*Licences (Broadcasting and Telecommunication) Regulations

[24th October, 1988]

1. These Regulations may be cited as the Licences (Broadcasting and Telecommunication) Regulations.

2. An application for a licence to engage in any broadcasting or to install any broadcasting apparatus or to establish any broadcasting service required under section 3 of the Broadcasting and Telecommunication Act shall be in the Form provided by the Authority.
3. An application for a licence to establish a telecommunication service or to install any telecommunication apparatus required under section 4 of the Broadcasting and Telecommunication Act, shall be in the Form provided by the Authority.

4. Before granting a licence for any of the activities specified in Regulation 2 or Regulation 3, the Authority shall consult –

(a) the Ministry responsible for Broadcasting or Telecommunication, as the case may be;

(b) the Ministry responsible for Defence.

5.(1) An application for a licence for any of the activities specified in Regulation 2 or Regulation 3 shall, subject to sub-regulation (2) or (3) and (4) of this Regulation, be accompanied by the fees set out in the Schedule.

(2) A person who holds a licence to establish a broadcasting service shall not be charged a licence fee for a licence to engage in any broadcasting or to install a broadcasting apparatus in relation to the activity specified in the licence to establish the broadcasting service.

(3) A person who holds a licence to establish a telecommunication service shall not be charged a licence fee for a licence to install any telecommunication apparatus in relation to the activity specified in the licence to establish the telecommunication service.

(4) A person who was the holder of a licence under these Regulations and who applies, after the expiration of the licence, for the same type of licence shall, unless the Authority is satisfied that he had during the period between the expiration of his previous licence and his application, ceased to carry on the activity for which he was previously
licenced, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence and the date of the lodging of his application.

(5) Where the application is refused, the Authority shall refund the licence fee and the surcharge to the applicant.

6. A licence to establish a broadcasting service shall subject to these Regulations and the Broadcasting and Telecommunication Act, also authorise the holder of the licence engaged in broadcasting, to install a broadcasting apparatus in relation to the broadcasting service established under the licence.

7. A licence to establish a telecommunication service shall, subject to these Regulations and the Broadcasting and Telecommunication Act, also authorise the holder of the licence to install a telecommunication apparatus to the telecommunication service established under the licence.

8.(1) A licence granted under these Regulations shall be valid unless earlier revoked, for such period as may be determined by the Authority in consultation with the Ministry responsible for Broadcasting or Telecommunication and specified in the licence.

(2) A licence under these Regulations shall, in addition to any other condition imposed by the Authority, be subject to the following conditions –

(a) the holder of the licence shall ensure that –

(i) the apparatus is used solely by himself or a person authorised by him and that no other person has access to the apparatus;
(ii) the apparatus is so adjusted as to operate solely on the frequency specified in the licence;

(iii) the apparatus is operated at the minimum output required to establish a good communication link and in a manner as not to cause any avoidable interference with other telecommunication equipment;

(iv) there is kept at all times with the apparatus -

A. the licence;

B. a bound logbook in which are recorded in a chronological order all telecommunications emanating from or received by the apparatus giving the following particulars –

AA. the date and time of the telecommunication;

BB. in the case of a telecommunication relating to distress traffic, full details thereof;

CC. in the case of an emergency telecommunication or telecommunication relating to safety, full details thereof;

DD. in the case of a telecommunication between apparatus on board a vessel and an apparatus kept
at a station on land or any mobile station on land or any mobile station, full details thereof;

C. a list of all radio users with their call signs;

D. a copy of the Broadcasting and Telecommunication Act and any statutory instrument made there under;

(v) he returns the licence to the Authority, through the Ministry responsible for Telecommunication -

A. if –

AA he disposes of the apparatus; or

BB the apparatus is damaged beyond repair;

not later than 4 weeks of the apparatus or the apparatus has been damaged, as the case may be;

B. if the apparatus or the station or vessel on which the apparatus is kept is likely to be out of use for a period of more than 3 months, as soon as practicable after he finds out or it becomes obvious that the apparatus, station or vessel is likely to be so out of use;

(vi) where he does not intend to renew his licence, he advises the Ministry responsible for Telecommunication of this fact and of what he intends to do with the apparatus;

(vii) the apparatus and the documents referred to in sub-paragraph (vi) are at all reasonable times available for inspection by a person authorised under this Act or the Broadcasting and Telecommunication Act;
(b) the holder of a licence or a person authorised by him to operate or use apparatus shall when using the apparatus ensure that—

(i) he complies with the Broadcasting and Telecommunication Act, and any statutory instrument made thereunder;

(ii) he does not intercept any telecommunication which the apparatus is not authorized to receive;

(iii) where there is an accidental reception of a telecommunication referred to in sub-paragraph (ii), he does not reproduce, communicate to any person or otherwise use the information received or divulge the existence of such telecommunication for any purpose whatsoever except when required to do so in accordance with sub-paragraph (iv), the Broadcasting and Telecommunication Act, or any other written law;

(iv) he notes and reports instances of interference with any telecommunication to an authorised person under the Broadcasting and Telecommunication Act;

(v) he does not use false or misleading identification;

(c) the holder of a licence to operate a maritime radiotelephone apparatus shall hold a Restricted Radiotelephone Operators Certificate of Proficiency.
Validity and transferability of a licence.

9.(1) A licence granted under these Regulations shall be valid, unless earlier revoked, for such period not exceeding five years as may be determined by the Authority in consultation with the Ministry responsible for Broadcasting or Telecommunication, as the case may be, on application made thereto by an applicant for the licence and as specified in the licence.

(2) A licence granted under these regulations shall not be transferred except with the permission of the Authority given after consultation with the Ministry responsible for Broadcasting or Telecommunication, as the case may be.

(3) A licence granted under these Regulations may, on application made to the Authority, be amended.

(4) An application made under sub-regulation (3) shall be accompanied by the fees set out in the Schedule.

Display of a licence.


10. The holder of a licence under these Regulations shall display the licence at a conspicuous place in the principal place of the business.

Reg. 9(1) and 8(4)    SCHEDULE
FEES

Processing an application for a licence - R10.00

Licence to -

S.I. 41 of 2005

(i) establish a broadcasting service

The annual licence fee service payable under any relevant special agreement between the Government and the service provider or such sum not less than R800,000 per
(ii) engage in broadcasting apparatus

(iii) install a broadcasting apparatus

(a) satellite broadcasting receiver

(b) other broadcasting apparatus

(iv) establish a telecommunication service

(a) where the apparatus used is –

(A) V.H.F. Radio (Maritime Service)

(i) common channels R300 per set per year;

(ii) private channels R500.00 per set per year up to 10 sets and R300.00 per set per year for each set in excess of 10 sets;

(B) S.S.B Radio R300.00 per year;

year as may be set by the Minister depending on the scale of service and facilities approved for the licence provider.

same as in (i)
<table>
<thead>
<tr>
<th>Licence Type</th>
<th>Fee Description</th>
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<tbody>
<tr>
<td><strong>(C) Amateur Radio</strong></td>
<td>R1,000.00 per year;</td>
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<tr>
<td><strong>(b) In respect of</strong></td>
<td></td>
</tr>
<tr>
<td><strong>(A) Short term amateur radio licence</strong></td>
<td>R500.00 per periods not exceeding 3 months;</td>
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<tr>
<td><strong>(B) Other short term licences</strong></td>
<td>R200.00 for periods not exceeding 3 months</td>
</tr>
<tr>
<td><strong>(C) Fixed telephone lines/ public switched telephone network (PSTN)</strong></td>
<td>the annual licence fee shall be 10% receipts of the service provider derived from the provision of the service specified in column (1).</td>
</tr>
<tr>
<td><strong>(D) Public land mobile networks which are networks in the following technologies;</strong></td>
<td>the annual licence fee shall be 10% of the annual gross receipts of the service provider derived from the provision of the service stated in column (1).</td>
</tr>
<tr>
<td>(i) global system for Mobile (GSM)</td>
<td></td>
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<td>(ii) third generation networks based on a standard within the IMT–2000 system; and</td>
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(iii) any other similar technology

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<tr>
<th>(E) Voice over Internet Protocol (VOIP)</th>
<th>The annual licence fee payable under any relevant special agreement or 10% of the annual gross receipts of the service provider derived from the provision of the service stated in column (1) whichever is greater.</th>
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<tr>
<td>(d) as an Internet access service provider</td>
<td>R40,000.00 per year or 2% of the annual gross receipts of the service provider derived from the provision of the service stated in column (1) whichever is greater.</td>
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<tr>
<td>(e) as an Internet resale service Provider</td>
<td>R250.00 per year.</td>
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3. Every licensee who is providing any services referred to in subparagraph (C), (D), or (E) of paragraph (iv)(b) shall be required to obtain a licence expressly allowing the provision of such services if the existing licence does not expressly provide for such services notwithstanding anything to the contrary in any licence previously granted.

(c) where the service established is –
(A) Wireless intercom system

R200.00 per year

Radio set in the system

(B) Local area paging system –

(i) per base station

R300.00 per year

(ii) per pager in the system

R300.00 per year

(v) install a telecommunication apparatus

(a) V.H.F. Radio

R300.00 per year

(b) S.S.B. Radio

R300.00 per year

(c) Citizens Band Radio

R300.00 per year

(d) Amateur Radio

R1,000.00 per year

(e) Per radio set in a wireless intercom system

R200.00 per year

(f) In respect of a local area paging system –

(i) per base station

R300.00 per year

(ii) per pager

R30.00 per year

(g) Satelite broadcasting receiver

R1,000.00 per year for an individual and R5,000 per year for others

(h) Other telecommunication Apparatus

such sum not less than R75.00 as
may be agreed upon between the Minister responsible for the telecommunication and the applicant for the licence, having regard to the type of apparatus approved for the applicant and the activity and scale of services specified in the licence to establish a telecommunication service in respect of that apparatus.

(i) amendment of particulars of licence R250.00