



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 687

28 September 2022
September

No. 46990



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ISSN 1682-5845



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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**GENERAL NOTICE 1304 OF 2022****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
ACT, 2000 (ACT NO 13 OF 2000)**

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice to prohibit the usage and sale of BAOFENG, Model Number: UV-5R ("the Radio") with Type Approval Certificate Number: TA-2018/870 in the Republic of South Africa until such time the Authority makes a determination on the compliance status of the Radio.
2. This Notice is issued in terms of section 4(3)(d);(f);(g);(l) and (m) of the Independent Communications Authority of South Africa Act, 2000 (Act No 13 of 2000), as amended ("the ICASA Act"), read with to Regulation 13 of the Type Approval Regulations, 2013 ("Type Approval Regulations") published in Government Gazette No 36785 dated 26 August 2013, and section 31 (1);(2) & 32 (1)(a) of the Electronic Communications Act, 2005 (Act No 36 of 2005) as amended.
3. A complaint was received by the Authority regarding the Radio, which is alleged to have continuous tuning capabilities and to be causing radio frequency interference.
4. The Authority conducted preliminary investigations that confirmed that the Radio has continuous tuning capabilities.

5. Radio devices operate in specific radio frequency bands wherein they are allocated frequency channels/slots. Radio frequency bands are shared among various devices which occupy different channels within a given radio frequency band. Measures such as channel spacing and guard bands are used to mitigate against interference and unintended transmissions.
6. Continuous tuning enables a radio device to scan and tune into all the channels of a given frequency band including those that the device is not licensed to occupy, which is in contravention of regulation 35 of the Radio Frequency Spectrum Regulations, 2015 ("the Regulations"), published in Government Gazette No 38641 dated 30 March 2015.
7. The process to operate a two-way radio requires one to obtain a spectrum licence in order to be allocated a specific operating frequency. Thereafter, the operator must get a type approved two-way radio to be programmed by an accredited radio dealer to their allocated frequency.
8. This means that an operator is only allowed to tune their two-way radio to their allocated frequency. The operator is not allowed to scan through all the frequencies in respect of which the two-way radio is type approved, but must only tune to their allocated frequency.
9. In light of the above, all parties, type approval certificate holders, licensees or radio dealers are hereby instructed to seal and/or remove the Radio with immediate effect, and notify the Authority within fourteen (14) working days from the date of publication of this notice in the Government Gazette.
10. All written notifications, responses and other correspondence in terms of this notice must be directed to Mr Bethuel Nkgadime, Licensing Division, at Block B, 350 Witch – Hazel Avenue, Eco Point Office Park,

Eco Park, Centurion **OR** Private Bag X10, Highveld Park, 0169 **OR** by e-mail: BNkgadime@icasa.org.za.



DR CHARLES LEWIS

ACTING CHAIRPERSON

DATE: 20/09/2022

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065