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CONTENTS

No.

Page
No. Gazette
No.

GENERAL NOTICE

Independent Communications Authority of South Africa

General Notice

931 Telecommunications Act (103/1996): Intention to make regulations regarding the continuous compliance of telecommunications equipment or facilities.....	3	23492
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GENERAL NOTICE

NOTICE 931 OF 2002



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE OF INTENTION TO MAKE REGULATIONS REGARDING THE CONTINUOUS COMPLIANCE OF TELECOMMUNICATIONS EQUIPMENT OR FACILITIES.

The Independent Communications Authority of South Africa hereby gives notice that it intends making the regulations in the Schedule in terms of section 96(1)(b) and (c) of the Telecommunications Act, 1996 (Act No. 103 of 1996), as amended.

Interested persons are invited to submit written comments or written representations with regard to the proposed regulations, to be received **by no later than 16H00 on 12 July 2002.**

Written representations shall be made publicly available, except where the Authority has declared any information confidential. A request for confidentiality on any information shall be submitted in writing. The request must outline why such information should be regarded as confidential. Respondents are requested to separate any confidential material into a clearly marked confidential annex. The respondent may withdraw such confidential material if the Authority refuses to declare it confidential. Any copyright attached to responses will be assumed to have been relinquished unless it is expressly reserved.

It would be helpful if hard copies of all written representations are submitted and an electronic version thereof, either on disk or e-mail, would be appreciated. Respondents are strongly encouraged to provide their comments in electronic format (WordPerfect,

Microsoft Word, Adobe PDF or ASCII TXT) to facilitate posting on the Authority's Web site. Documents submitted should be sent with a note specifying the software and version number used.

Written representations or queries may be emailed, faxed, posted or hand delivered for the attention of:

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or

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**MANDLA LANGA
CHAIRPERSON
ICASA**

SCHEDULE

Definitions

1. 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.

Purpose

2. These regulations seek to ensure that all telecommunication equipment or facilities manufactured, supplied or used in South Africa comply at all times with the relevant standard(s).

Application

3. These regulations apply to all types and categories of telecommunication equipment or facilities that are subject to type approval in terms of section 54 of the Act.

Prohibition (Sec 96(1)(b))

4. No person shall modify any telecommunication equipment or facility which has been approved by the Authority in such a manner that it no longer complies with the conditions and standards under which it was approved by the Authority.

Enforcement Procedure (Sec 96(1)(c))

5. Samples of equipment may be taken by the Authority from any point in the distribution chain and tested at an accredited test laboratory to ensure compliance with the applicable standard(s).
 6. Licensees may conduct their own Continuous Compliance testing at an accredited test lab, at their own cost, and submit the results to the Authority for ratification. The Authority reserves the right to have such results independently verified.
 7. In the event that telecommunication equipment or facilities are found to be non-compliant, the Authority may recover the cost of such independent testing from the licensee, and the Authority may impose the prescribed fine upon the person(s) who manufacture, supply or use the equipment or facilities.
 8. Samples removed in terms of these regulations shall, on completion of the testing, be returned to the person in whose charge the equipment was at the time of its removal.
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