

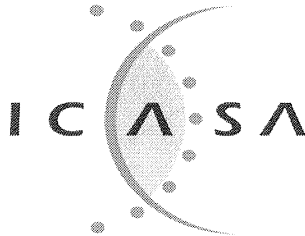
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## GENERAL NOTICE

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### NOTICE 279 OF 2015

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA



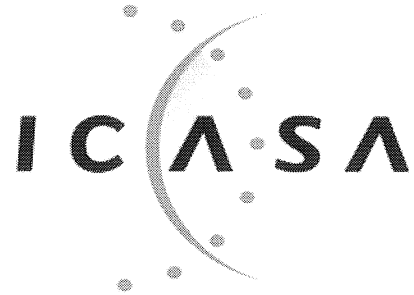
PURSUANT TO SECTION 4 (1) OF THE ELECTRONIC COMMUNICATIONS ACT  
2005, (ACT NO. 36 OF 2005)

**HEREBY ISSUES A NOTICE REGARDING THE RADIO FREQUENCY SPECTRUM  
REGULATIONS 2015.**

The Independent Communications Authority of South Africa ("the Authority"), in terms of section 4, read with sections 31(4), 34(7) (c) (iii), 34(8) and 34(16) of the Electronic Communications Act (Act No. 36 of 2005), hereby publishes the **Radio Frequency Spectrum Regulations 2015**.

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**Dr SS MNCUBE**  
**CHAIRPERSON**



FINAL

The Radio Frequency Spectrum Regulations 2015

March 2015

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## PART I - Preliminary

### 1. Definitions

In these Regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned:

**“Act”** means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

**“Amateur”** means a person who is interested in the radio technique solely for a private reason and not for financial gain and to whom the Authority has granted an amateur radio station licence and shall mean a natural person and shall not include a juristic person or an association: provided that an amateur radio station licence may be issued to a licensed radio amateur acting on behalf of a duly founded amateur radio association;

**“Amateur radio licence”** means a legal document or permit giving official permission to the licence holder to operate an amateur radio station;

**“Amateur station”** means a radio station for a service of self-tuition, intercommunication and technical investigation that is operated by an amateur;

**“Applicant”** means a person who submits a request in terms of these regulations;

**“Assignment”** means the authorisation given by the authority to use a radio frequency or radio frequency channel under specified conditions;

**“Base station”** means a land radio station in the land mobile service for a service with land mobile stations;

**“BBBEE Act”** means the Broad-Based Black Empowerment Act, 2003 (Act No. 53 of 2003);

**“BS”** means Broadcasting Service;

**“Burglar alarm service”** means a land mobile service installed, maintained and operated to monitor burglar alarm signals of clients by means of a signal forwarded from a radio transmitter to a central position;

**“Burglar alarm transmitter”** means a transmission radio station in the land mobile service that is intended to transmit automatic alarm signals to a central position;

**“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;

**“CEPT”** means Conference of European Posts and Telecommunications Authorities;

“**CEPT/ERC/REC 70-03**” means ERC Recommendation 70-03 relating to the use of short range devices (SRD);

“**Citizen-band radio service**” means a private, two-way, limited coverage speech communication service in the land mobile service to personal and business operations, which may also be used as a paging system;

“**Communal radio repeater station service**” means a land mobile service installed, maintained and operated via repeater stations that are available for communal use;

“**Continuous tone coded squelch system (CTCSS)**” means a circuit that is used to reduce cross talk interference on a shared two-way radio communication channel;

“**Cooling-off period**” means a period of six (6) months whereby a person who has contravened regulation 11(5) of these Regulations shall not be eligible to apply for a radio frequency spectrum licence”.

“**Cordless Phone**” means a portable telephone with a wireless handset that communicates via radio waves with a base station connected to a fixed telephone line, within a limited range of its base station;

“**CT0**” means low power cordless telephone;

“**CT2**” - means second generation cordless telephone;

“**DECT**” - means digitally-enhanced cordless telephone;

“**Direct Sequence Spread Spectrum**” (“**DSSS**”) means a modulation scheme whereby radio signals are passed through and distributed over the entire band at once;

“**Disaster relief (DR) radio communication**” means radio communications used by authorised agencies and organisations dealing with serious disruptions of the functioning of society, posing a significant, widespread threat to human life, health, property or the environment, whether caused by accident, nature or human activity, and whether developing suddenly or as a result of complex, long-term processes.”

“**Due date**” means 31 March of the then current licence year;

“**Duty Cycle**” means the ratio, expressed as a percentage, of the maximum transmitter “on” time on one carrier frequency, relative to a one-hour period unless otherwise mentioned in the relevant specifications under Annexure B.

“**Dynamic Frequency Selection**” (“**DFS**”) means the mechanism that allows for the coexistence of wireless networks with weather radar systems in the 5GHz band;

“**ECNS**” means Electronic Communications Network Services;

“**ECS**” means Electronic Communications Services;

- “**e.i.r.p.**” means effective isotropically-radiated power;
- “**EMC**” means Electromagnetic compatibility;
- “**ERP**” means effective radiated power, the product of the power supplied to an antenna and its gain relative to a half wave dipole in a given direction.”
- “**Experimental station**” means a station that uses radio waves in experiments for the purpose of developing the science or technique of communication but which is not an amateur radio station;
- “**Extended applications**” means a procedure used where frequency is scarce and applicants are required to submit commercial and technical information;
- “**Field Disturbance and Doppler Apparatus**” (“**FDDA**”) means radio apparatus which operates by producing a radiated field and responding to any disturbance of that field caused by an intrusion or movement within the field by other devices, objects or persons;
- “**Frequency Hopping Spread Spectrum**” (“**FHSS**”) means a modulation scheme that rapidly switches a carrier among many given frequency channels, using a pseudorandom sequence known to both the transmitter and receiver;
- “**GHz**” means a radio frequency value designated in gigahertz;
- “**HAREC**” means Harmonized Amateur Radio Examination Certificate issued in terms of CEPT recommendation TR61-02E;
- “**HDP**” means historically-disadvantaged persons;
- “**HF**” means High Frequency;
- “**Inductive Loop Systems**” means radio apparatus which operates by producing a controlled magnetic field within which a predetermined recognisable signal is formed;
- “**ICASA Act**” means the Independent Communications Authority Act of South Africa, 2000 (Act No. 13 of 2000) as amended.”
- “**ISM**” means Industrial, Scientific and Medical;
- “**ITA**” means Invitation to Apply;
- “**kHz**” means a radio frequency value designated in kilohertz;
- “**Land mobile service**” means a mobile radio-communication service between fixed stations and mobile land stations, or between land mobile stations;
- “**LBT**” means Listen before Talk which is a mechanism, used for continuously searching for a free, open channel to initiate communication, used extensively for coexistence without causing harmful interference between SRD and RFID systems;

“**Licence**” means a radio frequency spectrum licence;

“**Licence year**” in relation to a licence or certificate, means the period of 12 months of each year from 1 April to 31 March, both dates inclusive;

“**Licensee**” means a person to whom a radio frequency spectrum licence has been issued in terms of the Act;

“**Lock-on faulty signals**” means a continuous signal transmitted by a transmitter station due to faulty equipment;

“**Low Power Radio**” means radio apparatus, normally hand-held radios used for short range, two-way, voice communications;

“**MHz**” means a radio frequency value designated in megahertz;

“**Mobile station**” means a radio station that is intended to be operated while it is in motion or while it is stationary at an unspecified place;

“**Model control apparatus**” means radio apparatus used to control the movement of the model in the air, on land or over or under the water surface;

“**National radio frequency plan**” means a plan that sets out specific frequency bands designated for use by particular types of services and takes into account bands that are allocated to the security sector;

“**Non-specific short range devices**” means radio apparatus used for general telemetry, telecommand, alarms and data applications with a pre-set duty cycle (0.1% 5 duty cycle (100%);

“**Paging station**” means a receiving radio station in the land mobile service that is intended to receive selective signals from a central position;

“**Parrot repeater station**” means a fixed station in the land mobile service used by a burglar alarm service licensee to store and forward burglar alarm signals over mountainous terrain;

“**PAJA**” means the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) as amended.”

“**Public Mobile Radio**” (PMR) means radio apparatus used for two-way, voice communications;

“**PFMA**” means Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended;

“**Q-Code**” means a standardised collection of three-letter message encodings, all commencing with the letter “Q”;

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



- “Radio-communication”** means all electronic communication by means of radio waves;
- “Radio Local Access Network” (“RLAN”)** means the high data rate, two-way (duplex) wireless data communications network;
- “Radio telecommand”** means the use of radio apparatus for the transmission of signals to initiate, modify or terminate functions of equipment at a distance;
- “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;
- “Regulations”** means the regulations as prescribed in this document;
- “Relay or repeater station”** means a land station in the land mobile service;
- “RFID System” (“Radio Frequency Identification System”)** means a wireless system that uses radio-frequency communication to automatically identify, track and manage objects, people or animals. It consist of two main components viz. a tag and a reader which are tuned to the same frequency;
- “Road Transport and Traffic Telematics” (“RTTT”)** means radio apparatus used for road traffic management. Applications include automatic road toll collection, route guidance systems, vehicle or container identification, instant traffic information, parking management, advance incident warning and on-vehicle, anti-collision radar;
- “Same area”** means a radius of 20 km around the coordinates of the central control station in relation to a burglar alarms service or a radius of 20 km around the coordinates of the repeater station in relation to a communal repeater station service”
- “Service licence”** means a BS, ECS or ECNS licence;
- “Ship station”** means a mobile station in the maritime mobile service that has been erected;
- “Short Range Device” (“SRD”)** means a piece of apparatus which includes a transmitter, and/or a receiver and or parts thereof, used in alarm, telecommand telemetry applications, etc, operating with analogue speech/music or data (analogue and/or digital) or with combined analogue speech/music and data, using any modulation type intended to operate over short distances;
- “Simplex radio rental system”** means a land mobile service provided by a person and is available for communal use;
- “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;
- “Spectrum leasing”** means to give access to spectrum to a third party;

“**Spread spectrum**” means a form of wireless communications in which the frequency of the transmitted signal is deliberately varied, resulting in a much greater bandwidth than the signal would have if its frequency were not varied;

“**Standard application**” means a procedure where applicants are allowed to submit simple application forms;

“**Telemetry**” means the transmission of remotely measured data;

“**The Authority TE Specifications**” means specifications that the Authority published, with a certain number prefixed by “TE” and which is obligatory for the device or application in question;

“**Transmitter Power Control**” (“TPC”) means a technical mechanism used within some networking devices in order to prevent unwanted interference between wireless networks;

“**Transfer**” means to assign, cede or transfer a licence from one person to another;

“**UHF**” means Ultra High Frequency;

“**VHF**” means Very High Frequency;

“**Video Surveillance Equipment**” means radio apparatus used for security camera purposes to replace the cable between a camera and a monitor;

“**Wideband Wireless Systems**” means radio apparatus that uses spread spectrum techniques and has a high bit rate;

“**Wireless Access Systems**” (“WAS”) means end-user radio connections to public or private core networks;

“**Wireless Audio Systems**” means radio apparatus used to replace the wired headphones or speakers in hi-fi systems.

## 2. Purpose.

(1) The purpose of these regulations is to:

- (a) establish the framework through which the Authority may allocate and assign radio frequency spectrum under the South African National Radio Frequency Plan;
- (b) establish standard terms and conditions which will be applicable to all frequency bands and applications as well as radio frequency spectrum licences;
- (c) establish transparent, fair and efficient procedures and processes for radio frequency spectrum licence applications;
- (d) allow for greater flexibility such that special conditions and procedures for specific frequency bands can be applied;

- (e) provide for circumstances in which the use or possession of radio apparatus does not require a radio frequency spectrum licence;
- (f) provide procedures and criteria for awarding radio frequency spectrum licences for competing applications or instances whereby there is insufficient spectrum available to accommodate demand;
- (g) set out the procedures for application for permissions to assign, cede or transfer ownership and control of a radio frequency spectrum licence;
- (h) set out the principles and procedures for frequency coordination where spectrum is assigned on a shared basis;
- (i) provide dispute resolution mechanisms with regard to shared spectrum;
- (j) provide a framework for the Radio Frequency Application Fees, Radio Frequency Examination and Certificate Fees; and
- (k) prescribe relevant application forms.

## **PART II – Radio Frequency Spectrum Planning**

### **3. Radio Frequency Spectrum Assignment Plans**

- (1) A Radio Frequency Spectrum Assignment Plan may consist of:
  - (a) the types of services to be provided;
  - (b) specific terms and conditions for the use of the frequency bands;
  - (c) specific qualification criteria to be met by applicants;
  - (d) the procedures and timetable to be followed for assignment and licensing, if applicable;
  - (e) the apportionment of the relevant frequency bands in the Radio Frequency Plan for exclusive or shared assignments;
  - (f) detailed frequency channelling arrangements; and
  - (g) any other requirement that the Authority may deem necessary.
- (2) A Radio Frequency Spectrum Assignment Plan may not necessarily require assignments to be issued for the whole of the radio frequency spectrum or the geographic area to which the Radio Frequency Spectrum Assignment Plan applies.
- (3) A Radio Frequency Spectrum Assignment Plan must indicate whether it is intended that licences for the assignments will be issued on a first-come,first-served basis or on a competitive basis where there is deemed to be insufficient spectrum to accommodate demand.
- (4) The Authority may grant a radio frequency spectrum assignment to a person either on an exclusive usage basis or on a shared basis.
- (5) The Authority may restrict the possession of radio apparatus to the assigned radio frequency spectrum or as may be reasonably justified.

### **PART III - Radio Frequency Spectrum Licence Exemptions**

#### **4. Radio Frequency Spectrum Licence Exemption**

- (1) Possession of radio apparatus and/or use of radio frequency spectrum for which a radio frequency spectrum licence is not required in terms of section 31(6) of the Act is as stated in **Annexure B** to these Regulations.
- (2) Licence-exempt radio frequency spectrum users must comply with the specifications as stated in **Annexure B** to these Regulations.

### **PART IV - Procedures for Radio Frequency Spectrum Licensing and Assignment**

#### **5. Standard Application Procedure**

- (1) A standard application procedure is applicable to the categories listed in **Annexure C** of these Regulations.
- (2) A standard application must be submitted to the Authority in the format stipulated in **Annexure D** of these Regulations. All required details must be provided and the prescribed application fee (see **Annexure F**) must accompany the application.
- (3) The Authority may, at its discretion, require an applicant to provide further information or to comply with the extended application procedures.
- (4) A standard application will not be considered if there are any outstanding licence fees owed to the Authority by the applicant.
- (5) Taking into account the provisions of sections 3 and 4 of PAJA, the Authority may subject a standard application to a public consultation process.

#### **6. Extended Application Procedure**

- (1) Extended Application Procedures are applicable to the following:
  - (a) For services or frequency bands that are not covered under these regulations and for which a radio frequency spectrum licence is required; or
  - (b) For frequency bands where an Invitation to Apply (ITA) has been issued.
- (2) The extended application procedures must be submitted to the Authority in the format stipulated in **Annexure E** of these Regulations. All required details must be provided and the prescribed application fee must accompany the application.

#### **7. Procedure Where There is Insufficient Spectrum to Meet Demand or Where an ITA is Published**

- (1) The Authority will at all times publish an ITA where a radio frequency spectrum licence will be awarded/granted on a competitive basis and where it determines that there is insufficient spectrum available to accommodate demand in terms of section 31(3)(a) of the Act.
- (2) An ITA, in terms of sub regulation (1), will set out the following:
  - (a) The subject of the ITA;

- (b) The place for the submission of the application;
  - (c) The application fee,
  - (d) Any qualification criteria that are applicable;
  - (e) The terms and conditions relating to the application;
  - (f) The proposed licence terms and conditions;
  - (g) The procedures for submission of the application;
  - (h) The deadline for the submission of the application;
  - (i) Conditions and procedures for the amendment of an application;
  - (j) Conditions and procedures for the submission of supplementary information;
  - (k) Conditions for the disqualification of an applicant from the application process;
  - (l) The selection process;
  - (m) The evaluation criteria;
  - (n) The licensing method the Authority will use, including any of the following:
    - (i) Auction rules;
    - (ii) Beauty contest rules; or
    - (iii) Any other licensing mechanism deemed appropriate by the Authority.
  - (o) Any other information or requirements as the Authority may deem necessary.
- (3) An applicant shall be disqualified from the application process where such applicant:
- (a) has submitted an application and is an affiliate of another applicant, or has an ownership or financial interest in another applicant within the same application process;
  - (b) has been granted a radio frequency spectrum licence by the Authority within the designated range unless the licensee has less than the maximum bandwidth made available in line with these regulations in which case they will only be allowed to apply for additional spectrum which results in total assignment not exceeding the maximum bandwidth made available;
  - (c) has submitted more than 1 (one) application to the Authority for the grant of a radio spectrum licence within the designated range;
  - (d) has less than 30% (thirty percent) equity ownership by Historically-Disadvantaged Persons (HDP) or is below a level 4 contributor (BBBEE status) in terms of the Codes of Good Practice published in terms of section 9(1) of the BBBEE Act;
  - (e) has submitted an application which contains false or misleading information;
  - (f) is colluding or has attempted to collude with another applicant with the intention to distort or manipulate information;
  - (g) has obtained or acquired confidential information relating to another applicant;
  - (h) has failed to notify the authority of the changes referred to in the application forms;
  - (i) has failed to comply with the terms and conditions of the application as set out in the ITA; or
  - (j) has failed to comply with a request in terms of these regulations.

## 8. Amendment of Applications Pursuant to an ITA

- (1) Where information included in an application, pursuant to an ITA, changes at any time after submission therein but before the Authority makes a decision thereon, the applicant

must notify the Authority and submit a written request to amend the application within three (3) days of such change.

- (2) Where a request referred to in sub regulation (1) is made, the Authority may grant the request to amend the application where this will not:
  - (a) unfairly prejudice other interested parties;
  - (b) impede the expeditious and proper consideration of the application; and
  - (c) materially change the application.
- (3) The Authority may, in the event that it grants the request for amendment in terms of sub regulation (2), publish a notice in the Gazette regarding the amendment and invite interested parties to submit written representations in relation to the amended application within the period mentioned in the notice.

#### **9. Procedure to Amend a Radio Frequency Spectrum Licence**

- (1) An application for an amendment to a radio frequency spectrum licence must be in terms of **Form A of Annexure A** and must include the following:
  - (a) A copy of the radio frequency spectrum licence and information regarding conditions imposed on the licence;
  - (b) The proposed dates after which the proposed amendment shall become valid;
  - (c) Details of all proposed amendments and the reasons for the proposed amendments;
  - (d) Proof of payment of the prescribed application fee; and
  - (e) Any other information the Authority may require.
- (2) If an amendment in terms of sub regulation (1) has an effect on the licence fees payable to the Authority, the Authority will re-invoice the licensee:
  - (a) advising him or her to settle the outstanding balance; or
  - (b) Advise him or her of the pro-rated licence fees payable to the Authority during licence renewal of his or her radio frequency spectrum licence in the upcoming licence year.
- (3) The Authority may engage in a public consultation process whereby an application for an amendment pertains to a radio frequency spectrum licence that was subject to an extended application procedure and/or where a radio frequency spectrum licence was granted in terms of section 31(3)(a) of the Act.

#### **10. Renewal of a Radio Frequency Spectrum Licence**

- (1) Renewal of an annual radio frequency spectrum licence is to be performed on an annual basis by payment of the prescribed licence fee on or before the due date.
- (2) Subject to the renewal of a service licence, where applicable, renewal of a multi-year radio frequency spectrum licence is to be performed prior to the expiry of such a licence in the last licence year of the licence term by payment of the prescribed licence fee on or before the due date.

- (3) After receipt of a renewal invoice from the Authority, the licensee must indicate its intention to renew its radio frequency spectrum licence by payment of the prescribed licence fee on or before the due date of the then current licence year.
- (4) The obligation to renew a radio frequency spectrum licence vests with the licensee and is not dependent on receipt of a renewal invoice in terms of sub regulation (3).
- (5) If the prescribed licence fee is not paid by the due date, then the radio frequency spectrum licence will expire immediately on 01 April of the then current licence year.
- (6) No renewal payments will be accepted by the Authority after 31 March of the then current licence year.
- (7) A licensee not wishing to renew his or her radio frequency spectrum licence must submit an application for Notice of Surrender (**Form C of Annexure A**) to the Authority for surrender of their licence in terms of regulation 11 of these Regulations on or before 30 November of the then current licence year and comply with the surrender of a licence in terms of regulation 13(1) (c); (d) and (e).

#### **Transitional Measure**

- (8) A licensee who has already renewed his or her radio frequency spectrum licence for the 2014/15 licence year during the 2014/15 financial year, is hereby given a grace period until 30 April 2015 to renew his or her licence for the 2015/16 licence year.

#### **11. Failure to Renew a Licence**

If a licensee has not renewed his or her radio frequency spectrum licence in terms of regulation 10 and continues to utilise the radio frequency spectrum after 31 March of the then current licence year, the Authority will, prior to seizing or sealing of the radio apparatus or equipment, initiate the following process:

- (a) Issue a notice to the person in question advising him or her:
  - (i) of his unlawful activity;
  - (ii) that he or she should cease with the unlawful activity within fifteen (15) days after receipt of the notice;
  - (iii) to inform his or her end-users and/or subscribers, if any, within seven (7) days of receipt of the Authority's notice of the date that he or she will cease to provide the services in question.
  - (iv) that they have five (5) days to respond to the notice of the Authority should they wish to do so.
- (b) Should the Authority receive a response in terms of paragraph (a) (iv), the Authority will inform the licensee of its decision and reasons for the decision.
- (c) If the decision of the Authority, after considering any response in terms of paragraph (a)(iv), is that the person in question is unlawfully making use of the radio frequency spectrum, then such a person must:
  - (i) within ten (10) days of receipt of the decision, cease making use of the radio frequency spectrum; and
  - (ii) within three (3) days of receipt of the decision, inform his or her end-users and/or subscribers, if any, of the date he or she will cease to provide the services in question.

- (d) Failure by the affected party to comply with paragraphs (a) and (c) above will result in the Authority seizing or sealing the radio apparatus or equipment and instituting criminal proceedings against the affected party.

## 12. Procedure to Transfer a Radio Frequency Spectrum Licence

- (1) No licensee must transfer a radio frequency spectrum licence without the prior written approval of the Authority.
- (2) An application to transfer a licence must be:
  - (a) in the format as set out in **Form B of Annexure A**;
  - (b) accompanied by the prescribed fee; and
  - (c) submitted by the prospective transferor.
- (3) The transferee, for the transfer of a radio frequency spectrum licence that was or would have been subject to an extended application procedure in terms of Annexure E, must provide information as set out **Annexure E**.
- (4) The Authority shall take the following steps with regard to an application for transfer of a radio frequency spectrum licence that was or would have been subject to an extended application procedure:
  - (a) Publish a notice in the *Gazette* of the application to transfer the licence;
  - (b) Request any relevant information regarding the transaction to enable the consideration of the application;
  - (c) Invite interested persons to submit written representations in relation to the application within the period specified in the notice;
  - (d) Allow the applicant an opportunity to submit written responses to representations received in relation to the application within the period specified by the Authority; and
  - (e) May conduct a public hearing in relation to the application.
- (5) Where a radio frequency spectrum licence has been granted for a frequency as envisaged in section 31(3) (a) of the Act, any amount paid by the transferee to the transferor must not exceed the value of the bid or auction price paid by the original licence holder adjusted on a pro-rata basis for the remaining duration of the licence.
- (6) A radio frequency spectrum licence transfer application will be evaluated on the basis of the following criteria:
  - (a) Technical efficiency;
  - (b) Functional efficiency;
  - (c) Promotion of competition and interests of consumers;
  - (d) Equity ownership by HDPs; and
  - (e) Economic efficiency.
- (7) In the case where an extended application procedure is applicable, the applicant will receive a total score based upon the sum of the technical, functional and economic efficiencies as outlined in item 20 of the extended application procedure (**Annexure E**).



- (8) When applying for a radio frequency spectrum licence transfer, both the transferor and transferee must ensure that the following conditions are met:
- (a) Except where the radio frequency spectrum licence was issued according to the Standard Procedure found in **Annexure D**, the radio frequency spectrum licence must have been held for at least one year before an application for a transfer can be made;
  - (b) The transferee is capable of complying with the terms and conditions contained in the radio frequency spectrum licence;
  - (c) A duly completed application form is submitted by the transferor, with proof of payment of the prescribed application fee, at any office of the Authority;
  - (d) In the case of liquidation or insolvency of the transferor, the liquidator/curator must give written consent in respect of the transfer;
  - (e) In the case of a deceased estate, the executor of the deceased estate must give written consent in respect of the transfer; and
  - (f) The transferee, for the transfer of the radio frequency spectrum licence that was subject to an extended application procedure, must have a score not less than that of the transferor.
- (9) The Authority will not approve the transfer of a radio frequency spectrum licence:
- (a) whereby a licensee has been found, by the Complaints and Compliance Committee (“the CCC”), to have contravened the provisions of the Act, the ICASA Act, the Regulations, the Terms and Conditions of a radio frequency spectrum licence or a licence granted in terms of Chapter 3 of the Act, and has failed to comply with an order by the Authority in terms of section 17E(4) of the ICASA Act;
  - (b) if such transfer will not promote competition; or
  - (c) if such transfer will result in the reduction of equity ownership held by HDP to be less than 30% or the reduction of the BBBEE status of a licensee to a below Level 4 contributor or below the level which the transferor is already at.

### 13. Procedure to Surrender a Radio Frequency Spectrum Licence

- (1) A licensee seeking to surrender his licence must, in writing, submit the following to the Authority:
- (a) A completed application form in the format outlined in **Form C of Annexure A**;
  - (b) The original of the radio frequency spectrum licence and information on any other conditions imposed on the licence;
  - (c) A migration plan for any consumer that may be affected and an analysis of the impact on consumers as well as a communications plan to consumers;
  - (d) An inventory of radio apparatus and an e-waste management plan; and
  - (e) The proposed date from which the radio frequency spectrum licence shall become void, which will in any case not be any earlier than thirty (30) days from the receipt of the application for surrender.
- (2) After receipt of the application for Notice of Surrender, the Authority may:

- (a) request further information from the applicant;
  - (b) conduct a public consultation process; or
  - (c) impose conditions on the licensee with respect to provisions for end users before the Notice of Surrender can be approved by the Authority.
- (3) If a licensee has a service licence, the surrender of the radio frequency spectrum licence does not absolve the licensee from any obligations he or she may have under the service licence.
- (4) Subject to regulation 10(7) of these Regulations, a licensee seeking to surrender his radio frequency spectrum licence must inform his or her end-users, if any, within its geographic coverage of its decision no later than two (2) months before the expiry of its radio frequency spectrum licence.

#### 14. Procedure to Withdraw a Radio Frequency Spectrum Licence

- (1) The procedure for withdrawal of a radio frequency spectrum licence is as outlined in section 31 (8) to (10) of the Act.
- (2) The withdrawal of a radio frequency spectrum licence must not prejudice or affect the rights of the Authority to recover any money or obtain any remedy arising from or in relation to any breach of a licence condition or failure to comply with the Act.
- (3) The Authority may suspend a radio frequency spectrum licence for no more than twenty-four (24) months, whereafter the Authority may withdraw the licence in any of the following circumstances:
- (a) Whereby the licensee is placed in liquidation;
  - (b) Whereby the licensee's service licence has been revoked by the Authority or cancelled by the licensee;
  - (c) Whereby the licensee has repeatedly breached the terms and conditions of a radio frequency spectrum licence or the provisions of the Regulations;
  - (d) Upon failure to use the assigned radio frequencies within two (2) years of the granting of the radio frequency spectrum licence; or
  - (e) Upon the need for use of the frequency spectrum during an emergency including both man-made and natural disasters.

#### 15. Permission to Assign, Cede or Transfer Control of a Radio Frequency Spectrum Licence

- (1) No licensee must assign, cede or transfer control of a radio frequency spectrum licence without the prior written approval of the Authority.
- (2) An application to assign, cede or transfer control of a licence must be:
- (d) in the format as set out in **Form B**;
  - (e) accompanied by the prescribed fee; and
  - (f) submitted by the prospective transferor.
- (3) The applicant for the assignment, ceding or transfer control of a radio frequency spectrum licence that was or would have been subject to an extended application procedure in terms of Annexure E, must provide information as set out **Annexure E**.

- (4) The Authority will take the following steps with regard to an application for assignment, ceding or transfer of control of a radio frequency spectrum licence that was or would have been subject to an extended application procedure:
- (f) Publish a notice in the *Gazette* of the application to assign, cede or transfer control of the licence;
  - (g) Request any relevant information regarding the transaction to enable the consideration of the application;
  - (h) Invite interested persons to submit written representations in relation to the application within the period specified in the notice;
  - (i) Allow the applicant an opportunity to submit written responses to representations received in relation to the application within the period specified by the Authority; and
  - (j) May conduct a public hearing in relation to the application.
- (6) A radio frequency spectrum licence transfer application will be evaluated on the basis of the following criteria:
- (f) technical efficiency;
  - (g) functional efficiency;
  - (h) promotion of competition and interests of consumers;
  - (i) equity ownership and control by HDPs; and
  - (j) economic efficiency.
- (7) In the case where an extended application procedure is applicable, the applicant will receive a total score based upon the sum of the technical, functional and economic efficiencies as outlined in item 20 of the extended application procedure (**Annexure E**).
- (8) When applying for the assignment, ceding or transfer control of a radio frequency spectrum licence, both the transferor and transferee must ensure that the following conditions are met:
- (a) Except where the radio frequency spectrum licence was issued according to the Standard Procedure found in **Annexure D**, the radio frequency spectrum licence must have been held for at least one year before an application for a transfer can be made;
  - (b) The transferee is capable of complying with the terms and conditions contained in the radio frequency spectrum licence;
  - (c) A duly completed application form is submitted by the transferor, with proof of payment of the prescribed application fee at any office of the Authority;
  - (d) In the case of liquidation or insolvency of the transferor, the liquidator/curator must give written consent in respect of the transfer;
  - (e) In the case of a deceased estate, the executor of the deceased estate must give written consent in respect of the transfer; and
  - (f) The transferee for the assignment, ceding or transferring control of the radio frequency spectrum licence that was subject to an extended application procedure, must have a score not less than that of the transferor.
- (9) The Authority will not approve the assignment, ceding or transfer of control of a radio frequency spectrum licence:

- (a) Whereby a licensee has been found, by the Complaints and Compliance Committee (“the CCC”), to have contravened the provisions of the Act, the ICASA Act, the Regulations, the Terms and Conditions of a radio frequency spectrum licence or a licence granted in terms of Chapter 3 of the Act, and has failed to comply with an order by the Authority in terms of section 17E(4) of the ICASA Act;
- (b) If such transaction will not promote competition; or
- (c) If such transfer will result in the reduction of equity ownership held by HDP to be less than 30%, or the reduction of the BBBEE status of a licensee to a below Level 4 contributor or below the level which the transferor is already at.

## 16. Procedures for Coordination with Shared Frequencies

### *Self-coordination*

- (1) Licensees must make every attempt in good faith to mutually agree upon frequency coordination among themselves.
- (2) Licensees must take a non-discriminatory approach towards frequency coordination.
- (3) Licensees must provide the Authority with the agreed frequency coordination plan, including adjustments to parameters such as site location and antenna height.
- (4) In case of no mutual agreement, despite best effort and supported documented evidence from one or both parties, a licensee may refer the matter to the Authority for intervention.
- (5) The Authority may, at its own discretion, refuse to entertain any request for intervention where there is no sufficient documented proof of an attempt for mutual coordination between the licensees.

### *Coordination Intervention by the Authority*

- (4) A party seeking intervention from the Authority for the resolution of the coordination request must submit a coordination intervention request.
- (5) The coordination intervention request shall be in the format set out in **Form E of Annexure A**.
- (6) The Authority will, within thirty (30) days from the date of receipt of the coordination request, conduct an enquiry on the matter. It may, at its own discretion:
  - (a) request additional information from the concerned parties; or
  - (b) request joint hearings between all parties.
- (7) Upon the conclusion of the Preliminary Inquiry, the Authority will then inform the parties in writing of its plans for coordination of the radio frequency spectrum between the concerned parties.
- (8) The notification from the Authority will include the following particulars:
  - (a) The names and addresses of the parties;
  - (b) A statement of the facts supporting the claim;
  - (c) Issues in dispute;
  - (d) The decision on the best solution to resolve the coordination issue; and
  - (e) The supporting written statements by the relevant person, if any.

## PART V - Standard Terms and Conditions of Radio Frequency Spectrum Licences

### 17. Duration of a Radio Frequency Spectrum Licence

- (1) The granting of a radio frequency spectrum licence must not be construed as conferring upon the holder a monopoly for the use of or a right of continued tenure of the radio frequency spectrum.
- (2) Unless otherwise specified in a radio frequency spectrum licence, a radio frequency spectrum licence shall run parallel to and not exceed the duration of a service licence contemplated in Chapter 3 of the Act, issued to the person in possession of a radio frequency spectrum licence.
- (3) The duration of a radio frequency spectrum licence, without a corresponding service licence contemplated in Chapter 3 of the Act, except those mentioned in sub regulation (4), is a year (i.e. from 1 April until 31 March) and such a licence will expire on the due date of the then current licence year.
- (4) Where a radio frequency spectrum licence is issued in the Amateur Radio, Aeronautical Band, Marine Band, Citizen Band Radio for Ski Boats, the licence shall remain valid from 1 April of the year in which it was issued and is thereafter renewable by payment of the prescribed licence fee before or on the due date in the year it is set to expire.
- (5) All payments relating to the usage of radio frequency spectrum are payable annually on or before the due date, except those mentioned in sub regulation (4).

### 18. Spectrum Sharing

- (1) Radio frequency spectrum sharing is where two or more licensees have been granted radio frequency spectrum licences for all or part of the same frequency assignment.
- (2) The Authority may require a licensee to share an assigned frequency with other licensees.
- (3) Two or more persons may apply to the Authority for radio frequency spectrum licences for spectrum assignments on a shared basis in terms of **Form D of Annexure A**.
- (4) All radio frequency spectrum sharing agreements are subject to approval by the Authority, and to a non-discriminatory approach.

### 19. Spectrum Coordination

- (1) Two or more persons may apply to the Authority for radio frequency spectrum licences for spectrum assignments on a coordinated basis in terms of **Form D of Annexure A**.
- (2) Licensees are required to make every effort to reach an agreement over the use of shared spectrum before declaring a dispute.
- (3) The Authority may at its own discretion, for particular frequency bands, require that licensees, who have an assignment on a shared basis, collectively submit a spectrum sharing coordination agreement for approval.
- (4) The Authority may, at its own discretion, specify the coordination procedures to the licensees of shared spectrum assignments.
- (5) Licensees may request the Authority to assist with coordination.

### 20. Spectrum Dispute Resolution in the Use of Shared Frequencies

- (1) A dispute between licensees regarding any matter pertaining to radio frequency spectrum shall first be attempted to be resolved by the parties.

- (2) If an undertaking provided by any one of the parties has been registered with the Authority, the parties may then adopt the conditions of the undertaking in resolving the dispute.
- (3) The parties may seek a resolution of the dispute by the Authority if :
  - (a) they cannot or have otherwise failed to reach an agreement in the dispute, and no relevant undertaking has been registered;
  - (b) one of the parties to the dispute does not wish to adopt the conditions of the undertaking registered with the Authority; or
  - (c) the Act expressly provides for such resolution.
- (4) Both parties should make every attempt in good faith to reach a solution using “Alternative Dispute Resolution” (ADR) before approaching the Authority, including:
  - (a) negotiation – bilateral discussions between the involved parties; and
  - (b) mediation and arbitration – negotiations supported by a neutral party.
    - (i) In this case the parties may approach the Authority to assist in the appointment of a mediator who is acceptable to all parties.
    - (ii) The recommendations from the mediation and arbitration process need to be mutually accepted by the disputing parties.
    - (iii) The Authority cannot be held responsible or liable for any decision reached through the ADR process.
- (5) The Authority, may at its own discretion, reject any dispute application where there has not been any clear and documented attempt to adopt ADR before referring the dispute to the Authority; except in instances referred to in sub,regulation (2)
- (6) Where licensees are unable to reach an agreement following ADR process, either one of the licensees may declare a dispute by informing the Authority in writing, indicating the subject matter of the dispute.
- (7) In resolving the dispute, the Authority may decide as follows:
  - (a) Direct the removal of radio apparatus;
  - (b) Impose penalties on one or more of the licensees should it be ascertained that the said licensees are in contravention of their licence conditions, regulations or Act;
  - (c) Suspend or cancel radio frequency spectrum licences in accordance with the provisions of these regulations; or
  - (d) Impose other terms and conditions as required.

## **21. Application Fees and Examination Certificates Fees**

- (1) Radio frequency spectrum fees payable are contained in the applicable radio frequency spectrum fee regulations.
- (2) Radio frequency application fees, radio frequency examination and certificate fees are as contained in **Annexures F and G** of these Regulations.
- (3) Any application fee payable in respect of these Regulations is non-refundable.

## **PART VI - Specific Services**

### **22. Radio Apparatus**

*Radio Apparatus Dealer Certificate*

- (1) The Authority may, on application, issue to any person a radio apparatus dealer certificate and charge a fee as prescribed by it.
- (2) A person who deals in radio apparatus, either personally or as agent, must be in possession of a radio apparatus certificate issued by the Authority.
- (3) All radio apparatus in the possession of a radio apparatus dealer must be disconnected from any power supply and antenna, except in cases where a radio frequency spectrum licence has been issued by the Authority to that dealer for that particular radio apparatus.
- (4) A radio apparatus dealer can demonstrate the workings of any equipment only when the Authority has issued a radio frequency spectrum licence for that purpose to him or her.
- (5) No radio apparatus dealer must sell, hire out, donate or in any manner supply or install any radio apparatus to any person, or effect any repairs to any radio apparatus for any person, unless that person is entitled to have that equipment in their possession.
- (6) A radio apparatus dealer must, in respect of all types of electronic communication facilities and radio apparatus other than a sound receiver or television set that he has sold, hired out, donated or supplied in any other manner, or has repaired or installed for any person, keep a register in which the following are recorded:
  - (a) Name and address of the person to whom such equipment was sold, hired out, donated, supplied or for whom the repairs or installation were done;
  - (b) Date of the transaction by virtue of which such equipment was sold, hired out, donated, supplied or the date on which the repairs or installation were carried out and the nature of such repairs;
  - (c) A description of the type and nature of the equipment involved and, in the case of radio apparatus, the serial number as well as the frequency on which it operates, for example, XYZ two-way radio 1358706 on the frequency 83.5000 MHz;
  - (d) 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, donated, supplied or for whom the repairs or installation were carried out; or
  - (e) The call sign or number and expiry date of the licence, radio apparatus dealer registration certificate or particulars of permit by virtue of which the person to whom the equipment was supplied or for whom the repairs or installation were carried out was exempted from an obligation to be a holder of an appropriate licence for the possession of such apparatus.
- (7) A register in terms of sub regulation (6) must be retained by the radio apparatus dealer for a period of at least three (3) years after the date of the transaction by virtue of which the required records were made.
- (8) Electronic communication facilities and radio apparatus, other than a sound radio or television set, must not be handed over or returned by the radio apparatus dealer to a person or any other radio apparatus dealer unless the radio apparatus dealer is satisfied that such apparatus is tuned to only that frequency or those frequencies which the licensee may use in terms of the conditions of his licence or which the Authority has otherwise prescribed.
- (9) A radio apparatus dealer must dispose of all obsolete equipment or e-waste in an environmentally responsible manner, and keep a register for a period of at least three (3) years of all equipment disposed of and the means used to dispose of the equipment.
- (10) A radio apparatus dealer must inform the Authority if any of the details in its original application change, within fourteen (14) days of such change occurring.

*Procedure in Respect of Applying for a Radio Apparatus Dealer Certificate*

- (11) The relevant application form, obtainable at any office of the Authority, must be completed and submitted with proof of payment of the prescribed application fee.
- (12) In the event that the applicant is a natural person, a copy of the applicant's identity document must also be submitted with the application form.
- (13) In the event that the applicant is a juristic person or an association, a copy of the applicant's company or closed corporation registration certificate or constitution of the association must also be submitted with the application form.
- (14) Radio apparatus dealer certificates are only issued to South African citizens and residents or South African registered companies, closed corporations and associations.
- (15) The issuing of a radio apparatus dealer certificate does not grant sole rights with regard to the supply of any particular type of electronic communication equipment.

**23. Amateur Radio Communications**

*Conditions for the Granting of an Amateur Radio Station Licence*

- (1) The Authority will, subject to these Regulations, issue a Class-A or Class-B licence for the use of an amateur radio station.
- (2) A Class-A licence (ZS – CEPT Class 1) shall be issued to a person who:
  - (a) has furnished proof of his or her ability to correctly set up, adjust and operate an amateur HF radio apparatus; and
  - (b) is in possession of a HAREC issued or recognised by the Authority.
- (3) A Class-B licence (ZU) shall be issued to a person who:
  - (a) has furnished proof of his or her ability to correctly set up, adjust and operate an amateur HF transceiver;
  - (b) is in possession of a radio operator certificate specified for a Class-B licence; and
  - (c) Is not over the age of twenty (20) years.
- (4) A Holder of a Class-B novice licence should write and pass the Class-A examination before his/her 25th birthday after which the Class-B novice licence will be cancelled.
- (5) The Authority will issue call signs to licensed amateur radio stations and no person shall acquire call signs on behalf of a group of persons or amateur radio stations.

*Foreign Radio Amateur Operator*

- (6) The Authority will issue an amateur radio station licence to a foreign radio amateur operator if all the following conditions are met:
  - (a) whereby a foreign operator has a valid foreign amateur radio station licence;
  - (b) whereby a foreign operator has an amateur operator certificate, equivalent to the relevant class of South African licence or certificate, issued by a recognised competent foreign authority and
  - (c) whereby there is a reciprocal agreement between South Africa and the other country.



*Use of Amateur Radio Stations*

- (7) An amateur radio station shall only be used by the holder of the amateur radio station licence issued by the Authority.
- (8) The holder of an amateur radio station licence may use an amateur radio station other than his or her own with the permission of the licensee concerned.
- (9) An amateur radio listener's licence authorises the holder therein to acquire and be in possession of a radio apparatus for the reception of amateur radio signals only.

*Communication by Amateur Radio Stations*

- (10) A licensee is permitted:
  - (a) to engage in communication with other licensed amateur radio stations, using the permitted amateur bands, and such communication must be restricted to comments on technical investigations, remarks of a personal nature and other items of a common interest which must not include commercial or business communication for which an electronic communication service would have been used had the amateur radio communication not been available;
  - (b) in the case of an emergency and where the safety of life or limb is at stake, to communicate with amateur stations or any other disaster relief stations to prevent loss of life, to render assistance, to call for assistance or convey health and welfare messages directly connected with the emergency;
  - (c) to practise emergency and event-related communication, by providing communication for cycle, motor, marathon rallies and general community service provided that the station engaged in the practice is a holder of the appropriate class licence for the frequency used;
  - (d) to carry out communication in plain language or Q Code; and
  - (e) to send un-enciphered signals that form part of or relate to the transmission of messages.
- (11) An amateur radio station must not advertise anything (including goods and services) or transmit any news or messages on behalf of a third person on an amateur radio station.
- (12) The Authority may authorise an amateur radio station to transmit:
  - (a) reports on behalf of or by a third person during events that are in the public interest;
  - (b) information bulletins that are of direct interest to amateurs; and
  - (c) Morse code for reception by persons learning Morse code operation or for improving their competence in Morse.
- (13) An amateur radio station must not be used to transmit or receive messages for monetary reward.
- (14) For the purposes of these Regulations, messages and signals include communication by any of the modes or types of modulation permitted in the national radio frequency plan.
- (15) The Authority will permit stations registered with it as educational stations to demonstrate amateur radio to persons who do not hold an amateur radio station licence by allowing them to speak and operate the station under the supervision of a licensed amateur, whilst participating in a special educational event or at educational institutions.

*Log book for Amateur Radio Station Activities*

- (16) A licensee must keep a log book recording the activities of the amateur radio station used by him or her or any other person under the supervision of the licensee, except when operating a station in the VHF and UHF bands or mobile.
- (17) Details recorded in the log book referred to in sub regulation (16) must include:
- (a) the date, time and nature of each transmission, provided that the date with regard to each individual day's operation needs to 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;
  - (b) 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 needs to be recorded only once in the log book with an explicit statement that all transmissions are made by him, except where stated otherwise;
  - (c) the call sign of every station, provided that it need not be recorded repeatedly for calls made to the station during the course of the communication;
  - (d) the transmitter power that is used;
  - (e) the frequency band that is used, provided that it needs to be recorded in the log book only once until a change of frequency to another authorised band takes place; and
  - (f) the address from where the transmission takes place, provided that such address needs to be recorded only once, should the place of transmission not change.

*Terms and Conditions for Amateur Licences*

- (18) No person must transmit by way of an amateur radio station, using a mode of emission or at a power level, other than that indicated in the national radio frequency plan, unless authorised by the Authority.
- (19) The mode of emission referred to is contained in Annexure H in these regulations.
- (20) Where the amateur service allocation is on a secondary basis, frequency spectrum bands must be shared with other services subject to the following conditions that:
- (a) amateur radio stations must not interfere with these services; and
  - (b) users of frequency bands must unconditionally accept interference from Industrial, Scientific and Medical (ISM) equipment.
- (21) Radio apparatus used at an amateur radio station must not be tuned to a frequency other than a frequency for amateur services referred to in Annexure I in these regulations.
- (22) Radio apparatus must only be tuned to the harmonised public protection and disaster relief frequencies for disaster relief radiocommunication purposes.
- (23) The frequencies required by the licensee must be selected in such a manner that no power is radiated at frequencies other than those referred to in the amateur radio frequency plan, provided that the bandwidth of emissions on bands that have been allocated to the amateur radio service in terms of these regulations shall be restricted to the minimum.

*Limitation in Respect of Transmissions by an amateur Radio Station*

- (24) No person must operate an amateur radio station using frequency bands, modes of emission or at power levels other than those specified in the amateur national radio frequency plan.
- (25) Class-B emission (damped waves) by an amateur radio station is not permissible.
- (26) An amateur or experimental radio station must not be used for the simultaneous retransmission by automatic or other means of programs or signals originating from a commercial 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.
- (27) An amateur radio station must not be erected in or on a vehicle which is used for public transport.

***Transmissions Relating to Entertainment by an Amateur Radio Station***

- (28) No form of entertainment must be transmitted from an amateur radio station, provided that music transmissions for experimental purposes shall be permissible on condition that:
  - (a) such transmissions shall last no longer than three (3) minutes;
  - (b) at least five (5) minutes shall elapse before any further music is transmitted from the same station;
  - (c) when commercial recordings are used, the make, name or title of such recordings shall not be mentioned; and
  - (d) such transmissions must not take place in bands other than those indicated in the amateur national radio frequency plan.

***Television Transmissions by an Amateur Radio Station***

- (29) The holder of an amateur radio station licence must obtain approval from the Authority to transmit television, provided that such approval shall only be granted to the licensee after at least twelve (12) months have elapsed since the date of issue of such licence.

***Spread-Spectrum Communication***

- (30) The Authority will, subject to the condition that interference is not caused to other users of the same frequency band and such other conditions as it may deem necessary, on application using the standard application form, authorise the holder of an amateur radio station licence to employ spread-spectrum communication.
- (31) The frequency edges of the band and the modulation technique / emission designation to be used shall be furnished in the application form.

***Transmitter Power Output of Amateur Radio Stations***

- (32) The maximum power output of the transmitter, as measured at the antenna port, must not exceed the levels specified in the national radio frequency plan for the relevant licence classes and linearity must be maintained.
- (33) An adequately filtered direct-current power supply must be used for all the transmitting equipment.
- (34) The coupling between the antenna and the transmitter shall be such that no direct potential danger to life exists at a power supply on or at the antenna.
- (35) The antenna system must furthermore comply with the requirements of the relevant local municipality.

***Frequency Measuring Equipment***

- (36) Every amateur or experimental radio station must have frequency measuring equipment with accuracy of at least zero point one percent (0.1%), unless the frequencies of all transmitters of the station are crystal-controlled and are accurate to at least zero point one percent (0.1%).

***Mobile Amateur Radio Station***

- (37) An amateur holding a Class-A or Class-B licence may use a mobile amateur radio station within the boundaries of the Republic of South Africa.
- (38) When a mobile amateur radio station is used in an amateur radio zone other than that in which the amateur resides, the call sign allocated to the main station must:
- (a) in the case of continuous-wave radiotelegraphy, be followed by the signal, the letter M and the number of the zone from where the station is operated; and
  - (b) in the case of radiotelephony be followed by the word "mobile" and the number of the zone from where the station is operated.
- (39) For the application of the provisions in respect of zone, the different zones of the Republic of South Africa are indicated in Annexure J of the Regulations.

***Amateur Radio Operator Certificate***

- (40) No person must obtain a HAREC or a certificate specified for a Class-B licence unless he or she has passed an examination in the Republic of South Africa for Class-A or Class-B licences.
- (41) Any person who is not prohibited by these Regulations from qualifying may sit for the examination.
- (42) The examination must be conducted at least once a year.
- (43) HAREC and a certificate specified for Class-B licences shall be issued to a candidate who passes the examination and such certificate is not recognised for any purpose other than an amateur radio station licence.
- (44) The possession of a HAREC or certificate specified for a Class B licence shall not entitle the user therein to an amateur radio station licence.
- (45) The following conditions are applicable to the radio amateur examination:
- (a) The syllabi for the examination must be provided to anybody on request;
  - (b) Three (3) hours must be allowed for the examination paper consisting of various parts;
  - (c) To pass the examination, a candidate must obtain at least 50% (fifty percent) in each of the relevant parts with a total average of 65% (sixty-five percent) and
  - (d) A candidate who passes either of the parts referred to in paragraph (c) and passes the remaining part within three (3) successive attempts, which shall commence immediately after the one in which the candidate was unsuccessful, is exempt from writing the whole examination again.

**24. Communal Repeater Station Services.**

- (1) A communal radio repeater station service may not be provided to one (1) client only.

- (2) No person shall interconnect a communal radio repeater station service without the approval of the Authority, provided that such approval shall only be considered in cases where multi-channel allocations are already in use on a communal radio repeater station service.
- (3) The Authority may issue an additional assignment for a communal radio station service to a licensee if each of the licensee's existing communal radio repeater stations in the same area services no less than ten (10) clients and one-hundred (100) two-way radios.
- (4) An assignment may be refused on the grounds that the licensee's existing communal radio repeater station service or services does not or do not comply with the requirements specified in these regulations.
- (5) An assignment may be issued by the Authority if proof of channel occupancy, to justify the application, is furnished.
- (6) A licensee of a communal radio repeater station service who is experiencing coverage obstacles should submit proof that he or she has tested alternative technical solutions without success before he or she applies for an additional communal radio repeater station service assignment in the same working area.
- (7) No person shall operate or use a communal radio repeater station service unless:
  - (a) tone signalling is built into all stations in the system and provided that, if the Continuous Tone Coded Squelch System (CTCSS) signalling method is not used, some other method of automatic 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 dependant on the discontinuance of the carrier;
  - (c) the communal radio repeater station has a facility to prevent any user group from re-engaging it within one minute of completing a call;
  - (d) all transceivers have a built-in facility to prevent the transmission of a carrier while the communal radio repeater station 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 set at the levels as approved by the Authority.
- (8) A licensee of a communal radio repeater station service must keep a register of:
  - (a) each user connected to the service, reflecting the user's name and address as well as the address of the base station when applicable;
  - (b) any additional users connected to the service during the previous calendar year;
  - (c) particulars of persons who had cancelled the use of the service during the course of the said calendar year.
- (9) A copy of the register must be made available to the Authority on request and will, if an application is made for a licence for an additional communal radio repeater station in a specific area, accompany such application in confirmation of the clients and stations served by an existing system in that area.

- (10) At the end of each year, a licensee must send a copy of the register by certified post to the Authority to reach it not later than 31 January of the following year.

**25. Burglar Alarm Services**

- (1) Radio frequency spectrum for the purposes of providing burglar alarm services will be assigned on a shared basis and the various manufacturers or suppliers of the burglar alarm equipment have a responsibility to coordinate the use therein between the different licensees.
- (2) All alarm equipment must be capable of being programmed with codes in order to allow for efficient use by multiple controls and parrot repeater stations.
- (3) All lock-on faulty signals and transmitters must be investigated and rectified by a licensee or licensees affected.
- (4) An assignment for additional frequency spectrum in the licensed area may be issued by the Authority if each of the licensee's existing burglar alarm systems in the same-area services not less than twenty (20) control stations and twenty thousand (20 000) burglar alarm transmitter stations.
- (5) If the licensee's existing burglar alarm service does not comply with the requirements as specified in these regulations, then the licensee must at least demonstrate that it is using the entire radio frequency spectrum assigned to him or her efficiently.
- (6) A licence shall be issued by the Authority if proof of channel occupancy is furnished to justify the application.
- (7) Approval must be obtained from the Authority before any parrot repeater station or control station is supplied and installed on a burglar alarm service.
- (8) A licensee, providing a burglar alarm service using radio frequency spectrum assigned for that purpose, must keep a register of each client connected to its service and provide a copy of the register to the Authority upon request.
- (9) A register in terms of sub regulation (9) must clearly indicate any additional burglar alarm transmitters connected to a licensee's system during the preceding year and clearly indicate any burglar alarm transmitters that were cancelled during the same period.

**26. Simplex Radio Rental Services.**

- (1) A radio frequency spectrum licence for a simplex radio rental system will be for a minimum of fifty (50) two-way radio stations.
- (2) A licensee assigned radio frequency spectrum to provide a simplex radio rental system may rent simplex radio apparatus subject to regulations developed by the Authority on radio rentals.
- (3) All equipment of a simplex radio rental system must operate with Continuous Tone Coded Squelch System (CTCSS) and or a Digital Coded Squelch System equivalent.
- (4) Permission must be obtained from the Authority before any equipment may be rented for use outside the licensed operational area.

**27. Citizen Band Services**

*Licences for the Operation of a Citizen-band Radio Station*

- (1) A radio frequency spectrum licence issued for citizen band radio services confers on the licensee the right to use a citizen-band radio station from a mobile or fixed point.

- (2) The following persons may be permitted by a licensee to use his or her citizen-band radio station on the authority of the licence issued:
- (a) A member of the licensee's household who resides with him or her;
  - (b) An employee of a licensee, provided the communication concerns the business of the licensee only;
  - (c) Every partner or employee of a partnership which is a licensee, provided the communication concerns the business of the partnership only;
  - (d) Every member of an association and employee of an association which is a licensee, provided the communication concerns the business of the association only;
  - (e) Every member or employee of a closed corporation which is a licensee, provided the communication concerns the business of the corporation;
  - (f) Every official, director or employee of a company which is a licensee, provided that the communication concerns the business of the company only; and
  - (g) Any other person authorised by the Authority.
- (3) Communication between fixed points for business purposes is prohibited.

***Frequencies for Transmitting over the Citizen-band Radio Service***

- (4) No person may transmit in the citizen-band on any frequency other than those indicated in the national radio frequency plan.
- (5) Although any channel may be used for emergency communication or for assistance to travellers, the emergency channel may not be used for purposes other than emergency communication or travellers' assistance.
- (6) All channels are for the common use of all licensees and no channel may be reserved for the private or exclusive use of any particular station or group of stations.
- (7) Users of the citizen-band radio service who work within the limits of the frequency band 26.96 MHz to 27.28 MHz shall accept harmful interference from Industrial, Scientific and Medical (ISM) equipment users.

***Communication between Citizen-band Radio Stations***

- (8) Citizen-band radio stations may only be used to communicate with other licensed citizen-band radio stations.
- (9) Reception of, as well as transmission to, foreign radio stations and radio stations not licensed in the citizen-band radio service, is prohibited.
- (10) Communication in the citizen-band radio service must be by means of two-way conversations in plain language or the 10 code.
- (11) No person shall use the citizen-band radio service to:
  - (a) transmit material intended for direct or indirect transmission over a broadcasting station;
  - (b) communicate for business purposes between fixed points; or/and
  - (c) operate the system in such a way as to cause interference to any other radio station.
- (12) No licensee or any other person may accept remuneration for the transmission or reception of messages over the citizen-band radio service.

- (13) Users of the citizen-band radio service are obliged to give priority to emergency communication at all times.
- (14) Communication between citizen-band stations must be as brief as practicable and must not exceed five (5) continuous minutes except in the case of an emergency.

*Use of a Handle, Station Indicator or other Special Identification*

- (15) 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 Authority. Similarly, the phonetic alphabet may be used as an aid to identification.

*Modification/ Adjustment of Citizen-band Radio Apparatus*

- (16) No person shall effect any modification or adjustment to an approved citizen band radio apparatus without the approval of the Authority.
- (17) All repairs or approved adjustments must be made by, or under the direct supervision of, a registered radio apparatus dealer.

*Technical Requirements that Citizen-band Radio Apparatus must satisfy*

- (18) Citizen-band radio apparatus must satisfy all technical requirements as specified in the national radio frequency plan and on the radio frequency licence.
- (19) No person may connect or use a linear or additional radio-frequency amplifier to a citizen-band radio station.
- (20) The Authority must seize all unsealed linear or additional radio frequency amplifiers found in the possession or on the premises of the user, for examination and safe custody.

**28. Radio Frequency Spectrum Licensing for Registered Association or Clubs**

- (1) The Authority may issue a radio frequency licence to a registered association or club for use by their members.
- (2) A radio frequency spectrum licence will be issued for the sole purpose of communication amongst members of the association or club.
- (3) The club or association, when applying for a radio frequency spectrum licence, must attach a list with the names and identity numbers of each member.
- (4) Updates on membership must be forwarded to the Authority on a monthly basis.



**PART VII - General Provisions****29. Allocation and Display of Call Sign**

Where the Authority allocates a call sign to a radio station, the said call sign must be conspicuously displayed on the said radio set by the licensee and the call sign must be transmitted at least once during each separate transmission.

**30. Modifications to a Station**

A licensee is obliged to effect, at his or her own cost, any modifications to his or her radio-communication system that the Authority has directed, and the Authority shall by no means be liable to the licensee or any other person for any costs or damages arising from such modifications.

**31. Interference, Condition of Station and Compliance with Requirements of the Authority and Local Municipality**

- (1) A licensee is obliged to maintain all radio apparatus in a good technical condition and to ensure at all times that it satisfies the requirements of the Authority and does not cause harmful interference.
- (2) The antenna system must comply with any requirements of the relevant local municipality or other relevant authority.

**32. Indecent Language and Fraudulent Transmissions over Stations**

- (1) No person shall transmit language which, judged within context:
  - (a) Violates the dignity or privacy of a person;
  - (b) Amounts to profanity;
  - (c) Amounts to obscenity;
  - (d) Amounts to propaganda for war;
  - (e) Amounts to incitement of imminent violence;
  - (f) Amounts to the advocacy of hatred based on race, ethnicity, religion or gender and that constitutes incitement to cause harm;
- (2) Sub regulation (1) shall not apply to *bona fide* literature, drama, documentary or scientific material or to *bona fide* religious debate.

**33. Distress Signal**

No person must transmit a distress signal without justifiable reason.

**34. Change of Contact Details**

- (1) A licensee must inform the Authority of the change of any of the contact details provided to the Authority in an application or previous change notification within fourteen (14) days of the change occurring.

**35. Radio Receiving Apparatus with Continuous Tuning**

No person must use or have in his or her possession any radio receiving apparatus which is capable of continuous tuning and can be tuned to bands above thirty (30) MHz except in the following instances:

- (a) For international broadcasting and radio amateur bands;
- (b) The licensee is part of a recognised responsible disaster relief organisation and/or authorised agency; and
- (c) Whereby the Authority's prior approval was obtained.

**36. Operation of Radio Apparatus on Board Ship while it is in Harbour**

- (1) The Master of a ship must ensure that the radio installation on board is not used for radiocommunication 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:
  - (a) the nearest coast station in the Republic that is open for public correspondence;
  - (b) the port operations service; and
  - (c) a vessel on its way to the harbour or berth provided the communication is limited to navigational safety.
- (2) The restriction shall not apply to the apparatus used on board a ship for establishing communication via any satellite of the INMARSAT organisation.

**37. Recognition of Licences Issued by other Countries**

Notwithstanding provisions to the contrary in these regulations, the Authority may issue a radio frequency spectrum licence as required by the Act or these Regulations to a person who, in the opinion of the Authority, possesses a similar licence issued by an authority in another country despite the fact that such person does not satisfy specific requirements stipulated by these regulations for the acquisition of the licence or certificate.

**38. Possession of Radio Apparatus without Licence**

- (1) Subject to sections 32(1) and 35 of the Act, no person may possess any radio apparatus except under and in accordance with a radio frequency spectrum licence granted by the Authority, or exempted from a licence by the Authority, or subject to the required type approval of the apparatus.

- (2) No person must break a seal or alter radio apparatus sealed or altered by the Authority in terms of section 32(3) (a) of the Act.
- (3) Subject to the provisions of section 31(6) of the Act, the Authority may issue, upon application, a permit (maximum period of one month) with regard to the following activities:
  - (a) Trial, experimental and demonstration system;
  - (b) National or news events of public or global interest;
  - (c) Presidential/inter-governmental visits; or
  - (d) Any other special event or occasion that would require the use of radio frequency spectrum.
- (4) An application for a permit must be accompanied by the prescribed application fee and must contain the following:
  - (a) Full name, address and contact details of the applicant.
  - (b) If the applicant is a juristic person or an association, a copy of the registration certificate for the company or the Constitution of the association must be supplied.
  - (c) The storage location of the radio apparatus for which the permit is applied;
  - (d) The make and model number of the radio apparatus;
  - (e) The number of units in question; and
  - (f) Technical parameters of such radio apparatus, including, but not limited to, frequency, power and applicable standard.
- (5) Where the radio apparatus is not type-approved for use in South Africa and is intended for export purposes only, the applicant must provide an affidavit stating the following:
  - (a) The country from where the equipment originates;
  - (b) The country where the radio apparatus will be exported;
  - (c) That the radio apparatus and containers therein are sealed; and
  - (d) That the radio apparatus is not intended for use, sale or distribution in South Africa.

#### **39. Radio Reception Blocking Devices**

- (1) No person may be in possession of a radio reception blocking device, also known as a radio jamming device.
- (2) The provisions of sub regulation (1) do not apply to any member of the security services as defined in section 1 of the Act as to who is required to possess a radio reception blocking device for a lawful purpose and in the execution of his or her functions only where it is possessed and used in line with a formal agreement between the Authority and the security services.

#### **40. Licences for Trials, Experimentation and Demonstration of Systems**

- (1) Any person can apply for a trial, experimental or demonstration system licence, which licence may be granted on a temporary basis and provided for a limited time period under certain criteria.

- (2) All applications shall be accompanied by a covering letter and relevant supporting documents including:
- (a) trial objective;
  - (b) location;
  - (c) equipment technical specifications;
  - (d) network configuration;
  - (e) coverage map (not applicable for demo and experimental);
  - (f) trial schedule and time line;
  - (g) sampling size and category (for commercial trial); and
  - (h) data collection method (for commercial trial).

***Criteria for a Licence for a Trial for an Experimental or Demonstration System***

- (3) A licence for a trial for the testing of an experimental system or the demonstration of a system could be considered for each of the following purposes:
- (a) For the benefit of “public interest” as stated in the Act (Section 2);
  - (b) For the benefit of users or the public;
  - (c) For strategic business decisions and implementation;
  - (d) For consumer education, orientation and feedback;
  - (e) For research and development into the use of new technologies or new ways that existing technology might be used; and/or
  - (f) For research and development into new or different ways of using the radio frequency spectrum.
- (4) A similar task or activity shall not be implemented within the same geographic area that has an existing system of the same nature, unless there are critical and strategic reasons to support the subsequent application[s]. Each application of a trial will need to specify the criteria as listed above and its justifications

***Nature of trials***

- (3) A trial can typically be of the following nature, although not exclusively so:
- (a) A field or technical trial that includes aspects such as compatibility, interoperability, safety, compliance to standards and engineering and network operational practices, as well as other related activities and should concentrate largely on the areas of technical operation and performance of a system or product as well as the technical assessment of the technology;
  - (b) A pilot study that may encompass evaluating all-round aspects of a system or product and is normally conducted with an offering for trial to a select group of users who will evaluate services offered by the trial within the specified time period;
  - (c) A commercial trial will involve commercial issues and may incur all or any of the commercial levies or charges, as mutually agreed for the trial, usage or recurring charges and billing, installation and commissioning costs and rental of equipment over the period where the trial is being conducted;

- (d) Trials and experimental systems may be conducted for the purpose of research and development (R&D) either by individuals or organisations, like government, universities, research establishments, companies, trade associations or learned societies on condition that sufficient justification is provided; and
- (e) Trials may be conducted for showcasing new applications and contents on an existing system or product.

#### *Duration of the Trial*

- (6) The short term trial shall be limited to three (3) months and may be extended for good reasons given for a period which does not exceed three (3) months.
- (7) The long term trial shall be eight (8) months and may be extended for good reasons given for a period which does not exceed six (6) months.
- (8) Applications with duration of less than three (3) months may be extended for good reasons given for a period which does not exceed one (1) month.
- (9) For experimental purpose the duration may be based on an applicant's requirement.
- (10) For demonstration purposes, the assignments period may coincide and be based on the exhibition or conference period.

#### *Other conditions of a trial licence*

- (11) For the purposes of effective evaluation of a trial in progress, the trial shall be subjected to regular reporting on the status or progress to the Authority throughout the trial period. This must be in the form of a periodic report, submitted every three (months).
- (12) The final report must be submitted at the end of the trial period. This report must detail, *inter alia*, the findings, the issues and problems and their resolutions, the benefits obtained and the proposals for the next steps.
- (13) The report must consist of additional trial results and trial outcomes or findings.
- (14) All trials will allow for the participation of the Authority's personnel according to mutually-agreed upon principles.

### **PART VIII - Other**

#### **41. Rights**

Assignment of Radio Frequency Spectrum and the issuance of licences to use Radio Frequency Spectrum are at the discretion of the Authority and applicants for Radio Frequency Spectrum must furnish all information to support their application as required by the Authority.

#### **41. Liability for Costs**

The Authority is not liable for any costs incurred by an applicant or person submitting a notice (where applicable) in compliance with these Regulations. Any cost must be borne by the applicant or person submitting a notice (where applicable).

#### **42. Offences and Penalties**

- (1) Any person who contravenes these Regulations, except for regulations 3, 11(c), 13(4), 17(5), 38(1) and (2) and 39(1) is liable to a fine not exceeding R200 000, 00 (Two hundred thousand Rands).
- (2) Any person who contravenes regulation 3 of these Regulations, is guilty of an offence and subject, on conviction, to a fine not less than R50 000, 00 (Fifty thousand Rand) but not exceeding R100 000, 00 (One hundred thousand Rand).
- (3) Any person who contravenes regulation 11(c) of these Regulations is guilty of an offence and subject, on conviction, to imprisonment of thirty (30) days and/or a fine not less than R50 000, 00 (Fifty thousand Rand) but not exceeding R200 000, 00 (Two hundred thousand Rand).
- (4) Any person who has contravenes regulation 13(4) of these Regulations shall be subject to a cooling-off period.
- (5) Any person who contravenes regulation 17(5) is liable to payment of interest on the outstanding amount at the interest rate provided for in terms of section 80 of the PFMA.
- (6) Any person who contravenes regulation 38 (1) and (2) of these Regulations is guilty of an offence and subject, on conviction, to imprisonment of not less than six (6) months but not more than twenty-four (24) months and/or is liable to a fine not less than R250 000, 00 (Two hundred and fifty thousand Rand) but not exceeding R5 000 000, 00 (Five million Rand).
- (7) Any person who contravenes regulation 39(1) of these Regulations is guilty of an offence and subject, on conviction, to imprisonment of not less than twelve (12) months but not exceeding sixty (60) months and/or a fine not less than R500 000, 00 (Five hundred thousand Rand) but not exceeding R5 000 000, 00 (Five million Rand).

#### 42. Short title and commencement

These Regulations are called the **Radio Frequency Spectrum Regulations, 2015** and shall commence on **01 April 2015**.

#### 43. Repealed Regulations

<b>Gazette No.</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
34172 of 2011 (Notice No. 184)	Radio Frequency Spectrum Regulations, 2011	The whole.
31127 of 2008 (Notice No. 713)	The Spectrum Reallocation for Radio Frequency Identification (RFID) Systems	The whole.

## PART IX - Annexures

## ANNEXURE A

## FORM A

## APPLICATION TO AMEND A RADIO FREQUENCY SPECTRUM LICENCE

- Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the specific part of the Form.*
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.*

PARTICULARS OF LICENCE	
Licence number:	
Nature of services authorised to be provided in terms of the Licence:	
Attach a copy of the Licence that is the subject of this application. The copy of the Licence must be marked clearly as <b>Annexure A of FORM A 1</b> .	

PARTICULARS OF APPLICANT (LICENSEE)	
Full name of applicant:	
Designated contact person:	
Applicant's street address:	
Applicant's principal place of business (if different from street address):	
Applicant's postal address:	

Applicant's telephone number/s:	
Applicant's telefax number/s:	
E-mail address of designated contact person:	

<b>PROPOSED AMENDMENT TO THE LICENCE</b>
--

Set out the proposed amendment/s and attach a copy of the radio frequency spectrum Licence marked clearly as <b>Annexure A of FORM A 2</b> :
--

Set out the reasons for the proposed amendment/s to the Licence:
--

Proposed date on which the proposed amendment shall become valid:
---

<b>UNDERTAKINGS</b>
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Provide details of undertakings (if any) and other matters which, in the applicant's view, the Authority may need to take into consideration:
---



Attach a resolution authorising the person signing this application. The resolution must be marked clearly as **Appendix A of FORM A 3**.

The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any Licence amended pursuant to this application set aside, should any material statement made herein, at any time, be found to be false..

Signed .....

(APPLICANT)

I certify that this declaration was signed and sworn to before me at .....on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- knows and understands the contents herein;
- has no objection to taking the prescribed oath or affirmation; and
- considers this oath or affirmation to be truthful and binding on his/her conscience.

.....

**COMMISSIONER OF OATHS**

**Name:**

**Capacity:**

**Address:**

## ANNEXURE A

## FORM B

APPLICATION TO ASSIGN, CEDE, TRANSFER OR TRANSFER OF CONTROL OF A RADIO  
FREQUENCY SPECTRUM LICENCE

- Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the part of the Form.*
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.*
- (d) Annexure E MUST be completed and submitted with this Form B, unless written agreement is received from the Authority not to submit Annexure E, and attached herewith.*

<b>1.</b>	<b>PARTICULARS OF LICENCE</b>	
1.1	Licence number:	
1.2	Nature of services authorised to be provided in terms of the Licence:	
1.3	Attach a copy of the Licence that is the subject of this application. The copy of the Licence must be marked clearly as ANNEXURE A of FORM B 1.	

<b>2.</b>	<b>PARTICULARS OF THE APPLICANT (LICENSEE)</b>	
2.1	Full name of the applicant:	
2.2	Designated contact person:	
2.3	Applicant's street address:	
2.4	Applicant's principal place of business (if	

	different from street address):	
2.5	Applicant's postal address:	
2.6	Designated contact person's telephone number/s:	
2.7	Designated contact person's telefax number/s:	
2.8	E-mail address of designated contact person:	

<b>3. PARTICULARS OF TRANSFEREE</b>		
3.1	Full name of transferee:	
3.2	Designated contact person:	
3.3	Transferee's street address:	
3.4	Transferee's principal place of business (if different from street address):	
3.5	Transferee's postal address:	
3.6	Telephone number/s:	
3.7	Telefax number/s:	
3.8	E-mail address of the designated contact person:	

<b>4. LEGAL FORM OF TRANSFEREE</b>		
4.1	Indicate if the transferee is:	
	(i) a natural person	
	(ii) a partnership	
	(iii) a juristic person	
	(iv) other (specify)	
4.2	If the transferee is a natural person or a partnership:	
4.2.1	Provide the identity number of the transferee or each partner in the transferal:	
4.2.2	Attach a copy of the identity document of the transferee or certified copies of the identity document of each partner in the transferee marked clearly as <b>Annexure A of FORM B 2</b> .	

4.3	If the transferee is a juristic person:
4.3.1	Indicate the legal form of the transferee (e.g. private company incorporated in terms of the Companies Act, 1973):
4.3.2	Registration number of transferee:
4.4	Attach certified copies of the transferee's certificate of incorporation, and memorandum and articles of association or other constitutive and/or other governing documents of the transferee (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as <b>ANNEXURE A</b> of <b>FORM B 3</b> .
4.5	If the transferee is not a juristic person but intends to operate as one if this application is granted:
4.5.1	Provide a written undertaking that the transferee will comply with section 5(8) (b) of the Act marked clearly as <b>ANNEXURE A</b> of <b>FORM B 4</b> .
4.5.2	Indicate when and how the transferee will comply with section 5(8) (b) of the Act:

<b>5.</b>	<b>OWNERSHIP AND MANAGEMENT OF APPLICANT</b>
5.1	Provide details of all ownership interests in the applicant and the identity and address of each holder of an ownership interest in the applicant. Where an applicant is a juristic person, only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the applicant are relevant.
5.2	Indicate whether the applicant is listed on any stock exchange, and provide details of any such listing:

5.3 In respect of each holder of any ownership interest in any person holding an ownership interest in the applicant, provide the details required in respect of each such holder:
5.4 Indicate the extent to which any ownership interest referred to above is held by an historically-disadvantaged person:
5.5 Indicate whether the holder of any ownership interest in the applicant is a foreign citizen or an entity registered or incorporated in any country other than South Africa:
5.6 Indicate whether any person holding an ownership interest in the applicant holds a Licence issued in terms of the Act or holds an ownership interest in any other licensee licensed to provide a service similar to that to which this application relates:

5.7. Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:
5.8. Provide details (including name, nationality, identification or passport number, position and address) of each member of the applicant's: <ul style="list-style-type: none"><li>(i) Board of directors or similar body; and</li><li>(ii) Senior management.</li></ul>
<b>6. OWNERSHIP AND BUSINESS PLAN</b>
6.1 Indicate details of ownership and control by historically-disadvantaged persons and BEE contribution levels:
6.2 Provide details of the transferee's business plan in respect of the licensed service outlining details as per format in Annexure D (ii-v) marked clearly as <b>ANNEXURE A</b> of <b>FORM C 5</b> :

6.3	Provide details of how the following will be achieved by the licensee as <b>ANNEXURE A</b> of <b>FORM B 6</b> : (i) Technical efficiency; (ii) Functional efficiency; (iii) promotion of competition and interests of consumers; and (iv) Economic efficiency.
6.4	Provide separately and mark clearly as <b>ANNEXURE A</b> of <b>FORM B 7</b> , copies of the transferee's audited annual financial statements for the previous three (3) years:
<b>7.</b>	<b>APPLICANT'S LICENCE OBLIGATIONS</b>
7.1	Indicate those obligations of the applicant in terms of the Licence which have been discharged and those which will assumed by the transferee, should this application be granted:
7.2	Provide separately and mark clearly as <b>ANNEXURE A</b> of <b>FORM B 8</b> , a written undertaking given by the transferee, through its duly authorised representative, that it will comply with the applicant's Licence obligations in the event of the transfer application being approved by the Authority.
<b>8.</b>	<b>REASONS FOR THE TRANSFER</b>
	Provide reasons for the transfer of the Radio Frequency Spectrum Licence:
<b>9.</b>	<b>LICENCE SUBJECT TO TRANSFER</b>
9.1	Indicate if Transferor obtained Licence through:  First come, first-served <input type="checkbox"/> Auction <input type="checkbox"/> Beauty contest <input type="checkbox"/>  Amount paid: R.....
9.2	Indicate which Radio Frequency Spectrum is currently licensed to the transferor as <b>ANNEXURE A</b> of <b>FORM B 9</b> .
<b>10.</b>	<b>UNDERTAKINGS</b>
	Specify any undertakings which the transferee is prepared to make in order to promote the

objectives of the Act, if the Licence is transferred.
<b>11. SWORN STATEMENT</b>
<p>The persons signing the application on behalf of the applicant and the transferee must acknowledge as follows:</p> <p>I, the applicant, acknowledge that the Authority reserves the right to have any Licence amended pursuant to this application being set aside, should any material statement made herein, at any time, be found to be false.</p>
<p>.....</p> <p><b>Applicant</b></p> <p>I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:</p> <ol style="list-style-type: none"> <li>1. knows and understands the contents herein;</li> <li>2. has no objection to taking the prescribed oath or affirmation; and</li> <li>3. considers this oath or affirmation to be truthful and binding on his/her conscience.</li> </ol> <p>.....</p> <p><b>COMMISSIONER OF OATHS</b></p> <p><b>Name:</b></p> <p><b>Capacity:</b></p> <p><b>Address:</b></p>



## ANNEXURE A

<p><b>FORM C</b></p> <p><b>NOTICE OF SURRENDER OF RADIO FREQUENCY SPECTRUM LICENCE</b></p>
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## INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

- Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) (“the Act”) and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the part of the Form.*
- (c) Where any information in this Form does not apply to the licensee, the licensee must indicate that the relevant information is not applicable.*

<b>2. PARTICULARS OF LICENCE</b>	
1.1 Licence number	
1.2 Nature of services authorised to be provided in terms of the Licence:	
1.3 Expiry date of Licence:	
1.4 Date on which surrender of Licence is to take effect:	

1.5	Attach a copy of the Licence that is the subject of this notice marked clearly as <b>Annexure A of FORM C 1</b> .
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<b>3. PARTICULARS OF LICENSEE</b>	
2.1	Full name of licensee:
2.2	Designated contact person:
2.3	Licensee's street address:
2.4	Licensee's principal place of business (if different from street address):
2.5	Licensee's postal address:
2.6.	Licensee's telephone number/s:
2.7.	Licensee's telefax number/s:
2.8.	E-mail address of designated contact person:

<b>4. PARTICULARS OF OTHER LICENCES</b>
Indicate if the licensee holds any other Licences issued in terms of the Act and whether the licensee intends also to surrender any other such Licences. If so, separate notices of surrender in respect of such Licences must be submitted in this regard:

<b>5. STEPS TO INFORM SUBSCRIBERS AND END-USERS</b>
Provide details of the steps the licensee proposes to take to inform end-users of the proposed cessation of the services in respect of which the Licence was granted, any migration plans and the expected impact on consumers:

<b>6. EQUIPMENT</b>
6.1 Please provide an inventory of all radio apparatus and an e-waste management plan attached

hereto.	
<b>7.</b>	<b>FEES PAYABLE</b>
7.1	Indicate those fees and contributions which will be due and payable by the date on which the surrender of the Licence is to take effect and, the amount of such fees and contributions:
7.2	Specify the number of months which will have elapsed from the date on which the Licence was issued or from the last anniversary of the date on which the Licence was issued, as the case may be:
7.3	Indicate those annual fees and contributions payable at a date subsequent to the date on which the surrender of the Licence will take effect, and the proportionate amount which must be paid to the Authority, where this can be calculated as at the date of this notice.

<b>8.</b>	<b>GENERAL</b>
8.1	Provide details of any other matter of which, in the licensee’s view, the Authority should be aware and attach a copy of the Radio Frequency Spectrum Licence issued to the licensee as <b>Annexure A of FORM C 2:</b>
8.2	Attach a resolution giving the person signing this notice the authority to sign this notice, marked clearly as <b>Annexure A of FORM C 3:</b>

Signed .....  
 (LICENSEE)

I certify that this declaration was signed and sworn to before me at .....on  
 the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

1. knows and understands the contents herein;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

.....  
**COMMISSIONER OF OATHS**

**Name:**  
**Capacity:**  
**Address:**

## ANNEXURE A

## FORM D

## APPLICATION TO COORDINATE AND SHARE SPECTRUM.

*Note:*

- (a) *Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the part of the Form.*
- (b) *Where any information in this Form does not apply to the applicants, the applicants must indicate that the relevant information is not applicable.*

1.PARTICULARS OF SPECTRUM LICENCE(S) TO BE SHARED/COORDINATED	
1.1 Licence number:	
1.2 Nature of services authorised to be provided in terms of the Licence:	
1.3 Attach a copy of the Licence(s) that is the subject of this application. The copy of the Licence(s) must be marked clearly as ANNEXURE(S) A of FORM D 1.	

2.PARTICULARS OF APPLICANTS (1)	
2.1 Full name of the applicant:	
2.2 Designated contact person:	
2.3 Applicant's street address:	
2.3 Applicant's principal place of business (if different from street address):	
2.4 Applicant's postal address:	
2.5 Designated contact person's tel. Number/s:	

2.6 Designated contact person's telefax number/s:	
2.7 E-mail address of designated contact person:	

<b>3. PARTICULARS OF APPLICANT (2)</b>	
3.1 Full name of applicant:	
3.2 Designated contact person:	
3.3 Applicant's street address:	
3.4 Applicant's principal place of business (if different from street address):	
3.5 Applicant's postal address:	
3.6 Telephone number/s:	
3.7 Telefax number/s:	
3.8 E-mail address of the designated contact person:	

<b>4. LEGAL FORM OF APPLICANTS</b>
4.1 Indicate if the Applicant is:
(i) a natural person;
(ii) a partnership;
(iii) a juristic person; or
(iv) other (specify)
4.2 If the Applicant is a natural person or a partnership:
4.3 Provide the identity number of the applicant or each partner in Applicant:
4.5 Attach a copy of the identity document(s) of the Applicants or certified copies of the identity document of each partner in applicants marked clearly as <b>Annexure A of FORM D 2.</b>
4.6 If the Applicant is a juristic person:
4.7 Indicate the legal form of the applicant (e.g. private company incorporated in terms of the Companies Act, 1973):
4.8 Registration number of Applicant:

4.9 Attach certified copies of the Applicant's certificate of incorporation and memorandum and articles of association or other constitutive and/or other governing documents of the Applicant (e.g. memorandum and articles of association, association agreement and constitution) marked clearly as **ANNEXURE A of FORM D 3**.

**5. OWNERSHIP AND MANAGEMENT OF APPLICANTS (To be completed by all applicants)**

5.1 Provide details of all ownership interests in the applicant and the identity and address of each holder of an ownership interest in the applicants.

5.2 Indicate whether the applicant is listed on any stock exchange and provide details of any such listing:

5.3 Indicate the extent to which any ownership interest referred to above is held by an historically-disadvantaged person:

5.4 Indicate whether the holder of any ownership interest in the applicant is a foreign citizen or an entity registered or incorporated in any country other than South Africa:

5.5 Indicate whether any person holding an ownership interest in the applicant holds a Licence issued in terms of the Act or holds an ownership interest in any other licensee licensed to provide a service similar to that to which this application relates:

5.6 Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:

5.7 Provide details (including name, nationality, identification or passport number, position and address) of each member of the applicant's:

- (iii) board of directors or similar body; and
- (iv) senior management.

**6. OWNERSHIP**

6.1 Indicate details of ownership and control by historically-disadvantaged persons:

<b>7. COORDINATION AND SHARING PLANS</b>							
7.1	Provide details of the frequency coordination plan / spectrum sharing strategy marked clearly as <b>ANNEXURE A</b> of <b>FORM D 4</b> :						
7.2	Provide details of how the following will be achieved by the applicants as <b>ANNEXURE A</b> of <b>FORM D 5</b> : (v) Technical efficiency; (vi) Functional efficiency; and (vii) Economic efficiency.						
7.3	Provide separately and mark clearly as <b>ANNEXURE A</b> of <b>FORM D 6</b> , a copy of the coordination/sharing agreement concluded between the parties.						
7.4	Provide details (including any supporting documentation) of how the sharing and or coordination arrangement will promote the objects set out in sections 2(e), (f), (g), (m) and (n); and meet the requirements set out in section 33(1)(a) – (c) of the Electronic Communications Act, 2005.						
<b>8. APPLICANTS' LICENCE OBLIGATIONS</b>							
8.1	Indicate those obligations of the applicants in terms of the Licence which have been discharged and those which will be assumed jointly, should this application be granted:						
<b>9. LICENCE(S) SUBJECT TO SHARING</b>							
9.1	Indicate if Applicant(s) obtained Licence through:						
	<table border="0"> <tr> <td>a. First-come, first-served</td> <td><input type="checkbox"/></td> </tr> <tr> <td>b. Auction</td> <td><input type="checkbox"/></td> </tr> <tr> <td>c. Beauty contest</td> <td><input type="checkbox"/></td> </tr> </table>	a. First-come, first-served	<input type="checkbox"/>	b. Auction	<input type="checkbox"/>	c. Beauty contest	<input type="checkbox"/>
a. First-come, first-served	<input type="checkbox"/>						
b. Auction	<input type="checkbox"/>						
c. Beauty contest	<input type="checkbox"/>						
	Amount paid: R.....						
9.2	Indicate which Radio Frequency Spectrum is currently licensed to applicants as <b>ANNEXURE A</b> of <b>FORM D 7</b> .						

**7. SWORN STATEMENT**

11.1 The persons signing the application on behalf of the applicants must acknowledge as follows:

11.1.1 I/we, the applicant(s), acknowledge that the Authority reserves the right to have this application set aside OR the licence withdrawn (if the sharing application was approved), should any material statement made herein, at any time, be found to be false.

.....

**Applicant (1)**

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- knows and understands the contents herein;
- has no objection to taking the prescribed oath or affirmation; and
- considers this oath or affirmation to be truthful and binding on his/her conscience.

.....

**COMMISSIONER OF OATHS**

**Name:**

**Capacity:**

**Address:**

\_\_\_\_\_

.....

**Applicant (2)**

I certify that this declaration was signed and sworn to before me at ..... on



the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- knows and understands the contents herein;
- has no objection to taking the prescribed oath or affirmation; and
- considers this oath or affirmation to be truthful and binding on his/her conscience.

.....

**COMMISSIONER OF OATHS**

**Name:**

**Capacity:**

**Address:**

## ANNEXURE A

### FORM E

#### REQUEST FOR INTERVENTION BY THE AUTHORITY FOR PURPOSES OF COORDINATING RADIO FREQUENCY SPECTRUM USE OR RESOLVING DISPUTES

*Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.*

*(b) Information required in terms of this Form which does not fit into the space provided*

*may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the part of the Form.*

<b>1. PARTICULARS OF LICENCEES</b>	
1.1	Number of Licensees
1.2	Licence number of each Licensee
1.3	Nature of services authorised to be provided in terms of the Licence:
1.4	Expiry date of Licence of each Licensee:
1.5	Date on which coordination agreement, if any, was concluded:
1.6	Date/s on which ADR was attempted:
1.7	Attach a description of measures taken to reach agreement and/or a copy of the coordination agreement, if any, marked clearly as <b>Annexure A of FORM D1</b> .

<b>2. PARTICULARS OF LICENSEE/ APPLICANT 1</b>	
2.1	Full name of Licensee:
2.2	Designated contact person:
2.3	Licensee's street address:
2.4	Licensee's principal place of business (if different from street address):
2.5	Licensee's postal address:
2.6.	Licensee's telephone number/s:
2.7.	Licensee's telefax number/s:

2.8. E-mail address of designated contact person:	
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<b>3. PARTICULARS OF LICENSEE OR APPLICANT 2</b>	
3.1 Full name of licensee:	
3.2 Designated contact person:	
3.3 Licensee's street address:	
3.4 Licensee's principal place of business (if different from street address):	
3.5 Licensee's postal address:	
3.6. Licensee's telephone number/s:	
3.7. Licensee's telefax number/s:	
3.8. E-mail address of designated contact person:	

<b>4. PARTICULARS OF LICENSEE/APPLICANT 3</b>	
4.1 Full name of licensee:	
4.2 Designated contact person:	
4.3 Licensee's street address:	
4.4 Licensee's principal place of business (if different from street address):	
4.5 Licensee's postal address:	

4.6.	Licensee's telephone number/s:	
4.7.	Licensee's telefax number/s:	
4.8.	E-mail address of designated contact person:	

<b>5. PROPOSED AMENDMENT TO THE LICENCE</b>	
5.1	Each applicant must set out the following as <b>Annexure A</b> of <b>FORM D2</b> : <ul style="list-style-type: none"> <li>(a) Operator site (coordinates)</li> <li>(b) Frequencies in use</li> <li>(c) Technology in use</li> <li>(d) Power (EIRP)</li> <li>(e) Antenna gain</li> <li>(f) Height of antennas</li> </ul>
5.2	Each applicant must set out the reasons for the dispute and attach the statements of fact supporting the claims, together with documented proof of previous attempts to resolve the dispute by negotiation between the parties marked clearly as <b>Annexure A</b> of <b>FORM D3</b> .
5.3	Each applicant must explain the implications (if any) if the dispute is not resolved and propose options for resolution of the coordination issue:

<b>6. RADIO FREQUENCY SPECTRUM</b>	
6.1	Indicate whether the applicants all hold a radio frequency spectrum Licence. If so, attach a copies of the radio frequency spectrum Licences marked clearly as <b>Annexure A</b> of <b>FORM D4</b> :
6.2	In the event that an amendment to the applicant's radio frequency spectrum Licence is necessary, a separate application to amend the applicant's radio frequency spectrum Licence must be submitted to the Authority in this regard, simultaneously with this application.

<b>7. UNDERTAKINGS</b>	
7.1	Provide details of undertakings (if any) and other matters which, in the applicant's view, the

Authority may need to take into consideration:
7.2 Attach a resolution giving authority to the person signing this application, to do so. The resolution must be marked clearly as <b>Annexure A of FORM D5</b> .

The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to cease intervention should any material statement made herein, at any time, be found to be false.

Signed: 1.

(2) .....

(3) .....

(APPLICANTS)

I certify that this declaration was signed and sworn to before me at .....on the ..... day of ..... 20..., by the deponent(s) who acknowledged that he/she:

- knows and understands the contents herein;
- has no objection to taking the prescribed oath or affirmation; and
- considers this oath or affirmation to be truthful and binding on his/her conscience.

.....  
**COMMISSIONER OF OATHS**

**Name:**

**Capacity:**

**Address:**

**Annexure B****Apparatus exempt from radio frequency spectrum licences**

The use or possession of the Radio Apparatus listed in Column B below, in accordance with all specifications listed in Columns, A, C, D and E of the Table below shall not require a radio frequency spectrum licence:

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>	<b>Column D</b>	<b>Column E</b>
<b>Frequency Bands K=kHz M=MHz G=GHz</b>	<b>Type of Device</b>	<b>Maximum Radiated Power or Field Strength Limits &amp; Channel spacing</b>	<b>Relevant Standard</b>	<b>Additional Requirements</b>
9-59.75K	Inductive loop system	72 dB $\mu$ A/m @ 10 m.  No duty cycle restriction.  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
9 – 315K	Ultra low power medical implants	30 dB $\mu$ A/m at 10 m	EN 302 195	CEPT/ERC/REC 70-03
59.75-60.25K	Inductive loop system, including RFID	42 dB $\mu$ A/m @ 10 m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950  ISO/ IEC 18047-2	CEPT/ERC/REC 70-03  ASK, FSK, & PSK
60.25-70K	Inductive loop system	72 dB $\mu$ A/m @ 10 m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
70-119K	Inductive loop system, including RFID	42 dB $\mu$ A/m @ 10 m.  No restrictions on duty cycle  No channel spacing.	N 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  ASK, FSK, & PSK

			ISO/ IEC 18047-2	
119-135K	Inductive loop system, including RFID	72 dB $\mu$ A/m @ 10 m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950  ISO/ IEC 18047-2	CEPT/ERC/REC 70-03  ASK, FSK, & PSK
315 -600K	Active medical implants	-5 dB $\mu$ A/m at 10 m	EN 302 536	CEPT/ERC/REC 70-03
7400-8800K	Inductive loop system	9 dB $\mu$ A/m @ 10 m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
6.765-6.795M	Inductive loop system	42 dB $\mu$ A/m @ 10 m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
13.553-13.567M	Inductive loop system, including RFID	42 dB $\mu$ A/m @ 10 m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  ASK, FSK, & PSK
13.553-13.567M	RFID and EAS systems only	60 dB $\mu$ A/m @ 10 m.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
26.957-27.283M	Inductive loop system	42 dB $\mu$ A/m @ 10 m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
26.957-27.283M	Non-specific SRDs	10 mW ERP	EN 300 220	CEPT/ERC/REC 70-03

		No restrictions on duty cycle. No channel spacing.	EN 301 489-1,3 EN 60950	
26.995; 27.045; 27.095; 27,145; 27.195M	Surface model control	100 mW ERP No restrictions on duty cycle. 10 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
35.00 – 35.25M	Aircraft model control	100 mW ERP No restrictions on duty cycle. 10 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
36.65 – 36.75M	Wireless microphones	100 mW ERP 100% duty cycle No channel spacing.	EN 300 422 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
40.65 – 40.70M	Wireless microphones	100 mW ERP 100% duty cycle No channel spacing.	EN 300 422 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
40.665M 40.675M 40.685M 40.695M	Surface model control	100mW ERP No restriction on duty cycle. 10 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
40.66 – 40.7M	Non-specific SRDs	10 mW ERP No duty cycle restriction. No channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03



46.61 – 46.97M 49.67 – 49.97M	CTO cordless phones.	10 mW e.i.r.p.	The Authority  TE-013	Government Gazette 22443 of 4 July 2001
53 – 54M	Wireless microphones	50 mW ERP for class 1 equipment  100 mW ERP  100% duty cycle  No channel spacing	EN 300 422  EN 301 489-1,9  EN 60950	CEPT/ERC/REC 70-03
54.4500; 54.4625; 54.4750; 54.4875;  54.500;  54.5125; 54.5250; 54.5375; 54.5500M	Model control	5W ERP  12.5 kHz channel spacing	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
141 – 142M	Remote control industrial apparatus	100 mW ERP	EN 300 220  EN 301 489-1,3  EN 60950	
148 – 152M	Wildlife telemetry tracking	25 mW ERP	EN 300 220  EN 301 489-1,3  EN 60950	The use of this band is restricted to national game parks.
169.4 – 169.475M	Meter reading	500 mW ERP  50 kHz channel spacing  < 10% duty cycle	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  ECC/DEC (05)02
173.2125 – 173.2375M	Non-specific SRDs –	10 mW ERP	EN 300 220	

	telecommand only	25 kHz channel spacing	EN 301 489-1,3 EN 60950	
173.2375 – 173.2875M	Non-specific SRDs	10 mW ERP 25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	
173.965 – 174.015M	Wireless microphones and assistive listening devices	2 mW e.i.r.p. 100% duty cycle. No channel spacing.	EN 300 220 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
401 – 406M	Medical implants	25 $\mu$ W ERP No duty cycle restriction for devices with LBT $\leq 1\%$ . duty cycle for all other devices 25 kHz channel spacing.	EN 300 839 EN 301 489-1,3 EN 60950	ITU-R RS.1346 CEPT/ERC/DEC (01)17
402 – 406M	Doppler shift movement detectors, wireless microphones, garage door openers and motor car alarm systems	10 mW ERP No channel spacing. 100% duty cycle.	EN 300 422 EN 300 220 EN 301 489-1,3 EN 60950	
433.04 – 434.79M	Non-specific SRDs, including RFID	1 mW ERP No channel spacing. 100% duty cycle	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03 ASK, FSK, PSK, & FHSS
433.04 –	Non-specific	10 mW ERP	EN 300 220	CEPT/ERC/REC 70-03

434.79M	SRDs, including RFID	duty cycle < 10%  No channel spacing	EN 301 489-1,3  EN 60950	ASK, FSK, PSK, & FHSS
433.04 – 434.79M	Non-specific SRDs	10 mW ERP  100% duty cycle  Up to 25 kHz channel spacing.	EN 300 220  EN 301 489-3  EN 60950	CEPT/ERC/REC 70-03
433.04 – 434.79M	Non-specific SRDs	100 mW ERP  No duty cycle restriction  No channel spacing	EN 300 220  EN 301 489-3  EN 60950	CEPT/ERC/REC 70-03
446 - 446.1 M Includes the following eight channels.  446.00625M; 446.01875M; 446.03125M; 446.04375M;  446.05625M;  446.06875M;  446.08125M;  446.09375M;	Public mobile radio (PMR)	500 mW  12,5 kHz channel spacing	EN 300 296  EN 301 489-5  EN 60950	
464.5375M	Security systems	1 W  25 kHz channel spacing.	EN 300 296  EN 301 489-5  EN 60950	

464.500 – 464.5875	Non-specific SRDs	100 mW No channel spacing	EN 300 220  EN 301 489-3  EN 60950	
463.975M; 464.125M; 464.175M; 464.325M;  464.375M;	Low power radio	500 mW.  12.5 kHz channel spacing	EN 300 296  EN 301 489-5  EN 60950	
863 – 865M	Wireless audio systems	10 mW ERP  100 % duty cycle.  No channel spacing.	EN 300 357  EN 301 489-9  EN 60950	CEPT/ERC/REC 70-03  CEPT/ERC/DEC (01)18
863 – 865M	Wireless microphones	10 mW ERP  100 % duty cycle.  No channel spacing.	EN 300 422  EN 301 489-9  EN 60950	CEPT/ERC/REC 70-03
865 -868 M	RFID	Channels 1, 2 and 3  100 mW ERP  200 kHz channel spacing	EN 302 208-2  EN 301 489-1,3  EN60950  ISO/IEC 18047-6	CEPT/ERC/REC 70-03  Listen Before Talk (LBT) is mandatory  FHSS or other spread spectrum techniques shall not be used
865 – 868 M	RFID	Channels 4,7,10 and 13  2 W ERP  200 kHz channel spacing	EN 302 208-2  EN 301 489-1,3  EN60950  ISO/IEC 18047-6	CEPT/ERC/REC 70-03  Listen Before Talk (LBT) is mandatory  FHSS or other spread spectrum techniques shall not be used

865 – 868 M	RFID	Channels 5,6,8,9,11,12,14 and 15  500 mW ERP  200 kHz channel spacing	EN 302 208-2  EN 301 489-1,3  EN60950  ISO/IEC 18047-6	CEPT/ERC/REC 70-03  Listen Before Talk (LBT) is mandatory  FHSS or other spread spectrum techniques shall not be used
864.1 – 868.1M	CT2 cordless phones	10 mW e.i.r.p.	EN 301 797  EN 301 489-1,10  The Authority  TE - 012	CEPT/ERC/REC 70-03
868 – 868.6M	Non-specific SRDs	25 mW ERP  < 1% duty cycle or LBT.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  CEPT/ERC/DEC (01) 04
868.6 – 868.7M	Alarms	10 mW ERP  < 1 % duty cycle. 25 kHz channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  CEPT/ERC/REC (01) 09
868.7 – 869.2M	Non-specific SRDs	25 mW ERP  < 0.1 % duty cycle or LBT.  No channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  CEPT/ERC/REC (01) 04
869.25 – 869.3M	Alarms	10 mW ERP  < 0.1 % duty cycle.  25 kHz channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
869.4 – 869.65M	Non-specific SRDs,	500 mW ERP	EN 300 220	CEPT/ERC/REC 70-03

	including RFID	< 10% duty cycle or LBT.  25 kHz channel spacing.	EN 301 489-1,3  EN 60950	
869.65 – 869.7M	Alarms	25 mW ERP  10 % duty cycle.  25 kHz channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
869.7 – 870 M	Non-specific SRDs	5 mW ERP  100% duty cycle.  No channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
915.1 -915.2 M	Real time location systems (RTLS)	25 mW ERP	EN 300 086  EN 301 489-1,3  EN 60950	
915.2 – 915.4 M	Passive tags	100 mW ERP  10 x 20 kHz wide channels		
915.4-919 M	Modulating RFID systems (FHSS)	4 W e.i.r.p.	FCC CFR 47 Part 15.247  CISPR 16  EN 60950	200 kHz channel spacing
919 -919.2 M	Tag backscatter systems  Guard band			
919.2 – 921	Non-	4 W e.i.r.p.; CW only	Spectral masks as in	

M	modulating backscatter RFID systems	@ 920 MHz ( $\pm 1.5$ kHz frequency stability)	EN 302 208 – 2 EN 301 489 -1,3 EN 60950	
1880 – 1900M	DECT cordless phones	250 mW e.i.r.p. (peak). 1.728 MHz channel spacing.	EN 300 406 EN 301 489-1,6 EN 60950 The Authority TE 001	
2400 – 2483.5M	Non-specific SRDs	10 mW e.i.r.p. No duty cycle. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
2400 - 2483.5M	Wideband wireless systems  WLAN  Wideband data transmission applications (WBDTS)  Model control	100 mW e.i.r.p. No duty cycle. No channel spacing.  For wide band modulations other than FHSS, the maximum e.i.r.p. density is limited to 10 mW/MHz. Adequate spectrum sharing mechanisms shall be implemented by the equipment (e.g. Listen-before-Talk, Detect-and-Avoid)	EN 300 328 EN 301 489 -1,3 EN 60950	CEPT/ERC/REC 70-03 For wide band modulations other than FHSS, the maximum e.i.r.p. density is limited to 10 mW/MHz
2400 – 2483.5M	FDDA	25 mW e.i.r.p. No duty cycle. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03

2400 – 2483.5M	Low power video surveillance	100 mW e.i.r.p.  No duty cycle.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
2446-2454 MHz	RFID	500 mW e.i.r.p.  No duty cycle  4 W e.i.r.p. < 15% duty cycle  FHSS should be used	EN 300 440  EN 301 489 – 1,3  EN 60950	CEPT/ERC/REC 70-03
5150 – 5350M	Wireless access systems & radio local access networks (WAS & RLAN) – indoor use only	200 mW e.i.r.p.  Dynamic frequency selection (DFS) & transmitter power control (TPC) obligatory.	EN 301 893  EN 301 489-1,17  EN 60950	ITU-R M.1625
5470 – 5725M	Wireless access systems & radio local access networks (WAS & RLAN)	1 W e.i.r.p.	EN 301 893  EN 301 489-1,17  EN 60950	ITU-R M.1625
5725 - 5875 M	Wireless access systems and radio local access networks (WAS & RLAN)	<ul style="list-style-type: none"> <li>• A maximum of 4 watts e.i.r.p.</li> <li>• A maximum of 1 watt transmitter output power</li> <li>• A maximum transmitter output spectral density of 8 dBmW in any 3 kHz band</li> <li>• Digital modulation only</li> </ul>	FCC 15.247  FCC 15.249	<ul style="list-style-type: none"> <li>• Fixed point-to-multipoint systems and point-to-point links.  In any 100 kHz outside the band, the e.i.r.p. shall be at least 30 dB below the 100 kHz within the band that contains the highest level of desired power.</li> </ul> <p><i>Note 1</i> Transmission towards the</p>



		<ul style="list-style-type: none"> <li>Nominal bandwidth of transmissions must not be less than 1 MHz</li> </ul>		common node of a point-to-multipoint is regarded as point-to-point node
5725 – 5875 M	BFWA	<ul style="list-style-type: none"> <li>A maximum of 200 watts e.i.r.p.</li> <li>A maximum of 1 watt transmitter output power</li> <li>A maximum transmitter output spectral density of 8 dBmW in any 3 kHz band</li> <li>Digital modulation only</li> <li>Nominal bandwidth of transmissions must not be less than 1 MHz</li> </ul>	FCC 15.247 FCC 15.249	<ul style="list-style-type: none"> <li>Fixed point-to-point links only</li> <li>Point-to-multipoint systems, omnidirectional applications, and multiple co-located transmitters transmitting the same information are not permitted. (see note 1)</li> <li>In any 100 kHz outside the band, the e.i.r.p. shall be at least 30 dB below the 100 kHz within the band that contains the highest level of desired power.</li> </ul> <p><i>Note 1: Transmission towards the common node of a point-to-multipoint system is regarded as point-to-point mode.</i></p>
5795 – 5805M	RTTT data	2 W e.i.r.p.  No duty cycle restriction.  No channel spacing.	EN 300 674  EN 301 489-1,3  EN 60950	ITU-R M.1453  CEPT/ERC/DEC (92)02
5805 – 5815M	RTTT data	2 W e.i.r.p.  No duty cycle restriction.	EN 300 674  EN 301 489-1,3	ITU-R M.1453  CEPT/ERC/DEC (92)02 CEPT/ERC/REC 70-03

		No channel spacing.	EN 60950	
9200 – 9500M	FDDA	25 mW e.i.r.p.  No duty cycle restriction.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
9500 – 9975M	FDDA	25 mW e.i.r.p.  No duty cycle restriction.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
10.025 – 10.145 G	Low power video surveillance	1W e.i.r.p.  8 MHz channel spacing, with first channel on 10.029 GHz.	ETS 300 440	
10.5 – 10.6G	FDDA	500 mW e.i.r.p.  No duty cycle restriction.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
13.4 – 14G	FDDA	25 mW e.i.r.p.  No duty cycle restriction.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
17.1 – 17.3G	HiperLAN	100 mW e.i.r.p.	EN 301 489-1,3  EN 60950	
24.00 – 24.25G	Non-specific SRDs	100 mW e.i.r.p.	EN 300 440	CEPT/ERC/REC 70-03

		No duty cycle restriction. No channel spacing.	EN 301 489-1,3 EN 60950	
24.05 – 24.25G	FDDA	100 mW e.i.r.p. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
57 – 64G	Point-to-point links	55 dBm e.i.r.p.	EN 305 550	The maximum transmitter output power is 10 dBm. The minimum antenna gain is 30 dBi
57 -66G	Multi-gigabit wireless systems (MGWS)	40 dBm e.i.r.p.	EN 302 567	The use of these systems is as described in ITU-R Report ITU-R M.2227 and Recommendation ITU-R M.2003. Fixed outdoor installations are not allowed.
76-77G	RTTT radar	55 dBm peak No duty cycle restriction No channel spacing	EN 300 091 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03

Use and possession of all radio apparatus exempt in terms of the above table must comply with the following:

- (a) All radio apparatus must be type-approved by the Authority in accordance with section 35 of the Act;

- (b) The frequencies, transmitting power and external, high-gain antenna of the radio apparatus must not be altered without a new type-approval certificate being issued by the Authority;
- (c) The Radio Apparatus must be operated within, and not exceed, the technical parameters set out in each of the applicable columns C and D of the Table with respect to the frequency band; maximum radiated power or field strength limits and channel spacing; relevant standard; and duty cycles and antennas to be used as contained in Column E.
- (d) The antenna of the Radio Apparatus must not be higher or above average ground level than the lowest point of the place where the Radio Apparatus operates effectively.
- (e) The Radio Apparatus must not cause interference with any licensed radio frequency spectrum.
- (f) The user of the Radio Apparatus in the licence-exempt frequency spectrum operates on non-interference and zero protection basis from interference.

**Annexure C****Categories subject to the Standard Application Procedure.**

- (1) Unless otherwise stated in regulations or an Invitation to Apply, standard application procedure applies to the following:
  - (a) Amateur radio;
  - (b) Marine band;
  - (c) Aeronautical band;
  - (d) Citizen band radio;
  - (e) Ski boats;
  - (f) Two-way radio without repeaters; (including short range business portable radio);
  - (g) Shared simplex HF;
  - (h) Communal repeaters;
  - (i) Radio frequency spectrum assignment in the broadcast bands to the holder of a broadcast service licence, where such frequency is provided for in the Terrestrial Broadcasting Frequency Plan;
  - (j) Frequencies above 40 GHz;
  - (k) Microwave Point-to-Point;
  - (l) Point-to-multipoint point fixed links bands;
  - (m) Satellite bands direct links; and
  - (n) Any other services or frequency bands that the Authority may specify.
- (2) In addition, where a Licensee already has assignments for point-to-point links under his licence, he may apply for new links to be assigned as an amendment to his licence using the standard application procedure.
- (3) The Authority may at any time require an applicant to submit his application using the extended procedures.

**Annexure D****Standard Application Procedures**

- (1) The relevant application form is obtainable at any office and website ([www.icasa.org.za](http://www.icasa.org.za)) of the Authority. The form must be completed in full and submitted at any office of the Authority.
- (2) The authority shall issue an invoice with a reference number for the prescribed application fee which is non-refundable.
- (3) The applicant must submit proof of payment for the application to be considered.
- (4) For applications subject to the standard application procedures, the following information shall be provided unless otherwise specified in these or other regulations.
- (5) If the information to be supplied is not applicable, then the term 'not applicable' shall be written with a short explanation.

**I. APPLICANT'S DETAILS**

No.	Information Required
1	<p>Name, address, identification number telephone number and E-mail address of applicant</p> <ul style="list-style-type: none"> <li>• If the applicant is a South African citizen, a copy of the identity document shall be submitted to the Authority.</li> <li>• If the applicant is a foreigner a copy of the passport as well as proof of status shall be submitted to the Authority.</li> </ul> <p>In the case of companies:</p> <ul style="list-style-type: none"> <li>• A copy of the Company's registration certificate; and</li> <li>• The name and address of directors and/ or principal executives</li> </ul>
2	<p>When applying for a Radio Frequency Spectrum Licence for Amateur Radio, the following shall be supplied by the applicant in addition to that specified in item 1:</p> <ul style="list-style-type: none"> <li>• A copy of the applicant's Amateur Radio Operator's Certificate.</li> </ul>
3	<p>When applying for a Radio Frequency Spectrum Licence for a high frequency (HF Band) cross-border communication system in the Southern African Development Community, the following must be supplied by the applicant in addition to that specified in 1:</p> <ul style="list-style-type: none"> <li>• The registration numbers of any vehicles in which the radio apparatus may be installed.</li> </ul>
4	<p>When applying for a Radio Frequency Spectrum Licence for a high frequency (HF Band) cross-border communication system in a territory other than in the Southern African Development Community, the following shall be supplied by the applicant in addition to that specified in 1:</p>

<ul style="list-style-type: none"> <li>• A copy of the Radio Frequency Spectrum Licence issued in the foreign country;</li> <li>• Proof of validity of the foreign Radio Frequency Spectrum Licence; and</li> <li>• A completed form of notice (AP1/A15) in respect of a transmitting terrestrial station.</li> </ul>
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(ii) **TECHNICAL INFORMATION (SYSTEM DESIGN)**

No.	Information Required	
1	Site names	Name of place where equipment is located
2	Site code	Code assigned to place
3	Site coordinates	Geographic coordinates to locate places on maps in degrees, minutes and seconds (ddmmss)
4	Frequency (Hz)	Airwaves through which the radio waves are transmitted
5	Bandwidth (MHz)	Amount of frequency occupied by the transmitted signal (RF bandwidth)
6	Modulation scheme	Method of transmitting radio signals
7	Bit rate (bits/s)	Speed of transmitting digital radio signals
8	Antenna site	Where antenna is situated
9	Antenna type	Type of antenna
10	Antenna diameter (m)	Diameter of antenna
11	Antenna gain (dB)	Gain of antenna in terms of decibels (dB)
12	Antenna polarisation (H/V)	Horizontally or vertically polarised
13	Transmit power (dBmW/W)	Transmitted power at the output of antenna
14	Receiver sensitivity threshold (dBmW)	Lowest value of signal detected by receiver
15	Fixed loss (dB): transmit and receive	Percentage of lost power
16	Type of service	Data service, voice, paging, telemetry, etc.
17	Area and direction of operation	Geographical area of service
18	Applicants must provide diagrams or sketches of proposed operations	
19	Adherence to EMC specifications	
20	Equipment specifications, type-approval certificates	

**Annexure E****Extended Application Procedures in terms of Regulation 6(1)**

- (1) The application form is obtainable at any office and website ([www.icasa.org.za](http://www.icasa.org.za)) of the Authority. The form must be completed in full and submitted at any office of the Authority.
- (2) These Extended Application Procedures are applicable to the assignment, ceding, transfer of control and transfer of all licences, unless otherwise agreed by the Authority.
- (3) The Authority shall issue an invoice with a reference number for the prescribed application fee.
- (4) The applicant must submit proof of payment to accompany the application.
- (5) If the information to be supplied is not applicable, then the term 'not applicable' shall be written with a short explanation.

**(I) APPLICANT DETAILS**

No.	Information Required
1	Name, address, identification number telephone number and Email address of applicant: <ul style="list-style-type: none"> <li>• If the applicant is a South African citizen a copy of the identity document shall be submitted to the Authority; and</li> <li>• If the applicant is a foreigner a copy of the passport as well as proof of status shall be submitted to the Authority.</li> </ul> In the case of companies: <ol style="list-style-type: none"> <li>(a) A copy of the Company's registration certificate; and</li> <li>(b) The name and address of directors and/ or principal executives</li> </ol>
2	Annual report of the applicant and its main shareholders from the previous three years (where available)
3	Full particulars of the experience and expertise of the applicant, its partners, shareholders, suppliers and contractors in the business contemplated.
4	Extent of beneficial ownership of the applicant by historically-disadvantaged persons: Extent of beneficial ownership by women; Extent of beneficial ownership by the youth; and Extent of beneficial ownership by the disabled.

**(II) DESCRIPTION OF SERVICE**



No.	Information Required
1	Description of service to be provided.
2	Proposed annual coverage, rollout indicating the exact areas and location covered.

**(III) CONSTRUCTION OF THE NETWORK (RADIO COMPONENT)**

No.	Information Required
1	Availability and experience of planning and project management capabilities required for construction of the network.
2	Mechanisms used for the planning of any radio component of the network.
3	Plans to acquire resources such as access to sites, other property, technology, personnel and capital.

**(IV) BUSINESS PLAN**

*Should a Radio Frequency Spectrum Licence be issued, the information contained in the business plan may be incorporated as licence conditions.*

No.	Information Required
1	Fundamental assumptions for the business plan with financial forecasts for a minimum period of three years.
2	A market analysis of the services contemplated to be offered through the radio frequency spectrum licence applied for, including forecast demand.
3	Description of products and services to be offered through the radio frequency spectrum licence applied for.
4	Description of pricing strategy for products and services to be offered through the radio frequency spectrum licence applied for.

**(IV) TECHNICAL INFORMATION (RADIO SYSTEM DESIGN)**

No.	Information Required
1	Full information of the technology to be implemented.

2	Approach to network development and expansion.	
3	Description of all the relevant or important interfaces in the network.	
4	Requirements for interconnection to other telecommunication networks or services and transmission medium and links required.	
5	Upgrade of the network to accommodate new standards and technology developments.	
6	Compliance with recognised international standards and specifications.	
7	Details of radio planning including methods to reserve frequency.	
7.1	Site names	Name of place where equipment is located
7.2	Site code	Code assigned to place
7.3	Site coordinates	Geographic coordinates to locate places on maps in degrees, minutes and seconds (ddmmss)
7.4	Frequency (Hz)	Airwaves through which the radio waves are transmitted
7.5	Bandwidth (MHz)	Amount of frequency occupied by the transmitted signal (RF bandwidth)
7.6	Modulation scheme	Method of transmitting radio signals
7.7	Bit rate (bits/s)	Speed of transmitting radio signals
7.8	Antenna site	Where antenna is situated
7.9	Antenna type	Type of antenna
7.10	Antenna diameter (m)	Diameter of antenna
7.11	Antenna gain (dB)	Gain of antenna in terms of decibels (dB)
7.12	Antenna polarisation (H/ V)	Horizontally or vertically polarised
7.13	Transmit power (dbmW/W)	Transmitted power at the output of antenna
7.14	Receiver sensitivity threshold (dBmW)	Lowest value of signal detected by receiver
7.15	Fixed loss (dB): transmit and receive	Percentage of lost power
7.16	Type of service	Data service, voice, paging, telemetry etc.
7.17	Area and direction of operation	Geographical area of service

8	Applicants must provide diagrams or sketches of proposed operations.
9	Adherence to EMC specifications.
10	Theoretical traffic volume forecasts and alternative routing and redundancy requirements.
11	Numbering plan for the service.
12	Quality systems deployed and quality targets used.
13	Details of fixed network planning.
14	Presentation of network planning data in the form of schedules, diagrams, tables and maps for the initial phase and two subsequent phases.
15	Network management, fault detection, service and maintenance mechanisms.
16	Equipment specifications, type-approval certificates.
17	Regulatory requirements (ITU and Act).
18	Technical expertise.
19	Service-monitoring capabilities.
20	<p>Critical Efficiency Factors:</p> <p>a. Technical (spectral efficiency) - defined in terms of maximum volume of traffic (voice/ data) within a given spectrum resource (erlangs/MHz/km<sup>2</sup> or Mbits/MHz/km<sup>2</sup>) for voice and data respectively. Technical efficiency indicators include the following:</p> <ul style="list-style-type: none"> <li>(i) Bandwidth efficiency (expressed in bits/ Hz) defined as the amount of information contained in a finite spectrum;</li> <li>(ii) Re-use which dictates to what extent the spectrum can be simultaneously used at multiple locations (re-use factor of 1 is the highest); and</li> <li>(iii) Time - since applications do not typically use information on a continuous basis and can share resources by time multiplexing. (40 points).</li> </ul> <p>b. For broadcast services technical efficiency is defined in terms of ability to address maximum potential audience (coverage) with the minimum amount of spectrum.</p> <p>c. Functional efficiency defined in terms of the extent to which the use of spectrum meets the user's needs (<i>evaluated by defined key performance indicators (KPI): the KPI for the particular band will be defined by the Authority and provided as part of the Invitation to Apply (ITA) as deemed necessary</i>). (30 points)</p> <p>d. Economic efficiency defines the monetary gain in terms of revenue, profit and value which the licensee derives from that portion of spectrum. (30 points)</p> <p><b>Total score for efficiencies =.....</b></p>

**Annexure F****Radio frequency spectrum application and permit fees.****1. Application Fees by Type of Radio-Communications Services**

<b>1. Amateur Radio Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
All classes of licences	140
Beacon	100
Repeater station including radio link	100
Digipeater / Bulletin Board	100
Listeners	100
Experimental station for weather satellite reception and retransmission	210
Guest or special event licence	100
Change of call sign on request	100

<b>2. Aeronautical Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Aircraft frequency band	480
Beacon frequency	480
Ground station frequency	480
Relay station frequency	170

<b>3. Maritime Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Ship frequency spectrum	480
Coast station frequency - non commercial	480
Coast station frequency – commercial	600
Beacon frequency	480

<b>4. Land Mobile Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Citizen band frequencies	210
<i>Civil Defence / Marnet (VHF band)</i>	
- without a private frequency	210
- with a private frequency	620
<i>27/29 MHz frequency band</i>	
Simplex frequency in the VHF and UHF bands	620
<i>High frequency band</i>	
- Cross border	830
- Cross border – SADC	1040
- Local HF	620

<b>5. Fixed Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Experimental or test licence	830
Special radio service	830
Microwave link frequencies (per application)	830
All other fixed services	830

<b>6. Radiocommunication Systems</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Alarm system	980
Load management system	1000
Telemetry system	730
Message handling system	1230
Paging system	1430

Radio trunking system (per frequency channel)	275
Repeater system	1100
Wide area network	1660
Wireless local loop system	650

<b>7. Satellite Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Fixed Satellite Earth Station – Uplink	1600
Transportable Satellite News Gathering Station – SNG	1600
VSAT	1600

<b>8. Miscellaneous</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Radio apparatus Dealer Certificate Application	100
Maritime Certificate Application	100
Computer printout per licence/certificate	100
Duplicate per licence/certificate	100
Change of name and/or title of the licensee	100
Modification to licence– Administrative (excluding address changes)	100
Modification to Licence– Technical	410

## 2. Permit Fees

<b>Permits for possession of Radio Apparatus and Radio Frequency usage subject to Radio Frequency Spectrum Licences without a licence being issued</b>	<b>Fees (Rand)</b>
(i) Application Fee for Permit	100
(ii) Fee for Permit	100
(iii) Special Radio Service for duration of less than thirty days.	830

**Annexure G****Radio Frequency Spectrum Examination and Certificate Fees**

1. The fees below are payable when sitting for the examination indicated or to acquire the certificate shown.

**Certificate, purpose for which it is required and examination fee unless otherwise stated:**

	<b>Fees (Rand)</b>
1 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
2 Restricted Radiotelephone Operator's Certificate (Maritime): Operation of a radiotelephone installation on a ship, provided that:  (i) the carrier-wave power of the transmitter does not exceed BOW; or  (ii) the operation of the transmitter requires the use only 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:  • Per repeated subject :	30          18
3 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

**Annexure H****Table of amateur modes of emission**

No	Mode	Explanation
1	A1A	Telegraphy without the use of a modulating audio frequency (by on/off keying) for aural reception.
2	A3C	Facsimile (with modulation) of the main carrier either directly or by frequency - modulated sub-carrier.
3	A3E	Double sided telephony.
4	C3F	Television by analogue modulation and vestigial-sideband operation.
5	F1A	Telegraphy for aural reception is including DATA by means of frequency shift-keying without the use of a modulating audio frequency whereby one or two frequencies are being emitted at any instant.
6	F1B	Telegraphy is including DATA by means of frequency shift-keying without the use of a modulating audio frequency whereby one or two frequencies are being emitted at any instant.
7	F1D	Data transmissions by means of frequency shift-keying without the use of a modulating audio frequency, with one frequency been emitted at any instant.
8	F2A	Telegraphy for aural reception including RTTY and DATA by the on/off keying of a frequency or by means of the on/off keying of a frequency modulated emission.
9	F2B	Telegraphy including RTTY and DATA by the on/off keying of frequency modulating audio frequency or by means of the on/off keying of a frequency modulated emission.
10	F3C	Facsimile by direct frequency modulation of the carrier.
11	F3E	Frequency-modulated telephony.
12	G3E	Phase-modulated telephony.
13	J3E	Single, sideband-suppressed carrier telephony.
14	J3F	Single, sideband-suppressed carrier, modulated by slow scan television audio frequencies.
15	Non	Emission of an unmodulated carrier.
16	R3E	Single, sideband, reduced or variable level carrier telephony.
17	W9E	Digital speech multiplexed up to twelve channels.
18	J2D	Data transmission with the use of a modulating auto frequency.
19	J2E	Digital telephony with the use of a modulating audio frequency.



## Annexure I

## Amateur radio frequency bands

Frequency bands in MHz	The Amateur Service	Maximum Power in dB relative to 1 watt PEP	Satellite	Permitted types of transmission	Remarks
0.1357 – 0.1378	Secondary	CLASS A 1 W e.i.r.p.		All except pulse or fast scan TV	
0.472 – 0.479	Secondary	5 W e.i.r.p.		All except pulse or fast scan TV	WRC12, Gov Gazette 354 of 2013
1.810-2.000	Primary	A = 30 dBW		All except pulse or fast scan TV	No Class B operation
3.500 - 3.800	Co-primary	A = 30 dBW B = 20 dBW		All except pulse or fast scan TV	Music Transmission permitted
7.000 - 7.200	Primary	A = 30 dBW B = 20 dBW	Allocated	All except pulse or fast scan TV	
10.100 - 10.150	Secondary	A = 26 dBW		All except pulse or fast scan TV	No Class B operation International Band

14.000 - 14.350	Primary	A = 30 dBW	Allocated	All except pulse or fast scan TV	No Class B operation  International Band
18.068 - 18.168	Primary	A = 30 dBW		All except pulse or fast scan TV	No Class B operation  International Band
21.000 - 21.450	Primary	A = 30 dBW	Allocated	All except pulse or fast scan TV	No Class B operation  International Band
24.890 - 24.990	Primary	A = 30 dBW		All except pulse or fast scan TV	No Class B operation  International Band
28.000 - 29.700	Primary	A= 30 dBW	Allocated	All except pulse or fast scan TV	No Class B operation  International Band

28.050 - 28.150		B = 20 dBW			
28.300 - 28.500		B = 20 dBW			
29.700 - 30.000	Secondary	26 dBW		All	Secondary basis during disaster exercises and emergency
40.675 - 40.685	Primary	26 dBW	Allocated	All except pulse or fast scan TV	Propagation studies only
50.000 - 54.000	Co-Primary	50-52 MHz = 30 dBW 53 – 54MHz =26 dBW		All except pulse or fast scan TV	Music transmission permitted
70.000 – 70.300	Secondary	Class A 26 dBW		All except pulse or fast scan	
144 – 146	Primary	A = 30 dBW B = 20 dBW	Allocated	All except pulse or fast scan TV	
430 - 440	Co-Primary	A = 30dBW B = 20 dBW	Allocated	All except pulse or fast scan TV	Music transmission permitted
435 -438	Co-Primary	A = 30 dBW B = 20 dBW	Allocated	All except pulse or fast scan TV	Music transmission permitted.

1240 – 1300	Secondary	A = 30 dBW	Allocated	All except pulse	Music transmissions permitted
2300 - 2450	Secondary. Users must accept interference from ISM users	A = 26 dBW		All except pulse	
5650 – 5850	Secondary. Users must accept interference from ISM users	A = 26 dBW	Allocated	All except pulse	
10000- 10450	Secondary	A = 26 dBW	Allocated	All - including pulse	
10450 -10500	Secondary	A = 26 dBW	Allocated	All - including pulse	
24000- 24050	Primary	A = 26 dBW	Allocated	All - including pulse	
24050 -24250	Secondary. Users must accept interference from ISM users	A = 26 dBW		All - including pulse	
47000 - 47200	Primary	A = 26 dBW	Allocated	All - including pulse	
75500 – 76000	Primary	A = 26 dBW	Allocated	All - including pulse	
76000 – 81000	Secondary Users must	A = 26 dBW	Allocated	All - including pulse	

	accept interference from ISM users				
122250 – 123000	Secondary Users must accept interference from ISM users	A= 26 dBW	Allocated	All - including pulse	
134000 - 136000	Primary	A= 26 dBw	Allocated	All – including pulse	
136000 – 141000	Secondary	A= 26 dBW		All – including pulse`	

**Annexure J**  
**Call sign zones**

