

# DÁIL ÉIREANN

## AN BILLE UM RIALÁIL CUMARSÁIDE (LEASÚ) 2007 —ROGHCHOISTE

### COMMUNICATIONS REGULATION (AMENDMENT) BILL 2007 —SELECT COMMITTEE

#### *Leasuithe Amendments*

#### SECTION 16

**a66j.** In page 30, line 9, to delete “28 days” and substitute “45 days”.

—An tAire Cumarsáide, Mara agus Acmhainní Nádurtha.

**a67d.** In page 31, line 31, to delete “Commission.” and substitute the following:

“Commission.

Interim measure  
pending the  
Minister entering  
into contract under  
section 58B.

58H.—(1) In this section—

‘call handling fee’ means a fee fixed under subsection (2), and includes that amount as varied under that subsection;

‘current operator’, in relation to the emergency call answering service operating at the commencement of this section, means Eircom plc;

‘payment period’ means the period beginning with the date on which an order made under subsection (2) takes effect and ending with—

- (a) the date (as publicly notified by the Minister) on which a contract entered into under section 58B becomes fully effective, or
- (b) the day that falls 18 months after the date on which the order takes effect, or such extended period as the Minister may allow,

whichever first occurs.

(2) The Commission may, by notice published in the *Iris Oifigiúil*, fix the amount of the call handling fee payable under subsection (5), and may from time to time, by similar order, vary the amount of that fee. In fixing the amount of the fee, the Commission shall take into account the need to ensure the effectiveness and efficiency of the operator of the service.

(3) An order made under subsection (2) ceases to have effect at the end of the payment period.

(4) Before making an order under subsection (2) (including an order varying the call handling fee), the Commission shall convene one or more meetings to which it must invite all undertakings that carry on business in the State and such users of electronic communications services as it thinks appropriate.

[ SECTION 16 ]

(5) During the payment period, each entity that forwards emergency calls to the current operator during a month or part of a month that falls during that period, shall, within 45 days after the end of that month, pay to that operator for each of those calls a call fee fixed in accordance with subsection (2).

(6) If call handling fees are not paid by the deadline fixed for payment, the current operator may, by proceedings brought in a court of competent jurisdiction, recover as a debt due to that operator any amount of fees that remain outstanding.

(7) A call handling fee is payable in respect of an emergency call even if the call is not forwarded to the emergency service concerned.

(8) To enable the Minister to award and enter into an ECAS contract, the current operator shall, so far as it is able to do so, provide the Minister with such co-operation and assistance as the Minister reasonably requires in writing.

(9) If it appears to the Minister that the current operator is failing to provide the level of co-operation and assistance required under subsection (8), the Minister may apply to the High Court to make a compliance order under subsection (12). Such an application is to be by motion.

(10) The High Court may hear the application only if it is satisfied that a copy of the application has been served on the current operator. On being served with such a copy, the current operator becomes the respondent to the application.

(11) The High Court may make such interim or interlocutory order as it considers appropriate pending determination of an application made under subsection (9). The Court may not refuse interim or interlocutory relief merely because the Minister may not suffer damage if relief were not granted pending determination of the application.

(12) On the hearing of an application made under subsection (9), the High Court may make an order requiring the current operator to comply with the relevant requirements or may refuse the application.

(13) If the High Court makes an order under subsection (12), it may make such ancillary orders as it considers appropriate.”.”

—An tAire Cumarsáide, Mara agus Acmhainní Nádúrtha.