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GOVERNMENT NOTICES

DEPARTMENT OF COMMUNICATIONS

No. R. 288

6 March 2002

REGULATIONS IN RESPECT OF THE PURPOSE FOR THE USE OF RADIO STATIONS AND RADIO FREQUENCY OR GROUP OF RADIO FREQUENCIES

In terms of section 95(3) of the Telecommunications Act, 1996 (Act no. 103 of 1996), I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby approve the regulations in the Schedule made by the Independent Communications Authority of South Africa in terms of section 95(1) read with section 30(1)(a) of the said Act.

Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE

Amendment and Repeal of Radio Regulations

These regulations amend regulation B3 of chapter 3 of the Radio Regulations published in Government Gazette No of

These regulations repeal Radio Regulation G6 of chapter 8 of the Radio Regulations published in Government Gazette No of

Definitions

1. In this schedule any expression shall have the same meaning ascribed to it in the Telecommunications Act, 1996, (Act 103 of 1996), unless the context indicates otherwise.
2. **Radio station or Radio stations and radio frequency or group of radio frequencies shall only be used in the manner set out hereunder:**
 - (1) **AMATEUR RADIO STATION**
 - (a) Communication between amateur radio stations
 - (b) Transmission and receiving of Morse code
 - (c) Reports on radio experiments within and outside the boundaries of the Republic of South Africa

- (d) Weather Satellite reception and retransmission
- (e) Emergency communication in the event of emergency or disaster

(2) AERONAUTICAL RADIO STATION

- (a) Safety purposes
- (b) Ground-to-Air communication or vice versa

(3) MARITIME RADIO STATION

- (a) Safety purposes
- (b) Sea-to-Shore communication or vice versa

(4) MOBILE AND FIXED SERVICES

- (a) Private short distance voice communication and voice paging
- (b) Safety at sea and inland waters
- (c) Control of personnel
- (d) Security and alarm monitoring
- (e) Experimental purposes
- (f) Electricity control and load management
- (g) Voice, data, audio and video communication and transfer
- (h) Water and electricity management and control
- (i) Demonstration purposes
- (j) Message handling services
- (k) Mobile News gathering
- (l) Vehicle tracking purposes
- (m) Direct to home (DTH) broadcasting
- (n) Repair, Install, Supply of equipment

No. R. 289

6 March 2002

TELECOMMUNICATIONS ACT, 1996, (ACT 103 OF 1996)**REGULATIONS IN RESPECT OF THE LABELLING OF
TELECOMMUNICATION EQUIPMENT**

In terms of section 96(6) of the Telecommunications Act, 1996 (Act 103 of 1996), I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby approve and publish the regulations in the schedule made by the Independent Communications Authority of South Africa in terms of section 96(1) read with section 96(7), 96(3) and 100(3)(b) of the said Act.

Dr. Ivy Matsepe-Casaburri

Minister of Communications

SCHEDULE**Amendment of regulations**

1. These regulations amend regulation 19(3) of chapter 3 of the telecommunication regulations published in Regulation Gazette No. 1463 on 26 August 1994.

Definitions

2. In these regulations, words shall have the same meaning assigned to them in the Telecommunications Act (Act 103 of 1996) unless the context indicates otherwise.

"ICASA logo" means the logo of the Independent Communications Authority of South Africa obtainable at any office of the Authority.

Labeling of telecommunication equipment, facility, radio apparatus and container

3. (1) All type-approved telecommunication equipment, facility or radio apparatus shall have a legible label permanently affixed to the outside of such equipment, facility or radio apparatus, bearing-

(a) The ICASA logo and

(b) The ICASA issued licence number.

(2) The label must be affixed before the product is made available for sale or lease or is supplied in any other manner.

4. The container in which the equipment, facility or radio apparatus referred to in regulation 3 is supplied shall bear a similar label.
5. The minimum size of the ICASA logo shall be 3 mm high by 3 mm wide.
6. Labels may be obtained from the Authority upon payment of the applicable fee.
7. In the event of a supplier wanting to produce his own label, a sample of the proposed label shall accompany the application for the type-approval of the telecommunication equipment, facility or radio apparatus. This label may only be used if approved by the Authority in writing.
8. No person may use a label similar to that referred to in regulation 3 and 4 for any non type-approved equipment, facility or radio apparatus.
9. Where it is shown that a permanently affixed label is not desirable or is not feasible, an alternative method of displaying the required information may be used if approved by the Authority in writing. The proposed alternative method of labeling and the justification for its use shall accompany the application for the type-approval of the equipment, facility or radio apparatus.

Application

10. These regulations shall apply to new equipment only, and shall come into effect 6 (six) months from the date of publication.

Offence (Section 96(3))

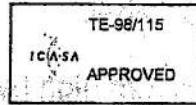
11. The licence holder shall be guilty of an offence if he or she fails to comply with these regulations and shall on conviction be liable to a fine not exceeding R250 000 or imprisonment not exceeding six months.

Penalty (Section 100(3)(b))

12. Where the Authority, after investigation and adjudication in terms of section 100 of the Act, finds that the licence holder concerned has been

responsible for a contravention of these regulations, the Authority may impose a fine not exceeding R250 000.

13. A sample of the ICASA label is included below:



No. R. 290

6 March 2002

TELECOMMUNICATIONS ACT, 1996, (ACT 103 OF 1996)**REGULATIONS IN RESPECT OF THE PROCEDURE FOR THE
REGISTRATION OF SUPPLIERS OF TELECOMMUNICATION FACILITIES
AND EQUIPMENT**

In terms of section 96(6) of the Telecommunications Act, 1996(Act 103 of 1996), I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby approve and publish the regulations in the schedule made by the Independent Communications Authority of South Africa in terms of section 96 read with section 56 and 88 of the said Act.

Dr. Ivy Matsepe-Casaburri

Minister of Communications

SCHEDULE**Definitions**

1. In this schedule any expression shall have the same meaning ascribed to it in the Telecommunications Act, 1996, (Act 103 of 1996), unless the context indicates otherwise.

Procedure

2. The relevant application form obtainable at any office of the Authority must be completed in full and submitted with the prescribed application fee at any office of the Authority.
3. In the event that the applicant is a natural person a certified copy of the applicant's identity document must also be submitted with the application form.

4. In the event that the applicant is a juristic person or an association, a certified copy of the applicant's company registration certificate or constitution of the association must also be submitted with the application form.
5. Registration certificates shall only be issued to South African residents or South African registered companies or close corporations.
6. The issuing of a certificate does not grant sole rights with regard to the supply of any particular type of telecommunication facility or equipment.

Application fee and registration fee

7. The application fee to be registered as a supplier of telecommunication facilities and equipment shall be R100 (one hundred rand).
8. The registration fee as a supplier of telecommunication facilities and equipment shall be R100 (one hundred rand), payable on the date of issue of the certificate and annually thereafter.
9. The registration of a supplier shall lapse if the supplier fails to pay the registration fee on due date.

No. R. 291

6 March 2002

REGULATIONS IN RESPECT OF APPLICATIONS FOR RADIO FREQUENCY SPECTRUM LICENCES, STATION LICENCES, CERTIFICATES AND AUTHORITIES

In terms of section 95(3) of the Telecommunications Act, 1996 (Act no. 103 of 1996), I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby approve the regulations in the Schedule made by the Independent Communications Authority of South Africa in terms of section 95(1) read with section 30(2)(b) of the said Act.

Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE**Definitions**

In this schedule any expression shall have the same meaning ascribed to it in the Telecommunications Act, 1996, (Act 103 of 1996), unless the context indicates otherwise.

PROCEDURES IN RELATION TO APPLICATIONS FOR RADIO FREQUENCY SPECTRUM LICENCES, STATION LICENCES, CERTIFICATES AND AUTHORITIES (SECTION 30(2)(b))

1. The relevant application form obtainable at any office of the Authority must be completed in full and submitted with the prescribed application fee at any office of the Authority.
2. In cases where the frequency(ies) on the existing licence is an exclusive frequency(ies) and not a shared frequency(ies), a business plan along the lines shown in Appendix A must be submitted by the applicant.
3. A business plan shall not be submitted with regard to applications made by the South African National Defence Force, South African Police Services, National Intelligence Agency, Certificate and Licence holders such as Maritime, Aeronautical, Citizen Band, Civil Defence/Marnet, Amateur Radio,

27 MHz and 29 MHz band two-way Radio, Shared Simplex HF, VHF and UHF, Very Short Range Band and Low Power Devices.

4. In the event that the applicant is a juristic person or an association, a certified copy of the applicant's registration certificate or constitution of the association must also be submitted with the application form.
5. When applying for a General Certificate of Competency in Radio Telephony (Aeronautical) Restricted Radio Operator's Certificate (Aeronautical), General Operator's Certificate (Maritime), Restricted Radio Certificate (Maritime), Global Maritime Distress and Safety Systems (GMDSS), the following must be supplied by the applicant:
 - (i) Examination results.
 - (ii) Completed entry form for examination.
 - (iii) Two identical passport size ID photos.
 - (iv) The prescribed application fee.
6. When applying for a licence for high frequency cross border communication system in a territory other than in the Southern African Development Community, the following must be supplied by the applicant:
 - (i) Completed application form.
 - (ii) A copy of the licence issued in the foreign country.
 - (iii) Proof of validity of the foreign licence.
 - (iv) Indication that point to point communication is required.
 - (v) Completed form of notice (AP1/A15) in respect of a transmitting terrestrial station.
 - (vi) The prescribed application fee.
7. When applying for a licence for high frequency cross border communication system in the Southern African Development Community, the following must be supplied by the applicant:
 - (i) Completed application form.
 - (ii) The prescribed application fee.
8. When applying for an Amateur Radio Operator's Certificate required for an Amateur Radio Station Licence, the following must be supplied by the applicant:
 - (i) Completed application form.
 - (ii) Examination results.
 - (iii) The prescribed application fee.

9. When applying for an authority to operate Radio Apparatus, authorising the holder of any certificate of competence to operate radio apparatus in accordance with the provisions of such certificate the following must be supplied:

- (i) Certified copy of the original certificate to be evaluated.
- (ii) Completed application form.
- (iii) The prescribed application fee.

10. No application will be considered if there is any outstanding licence fee owed by the applicant to the Authority.

Appendix A

Appendix to Frequency Assignment/Radio Licensing Guideline

Information Required for the Evaluation of Licence Applications

Introduction Applicants must provide sufficient detail in the business plan to enable SATRA to analyse and determine from the plan alone, the extent to which the plan would lead to a sustainable business.

Information required Please provide the following information in respect of:

1. Applicant
2. Description of service
3. Market analysis
4. Construction of the network
5. Technical information on system design
6. Business planning
7. Tariffs and fees.

Note:

See below for detail on each of these points.

Very important Note that SATRA may incorporate the information given in this business plan as conditions in the licence.
See point 8.

1. Applicant Please provide the following information:

No.	Information required
a	<ul style="list-style-type: none"> • Name, address and registration number of Applicant • Company's registration certificate • Names & addresses of directors & principal executives • Company/associations's main objective & constitution
b	Annual Reports of the applicant and its main shareholders for the previous three years, when available
c	Full particulars of the experience and expertise of the Applicant, its shareholders, partners, suppliers and contractors in the business contemplated
d	<ul style="list-style-type: none"> • Extent of beneficial ownership of the applicant by the historically disadvantaged • Extent of beneficial ownership by women.

2. Description of service Please provide the following information:

No.	Information required
a	A full description of the services to be provided
b	Proposed annual coverage roll-out indicating the exact areas and location concerned
c	Guarantees that the proposed coverage will be met
d	Guarantees as required by the Frequency Assignment/Licensing Guidelines.

Market analysis Please provide the following information:

No.	Information required
a	Projection of the market size and the different target markets
b	Marketing strategy for the first five years of service
c	Types of services to be provided to different target markets
d	Marketing strategy
e	Distribution strategy for customer equipment.

4. Construction of the network Please provide the following information:

No.	Information required
a	Availability and experience of planning and project management capabilities required for construction of the network
b	Mechanisms used for the planning of any radio portion of the network
c	Plans to acquire resources such as access to sites, other property, technology, personnel and capital.

Technical information (system design)

Indicate the technical, operational and maintenance aspects of the proposed telecommunications system. Some of these aspects could be as follows:

No.	Information required
a	A full description of the technology to be implemented
b	The Applicant's approach to network development and expansion
c	Description of all interfaces in the network

d	Requirements for interconnection to other telecommunications networks or services and the transmission medium and links required
e	Upgrading of the network to new standards and technical developments
f	Compliance with recognised international technical standards and specifications.

No.	Information required	Explanation
g	Details of radio network planning including methods to reserve frequency:	
	Site-Name/s	Name of the place where equipment is located
	Site Code	Code assigned to place
	Site/s Co-ordinates (ddmmss)	Geographical co-ordinates used to locate a place on a map: ddmmss = degrees, minutes, seconds
	Frequency/ frequencies	Air waves through which radio waves are transmitted
	Bandwidth of Transmitted Signal (MHz)	Amount of frequency occupied by the transmitted signal
	Modulation Scheme and Bit-Rate	Method and speed of transmitting radio signal
	Antenna Site	Where antenna is situated
	Antenna Type	Type of antenna
	Antenna Diameter (meter)	Diameter of antenna
	Antenna Gain (dB)	<ul style="list-style-type: none"> Given in specifications for antenna dB = decibel
	Antenna Polarisation (H/V)	<ul style="list-style-type: none"> Polarisation – horizontally or vertically polarised transmission H/V = horizontal/vertical
	Transmit Power (dBm/Watt)/ Receiver Sensitivity Threshold (dBm)	<ul style="list-style-type: none"> Wattage (Watt = measurement of power) Receiver sensitivity threshold = the lowest value that can be detected by a receiver
	Fixed Loss (dB): Transmit and receive	Percentage of lost power
	Type of Service	Whether it is data service, voice, paging, telemetry etc
	Area and Direction of Operation	Geographical area of service

**Notes on
(5g)**

Please note the following further explanations in respect of point (5g) in the table on the previous page:

Term	Explanation
Bandwidth	Refers to the actual Bandwidth of the Signal Transmitted and not to the Baseband value, for example
Baseband value	This is the frequency during the signal processing stage
Reflectors	In the case where a Reflector is used as part of a Radio link, the Link will be treated as consisting of two parts, ie. two separate links. The applicant must calculate hypothetical values for <ul style="list-style-type: none"> • antenna parameters • transmit power etc. in order to supply the information required for the Site containing the Reflector.

**Diagrams or
sketches
(5g)**

Applicants must supply diagrams or sketches of proposed operations, systems or Radio Links for *explanatory purposes*.

Insufficient or incorrect information will result in an unsuccessful application.

No.	Information required
h	Adherence to EMC specifications
i	Theoretical traffic volume forecasts and alternate routing and redundancy requirements
j	Numbering plan for the service
k	Quality systems employed and the quality targets used
l	Details of fixed network planning
m	Presentation of network planning data in the form of schedules, tables, diagrams and maps for the initial phase and two subsequent phases
n	Network management, fault detection, service and maintenance mechanisms
o	Equipment specifications/type approval certificates
p	Regulatory requirements (ITU & Radio Act)
q	Technical expertise
r	Service monitoring capabilities.

6. Business planning Please provide the following information:

No.	Information required
a	The fundamental assumptions for the business plan
b	Indication of all factors over which the Applicant has no control
c	Balance sheet, profit and loss accounts, cash flow statement, discounted cash flow statement for the first five years
d	A sensitivity analysis showing how costs to the subscriber changes with a 10% variation in the factors indicated in (b)
e	Key financial policies such as dividend rate, debt to equity ratio, etc
f	Full particulars of financing requirements and how the operation will be financed throughout the licence period
g	The amount of external capital used must be clearly indicated (both loans and equity).

7. Tariffs and fees Please provide the following information:

No.	Information required
a	A full tariff plan indicating all tariffs and fees to be charged at the wholesale level and the subscriber level when the service is launched
b	Projection of the tariffs and fees up to the fifth year
c	Substantiated costs for the customer equipment and an estimate of charges in unit costs
d	Data management and billing systems.

8. Important: general notes Please take careful note of the following important points:

No.	Information required
a	Should a licence be issued, the information contained in the business plan may be incorporated by SATRA as conditions in the licence
b	Licensees will be required to supply certain data on an annual basis on issues such as empowerment, employment and training of the historically disadvantaged, women and the disabled.

No. R. 292

6 March 2002

**REGULATIONS IN RESPECT OF APPLICATIONS FOR THE TRANSFER OF
RADIO FREQUENCY SPECTRUM LICENCES, CERTIFICATES AND
AUTHORITIES**

In terms of section 95(3) of the Telecommunications Act, 1996 (Act no. 103 of 1996), I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby approve the regulations in the Schedule made by the Independent Communication Authority of South Africa in terms of section 95(1) read with section 30(7) of the said Act.

Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE**Amendment of Regulations**

1. Regulation G9 of Chapter 8 of the radio regulations promulgated in terms of the Radio Act, 1952 (Act 3 of 1952), is hereby amended by the insertion of the following regulation G9 A.

**G9 A Procedure for the transfer of a radio frequency spectrum licence or
certificate or authority****Definitions**

2. In this schedule any expression shall have the same meaning ascribed to it in the Telecommunications Act, 1996, (Act 103 of 1996), unless the context indicates otherwise.

Procedure

3. A person who wishes to have a radio frequency spectrum licence or certificate or authority transferred to him/her/it shall apply in writing to the Authority in the manner set out hereunder:

(1) A written consent from the holder of the radio frequency spectrum licence or certificate or authority must accompany the application.

- (2) A duly completed application form accompanied by the original licence or radio station licences or authority, must be submitted by the transferee together with the prescribed application fee at any office of the Authority.
- (3) Where the transferee is a juristic person or an association, a certified copy of the registration certificate or constitution of the association must also be submitted with the application form.
- (4) In cases where the frequency(ies) on the existing licence is an exclusive frequency(ies) and not a shared frequency(ies), a business plan along the lines shown in Appendix A must be submitted by the transferee.
- (5) A business plan shall not be submitted with regard to applications made by the South African National Defence Force, South African Police Services, National Intelligence Agency, Certificate and Licence holders such as Maritime, Aeronautical, Citizen Band, Civil Defence/Marinet, Amateur Radio, 27 MHz and 29 MHz band two-way Radio, Shared Simplex HF, VHF and UHF, Very Short Range Band and Low Power Devices.
- (6) An application for a transfer shall only be considered if all the outstanding fees with respect to the relevant radio frequency spectrum licence or certificate or authority have been paid.
- (7) In the case of liquidation or insolvency of the transferor, the liquidator/curator must give written consent to the transfer.
- (8) In the case of a deceased estate, the executor of the deceased estate must give written consent to the transfer.
- (9) A licence for an exclusive frequency shall only be transferable after twelve months from the date of issue.
- (10) For licences where a service is rendered to the public, the system must be operational for at least twelve months before an application for a transfer shall be entertained.

Appendix A

Appendix to Frequency Assignment/Radio Licensing Guideline

Information Required for the Evaluation of Licence Applications

Introduction Applicants must provide sufficient detail in the business plan to enable SATRA to analyse and determine from the plan alone, the extent to which the plan would lead to a sustainable business.

Information required Please provide the following information in respect of:

1. Applicant
2. Description of service
3. Market analysis
4. Construction of the network
5. Technical information on system design
6. Business planning
7. Tariffs and fees.

Note:

See below for detail on each of these points.

Very important

Note that SATRA may incorporate the information given in this business plan as conditions in the licence.
See point 8.

1. Applicant Please provide the following information:

No.	Information required
a	<ul style="list-style-type: none"> • Name, address and registration number of Applicant • Company's registration certificate • Names & addresses of directors & principal executives • Company/associations's main objective & constitution
b	Annual Reports of the applicant and its main shareholders for the previous three years, when available
c	Full particulars of the experience and expertise of the Applicant, its shareholders, partners, suppliers and contractors in the business contemplated
d	<ul style="list-style-type: none"> • Extent of beneficial ownership of the applicant by the historically disadvantaged • Extent of beneficial ownership by women.

2. Description of service Please provide the following information:

No.	Information required
a	A full description of the services to be provided
b	Proposed annual coverage, roll-out indicating the exact areas and location concerned
c	Guarantees that the proposed coverage will be met
d	Guarantees as required by the Frequency Assignment/Licensing Guidelines.

Market analysis

Please provide the following information:

No.	Information required
a	Projection of the market size and the different target markets
b	Marketing strategy for the first five years of service
c	Types of services to be provided to different target markets
d	Marketing strategy
e	Distribution strategy for customer equipment.

4. Construction of the network Please provide the following information:

No.	Information required
a	Availability and experience of planning and project management capabilities required for construction of the network
b	Mechanisms used for the planning of any radio portion of the network
c	Plans to acquire resources such as access to sites, other property, technology, personnel and capital.

Technical information (system design)

Indicate the technical, operational and maintenance aspects of the proposed telecommunications system. Some of these aspects could be as follows:

No.	Information required
a	A full description of the technology to be implemented
b	The Applicant's approach to network development and expansion
c	Description of all interfaces in the network
d	Requirements for interconnection to other telecommunications networks or services and the transmission medium and links required

e	Upgrading of the network to new standards and technical developments
f	Compliance with recognised international technical standards and specifications.

5. Technical information (system design) (continued)

No.	Information required	Explanation
g	Details of radio network planning including methods to reserve frequency:	
	Site-Name/s	Name of the place where equipment is located
	Site Code	Code assigned to place
	Site/s Co-ordinates (ddmmss)	Geographical co-ordinates used to locate a place on a map: ddmmss = degrees, minutes, seconds
	Frequency/ frequencies	Air waves through which radio waves are transmitted
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	Antenna Type	Type of antenna
	Antenna Diameter (meter)	Diameter of antenna
	Antenna Gain (dB)	<ul style="list-style-type: none"> Given in specifications for antenna dB = decibel
	Antenna Polarisation (H/V)	<ul style="list-style-type: none"> Polarisation – horizontally or vertically polarised transmission H/V = horizontal/vertical
	Transmit Power (dBm/Watt)/ Receiver Sensitivity Threshold (dBm)	<ul style="list-style-type: none"> Wattage (Watt = measurement of power) Receiver sensitivity threshold = the lowest value that can be detected by a receiver
	Fixed Loss (dB): Transmit and receive	Percentage of lost power
	Type of Service	Whether it is data service, voice, paging, telemetry etc
	Area and Direction of Operation	Geographical area of service

**Notes on
(5g)**

Please note the following further explanations in respect of point (5g) in the table on the previous page:

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Reflectors	In the case where a Reflector is used as part of a Radio link, the Link will be treated as consisting of two parts, ie. two separate links. The applicant must calculate hypothetical values for <ul style="list-style-type: none"> • antenna parameters • transmit power etc. in order to supply the information required for the Site containing the Reflector.

**Diagrams or
sketches
(5g)**

Applicants must supply diagrams or sketches of proposed operations, systems or Radio Links for *explanatory purposes*.
Insufficient or incorrect information will result in an unsuccessful application.

No.	Information required
h	Adherence to EMC specifications
i	Theoretical traffic volume forecasts and alternate routing and redundancy requirements
j	Numbering plan for the service
k	Quality systems employed and the quality targets used
l	Details of fixed network planning
m	Presentation of network planning data in the form of schedules, tables, diagrams and maps for the initial phase and two subsequent phases
n	Network management, fault detection, service and maintenance mechanisms
o	Equipment specifications/type approval certificates
p	Regulatory requirements (ITU & Radio Act)
q	Technical expertise
r	Service monitoring capabilities.

6. Business planning Please provide the following information:

No.	Information required
a	The fundamental assumptions for the business plan
b	Indication of all factors over which the Applicant has no control
c	Balance sheet, profit and loss accounts, cash flow statement, discounted cash flow statement for the first five years
d	A sensitivity analysis showing how costs to the subscriber changes with a 10% variation in the factors indicated in (b)
e	Key financial policies such as dividend rate, debt to equity ratio, etc
f	Full particulars of financing requirements and how the operation will be financed throughout the licence period
g	The amount of external capital used must be clearly indicated (both loans and equity).

7. Tariffs and fees Please provide the following information:

No.	Information required
a	A full tariff plan indicating all tariffs and fees to be charged at the wholesale level and the subscriber level when the service is launched
b	Projection of the tariffs and fees up to the fifth year
c	Substantiated costs for the customer equipment and an estimate of charges in unit costs
d	Data management and billing systems.

8. Important: general notes Please take careful note of the following important points:

No.	Information required
a	Should a licence be issued, the information contained in the business plan may be incorporated by SATRA as conditions in the licence
b	Licensees will be required to supply certain data on an annual basis on issues such as empowerment, employment and training of the historically disadvantaged, women and the disabled.

No. R. 293

6 March 2002

**REGULATIONS IN RESPECT OF THE AMENDMENT OF RADIO
FREQUENCY SPECTRUM LICENCES, CERTIFICATES OR AUTHORITIES**

In terms of section 95(3) of the Telecommunications Act, 1996 (Act no. 103 of 1996), I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby approve the regulations in the Schedule made by the Independent Communications Authority of South Africa in terms of section 30(7) read with section 95(1) of the said Act.

Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE**1. Amendment of regulations**

Regulation G10A of the radio regulations promulgated in terms of the Radio Act, 1952 (Act 3 of 1952) is hereby repealed and substituted by the following regulations.

2. Definitions

In these regulations all words or expressions shall have the meaning assigned to them in the Telecommunications Act, 1996 (Act No. 103 of 1996), unless the context indicates otherwise.

3. Procedure

Subject to regulation 3(12), the procedure for the amendment of any radio frequency spectrum licence, certificate or authority shall be as follows:

(1) All applications for the amendment of any radio frequency spectrum licence, certificate, or authority shall be in writing and shall contain:

(a) the name and address of the applicant, and

- (b) the reason for the amendment of the radio frequency spectrum licence, certificate or authority.
- (2) The Authority shall give notice of the application by publication in the Government Gazette, inviting interested persons to submit written representations with regard thereto within a specified period or such other extended period as the Authority may specify by notice in the gazette. Representations received after the closing date shall not be considered by the Authority.
- (3) All applications, representations and other documents relating to the application shall, subject to regulation (4), be open to public inspection during the normal office hours of the Authority, and the Authority shall at the request of any person and on payment of a fee of 50c (fifty cents) per page, furnish him or her with a copy thereof.
- (4) The Authority may, at the request of the applicant or person who lodged representations, determine that any document or information that is commercially sensitive or any matter reasonably justifying confidentiality, shall not be open to public inspection, if such a document can be separated from the application, representations or other document in question.
- (5) If the Authority refuses a request contemplated in regulation (4), the applicant or the person concerned shall be allowed to withdraw the document or information in question, in which event, the Authority shall not consider the document or information so withdrawn.
- (6) The applicant may, not later than 21 days after the period for lodging representations in terms of regulation (2) has passed, submit its written comments to any of the representations made.
- (7) The Authority may, after the period for lodging comments by applicants in terms of regulation (6) has passed, hold a public hearing in respect of the application, the representations and any other relevant information.
- (8) A hearing contemplated in regulation (7) shall, subject to regulation (9), be open to the public.
- (9) Before considering any document or information which the Authority has determined shall not be open for public inspection, the Authority may direct that the public, or any section or member thereof shall not be present at the hearing.
- (10) In processing the application the Authority may conduct an on-site investigation.

- (11) After due consideration of the application, the representations and any relevant information, the Authority shall make a decision and communicate same to interested parties.
 - (12) The provisions of regulation (2) to (9) shall not apply to:
 - (a) applications made by the South African National Defence Force, South African Police Services, National Intelligence Agency, and the following holders of licences and certificates:
 - (i) Maritime,
 - (ii) Aeronautical,
 - (iii) Citizen Band,
 - (iv) Civil Defence/Marnet,
 - (v) Amateur Radio,
 - (vi) 27 MHz and 29 MHz band two-way Radio,
 - (vii) Shared Simplex HF, VHF and UHF,
 - (viii) Very Short Range Band, and
 - (ix) Low Power Devices.
 - (b) amendments of the frequency spectrum licences, certificates or authorities arising out of migration caused by a frequency band plan contemplated in section 29 of the Act.
4. The Authority shall not entertain any application for the amendment of a radio frequency spectrum licence wherein the additional frequency(ies) applied for fall outside the frequency band or bands assigned in terms of the original licence.

No. R. 294

6 March 2002

**REGULATIONS IN RESPECT OF THE PROCEDURE FOR OBTAINING A
PERMIT FOR POSSESSION OF RADIO APPARATUS, THE RELEVANT
APPLICATION FEE AND THE PERMIT FEE**

In terms of section 95(3) of the Telecommunications Act, 1996 (Act No. 103 of 1996), I Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby approve and publish the regulations in the schedule made by the Independent Communications Authority of South Africa under section 95(1) and 96 read with section 31(2) and 88 of the said Act.

Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE

Definitions

1. In these regulations, words shall have the same meaning assigned to them in the Telecommunications Act, 1996 (Act 103 of 1996) unless the context indicates otherwise.

Procedure

2. A person who wishes to possess a radio apparatus shall apply in writing to the Authority for a permit authorizing such possession.
3. An application for a permit referred to in regulation 1 above shall be accompanied by the prescribed application fee and shall contain the following details:
 - (1) Full name, address and contact details of the applicant.
 - (2) If the applicant is a company, a certified copy of the registration certificate, whether the company is registered in South Africa or in a foreign country.
 - (3) The storage location of the radio apparatus for which the permit is applied.
 - (4) Radio apparatus make and model number.
 - (5) The number of units in question.
 - (6) Technical parameters of such radio apparatus, including, but not limited to, frequency, power and applicable standard.

-
4. Where the radio apparatus is not type-approved for use in South Africa and is intended for export purposes only, the applicant shall provide a sworn affidavit stating:
 - (1) The country from which the equipment originates.
 - (2) Country(ies) to which the radio apparatus will be exported.
 - (3) that the radio apparatus and containers thereof are sealed.
 - (4) that the radio apparatus is not intended for use, sale or distribution in South Africa.
 5. A permit shall only be issued to the applicant upon approval of the application and after payment of the prescribed permit fee to the Authority.

Application fee

6. The application fee to possess a radio apparatus shall be R100.

Permit fee

7. A fee of R100 shall be paid in relation to every permit issued by the Authority.
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