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CONTENTS • INHOUD

No.	Page No.	Gazette No.
GENERAL NOTICE		
Independent Communications Authority of South Africa		
General Notice		
1347	3	23706
Telecommunications Act (103/1996): Intention to make regulations relating to the manner in which an application for the transfer of a telecommunication service licence shall be made		

GENERAL NOTICE

NOTICE 1347 OF 2002



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE OF INTENTION TO MAKE REGULATIONS RELATING TO THE MANNER IN WHICH AN APPLICATION FOR THE TRANSFER OF A TELECOMMUNICATION SERVICE LICENCE SHALL BE MADE

The Independent Communications Authority of South Africa ("the Authority"), hereby gives notice that it intends making the following regulations in terms of section 96(1)(a) read with section 50, 34 and 35 of the Telecommunications Act, 1996 (Act No. 103 of 1996), as amended.

Interested persons are hereby invited to submit written comments or written representations with regard to the proposed regulations, to be received **by no later than 16h00 on the 13th of September 2002** by post, hand delivery or facsimile transmission for the attention of Mr Andries Matthysen, Independent Communications Authority of South Africa, Private Bag X10002, Marlboro, 2063; Block A, Pin Mill Farm, 164 Katherine Street, Sandton; Facsimile (011) 321 8550, telephone 011 321 8377 or 083 326 3543 or e-mail : AMatthysen@icasa.org.za.

MANDLA LANGA
CHAIRPERSON
ICASA

SCHEDULE

REGULATIONS ON THE MANNER IN WHICH TRANSFER OF A TELECOMMUNICATION SERVICE LICENCE IS TO BE MADE.

Definition

1. In this Schedule any expression to which a meaning has been assigned by the Telecommunications Act, 1996 (Act No. 103 of 1996), as amended, (hereinafter referred to as, the Act), shall have the same meaning unless the context indicates otherwise.

Manner in which an application for the transfer of a telecommunication service licence shall be made (section 50)

2. An application for the transfer of a telecommunication service licence shall be made by the person to whom the licence will be transferred and the application shall:

- (1) be made in writing;

- (2) Provide a short motivation as to the reason for the requested transfer;

- (3) identify the applicant, and for this purpose:

- (a) if the applicant is a natural person, the following information shall be furnished:

- (i) the full name of the applicant;
 - (ii) the identity number of the applicant;
 - (iii) the applicant's permanent physical address;
 - (iv) the applicant's principal place of business address; and
 - (v) the applicant's telephone and fax numbers.

- (b) if the applicant is a juristic person, the following information shall be furnished:

- (i) business name and address, the telephone and fax numbers of the applicant, and where applicable, certified copies of all the founding documents of the applicant;
 - (ii) full names, business and residential addresses and the telephone numbers of each shareholder or member owning shares or interests exceeding five (5%) percent of the total shares or interests in the applicant;
 - (iii) the percentage of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the applicant;

- (iv) the classes of shares or interests of each shareholder or member owning shares or interests in excess of five (5%) percent of the total shares or interests in the applicant; and
- (v) affiliated ownership interests of the applicant in other telecommunication licensees.

(4) identify the licensee, and for this purpose:

(a) if the licensee is a natural person, the applicant shall provide the following information:

- (i) the full names of the licensee;
- (ii) the identity number of the licensee;
- (iii) the licensee's permanent residential address;
- (iv) the licensee's principal place of business address; and
- (v) the licensee's telephone and fax numbers.

(b) if the licensee is a juristic person, the following information shall be furnished:

- (i) business name and address, the telephone and fax numbers of the licensee, and where applicable, certified copies of all the founding documents of the licensee;
- (ii) full names, business and residential addresses and the telephone numbers of each shareholder or member owning shares or interests exceeding five percent of the total shares or interests in the licensee;
- (iii) the percentage of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the licensee;
- (iv) the classes of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the licensee and
- (v) affiliated ownership interests of the licensee in other telecommunication licensees.

(5) in the case where the licensee has been liquidated, identify the liquidator, including all relevant contact details.


(6) An affidavit from the licensee or the relevant authority in the case where a licensee has been liquidated, in which permission is granted to the applicant for the transfer of the licence into the applicant's name.

(7) Identify the licence for which application for transfer is being made, and for this purpose:

(a) the licence name/category; and

(b) the licence number, where applicable;

(8) prove that the applicant complies with all applicable provisions of the Telecommunications Act, as amended.



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