


NOTICE 1334 OF 2002**TELECOMMUNICATIONS ACT, 1996 (ACT No. 103 OF 1996)****REGULATIONS RELATING TO THE MANNER IN WHICH APPLICATIONS FOR CERTAIN TELECOMMUNICATION SERVICE LICENCES ARE TO BE MADE.**

In terms of section 96(6) of the Telecommunications Act, 1996 as amended (Act No. 103 of 1996 as amended) as amended, I, Dr. Ivy Matsepe-Casaburri, Minister of Communications hereby approve and publish the regulations in the Schedule made by the Independent Communications Authority of South Africa under section 96(5)(b) read with section 34(1) of the said Act.



Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE**Definition**

1. In this Schedule any expression to which a meaning has been assigned by the Telecommunications Act, 1996 as amended (Act No. 103 of 1996 as amended) (hereinafter referred to as the Act), shall have the same meaning unless the context otherwise indicates.

Application and Repeal

2. These regulations repeal the section 34(1) regulations published on 28 November 2001 in Government Gazette No. 22874.
3. These regulations shall not apply to applications for licences in respect of Value Added Network Services and Private Telecommunication Networks.

Manner in which applications for certain telecommunication service licences are to be made (section 34 (1))

4. An application for a telecommunications service licence, other than a telecommunication service licence contemplated in section 34(2)(a)(i) to (vi) of the Act must:
 - (a) be made in writing;

(b) identify the applicant, and for this purpose;

(i) if the applicant is a natural person, the following information must be furnished;

(aa) the full names of the applicant;

(bb) the identity number of the applicant;

(cc) the applicant's permanent residential address

(dd) the applicant's business address; and

(ee) the applicant's telephone and fax numbers.

(ii) if the applicant is a juristic person, the following information must be furnished;

(aa) business name and address, the telephone and fax numbers of the applicant, and where applicable, certified copies of all the founding documents of the applicant;

(bb) full names, business and residential addresses and the telephone numbers of each shareholder or member owning shares or interests exceeding five percent of the total shares or interests in the applicant;

(cc) the percentage of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the applicant;

(dd) the number of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the applicant;

(ee) the classes of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the applicant; and

(ff) affiliated ownership interests of the applicant in other telecommunication licensees or entities which the applicant has the potential of competing with in South African telecommunications markets.

-
5. An application for a telecommunication service licence must contain information as to -
 - (a) employment strategies related to women;
 - (b) the percentages of beneficial ownership by historically disadvantaged individuals; and
 - (c) the percentages of control by historically disadvantaged individuals.
 6. An application for a telecommunication service licence must contain a full description of -
 - (a) the service to be provided;
 - (b) the frequency spectrum requirements;
 - (c) the network; and
 - (d) the geographical area where the service will be provided, including relevant maps.
 7. A detailed business plan for the service to be provided together with the projection of the market size, target groups and revenue for the first three years must accompany the application.
 8. In respect of any telecommunications equipment to be connected to the public switched telecommunication network, a certificate of approval by the Authority of the telecommunications equipment to be used must accompany the application.

DEPARTMENT OF COMMUNICATIONS
