

REPUBLIC OF SOUTH AFRICA

TELECOMMUNICATIONS AMENDMENT BILL

*(As amended by the Portfolio Committee on Communications (National Assembly))
(The English text is the official text of the Bill)*

(MINISTER OF COMMUNICATIONS)

[B 65B—2003]

ISBN 0 621 34623 3

No. of copies printed 1 800

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Telecommunications Act, 1996, so as to give powers and assign duties to certain categories of operators for the purposes of interconnection and facilities leasing; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 43 of Act 103 of 1996, as substituted by section 18 of Act 64 of 2001

1. Section 43 of the Telecommunications Act, 1996 (hereinafter referred to as the “principal Act”), is hereby amended by the insertion after subsection (3) of the following subsection: 5

“(3A) For the purposes of guidelines prescribed in terms of subsection (3) an operator licensed in terms of section 32B, 32C, 36, 37, 38, 39 and 40A has the powers and shall perform the duties of a public operator.”. 10

Amendment of section 44 of Act 103 of 1996, as amended by section 19 of Act 64 of 2001

2. Section 44 of the principal Act is hereby amended by the insertion after subsection (5) of the following subsection:

“(5A) For the purposes of guidelines prescribed in terms of subsection (5) an operator licensed in terms of section 32B, 32C, 36, 37, 38, 39 and 40A has the powers and shall perform the duties of a public operator.”. 15

Short title

3. This Act is called the Telecommunications Amendment Act, 2003.

**MEMORANDUM ON THE OBJECTS OF THE
TELECOMMUNICATIONS AMENDMENT BILL, 2003**

The object of the Telecommunications Amendment Bill, 2003 is to provide for the following amendments to the Telecommunications Act, 1996 (Act No. 103 of 1996):

1. The Bill seeks to amend section 43 of the Telecommunications Act by the addition of a new subsection (3A) in order to give the powers and assign the duties of a public operator to certain categories of operator for the purposes of guidelines prescribed in terms of section 43(3);

2. the Bill also seeks to amend section 44 of the Telecommunications Act by the addition of a new subsection (5A) in order to give the powers and assign the duties of a public operator to certain categories of operator for the purposes of guidelines prescribed in terms of section 44(5) of the Act.

INSTITUTIONS CONSULTED

- ICASA
- SENTECH.

FINANCIAL IMPLICATIONS FOR STATE

None.

PARLIAMENTARY PROCEDURE

The Department of Communications and the State Law Advisers are of the opinion that the Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.