



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 446

Pretoria, 20 August  
Augustus 2002

No. 23772



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**



---

---

**CONTENTS • INHOUD**

No.		Page No.	Gazette No.
	<b>GENERAL NOTICE</b>		
	<b>Independent Communications Authority of South Africa</b>		
	<i>General Notice</i>		
1495	Telecommunications Act, 1996: Intention to prescribe regulations in terms of section 52 .....	2	23772

---

---

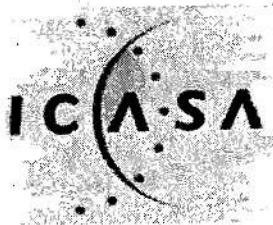
---

---

**GENERAL NOTICE**

---

---

**NOTICE 1495 OF 2002****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

**NOTICE OF INTENTION TO PRESCRIBE REGULATIONS IN TERMS OF SECTION 52 OF THE TELECOMMUNICATIONS ACT OF 1996 AS AMENDED WHICH LIMITS THE OWNERSHIP AND CONTROL OF LICENCES GRANTED IN TERMS OF SECTION 40A (HEREINAFTER REFERRED TO AS "UNDERSERVED AREA LICENCEES").**

The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it intends making the following regulations in terms of section 52 read in conjunction with the provisions of section 27 of the Telecommunications Act of 1996 as amended (hereinafter referred to as "the Act"), with regard to the ownership and control of Under - serviced Area Licences. These regulations are made in terms of section 96 and section 27 of the Act, thereby complying with the provisions of section 27 of the Act.

These regulations are made specifically to limit the ownership and control as well as the financial and voting interests in the category of licences granted pursuant to section 40A of the Act.

These regulations will be effected in terms of section 96(1);(4) and (6) of the Act. The provisions in General Notice 300 of 2002 which contain "Regulations in respect of the Limitation of Ownership and Control of Telecommunication Services" is specifically incorporated herein in so far as this regulation does not amend any of the definitions or provisions contained therein.

The proposed regulations are attached as "Schedule A" herein.

Interested persons are hereby invited to submit written representations in relation to the proposed regulations to the Authority by no later than (.....) by post, hand delivery or facsimile transmission. Where possible a soft copy of the corresponding hardcopy of the representation should be e-mailed to [MHajari@icasa.org.za](mailto:MHajari@icasa.org.za).

The written representations must be addressed to Ms Michelle Hajari, Council Advisor, Independent Communications Authority of South Africa, Private Bag X10002, Sandton, 2146, Block B, Pin Mill Farm, 164 Katherine Street, Sandton, Facsimile (011)3218548, Tel (011)3218379 or cell 0829030807.

All persons making written representations **must** clearly indicate in their representations if they wish to make oral representations including the duration thereof which shall not exceed one (1) hour.

Should a request for oral hearings be received by the Authority, then public hearings shall be held on a date and venue to be determined by the Authority which shall be gazetted.

**MANDLA LANGA**

**CHAIRPERSON**

**ICASA**

## SCHEDULE A

### 1. Definitions

In these regulations a word or expression shall have the meaning assigned to it in terms of the Act and the General Notice in Respect of the Limitation of Ownership and Control of Telecommunications Services No 300 of 2002, however, the definition of :

**"interest"** is inserted to read as follows:

means any direct or indirect shareholding in any under-serviced area licence.

### 2. Limitation of ownership and control telecommunication services

2(1) Any person with an existing controlling interest or ownership interest in the any of the existing telecommunications licences in terms of section 32B; 32C;36 and 37 of the Act is excluded from applying for an under-serviced area licence.

2. (2) No person or an affiliate of such person who holds a **controlling interest** or control interest in an USAL licence shall hold a **controlling interest** in any other USAL licensee.

2(3) A person or an affiliate referred to in paragraph 2(2) may hold an **ownership interest** in more than **two other** USAL licences .

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Publications: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504  
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737  
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001  
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504  
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737  
Kaapstad-tak: Tel: (021) 465-7531