

## INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

## NOTICE 2039 OF 2023



**AMENDMENT OF THE NUMBERING PLAN REGULATIONS, 2016 IN TERMS OF SECTION 68 READ WITH SECTION 4 OF THE ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)**

The Independent Communications Authority of South Africa has, under section 4 read with section 68 of the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended, made the regulations in the schedule.

**SCHEDULE 1****1. Definitions**

In these regulations "the Regulations" means the regulations published by Government Notice No. 370 (Government Gazette No. 39861) of 24 March 2016, as amended by Government Notice No. 245 (Government Gazette No. 43230) of 15 April 2020, ~~and~~ Government Notice No. 1719 (Government Gazette No. 48328) of 29 March 2023 and Government Notice No. 2033 (Government Gazette No. 49314) of 15 September 2023.

**2. Amendment of regulation 6A in the Regulations**

2.1 Regulation 6A of the Regulations is hereby amended by the insertion of the following sub-regulations before sub-regulation (5):

"(1) Churn rate must be calculated by taking the quantity of numbers that have not initiated a revenue generating activity from the services of a licensee for sixty (60) consecutive calendar days and divide this

quantity by the quantity of active numbers at the beginning of the defined timeframe.

- (2) Churned mobile numbers must be quarantined for a period one (1) month before being placed into the pool of available numbers.
- (2A) Licensees must, on request and at a cost, provide a list of numbers that have been placed into quarantine as per sub regulation (2).
- (3) Upon thirty (30) consecutive calendar days in which a subscriber has not initiated a revenue generating activity, a licensee must notify the subscriber of the intended withdrawal. The subscriber must be afforded a grace period of thirty (30) consecutive calendar days to object to the withdrawal notice by means of a revenue generating activity.
- (3A) In the event a subscriber anticipates that their assigned mobile number may be inactive for more than sixty (60) consecutive calendar days, licensees must provide an option, at a cost, for the subscriber to apply for an exemption from sub regulation (3) and retain use of the mobile number.
- (3B) The option for an exemption and retention of a mobile number, as per sub regulation (3A) must be valid for 183 consecutive days, from its date of activation.
- (3C) Sub regulation (3) does not apply to subscribers on a postpaid service plan.
- (4) Should a subscriber object to the withdrawal as per sub regulation (3), the licensee must abandon the withdrawal and subsequent deactivation of the number\.

### **3. SHORT TITLE AND COMMENCEMENT**

These regulations are called the Numbering Plan Fourth Amendment Regulations, 2023 and will come into effect on the date of publication in the Government Gazette.



**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

**EXPLANATORY MEMO FOR THE NOTICE TO AMEND THE NUMBER PLAN  
REGULATIONS**

## 1. Amendment of regulation 6A of the Regulations

- 1.1. The Authority has decided to amend the prescribed period of inactivity of thirty (30) calendar days and by extension the recycling period for assigned numbers that are inactive.
- 1.2. The Authority, in the Number Plan Second Amendment Regulations, 2023 “the Regulations”, had prescribed a period of inactivity in an effort to standardise the process of recycling numbers and to promote efficient use of allocated numbers in particular mobile numbers.
- 1.3. The above initiative added to previous efforts the Authority had introduced to manage this resource more efficiently which although had some impact did not in the main yield the desired results, these include:
  - 1.3.1. Prescribing the use of numberless SIMS;
  - 1.3.2. Increasing the utilization percentage requirement for consideration of additional numbering resources i.e. 80% for mobile numbers;
  - 1.3.3. Releasing a dedicated range of Machine Related Services; and
  - 1.3.4. Releasing new ranges to supplement existing ranges; and
  - 1.3.5. Transition to a non-geographic number plan.
- 1.4. It was clear to the Authority through the above initiatives, that simply increasing the mobile number resource capacity and addressing efficient use by licensees was insufficient. The Authority had to consider efficient use by subscribers.
- 1.5. The above initiatives were all considered in line with section 68 (1)(a)(i) of the Electronic Communications Act No 36 of 2005:

*“1. The Authority must make regulations prescribing—*  
*(a) a numbering plan which must be amended and updated as the Authority considers necessary—*  
*(i) for efficient use and allocation of numbers; and ....”*
- 1.6. Upon publication of the Regulations the Authority received submissions that reflected that though the principle of standardising the recycling period was

accepted, concerns were raised regarding the exact period of inactivity the Regulations had prescribed and raised some ambiguity on the application of the provisions that relate to the period of inactivity.

- 1.7. In prescribing a period of inactivity (i.e. period\date of last activity) the Authority did not accede to the proposed period of 90 days which in some instances, after taking into consideration the then proposed quarantine and notice of intent to withdraw several periods, provided for an extended recycling period. The Authority did not agree that the extended recycling period would assist in addressing the effects of the high demand for mobile numbers on the overall capacity nor would it promote efficient use of this resource by subscribers.
- 1.8. The Authority, after having further considered the submissions is thus proposing a period of inactivity of 60 calendar days. The Authority has however proposed that the quarantine period of one (1) calendar month be retained. The Authority has aligned the quarantine period to the one stipulated in the Number Portability Regulations i.e. (one) 1 month for consistency.
- 1.9. Thus, the proposed standardised recycling period would amount to 90/91 calendar days.
- 1.10. In consideration of exceptional circumstances under which the proposed standardized recycling period may need to be extended, an option has been proposed to address such circumstances. The proposed option is an outcome of the Authority's consideration of solutions that have been implemented by other jurisdictions in addressing such exceptional circumstances.
- 1.11. The proposed option would come at a cost in an attempt to compensate for the number\s being active on the network for an extended period of time without generating any revenue. The proposed option will be valid for the indicated time period, thus reiterating the Authority's stance that numbers need to be used in an effective and efficient manner.
- 1.12. The Authority has similarly considered some of the unintended effects that have arisen out of recycling numbers, particularly mobile numbers. Data that was linked or associated with the previous subscriber, unintendingly get

“transferred” (for lack of a better term) to the new subscriber. Such data includes but is not limited to:

1.12.1. marketing communication that the previous subscriber would have been subscribed and which have the effect of being a nuisance to the new subscriber;

1.12.2. notifications that may contain sensitive information; or

1.12.3. applications used by the previous subscriber and wherein access to such applications is intrinsically linked to the mobile number, thereby possibly granting the new subscriber access to such applications.

1.13. The Authority has thus proposed that licensees make available numbers that have been placed into quarantine to entities that may require such data in order to update their records. The Authority welcomes further proposals in this regard.