

No. R. 293

6 March 2002

**REGULATIONS IN RESPECT OF THE AMENDMENT OF RADIO
FREQUENCY SPECTRUM LICENCES, CERTIFICATES OR AUTHORITIES**

In terms of section 95(3) of the Telecommunications Act, 1996 (Act no. 103 of 1996), I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby approve the regulations in the Schedule made by the Independent Communications Authority of South Africa in terms of section 30(7) read with section 95(1) of the said Act.

Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE**1. Amendment of regulations**

Regulation G10A of the radio regulations promulgated in terms of the Radio Act, 1952 (Act 3 of 1952) is hereby repealed and substituted by the following regulations.

2. Definitions

In these regulations all words or expressions shall have the meaning assigned to them in the Telecommunications Act, 1996 (Act No. 103 of 1996), unless the context indicates otherwise.

3. Procedure

Subject to regulation 3(12), the procedure for the amendment of any radio frequency spectrum licence, certificate or authority shall be as follows:

(1) All applications for the amendment of any radio frequency spectrum licence, certificate, or authority shall be in writing and shall contain:

(a) the name and address of the applicant, and

- (b) the reason for the amendment of the radio frequency spectrum licence, certificate or authority.
- (2) The Authority shall give notice of the application by publication in the Government Gazette, inviting interested persons to submit written representations with regard thereto within a specified period or such other extended period as the Authority may specify by notice in the gazette. Representations received after the closing date shall not be considered by the Authority.
- (3) All applications, representations and other documents relating to the application shall, subject to regulation (4), be open to public inspection during the normal office hours of the Authority, and the Authority shall at the request of any person and on payment of a fee of 50c (fifty cents) per page, furnish him or her with a copy thereof.
- (4) The Authority may, at the request of the applicant or person who lodged representations, determine that any document or information that is commercially sensitive or any matter reasonably justifying confidentiality, shall not be open to public inspection, if such a document can be separated from the application, representations or other document in question.
- (5) If the Authority refuses a request contemplated in regulation (4), the applicant or the person concerned shall be allowed to withdraw the document or information in question, in which event, the Authority shall not consider the document or information so withdrawn.
- (6) The applicant may, not later than 21 days after the period for lodging representations in terms of regulation (2) has passed, submit its written comments to any of the representations made.
- (7) The Authority may, after the period for lodging comments by applicants in terms of regulation (6) has passed, hold a public hearing in respect of the application, the representations and any other relevant information.
- (8) A hearing contemplated in regulation (7) shall, subject to regulation (9), be open to the public.
- (9) Before considering any document or information which the Authority has determined shall not be open for public inspection, the Authority may direct that the public, or any section or member thereof shall not be present at the hearing.
- (10) In processing the application the Authority may conduct an on-site investigation.

- (11) After due consideration of the application, the representations and any relevant information, the Authority shall make a decision and communicate same to interested parties.
 - (12) The provisions of regulation (2) to (9) shall not apply to:
 - (a) applications made by the South African National Defence Force, South African Police Services, National Intelligence Agency, and the following holders of licences and certificates:
 - (i) Maritime,
 - (ii) Aeronautical,
 - (iii) Citizen Band,
 - (iv) Civil Defence/Marnet,
 - (v) Amateur Radio,
 - (vi) 27 MHz and 29 MHz band two-way Radio,
 - (vii) Shared Simplex HF, VHF and UHF,
 - (viii) Very Short Range Band, and
 - (ix) Low Power Devices.
 - (b) amendments of the frequency spectrum licences, certificates or authorities arising out of migration caused by a frequency band plan contemplated in section 29 of the Act.
4. The Authority shall not entertain any application for the amendment of a radio frequency spectrum licence wherein the additional frequency(ies) applied for fall outside the frequency band or bands assigned in terms of the original licence.