

REPUBLIC  
OF  
SOUTH AFRICA



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## GENERAL NOTICE

### NOTICE 1880 OF 1998

#### SOUTH AFRICAN TELECOMMUNICATIONS REGULATORY AUTHORITY



#### NOTICE OF INTENTION TO MAKE REGULATIONS

Notice is hereby given that the South African Telecommunications Regulatory Authority (SATRA) intends making the following regulation in terms of section 96, read together with sections 69 and 76, of the Telecommunications Act, Act No. 103 of 1996.

Interested persons are hereby invited to submit their written comments or representations with regard to the proposed regulation by **not later than 12:00 on 4 December 1998**, for the attention of Mr H. Dikgale, HOD—Legal Affairs, SATRA, Private Bag X1, Marlboro, 2063. Fax (011) 321-8582. Tel. (011) 321-8270.

**H. N. L. MAEPA, Pr. Eng, PE**

**Chairman: SATRA**

**REGULATION SR 0004****A. THE MANNER, FORM AND PERIOD OF NOTICE TO BE GIVEN BY THE OPERATOR, AND THE RELEVANT PROCEDURES AND CONSULTATIONS BETWEEN THE OPERATOR AND THE AFFECTED PERSON (SECTION 69)**

- "1. Whenever any fixed line operator ("the operator") intends to engage in any activity involving entry, construction, maintenance, deviation or alteration of any telecommunications facility upon any land ("the activity"), it shall comply with the following procedure:
- (1) It shall give a written notice of its intention to do so the affected person or authority.
  - (2) The notice must be served on the affected person or authority not less than 30 business days before the operator intends to commence the activity.
  - (3) The notice must contain the following information:
    - (a) The nature of the activity;
    - (b) the purpose for which the activity is intended;
    - (c) the time period within which the operator envisages that the activity will be completed;
    - (d) the effect of the activity on the land in question;
    - (e) the manner and period within which the affected party may object to the activity. The period shall not be less than five business days.
2. The operator must make reasonable attempts to ascertain the identity of any effected person or authority. In particular the operator must ascertain the identity of the owner of any affected land from the office of the Deeds Registry in the district where the land is situated.
3. If after making reasonable attempts to ascertain the identity of an interested party, the operator has been unable to ascertain its identity, it must publish the notice contemplated in section 1 in a newspaper circulating in the district in which the land is situated.
4. The provisions of section 1 dealing with notice and its contents are not applicable to activity by the operator which is necessary—
- (1) as a response to a disaster or state of emergency declaration;
  - (2) to deal with imminent danger to safety of life or damage to property; and
  - (3) as a result of a request by an affected or interested party.
5. Not later than 10 days after receiving the notice contemplated in subsection 1 the interested or affected party may object in writing to the operator's activity. The objection must state the interested or affected party's grounds for objecting to the proposed activity and must stipulate whether the interested/affected party objects to—
- (1) the location of the facility on the land;
  - (2) the date when the operator proposes to start or complete the activity;
  - (3) the likely effect of the activity on the land;
  - (4) the operator's proposals to minimise damage or inconvenience, or
  - (5) the quantum offered by the operator as compensation.
6. Not later than 14 days after receipt of the objection, the operator must take reasonable steps to consult with the affected or interested person or authority in order to reach consensus on the activity.
7. Where the parties are unable to reach consensus on the activity, either party may refer the dispute to the Authority for determination. The referral to the authority must be made not later than 7 business days after the parties have failed to reach consensus.
8. When the Authority receives a dispute it must—
- (1) request the parties to make written representations to it within 21 days of the authority's request, stating the nature and details of the dispute;
  - (2) hold formal hearings at a time and place determined by it to consider the dispute;
  - (3) within 14 days of the last day of the formal hearing, the authority must notify the parties in writing of its intended decision, inviting them to make further written representations in relation to the authority's intended decision within 7 days of the date of receipt of the authority's intended decision; and

- (4) consider the written representations of the parties and make a final decision in relation to the dispute.”.

**B. HEIGHT AND DEPTH OF CABLES AND FACILITIES (SECTION 76)**

1. Aerial telecommunications wires or cables along any railway or public or private street, road, footpath or land shall be at a height of at least 3,048 metres, and in or in the immediate vicinity of towns, 3,66 metres above the surface of the ground.
  2. Aerial telecommunications wires or cables crossing any railway, street, road or footpath shall be at least 4,27 metres, and in or in the immediate vicinity of towns, 5,49 metres above the surface of the ground.
  3. Underground telecommunications wires or cables shall be placed at least 60,96 centimetres below the surface of the ground.
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