



---

## TELECOMMUNICATIONS ORDER, 2001

### ADVISORY GUIDELINES ON DEALER TELECOMMUNICATIONS LICENCE

NO.	REVISION RECORD	EFFECTIVE DATE
1	First issue	5 April 2022

## Table of Contents

<b>1. PRELIMINARY .....</b>	<b>2</b>
<b>1.1. Citation and Commencement .....</b>	<b>2</b>
<b>1.2. Purpose .....</b>	<b>2</b>
<b>1.3. Legal Effect .....</b>	<b>2</b>
<b>1.4. Regulatory Powers .....</b>	<b>2</b>
<b>1.5. Modification .....</b>	<b>2</b>
<b>1.6. Definitions .....</b>	<b>2</b>
<b>2. DEALER TELECOMMUNICATIONS LICENCE .....</b>	<b>2</b>
<b>2.1. Purpose of Licence .....</b>	<b>2</b>
<b>2.2. Application for a Licence.....</b>	<b>3</b>
<b>2.2.1 Eligibility .....</b>	<b>3</b>
<b>2.2.2 Applications .....</b>	<b>3</b>
<b>2.2.3 Grant of Licence.....</b>	<b>3</b>
<b>3. LICENCE CONDITIONS .....</b>	<b>3</b>
<b>3.1. Compliance .....</b>	<b>3</b>
<b>3.2. Licence Period .....</b>	<b>4</b>
<b>3.3. Licence Fees and Payment .....</b>	<b>4</b>
<b>3.4. Renewal.....</b>	<b>4</b>
<b>3.5. Revocation, Termination, Cancellation or Suspension .....</b>	<b>4</b>
<b>3.6. General.....</b>	<b>5</b>

## 1. PRELIMINARY

### 1.1. Citation and Commencement

1.1.1. These Advisory Guidelines may be cited as the Advisory Guidelines on Dealer Telecommunications Licence and shall take effect on 5 April 2022.

### 1.2. Purpose

1.2.1. These Advisory Guidelines describe the processes and requirements associated with the Dealer Telecommunications Licence (DTL).

### 1.3. Legal Effect

1.3.1. These Advisory Guidelines apply to Dealers i.e. importers and retailers who intend to import, let for hire, sell, offer or possess for sale any Equipment.

1.3.2. In the event of a failure to comply with the requirements of these Advisory Guidelines, the Authority may exercise its power under Section 8 of the Telecommunications Order, 2001.

### 1.4. Regulatory Powers

1.4.1. These Advisory Guidelines are issued under *Section 28 of the Telecommunications Order, 2001*.

1.4.2. Licences in these Advisory Guidelines are issued under *Section 5 of the Telecommunications Order, 2001*.

### 1.5. Modification

1.5.1. The Authority may modify, revise and revoke these Advisory Guidelines from time to time as it sees fit and without prior notice.

### 1.6. Definitions

1.6.1. The definitions of **“Authority”**, **“Equipment”**, **“Radio-communications”** and **“Telecommunications”** have the same meaning as in the *Telecommunications Order, 2001*;

1.6.2. **“Licence”** refers to the Dealer Telecommunications Licence (DTL) issued under these Advisory Guidelines; and

1.6.3. **“Licensee(s)”** refers to a holder of a Licence issued under these Advisory Guidelines.

## 2. DEALER TELECOMMUNICATIONS LICENCE

### 2.1. Purpose of Licence

2.1.1. This Licence authorises the Licensee to import, let for hire, sell, offer or possess for sale any Equipment.

## 2.2. Application for a Licence

### 2.2.1 Eligibility

Only businesses and companies established in Brunei Darussalam can apply for a Licence.

### 2.2.2 Applications

- (a) Applications for the Licence shall be made in such form and manner as the Authority may determine and shall be supported by such information as the Authority specifies. In particular, the following documentation must be submitted:

#### **Sole Proprietor / Partnership**

- (i) Copy of Smart Identity Card and Passport of Proprietor/Partners.
- (ii) Copy of Sections 16 and 17 forms issued under the Business Names Act.

#### **Public / Private Limited Company**

- (i) Copy of Smart Identity Card and Passport of Director(s).
- (ii) Copy of Certificate of Incorporation issued under the Companies Act.
- (iii) Copy of Form X and Memorandum and Articles of Association issued under the Companies Act.
- (iv) Copy of Notice of Situation of Registered Office issued under the Companies Act.

- (b) The Authority will reject applications which do not comply with the requirements in these Advisory Guidelines.

- (c) Generally, the Authority's processing of applications will take up to three (3) working days from the date of submission of a complete application.

### 2.2.3 Grant of Licence

The grant of a licence is at the sole discretion of the Authority who will notify the applicant as to whether the application has been successful in a manner and form as the Authority may determine.

## 3. LICENCE CONDITIONS

### 3.1. Compliance

- 3.1.1 Equipment imported for use in Brunei Darussalam must be approved under *Section 9* of the *Telecommunications Order, 2001*.

- 3.1.2 In addition to the Conditions specified in Licence, the Licensee shall comply with the provisions of the *Telecommunications Order, 2001* and any Regulations or Codes of Practice issued under the same.

- 3.1.3 The Licence shall not be assigned, transferred, sublet or otherwise dealt with to confer the benefit of the Licence onto any third party.
- 3.1.4 Nothing in the Licence issued shall be taken as discharging the Licensee from its obligations to obtain any other licences, permits or approvals (from the Authority or any other relevant authorities) that may be required under any written law in force in Brunei Darussalam.

### **3.2. Licence Period**

- 3.2.1 The Licence shall be valid for a period of one (1) year from the date of issue unless revoked, cancelled or suspended by the Authority.
- 3.2.2 The Licence will terminate upon the expiry of the licence period except when:
  - (a) It is renewed or terminated by the Licensee; or
  - (b) It is revoked, terminated, cancelled or suspended by the Authority.

### **3.3. Licence Fees and Payment**

- 3.3.1 Annual licence fee for the Licence is B\$100.00 per year and shall be paid in advance.
- 3.3.2 Licence fees paid are non-refundable notwithstanding revocation, termination, cancellation or suspension of the Licence before the expiry date.

### **3.4. Renewal**

- 3.4.1 The Licence can be renewed for a minimum of one (1) year or up to five (5) years.
- 3.4.2 Licence renewal applications must be submitted and paid to the Authority at least twenty (20) working days before the expiry date of the Licence.
- 3.4.3 Renewals shall be done in such form and manner as the Authority may determine and shall be supported by such information as specified.

### **3.5. Revocation, Termination, Cancellation or Suspension**

- 3.5.1 The Licensee may terminate the Licence by providing a written notice<sup>1</sup> of its intention to terminate to the Authority at least twenty (20) working days before the expiry date.
- 3.5.2 The Authority may revoke, terminate, cancel or suspend the Licence at any time during its validity with notification to the Licensee.
- 3.5.3 Any termination, suspension or cancellation of the Licence shall be without prejudice to the rights and remedies which may accrue to the Licensee or the Authority or any written law in force in Brunei Darussalam as at the date of termination.
- 3.5.4 The following are amongst the circumstances in which the Licence may be terminated:

---

<sup>1</sup> Written notice includes electronic notices such as email or use of online platforms to official AITI communication channels as specified by the Authority

- (a) If the Licensee breaches any of these licence conditions.
- (b) If the Licensee provides false, misleading or inaccurate information.
- (c) If the Licensee passes a resolution for its winding-up or a court of competent jurisdiction has made an order for winding up or dissolution.
- (d) If an administrative or Receiving Order has been made in respect of the Licensee.
- (e) If the Licensee suspends or indicates an intention to suspend its operations.
- (f) If the Licensee ceases to carry on business.
- (g) If termination is by and for mutual convenience of both the Authority and Licensee.
- (h) If the Licensee infringes or violates any law relating to this Licence and fails to remedy such infringement or violation within the time frame stipulated by the Authority.

### 3.6. General

- 3.6.1 Licences which have been issued based on false, misleading or inaccurate information will be rendered void.
- 3.6.2 The Licensee must ensure that any licensable Equipment in their possession is not operated unless by a licenced operator with proper location and frequency clearance of its operation and usage as stated in the Telecommunications (Radio-communication) Regulations, 2013.
- 3.6.3 The Licensee shall notify the Authority in writing about any change to the information contained in their Licence application within five (5) working days. This includes changes to its business or company name or changes to their business or registered address.
- 3.6.4 The Authority reserves the right to undertake investigations or enforcement action required under or related to this Licence.
- 3.6.5 The Authority reserves the right to publish at any time, information concerning any enforcement actions taken against and/or penalties imposed on the Licensee for non-compliance or breach of the terms and conditions contained herein.

[END OF DOCUMENT]