

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 540

Pretoria, 4 June
Junie 2010

No. 33269

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GENERAL NOTICE

NOTICE 546 OF 2010

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

The Independent Communications Authority of South Africa ("the Authority") hereby gives notice in terms of section 4(4) of the Electronic Communications Act No. 36 of 2005 ("the EC Act") of its intention to make numbering plan regulations pursuant to section 68(1)(a) of the EC Act. A copy of the proposed regulations is available on the Authority's website (www.icasa.org.za) and in the ICASA Library at 164 Katherine Street, Pin Mill Farm, First Floor, Block D between 10h00 and 16h30, on working days only.

Interested persons are hereby invited to submit written representations on these draft Regulations **by no later than 16h30 on 19 July 2010** by post, hand delivery, facsimile transmission or electronic mail (in Microsoft Word) for the attention of:

Mr Lordwill Zwane or Block A
Project Leader Pinmill Farm
ICASA 164 Katherine Street
Private Bag X10002 Sandton
Sandton
2146

Facsimile: (011) 566 3655 or Telephone: (011) 566 3663

Electronic mail: lzwane@icasa.org.za; cc mmaake@icasa.org.za

Oral hearings in terms of section 4(6) of the EC Act will be held from **3 to 4 August 2010**. Persons making written representations are requested to indicate if they wish to make oral submissions; the estimated duration thereof must not exceed 45 minutes.

All written representations submitted to ICASA pursuant to this notice will be made available for inspection by interested persons at the ICASA library and copies of such representations will be obtainable on payment of the prescribed fee.

At the request of any person who submits written representations pursuant to this notice, ICASA will determine whether such representations or any portion thereof is confidential in terms of section 4D of the ICASA Act. If the request for confidentiality is refused, the person making the request will be allowed to withdraw such representations or portion thereof.

The final regulations will be published in the Government Gazette.



PARIS MASHILE
CHAIRPERSON

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SCHEDULE

1. DEFINITIONS

- (1) In these Regulations, any word or expression to which a meaning is assigned in the Electronic Communications Act No. 36 of 2005 or the Independent Communications Authority of South Africa Act No. 13 of 2000 shall have the meaning so assigned unless otherwise specified, and-

“active number” means a number that has been used during the preceding three (3) months for the origination or reception of a communication by an end-user that is not acting as a provider or reseller;

“assigned number” means a number that is supplied to an end-user or a reseller under the terms and conditions of a provider or another reseller;

“charge” means money payable by the originator of a communication to the relevant provider;

“communication” means a single access, such as a call or a message, to an electronic communications service in which the originator communicates with the recipient;

“country code” means the combination of one (1), two (2) or three (3) digits identifying a specific country, countries in an integrated numbering plan, or a specific geographic area allocated by the ITU TSB in accordance with International Telecommunication Union Telecommunication Standardization Sector Recommendation E.164, *The international public telecommunication numbering plan*;

“EC Act” means the Electronic Communications Act No. 36 of 2005;

“geographic number” means a national number that has an initial digit sequence that indicates a specified geographic area;

“harmonised number” means a number that is required by the Authority to be used only for services that the Authority considers to be substantially similar;

“higher band communication” means a communication that is originated through the input of a higher band number;

“higher band number” means a number that is classified as such in the numbering plan;

“higher band service” means a service for which a higher band number must be used;

“ICASA Act” means the Independent Communications Authority of South Africa Act No. 13 of 2000;

“initial digit sequence” means a sequence of digits beginning a number that is sufficient to identify the usage conditions of the number;

“internal network purpose” means a use of a number for signalling purposes, such as testing, routing, or end-user identification, without the real-time input of the number by an end-user other than one acting on behalf of a provider or a reseller;

“ITU TSB” means the Telecommunication Standardization Bureau of the International Telecommunication Union;

“length” means the quantity of digits and occurrences of ‘*’ and ‘#’ in a number;

“lower band communication” means a communication that is originated through the input of a lower band number;

“lower band number” means a number that is classified as such in the numbering plan;

“lower band service” means a service for which a lower band number must be used;

“machine originated communication” means a communication that can be initiated by a device, such as an alarm or a vehicle tracking system, without the real-time input of a number by a person;

“machine originated number” means a number that can be input to originate a machine originated communication;

“machine originated service” means a service for which a machine originated number must be used;

“national number” means a number that is not a short code or a supplementary code;

“non-geographic number” means a national number that is not a geographic number;

“number” means a sequence of digits and occurrences of ‘*’ and ‘#’;

“numbering plan” means the scheme of identification prescribed in these Regulations or other regulations made by the Authority for ensuring that electronic communications are correctly and efficiently directed to their intended points of reception;

“originator” means an end-user responsible for originating a communication, such as the calling party in the case of a call and the sending party in the case of a message;

“premium rate communication” means a communication that is originated through the input of a premium rate number;

“premium rate number” means a number that is classified as such in the numbering plan;

“premium rate service” means a service for which a premium rate number must be used;

“provider” means a person that is licensed to provide electronic communications services or electronic communications network services utilising numbers from the numbering plan;

“recipient” means an end-user responsible for receiving a communication, such as the called party in the case of a call and the receiving party in the case of a message;

“short code” means a number that is not a supplementary code and that has fewer than ten (10) digits;

“status” means ‘allocated’, ‘reserved’, ‘released’ or ‘protected’ as defined in Regulation 16(3) of these Regulations;

“supplementary code” means a number that contains at least one (1) occurrence of ‘*’ or ‘#’;

“toll free communication” means a communication that is originated through the input of a toll free number;

“toll free number” means a number that is classified as such in the numbering plan;

“toll free service” means a service for which a toll free number must be used;

“type A short code” means a short code that is categorised as such in the numbering plan;

“type B short code” means a short code that is categorised as such in the numbering plan;

“type C short code” means a short code that is categorised as such in the numbering plan;

“usage condition” means a condition in these Regulations or other regulations made by the Authority that restricts the ways in which a number may be used;

“utilisation” means, for a given provider, for given usage conditions and for a given length, the ratio a/b , where-

$a=$

the quantity of numbers that are allocated by the Authority to the provider, that have the usage conditions, that have the length, and that are active or kept for internal network purposes, and

$b=$

the quantity of numbers that are allocated by the Authority to the provider, that have the usage conditions and that have the length;

“ZAP2” means the date on which Phase 2 of the numbering plan changes described in these Regulations is completed; and

“ZAP3” means the date on which Phase 3 of the numbering plan changes described in these Regulations is completed.

2. OBJECTS OF THESE REGULATIONS

The objects of these Regulations are to-

- (a) provide for the efficient use and allocation of numbers; and
- (b) accommodate the varied protocols used and services provided by licensees under the EC Act.

3. RELEASING NUMBERS

(1) The Authority may release numbers only if-

- (a) the numbers are not type A short codes;
- (b) the numbers are protected; and

(c) it publishes in the Government Gazette a notice of its intention to do so at least one (1) month before the release.

(2) When considering releasing numbers the Authority must pay due regard to-

- (a) satisfying constraints on network systems;
- (b) avoiding risks of human errors;
- (c) avoiding clashes with past uses;
- (d) keeping numbers for possible future uses; and
- (e) achieving uniform lengths of short codes that have the same first three (3) digits.

(3) Numbers that are released will remain released if-

- (a) the Authority withdraws them from a provider; and
- (b) immediately after their withdrawal there remain other providers from whom they have not been withdrawn.

(4) Numbers that are released will become protected if-

- (a) the Authority withdraws them from a provider; and
- (b) immediately after their withdrawal there are no other providers from whom they have not been withdrawn.

4. ALLOCATING AND RESERVING NUMBERS

(1) A provider may apply in writing to the Authority for an allocation or reservation of numbers. When doing so the provider must state-

- (a) the name and contact details of the provider;
- (b) the licence under which the provider is making the application;
- (c) the intended use of the numbers in enough detail to demonstrate familiarity with the relevant usage conditions;
- (d) the preferred numbers, with a mention of any overlap between those numbers and numbers that are reserved for the provider;

- (e) the date on which some of the numbers are planned to be assigned, in the case of an allocation;
 - (f) the utilisation of numbers that are already allocated for the provider and that have the relevant usage conditions and the relevant length;
 - (g) the expected utilisation of the numbers one six (6) months after the application is granted; and
 - (h) the requested expiry date for the allocation or reservation if that date is not the earlier of-
 - (i) the expiry date of the licence, and
 - (ii) six (6) months after the granting of the application, in the case of a reservation.
- (2) The Authority may define a format in which the application set out in Regulation 4(1) must be supplied.
- (3) A provider must not apply for an allocation more than six (6) months before the date on which some of the numbers are planned to be assigned.
- (4) The Authority shall within seven (7) days of receiving an application acknowledge receipt of the application and request any further information needed for granting or refusing the application.
- (5) The Authority shall within twenty-eight (28) days of receiving an application-
- (a) grant the application and impose any variations made in the grant pursuant to Regulation 4(6) of these Regulations; or
 - (b) refuse the application and state the reasons for refusal pursuant to Regulation 4(7) of these Regulations.
- (6) When granting an application for the allocation or reservation of numbers the Authority may impose variations on-
- (a) the quantity of numbers allocated or reserved;
 - (b) the particular numbers allocated or reserved; and
 - (c) the expiry date of the allocation or reservation.
- (7) The Authority shall refuse an application for the allocation or reservation of numbers if-

- (a) the application does not include any of the information required by Regulation 4(1) of these Regulations;
 - (b) the numbers requested do not have the relevant usage conditions;
 - (c) the numbers requested are-
 - (i) prohibited from being allocated or reserved by the licence under which the provider is making the application,
 - (ii) allocated or reserved for other providers,
 - (iii) protected,
 - (iv) type A short codes,
 - (v) type C short codes, or
 - (vi) supplementary codes; or
 - (d) the Authority considers that-
 - (i) the utilisation of the numbers that are already allocated for the provider and that have the relevant usage conditions is below 60%,
 - (ii) the utilisation of the numbers requested is likely to be below 60% one (1) year after the application is granted,
 - (iii) allocating or reserving the numbers requested would prevent allocations or reservations for other providers of large enough quantities of numbers with particular initial digit sequences,
 - (iv) the application requires review, and if appropriate amendment, of regulations,
 - (v) contraventions of these Regulations by the provider have been persistent, or
 - (vi) there are overriding public interest reasons.
- (8) The Authority must grant or refuse different applications for the allocation or reservation of the same numbers in the order in which it receives them.

-
- (9) A provider that wants to assign numbers or keep numbers for internal network purposes must apply for the allocation of the numbers even if the numbers are already reserved for the provider.
- (10) Numbers that are allocated or reserved for a provider will become released if-
- (a) the provider returns them; or
 - (b) the expiry date of the allocation or reservation is reached.
- (11) Numbers that are allocated or reserved for a provider will become protected if the Authority withdraws them from the provider.
- (12) The Authority may publish in the Government Gazette principles for granting applications for the allocation or reservation of numbers that restrict-
- (a) the quantity of numbers that may be allocated or reserved;
 - (b) the particular numbers that may be allocated or reserved; or
 - (c) the expiry date of any allocation or reservation.

5. WITHDRAWING NUMBERS

- (1) The Authority may withdraw numbers that are released, allocated or reserved from a provider only if-
- (a) the continued release, allocation or reservation of the numbers is in breach of the numbering plan;
 - (b) the numbers have been used in ways that do not satisfy their usage conditions;
 - (c) the numbers have not been assigned six (6) months after being allocated, in the case of an allocation; or
 - (d) the Authority considers that-
 - (i) the numbers have not been used enough for publicly promoted services one (1) year after being released, if the numbers are type C short codes;
 - (ii) contraventions of these Regulations by the provider have been serious or persistent, or

(iii) there are overriding public interest reasons.

- (2) The Authority may withdraw numbers from a provider only if it notifies the provider in writing that it intends to do so at least three (3) months before the withdrawal.
- (3) If the Authority notifies a provider in writing that it intends to withdraw identified numbers from the provider, the provider must-
- (a) refrain from assigning any of the numbers that are not already assigned at least three (3) months before the Authority withdraws the numbers;
 - (b) inform all end-users and resellers to whom any of the numbers are already assigned about any replacements for the numbers at least two (2) months before the Authority withdraws the numbers;
 - (c) make available a period of parallel running that lasts until the provider takes the numbers out of use, during which both the numbers and any replacements for the numbers can be used, to the extent compatible with the withdrawal;
 - (d) take the numbers out of use at least one (1) month before the Authority withdraws the numbers; and
 - (e) supply free of charge audible or visible indications about any replacements for the numbers in response to attempts to use the numbers until the Authority withdraws the numbers, to the extent compatible with the withdrawal.
- (4) The withdrawal of numbers from a provider does not necessarily require the withdrawal of all the numbers that were released, allocated or reserved at the same time as those being withdrawn.

6. BARRING NUMBERS

- (1) The Authority may notify providers that it requires them to stop routing communications to identified numbers only if-
- (a) the numbers have been assigned by a provider not entitled to do so;
 - (b) the numbers have been used in ways that do not satisfy their usage conditions; or
 - (c) the Authority considers that there are overriding public interest reasons.

- (2) If the Authority notifies a provider in writing that it requires the provider to stop routing communications to numbers, the provider must do so within twenty-four (24) hours of receiving the notification.
- (3) If the Authority notifies a provider in writing that it requires the provider to resume routing communications to numbers, the provider must do so within twenty-four (24) hours of receiving the notification.

7. ROUTING COMMUNICATIONS TO NUMBERS

- (1) Every provider must-
 - (a) supply to the Authority in writing contact details of the persons who are to receive notifications about routing communications to numbers; and
 - (b) notify the Authority of any change to these contact details within three (3) days of the change.
- (2) The Authority must make available such contact details for inspection by providers, on request.
- (3) A provider must notify other providers and any relevant foreign electronic communication administrations about routing communications to numbers at least one (1) month before the provider assigns the numbers.
- (4) The Authority is responsible for notifying providers about routing communications to numbers only when the purpose of notifying providers is, that it requires them to stop or resume routing communications to the numbers in accordance with Regulation 6(2) or Regulation 6(3) of these Regulations.
- (5) Every provider must route communications to numbers that another provider has assigned if-
 - (a) the Authority has not notified the provider to the contrary pursuant to Regulation 6(2) of these Regulations;
 - (b) the provider has been notified that communications are to be routed to the numbers;
 - (c) the provider operates every network signalling protocol that is required for routing communications to the numbers;
 - (d) the numbers are not premium rate numbers; and
 - (e) the numbers are-

- (i) national numbers, or
 - (ii) type B short codes to which the provider is obliged to route communications;
- (6) Every provider must route communications to type A short codes.
- (7) Every provider must supply-
- (a) free of charge audible or visible indications in response to attempts to use numbers to which it does not route communications; and
 - (b) clear information in its promotional material and in its terms and conditions about the numbers to which it does not route communications.

8. RETURNING NUMBERS

- (1) A provider may return to the Authority numbers that are allocated or reserved for it only if the numbers are not active or assigned.

9. TRANSFERRING NUMBERS

- (1) A provider that transfers a licence to another party must transfer to the same party any numbers that are allocated or reserved for it under the licence.
- (2) A provider may transfer numbers to another party only by transferring the licence under which the numbers are allocated or reserved.

10. PORTING NUMBERS

- (1) A provider must include among the numbers that it reports in numbering audits any numbers that are allocated for the provider by the Authority and that have been ported to another provider.

11. ASSIGNING NUMBERS

- (1) A provider may assign numbers or keep numbers for internal network purposes only if the numbers are-
- (a) allocated for the provider;

- (b) type C short codes and released to the provider; or
 - (c) supplementary codes and released to the provider.
- (2) A reseller may assign numbers only if the numbers are-
- (a) already assigned to the reseller by a provider; or
 - (b) already assigned to the reseller by another reseller that may assign them.
- (3) A provider or a reseller may assign numbers to an end-user or another reseller only if the numbers are-
- (a) already assigned to another end-user or another reseller and both end-users or resellers have agreed in writing to the new assignment; or
 - (b) not already assigned.
- (4) An end-user or a reseller may use numbers for services only if the numbers are already assigned to the reseller or end-user.
- (5) A provider may take the numbers assigned to an end-user or a reseller out of use only if-
- (a) the end-user or reseller has agreed, in writing, with the provider to taking the numbers out of use;
 - (b) the numbers have not been used in communications, other than communications to or from providers or resellers, during the preceding twelve (12) months;
 - (c) the end-user or reseller has used the numbers in ways which are in breach of the terms and conditions under which the numbers are assigned; or
 - (d) the Authority has notified the provider in writing that it intends to withdraw the numbers from the provider pursuant to Regulation 5(2) of these Regulations.
- (6) Every provider or reseller must state in the terms and conditions under which it assigns numbers to end-users and resellers that-
- (a) numbers must be used only in ways that satisfy their usage conditions;
 - (b) end-users and resellers do not possess perpetual rights to the use of particular numbers; and

- (c) the Authority has powers to withdraw numbers and to require the barring of numbers.
- (7) A provider that uses numbers for services without assigning them to another end-user or a reseller is deemed to have assigned the numbers to itself as an end-user.
- (8) A provider must include among the numbers that it reports in numbering audits any numbers that are allocated for the provider by the Authority and that have been assigned to another provider.

12. CHANGING ASSIGNED NUMBERS

- (1) A provider may change the numbers assigned to an end-user or a reseller only if-
 - (a) the end-user or reseller has requested the change in writing;
 - (b) the Authority has approved the change in writing; or
 - (c) the Authority has notified the provider in writing that it intends to withdraw the numbers from the provider.
- (2) A provider may apply in writing to the Authority for approval to change assigned numbers. When doing so the provider must state-
 - (a) the name and contact details of the provider;
 - (b) the particular numbers for which the change is proposed, before and after the change;
 - (c) the reasons for the change; and
 - (d) the utilisation of the numbers.
- (3) The Authority may define a format in which the application set out in Regulation 12(2) of these Regulations must be supplied.
- (4) The Authority shall within seven (7) days of receiving an application acknowledge receipt of the application and request any further information needed for granting or refusing the application.
- (5) The Authority shall within twenty-eight (28) days of receiving an application-

- (a) grant the application and state any conditions made in the grant pursuant to Regulation 12(6) of these Regulations; or
 - (b) refuse the application and state the reasons for refusal.
- (6) When granting an application for the approval of a change to assigned numbers the Authority may impose conditions on-
- (a) the timing and content of the publicity given to the change;
 - (b) any period of parallel running, during which both the old and the new numbers can be used; and
 - (c) any period after the old numbers are taken out of use, during which free of charge audible or visible indications of the number change are supplied in response to attempts to use the old numbers.

13. LIMITING INFORMATION ABOUT HOLDERS OF NUMBERS

- (1) A provider or reseller must, free of charge to the relevant end-user-
- (a) not publish directory information about the numbers assigned to the end-user if the end-user has so requested;
 - (b) change the directory information about the numbers assigned to the end-user if the end-user has so requested after noticing errors in the information;
 - (c) not make available to the recipient of a communication the line identity of the originator if the originator has so requested;
 - (d) not make available to the originator of a communication the line identity of the recipient if the recipient has so requested; and
 - (e) change the numbers assigned to the end-user if the end-user has so requested after receiving incorrectly or mischievously dialled calls or messages.

14. SHOWING TARIFFS THROUGH NUMBERS

- (1) The first communication in a sequence of one or more communications must be a premium rate communication if-
- (a) all the communications after the first communication are originated automatically because of the first communication;

- (b) one or more of the communications give rise to charges to the originator of the first communication; and
 - (c) payments for the charges to the originator of the first communication are passed wholly or partly to a person for reasons other than conveying the communications.
- (2) The originator of a premium rate communication must not incur a charge until after acknowledging a free of charge audible or visible indication about the tariff.
- (3) A provider must, free of charge to an end-user, block the origination of premium rate communications from a number assigned to the end-user if the end-user has requested the blocking.
- (4) The originator of a toll free communication must not incur a charge.

15. ENSURING CONSISTENCY IN THE USE OF NUMBERS

- (1) A provider must not use a type A short code or a type B short code for a service other than the one prescribed by the Authority.
- (2) A provider must not use a harmonised type C short code for a service that the Authority does not consider to be substantially similar to the services for which other providers use the short code.
- (3) The Authority must publish in the Government Gazette a characterisation of the substantially similar services for which a harmonised type C short code may be used if-
- (a) a provider requests the characterisation in writing; or
 - (b) providers use the short code for services that the Authority considers not to be substantially similar.
- (4) When characterising substantially similar services the Authority must pay due regard to-
- (a) avoiding discrimination in favour of or against particular providers; and
 - (b) avoiding duplication with short codes that are released.

16. MAINTAINING NUMBERING RECORDS

- (1) The Authority must maintain, make available for public inspection, and periodically publish comprehensive numbering records.
- (2) The numbering record for a number must identify-
 - (a) a status;
 - (b) the provider for whom the number is allocated and the expiry date of the allocation if the status is 'allocated';
 - (c) the expiry date of the reservation if the status is 'reserved'; and
 - (d) the providers from whom the number has been withdrawn if the status is 'released'.
- (3) The status of a number is-
 - (a) 'allocated' if-
 - (i) the number has been allocated by the Authority for the provider that is named in the numbering plan record,
 - (ii) the number has not yet been withdrawn by the Authority from the provider,
 - (iii) the number has not yet been returned by the provider, and
 - (iv) the expiry date that is shown in the numbering plan record has not yet been reached;
 - (b) 'reserved' if-
 - (i) the number has been reserved by the Authority for a provider that is not named in the numbering plan record,
 - (ii) the number has not yet been withdrawn by the Authority from the provider,
 - (iii) the number has not yet been returned by the provider, and
 - (iv) the expiry date that is shown in the numbering plan record has not yet been reached;
 - (c) 'released' if-

- (i) the number has been released by the Authority,
 - (ii) the number has been withdrawn by the Authority from the providers named in the numbering plan record, and
 - (iii) the number has not yet been withdrawn by the Authority from all providers; and
 - (d) 'protected' otherwise.
- (4) The Authority must also maintain records of-
- (a) numbers that have been barred pursuant to Regulation 6(1); and
 - (b) numbers that are to be withdrawn pursuant to Regulation 5(1).

17. AUDITING NUMBERING USES

- (1) Every provider must submit in writing to the Authority, annually, on a date which must not be later than 31 March-
- (a) for each set of numbers that are allocated by the Authority to the provider, that have given usage conditions and that have a given length-
 - (i) the quantity of numbers that are active,
 - (ii) the quantity of numbers that are kept for internal network purposes,
 - (iii) the quantity of numbers that are not active and are not kept for internal network purposes, and
 - (iv) an estimate of the proportions of assigned numbers that are not active;
 - (b) for each type C short code that is released by the Authority, a description of the service for which the short code is used, if there is such a service;
 - (c) forecasts of demand over the next three (3) years for numbers that have not yet been allocated or released;
 - (d) the dates when the information submitted was correct, which must not be earlier than 1 January;
 - (e) a request for confidentiality in terms of section 4D of the ICASA Act, if appropriate; and

- (f) any other information that the Authority considers relevant to the numbering audit and that the provider can supply without being burdened unduly.
- (2) The Authority, in consultation with the providers, may define a format in which the information set out in Regulation 17(1) must be supplied.
- (3) The Authority must-
 - (a) consider the implications of the information for the date and nature of changes to the numbering plan; and
 - (b) summarise the information in an aggregated non-confidential form in the Annual Report.
- (4) The Authority may require at any time the provision of further information relevant to checking the utilisations and uses of the numbers allocated for a provider.

18. REVISING USAGE CONDITIONS

- (1) The Authority may revise the usage conditions of numbers to restrict-
 - (a) tariffs;
 - (b) contents of communications, including any audible or visible indications about the tariffs;
 - (c) promotional material;
 - (d) terms and conditions under which numbers are assigned; and
 - (e) the use and dissemination of data about customers.
- (2) When revising the usage conditions of numbers the Authority must pay due regard to-
 - (a) avoiding discrimination in favour of or against particular providers;
 - (b) adapting existing codes of conduct, if relevant; and
 - (c) maintaining consumer protection related to premium rate numbers.

19. CHANGING RELEASED OR ALLOCATED NUMBERS

- (1) The Authority may amend the numbering plan in a way that changes numbers that are released or allocated only if-
 - (a) It informs providers in writing about the change at least twelve (12) months before the change; and
 - (b) It informs the ITU TSB in writing about the change at least six (6) months before the change.
- (2) If the Authority amends the numbering plan in a way that changes numbers that are released or allocated, every provider must-
 - (a) ensure that there is publicity that can help customers to understand the implications of the change-
 - (i) at least six (6) months before the change if it affects numbers for business customers, and
 - (ii) at least three (3) months before the change if it affects numbers for residential customers;
 - (b) arrange that at no extra charge to end-users there is a period of parallel running that lasts at least three (3) months, during which both the old and the new numbers can be used, to the extent compatible with the change;
 - (c) arrange that at no extra charge to end-users there is a period after the old numbers are taken out of use, during which audible or visible indications of the change are supplied in response to attempts to use the old numbers, to the extent compatible with the change; and
 - (d) in other respects make the change at the time and in the manner that the Authority determines.

20. FEES

- (1) When setting fees payable by providers for numbering administration the Authority must pay due regard to-
 - (a) covering the costs of maintaining a sufficient supply of numbers from the fees and other sources of revenue;
 - (b) covering the costs of monitoring compliance with the usage conditions from the fees and other sources of revenue;

- (c) encouraging the high utilisation of allocated numbers;
 - (d) encouraging the allocation and reservation of no more numbers than necessary;
 - (e) encouraging the return of numbers from existing allocations;
 - (f) *avoiding discrimination in favour of or against providers for whom numbers are allocated or reserved;*
 - (g) ensuring efficiency in the functions of allocating and reserving numbers; and
 - (h) distinguishing between-
 - (i) a fee paid once, for an application for the allocation or reservation of numbers, and
 - (ii) a fee paid annually, for an allocated or reserved number.
- (2) The Authority reserves the right to prescribe fees due and payable for the allocation and reservation of numbers, subject to further public consultation.

21. COMPLAINTS

- (1) The process and procedures for resolving subscriber complaints are provided for in section 17C to 17F of the ICASA Act.
- (2) As provided for in section 68(7)(d) of the EC Act, the Authority may, on the recommendation of the Complaints and Compliance Committee under section 17E(2)(b) of the ICASA Act, direct a provider to pay a compensatory fine in the form of a discount or credit of a maximum of R 20,000.00 (twenty thousand Rand) to each subscriber on whose behalf the complaint was lodged.

22. FUTURE NATIONAL NUMBERS AND SHORT CODES

- (1) The first digits of national numbers and short codes are as set out in Table 1.
- (2) Entries in Table 1, including 'Undetermined' and 'Kept for Phase 3', can be changed only by amending these Regulations.

Table 1: First digits of national numbers and short codes

Digit	Significance		
	Before ZAP2	After ZAP2	After ZAP3
0	International prefix (00) and national prefix (01-09)		International prefix (00) and kept for international applications (01-09)
1	Short codes	Short codes except premium rate numbers	
2	Undetermined		
3	Undetermined	Short codes	
4	Undetermined	Short codes	
5	Undetermined		
6	Undetermined	Kept for Phase 3	Geographic numbers
7	Undetermined		
8	Undetermined	Kept for Phase 3	Toll free numbers (80), undetermined (81-88) and lower band numbers (89)
9	Undetermined	Premium rate numbers (90), undetermined (91-95), higher band numbers (96), kept for Phase 3 (97-98) and machine originated numbers (99)	Premium rate numbers (90), undetermined (91-95), higher band numbers (96-98) and machine originated numbers (99)

23. PREFIXES

- (1) The only international prefix is '00'. It can be input to originate communications with destinations outside the Republic when it is followed by a country code and further digits.
- (2) The only national prefix is '0'. It-
 - (a) can be input to originate communications with destinations inside the Republic when it begins a national number having '1', '2', '3', '4', '5', '7' or '8' as the second digit;
 - (b) is not used outside the Republic; and
 - (c) is not used inside the Republic after ZAP3.
- (3) The country code for the Republic allocated by the ITU TSB is '27'.
- (4) The first and second digits of national numbers beginning with '0' are shown in Table 2.

- (5) Entries in Table 2, including 'Undetermined' and 'Kept for Phase 3', can be changed only by amending these Regulations.

Table 2: First and second digits of national numbers beginning with '0'

Digits	Significance		
	Before ZAP2	After ZAP2	After ZAP3
01	Geographic numbers		Kept for international applications
02			
03			
04			
05			
06	Undetermined	Kept for Phase 3	
07	Mobile cellular and other numbers	Higher band numbers	
08	Mobile cellular and other numbers	Toll free numbers (080), higher band numbers (081-085, 088) and lower band numbers (086-087, 089)	
09	Undetermined	Kept for Phase 3	

24. GEOGRAPHIC NUMBERS

- (1) A geographic number must be assigned only to an end-user that provides a business or postal address in the area corresponding with the entry for its initial digit sequence in Table 3, if that entry is not 'Undetermined'.
- (2) A geographic number is classified as a lower band number.
- (3) A geographic number has ten (10) digits.
- (4) Immediately after these Regulations come into force, a geographic number that, in Table 3 has an entry other than 'Undetermined', has status 'allocated', 'reserved', 'released' or 'protected' in accordance with previous decisions by the Authority.
- (5) A geographic number is not available for allocation, reservation or release if the entry for its initial digit sequence in Table 3 is 'Undetermined'.
- (6) Entries in Table 3, including 'Undetermined', can be changed only by amending these Regulations.

Table 3: Initial digit sequences of geographic numbers

Initial digit sequence		Area
Before ZAP3	After ZAP3	
010	610	Johannesburg region
011	611	Johannesburg region
012	612	Tshwane region (including Pretoria)
013	613	Northern and western parts of Mpumalanga (including Middelburg, Witbank and Nelspruit)
014	614	Northern part of North West and southern and western parts of Limpopo (including Rustenburg and Nylstroom)
015	615	Northern and eastern parts of Limpopo (including Polokwane)
016	616	Vaal Triangle (including Vereeniging, Vanderbijlpark and Sasolburg)
017	617	Southern part of Mpumalanga (including Ermelo)
018	618	Southern parts of North West (including Potchefstroom and Klerksdorp)
019	619	Undetermined
020	620	Undetermined
021	621	Cape Town region (including Stellenbosch, Somerset West and Gordons Bay)
022	622	Western coast of Western Cape and Boland (including Malmesbury)
023	623	Karoo (including Worcester and Beaufort West)
024	624	Undetermined
025	625	Undetermined
026	626	Undetermined
027	627	Namaqualand (including Vredendal, Calvinia, Clanwilliam, Springbok, Alexander Bay and Port Nolloth)
028	628	Southern coast of Western Cape (including Swellendam, Caledon and Hermanus)
029	629	Undetermined
030	630	Undetermined
031	631	Durban region
032	632	KwaZulu Natal central coast (including Stanger)
033	633	KwaZulu Natal Midlands (including Pietermaritzburg)
034	634	Northern KwaZulu Natal (including Vryheid and Newcastle)
035	635	Zululand (including St. Lucia and Richards Bay)
036	636	Drakensberg (including Ladysmith)
037	637	Undetermined
038	638	Undetermined
039	639	Eastern Pondoland and southern coast of KwaZulu Natal (including Port Shepstone)
040	640	Bhisho region
041	641	Port Elizabeth region (including Uitenhage)
042	642	Southern and central parts of Eastern Cape (including Humansdorp)
043	643	East London region

Initial digit sequence		Area
Before ZAP3	After ZAP3	
044	644	Garden Route (including Oudtshoorn, Knysna, Plettenberg Bay, Mossel Bay and George)
045	645	Northern and eastern parts of Eastern Cape (including Queenstown)
046	646	Southern and eastern parts of Eastern Cape (including Grahamstown)
047	647	Eastern part of Eastern Cape (including Mthatha)
048	648	Northern part of Eastern Cape (including Steynsburg)
049	649	Western part of Eastern Cape (including Graaff-Reinet)
050	650	Undetermined
051	651	Southern and central parts of Free State (including Bloemfontein) and far eastern part of Eastern Cape (including Aliwal North)
052	652	Undetermined
053	653	Eastern part of Northern Cape (including Kimberley) and far western part of North West
054	654	Gordonia (including Upington)
055	655	Undetermined
056	656	Northern part of Free State (including Kroonstad)
057	657	Free State Goldfields (including Welkom)
058	658	Eastern part of Free State (including Bethlehem)
059	659	Undetermined

25. NON-GEOGRAPHIC NUMBERS

- (1) A non-geographic number is classified according to the entry for its initial digit sequence in Table 4, if that entry is not 'Undetermined', 'Kept for Phase 3' or 'Kept for international applications'.
- (2) After ZAP2 a non-geographic number has ten (10) digits unless it is a machine originated number beginning with '99', in which case it has thirteen (13) digits.
- (3) Immediately after these Regulations come into force, a non-geographic number that in the column labelled 'Before ZAP2' in Table 4 has an entry other than 'Undetermined' has status 'allocated', 'reserved', 'released' or 'protected' in accordance with previous decisions by the Authority.
- (4) A non-geographic number is not available for allocation, reservation or release if the entry for its initial digit sequence in Table 4 is 'Undetermined', 'Kept for Phase 3' or 'Kept for international applications'.
- (5) Entries in Table 4, including 'Undetermined', 'Kept for Phase 3' and 'Kept for international applications', can be changed only by amending these Regulations.

Table 4: Initial digit sequences of non-geographic numbers

Initial digit sequence	Number		
	Before ZAP2	After ZAP2	After ZAP3
070	Undetermined	Higher band numbers	Kept for international applications
071	Mobile cellular numbers		
072			
073			
074			
075	Under serviced area numbers and universal service obligation numbers		
076	Mobile cellular numbers		
077	Undetermined		
078	Mobile cellular numbers		
079	Mobile cellular numbers		
080	Toll free numbers	Toll free numbers	
081	Mobile cellular numbers	Higher band numbers	
082			
083			
084			
085	Under serviced area numbers	Lower band numbers	
086	Inbound numbers		
087	Voice over internet protocol numbers	Higher band numbers	
088	Paging and future numbers	Lower band numbers	
089	Mass calling numbers	Kept for Phase 3	
80	Undetermined	Kept for Phase 3	Toll free numbers
81	Undetermined		
82			
83			
84			
85			
86			
87			
88			
89	Undetermined	Kept for Phase 3	Lower band numbers
90	Undetermined	Premium rate numbers	
91	Undetermined		
92			
93			
94			
95			
96	Undetermined	Higher band numbers	
97	Undetermined	Kept for Phase 3	Higher band numbers
98			
99	Undetermined	Machine originated numbers	

26. SHORT CODES BEGINNING WITH '1'

- (1) After ZAP2 a short code beginning with '1'-
- (a) must not be used for a premium rate service;
 - (b) must not be used for an internal network purpose; and
 - (c) is categorised as a type A short code, a type B short code, a type C short code or a harmonised type C short code according to the entry for its initial digit sequence in Table 5, if that entry is not 'U'.
- (2) A short code beginning with '1' has-
- (a) three (3), four (4), five (5) or six (6) digits if it is a type A short code;
 - (b) four (4) or five (5) digits if it is a type B short code; and
 - (c) three (3), four (4), five (5) or six (6) digits if it is a type C short code.
- (3) In Table 5-
- (a) A signifies one or more type A short codes;
 - (b) B signifies one or more type B short codes;
 - (c) C signifies one or more type C short codes;
 - (d) C* signifies one or more harmonised type C short codes; and
 - (e) U signifies that the short codes are undetermined.
- (4) A short code beginning with '1' is not available for allocation, reservation or release if the entry for its initial digit sequence in Table 5 is 'U'.
- (5) Entries in Table 5, including 'U', can be changed only by amending these Regulations.

Table 5: Types for short codes beginning with '1' after ZAP2

First and second digits of initial digit sequence	Third digit of initial digit sequence									
	0	1	2	3	4	5	6	7	8	9
10	C* (except A for '1020')				U					C*
11	C*		A		C*	A				
12	C*		U	C*				U	C*	
13	B									
14	C*			U	C*	U	C*			
15	C		U	C			U			
16	U									
17	U			C	U (except A for '17737')					
18	B									
19	B									

(6) Table 6 shows short codes beginning with '1' that are protected, that will be withdrawn from all providers on ZAP2, or that might be withdrawn from some providers on ZAP2.

(7) In Table 6-

- (a) an absence of shading and any symbol signifies that the short codes have status 'protected' (and are deemed to be unused) immediately after these Regulations come into force;
- (b) light shading and the symbol 'L' signifies that the short codes are to be withdrawn on ZAP2 from all providers; and
- (c) dark shading and the symbol 'D' signifies that the short codes are to be withdrawn on ZAP2 from those providers that are using them in ways that do not satisfy their usage conditions.

(8) Entries in Table 6 can be changed only by amending these Regulations.

Table 6: Occupancy of short codes beginning with '1'

First and second digits of initial digit sequence	Third digit of initial digit sequence									
	0	1	2	3	4	5	6	7	8	9
10	D	D	D	D				L	L	D
11	D	D	D	L	D			L		L
12	D	D	L	D	D	D	D	L		D
13	L	L		L						
14	D	D	D	L	D	L	D	D	D	D
15			L			D				
16		L	L		L			L		
17	L	L		D				D		L
18									L	
19	L			L	L	L	L			L

27. SHORT CODES BEGINNING WITH '3' OR '4'

- (1) After ZAP 2 a short code beginning with '3' or '4' is categorised as a harmonised type C short code.
- (2) A short code beginning with '3' or '4' has five (5) or six (6) digits.
- (3) Immediately after these Regulations come into force, a short code beginning with '3' or '4' has status 'released'.

28. SUPPLEMENTARY CODES

- (1) After ZAP2 a supplementary code must not be used for a premium rate service.
- (2) Different providers may use a supplementary code for services that are not substantially similar to each other.
- (3) Immediately after these Regulations come into force, a supplementary code has status 'released'.

29. PHASE 2 NUMBER CHANGES

- (1) On ZAP2 the Authority shall withdraw-
 - (a) all national numbers not beginning with '900' that are used for premium rate services;

- (b) all numbers beginning with '086', '087' or '089' that are used for services other than lower band services;
 - (c) all numbers beginning with '0890', '0897' or '0898';
 - (d) all short codes beginning with '1' that are used for premium rate services;
 - (e) all short codes beginning with '1' that are used for internal network purposes;
 - (f) all other short codes beginning with '1' that are used in ways that do not satisfy their usage conditions; and
 - (g) all numbers beginning with '0' and having other than ten (10) digits.
- (2) Before ZAP2 every provider must facilitate these withdrawals by acting according to Regulation 5(3) of these Regulations. When doing so, the provider may apply for numbers appropriate after ZAP2 as substitutes for existing numbers.
- (3) To help with the substitution, if justified by demand, the Authority shall allocate-
- (a) numbers beginning with '900', '901', '902', '903', '904', '905', '906', '907', '908' and '909' in succession;
 - (b) type B short codes beginning with '18', '19' and '13' in succession.
- (4) The Authority may consider the allocation or reservation of higher band numbers beginning with '96' when ZAP3 has been determined.
- (5) The Authority may consider the allocation or reservation of machine originated numbers having thirteen (13) digits and beginning with '99' from a date to be announced by the Authority.
- (6) After ZAP2, numbers beginning with '9' will be dialled both inside and outside the Republic without a '0' before them; for instance-
- (a) 90 0123 4567 inside the Republic and +27 90 0123 4567 outside the Republic (if available);
 - (b) 96 0123 4567 inside the Republic and +27 96 0123 4567 outside the Republic; and
 - (c) 99 012 3456 7890 inside the Republic and +27 99 012 3456 7890 outside the Republic (if available).

30. PHASE 3 NUMBER CHANGES

- (1) On ZAP3 the Authority shall replace-
- (a) geographic numbers beginning with '0' with the corresponding numbers beginning with '6';
 - (b) higher band numbers beginning with '0' with the corresponding numbers beginning with '9';
 - (c) toll free numbers beginning with '080' with the corresponding numbers beginning with '800'; and
 - (d) lower band numbers beginning with '086', '087' or '089' with the corresponding numbers beginning with '898', '897' or '890'.
- (2) Before ZAP3 every provider must facilitate these replacements by acting according to Regulation 21(1) of these Regulations. When doing so, the provider may apply for numbers appropriate after ZAP3 as substitutes for existing numbers.
- (3) After ZAP3, numbers beginning with '6', '9' or '8' will be dialled both inside and outside the Republic without a '0' before them; for instance-
- (a) 6 23 456 7890 inside the Republic and +27 6 23 456 7890 outside the Republic;
 - (b) 97 0123 4567 inside the Republic and +27 97 0123 4567 outside the Republic;
 - (c) 80 0123 4567 inside the Republic and +27 80 0123 4567 outside the Republic (if available); and
 - (d) 81 0123 4567 inside the Republic and +27 81 0123 4567 outside the Republic.

31. CONTRAVENTIONS AND PENALTIES

- (1) A provider who contravenes any of these Regulations is subject to a maximum fine of R 250,000.00 (two hundred and fifty thousand Rand) as imposed by the Authority on the recommendation of the Complaints and Compliance Committee.

32. REVIEW

- (1) The Authority must review, and if appropriate amend, these Regulations annually pursuant to Regulation 17(3) of these Regulations.

33. SHORT TITLE AND COMMENCEMENT

- (1) These Regulations are called the Numbering Plan Regulations, 2010, and will come into force on the date of publication in the Government Gazette.

34. REPEAL OF OTHER REGULATIONS

- (1) The Numbering Plan Regulations, 2006, published in the Government Gazette number 28839 dated 15 May 2006, are hereby repealed.