated from the provision of international incoming calls; and

(b) the number of minutes of incoming international calls which the ILD operator terminates in Mauritius,

for the month in respect of which the payment is being effected.

6. Where a public operator fails to pay its monthly instalment as required under regulation 3, it shall, in addition to the amount due, pay a surcharge of 1 per cent per month on the amount due.

7. (1) Every ILD operator shall, for the purposes of these regulations, furnish to the Authority a true and certified copy of its audited financial accounts relating to its business operations not later than 3 months after the end of its financial year.

(2) The financial accounts referred to in paragraph (1) shall include information on –

- (a) the total revenue generated by the ILD operator from the provision of International incoming calls; and
- (b) the number of minutes of international incoming calls which the ILD operator terminates in Mauritius.

8. Any ILD operator which –

- (a) furnishes any information to the Authority under these regulations which is false in a material particular;
- (b) contravenes these regulations,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

9. These regulations shall come into operation on 1 September 2010.

Made by the Minister, after consultation with the Board, on 5 August 2010.
