

CAYMAN ISLANDS



INFORMATION AND COMMUNICATIONS TECHNOLOGY (VALIDATION) ACT, 2024

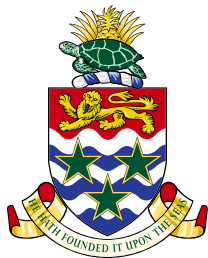
(Act 23 of 2024)

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INFORMATION AND COMMUNICATIONS
TECHNOLOGY (VALIDATION) ACT, 2024
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CAYMAN ISLANDS

(Act 23 of 2024)

I Assent,

**Jane Owen**
Governor

Date: 18th December, 2024

INFORMATION AND COMMUNICATIONS TECHNOLOGY (VALIDATION) ACT, 2024

(Act 23 of 2024)

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.

Transitional provisions - pending and ongoing proceedings

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 11th day of December, 2024.

Hon. Sir Alden McLaughlin
Speaker

Zena Merren-Chin
Clerk of the Parliament

