

2.1
TELECOMMUNICATIONS ACT
Regulations **Act No. 103 of 1996**

GOVERNMENT NOTICE

DEPARTMENT OF POSTS AND TELECOMMUNICATIONS

No. R. 2862

28 December 1979

RADIO REGULATIONS

as amended by Government Notice Nos. R.148 of 25 January 1980, R. 2661 of 4 December 1981, R.366 of 26 February 1982, R.855 of 30 April 1982, R.1945 of 10 September 1982, R.181 of 31 January 1986, R.587 of 27 March 1986, R.624 of 4 April 1986, R.2633 of 12 December 1986, R.1145 of 29 May 1987, R.712 of 15 April 1988, R.1349 of 30 June 1989, R.1356 of 22 June 1990, R.1814 of 3 August 1990, R. 1826 of 3 August 1990, R.114 of 25 January 1991, R.115 of 25 January 1991, R.367 of 1 March 1991, R.1666 of 19 July 1991, R.2133 of 31 July 1992, R.3302 of 4 December 1992, R.833 of 14 May 1993, R.1898 of 1 October 1993, R.2412 of 17 December 1993, R.2557 of 31 December 1993, R.334 of 18 February 1994, R.1546 of 9 September 1994, R.2275 of 30 December 1994, R.19 of 6 January 1995, R.62 of 20 January 1995, R.1421 of 22 September 1995, R.1676 of 18 October 1996, R.1991 of 6 December 1996, R.328 of 21 February 1997, R. 676 of 6 May 1997 and R.890 of 27 June 1997.

Under the powers vested in me by section 18 of the Radio Act, 1952 (Act 3 of 1952), I, Hendrik Hanekom Smit, Minister of Posts and Telecommunications, hereby make the Regulations as contained in the undermentioned Schedule. The Regulations are made with the consent of the Administrator General of the Territory of South West Africa and shall also apply in that Territory.

H. H. SMIT, Minister of Posts and Telecommunications.

[**Editor's note:** Section 95 (4) of the Telecommunications Act, 1996 (Act No. 103 of 1996), provides that these regulations which were made under section 18 of the Radio Act, 1952, which Act was repealed by the 1996 Act, and which was in force immediately prior to the commencement of the 1996 Act, shall remain in force until amended or repealed under section 95 of the 1996 Act. When the new regulations are promulgated, the said new regulations will replace these Regulations by means of an update service.]

SCHEDULE

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CHAPTER 1

DEFINITIONS

Any expression to which a meaning is assigned in the Radio Act, 1952 (Act 3 of 1952), or in the Broadcasting Act, 1976 (Act 73 of 1976), has the same meaning in these regulations and, unless the context otherwise indicates-

- (i) *aeronautical station* means a land station in the aeronautical mobile service, which may be on board a ship or vehicle in exceptional cases;
- (ii) *aircraft station* means a mobile station in the aeronautical mobile service on board an aircraft or a spacecraft;
- (iii) *alarm station* means a transmitting station in the land mobile service that is intended to transmit automatic alarm signals to a central position;
- (iv) *amateur* means someone who is interested in the radio technique solely for a private reason and not for financial gain and to whom the Postmaster General has granted an amateur radio station licence;
- (v) *amateur radio station* means a station for a service of self-tuition, intercommunication and technical investigation that is operated by an amateur;
- (vi) *base station* means a land station in the land mobile service for a service with land mobile stations;
- (vii) *carrier wave power* means the average power that is supplied by the transmitter to the antenna transmission line and is measured during one radio-frequency cycle in conditions of no modulation;
- (viiiA) *cellular radio communication service* means a two-way C450 or GSM cellular radio communication service provided by means of radio between cellular stations and/or radio apparatus where the interconnection of stations, where applicable, are affected by means of telecommunication lines as defined in the Post Office Act, No. 44 of 1958, and where a limited number of frequencies is used within each of a number of cells allowing the re-use of the same frequencies in different non-adjacent cells and enabling users to maintain connections by the use of call handover whilst moving between adjacent cells;
- (viii) *citizen-band radio service* means a private, two-way, short-distance speech communication service in the land mobile service for personal and business operations, which

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- may also be used as a paging system;
- (ix) *coast station* means a land station in the sea mobile service;
- (ixA) *decoder*;
- (ixAA) *encoded form*;
- (x) *experimental station* means a station that uses radio waves in experiments for the purpose of developing the science or technique but that is not an amateur radio station;
- (xi) *ignition system* means apparatus that has been assembled in order to supply and conduct electric energy for the ignition of gas or vapour in an internal- combustion engine;
- (xii) *input* means the direct current input (dc input) to the anode of the radio-frequency stage that immediately precedes the antenna;
- (xiii) *inspecting officer* means someone who has been appointed under regulation F8;
- (xiv) *land mobile service* means a mobile radio-communication service between fixed stations and mobile land stations, or between land mobile stations;
- (xv) *licensee* means someone to whom a licence has been issued in terms of section 7 of the Act;
- (xvA) *licence year* in relation to a licence or a certificate, means the period of 12 months of each year from 1 January to 31 December, both dates inclusive;
- (xvi) *mobile station* means a station that is intended to be operated while it is in motion or while it is stationary at an unspecified place;
- (xvii) *paging station* means a receiving station in the land mobile service that is intended to receive selective signals from a central position;
- (xviiA) *paid television broadcasting service* a telecommunication service which transmits television programmes in encoded form for reception by users of television sets in possession of decoders which can be activated or deactivated by that telecommunication service by means of telecommunications;
- (xviii) *peak envelope power* means the average power supplied to the antenna transmission line by a transmitter during one radio-frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal

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operation;

(xviiiA) *pirate decoder*

(xix) *plain language* means words and expressions that make out an intelligible communication whereby all words and expressions have the meaning usually attached to them in the language to which they belong;

(xixA) *private communal radio repeater station service* means a land mobile radio-communication service installed, maintained and operated by a private person over repeater stations that are available for communal use;

(xx) *radio-beacon station* means a station the radiation of which is intended to enable a mobile station to fix its position or obtain its bearing with regard to the radio beacon;

(xxi) *radio-communication* means all telecommunication by means of radiowaves;

(xxiAA) *reception of television programmes for communal use* means the direct reception of television programmes from satellite by means of a private receiver earth station for communal use by various persons on a single piece of land;

(xxiA)

(xxii) *relay or repeater station* means a land station in the land mobile service;

(xxiii) *ship station* means a mobile station in the maritime mobile service that has been erected on board a vessel other than a life-boat and that is not moored permanently;

(xxiiiA).....

(xxiv) *special radio service* means a radio-communication service that is not otherwise defined in these regulations and is operated solely for specified purposes of general benefit but not for public correspondence;

(xxivA) *sound broadcasting service* a broadcasting service destined to be received by a sound radio set;

(xxv) *suppressor* means an object that is designed to reduce the radiation of electromagnetic energy by the apparatus to which it is fitted;

(xxvi) *telecommunication* means every transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or

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other electromagnetic systems;

(xxvii) *the Act* means the Radio Act, 1952 (Act 3 of 1952).
[Chapter 1 amended by G.N.R.148 of 25 January 1980, R.2661 of 4 December 1981, R.2633 of 12 December 1986, R.712 of 15 April 1988, R.1349 of 30 June 1989, R.1826 of 3 August 1990, R.115 of 25 January 1991, R.1666 of 19 July 1991, R.1898 of 1 October 1993, R.2557 of 31 December 1993 and R.334 of 18 February 1994.]

CHAPTER 2

RADIO DEALERS

A1 *Manner of completion and period of retention of registers and records that must be kept in terms of section 12 (2) of the Act*

(1) A radio dealer shall, in respect of all types of radio apparatus that he has sold, hired out, given or supplied in any other manner or has repaired for someone, keep a register in which the following shall be recorded:

- (i) The name and address of the person to whom such radio apparatus was sold, hired out, given or supplied or for whom the repairs were done.
- (ii) The date of the transaction by virtue of which such apparatus was sold, hired out, given or supplied or the date on which the repairs were carried out and the nature of such repairs.
- (iii) A complete description of the type and nature of the radio apparatus involved and, in the case of two-way apparatus, the serial number as well the frequency on which it operates, for example XYZ two-way radio 1358706 on the frequency 83,500 MHz.
- (iv) The number or, where applicable, the call sign and the expiry date of the licence issued to the person to whom such radio apparatus was sold, hired out, given or supplied or for whom the repairs were carried out or the call sign or number and expiry date of the licence, radio dealer's registration certificate or particulars of the permit by virtue of which the person to whom the radio apparatus was supplied or for whom the repairs were carried out was exempted from an obligation to be the holder of an appropriate licence for the possession of such apparatus.

(2) The register referred to in subregulation (1) shall be retained

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by the radio dealer for a period of at least 12 months after the date of the transaction by virtue of which the required records were made.

(3) Extracts from or copies of the register and records therein referred to in subregulation (1) and relating to the sale or hiring-out of sound radio sets and television sets shall be sent to the South African Broadcasting Corporation by the dealer not later than the last day of the month immediately following the month in which this transaction was recorded by virtue of this regulation.

(4) Radio apparatus other than a sound radio set or television set shall not be handed over or returned by the radio dealer to a person or any other radio dealer unless the radio dealer is satisfied that such apparatus is tuned to only that frequency or those frequencies that the licensee may use in terms of the conditions of his licence or that the Postmaster General has otherwise prescribed.

(5) Someone who does business by travelling or going about as representative, agent or employee of someone else or who, as employee of such representative, agent or employee of someone else, sells, hires out, gives or supplies radio apparatus in any other way or who requests, solicits or accepts orders for the sale, hiring-out or supply of radio apparatus shall in his own capacity also be in possession of a radio dealer's registration certificate.

[Regulation A1 amended by G.N.R.2661 of 4 December 1981.]

A2 *Prohibition on certain types of radio apparatus:*

(1) All cordless telephones except those which a radio dealer has been licensed to distribute in terms of the Post Office Act, 1958 (Act No. 44 of 1958), shall belong to a category of radio apparatus contemplated by section 12 of the Radio Act, 1952 (Act No. 3 of 1952).

[Chapter 2 amended by G.N.R.148 of 25 January 1980, R.1945 of 10 September 1982, and regulation A2 (1) inserted by R.1814 of 3 August 1990.]

CHAPTER 3

AMATEUR RADIO STATIONS

B1 Conditions for the issuing of amateur radio station licences

(1) The Postmaster General may, subject to the provisions of section 7 of the Act and these Regulations and on the conditions that are set out in this Chapter, issue a class-A or class-B licence for the use of an amateur radio station.

(2) A class-A licence may be issued to a person who-

- (i) is 12 years or older;
- (ii) can speak Afrikaans or English fluently;
- (iii) has furnished proof acceptable to the Postmaster Master that he can transmit and receive morse code at at least twelve words per minute calculated at five characters per word unless he wishes to use only frequencies of 50 MHz and higher; and
- (iv) is in possession of a certificate of proficiency (amateur radio operator's certificate) issued in terms of section 7 (1) (c) of the Act.

(3) A class-B licence may be issued to a person who-

- (i) is 10 years or older;
- (ii) can speak Afrikaans or English fluently;
- (iii) can furnish proof acceptable to the Postmaster General that he can transmit and receive morse code at at least five words per minute calculated at five characters per word; and
- (iv) is in possession of a certificate of proficiency (amateur radio operator's certificate) issued in terms of section 7 (1) (c) of the Act.

(4) For the purposes of subregulations (2) and (3) "a person" shall mean "a natural person" and shall not include associations, companies or other legal persons: Provided that an amateur radio station licence may be issued to a licensed amateur on behalf a *bona fide* amateur radio association.

[Regulation B1 amended by G.N.R.2661 of 4 December 1981, R.587 of 27 March 1986, R.1356 of 22 June 1990, R.833 of 14 May 1993 and R.62 of 20 January 1995.]

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B2 Use of amateur radio stations

(1) An amateur radio station shall only be used by the holder of the amateur radio station licence issued by the Postmaster General, provided that someone who holds an amateur radio operator certificate issued in terms of section 7 (2) (c) of the Act may be permitted by the holder of an amateur radio station licence to make transmissions over the amateur radio station under the supervision of the licensee on condition that such transmissions shall be in morse code and take place only for short periods for the sole purpose of training.

(2) The holder of an amateur radio station licence may use an amateur radio station other than his own with the permission of the licensee concerned.

(3) An amateur radio listener's licence authorizes the holder thereof to acquire and be in possession of radio apparatus for the reception only of amateur radio signals.

[Subregulation (3) added by G.N.R.1349 of 30 June 1989.]

B3 Communication between amateur radio stations

(1) (a) Except as indicated in subregulation (b), an amateur radio station shall not be used to communicate with any station other than an amateur radio station: Provided that communication may be made with an amateur radio station outside the boundaries of the Republic only if such communication is not prohibited in the country where the station is situated; any such communication shall be restricted to reports on radio experiments and remarks of a personal nature which shall not include messages of business import for which the public telecommunication service would have been used had the amateur radio communications not been available.

(b) Emergency communication between amateur radio stations and with any other station is permissible to prevent loss of life and to render assistance or call for assistance in emergency situations.

(2) Communication by means of an amateur radio station shall be carried on in plain language or in the Q code.

(3) No person shall advertise any goods or services or anything else, or transmit any news or messages on behalf of a third person on an amateur radio station: Provided that the Postmaster General may authorise a licensee to transmit-

(i) reports on behalf of or by a third person during events that are in the judgement of the Postmaster General of public interest;

(ii) information bulletins that are of direct interest to amateurs; and

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(iii) morse code for reception by persons learning morse code operation or for improving their competence in morse.

(4) An amateur radio station shall not be used to transmit or to receive messages for reward nor for communication for monetary consideration.

[Regulation B3 amended by G.N.R.148 of 25 January 1980 and R.1356 of 22 June 1990.]

B4 Log book with regard to amateur radio station activities

Except when operating a station in the VHF and UHF bands, the licensee shall, regarding the activities of the amateur radio station used by him, keep a log book in which shall be accurately recorded-

- (i) the date, time and nature of each transmission. (The date with regard to each individual day's operations need be recorded only once and for the purposes of this paragraph "time of each transmission" shall mean the time that a specific station is called and the time at which the communication with such station is terminated);
- (ii) the full name and address of the person making the transmission, provided that the name of the licensee who regularly uses the amateur radio station need be recorded only once in the log book together with an explicit statement that all transmissions are made by him except where stated otherwise;
- (iii) the call sign of every station, provided that it need not be recorded repeatedly for calls made to the same station during the course of the communication;
- (iv) the power that is used;
- (v) the frequency band that is used, provided that it need be recorded in the log book only once until a change of frequency to another authorised band takes place; and
- (vi) the address from where the transmission takes place, provided that such address need be recorded only once should the place of transmission not change.
[Regulation B4 amended by G.N.R.1945 of 10 September 1982 and R.1349 of 30 June 1989.]

B5A Frequencies for transmissions over amateur radio stations by holders of class-A licences

[Heading substituted by G.N.R.1356 of 22 June 1990.]

(1) Subject to the provisions included in "Remarks" no person shall

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transmit over amateur radio stations at frequencies other than those given below, and furthermore the modes explained in subregulation (2) shall be restricted to the various frequency bands as indicated below:

<i>Frequency list</i>	<i>Mode</i>
(a) 1 810-1 850 kHz	A3E; R3E; J3E; J3F; F3E; G3E; A1A; F1A; F1B
(b) 3 500-3 800 kHz	A3E; R3E; J3E; J3F; F3E; G3E; A1A; F1A; F1B
(c) 7 000-7 100 kHz	A3E; R3E; J3E; J3F; F3E; G3E; A1A; F1A; F1B
(d) 10 100-10 150 kHz	A3E; R3E; J3E; F3E; G3E; A1A; F1A; F1B
(e) 14 000-14 350 kHz	A1A; F1A; F1B
14 100-14 350 kHz	A3E; R3E; J3E; J3E; J3F; F3E; G3E
(f) 18 068-18 168 kHz	A3E; R3E; J3E; J3F; F3E; G3E; A1A; F1A; F1B
(g) 21 000-21 450 kHz	A1A; F1A; F1B
21 100-21 450 kHz	A3E; R3E; J3E; J3F; F3E; G3E
(h) 24 890-24 990 kHz	A3E; R3E; J3E; J3F; F3E; G3E; A1A; F1A; F1B
(i) 28 000-29 700 kHz	N0N; A1A; F1A; F1B
28 100-29 700 kHz	A3E; R3E; J3E; J3F; F3E; G3E
(j) 50-54 MHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F2A; F2B; A3C; F3C
(k) 144-146 MHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; W9E
(l) 430-440 MHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; W9E
(m) 1 240-1 300 MHz	A3E; R3E; J3F; F3F; F3E; G3E; N0N; A1A; F1A; F1B; F2A; F1D; F2B; A3C; F3C; C3F; W9E
(n) 2 300-2 450 MHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E
(o) 5 650-5 850 MHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E

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(p) 10-10,5 GHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E
(q) 24-24,5 GHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F2A; F2B; A3C; F3C; C3F; W9E
(r) 24,05-24,25 GHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E
(s) 47-47,2 GHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E
(t) 75,5-76 GHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E
(u) 76-81 GHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E
(v) 142-144 GHz	A3E; R3E; J3E; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E
(w) 144-149 GHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E
(x) 241-248 GHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E
(y) 248-250 GHz	A3E; R3E; J3E; J3F; F3E; G3E; N0N; A1A; F1A; F1B; F1D; F2A; F2B; A3C; F3C; C3F; W9E

Remarks:

- (i) The bandwidth of F3E and G3E, emission shall be restricted to 10 kHz in bands under 50 MHz.
- (ii) The bandwidth for 625-line television transmissions (C3F) shall not exceed 6 MHz at frequencies above 1 GHz.
- (iii) Bands (b), (d), (l), (m), (n), (o), (p), (r), (u) and (w): These bands are shared with other services and amateur radio stations shall avoid interference to these services.
- (iv) Bands (a) to (j): In these bands the transmitter shall have crystal control or a stability similar to that of crystal control.

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- (v) Band (n): The band 2 400-2 500 is allocated for industrial, scientific and medical purposes. Radio-communication services within these limits shall unconditionally accept interference as a result of the operation of industrial, scientific and medical equipment.
- (vi) Band (o): The band 5 725-5875 is allocated for industrial, scientific and medical purposes. Radio-communication services within these limits shall unconditionally accept interference as a result of the operation of industrial, scientific and medical equipment.
- (vii) The bandwidth shall be restricted to a maximum of 25 kHz in the bands 50-430 MHz.
- (viii) A maximum of 12 channels may be multiplexed and the bandwidth shall not exceed 25 kHz per channel in the bands 430-440 MHz.
- (ix) The bandwidth shall not exceed 10% of the band concerned when operating above 1 GHz.
- (x) Band (1): For digital-repeater interlinking at 9 600 baud the frequencies of 438,650-439,100 MHz may be used.

(2) Explanation of modes indicated in subregulation (1):

<i>Mode</i>	<i>Explanation</i>
A1A	Telegraphy without the use of a modulating audio frequency (by on/off keying) for aural reception.
A3C	Facsimile (with modulation of the main carrier either directly or by a frequency-modulated subcarrier).
A3E	Double sideband, telephony.
C3F	Television by analogue modulation and vestigial-sideband operation.
F1A	Telegraphy for aural reception including RTTY and DATA by means of frequency-shift keying without the use of a modulating audio frequency, one of two frequencies being emitted at any instant.
F1B	Telegraphy including RTTY and DATA by means of frequency-shift keying without the use of a modulating audio frequency, one of two frequencies being emitted at any instant.
F1D	Data transmissions by means of frequency-shift keying without the use of a modulating audio frequency, one of two frequencies being emitted at any instant.

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- F2A Telegraphy for aural reception including RTTY and DATA by the on/off keying of a frequency-modulated emission.
- F2B Telegraphy including RTTY and DATA by the on/off keying of a frequency-modulating audio frequency or by means of the on/off keying of a frequency-modulated emission.
- F3C Facsimile by direct frequency modulation of the carrier.
- F3E Frequency-modulated telephony.
- G3E Phase-modulated telephony.
- J3E Single sideband, suppressed carrier, telephony.
- J3F Single sideband, suppressed carrier, modulated by slow scan television audio frequencies.
- N0N Emission of an unmodulated carrier.
- R3E Single sideband, reduced or variable-level carrier, telephony.

W9E Digital speech multiplexed up to 12 channels.
[Subregulations (1) and (2) substituted by G.N.R.2661 of 4 December 1981 and G.N.R.1945 of 10 September 1982 and amended by G.N.R.1349 of 30 June 1989.]

(3) The transmit apparatus used at an amateur radio station shall under no circumstances or at any time be tuned to a frequency other than that referred to in subregulation (1). The required frequencies shall be selected and maintained such that no appreciable energy shall be radiated at frequencies other than those referred to in subregulation (1), provided that the bandwidth of emissions on bands that have been allocated to amateur radio stations in terms of these regulations shall be restricted to the minimum.

B5B Frequencies and conditions for transmissions over amateur radio stations by holders of class-B licences

(1) Subject to the provisions of subregulations B2, B3 and B4, the following regulations shall apply to all holders of class-B licences as well as the amateur radio stations used by such licensees.

(2) The holder of a class-B licence may, subject to the provisions under "Remarks" below, not transmit at frequencies and modes other than those mentioned below over amateur radio stations; the modes, set out in subregulation B5A (2), are furthermore restricted to the various frequency bands indicated below:

<i>Frequency band</i>	<i>Mode</i>
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(a) 1 810-1850 kHz	A3E; F3E; G3E; J3E; R3E; A1A; F1A; F1B; F1D; F2A; F2B
(b) 3 500-3 800 kHz	A1A; F1A; F1B; F2A; F2B; J3E
(b)(A) 7 000-7 030 kHz	A1A
(c) 10 130-10 140 kHz	A1A; F1A; F1B; F2A; F2B
(d) 21 100-21 149 kHz	A1A; F1A; F1B; F2A; F2B
(e) 28 100-28 190 kHz	A1A; F1A; F1B; F1D; F2A; F2B
(f) 28 225-28 300 kHz	A1A; F1A; F1B; F1D; F2A; F2B
(g) 28 300-28 500 kHz	A3E; F3E; G3E; J3E; R3E; A1A; F1A; F1B; F1D; F2A; F2B
(g)(A) 144-146 MHz	A1A; A3E; F1A; F1B; F1D; F2A; F2B; F3E; G3E; J3E; R3E
(g)(B) 430-440MHz	A1A; A3E; F1A; F1B; F1D; F2A; F2B; F3E; G3E; J3E; R3E
(h) 433-435 MHz	A3E; F3E; G3E; J3E; R3E; A1A; F1A; F1B; F1D; F2A; F2B

Remarks:

- (i) The bandwidth of F3E and G3E emissions shall be restricted to 10 kHz in bands under 50 MHz.
- (ii) Bands (b), (c) and (h) are shared with other services and amateur radio stations shall avoid interference with these services.

(3) Limitations in respect of transmissions by an amateur radio station

(a) The transmit apparatus used at an amateur radio station shall under no circumstances or at any time be tuned to a frequency other than those referred to in subregulation (2). The required frequencies shall be selected and maintained in such a way that no appreciable energy shall be radiated at frequencies other than those mentioned in subregulation (2): Provided that the bandwidth of emissions on bands allocated to amateur radio stations in terms of these regulations shall be restricted to the minimum.

(b) No person may use an amateur radio station for any form of entertainment, including music transmissions, television broadcasts and spread spectrum communication; no person may use a mobile amateur radio station for any purpose.

(c) Class-B emission (damped waves) by an amateur radio station is

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not permissible.

(d) An amateur or experimental radio station shall not be used for the simultaneous retransmission, by automatic or other means, of programmes or signals originating from another radio station: Provided that the holder of an amateur radio station licence or experimental station licence may relay lawful signals by automatic or other means that originate from a licensed amateur or experimental radio station.

(4) Power of amateur radio stations

No person may operate an amateur radio station if-

- (a) the dc input at the input of the final stage immediately preceding the antenna, as measured by means of suitable dc metres in condition of no modulation, exceeds 5 W;
- (b) in the case of single-sideband transmitters, the output radio-frequency peak envelope power exceeds 20 W and linearity is not maintained;
- (c) an adequately filtered direct-current power supply is not used for the transmitting equipment; and
- (d) the coupling between the antenna and the transmitter is such that direct potential at a power-supply frequency dangerous to life exists on the antenna and the antenna system does not comply with the requirements of any other law.

(5) Teleprinter operation

No person shall undertake teleprinter operation in contravention of regulations B7 (2) and B8 (1).

(6) Measuring equipment

No person shall operate an amateur or experimental radio station which is not equipped with frequency-measuring equipment with an accuracy of at least 0,1 per cent.

[Regulation B5B inserted by G.N.R.1356 of 22 June 1990. and amended by G.N.R.833 of 14 May 1993]

B6 Music transmissions

No form of entertainment shall be transmitted from an amateur radio station, provided that music transmissions for experimental purposes shall be permissible on condition that-

- (i) such transmissions shall last no longer than three minutes;
- (ii) at least five minutes shall elapse before any further

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music is transmitted from the same station;

- (iii) when gramophone records or other commercial recordings are used the make, name or title of such recordings shall not be mentioned; and
- (iv) such transmissions shall not take place in bands other than the following:

3 500-3 800 kHz

50- 54 MHz

144- 146 MHz

430- 440 MHz

1 240-1 300 MHz

[Regulation B6 amended by G.N.R.148 of 25 January 1980 and R.587 of 27 March 1986.]

B7 Television transmissions

(1) The Postmaster General may, subject to such conditions as he may in each case lay down, authorise the holder of an amateur radio station licence to transmit television, provided that such approval shall only be granted to the licensee after at least 12 months have elapsed since the date of issue of such licence.

(2) In the case of television transmissions the station call sign shall also be given in hand-speed morse code or radiotelephony at the beginning and end of each transmission and at least once every 15 minutes in the stipulated manner in the case of long transmissions.

B7A Spread-spectrum communications

(1) The Postmaster General may, subject to the condition that interference is not caused to other users of the same frequency band and such other conditions as he may deem necessary, on application, authorize the holder of an amateur radio station licence to employ spread-spectrum communications.

(2) In an application referred to in paragraph (1) the frequencies and the mode to be used shall be furnished.

[Regulation B7A inserted by G.N.R.1349 of 30 June 1989.]

B8 Teleprinter working

(1) Teleprinter operation with call-sign identification in teleprinter code between amateur radio stations is permissible without prior approval of the Postmaster General, provided that the maximum operating speed shall be restricted to 300 baud in the HF bands and to 1200 baud in the VHF and UHF bands.

(2) In the case of any such transmission the call sign

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identification shall be given in teleprinter code at the beginning and end of each transmission and at least once every 15 minutes in the case of long transmissions.

[Regulation B8 amended by G.N.R.587 of 27 March 1986 and R.1349 of 30 June 1989.]

B9 Restrictions with regard to transmissions by an amateur radio station

(1) Subject to the provisions in subregulations (2), (3) and (4) and any other condition of these regulations, the holder of an amateur radio station licence may use any of the modes referred to in regulation B5 (1).

(2) Class B emission (damped waves) by an amateur radio station is not permissible.

(3)

(4) The holder of a restricted amateur radio station licence shall use his station only at frequencies of 50 MHz or higher and shall not communicate with other amateur radio stations operating at frequencies below 50 MHz.

(5) An amateur or experimental radio station shall not be used for the simultaneous retransmission by automatic or other means of programs or signals originating from another radio station, provided that the holder of an amateur radio station licence or experimental station licence may relay legal signals by automatic or other means that originate from a licensed amateur or experimental radio station.

(6) An amateur radio station shall not be erected for use from a public vehicle.

[Regulation B9 amended by G.N.R.148 of 25 January 1980, R.2661 of 4 December 1981, R.1945 of 10 September 1982 and R.1349 of 30 June 1989.]

B10 Power of amateur radio stations

(1) The dc output of amateur radio stations at the input of the final stage immediately preceding the antenna, as measured by means of suitable dc meters in a condition of no modulation, shall not exceed 150 W.

(2) In the case of single-sideband transmitters the output radio-frequency peak envelope power shall be not more than 400 W and linearity shall be maintained.

(3) The holder of an amateur radio station licence shall not use or own equipment that may exceed the restrictions imposed by subregulations (1) and (2) above.

(4) An adequately filtered direct-current power supply shall be used for the transmitting equipment.

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(5) The coupling between the antenna and the transmitter shall be such that no direct potential at a power-supply frequency dangerous to life exists on the antenna.

The antenna system shall furthermore comply with the requirements of the relative local authority.

[Regulation B10 amended by G.N.R.148 of 25 January 1980.]

B11 Frequency-measuring equipment

Every amateur or experimental radio station shall have frequency-measuring equipment with an accuracy of at least 0,1 per cent.

B12 Mobile amateur radio station

(1) An amateur may use a mobile amateur radio station within the boundaries of the Republic. When such a station is used in an amateur radio zone other than that in which the amateur resides the call sign allotted to the main station shall-

- (i) in the case of continuous-wave radiotelegraphy be followed by the group -...-, the letter M and the number of the zone from where the station is operated; and
- (ii) in the case of radiotelephony be followed by the word "mobile", followed by the number of the zone from where the station is operated.

(2) For the application of the provisions of subregulation (1) in respect of zones the different zones of the Republic are indicated in Annexure F to these regulations.

B13 Amateur radio operator certificate

(1) No person shall obtain an amateur radio operator's certificate unless he has passed an examination set by the Postmaster General, on the syllabuses approved by him for class-A and class-B licences.

(2) Any person permitted by the Postmaster General and who is not prohibited by the provisions in paragraphs (i) to (iii) of regulations B1 (2) and B1 (3) from qualifying may sit for the examination on payment of the applicable amount in respect of the certificate referred to in regulation E2 (i).

(3) The examination shall be conducted at least once a year at centres indicated by the Postmaster General.

(4) Amateur radio operator certificates shall be issued to candidates who pass the examination and such certificates are not recognised for any purpose other than the issuing of an amateur radio

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station licence. Subject to the provisions of the Act and these regulations, the possession of such certificate shall not endow the holder with any right or claim to an amateur radio station licence.

(5) The holder of an amateur radio operator certificate whose licence has expired for any reason whatsoever shall comply with the provisions of regulations B1 (2) (iii) and B1 (3) (iii) before an application from him for a new licence will be considered.

(6) (a) The syllabuses for the examination referred to in subregulation (1) are obtainable from the Postmaster General. Three hours shall be allowed for the examination paper consisting of various parts. To pass the examination, a candidate must obtain at least 40 per cent in each of the relevant parts with a total average of 50 per cent.

(b) A candidate who passes either of the parts referred to above and passes the remaining part within three successive attempts, which must commence with the examination immediately after the one in which a candidate was unsuccessful, with a percentage which gives him an average of at least 50 per cent, shall be exempted from writing the whole examination again.

(c)

[Regulation B13 amended by G.N.R.2661 of 4 December 1981, R.1945 of 10 September 1982, R.1349 of 30 June 1989, R.1356 of 22 June 1990 and R.833 of 14 May 1993.]

PARTS I-IV

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[Parts I to IV amended by G.N.R.148 of 25 January 1980, R.1356 of 22 June 1990 and R.833 of 14 May 1993.]

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CHAPTER 4

*ULTRA HIGH FREQUENCY (UHF), VERY HIGH FREQUENCY (VHF),
HIGH FREQUENCY (HF) AND VERY SHORT RANGE BAND (VSRB)
STATIONS IN THE LAND AND MARITIME MOBILE SERVICES*
[Heading substituted by G.N.R.2633 of 12 December 1986.]

C1 UHF, VHF and HF stations

The licensee is obliged to ensure that parasitic emissions, including harmonic radiations and intermodulation products, do not exceed the following limits at any point in the entire frequency range of 100 kHz to 1 000 MHz:

- (1) Below 30 MHz:
 - (a) The mean power output of fixed installations may not exceed 50 mW or 17 dB (mW).
 - (b) The mean power output for hand-held portable units of less than 5 W may not exceed 5 mW or 7 dB (mW).
 - (c) Mobile transmitters may not exceed 200 mW or 23 dB (mW).
- (2) 30-235 MHz:
 - (a) Transmitters with a mean power output exceeding 25 W may not exceed 1 mW or 0 dB (mW).
 - (b) Transmitters with a mean power output of not exceeding 25 W may not exceed μ 25 W or - 16 dB (mW).
- (3) 235-470 MHz:

Transmitters with a mean power output of not exceeding 25 W may not exceed 25 μ W or - 16 dB (mW).
- (4) 30-470 MHz:

Hand-held portable equipment with a mean power output of not exceeding 5 W may not exceed 100 μ W or -10 dB (mW).
[Regulation C1 substituted by G.N.R.1349 of 30 June 1989.]

C1A Frequency-modulated maritime mobile radio-telephone apparatus

The mean power of any spurious emission falling in any other international maritime mobile channel owing to products of modulation shall not exceed 10 μ W and the mean power of any other spurious emission on any discrete frequency within the international maritime

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mobile band shall not exceed 2,5 μ W, but if transmitters with a mean power exceeding 20 W are used, these limits may be increased in proportion to the mean power of the transmitter.

[Regulation C1A inserted by G.N.R.1349 of 30 June 1989.]

C2 *VSRB stations*

Licensees who operate stations on the very short range band (26,965 MHz-27,175 MHz) must ensure that they comply with the following requirements:

- (i) Frequency tolerance: 200 parts in 10^6 .
- (ii) Bandwidth: 6 kHz.
- (iii) Final stage dc input: 100 mW.
- (iv) Maximum length of antenna of transmitter: 1,5 m.
- (v) Spurious emissions, including harmonic radiations and intermodulation products: 50 μ W or - 13 dB (mW) maximum.

Frequencies in the frequency band 26,96 to 27,28 MHz are intended mainly for industrial, scientific and medical purposes. Users of radio-communication services who operate within the limits of these frequencies shall unconditionally accept harmful interferences and the Postmaster General will not investigate such interferences.

[Regulation C2 amended by G.N.R.148 of 25 January 1980 and R.1349 of 30 June 1989.]

C3 *Private communal radio repeater station service*

(1) The Postmaster General may, subject to the provisions of section 7 of the Act, and of these regulations and on the conditions set out in this Chapter, on payment of the prescribed amount issue a licence to a person to operate a private communal radio repeater station service.

(2) Any person who intends to apply to the Postmaster General for the issuing of a licence to operate a private communal radio repeater station service shall-

- (a) himself approach existing licensees in the area of operation referred to in paragraph (b) (i) to obtain suitable frequencies for the purpose of the operation of the private communal radio repeater station service, and the Postmaster General shall consider the assignment of such frequencies or other frequencies in areas where they are readily available;
- (b) furnish the Postmaster General with-
 - (i) a map of the environment indicating the area of

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operation of the communal radio repeater station service;

(ii) particulars of repeater station frequencies allocated to him within the mentioned area of operation as well as to prospective users of the private communal radio repeater service who already hold repeater-station licences, in order to enable the Postmaster General to consider the re-allocation or withdrawal thereof;

(iii) a copy of such licence and the written approval of the licensee concerned for the re-allocation or withdrawal thereof.

(3) No person shall use a trunking system without the approval of the Postmaster General: Provided that such approval will only be considered in cases where multichannel allocations are already in use on the private communal radio repeater station service.

(4) (a) A licence for an additional private communal radio repeater service in a specific area may be issued by the Postmaster General if each of the licensee's existing private communal radio repeater services in the same area (urban and rural) services a minimum of 10 clients and 100 two-way radio stations.

(b) If the licensee's existing private communal radio repeater service(s) does or do not comply with the requirements specified in subregulation (4) (a), a licence may be issued by the Postmaster General if proof of channel occupation to justify the application, is furnished.

C4 Technical requirements for the operation of a private communal radio repeater station service

(1) Subject to the provisions of the Act and of these Regulations no person shall operate or use a private communal radio repeater station service unless-

(a) tone signalling is built into all stations in the system: Provided that if the CTCSS signalling method (continuous-tone coded squelch system) is not used, some other method of automatic tone control shall be used to ensure that contact with the repeater station is maintained at the end of each message in order to enable the recipient of the message to reply;

(b) each station is equipped with a 2-minute forced repeater-release facility: Provided that the forced release shall not be exclusively dependent on the discontinuance of the carrier;

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- (c) the private communal radio repeater has a facility to prevent any user group from re-engaging it within 1 minute of completing a call;
- (d) all transceivers have a built-in facility to prevent the transmission of a carrier while the private communal radio repeater is being used by other clients and by means of which it can be ascertained whether the system is engaged; and
- (e) the transmitter power is as follows:
 - (i) VHF midband-base/mobile 30 watt RF/30 watt ERP
VHF midband-repeater 50 watt RF/100 watt ERP
 - (ii) VHF high band-base/mobile 30 watt RF/30 watt ERP
VHF high band-repeater 30 watt RF/100 watt ERP
 - (iii) UHF band-base/mobile 5 watt RF/20 watt ERP
UHF band-repeater 15 watt RF/60 watt ERP

C5 Licensee's responsibility to keep a register of users communal radio repeater station service

(1) (a) The licensee of a private communal radio repeater station service shall keep a register of each user connected by the service, reflecting the user's name as well as the address of the base station: Provided that the name and address of the user himself is required in cases where a base station is not used.

(b) A copy of the register referred to in subregulation (a) shall be made available to the Postmaster General on his request and shall, if an application is made for a licence for an additional private communal radio repeater station in a specific area, accompany such application in confirmation, as prescribed in regulation C3 (4) (a), of the clients and stations served by an existing system in that area.

(2) (a) At the end of each month the licensee shall send a copy of the register referred to in subregulation (1) by certified post to the Postmaster General (3C16), Private Bag X74, Pretoria, 0001, to reach him not later than the 14th day of the next month.

(b) On the copy referred to in paragraph (a) the additional users connected to the system during the previous month must be clearly identified.

(c) Particulars must be provided separately in respect of those persons who cancelled the use of the service during the course of the

month to which the copy relates.

[Chapter 4 amended by G.N.R.148 of 25 January 1980, R.2633 of 12 December 1986 and R.833 of 14 May 1993.]

CHAPTER 4A

RADIO TRUNKING SERVICE

Definitions

1. In this chapter, unless the context otherwise indicates-

"fixed dispatch station" means a station of a user of a radio trunking system which is situated at a fixed address and which is not designed or adapted for use while in movement;

"local radio trunking service" means a radio trunking service provided by means of a local radio trunking system;

"local radio trunking system" means a radio trunking system consisting of a single base station and which provides communication within a limited area in non-urban areas and, under particular circumstances as prescribed by the Postmaster General, in urban areas;

"national radio trunking service" means a radio trunking service provided by means of a national radio trunking system;

"national radio trunking system" means a radio trunking system consisting of various connected regional radio trunking systems expanded along national main road routes and in which could be included local radio trunking systems, in such a manner that communication can take place between the stations of a user over the total national coverage area of the national radio trunking system;

"network operator" means a person authorized to construct, operate and maintain a national radio trunking system or a regional radio trunking system;

"radio trunking" means a technique by means of which free channels out of a group of radio frequency channels allocated to a base station are automatically made available for the establishment of a connection between the stations of a user;

"radio trunking service" means a radio communication service provided by means of a radio communication system;

"radio trunking system" means a radio communication system-

- (i) which utilises radio trunking,
- (ii) which does not hand over calls between cells, and

(iii) of which the primary purpose is not coupling with the public switched telephone network;

"regional radio trunking system" means a radio trunking system consisting of various base stations at multiple sites, which base stations are connected by means of a nodal switch in such a manner that it functions as an integrated system to provide service over the total relevant geographical area inside an urban complex, as determined by the Postmaster General;

"regional radio trunking service" means a radio trunking service provided by means of a regional radio trunking system;

"service provider" means a person who, in agreement with the licensee of a national radio trunking system or a regional radio trunking system, provides airtime or airtime together with radio apparatus to the users of such a system.

Conditions applicable to applications for licences and the construction of radio trunking systems

2. (1) The Postmaster General may-

- (a) on application and against the provision of a performance bond to him, authorise a person to construct a national radio trunking system, a regional radio trunking system or a local radio trunking system; and
- (b) subject to the conditions of regulation 3 (1), issue to such a person a licence to operate and maintain such a system.

(2) The total amount of the performance bond referred to in subregulation (1) shall, in respect of a particular authority, be the amount of R2 000 multiplied by the number of radio frequency channels which is indicated in the relevant authority.

(3) An application for an authorisation shall be accompanied by a Schedule of Construction which, apart from any additional particulars which may be required by the Postmaster General, shall indicate the particulars in respect of-

- (a) the geographical area, or areas, which will be served; and
- (b) the addresses, geographical co-ordinates and number of channels required in respect of each base station which the applicant proposes to erect initially and in the future and the proposed month and date of commissioning, in respect of the proposed radio trunking system.

(4) Any departure from the particulars contained in the Schedule of Construction shall be fully motivated and shall be subject to prior written approval by the Postmaster General.

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(5) An applicant shall provide the performance bond referred to in subregulation (2) within fourteen days after his application has been approved, after which the relevant authority may be issued to him.

(6) The initial construction periods within which radio trunking systems shall be constructed and, subject to regulation 3 (1), put into operation, are-

- (a) twenty-four months in the case of a national radio trunking system or a regional radio trunking system; and
- (b) eighteen months in the case of a local radio trunking system.

(7) The periods referred to in subregulation (6) shall commence on the date mentioned in the authority.

(8) If a radio trunking system is fully commissioned within the initial construction period with the number of assigned channels and in accordance with the Schedule of Construction, the performance bond provided in favour of the Postmaster General shall be cancelled.

(9) The following extended construction periods may be granted, subject to the provisions of subregulation (10), if a radio trunking system is not completed within the initial construction period-

- (a) twelve months for a national radio trunking system or a regional radio trunking system; and
- (b) six months for a local radio trunking system.

(10) A portion of the performance bond is immediately payable as follows to the Postmaster General for each period of a month, or a portion thereof, with which the initial construction period is exceeded until, subject to subregulation (14), a radio trunking system is completed-

- (a) one twelfth of the amount calculated in terms of subregulation (2) in the case of a national radio trunking system or a regional trunking system; and
- (b) one sixth of the amount calculated in terms of subregulation (2) in the case of a local radio trunking system.

(11) The balance of the performance bond not paid to the Postmaster General in terms of subregulation (10) shall be cancelled if a radio trunking system is fully commissioned within the extended construction period with the number of assigned channels and in accordance with the Schedule of Construction.

(12) The total performance bond or the balance thereof, as the case may be, shall be payable to the Postmaster General immediately during

the initial and the extended construction periods-

- (a) if an authority or licence is cancelled on the request of an authorised person or a licensee or as a result of any action by him; or
- (b) if the Postmaster General is requested to transfer an authority or a licence to another person; or
- (c) as a result of a transgression of the Act or the violation of any special condition of an authority or a licence; or
- (d) in the event of the liquidation or the dissolution of an authorised person or a licensee.

(13) If the initial construction period expires without the commissioning of a complete radio trunking system the Postmaster General may issue to another person, who shall have no connection with the unsuccessful person, an authority for the construction and a licence for the commissioning of a radio trunking system in the same area.

(14) If the extended construction period expires without a radio trunking system having been fully commissioned, any authority or licence issued to the unsuccessful person shall be cancelled.

Inspection of radio trunking system, licence fees and periods of validity of licences

3. (1) A radio trunking system or portion thereof shall not provide communication service to any person unless such a system or portion thereof has been inspected by the Postmaster General, approved by him and a licence for the operation of a such a system has been issued.

(2) The licence fee for a radio trunking system is payable as from the date on which the system or any portion thereof is commissioned, or as from the date on which the initial construction period, as determined in regulation 2 (6), expires, whichever date occurs first.

(3) The licence fee for radio trunking services are prescribed by item 5.5 of Chapter 6.

(4) Licence fees are payable annually in advance on the date which is determined by the Postmaster General and no portion thereof is refundable for whatever reason.

(5) Written notification of at least 30 (thirty) days shall be given by the Postmaster General to a licensee of the licence fee payable on each anniversary of a licence and payment must be made within 30 days from the date of the notification.

(6) Provided the licence fee has been paid and unless a licence is cancelled earlier, it shall remain valid-

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- (i) for fifteen years for a national radio trunking system;
- (ii) ten years for a regional radio trunking system; and
- (iii) five years for a local radio trunking system.

(7) When a validity period referred to in subregulation (8) has expired, application can be made for the renewal of the licence mentioned therein.

[Regulation 3 amended by G.N.R.1676 of 18 October 1996.]

General conditions for the operation of a radio trunking system

4. (1) No one shall, with regard to the operation of a radio trunking system or the provision of such service do anything which is contrary to the provisions of the Post Office Act, 1958 (Act No. 44 of 1958).

(2) Except as determined by subregulation (5) a licensee shall, with regard to any client, employ a radio trunking system only to convey messages between the stations of such client.

(3) Messages implied by subregulation (2) shall be conveyed between different radio trunking systems of the licensee only by means of telecommunications lines of the telecommunications company defined in the Post Office Act, 1958.

(4) The interconnection of radio trunking systems of different licensees is not permitted.

(5) The Postmaster General may, on the undermentioned conditions and such other conditions as he may deem necessary, grant approval for the interconnection of the licensee's radio trunking system with the public switched telephone network in order to permit limited communication for essential purposes between users of the licensee's system and users of the public switched telephone network:

- (a) In the case of a regional system the interconnection shall be made at the nodal switching unit in that region.
- (b) In the case of a national system the interconnection shall be made at the nodal switching unit in each regional component of the national system.
- (c) Any communication between a mobile station served by the licensee's system and a destination on the public switched telephone network shall only take place over the interconnection serving the area in which the mobile station is situated.
- (d) The apparatus intended for such interconnection shall be licensed in terms of section 78 of the Post Office Act,

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1958, and proof thereof shall be furnished to the Postmaster General.

- (e) The licensee shall regularly monitor the performance of the radio trunking system and ensure that-
 - (i) the interconnection of his system with the public switched telephone network is at most an ancillary feature of the service provided by the licensee;
 - (ii) a communication originated in the public switched telephone network and then carried by the licensee's system, is not again rerouted to the public switched telephone network; and
 - (iii) information, as may be required, is provided to the Postmaster General about-
 - (a) the total traffic,
 - (b) the traffic in respect of different clients, and
 - (c) the traffic over the interconnection with the public switched telephone network.

(6) A person authorised to construct a radio trunking system or a licensee-

- (a) shall not verbally or otherwise convey to any person that the Postmaster General recommends the use of his radio trunking system above that of another radio trunking system, but may disclose that he has been authorised by the Postmaster General to construct a radio trunking system or is licensed to operate and maintain such a system, as the case may be, and may advertise such service;
- (b) shall not provide radio communication service to a client or allow access from another radio trunking system if such service or such access is or would be in contravention of the provisions of section 78 of the Post Office Act, 1958, the Regulations or the conditions of a licence;
- (c) shall not, in his capacity as a network operator, provide airtime or radio apparatus directly to the users of his own radio trunking system, but shall utilise for this purpose service providers, who shall not be the same legal person as the licensee and who are in his opinion sufficiently qualified to provide only airtime on the relevant radio trunking system or airtime and radio apparatus to the users thereof. A network operator shall-
 - (i) conclude a written service contract with a service

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provider; and

- (ii) lodge a copy of such a service contract with the Postmaster General;
- (d) shall inform the Postmaster General and provide him with particulars about-
 - (i) any proposals for changes to a radio trunking system or to any apparatus comprised therein; and
 - (ii) any new service or facilities being contemplated for incorporation in a radio trunking system;
- (e) shall keep complete records of-
 - (i) service providers, where applicable;
 - (ii) the type and number of stations which make use of the radio trunking system; and
 - (iii) the grade of service on the installed radio frequency channels;and shall assist the Postmaster General to obtain information about the names and addresses of users of a radio trunking system;
- (f) shall be responsible for complying with any property right requirements that may be applicable to any apparatus, signalling protocols, facilities or any service comprised in a radio trunking system;
- (g) or any member of his group shall not, in respect of the provision of any aspect of the radio trunking service, show any undue preference for or exercise any discrimination against any service provider or client by subsidising the following:
 - (i) The manufacturing of radio communication apparatus for connection to a radio trunking system;
 - (ii) the provision of radio communication apparatus on a radio trunking system consisting of the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement of such apparatus which is or will be comprised in any radio communication system which is or will be authorised to use a radio trunking system;
 - (iii) the provision of any service which is provided in whole or in part by means of a radio trunking system; and

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(iv) the conveyance of messages by means of a radio trunking system;

and shall, where such practices take place, take such steps as the Postmaster General may direct to rectify the situation;

(h) shall record, and declare upon request to the Postmaster General, any transfer of apparatus, material or goods between him and service providers, or between him and radio dealers at full cost in his accounting records.

(7) Service providers are, in terms of the service contract implied by regulation 4 (6) (c), responsible to network operators for the proper conduct of business in connection with the provision of radio trunking service to users.

(8) Anyone who provides radio apparatus in connection with a radio trunking system shall be in possession of a valid radio dealers' registration certificate and shall, if he is not a service provider, provide radio apparatus to users of a radio trunking system only through a service provider.

Conditions for the establishment and operation of base stations

5. (1) Base stations of a radio trunking system shall, in order to transmit and receive messages between mobile and fixed dispatch stations, be constructed strictly in accordance with the following characteristics as contained in the columns in the Schedule of Operation of, as the case may be, the relevant authority or licence-

column 1 -base station sites;

column 2 -type of apparatus;

column 3 -assigned radio frequency channels;

column 4 -transmit and receive modes;

column 5 -maximum power which shall not be exceeded by the effective radiated power;

column 6 -type of antenna;

column 7 -maximum antenna height;

column 8 -antenna pattern.

(2) A base station shall only be used to convey messages by means of-

(a) radio between mobile stations and between such stations

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and fixed dispatch stations within the coverage area of that base station; and

- (b) subject to regulation G11, a telecommunications line of the tele-communications company, as defined in the Post Office Act, 1958, to any other base station or the nodal switching unit of the licensee's system.

(3) All radio apparatus, including the mobile and fixed dispatch stations, shall comply with the British MPT 1327 and MPT 1343 and associated specifications as adapted by the South African Bureau of Standards for the frequency bands 254,0-259,4 megahertz and 262,0-267,4 megahertz. Acceptable proof of such compliance must be provided to the Postmaster General before a radio trunking system is taken into service.

(4) The facility of system roaming shall be provided in order to enable any person authorised to use a specific radio trunking system to transmit, subject to subregulation (2), messages upon demand via another radio trunking system.

Non-compliance with licence conditions

6. (1) If a transgression of the provisions of the Act, the Regulations or any special conditions under which an authority or a licence has been issued, is committed, the Postmaster General shall give written notice of such transgression to the authorised person or the licensee, as the case may be, who shall comply with the request contained in the notification within a period of 60 days, or such other period as the Postmaster General may determine.

(2) Written confirmation of compliance with the notification shall be supplied to the Postmaster General within the period determined.

(3) Subject to the provisions of section 14 of the Act an authority or a licence shall be suspended or cancelled if an authorised person or a licensee-

- (a) requests in writing that an authority or a licence be suspended or cancelled; or
- (b) cannot pay the licence fee which is due within the periods allowed; or
- (c) applies for voluntary liquidation or dissolution; or
- (d) is placed under provisional or final liquidation.

(4) The Postmaster General may, if a transgression of the provisions of the Act, the Regulations or any special condition of an authority or a licence persists, make such arrangements as he may deem necessary to ensure that a radio trunking system is

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operated in accordance with the provisions of the Act, the Regulations, or such special conditions and in the interests of the users of a system.

(5) If, in the opinion of the Postmaster General, an acceptable grade of service, with reference to specification MPT 1318, is not rendered by a radio trunking system, the Postmaster-General may, at his discretion-

- (i) reduce the channels assigned to a licensee; or
- (ii) require that the number of channels be increased if free channels are available for assignment; or
- (iii) order that connection with the public switched telephone network be decreased or ceased.

[Chapter 4A inserted by G.N.R.2412 of 17 December 1993.]

CHAPTER 5

CITIZEN-BAND RADIO SERVICE

D1 Licences for the operation of a citizen-band radio station

(1) On payment of the prescribed amount the Postmaster General may issue a licence for the operation of a citizen-band radio station to any person provided that in the case of a natural person a licence is not issued, unless such person is at least 18 years of age.

(2) A licence issued in terms of subregulation (1) confers on the licensee the right to use a citizen-band radio station from his car or other vehicle or vessel or home or from any fixed point.

(3) The following persons may also be permitted by the licensee to use his citizen-band radio station on the authority of the licence issued to him:

- (i) A member of the licensee's household who resides with him.
- (ii) Any of the licensee's employees, provided the communications concern the business of the licensee only.
- (iii) Every partner or employee of a partnership that is a licensee; provided the communications concern the business of the partnership only.
- (iv) Every member of an association and employee of an association that is a licensee; provided the

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communications concern the business of the association only.

- (v) Every official, director or employee of a company that is a licensee provided the communications concern the business of the company only.
- (vi) Anybody else, provided the specific permission of the Postmaster General has been obtained.

N.B.-In cases (ii) to (v) communication between fixed points for business purposes is prohibited.

D2 Frequencies for transmitting over the citizen-band radio-service

(1) No person may transmit in the citizen-band on any frequency other than the following:

<i>Channel</i>	<i>Frequency (MHz)</i>
19	27,185
20	27,205
21	27,215 Emergency channel [see subregulation (2)]
22	27,225
23	27,255
24	27,235
25	27,245
26	27,265
27	27,275

(2) Although any channel may be used for emergency communications or for assistance to travellers, channel 21 may not be used for purposes other than emergency communications or travellers' assistance.

(3) All channels are for the common use of all licensees and no channel will be reserved for the private or exclusive use of any particular station or group of stations, nor for single sideband or AM reception or transmission.

(4) Frequencies in the frequency band 26,96 to 27,28 MHz are intended primarily for industrial, scientific and medical purposes. Users of the citizen-band radio service who work within the limits of this frequency band shall unconditionally accept harmful interference from these sources and the Postmaster General will not investigate complaints about such interference.

D3 Communication between citizen-band radio stations

(1) Citizen-band radio stations may only be used to communicate with other licensed citizen-band radio stations. Reception of as well as transmission to foreign radio stations and radio stations not

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licensed in the citizen-band radio service is prohibited.

(2) Except in the case of paging when one-way communication is permissible, communication in the citizen-band radio service must be by means of two-way conversations in plain language or in the 10 code.

(3) No person shall use the citizen-band radio service to-

- (i) transmit material intended for direct or indirect transmission over a broadcasting station;
- (ii) advertise any goods, services or public campaign or canvass votes for a political candidate;
- (iii) communicate for business purposes between fixed points; or
- (iv) operate the system in such a way as to cause interference to any other radio station.

(4) No licensee or any other person may accept remuneration for the transmission or reception of messages over the citizen-band radio service.

(5) Users of the citizen-band radio service shall be obliged to give priority to emergency communications at all times.

(6) Communication between citizen-band stations must be as brief as practicable and must not exceed five continuous minutes except in the case of an emergency. All stations that participated in such communication shall not transmit again for at least one minute.

D4 Use of a handle, station indicator or other special identification

A handle, station indicator or other special identification may be used in addition to, but not instead of the call sign allocated to the station by the Postmaster General. Similarly, the phonetic alphabet may be used as an aid to identification.

D5 Modification/adjustment of citizen-band radio apparatus

No person shall effect any modification or adjustment to an approved citizen-band radio apparatus without the express approval of the Postmaster General. All repairs or approved adjustments shall be made by or under the direct supervision of a registered radio dealer.

D6 Technical requirements that citizen-band radio apparatus must satisfy

(1) Citizen-band radio apparatus shall satisfy the following technical requirements:

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Power.-4W (carrier wave power) AM.

12W (peak envelope power) SSB.

Emission.-A3 or A3J.

Bandwidth.-6 kHz.

Channel spacing.-10 kHz.

Frequency tolerance.-±1,5 kHz.

Antenna.- Unity gain (with reference to a quarter-wave ground-plane antenna).

Spurious radiation, including harmonic emissions and intermodulation products:

- (i) For fixed and mobile transmitters with an output of 4 W-attenuation at least 30 dB below the mean power of the fundamental frequency.
- (ii) For portable radio transmitters of 4 W-attenuation at least 30 dB.

(2) No person shall connect or use a linear or additional radio-frequency amplifier to a citizen-band radio station. For the purposes of this regulation, it will be assumed that a linear or additional amplifier has been used if-

it is in the possession or on the premises of the user; and /or

there is proof that the citizen-band radio station has been operated with more than the permissible power.

[Chapter 5 amended by G.N.R.148 of 25 January 1980.]

CHAPTER 5A

EARTH STATION FOR PRIVATE SATELLITE RECEPTION

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[Chapter 5A inserted by G.N.R.115 of 25 January 1991 and amended by R.2133 of 31 July 1992 and repealed by R.2557 of 31 December 1993.]

CHAPTER 6

LICENCE AND EXAMINATION FEES

Subject to the provisions of the Act and of these regulations, the Postmaster General may issue, against the payment of fees as indicated hereunder, licences and certificates for the use of radio-communication and for conducting examinations.

E1 Licence fees

Type of radio-communication service	Prescribed fees per year but subject to regulation E1.1 R
1. AMATEUR RADIO	
(i) All classes of licences	27,00
(ii) Beacon	48,00
(iii) Change of call sign on request	27,00
(iv) Guest or special event licence	27,00
(v) Listener	27,00
(vi) Repeater station including radio link	48,00
(vii) Digipeater/Bulletin Board	48,00
(viii) Experimental station for weather satellite reception and retransmission	27,00
2. AERONAUTICAL	
(i) Aircraft station	48,00
(ii) Beacon	48,00
(iii) Ground station	48,00
(iv) Relay station	48,00
(v) Radio Link	48,00
3. LAND MOBILE SERVICE	
3.1 Alarm station (see also item 5.1 for alarm systems)	18,00
3.2 Base station:	
(i) Citizen band	33,00
(ii) Civil Defence/Marnet	
(a) Station without private frequency	33,00
(b) Station with private frequency(cies)	42,00
(iii) 27/29 MHz frequency band	33,00
(a) Station with one frequency channel	42,00
(b) Station with more than one frequency channel (including station for use at sea and inland waters)	
(iv) Other:	42,00
(a) Station with one single frequency channel	48,00
(b) Station with more than one single frequency channel	48,00
(c) Station with one or more double frequency channels	
(d) High frequency band:	48,00
(i) First base station	906,00
(ii) Each additional base station	48,00
(iii) Civil Defence station	
3.3 Experimental station	27,00
3.4 Load management station (see also item 5.2)	1,20

Type of radio-communication service	Prescribed fees per year but subject to regulation E1.1 R
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3.5 Mobile two-way stations	
(i) Citizen band	33,00
(ii) Civil Defence/Marnet:	
(a) Station without private frequency	33,00
(b) Station with private frequency/cies	42,00
(iii) (a) 26/27 MHz frequency band with apparatus not exceeding 100 mW	27,00
(b) Station in the ultra high frequency band for on-site communication and apparatus that does not exceed 2 watts	27,00
(iv) 27/29 MHz:	33,00
(a) Station with one frequency channel	
(b) Station with more than one frequency channel (including station for use at sea and inland waters)	42,00
(v) Other:	42,00
(a) Station with one single frequency channel	48,00
(b) Station with more than one single frequency channel	48,00
(c) Station with one or more double frequency channels	
(d) High frequency band:	906,00
(i) Per station	48,00
(ii) Civil Defence station	
3.6 Paging station which is used in a system other than that indicated under item 5.4:	
(i) One-way	18,00
(ii) Two-way	42,00
3.7 Relay station:	
(i) Station with one single frequency channel	42,00
(ii) Station with more than one single frequency channel	48,00
(iii) Station with double frequency channel	48,00
3.8 Repeater station (see item 5.6)	48,00
3.9 Special radio service: Per licence	30,00
3.10 Telemetry station	18,00
3.11 Licence fees payable by the South African National Defence Force, South African Police Services, Telkom SA Ltd and Transnet Ltd:	
Per MHz frequency spectrum	1 540,00

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Type of radio-communication service	Prescribed fees per year but subject to regulation E1.1 R
3.12 Radio link station:	
(i) Single frequency link below 1 000MHz (per control and/or interconnect point)	42,00 48,00
(ii) Double frequency link below 1 000MHz (per control and/or interconnect point)	770,00
(iii) Radio link above 1 000MHz: per MHz calculated on the assigned bandwidth per frequency (per control and/or interconnect point)	48,00
4. MARITIME	
4.1 Beacon	48,00
4.2 Coast station:	
(i) Non-commercial	2 028,00
(ii) Commercial:	4 008,00
(a) In the medium and high frequency bands; per base station with-	5 988,00
1 to 5 mobile stations	7 968,00
6 to 10 mobile stations	9 948,00
11 to 15 mobile stations	1 238,00
16 to 20 mobile stations	2 424,00
21 and more mobile stations	3 612,00
(b) In the very high frequency band: per base station with-	4 800,00
1 to 5 mobile stations	5 988,00
6 to 10 mobile stations	48,00
11 to 15 mobile stations	
16 to 20 mobile stations	
21 and more mobile stations	
4.3 Ship station: Maritime frequency band	
4.4 Ships operating on land mobile frequencies [See items 3.2(iii)(b) and 3.5(iv)(b)]	
5. RADIO-COMMUNICATION SYSTEMS	
5.1 Alarm:	4 320,00
(i) Urban complexes (Durban and Pietermaritzburg, Cape Peninsula and surroundings, the greater Johannesburg, Pretoria and Vereeniging areas):	1 800,00
Per control room and per frequency channel: Minimum licence fee as for 240 alarm stations	
(ii) All other areas:	
Per control room and per frequency channel: Minimum licence fee as for 100 alarm stations	
(iii) Extensions: Minimum licence fee as for 20 alarm stations	

Type of radio-communication service	Prescribed fees
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	per year but subject to regulation E1.1 R
5.2 Load management: minimum licence fee as for 200 load management stations	240,00
5.3 Message handling (two-way)	
(i) Urban complexes (Durban and Pietermaritzburg, Cape Peninsula and surroundings, the greater Johannesburg, Pretoria and Vereeniging areas):	
(a) Per single frequency channel: Minimum licence fee as for 80 two-way mobile stations	3 360,00
(b) Per double frequency channel: Minimum licence fee as for 80 two-way mobile stations	3 840,00
(ii) All other areas:	
(a) Per single frequency channel: Minimum licence fee as for 40 two-way mobile stations	1 680,00
(b) Per double frequency channel: Minimum licence fee as for 40 two-way mobile stations	1 920,00
(iii) Extensions: Minimum licence fee as for 10 two-way mobile stations, single or double frequency, whichever licence fee is applicable.	
5.4 Paging (one-way):	
(i) Urban complexes (Durban and Pietermaritzburg, Cape Peninsula and surroundings, the greater Johannesburg, Pretoria and Vereeniging areas):	4 320, 00
Per control room and per frequency channel: Minimum licence fee as for 240 one-way paging stations	1 800,00
(ii) All other areas:	
Per control room and per frequency channel: Minimum licence fee as for 100 one-way paging stations	
(iii) Extensions: Minimum licence fee as for 20 one-way paging stations.	48,00
5.5 Radio trunking:	3 840,00
All areas:	
(a) For a maximum of one control channel per base station	
(b) For each additional double frequency channel or if only one channel is used at a base station	
5.6 Repeater (communal and private):	3 840,00
(i) Urban complexes (Durban and Pietermaritzburg, Cape Peninsula and surroundings, the greater Johannesburg, Pretoria and Vereeniging areas): Minimum licence fee as for 80 two-way stations	1 920,00
(ii) All other areas: Minimum licence fee as for 40 two-way stations	
(iii) Extensions: Minimum licence fee as for 10 two-way stations	

Type of radio-communication service	Prescribed fees
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	per year but subject to regulation E1.1 R
<p>5.7 For any stations used in the radio-communications system indicated under item 5 and which differ from those on which the minimum licence fee is based, the applicable prescribed licence fee is payable in addition to the minimum licence fee for the relevant system.</p> <p>5.8 Cellular radio-communication service</p> <p>(i) C450</p> <p>Annual all inclusive licence fee payable annually in advance on 1 June:</p> <p>(ii) GSM</p> <p>(a) Basic fee</p> <p>(b) Additional fee per 200 kHz frequency pair</p> <p>(c) A further annual licence fee of 5% of the nett operational income of the licensee</p> <p>(d) Plus additional fees payable as follows:</p> <p>(i) On date of issue of licence</p> <p>(ii) On 1 June 1994</p> <p>(iii) On 1 June 1995</p> <p>(iv) On 1 June 1996</p> <p>(v) On 1 June 1997</p> <p>(vi) On 1 June 1998</p> <p>(vii) Ensuing years</p> <p>5.9 The Postmaster General may subject to an appropriation made by a Post Office Appropriation Act in respect of a specific financial year and to the extent provided for in the Post Office Appropriation Act, in respect of all moneys or any part thereof collected in terms of regulation 5.8(ii)(c) and paid into the Post Office Fund transfer such moneys to the State Revenue Fund.</p> <p>5.10 Wireless data telecommunication services:</p> <p>Wireless data extensions to the Public Switched Data Network (PSDN):</p> <p>(a) Telecommunication fee payable on date of issue of the telecommunications licence</p> <p>(b) Annual licence fee of 1% of the nett operational income of the licensee</p> <p>(c) Per assigned national 12,5 kHz frequency pair</p> <p>5.11 "Pub games" radio systems: Per licence irrespective of the number of the systems in operation</p> <p>5.12 Broadcasting band subcarrier system: Per frequency of subcarrier used</p> <p>5.13 Video conference system</p>	<p>1 300 000,00</p> <p>5 000 000,00</p> <p>20 000,00</p> <p>10 000 000,00</p> <p>10 000 000,00</p> <p>22 310 000,00</p> <p>24 900 000,00</p> <p>27 780 000,00</p> <p>30 990 000,00</p> <p>None</p> <p>500 000,00</p> <p>25 000,00</p> <p>5 000,00</p> <p>8 000,00</p> <p>50 000,00</p>
Type of radio-communication service	Prescribed fees per year but subject to regulation E1.1 R

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5.14 Microwave Multipoint Distribution Systems (MMDS)	50 000,00
5.15 Wide Area Network (entire system)	5 000,00
5.16 Digital European Cordless Tele-communication (DECT) Cordless telephone system: Per megahertz frequency system.	1 540,00
5.17 Wireless Local Loop (WLL) (entire system)	10 000,00
5.18 Mobile data telecommunication services	
(i) National mobile data telecommunications network	
(a) Telecommunications fee payable	
○ on date of issue of the telecommunications licence; or	1 500 000,00
○ on date of issue of the telecommunications licence, plus	500 000,00
○ on the first anniversary of the Commercial Date	632 500,00
○ on the second anniversary of the Commercial Date	739 500,00
(b) Annual income related licence fee of:	
○ 0,2% of Turnover into the first two financial years	25 000,00
○ 2% of Turnover for the remainder of the licence period	
(c) Annually per first assignment of a specific 12,5 kHz frequency pair within the RSA	
6. SATELLITE	
6.1 Inmarsat:	396,00
(i) Land mobile service:	396,00
(a) A terminal	168,00
(b) B terminal	396,00
(c) C terminal	396,00
(d) M terminal	396,00
(ii) Maritime:	168,00
(a) A terminal	396,00
(b) B terminal	396,00
(c) C terminal	168,00
(d) M terminal	396,00

[Item 5.18 added by G.N. R.890 of 27 June 1997.]

Type of radio-communication service	Prescribed fees per year but subject to regulation E1.1 R
6.2 Up link broadcasting signal distribution fixed satellite earth station	50 000,00
	50 000,00

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6.3 Mobile of fixed satellite news gathering station	
7. MISCELLANEOUS	
(i) Computer print-out per licence/certificate	18,00
(ii) Duplicate per licence/certificate	18,00
(iii) New licence where the name and/or title of the licence change	24,00
(iv) Radio dealer's registration certificate	33,00
(v) Take over of a radio-communication system: Applicable prescribed licence fee for the relevant radio-communication service	
(vi) Temporary licence: Applicable prescribed licence fee as for a minimum period of one year.	

E1.1 The licence fees shown against item 1 (iii) and 1 (iv) and item 7 [except 7 (iv) and (v)] are payable per occasion. Fees payable in respect of licences and certificates issued during the licence year shall be calculated as follows:

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(1) If a licence or certificate referred to in regulation E1 is issued during the licence year the fees payable shall, subject to subregulation (2) be-

- (a) in respect of a licence or certificate issued in the first month of a licence year- the full prescribed fee;
- (b) in respect of a licence or certificate issued in the second month of a licence year- eleven twelfths of the prescribed fee;
- (c) in respect of a licence or certificate issued in the third month of a licence year- ten twelfths of the prescribed fee;
- (d) in respect of a licence or certificate issued in the fourth month of a licence year- nine twelfths of the prescribed fee;
- (e) in respect of a licence or certificate issued in the fifth month of a licence year- eight twelfths of the prescribed fee;
- (f) in respect of a licence or certificate issued in the sixth month of a licence year- seven twelfths of the prescribed fee;
- (g) in respect of a licence or certificate issued in the seventh month of a licence year- six twelfths of the prescribed fee;
- (h) in respect of a licence or certificate issued in the eighth month of a licence year- five twelfths of the prescribed fee;
- (i) in respect of a licence or certificate issued in the ninth month of a licence year- four twelfths of the prescribed fee;
- (j) in respect of a licence or certificate issued in the tenth, eleventh or twelfth month of a licence year- three twelfths of the prescribed fees plus the prescribed fee for the ensuing year.

(2) If the amount of a fee calculated in accordance with subregulation (1) amounts to a fraction of a cent, that fraction shall be rounded off to a full cent.

E2 Examination and certificate fees

The fees below are payable with a view to sitting for the examination indicated or to acquire the certificate shown.

Certificate, purpose for which it is required and examination fee

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unless otherwise stated:

- | | R |
|---|-------|
| (i) Issue of Amateur Radio Operator's Certificate; prerequisite for Amateur Radio Station Licence | 30,00 |
| (ii) General Operator's Certificate (Maritime): Performing duties on a ship subject to the requirements of the Global Maritime Distress and Safety System: Issue of certificate | 30,00 |
| (iii) Restricted Radiotelephone Operator's Certificate (Maritime): Operation of a radiotelephone installation on a ship, provided that- | |
| (a) the carrier-wave power of the transmitter does not exceed 50W; or | |
| (b) the operation of the transmitter requires only the use of simple external switching devices, any manual tuning of the elements determining the frequency is excluded, and the stability of the frequencies is maintained within the prescribed tolerance limits by the transmitter itself, the peak envelope power of which does not exceed 1,5kW | |
| Issue of certificate | 30,00 |
| Per repeated subject | 18,00 |
| (iv) Restricted Operator's Certificate (Maritime): Performing duties on a ship subject to the requirements of the Global Maritime Distress and Safety System: Issue of certificate | 30,00 |
| (v) General Certificate of Competency in Radio-telephony (Aeronautical): Operation of a radiotelephone installation on board any aircraft: Issue of certificate | 30,00 |
| (vi) Restricted Radiotelephone Operator's Certificate (Aeronautical): Operation of a radiotelephone installation on board an aircraft by the | |

holder of at least a private pilot licence: Issue of certificate 30,00

(vii) Authority to operate Radio Apparatus; authorizing the holder of any certificate of competence to operate radio apparatus in accordance with the provisions of such certificate: Issue of certificate 30,00

(viii) Duplicate: Replacement of any of the above-mentioned documents 30,
[Regulations E1 and E2 amended by G.N.R.148 of 25 January 1980, G.N.R.181 of 31 January 1986, R.624 of 4 April 1986, R.1145 of 29 May 1987, R.1349 of 30 June 1989, R.115 of 25 January 1991, R.367 of 1 March 1991, R.3302 of 4 December 1992, R.1898 of 1 October 1993, R.1546 of 9 September 1994, R.2275 of 30 December 1994, R.19 of 6 January 1995, R.62 of 20 January 1995, and Chapter 6 substituted by G.N.R.1676 of 18 October 1996 as corrected by G.N.R.1991 of 6 December 1996.]

CHAPTER 7

INTERFERENCE

F1 Prohibition against manufacture, import, sale, hiring out, installation or use of certain apparatus

No person shall manufacture, import, sell, hire out, install or use an apparatus that generates and radiates electromagnetic energy that exceeds the limits prescribed in respect of the said apparatus in Annexure A to these regulations.

F2 Prohibition against import for sale or manufacture for sale of certain apparatus

No person shall import for sale or manufacture for sale apparatus other than the apparatus described in paragraphs 3 (a) (v) and (c) of Annexure A to these regulations unless such apparatus corresponds, with regard to electromagnetic-radiation properties, with a model of such apparatus in respect of which a certificate was issued by the Postmaster General in the form set out in Annexure B to these regulations.

F3 Application for certificate

(1) A person who wishes to apply for a certificate referred to in regulation F2 shall submit an application to the Postmaster General in the form referred to in Annexure C to these regulations.

(2) A model of the apparatus that is the subject of an application referred to in subregulation (1) shall be furnished to the Postmaster General together with the said application or, if it is not

practicable thus to furnish the said apparatus, the application shall state the place where the said model may be examined.

[Regulation F3 amended by G.N.R.148 of 25 January 1980.]

F4 Prohibition against import, sale or hiring out of certain internal-combustion engines

No person shall sell or hire out or import for, sale or manufacture for sale an internal-combustion engine with an ignition system (regardless of whether such internal-combustion engine forms part of a vehicle, vessel or any device) unless such ignition system is fitted with the suppressors referred to in Annexure D to these regulations.

F5 Prohibition against use of certain ignition systems

(1) No person shall use an ignition system that forms part of an internal-combustion engine unless such ignition system is fitted with the suppressors referred to in Annexure D to these regulations.

(2) In the implementation of a provision of an ordinance of a province regarding the roadworthiness of vehicles or a provision of any regulation promulgated in terms of such ordinance, a motor vehicle shall be regarded as unroadworthy if an apparatus not complying with the requirements of these regulations is installed, mounted or connected in, on or to it.

F6 Prohibition against import, manufacture, sale, hiring out and installation of certain receivers

.....

[Regulation F6 deleted by G.N.R.587 of 17 March 1986.]

F7 Prohibition against the modification of certain apparatus

No person shall modify an apparatus complying with the provisions of these regulations in such a way that the said apparatus no longer complies with such provisions.

F8 Appointment of investigating officers

(1) The Postmaster General may appoint a person who in his opinion possesses the necessary knowledge and competence to examine apparatus or models thereof and to determine whether such apparatus or models thereof comply with the provisions of these regulations.

(2) The Postmaster General shall issue to a person appointed in

terms of subregulation (1) an authority stating the fact that such person was thus appointed.

[Regulation F8 amended by G.N.R.855 of 30 April 1982.]

F9 Fees payable for examination of model of apparatus

(1) For the examination of a model of apparatus with a view to issuing the certificate referred to in regulation F2 the examination fees prescribed in subregulation (2) shall be paid to the investigating officer appointed for that purpose in terms of regulation F8.

(2) The sum of the examination fees that are payable in terms of subregulation (1) shall be an amount equal to the amount representing the actual expenditure in respect of material, labour, transport and other costs incurred in connection with the examination plus a surcharge of 33_ per cent calculated on the total of that expenditure.

[Regulation F9 replaced by G.N.R.855 of 30 April 1982.]

F10 Investigating officers may enter certain premises and examine and remove certain apparatus

(1) An investigating officer may-

- (i) at any reasonable time enter premises in or on which an apparatus not complying with the provisions of these regulations is on reasonable grounds suspected to be; and
- (ii) examine an apparatus that on reasonable grounds is suspected to be an apparatus referred to in paragraph (i).

(2) The person in charge of premises or apparatus referred to in subregulation (1) shall, at the request of an investigating officer, allow such investigating officer access to such premises or apparatus.

(3) An investigating officer wishing to enter premises referred to in subregulation (1) or to examine an apparatus referred to in that subregulation shall, if requested to do so by the person in charge of such premises or apparatus (as the case may be), produce the authority issued to him in terms of regulation F8.

(4) If an investigating officer has reasonable grounds to suspect that an apparatus does not comply with the provisions of these regulations and if, in the opinion of such investigating officer, it is not feasible to examine such apparatus in or on the premises where he found it, he may remove the said apparatus to a place equipped with the facilities required for the examination of such apparatus.

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(5) An apparatus removed in terms of subregulation (4) shall, on completion of the examination be returned to the person in whose charge the apparatus was at the time of its removal.

CHAPTER 7A

PIRATE VIEWING

.....
[Chapter 7A inserted by G.N.R.1826 of 3 August 1990, amended by R.114 of 25 January 1991 and deleted by R.1666 of 19 July 1991.]

CHAPTER 7B

SOUND BROADCASTING SERVICES

F1B Technical conditions

(1) The Postmaster General determines the frequency for a sound broadcasting service and the use of such a frequency shall be for the duration of the sound broadcasting licence only. The Postmaster General may change the frequency at any time if for technical reasons or the prevention of interference it is necessary. Such a frequency change will be for the account of the licensee. The licensee will at all times fully co-operate with the Postmaster General in this regard.

(2) The licensee shall comply with the prescribed power output, antenna height and antenna polarisation, horizontal beam, frequency stability and other technical requirements.

(3) The operation of the station for a sound broadcasting service shall not cause interference to any other radio stations or telecommunication lines.

F2B Duration of licence for a sound broadcasting service and broadcasting time

(1) The licence for a sound broadcasting service will be of a temporary nature and will expire two days prior to the Independent Broadcasting Authority Act, 1993, coming fully into operation, or two days prior to the Authority declaring itself in a position to issue broadcasting licences, whichever event occurs first. Furthermore, as a condition of the licence, in the national interest and in particular to maintain the authority of the Independent Broadcasting Authority, the Postmaster General shall have the right to suspend or withdraw the temporary sound broadcasting licence at any time in terms of section 14 of the Radio Act, 1952.

(2) The licensee acquires no established right for the issuing of a

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broadcasting licence as a matter of course as provided for in section 46 (2) of the Independent Broadcasting Authority Act, 1993. The licensee will therefore have to submit a new application timeously for consideration by the Authority.

(3) A maximum broadcasting time of 14 hours per day calculated as an average over a week of seven days is applicable.

F3B Licence fee

(1) A single amount of R1 000,00 is payable per licence for a sound broadcasting service, provided that in the case of a licence for a sound broadcasting service for a specific event of less than 14 days a single amount of R250,00 is payable.

F4B General

(1) The licensee shall appoint a responsible person/persons to act as authorised representative(s) on his behalf. Particulars of such nomination shall be provided in writing to the Postmaster General.

(2) A broadcasting station shall switch on for public transmissions not later than six weeks after the issuing of the licence.

(3) A transgression of any of the prescribed conditions, can besides any other sanctions in terms of the provisions of the Radio Act, 1952, result in the suspension or withdrawal of the temporary broadcasting licence in terms of section 14 of the said Act and the assignment of the frequency to the next applicant.
[Chapter 7B inserted by G.N.R.334 of 18 February 1994.]

CHAPTER 8

MISCELLANEOUS PROVISIONS

G1 Allocation and display of call sign

The Postmaster General allocates a call sign to a radio station. Such call sign shall be conspicuously displayed on the relative radio set by the licensee and the call sign must be transmitted at least once during each separate transmission.

G2 Radio apparatus must satisfy the Postmaster General's requirements

Radio apparatus shall satisfy the Postmaster General's requirements at all times and may not be capable of being tuned to frequencies other than those laid down for use by licensees by the Postmaster General in these regulations or separately. The Postmaster General may allocate frequencies on a shared basis and co-users of them must make mutual arrangements for the satisfactory utilisation of the facility.

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G3 Postmaster General may require certain modifications to a station

A licensee shall be obliged to effect at his own cost any modification to his radio-communication system that the Postmaster General has indicated and the Postmaster General shall by no means be liable to the licensee or any other person for any damage or loss arising from such modifications.

G4 Interference, condition of station and compliance with requirements of Postmaster General and local authority

(1) The licensee shall be obliged to maintain all radio apparatus at a station technically in a good condition and to ensure at all times that it satisfies the requirements of the Postmaster General and does not cause interference with the reception and transmissions of other radio users or telecommunication lines.

(2) The antenna system shall comply with the requirements of the relevant local authority.

[Regulation G4 substituted by G.N.R.1349 of 30 June 1989.]

G5 Indecent language and fraudulent transmissions over stations prohibited

No person shall transmit insulting, improper, obscene, blasphemous or threatening language over the radio apparatus. Communications shall be concise and limited to essentials and no music or entertainment of any nature shall be transmitted. Similarly no sounds or effects for entertainment or for the purpose of drawing attention shall be transmitted.

G6 Use of station for any purpose other than that of licence prohibited

(1) No person shall use radio apparatus for a purpose other than that for which the licence was issued and neither shall radio apparatus be used in circumstances where ordinary telephone facilities can serve the purpose.

(2) No licensee shall make transmissions from a place outside the area for which he is licensed.

G7 Use of station restricted to licensee or someone in his employ or under his control

Except where provided to the contrary in these regulations only the licensee or someone in his employ or under his control, may operate the station in respect of which the relative licence was issued.

G8 Distress signal

No person shall transmit without sound reason the distress signal (i.e. "..... ---..." in radio telegraphy and the word "MAYDAY" in

radio telephony).

G9 Licence not transferable and must be returned on expiry/suspension

(1) Except with the approval of the Postmaster General no person to whom a licence was issued in terms of the Act or these regulations shall transfer such licence, powers or authority granted to him to any other person or surrender it in any other way in favour of someone else.

(2) A licence issued in terms of the Act and these regulations shall, on expiry or suspension, be returned to the Postmaster General within 14 days of such expiry date or date of suspension.

G10 Period of validity of licence

(1) Unless a licence issued in terms of the Act and these regulations was previously suspended by the Postmaster General in terms of section 14 of the Act, or unless the provisions of the licence provides otherwise, it shall remain valid until 31 December of the year in which it was issued, and thereafter on payment of the prescribed annual licence fee until 31 December of each succeeding year: Provided that a broadcasting licence issued in terms of the saving clause of section 7 (1) of the Radio Act, 1952, to a person other than the South African Broadcasting Corporation shall be valid for 20 years.

(2) Fees in respect of existing licences shall be paid before or on 31 January.

[Regulation G10 amended by G.N.R.2661 of 4 December 1981, R. 181 of 31 January 1986, R.2275 of 30 December 1994 and R.19 of 6 January 1995.]

G10A Amendments of conditions of licences

The Postmaster General may at any time if he deems it necessary, either prior to or subsequent to the commencement of this regulation, amend or revoke any condition with reference to a licence issued by him and prescribed in terms of section 7 (1) of the Radio Act (Act 3 of 1952).

[Regulation G10A inserted by G.N.R.712 of 15 April 1988.]

G11 Radio-communication between two or more fixed points and connection with public telephone system prohibited

Except with the approval of the Postmaster General and subject to these regulations, no person shall-

- (i) Operate radio-communication between two or more fixed points;
- (ii) connect radio apparatus in any way whatsoever to the public telephone system; and

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- (iii) transfer to another place radio apparatus in respect of which authority was granted for installation at a particular place.

G12 Tests

The licensee of a station may carry out the routine tests that are necessary for the proper maintenance of his station.

G13 Change of address

Every licensee who changes his address shall advise the Postmaster General of the new address of his station within 14 days of the change.

G14 Radio receiving apparatus with continuous tuning

No person shall use or have in his possession any radio receiving apparatus with continuous tuning that can be tuned to bands above 30 MHz other than the international broadcasting and amateur bands except where the Postmaster General's prior approval was obtained.
[Regulation G14 replaced by G.N.R.1945 of 10 September 1982.]

G15 Control over maintenance of radio apparatus

.....
[Regulation G15 deleted by G.N.R.2133 of 31 July 1992.]

G16 Operation of station on board ship while it is in harbour

(1) The master of a ship shall ensure that the radio installation on board is not used for radio-communication while the ship is berthed or anchored in a harbour in the Republic, except for the purposes of type F3 transmissions in the VHF maritime mobile band to communicate with-

- (i) the nearest coast station in the Republic that is open for public correspondence;
- (ii) the port operations service; and
- (iii) a vessel on its way to the harbour or berth provided the communication is limited to navigational safety.

(2) The restriction contained in subregulation (1) shall not apply to the apparatus used on board ships for establishing communication via any satellite of the INMARSAT organization.
[Regulation G16 substituted by G.N.R.1349 of 30 June 1989.]

G16A Issue of a broadcasting licence in relation to paid television broadcasting service

The Postmaster General may issue a broadcasting licence to any

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person to establish, maintain and operate a television service for the purpose of providing, for reception by the general public, a paid television broadcasting service, and an additional restricted television broadcasting service the restrictions of which are mentioned in the licence.

[Regulation G16A inserted by G.N.R.712 of 15 April 1988.]

G17 Recognition of licences/certificates issued by other countries

Notwithstanding provisions to the contrary in these regulations the Postmaster General may issue a licence or certificate as required by section 7 of the Act to a person who, in the opinion of the Postmaster General, possesses a similar licence or certificate issued by another country despite the fact that such person does not satisfy specific other requirements stipulated by these regulations for the acquisition of the licence or certificate.

G18 Repeal of previous radio regulations

The Radio Regulations promulgated by Government Notice R. 611, dated 29 April 1960, as amended, are hereby repealed.

G19 Date of commencement

These regulations shall commence on 1 January 1980.

CHAPTER 9

**CONTROL OF RADIO ACTIVITIES FOR THE IMPLEMENTATION OF
ACCELERATED MIGRATION WITHIN ALL FREQUENCY BANDS**

1. In this chapter:

"control of radio activities" means the power or authority to direct, order, limit, manage or regulate all activities in connection with or regarding electromagnetic waves of frequencies lower than 3 000 GHz propagated in space, including, but not limited to-

- (a) the internationally accepted principles of managing the radio spectrum as embodied in the radio regulations of the International Telecommunications Union (hereinafter referred to as "ITU") embodying the use of a table of frequency allocations (also referred to as a "band plan"), in conjunction with various schemes to effect changes to the table of frequency allocations from time to time (also referred to as "migration strategies") contained, *inter alia*, in resolutions of ITU World Radio Conferences which form part of the ITU radio regulations, to ensure controlled, ordered and efficient use of the radio spectrum;
- (b) the revised South African Frequency Allocation Plan (hereinafter referred to as the "Band Plan"), concerning electromagnetic waves of certain frequencies below 3 000 GHz, and the revised band planning for the frequency spectrum from 3,4 GHz to 3,6 GHz, both published in Government Gazette No. 17983, Notice 759 of 1997, dated 6 May 1997, and used for national management of the radio spectrum;
- (c) the revised Migration Strategy to Implement the Band Plan (hereinafter referred to as the "Migration Strategy") concerning electromagnetic waves of certain frequencies below 3 000 GHz, and a new migration strategy for the frequency spectrum from 3,4 GHz to 3,6 GHz, both published in Government Gazette No. 17983, Notice 759 of 1997, dated 6 May 1997, and used for national management of the radio spectrum;
- (d) the management of frequencies for the form of telecommunications channels using electromagnetic waves of frequencies below 3 000 GHz, including, but not limited to, such telecommunications channels as those being implemented between a local exchange in the Public Switched Telephone Network (hereinafter referred to as the "PSTN") and an item of customer

premises equipment (hereinafter referred to as "Wireless Local Loop"), which provides interconnectivity for purposes of basic telecommunications services;

- (e) the management of frequencies for fixed services that pertain to the provision of backbone for the delivery of Wireless Local Loop.

"Effective Date" means the date in which the licence issued to Telkom S.A. Limited (hereinafter referred to as "Telkom") in terms of section 36 of the Telecommunications Act, 1996 (Act No. 103 of 1996) was issued by the Minister.

Start date of migration

2. (1) Where the Migration Strategy indicates the start date of migration of 1 January 1997, this regulation will apply only from the date of publication of this Chapter and this date will be regarded as the start of migration (hereinafter referred to as the "Migration Start Date").

(2) In all other cases where the Migration Strategy indicates a start date of migration beyond the date of publication of this Chapter, the Migration Start Date shall be defined as the start date of migration as indicated in the Migration Strategy.

Facilitation of migration earlier than the time-scales indicated in the Migration Strategy by the the Director-General

3. (1) If during the Exclusivity Period (as defined in the licence issued to Telkom in terms of section 36 of the Telecommunications Act, 1996), Telkom requires frequencies prior to the end of the period specified in the Migration Strategy for migration to occur (hereinafter referred to as the "Migration Strategy End Date"), Telkom may request the licensee using any such frequencies to accelerate migration in accordance with the principles and procedures set out in this regulation.

(2) The following principles shall apply to migration occurring as contemplated in subregulation (1):

- (a) Subject to regulation 2 with regard to Migration Start Date, the time-scales stipulated by Telkom and the Migration Strategy will form the basis of the procedures set out in this regulation.
- (b) The maximum amount for which Telkom as the incoming licensee shall be liable, in connection with spectrum pertaining specifically to Wireless Local Loop and fixed services that pertain to the provision of backbone for the delivery of Wireless Local Loop, is a value calculated in

Rands equal to US \$25 million at the prevailing rate of exchange at the time of payment, in the aggregate for all such spectrum, in accordance with the procedures set out in subregulation (3) for accelerated migration.

- (c) In connection with spectrum not specifically pertaining to Wireless Local Loop or fixed services that pertain to the provision of backbone for the delivery of Wireless Local Loop, Telkom shall provide the outgoing licensee with an indemnity, to be negotiated in good faith between Telkom and such outgoing licensee, for such outgoing licensee's costs of migration. Such indemnity shall be limited to costs necessarily and directly incurred by such outgoing licensee in order to effect migration by the time or times agreed with Telkom and, for the avoidance of doubt, shall not include additional expenses incurred as a result of such outgoing licensee upgrading or otherwise modifying its equipment.

(3) The following procedures shall be utilized in order to facilitate the accelerated time-scales in such cases required by the Director-General following a request by Telkom as contemplated in subregulation (1):

- (a) Outgoing licensees adhering to the shortened time-scales as agreed with Telkom shall be charged license fees determined from time to time by the Minister in terms of the Act at preferential rates in the spectrum to which they migrate for a period equal to the period from the date of accelerated migration up to the Migration Strategy End Date.
- (b) If migration is not completed by the date agreed with Telkom, but is nonetheless completed before the Migration Strategy End Date, preferential rates shall be determined from time to time by the Minister in terms of the Act.
- (c) At all times the Director-General shall facilitate good faith negotiations with the aim of completing migration-
 - (i) in Wireless Local Loop bands and fixed services bands pertaining to the provision of backbone for the delivery of Wireless Local Loop, as soon as may be practicable but in any event within a period of six months of the Effective Date or such later date as Telkom may request; and
 - (ii) in all other bands, as soon as may be practicable but in any event no later than such date as Telkom may reasonable request.
- (d) If the outgoing licensee migrates on or before the date agreed with Telkom, Telkom shall compensate the outgoing licensee for fifty per cent of the costs necessarily and

directly incurred by an outgoing licensee in order to effect migration;

- (e) If the outgoing licensee migrates after the date agreed with Telkom, but on or before the Migration Strategy End Date, the contribution to be paid by Telkom shall be reduced *pro rata* from twenty five per cent to zero from the date agreed with Telkom to the Migration Strategy End Date;
- (f) If migration is not completed within the period agreed with Telkom, the Director-General shall increase the spectrum fee charged per annum to the outgoing licensee and at the same time give written notice to the outgoing licensee of his or her intention to enforce completion of migration from the date specified pursuant to paragraph (c).
- (g) Such increased fees shall be determined from time to time by the Minister in terms of the Act.
- (h) If, six months after the date specified in terms of paragraph (c), the outgoing licensee has not yet migrated, the Director-General shall promptly enforce completion of migration to the maximum extent permitted under applicable law.
- (i) Notwithstanding the foregoing, if Telkom is required to compensation an outgoing licensee in accordance with this subregulation and, in bearing such costs, Telkom becomes liable for payment in excess of the maximum amount indicated in subregulation (2) (b), the outgoing licensee shall be fully liable for the remainder of its own migration cost.

[Chapter 9 inserted by G.N. R.328 of 21 February 1997 and substituted by G.N. R.676 of 6 May 1997.]

ANNEXURE A

LIMITS OF INTERFERENCE

A1. For the purpose of these limits-

- (a) **"power-distributed system"** shall mean any system for conveying electrical energy from one place to another;
- (b) **"interference voltage at the terminals"** shall mean the interference voltage measured at the point where the apparatus is connected to the power-distribution system. Limits for the interference voltage at the terminals only apply where the declared mains voltage is not higher than 750V between conductors or not higher than 375V between one conductor and earth.

A2. *Limits of interference:*

Table 1 shows the limits of interference that shall not be exceeded for the classes of apparatus and systems listed in paragraph A3.

A3. *Classification of equipment:*

- (a) (i) Equipment not covered by classes below;
- (ii) portable tools incorporating electric motors;
 - (1) rated mains power up to and including 700W;
 - (2) rated mains power above 700W up to and including 1 000W;
 - (3) rated mains power above 1000W up to and including 2 000W;
- (iii) household and similar appliances;
- (iv) regulating controls incorporating semiconductor devices;
- (v) electrical traction systems:
 - (1) trolley buses, tramways;
 - (2) other traction systems;
- (vi) equipment not connected to a power-distribution system (e.g. battery-operated equipment);

- (b) gas-discharged lamps, neon signs and filament lamps;
- (c)
 - (i) power-distribution systems having a declared voltage between conductors not higher than 750V or a declared voltage between any one conductor and earth not higher than 375V;
 - (ii) power-distribution systems having a declared voltage between conductors higher than 750V but not exceeding 15 000V or a declared voltage between any one conductor and earth higher than 375V but not exceeding 15 000V;
 - (iii) power-distribution systems having a declared voltage between conductors or between any one conductor and earth exceeding 15 000V;
- (d) ignition systems;
- (e) industrial, scientific and medical apparatus:
 - (i) Frequency bands that are not subject to control;
 - (ii) measured on a test site;
 - (iii) not measured on a test site;
 - (iv) radio-frequency glueing and heating equipment;
- (f) television and radio receivers:
 - (i) local-oscillator radiation from very high frequency (VHF) frequency-modulation receivers for broadcast reception in the band 87,5 to 108 MHz;
 - (ii) local-oscillator radiation and voltage on antenna terminals of receivers for television reception in the band 174 to 1 000 MHz;
 - (iii) time-base voltage on mains terminals of receivers for television reception in the band 174 to 1 000 MHz;
 - (iv) local-oscillator radiation from all receivers not covered by (f) (i) or (f) (ii);
- (g) information technology equipment (ITE):
 - (i) Class A equipment:

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Class A equipment is information technology equipment which satisfies the class A interference limits but not the class B limits. It is the supplier's responsibility to ensure that prior to sale the customer is aware that such equipment is not suitable for use in residential or domestic environments. Such information shall be clearly displayed on either the article or its container.

(ii) Class B equipment:

Class B equipment is ITE which satisfies the class B interference limits and as such is certified for use in all normal environments.

- A4. Classes (a), (b), (c), (e) and (f) referred to in A3, with the exception of (a) (v) and (a) (vi), apply to equipment designed for connection at its terminals to a distribution system having a declared voltage between conductors not higher than 750V or a declared voltage between any one conductor and earth not higher than 375V.

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TABLE 1

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TABLE 1 (continue)

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TABLE 1 (continue)

[Annexure A amended by G.N.R.148 of 25 January 1980, R.2661 of 4 December 1981 and substituted by R.587 of 27 March 1986.]

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TABLE 2

LIMITS OF NOISE VOLTAGE AT MAINS TERMINALS IN THE RANGE
150 TO 200 kHz FOR DOMESTIC APPLIANCES

<i>Type of appliance</i>	<i>Limit</i>
All appliances not listed below	2 000 x C μ V
Warming plates, cooking ovens, deep-fat fryers, space heaters, forced air heaters, convectors, refrigerators, immersion heaters, boilers, instantaneous water heaters, waffle irons, kettles, coffee percolators, milk boilers, sterilizers, warming pads, blankets, bed warmers, separate thermostats for control of room temperatures (such as water heaters and oil burners), irons, frying pans, stewing pans, automatic toasters, cooking ranges with automatic plates	3 160 x C μ V

TABLE 3

Factor f values for various appliances

<i>Type of appliance</i>	<i>Factor f</i>
All appliances not listed below	1
Stoves	0,5
Appliances with more than one cooking plate controlled by thermostates or energy regulators	0,5
Refrigerators	0,5
Irons	0,66

[Table 3 amended by G.N.R.148 of 25 January 1980.]

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ANNEXURE B

REPUBLIC OF SOUTH AFRICA
THE SOUTH AFRICAN POST OFFICE

CERTIFICATE OF COMPLIANCE WITH THE RADIO REGULATIONS
(Regulation F2)

This is to certify that the apparatus described below has, in terms of regulation F3 of the Radio Regulations that were promulgated under section 18 (10 (e) of the Radio Act, 1952 (Act 3 of 1952), been produced for examination and that, after examination, the apparatus was found to meet the applicable provisions of the said regulations.

Certificate number

Date of issue

Description of apparatus

Issued to

Address

Country of manufacture or assembly

Manufacturer's name

Trade name of apparatus

Model identification of apparatus

Postmaster General

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ANNEXURE C

APPLICATION FOR CERTIFICATE
(Regulation F3)

I, (a)

(b)

a company registered under the Companies Act, 1973 (Act 61 of 1973), intend to * manufacture for sale/import for sale the apparatus described below. I hereby apply in terms of regulation F3 of the regulations promulgated under the Radio Act, 1952 (Act 3 of 1952) for the issue to *me/the above-mentioned company of a certificate as mentioned in regulation F2 of the said regulations.

Description of apparatus

*A sample of the above-mentioned apparatus is offered for examination with this application./A sample of the above-mentioned apparatus is not offered with this application but may be examined at†

*Signature of applicant/
person authorised by company

Date

- (a) Insert the full names of natural person if application is made by natural person.
- (b) Insert the name of the company if the application is made on behalf of a company.

* Delete whichever is not applicable.

† Give full particulars of the location where the apparatus may be examined.

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ANNEXURE D

For the purposes of the Annexure the letters and figures in the left-hand column represent the class of suppressor mentioned in the column on the right against the relative or figure.

<i>Letter or figure</i>	<i>Class of suppressor</i>
1	Spark-plug suppressor.
2	Shielded spark-plug suppressor.
3	Suppressed spark-plug or resistor spark-plug.
4	Resistive cable.
5	Reactive cable.
A	Distributor cap with built-in centre resistor (resistor brush) or with plug-in resistor.
B	Rotor with resistor.
C	Distributor cap with built-in centre resistor (resistor brush) or with plug-in resistor and resistors in the distribution outlets or in the cables near the distribution cap.
D	Distributor cap with a resistor in the rotor and resistors in all the spark-plug outlets or spark-plug leads.

(i) Internal-combustion engines with metal engine enclosures or special metal ignition-system enclosures-

(a) with distributors shall be equipped with the following classes of suppressors:

- Class 1 together with class B or C or D.
- Class 2 together with class A or B or C or D.
- Class 3 together with class A or B or C or D.
- Class 4 (all spark-plug leads) together with class A or B.
- Class 4 (all leads).
- Class 5 (all spark-plug leads) together with class A or B.

(b) without distributors shall be equipped with the following class of suppressors:

- Class 1 or 2 or 3 or 4 or 5.

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(ii) Internal-combustion engines without metal engine enclosures or special metal ignition-system enclosures-

(aa) with distributors shall be equipped with the following classes of suppressors:

Class 2 together with class C or D.
Class 3 together with class C or D.
Class 2 together with 4 or 5 (all leads).
Class 3 together with 4 or 5 (all leads).

(bb) without distributors shall be equipped with the following class of suppressor:

Class 2 or 3.

[Annexure D amended by G.N.R.148 of 25 January 1980.]

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ANNEXURE E

.....
[Annexure E deleted by G.N.R.855 of 30 April 1982.]

ANNEXURE F

KAART VAN RSA

[Annexure F amended by G.N.R.148 of 25 January 1980.]

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Regulations Act No. 103 of 1996

DEPARTMENT FOR POSTS AND TELECOMMUNICATIONS

R.1463

26 August 1994

ENACTMENT OF TELECOMMUNICATION REGULATIONS

The Minister of Posts, Telecommunications and Broadcasting has, under section 119A of the Post Office Act, 1958 (Act No. 44 of 1958), made the regulations in the Schedule.

[**Editor's note:** Section 96 (7) of the Telecommunications Act, 1996 (Act No. 103 of 1996), provides that these regulations which were made under section 119A of the Post Office Act, 1958, which Act was repealed by the 1996 Act, and which were in force immediately prior to the commencement of the 1996 Act, shall remain in force until amended or repealed under section 96 of the 1996 Act. When the new regulations are promulgated, the said new regulations will replace these Regulations by means of an update service.]

SCHEDULE

CHAPTER 1

DEFINITIONS

1. In these regulations any expression shall have the meaning ascribed to it in the Post Office Act (Act No. 44 of 1958), and unless the context otherwise indicates-

"accredited test laboratory" means a test laboratory approved by the South African Bureau of Standards, in terms of Specification SABS 0259, as competent to perform type approval testing in accordance with any specification prescribed by the Postmaster General;

"client" means the registered subscriber of a telecommunications line provided by Telkom SA Ltd or any person using such a telecommunications line in a manner that in the opinion of the Postmaster General renders such a person as a registered subscriber or causes him to be regarded as such a subscriber;

"common interest group" means a group of companies that need not be legally associated or affiliated but which, by virtue of

common business interests, desires access to the same computer(s) for data processing;

"data modem" means a device that enables the interconnection of data equipment to a telecommunications line;

"data processing" means application processing, excluding an application dedicated to text switching and routing;

"data transmission" means transmission of binary digital information including both data and text, between data terminal equipment;

"electronic PABX" means PABX switching unit of which the switching matrix and the control circuitry are mainly constructed of non-mechanical components;

"exchange line" means the voice channel (physical or otherwise) that connects the PABX switching unit with the PSTN;

"extension line" means the voice channel (physical or otherwise) that connects the PABX switching unit with an extension terminal on premises under the PABX user's control;

"extension reticulation" means the network cabling connecting the PABX switching unit and extension terminals;

"extension terminal" means any TLTE connected to an extension line;

"LMO" means licensed maintenance organisation and is an organisation, not affiliated to a PABX supplier, that is licensed by the Postmaster General to install, alter and maintain licensed PABX switching unit types and/or the associated extension reticulation and extension terminals;

"PABX" means a private automatic branch exchange;

"PABX owner" means the person who is the legal owner of the PABX system;

"PABX supplier" means the person to whom a licence is issued by the Postmaster General, allowing him to supply, install and maintain a PABX system in accordance with the Postmaster General's requirements;

"PABX switching unit" means a switching unit installed on the premises occupied by the PABX user or intended to be so installed, and connected to the PSTN by means of exchange lines and which functions as an intermediary to enable telephone calls to be established between extensions, or between extensions and exchange lines or between extensions and tie lines, connected to the PABX switching unit;

"**PABX switching unit type**" means a specific model and version of a specific make of PABX switching unit;

"**PABX system**" means the PABX switching unit and its associated exchange line terminations, extension reticulation and extension terminals;

"**PABX user**" means the person for whom and at whose request a PABX system has been installed and connected to the PSTN (a PABX user may own or rent a PABX system);

"**PBX**" means a private branch exchange, whether automatic or manual;

"**PSTN**" means the public switched telephone network consisting of the exchanges, interexchange connections (cable, microwave, optic fibre, etc.), exchange lines and TLTE owned and operated by Telkom SA Ltd, for the provision of telephone service to the general public;

"**tie line**" means a voice channel (physical or otherwise) provided by Telkom SA Ltd for the direct interconnection of two PBXS used by the same person or legal entity; and

"**TLTE**" means telecommunication line terminal equipment which is connected to an exchange line or an extension line to transmit, receive and manipulate voice, data and video signals.

CHAPTER 2

PRIVATE AUTOMATIC BRANCH EXCHANGES (PABXS)

Licensing of PABX switching units and suppliers

2. (1) PABXS connected to the PSTN shall satisfy the Postmaster General's requirements as prescribed in the latest issue of the PABX specification compiled by and obtainable from the Postmaster General.

(2) All PABX switching unit types shall be evaluated and tested by an accredited test laboratory for compliance with the requirements referred to in subregulation (1) and to ensure that they will interwork satisfactorily with the PSTN.

(3) Application for the licensing of a PABX switching unit type shall be made to the Postmaster General in accordance with the application procedure prescribed in the "**Suppliers guide to the approval of PABX equipment intended for connection to the PSTN**", compiled by and obtainable from the Postmaster General.

(4) Licences shall only be issued to South African citizens or South African registered companies.

(5) When a particular PABX switching unit type complies with the Postmaster General's requirements, the supplier will receive a licence entitling him to supply and install PABX switching units of such type for connection to the PSTN and to maintain such PABX switching units, extension reticulation and extension terminals, provided that-

- (a) the evaluation and licence fees prescribed in the relevant tariff list have been paid by the PABX supplier; and
- (b) the Postmaster General is satisfied that the PABX supplier-
 - (i) is capable in all respects to install and maintain the PABX switching unit type, extension line reticulation and extension terminals, in accordance with the required standards;
 - (ii) is qualified to provide prospective PABX users with adequate technical information and advice; and
 - (iii) will maintain an adequate stock of spare parts for systems supplied by him.

Licensing of maintenance organisations

3. (1) The Postmaster General may license an organisation which is not affiliated to a PABX supplier as a type 1 LMO in respect of a PABX system using a particular PABX switching unit type, provided that-

- (a) the prescribed licence fee has been paid; and
- (b) he is satisfied that the applicant-
 - (i) has a sufficient number of qualified telecommunication technicians or electricians in his employ who have been suitably trained on the particular PABX switching unit type;
 - (ii) has access to the necessary technical information and spares;
 - (iii) is capable in all respects to install, alter and maintain the PABX switching unit type, extension reticulation and extension terminals in accordance with the required standards; and
 - (iv) has, in the case of an electronic PABX switching

unit type, made suitable arrangements for the repair of printed circuit boards, for access to spares and software support, and for obtaining specialised training on the maintenance of such a switching unit type.

(2) The Postmaster General may license an organisation which is not affiliated to a PABX supplier as a type 2 LMO for the maintenance of extension reticulation and extension terminals, provided that-

- (a) the prescribed licence fee has been paid ; and
- (b) he is satisfied that the applicant-
 - (i) has a sufficient number of qualified telecommunication technicians or electricians in his employ; and
 - (ii) is capable in all respects to install and maintain extension reticulation and extension terminals in accordance with the required standards.

Validity of licence

4. A licence referred to in regulations 2 and 3 shall be valid until 31 March subsequent to the date of issue and shall be renewed yearly by payment of the prescribed licence fee before or on 30 April.

Licence not transferable and may be revoked

5. (1) Except with the written approval of the Postmaster General, no person or legal entity to whom a licence has been issued under regulation 2 or 3 may transfer such licence, or the powers or authority granted to him by such licence, to any other person or legal entity, or surrender it in any way in favour of another person or legal entity.

(2) The Postmaster General may, with due warning, revoke a licence issued under regulations 2 or 3, of the licensee-

- (a) supplies PABX switching units that are not licensed or which in any way differ from those which were licensed;
- (b) contravenes or fails to comply with any of the conditions of the licence; and
- (c) requests the Postmaster General in writing to this effect.

(3) When a licence is revoked for any reason the licensee must return it to the Postmaster General within 14 days after receiving notice of the revocation.

Licence does not grant exclusive rights

6. A licence does not grant exclusive rights to the licensee and the Postmaster General reserves the right to issue a licence to any other person to supply PABX systems for connection to the PSTN and to maintain such PABX systems.

Procurement and commissioning

7. (1) A prospective PABX user shall apply to Telkom SA Ltd on the prescribed application form for the connection of his PABX system to the PSTN. (Such application may be made directly to Telkom SA Ltd or with the assistance of a PABX supplier or LMO.)

(2) (a) The configuration of the PABX system shall be in accordance with the requirements of the PABX user. Where applicable, the configuration requirements shall also comply with the requirements of Telkom SA Ltd who will issue a schedule of requirements upon payment of the prescribed fee.

(b) The schedule of requirements referred to in paragraph (a) above is valid for twelve months from the date of issue. Should this schedule of requirements expire, or the requirements of the PABX user necessitate a change, application shall be made to Telkom SA Ltd for a revised schedule of requirements.

(3) The PABX switching unit, extension, reticulation and extension terminals shall be installed by a PABX supplier or type 1 LMO in accordance with the standards required by the Postmaster General and the requirements referred to in subregulation (2) (a).

(4) Where a PABX supplier or an LMO makes use of a sub-contractor, the PABX supplier or LMO shall remain responsible for the standard of installation.

(5) No person shall supply, install, alter or maintain a PABX system or any part thereof, unless he is licensed in terms of regulation 2 or 3.

(6) Prior to commissioning of the PABX system the PABX user shall provide Telkom SA Ltd with a guarantee that-

- (a) only licensed equipment has been used;
- (b) the work has been carried out in accordance with the standards required by the Postmaster General; and
- (c) the equipment and facilities installed are in accordance with the PABX user's requirements referred to in subregulation (2) (a).

(7) Telkom SA Ltd is entitled to do an acceptance test on the

exchange line interfaces of the PABX system at its own cost.

Exchange lines

8. (1) The exchange lines shall be rented from Telkom SA Ltd by the PABX user at the prescribed tariff.

(2) The PABX user must ensure that the traffic carrying capacity of the PABX system shall be sufficient to ensure that all the traffic originating from and terminating on it will be carried at the grade of service specified by the Postmaster General.

(3) Failure to comply with subregulation (2) can result in service being suspended by Telkom SA Ltd.

Extension reticulation and extension terminals

9. (1) The PABX user is responsible for the provision of the extension reticulation and extension terminals on the premises on which the PABX switching unit is situated and on premises under the PABX user's control having a common border with the premises on which the PABX switching unit is situated.

(2) (a) The connections between the premises on which the PABX switching unit is situated and premises not sharing a common border therewith, shall be provided and maintained by Telkom SA Ltd at the prescribed tariffs.

(b) Written exemption from the requirements referred to in paragraph (a) may in certain instances be granted by Telkom SA Ltd.

(3) A PABX user may negotiate the purchase of extension reticulation and extension terminals originally provided by Telkom SA Ltd.

(4) A PABX supplier or LMO may install, alter and maintain extension reticulation and extension terminals only with the written consent of the owner of such extension reticulation and extension terminals.

(5) The equipment practice and materials used for extension line reticulation shall be in accordance with the relevant specifications issued by the Postmaster General and conditions of service stipulated by Telkom SA Ltd.

(6) Only extension terminals licensed by the Postmaster General in accordance with Chapter 3 shall be connected to a PABX and the connection of unlicensed extension terminals may result in service being suspended, or a penalty being imposed or both.

Maintenance

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10. (1) The primary responsibility for the efficient functioning of any PABX system rests with the PABX user of that system.

(2) A PABX user who wishes to maintain his PABX system himself shall be licensed as a type 1 LMO in accordance with regulation 3 (1).

(3) A PABX user who does not maintain his PABX system himself in accordance with subregulation (2) shall make use of the services of the PABX supplier or an appropriate LMO.

(4) Inadequate PABX maintenance which causes an unacceptably high incidence of service complaints, may result in the Postmaster General requesting Telkom SA Ltd to suspend service to the PABX user.

(5) Service difficulties on PABX systems shall be handled in accordance with a procedure agreed between the PABX user and his PABX supplier or LMO and Telkom SA Ltd.

Indemnity and amendment of conditions

11. (1) The Postmaster General shall not be liable to any PABX supplier, LMO or PABX user for any loss or damages resulting from-

- (a) a service difficulty or fault condition in the PSTN;
- (b) the installation, alteration, maintenance or operation of a PABX system;
- (c) the revocation of a licence in terms of regulation 5 (2); and
- (d) the suspension of service in terms of regulation 8 (3), 9 (6) or 10 (4).

(2) The Postmaster General reserves the right to amend the conditions of a licence from time to time after consultation with all interested parties.

Penalties

12. Any person contravening a provision of regulation 7 (5) or 9 (6) or failing to comply therewith, shall be guilty of an offence and upon conviction be liable to a fine, or imprisonment for a period not exceeding three months.

CHAPTER 3

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TELECOMMUNICATION LINE TERMINAL EQUIPMENT (TLTE)

TLTE must satisfy the Postmaster General's requirements

13. (1) All TLTE must satisfy the Postmaster General's requirements, as prescribed in the various specifications obtainable from the Postmaster General, prior to being connected, either directly or indirectly, to the PSTN.

(2) All TLTE shall be evaluated and tested against the specifications mentioned in subregulation (1) to ensure that they will interwork satisfactorily with the PSTN.

(3) When a TLTE complies with the Postmaster General's requirements, it will be licensed for distribution and connection to the PSTN after the licence and evaluation fees prescribed in the relevant tariff list have been paid to the Postmaster General.

(4) Licences shall only be issued to South African citizens or South African registered companies.

Postmaster General may require certain modifications

14. (1) A licensee is obliged to effect, at his own expense, any modification to the TLTE that may be required in order to comply with the relevant specifications.

(2) All subsequent TLTE of the same make and model supplied for connection to the PSTN shall have the same technical and operational characteristics as the evaluated samples, including any modifications of such samples that may have been indicated by the Postmaster General.

(3) No person shall, without the written consent of the Postmaster General, modify TLTE or add any facility to it, or allow any other person to make such modification or add such facility, thereby causing it to deviate in any way from the conditions of the licence.

Validity of licence

15. A licence referred to in regulation 13 shall be valid until 31 March subsequent to the date of issue and shall be renewed yearly by payment of the prescribed licence fee before or on 30 April.

Licence not transferable and may be revoked

16. (1) Except with the written approval of the Postmaster General, no person or legal entity to whom a licence has been issued in terms

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of regulation 13 may transfer such licence, or the authority granted to him by such licence, to any other person or legal entity, or surrender it in any other way in favour of another.

(2) Should at any time it be found that a licensee fails to comply with the conditions of licence or for any other valid reason, the Postmaster General may, with due warning, revoke a licence issued in terms of regulation 13.

(3) When a licence referred to in regulation 13 is revoked for any reason, the licensee must return the licence to the Postmaster General within 14 days after receiving notice of the revocation.

Suspension of service

17. The Postmaster General may authorise Telkom SA Ltd to instruct a Client to disconnect an unlicensed TLTE from an exchange line or extension line and should the Client fail to comply with such instruction within seven days after receiving the instruction, to suspend the service, or the Postmaster General may institute legal proceedings against the TLTE user.

Licence does not grant exclusive rights to a supplier of TLTE

18. A licence does not grant any exclusive right to the supplier and the Postmaster General reserves the right to issue a licence to any other person to connect a similar TLTE to the PSTN.

Postmaster General does not sponsor TLTE

19. (1) A supplier of TLTE shall not verbally or otherwise intimate to any person that the Postmaster General sponsors or recommends in any way the use of a particular TLTE.

(2) A supplier who is in possession of a valid licence for a particular TLTE may inform potential customers accordingly by means of advertising, public notices etc.

(3) A label stating the following information shall be attached to every licensed TLTE and on the container in which it is sold, namely-

- (a) name of licensee;
- (b) licence number;
- (c) date of issue; and
- (d) type and model number.

Installation, performance and maintenance

20. (1) It is the TLTE user's responsibility to install the TLTE in accordance with the conditions of service laid down by Telkom SA Ltd, for supplying the service.

(2) Neither the Postmaster General nor Telkom SA Ltd shall under any circumstances be responsible for the performance of the TLTE.

(3) Should it be found that a faulty TLTE adversely affects the PSTN, Telkom SA Ltd may instruct the TLTE user to disconnect it from the PSTN and, should the TLTE user fail to comply with such an instruction, the service to the TLTE user may be suspended by Telkom SA Ltd.

Indemnity

21. Neither the supplier of the TLTE nor his client shall have any claim against the Postmaster General or Telkom SA Ltd in the event of any action taken in terms of regulations 16 (2), 17 and 20 (3).

Imposition of additional licence conditions

22. The Postmaster General reserves the right to impose from time to time such additional conditions as he may consider desirable for a licence referred to in regulation 13.

Penalties

23. Any person connecting unlicensed TLTE to the PSTN shall be guilty of an offence and upon conviction, be liable to a fine or imprisonment for a period not exceeding three months.

Repeal

24. The Regulations published by Government Notice No. R. 1191 of 1 July 1977, as amended by Government Notices Nos. R. 1618 of 19 August 1977, R. 2000 of 30 September 1977, R. 2119 of 21 October 1977, R. 13 of 5 January 1979, R. 2329 of 19 October 1979, R.903 of 24 April 1981, R.2841 of 31 December 1981, R.365 of 26 February 1979, R. 903 of 24 April 1981, R. 2841 of 31 December 1981, R. 365 of 26 February 1982, R. 2417 of 12 November 1982, R. 367 of 18 February 1983, R. 740 of 15 April 1983, R. 2790 of 23 December 1983, R. 740 of 13 April 1984, R. 983 of 18 May 1984, R. 333 of 28 February 1986, R. 506 of 21 March 1986, R. 1410 of 4 July 1986, R. 1193 of 29 May 1987, R. 1760 of 21 August 1987, R. 1762 of 21 August 1987, R. 350 of 4 March 1988, R. 517 of 25 March 1988, R. 518 of 25 March 1988, R. 1437 of 22 July 1988, R. 178 of 10 February 1989, R. 2346 of 3 November 1989 and R. 421 of 1 March 1991 are hereby repealed.

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Z. P. JORDAN,

Minister of Posts, Telecommunications and Broadcasting.

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GOVERNMENT NOTICE

DEPARTMENT OF COMMUNICATIONS

No. R. 346

6 March 1998

**REGULATIONS IN TERMS OF SECTION 96 OF
THE TELECOMMUNICATIONS ACT, 1996**

In terms of section 96 (6) of the Telecommunications Act, 1996 (Act No. 103 of 1996), I, Jay Naidoo, Minister for Posts, Telecommunications and Broadcasting, hereby approve and publish the regulations in the Schedule made by the South African Telecommunications Regulatory Authority under section 96 (1), read with section 96 (5) (b), of the said Act.

J. NAIDOO
Minister for Posts, Telecommunications and Broadcasting

SCHEDULE

1. Where it appears to be Authority that a licensee has contravened or failed to comply with the provisions of the Act or terms and conditions of the relevant licence or agreement for the interconnection or provision of telecommunications facilities as contemplated in the Act, the Authority shall-

- (a) inform the licensee concerned by notice in writing of the alleged contravention or failure, and require the licensee to submit written representation with regard to such allegation not later than 14 calendar day after receipt of such notice. The Authority may, on application or on its own accord, condone any late filing of such written representation.
- (b) investigate the matter in any lawful manner and may for that purpose-
 - (i) permit evidence to be adduced; appoint and utilise inspectors as contemplated in section 99 of the Act;
 - (ii) summon and examine witnesses; order the production of any of books or documents or objects as it may deem necessary;
 - (iii) engage and utilise the services of experts or

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professional persons to assist in its investigative function; and

- (iv) where applicable, take appropriate steps set out in the Code of Practices for Consumer Affairs and agreed to, from time to time, by the Licensee and the Authority in terms of the relevant licence.

2. Any party, aggrieved by an alleged contravention or failure to comply with the provisions of a licence or agreement, may lodge a complaint in writing with the Authority, setting out in full-

- (a) the nature of the alleged contravention or non-compliance;
- (b) the extent to which such alleged contravention or non-compliance had impacted on the complainant;
- (c) the relief sought as a result of such an alleged contravention or non-compliance.

3. The provisions of regulation 1 of this regulation shall to the extent practical apply in any situation contemplated in regulation 2 above.

4. A party lodging a complaint to the Authority against a telecommunications operator shall prior to lodging such complaint with the Authority cause a full text of such a complaint to be served on the said operator.

5. Where the Authority determines that the alleged contravention or failure-

- (a) merits a formal hearing, the Authority shall advise the licensee of its determination and of the date, time and the place where the hearing will held and of the fact that the licensee is entitled to legal representation;
- (b) does not merit a formal hearing, the Authority shall advise the licensee of its determination and proceed to decide the matter summarily.

6. After due consideration of all evidence and reports before the Authority, the Authority shall make an appropriate order of determination, or issue an appropriate directive, including without limitation-

- (a) making orders and determinations or issuing directives contemplated in sections 5 (2) (b), 36 (1) (d), 43 (1) (c), 43 (4), 43 (5), 44 (7), 53 and 100 of the Act;

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- (b) that a fine not exceeding R500 000 be paid to the Authority;
- (c) where applicable, any monies (plus interest thereon, calculated at the prevailing prime rate), or benefits which unduly accrued to the licensee, be refunded or returned to the payer thereof;
- (d) on order to reimburse the Authority for costs and expenditure incurred by the Authority utilising the services of an expert or professional person as the case may be.

7. Any contravention or failure to comply with the provisions of this regulation or of an order, determination or directive issued pursuant to clause 6 hereof shall constitute an offence. Any person found guilty of this offence shall on conviction be liable to a fine not exceeding the amount of R500 000 (five hundred thousand rand) or imprisonment for a period not exceeding six months.