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Statutory Instrument No. of 2022

COMMUNICATIONS REGULATORY AUTHORITY ACT
(*Cap. 72:03*)

COMMUNICATIONS REGULATORY AUTHORITY REGULATIONS, 2022
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SCHEDULES

IN EXERCISE of the powers conferred on the Minister of Communications, Knowledge and Technology by section 94 of the Communications Regulatory Authority Act, the following Regulations are hereby made –

PART I – *Preliminary*

- Citation* 1. These Regulations may be cited as the Communications Regulatory Authority Regulations, 2022.
- Interpretation* 2. In these Regulations, unless the context otherwise requires –
- “advertising” means the broadcasting or distribution, by any means, of any item or information which is intended to promote a cause or to inform or influence its recipients, in return for payment or other valuable consideration;
- “assigned frequency” means the centre of the frequency band assigned to a broadcasting service;
- “broadcaster” means any person who composes or distributes broadcasting service for reception by subscribers to such services or the general public;
- “broadcasting licence” means a licence issued in terms of section 32 of the Act for the provision of a broadcasting service;
- “commencement date” means the date on which a licensee commences the operation of a regulated sector;
- “Content Service Licence (Radio)” means a licence that enables the holder to broadcast audio or data services such as text to a subscriber or to the general public;
- “Content Service Licence (Television)” means a licence that enables the holder to broadcast video, audio or data services such as text to a subscriber or to the general public;
- “coverage area” means the territory covered by a broadcasting station signal strength, allowing for clear reception, and includes an area specified in a broadcasting licence by the Board;
- “deactivate” means to disable a telecommunications service to a subscriber by a licensee;

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“declaration of conformity” means a procedure by which a manufacturer or a supplier gives a written assurance in accordance with International Standard Organisation (ISO) or International Electro-technical Commission (IEC) standards that Radio and Telecommunications Terminal Equipment (RTTE) conforms to these Regulations;

“disaster” includes any event or circumstance arising out of accidents, natural phenomena, fires, floods, explosions, or incidents involving exposure or potential exposure to radioactive or toxic materials;

“election period” means the period immediately following the announcement of an election date until the close of polling, in accordance with the Electoral Act;

“external broadcast feed” means an output of another broadcaster broadcasting live as a licensee’s broadcast output;

“harmful interference” means any interference which endangers the functioning of a radio service, or which degrades, obstructs or repeatedly interrupts such a radio service operating in accordance with the assigned frequency;

“hybrid mail” means an electronic-based postal service whereby a sender posts the original message in either a physical or an electronic form, which is then electronically processed and converted into a letter-post item for physical delivery to the addressee;

“identification particulars” means any details given by a subscriber to a licensee or a licensee’s agent for the purpose of registration of the subscriber;

“infomercial” means any advertising broadcast in visual or audio form, lasting for more than two minutes, which may contain demonstrations of the use of the product or service advertised, entailing direct offers to the public in return for payment, and which results in the broadcaster receiving payment in monetary terms or otherwise;

“interference” means the effect of unwanted energy due to one or a combination of emissions, radiations or indications upon reception in a radio system, manifested by any performance

degradation, misinterpretation or loss of information which could be extracted in the absence of such unwanted energy;

“letter” means any form of written communication or personal correspondence, including a postcard;

“licensee” means a service provider licenced under the Act by the Authority;

“linear broadcasting” means broadcasting of the scheduled real time content that is received by a subscriber at the time of broadcast;

“local content” means the output or results of a regulated sectors’ production that have been produced using material or resources gathered in Botswana;

“local coverage” means a coverage area of a terrestrial broadcasting transmitter confined to locality within a town or village and does not exceed a radius of 3 kilometres from the transmitter;

“national coverage” means a coverage area of the whole country;

“national emergency organisations” include the police service, security forces, fire brigade, ambulance services, medical services, veterinarian services and environmental disaster agencies, whether or not such organisations are owned and managed on a private or public basis;

“numbering and addressing capacity” means a part of the numbering plan’s total number resource and a part of the addressing plan’s total address resource, allocated to a licensee;

“Parental Control Mechanism” means a system that allows the viewer to block out a channel or programming using an exclusive access control technology such as personal identification number (PIN) in order to select an appropriate level of suitable programming;

“political party” means a party which is either lawfully registered as a political party in Botswana;

“post” means a system for the collection, dispatch, holding and delivery of postal articles by or through public postal licensee;

“post office” means any building, house, room, vehicle or place, where postal services are offered;

“postal article” has the same meaning as “postal item” and shall include an insured postal item;

“postal charge” means any charges imposed or levied by the licensee for the provision of postal services;

“postcode” means a series of digits or alphabets or a unique identifier appended to a postal address identifying a locality;

“programme”, in relation to a broadcasting service, means visual information or sound, or a combination of visual information and sound, which inform, enlighten or entertain the general public, and includes but is not limited to –

(a) advertising or sponsorship material, whether of a commercial nature or not; and

(b) news bulletins, current affairs programmes, informative programmes, interviews, panel discussions, phone-in programmes and sports programmes;

“public emergency service” means any service provided by a licensee exclusively, or in conjunction with any other person, by means of which emergency broadcasts are made free of charge;

“radio licence” means a licence issued in terms of section 45 of the Act;

“regional coverage” means a coverage area of a terrestrial broadcasting transmitter intended to cover a town or village or a group of people of towns and villages which does not exceed a radius of 50 kilometres;

“registration” means the recording of identification particulars of a subscriber by a licensee or a licensee’s agent;

“SMS Broadcasting Licence” means a subscription management service referred to in regulation 3 (1) (c);

“signal” includes any signs, sounds, text, images, information or data of any configuration sent, or to be sent, for conveyance by a system operated by a licensee;

“special event broadcasting licence” means a broadcasting licence issued for an event that does not last for more than seven days or any other extended period as may be determined by the Authority and which is broadcast –

(a) outside a licence’s coverage area; or

(b) by a foreign-registered broadcaster;

“sponsored programme” means a programme that has all or part of its costs paid by a sponsor, with a view to promoting that sponsor’s, or another sponsor’s name, product or service;

“station format” means an arrangement of programmes which are presented on a broadcasting station;

“subscriber” means a person who uses or accesses a communication service provided by a licensee;

“suspend” means to temporarily disable a regulated communications service to a subscriber by a licensee;

“telecommunications” means any system of conveying signals, sounds, communications or other information through the agency of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy, or through the agency of radio waves;

“undeliverable postal article” means an item which, has not been claimed by an addressee;

“UPU-Acts” has the same meaning ascribed to it in section 2 of the Act;

“Universal Postal Union” or “UPU” means the specialised agency of the United Nations dealing with postal services; and

“watershed period” means a period from 9.00 p.m. to 6.00 a.m. when material unsuitable for children may be broadcast.

PART II – *Broadcasting*

*Classification
of broadcasting
licences*

3. (1) A broadcasting licence shall be classified commercial or non-commercial according to the following categories –

- (a) Content Service Licence (Radio);
- (b) Content Service Licence (Television);
- (c) SMS Broadcasting Licence;
- (d) Special Event Broadcasting licence; and
- (e) any other class of licence as the Authority may determine.

(2) A holder of a broadcasting licence may elect any of the following platform for delivery of the broadcasting service –

- (a) Terrestrial Radio;
- (b) Satellite;
- (c) Cable;
- (d) Internet Protocol; or
- (e) any other platform that the Authority may define or determine.

(3) Where a holder of a broadcasting licence requires radio medium to broadcast, the Authority shall issue a radio licence to the person.

(4) A radio licence for terrestrial services shall only apply to radio transmitters located in the territory and will be issued through a competitive process.

(5) The Authority may issue a broadcasting licence to an applicant who wishes to provide local, national or regional coverage of a commercial broadcasting service or a non-commercial broadcasting service.

(6) A commercial broadcasting service may be delivered –

- (a) as free-to-air service which is funded by advertising revenue or sponsorship revenue; or

(b) through a subscription service, funded by a subscription fee or an advertising revenue, where the broadcasting content is made available to the public on payment of the subscription fee.

(7) A non-commercial broadcasting service shall –

- (a) be operated by a non-profit making entity and any income from such service shall be used to cover the operations of a broadcasting service station or be invested in the broadcasting station;
- (b) be funded by donations, grants, sponsorships or advertising or membership fees; and
- (c) not be funded by political parties.

(8) A broadcasting licence for a non-commercial broadcasting service may be issued in designated areas for the promotion of diversity and plurality.

(9) The Authority shall from time to time issue a Code of Conduct or Guidelines for guidance of broadcasting services on the following –

- (a) conduct during elections;
- (b) non-commercial broadcasting;
- (c) advertising;
- (d) subscription broadcasting;
- (e) quality of service; and
- (f) any matter that the Authority may determine in consultation with the regulated sector.

Ownership and control

4. (1) A person shall not directly or indirectly own or exercise control over more than one commercial broadcasting service station, without the approval of the Authority.

(2) A broadcasting licence shall be reserved for enterprises which are owned by citizens or in which citizens have a significant shareholding.

(3) For the purposes of subregulation (2), "significant shareholding" means –

- (a) in relation to Content Service Licence (Television), at least 55 per cent shareholding;
- (b) in relation to a Content Service Licence (Radio), at least 80 per cent shareholding; or
- (c) in relation to Subscription Management Services, at least 55 per cent shareholding.

(4) A political party shall not own a broadcasting service.

Commencement of broadcasting service

5. (1) A licensee shall publish a notice in a regional or national newspaper or both, circulated in the licensee's intended market, not later than seven days before transmitting a broadcasting service.

(2) A notice under subregulation (1) shall contain –

- (a) a statement about the licensee's intention to transmit a broadcasting service from a station in the licensee's local market;
- (b) the commencement date and time of transmission;
- (c) the assigned frequency that the station will use;
- (d) the station format; and
- (e) the address and telephone number of the licensee.

Fairness in advertising

6. (1) A licensee shall ensure that any advertisement that the licensee broadcast –

- (a) is honest, decent and lawful;
- (b) is in conformity with the principles of fair competition in the broadcasting business;
- (c) does not contain any descriptions, claims or other material which may, directly or by implication, mislead the general public in relation to the product or service advertised, or about its suitability for the purpose recommended; and

(d) does not unfairly attack or discredit, directly or by implication, any other advertisers, products or advertisements.

(2) A licensee shall, before broadcasting an advertisement, ensure that any description or claim in the advertisement has been adequately authenticated by the advertiser thereof.

(3) A licensee shall not unreasonably discriminate against or in favour of any advertiser.

Scheduling of advertisements

7. (1) A licensee shall exercise due care when scheduling an advertisement outside the watershed period, which may be unsuitable for children, and during periods when children may be or are expected to be watching or listening.

(2) A licensee shall ensure that any advertising breaks are clearly distinguishable from broadcast programmes.

(3) A licensee shall ensure that its presenters, when reading advertisements, make a clear distinction between programming material and the advertisements they deliver.

Sponsorship of programmes

8. (1) A licensee shall not –

(a) accept sponsorship for news broadcasts; or

(c) unreasonably discriminate against or in favour of any particular sponsor.

(2) A licensee may accept sponsorship for broadcasts relating to weather, financial or traffic news:

Provided that the licensee shall retain the ultimate editorial control of the sponsored programme.

(3) A licensee shall ensure that sponsorship for an informative programme does not compromise the accuracy and impartiality of the contents of the programme.

(4) The sponsorship of any programme shall clearly be acknowledged by a licensee immediately before and after the programme is broadcast, and any link between the subject matter of the programme and the commercial activities of the sponsor shall be made clear.

Infomercials

9. (1) A licensee shall not broadcast an infomercial –
- (a) for a period exceeding three hours of the performance period in any day;
 - (b) during prime-time; or
 - (c) during any break in the transmission of a children's programme.

(2) A licensee shall ensure, either by visual or audio form, that the broadcast of any infomercial is distinguishable from any material of the broadcast programme.

(3) A licensee shall ensure that any infomercial that is broadcast is –

- (a) honest, decent and lawful; and
- (b) in conformity with the principles of fair competition in the broadcasting business.

(4) Subregulations (1) and (2) shall not apply to channels which exclusively broadcast infomercials.

Local content

10. (1) The Authority shall, from time to time, issue and publicise Local Content Guidelines prescribing, amongst others, the local content quota and quality for broadcasters.

(2) Subregulation (1) shall not apply to news broadcasts.

(3) Local news shall constitute the majority of a licensee's news broadcast content, except as otherwise stated as a specific licence condition.

(4) The Authority shall define the relative value components in the guidelines dealing with local content.

Broadcasting standards

11. A licensee, or any employee of the licensee, shall not broadcast or enable broadcasting of any matter which –

- (a) offends against good taste or decency;
- (b) contains the use of offensive language, including blasphemy;

- (c) presents sexual matters in an explicit and offensive manner;
- (d) glorifies violence or depicts violence in a manner which is offensive to viewers or listeners; or
- (e) is likely to incite or perpetuate hatred or vilify any person or community on account of race, ethnicity, nationality, age, gender, sex or any other status.

Protection of children

12. (1) Where the licensee broadcasts or enables broadcasting outside the watershed period for linear broadcasting, the licensee shall ensure that due care is exercised in order to avoid the broadcasting of content which may disturb or be harmful to children.

(2) A licensee shall, when determining whether a large number of children are listening to or watching any programme or not, take into account any available audience research carried out, as well as the times that the programmes are broadcast.

(3) The content of programmes which may disturb or be harmful to children includes –

- (a) offensive language;
- (b) explicit sexual material; and
- (c) explicit violent material.

(4) A licensee shall where applicable, ensure that the broadcasting service provided has a Parental Control Mechanism and shall inform the viewer on its use.

Accurate, fair and impartial reporting

13. (1) A licensee, its employees or agents shall report news and information accurately, fairly and impartially.

(2) A licensee shall ensure that news and information are broadcast and presented in a balanced manner without any intentional or negligent departure from any facts through distortion, exaggeration, misrepresentation, material omissions or through excessive summarising or editing.

(3) A licensee, its employees or agents shall broadcast a fact fairly, having regard to its context and importance.

(4) A licensee shall ensure that the channels it broadcasts on reports news that is fair and impartial or enables the broadcasting of news that is fair and impartial.

Broadcasting of unconfirmed reports

14.(1) A licensee shall not broadcast or enable broadcasting of any report –

- (a) that is not based on fact or that is founded on an opinion, suspicion, rumour or allegation unless the broadcast is carried out in a manner that clearly indicates these circumstances; and
- (b) where there is sufficient reason to doubt the accuracy of the report and it is possible to verify the accuracy of the report before it is broadcast.

(2) Where any doubt exists as to the accuracy of a report and verification is not possible, such doubt shall be mentioned in the report.

Correction of errors in broadcasting

15. A licensee shall broadcast the correction of any factual error –

- (a) without reservation as soon as is reasonably possible after the error has been committed; and
- (b) with such degree of prominence and timing as may be adequate and fair so as to easily attract attention and, where appropriate, include an apology.

Reporting on controversial issues

16. (1) A licensee shall ensure that when reporting on controversial issues, a wide range of views and opinions is reported, either within a single programme or within a series of programmes, which shall be broadcast as soon as is reasonably possible.

(2) A licensee shall ensure that when broadcasting controversial issues of a political nature or public importance during a phone-in programme, a wide range of views and opinions is represented.

(3) A person –

- (a) whose views have been criticised on any controversial issues of political or public importance during a programme; and

- (b) who makes any representation within a reasonable time to the licensee responsible for the programme, that he or she is aggrieved by the criticism,

shall be offered an opportunity by the licensee to reply to such criticism.

(4) A reply to a criticism under subregulation (3) shall, during its broadcast, be given the same degree of prominence as the criticism that is being responded to and shall be broadcast during a similar time-slot to such criticism as soon as is reasonably possible after the criticism.

Conduct of interviews

17. (1) A person who is to be interviewed by a licensee shall be informed, before the interview –

- (a) of the subject matter of the interview; and
- (b) as to whether the interview is to be recorded or broadcast live.

(2) Where an interview is to be conducted with a child, a licensee shall request the written permission of the child's parent or guardian.

(3) A licensee shall exercise sensitivity when conducting an interview with a bereaved person, a survivor of a traumatic incident, or a witness of a traumatic incident.

Comments

18. Any comment that is broadcast by a licensee or by a person invited by a licensee shall be presented in a manner that clearly indicates whether it is a comment that it is made on facts or an opinion, and in the event the comment is made on facts, the source of the facts shall be clearly stated.

Phone-in programme

19. (1) A licensee shall exercise due care and fairness when conducting a phone-in programme.

(2) Where there is any person or entity adversely affected by comments made during a phone-in programme, such person or entity shall be given an opportunity by the licensee to respond to such comment.

(3) A reply to a comment under subregulation (2) shall, during a phone-in programme, be given the same degree of prominence as the comment that is being responded to and shall be broadcast during a similar time-slot to such comment as soon as is reasonably possible after the comment.

<i>Invasion of privacy</i>	20. A licensee shall not broadcast or enable broadcasting of any material which invades a person's privacy unless it is justifiable, in the public interest, to do so.
<i>Consent to broadcast</i>	21. A licensee shall not broadcast any information acquired from a person without that person's consent, unless the information so acquired is essential to establish the credibility and authority of a source, or where the information is clearly in the public interest.
<i>Sexual offences</i>	22. (1) A licensee, its employees or agents shall not disclose, in a broadcast, the identity of a – <ul style="list-style-type: none"> (a) victim of a sexual offence, unless the victim consents in writing to such disclosure of his or her identity; or (b) child, where such child is a victim of a sexual offence. <p>(2) A licensee, its employees or agents shall avoid the use of unnecessary or repetitive detail when broadcasting the circumstances of a sexual offence.</p>
<i>Payment of criminals</i>	23. A licensee shall not pay any person – <ul style="list-style-type: none"> (a) involved in a crime; or (b) who has been convicted of a criminal offence, <p>in order to obtain information, unless there is a compelling reason in the public interest to do so.</p>
<i>Emergencies or public disaster broadcasting</i>	24. A licensee shall provide a free public notice of an emergency or a free public disaster announcement made by an authority responsible for the management of the emergency or the disaster.
<i>Special event broadcasting licence</i>	25. The Authority may, on application and payment of a prescribed fee, issue a special event broadcasting licence for any event or activity being covered in Botswana.
<i>External broadcast feed</i>	26. (1) A licensee shall not carry out an external broadcast feed without a special event broadcasting licence. <p>(2) A licensee shall apply in writing to the Authority to carry out an external broadcast feed.</p>

(3) An application under subregulation (2) shall be accompanied by the –

- (a) name of the licensee; and
- (b) type of external broadcast feed which the licensee intends to carry out.

*Broadcasting
during elections*

27. (1) The Authority shall, in consultation with the relevant stakeholders, develop a code of conduct for broadcasting services for purposes of elections.

(2) A licensee shall, during an election period and in accordance with the code of conduct referred to under subregulation (1) –

- (a) air contesting party-political broadcasts; and
- (b) afford all contesting political parties similar opportunities when airing party-political broadcasts.

(3) If, during an election period, the programming of any licensee extends to the elections, political parties and issues related to the political parties, the licensee shall –

- (a) provide reasonable opportunities for the discussion of conflicting views; and
- (b) treat all political parties equitably.

(4) A licensee shall give a political party reasonable opportunity to reply to a criticism in a programme broadcast by the licensee where –

- (a) the political party was not given the opportunity to respond to the criticism in the programme; or
- (b) the view of the political party was not reflected in the programme.

(5) A licensee shall broadcast the reply referred to in subregulations (4) with the same prominence and, where applicable, in substantially the same timeslot as the initial criticism.

*Restrictions on
dealing with
foreign
governments*

28. A licensee shall not acquire any licence, right, privilege or concession from a foreign government, or enter into any agreement with a foreign government, without the approval of the Authority.

Complaints

29. (1) A licensee shall –

- (a) establish a procedure which the licensee shall use to investigate and address complaints made by the general public; and
- (b) submit to the Authority for approval –
 - (i) the procedure referred to in paragraph (a),
 - (ii) the names and particulars of the persons designated to handle complaints, and
 - (iii) any changes made to the procedure after the licensee has submitted such procedure to the Authority, before implementation of such procedure.

(2) A licensee shall, during prime time, broadcast, at least twice a week, information on its procedure for lodging complaints.

(3) A licensee shall, where a complaint is made, advise the complainant of his or her right to refer the complaint to the Authority if the complainant is dissatisfied with the licensee's response to the complaint.

(4) Where a complainant has referred his or her complaint to the Authority, the Authority shall invite a licensee to make a written or oral representations within such period as may be specified by the Authority, where the Authority intends to investigate any –

- (a) alleged non-compliance with the Act or with the conditions of the licensee's broadcasting licence; or
- (b) complaint relating to the licensee's failure or refusal to deal with any complaint, or the unsatisfactory handling of any complaint, by the general public.

(5) A licensee shall, upon request by the Authority –

- (a) submit any recording or documentation required for the

purpose of addressing the complaint;

- (b) respond to queries from the Authority relating to allegations made, if any, of non-compliance with the Act or with the conditions of his or her broadcasting licence;
- (c) submit any written report or any written response to allegations made, if any, of non-compliance with the Act or with the conditions of his or her broadcasting licence; and
- (d) appear before the Authority during the adjudication of any complaint or investigation into any alleged non-compliance with the Act or the conditions of his or her broadcasting licence.

(6) The Authority may, where necessary, order a licensee to broadcast an apology, correction or retraction, on such terms as the Authority may specify.

*Subscription
management
service*

30. (1) A licensee shall enter into a customer service agreement with its subscribers, and such agreement shall specify –

- (a) options for the programming service provided by the licensee and the conditions under which such service is supplied;
- (b) the time of supply of service for initial connection of such service after payment for subscription by the subscriber;
- (c) the types of maintenance service offered by the licensee either directly or through an agency;
- (d) the compensation and refund arrangements the subscriber which shall apply if the contracted service is not met;
- (e) a summary of the method initiating procedures for the settlement of disputes as well as termination clauses;
- (f) the minimum number and allocation of channels carried on the billed services; and
- (g) the information on the billing and complaints procedure which shall specify the right of a subscriber to complain to the Authority in the event that the subscriber is not satisfied with the handling of a complaint.

(2) A licensee shall lodge with the Authority for approval, any intended change in the customer service agreement and shall ensure that subscribers are not unduly disadvantaged by such change.

(3) A licensee shall –

- (a) ensure that a decoder or receiving equipment has a parental control mechanism allowing a subscriber to block a programme based on the classification of the programme or a channel included in the service for which it provides any support service; and
- (b) provide subscribers with the information on how to use the decoder or equipment referred to in paragraph (a).

PART III – *Telecommunications*

General obligation

31. A licensee shall –

- (a) operate a telecommunications system or provide a telecommunications service in accordance with international telecommunications treaties and conventions which are binding on Botswana; and
- (b) take the necessary measures to ensure that –
 - (i) a telecommunication service is available in the case of war, emergency, disaster or other crisis, and
 - (ii) there is conveyance of emergency calls and related information at all times.

Numbering and addressing standards

32. (1) A licensee shall comply with the numbering and addressing standards as determined by the Authority.

(2) The Authority shall allocate, to a licensee, numbering and addressing resources which the Authority considers reasonable taking into account the following –

- (a) the number of subscribers which the licensee has forecast;
- (b) the need for operator codes; and
- (c) any other relevant factor.

(3) The Authority shall, when allocating a numbering and addressing resources to a licensee specify, in writing, the purpose for which the numbering and addressing resources may be used, and the licensee shall use a numbering and addressing resources allocated to the licensee in accordance with subregulation (2) for the purpose for which it has been allocated.

(4) A licensee may apply in writing to the Authority to supply him or her with an additional numbering and addressing capacity and the licensee shall include the necessary justification.

(5) The Authority may revoke a numbering and addressing capacity if –

- (a) the numbering and addressing capacity is not used for the purpose for which it is intended; or
- (b) the numbering and addressing capacity is not used for any other reasonable cause disclosed by the Authority to the licensee.

Infrastructure sharing

33. (1) A licensee shall ensure that every telecommunication infrastructure erected, constructed or located within Botswana, except those exclusively used for purposes of State security and emergency services, complies with the terms and conditions of the infrastructure sharing agreement.

(2) The Authority shall ensure that the infrastructure sharing agreement is implemented in a manner that does not constrain competition or that violates any licence condition of an operator.

(3) Where an infrastructure sharing agreement is found to be inconsistent with the relevant licence or it provides a risk of lessening competition, the Authority may require such arrangement to be discontinued.

(4) The Authority shall ensure that the –

- (a) sharing of an infrastructure is done in compliance with the principles of equity, neutrality, transparency, non-discrimination and fair competition; and

- (b) prices for sharing of an infrastructure are non-discriminatory, reasonable and based on the actual costs incurred by the owner of the facility.

(5) A licensee that owns an infrastructure which can be shared shall have a reference offer which shall outline –

- (a) the standard procedure for sharing such infrastructure; and
- (b) a standard price list,

which shall be submitted to the Authority for approval.

(6) The Authority –

- (a) shall have the responsibility to resolve any dispute that may arise regarding infrastructure sharing; and
- (b) may direct a licensee to share infrastructure in order to promote and maintain competition in the market.

*Right to enter upon
land and construct
telecommunication line*

34. (1) A licensee may, for the purpose of providing a telecommunications service, seek permission in writing, from a local authority, an entity or a person who owns or has the control and management of a land, street, road, footpath, waterway or railway to –

- (a) enter upon the land, street, road, footpath, waterway or railway and construct, maintain or remove any telecommunication line, or conduct any other work necessary for the telecommunication line upon, under, over, along or across such land, street, road, footpath, waterway or railway;
- (b) alter or cause to be altered under the ground, the position of any pipe other than a sewer, drain or mains for the supply of water, gas or electricity; and
- (c) carry out any other work for the purpose of the constructions of a telecommunication line.

(2) A local authority, entity or person to which or to whom any pipe belongs, or by which or by whom a pipe is used shall be

entitled, while the work referred to in subregulation (1) is in progress –

- (a) to supervise the work; and
- (b) to be paid all expenses incurred by the local authority or person in connection with the work and the supervision of the work.

Trees obstructing telecommunication line

35. (1) Where a telecommunication line is interfered with or endangered, or is likely to be interfered with or endangered, by a tree or undergrowth, a licensee shall, at his or her expense, cause the tree or undergrowth to be cut down or trimmed.

(2) Where a tree or undergrowth is situated in a private land, a licensee shall not cut down or trim the tree or undergrowth without the permission of the owner or occupier of the private land.

(3) A licensee may, where circumstances permit, give the owner or occupier of the private land the opportunity to cut down or trim a tree or undergrowth.

Electrical works, etc. to conform to requirements

36. (1) A person intending to erect, move or alter a line for the transmission of electricity shall, before erecting, moving or altering such line, obtain the written approval of the licensee, and the licensee shall be entitled to require such alterations in the route or manner of constructing or moving the said line, in order to ensure that the proposed line shall not injuriously affect any existing or proposed telecommunication line.

(2) Where any line for the transmission of electricity is so constructed as to adversely affect any telecommunication line or proposed telecommunication line, the owner of such line for the transmission of electricity shall make such alterations to the line as the licensee may determine:

Provided that if it is more economical or practical to do so, the licensee shall at his or her own expense, move or alter the telecommunication line in question.

(3) The cost of, any alteration made to, or movement of, existing lines for the transmission of electricity to avoid interference with proposed telecommunication lines shall –

- (a) where the electricity line was lawfully erected, be borne by the licensee; and
- (b) in any other case, be borne by the owner of the electricity line.

*Damage to property
or injury to persons*

37. (1) A licensee shall, when carrying out any work required for the licensee's purposes –

- (a) exercise due care;
- (b) carry out such work with regard to the safety and convenience of an owner or occupier of a land, street, road, footpath, waterway or railway upon which the work is carried out;
- (c) carry out such work with minimum damage to the property of the owner or occupier, or telecommunication infrastructure on, over or under that property; and
- (d) repair or make good any street, road, footpath, waterway, railway, telecommunication line or other infrastructure disturbed by such work.

(2) A licensee shall be liable to compensate an owner of any property, including telecommunication lines or any other infrastructure, for the wilful or negligent destruction or damage caused to the property by the employees or agents of the licensee.

(3) A person who either directly or indirectly by his or her servant or employee, by an animal, vehicle or thing owned by that person or in his or her custody, with intention or through negligence, destroys or damages any telecommunication line, mast, building or other component constituting telecommunication infrastructure, shall be liable to pay the owner or if applicable, the user of the infrastructure, the cost of repairing or making good the destruction or damage.

*Technical feasibility
and compatibility*

38. A licensee shall, in order to fulfil the essential requirements in accordance with regulation 39, ensure that the network operations or services it provides are technically feasible and are compatible with the networks, operations or services provided by other licensees.

*Essential requirements
applicable to terminal
equipment*

39. A service provider or a person who supplies terminal equipment shall ensure that the terminal equipment provided or supplied by him or her complies with the following essential requirements –

- (a) that it is electrically safe for users, subscribers or the employees of the telecommunication system operators;
- (b) that it is electromagnetically compatible with other equipment to which it is or will be connected or used;
- (c) that it is fitted with a device which will protect the telecommunication system of which it is part or to which it is connected against electrical, electromagnetic or other similar damage;
- (d) that it makes efficient use of the radio spectrum, where applicable; and
- (e) that it is capable of interworking with other telecommunications equipment for the purpose of establishing, modifying, charging for, holding or clearing real or virtual connections.

*Limitation, interruption
and termination of
service*

40. (1) A licensee shall not limit, interrupt or terminate the provision of any telecommunications service unless –

- (a) it is justified by the essential requirements for the efficient provision of a telecommunications service;
- (b) ordered by the Authority to do so; or
- (c) it is justified on a commercial basis following the non-payment or other breach of contract on the part of a subscriber.

(2) A licensee shall, before it limits, interrupts or terminates the provision of a telecommunications service in accordance with subregulation (1), give a subscriber at least 14 days' notice in writing.

PART IV – *Radio communications*

National radio frequency plan

41. (1) The Authority shall manage and control –
- (a) the use of radio frequency spectrum; and
 - (b) the use of satellite orbits,

within Botswana.

(2) The Authority shall –

- (a) in accordance with section 47 (f) of the Act, negotiate with the International Telecommunication Union, its affiliated bodies and other countries' regulatory bodies or entities for the purpose of planning and coordinating radio frequency spectrum; and
- (b) publish the national radio frequency plan established under section 47 (a) of the Act in the *Gazette*.

Frequency assignments

42. (1) The Authority shall, when assigning a frequency, adhere to the national radio frequency plan.

(2) The Authority shall, if it is satisfied that frequencies can be shared without causing harmful interference, assign a frequency on a first come first serve basis:

Provided that if a radio frequency spectrum is limited, the Authority may use competitive means to assign the frequency.

(3) A licensee who has been assigned a frequency shall –

- (a) maintain a frequency register and provide, at the Authority's request, the frequency utilisation details in terms of –
 - (i) area of operation,
 - (ii) transmission of power,
 - (iii) antenna height, and

(iv) any other parameters which the Authority may specify;

(b) pay to the Authority the annual radio licence fees set out in Schedule 2; and

(c) ensure that there is no unauthorised emission of frequencies from its transmitters which may cause harmful interference or illegal use of the spectrum.

Frequency ownership

43. (1) A frequency assignment –

(a) shall not confer any ownership rights of the frequency to the licensee; and

(b) may be withdrawn or changed by the Authority, as the Authority may, in the best interest of the public, determine.

(2) A licensee shall not transfer –

(a) any frequency assigned to it; or

(b) the rights granted to it by the Authority when assigning the frequency,

without the written consent of the Authority.

(3) A licensee shall not make any material changes to a licenced station, including change of station parameters as specified in the licence, without the approval of the Authority.

(4) The Authority may, where it considers it appropriate, require a licensee to migrate to a new frequency spectrum.

Emergency and distress signals

44. (1) A licensee shall ensure that its radio station complies with international regulations concerning distress, such as the group “...- -... (SOS)” in radio telegraphy and the word “MAYDAY” in radio telephony and priority shall not be given to any other communication.

(2) The Authority shall ensure that all frequencies identified as emergency and distress signals are not used for any other communication.

Part V – Equipment type approval

Application of this Part

45. (1) The provisions of this Part shall apply to all parties involved in the import, manufacture, use or supply of communications equipment.

(2) The user of communications equipment shall ensure that the equipment used or to be used in providing the communications services is, unless explicitly exempted by the Authority, approved by the Authority in accordance with the Act prior to import into, use or sale in, Botswana.

Application procedure

46. (1) A person shall make an application for type approval of the telecommunications, broadcasting and electronic postal equipment in Form 1 set out in Schedule 1.

(2) An application referred to in subregulation (1) shall be accompanied by a fee set out in Schedule 2.

(3) The Authority may, in addition to an application in accordance with subregulation (1), request the licensee to submit any additional information as the Authority may specify.

Repair service

47. (1) The Authority shall, where an applicant demonstrates that acceptable repair service arrangement in Botswana has been made, type approve telecommunications equipment:

Provided that the Authority may, where it is satisfied that the standard of service shall not be compromised, permit the licensee to have a service contact point in Botswana, which service contact point may, where necessary, send the telecommunications equipment outside Botswana for repairs or subcontract the repair service to such person as the Authority may approve.

(2) A person who wishes to be exempted from the requirements of demonstrating that acceptable repair service arrangement in Botswana has been made, shall apply to the Authority in writing for such exemption at the time of applying for type approval stating reasons in support of the application for the exemption.

(3) The Authority may, where it considers it appropriate, exempt a person from the requirements demonstrating that acceptable repair service arrangement in Botswana has been made.

(4) The Authority shall accredit the telecommunications equipment repair centre and laboratory centres in order to ensure that they meet the required technical standard.

Technical standard

48. (1) The Authority shall develop technical standards and specifications for telecommunications equipment requiring type approval.

(2) The technical standards and specifications referred to in subregulation (1) shall be published by the Authority in the *Gazette* or in a newspaper circulating in Botswana.

(3) The Authority shall specify and publish in the *Gazette* or in a newspaper circulating in Botswana, a list of the telecommunications equipment which is exempted from the requirements of type approval.

Declaration of conformity

49. (1) A manufacturer or importer shall, when registering telecommunications equipment, make a declaration of conformity and declare to the Authority that the equipment for which type approval is required complies with the requirements of the technical standards and specifications set by the Authority.

(2) The manufacturer or the importer of the equipment shall submit the declaration of conformity made under subregulation (1) to the Authority in Form 2 set out in Schedule 1, indicating the technical standards and specifications to which the equipment conform.

(3) If the Authority is not satisfied with the declaration of conformity submitted under subregulation (2), it may refer the equipment to a laboratory for further testing.

(4) A test report and data which shall form the basis of the declaration of conformity shall be obtained from a laboratory referred to under regulation 47 (4) or institution acceptable to the Authority.

Configuration of equipment

50. When type approving telecommunications equipment, the Authority shall ensure that the technical configuration of the equipment corresponds with the equipment in respect of which an application for the type approval is made.

Operating instructions

51. The Authority shall ensure that type approved telecommunications equipment has an operating manual or instructions, in English or Setswana, for use by subscribers.

Mutual recognition

52. The Authority may recognise a type approval certificate issued by another country where the standards and specifications applied in that country are similar to the standards and specifications applied in Botswana.

Labelling

53. (1) A type approved telecommunications equipment shall have a legible label permanently affixed to the equipment and to its packaging or container in accordance with the Authority's labelling rules unless otherwise authorised by the Authority.

(2) The Authority shall issue a licensee with a type approval registration number which shall be permanently affixed to the equipment by the licensee together with a mark identifying the type, batch or serial number of that equipment.

(3) A licensee shall not affix to the equipment, any other mark which is likely to be confused with the mark referred to in subregulation (2).

Revocation of type approval

54. (1) The Authority may revoke a type approval if –

- (a) the telecommunications equipment does not comply with the technical standard and specifications when properly or correctly used for the purpose for which it was intended by the manufacturer or importer of the equipment;
- (b) an acceptable repair service management ceases to exist;
- (c) a licensee ceases to adhere to the provisions of these Regulations; or
- (d) a licensee submitted with its application, information which was false and which it knew to be false, and on which the Authority relied upon to make a decision to grant the type approval.

(2) Where the Authority revokes a type approval, it may direct that the equipment relating to the type approval be withdrawn

from the market, or that it shall not be supplied, connected or used in relation to any telecommunications system.

PART VI – *Subscriber registration*

Requirement for registration

55. (1) A licensee shall register a subscriber in accordance with the provisions of this Part.

(2) A licensee shall not activate access to a service by a subscriber unless the licensee has complied with this provision.

(3) Where a licensee relies on the services of an agent to comply with this provision –

- (a) the licensee shall notify the Authority, in writing, of the name of the agent;
- (b) such agent shall comply with this provision; and
- (c) the licensee shall keep a record of all registrations of subscriptions made by the agent and shall provide a copy of such record to the Authority upon request by the Authority.

Registration information

56. (1) Where a subscriber registers his or her subscription in order to access a telecommunications service, the subscriber shall provide a licensee with the following particulars –

- (a) in the case of a natural person, the subscriber's –
 - (i) assigned cellular number or telephone number,
 - (ii) official names,
 - (iii) date of birth,
 - (iv) gender,
 - (v) physical address, and postal address where applicable,
 - (vi) valid copy of the national identity card or passport, and

- (vii) valid copy of the work permit and residence permit, where applicable; and
- (b) in the case of a juristic person, the subscriber's –
 - (i) assigned cellular number or telephone number,
 - (ii) business name,
 - (iii) current physical address and postal address,
 - (iv) copies of constitutive documents, and
 - (v) registration information of natural persons where such subscriber distributes cellular numbers or telephone numbers to natural persons.

(2) Where there is a change in the particulars provided by a subscriber in accordance with subregulation (1), the subscriber shall inform the licensee within seven days of the change taking place and the licensee shall alter the relevant registration particulars of such subscriber.

(3) The licensee or the licensee's agent shall not register any person for access to a telecommunications service unless such person provides the required registration information.

*Verification of
identification
particulars*

57. (1) A licensee shall rely on the following documents to verify the registration details of a subscriber –

- (a) an original identity card, in the case of a citizen;
- (b) an original passport, in the case of a non-citizen; or
- (c) a certified copy of the certificate of incorporation or certificate of registration, in the case of a juristic person.

(2) The accuracy of registration information shall be the responsibility of a licensee who shall keep a record of the documents referred to in subregulation (1).

Registration process

58. The registration process shall include the recording of the information referred to in regulation 56 by a licensee or a licensee's agent by –

- (a) entering the registration particulars in an electronic form; and
- (b) keeping and protecting the registration particulars collected in a secure manner in accordance with regulation 59 or any other manner as the Authority may determine from time to time.

Record of registration

59. (1) A licensee shall maintain an electronic subscriber database which shall contain certified copies of the documents listed under regulation 57 (1).

(2) Where a subscription has been deactivated, a licensee shall keep the records of the relevant subscriber for a period of one year from the date of deactivation of the subscription or for such other period as the Authority may determine from time to time.

Confidentiality and disclosure of subscriber's registration particulars

60. (1) A licensee or a licensee's agent shall not disclose the registration particulars of a subscriber to any person without the written consent of the subscriber.

(2) A licensee shall ensure that the registration details of a subscriber are kept in a secure and confidential manner.

(3) A licensee shall, within 90 days after the commencement of these Regulations, notify the Authority of the processes introduced to ensure the security and confidentiality of the registration particulars of its subscribers.

Deactivation of subscribers

61. A licensee shall deactivate a subscriber's access to the telecommunications service where –

- (a) the licensee or the Authority establishes that the subscriber has provided false information for registration and after the licensee gives the subscriber a reasonable opportunity to be heard; or
- (b) upon written request by the subscriber.

PART VII -- *Postal services*

Authority to issue licence to postal operators

62. (1) Any person may, subject to the provisions of the Act, apply for a licence from the Authority to operate postal services.

(2) An application for a postal service licence shall be made in Form 3 set out in Schedule 1, and accompanied by a fee set out in Schedule 2.

(3) In considering an application for a postal licence, the Authority may require the applicant to produce such evidence or information to show its capacity to operate postal services as the Authority may deem necessary.

Duration of postal licence

63. A postal licence shall be valid for the period stated in the licence or for such period as may be determined by the Authority.

Refusal of postal licence

64. The Authority shall not issue a postal licence where --

- (a) an applicant does not meet the licensing requirements; or
- (b) the Directors or shareholders held shares in a postal operator whose licence was revoked in the previous 24 months.

Renewal of postal licence

65. (1) A licensee shall make an application for renewal of a postal licence to the Authority --

- (a) in accordance with the terms and conditions set out in the licence;
- (b) upon payment of a renewal fee set out in Schedule 2; and
- (c) at least six months before the expiry of the licence.

(2) In considering an application for renewal of a postal licence, the Authority shall have regard to the fulfilment by the licensee of the postal licence terms and conditions in the previous licence period.

*Transfer or lease
of postal licence*

66. (1) A licensee may, on application in Form 4 set out in Schedule 1, apply to the Authority for the postal licence to be transferred or leased to another person, upon payment of a fee set out in Schedule 2.

(2) The Authority shall, in considering an application for transfer or lease of a postal licence, have regard to the same terms and conditions as when considering an application for a new postal licence.

Postage stamps

67. (1) The image depicted on a postage stamp shall be of national and international interest and shall project the good image of Botswana.

(2) A postage stamp shall be available for sale to the public at a price equal to the value denoted on such postage stamp.

(3) A public postal operator shall develop a stamp issuance mechanism for approval by the Authority.

(4) Any postage stamp archival materials issued shall belong to the Government and shall be kept by a designated postal operator.

(5) A public postal operator may enter into arrangements with any person to sell postage stamps.

(6) The Authority may, where stamps have ceased to be valid by reason of any direction by it, authorise the exchange of unused adhesive postage stamps which have not ceased to be valid by reason of any directions made by the Authority, and which have been inadvertently undersigned or spoiled or rendered unfit for use.

Posting of postal articles

68. (1) A person shall not erect and maintain letter posting boxes or mail delivery boxes unless such person is a postal operator.

(2) A person shall not place a letter posting or mail delivery box in such a manner that interferes with road traffic.

(3) A postal article shall be deemed to have been posted when it is put into a letter posting box or accepted at a post office counter.

(4) A hybrid mail shall be deemed to have been posted when an electronic version has been sent or transmitted and received by the postal operator.

Delivery of postal articles 69. (1) A postal article or hybrid mail shall be deemed to be delivered to the addressee when it is delivered by the postal operator at his or her geographical address, postal address or into his or her private box or bag operated at a post office or delivery box.

(2) A postal article shall be deemed to be delivered to the addressee when it is delivered by a courier service licensee at his or her geographical address.

(3) Where a postal operator is satisfied upon proof that the addressee of a postal article is deceased, it may –

(a) deliver or redirect the postal article, on the written application of any one of the executors named in the will of the addressee or any person appearing to the postal operator to be entitled to take out letters of administration, to such executor or person;

(b) deliver or redirect the postal article on the written application of any person appearing to the postal operator to be conducting the affairs of the deceased to such person;

(c) retain the postal article for such period as the Authority may determine and on production of probate of the will or letter of administration of the estate of the addressee together with the written application of one or more of the executors or administrators, deliver or redirect the article in accordance with such request; or

(d) treat the postal article in accordance with the provisions of these Regulations as an undelivered postal article.

(4) The charges payable for redirection of a postal article in accordance with subregulation (3) shall be as specified by the postal operator.

Undelivered foreign postal items 70. All postal licensees shall formulate and submit for approval, their policies in respect of undelivered foreign postal items to the Authority.

Disposal of undelivered 71. (1) A postal operator shall be required to dispose of any item that has not been delivered in terms of these Regulations.

postal item

(2) An undelivered postal item shall be disposed in accordance with the approved policies relating to its disposal.

(3) Subject to these Regulations, any undelivered postal item received from outside Botswana shall be disposed of as determined by the Authority or in accordance with the UPU-Acts.

*Exemption
from postal
charges*

72. (1) A postal operator shall not charge any postage or charge any other fees on postal articles on any postal item containing literature for a person with a visual impairment.

(2) If a postal article containing literature for a person with a visual impairment is intended for transmission by air mail, there shall be paid an air mail fee equivalent to the difference between the surface and air mail.

(3) The weight of the postal article containing literature for a person with a visual impairment shall not exceed the weight that is allowed under the UPU- Acts for free postage.

(4) For the purposes of this regulation, the expression "literature for a person with a visual impairment" means --

- (a) papers of any kind, periodicals and books, impressed in Braille or other special type for the use of the person with a visual impairment, including letters in writing used by such person, posted unsealed;
- (b) plates bearing the characters of writing used by the person with a visual impairment; and
- (c) sound records and the special paper intended solely for the use of the person with a visual impairment if sent by or addressed to an officially recognised institute for such person.

(5) For the purposes of subregulation (4) (c), whether an institute for the person with a visual impairment is officially recognised shall be determined by the Authority.

*Procedure for
parcel post*

73. (1) A postal parcel shall not contain any letter or an enclosure of any kind bearing an address other than that to which the parcel is addressed, but an open invoice confined to the particulars necessary to describe the contents of the parcel and a paper bearing the address of the sender may be contained or enclosed.

(2) Where the laws for the time being in force in any country or place to which a postal parcel is directed permit the enclosure of correspondence, such enclosure shall be remitted but it shall be restricted to one written communication.

(3) A person offering a postal parcel for transmission to a country outside Botswana, as may from time to time be notified by the postal licensee may, upon payment of the specified charges, be permitted to enter into an undertaking with the postal licensee to prepay such customs and other charges as may be levied by the appropriate authority in the country of destination of such parcels.

Act No. 33 of 2018
Act No. 34 of 2018 (4) A licensee shall comply with the provisions of the Customs Act and Excise Duty Act.

Insured postal item 74. (1) Letters, packets or parcels, containing articles of value shall be accepted for transmission as insured postal items at the appropriate postage rate for such articles and on payment of the insurance fees specified by the postal licensee.

(2) A postal operator shall abide by all UPU-Acts relating to insured postal item.

Compensation 75. (1) A postal operator shall submit to the Authority for approval, its compensation policies in respect of loss of or damage to postal articles.

(2) A postal licensee shall not pay any compensation for loss of or damages to a postal article where –

(a) the article is prohibited under the UPU-Acts or these Regulations; or

(b) in the case of an insured article –

(i) it has been insured for an amount in excess of its value,

(ii) a false statement in relation to the insured article has been made by the sender or addressee for such article;

(iii) the addressee has signed and returned receipt of the insured article without objection,

(iv) any bill of exchange, bond, coupon or other negotiable security particulars sufficient to identify such contents are not supplied to the postal licensee, or

(v) the cover or seal of such article bear apparent trace of theft or damage.

Prohibited articles

76. The following articles shall not be conveyed or delivered by post –

- (a) any article for export, import or carriage which is prohibited under any law in force in Botswana, or which, being subject to any restriction imposed by such law, is transmitted otherwise than in accordance with that restriction; and
- (b) any other material which may be prohibited by the Authority or the UPU.

Postal security and safety

77. (1) A postal operator shall ensure that all necessary steps are taken to improve mail security and combat postal crimes which include –

- (a) mail violation and secretion;
- (b) illicit drug or firearms trafficking committed through the post;
- (c) crime against postal property and identity;
- (d) acts of terrorism committed through the post; and
- (e) a mail bomb.

(2) Any international inbound and outbound postal article conveyed through a public postal network shall be routed through the international mail exchange.

Use of technology

78. A postal operator shall use appropriate technology to enhance quality of service as well as to diversify postal services.

International obligations of licensee

79. A postal operator shall exercise its right and powers and perform its duties and obligations under the licence, in a manner which is consistent with the international agreements or treaties to which Botswana is a party.

Postal addresses

80. (1) A postal operator shall maintain and manage a database of postal addresses and shall ensure that the database is kept in a secure and confidential manner.

(2) A licensee shall not disclose a postal address of a customer to any person without an order of a court or a written consent of the customer.

PART VIII – Regulation of tariffs

Application of this Part

81. This Part shall apply to all tariffs for licenced services.

Cost-oriented prices

82. A licensee shall ensure that the price of its product and services reflect the underlying costs of providing that product or service and shall avoid cross subsidisation between services.

Application for tariff approval

83. All applications for approval of tariffs shall –

(a) be filed with the Authority;

(b) conform to the guidelines as may be set by the Authority; and

(c) contain relevant documentation, including all calculations and other information in support of the application.

Investigation on Tariffs

84. The Authority may, on its own motion or pursuant to a complaint, investigate any tariffs charged by a licensee and make a determination as appropriate.

Display of tariffs

85. All tariffs shall be made available to the public by conspicuously displaying them in all business offices of the licensee and by posting them on the licensee's website, where the licensee has a website.

PART IX – Interconnection

Interconnection agreements

86. (1) A licensee shall interconnect its networks in accordance with the guidelines as may be set by the Authority.

(2) A licensee may enter into a commercial interconnectivity agreement where a licensee is required to use another licensee's network and infrastructure, and shall submit copies of the such an agreement to the Authority for conformity with fair and non-discriminatory practices.

(3) Where any dispute arises relating to an interconnection under subregulation (1), the Authority shall, after hearing the parties in accordance with such procedures as it may determine, decide on the matter as soon as is practicable.

Quality of service relating to interconnection agreements

87. (1) An interconnection agreement shall provide for adequate capacity, service levels and reasonable remedies for any failure to meet those service levels.

(2) A party to an interconnection agreement shall comply with all relevant service standards of the International Telecommunications Union, Universal Postal Union and such other technical standards as the Authority may, from time to time, determine.

PART X – Dispute resolution

Dispute resolution

88. (1) The Authority shall resolve disputes among licensees and service providers across all the regulated sectors.

(2) Where there is a dispute between two or more licensees, or between a licensee and any other party, such dispute shall be dealt with in accordance with the dispute resolution procedures as may be determined by the Authority.

PART XI – Confidentiality of messages

Application of this Part

89. (1) The provisions of this Part shall apply to all communication messages and information regarding subscriptions regardless of the medium of the transmission.

(2) The provisions of this Part shall not apply to any information given to a subscriber in respect of his or her own subscription, or to information given to facilitate action in an emergency.

Confidentiality of messages

90. A person who is engaged in the operation of a public communications system or the provision of a communications service shall not intercept or tamper with a message or any information regarding a subscription, or divulge the contents or substance of such message or information to another person unless he or she is ordered by a court to do so.

PART XII – *Consumer affairs*

Complaint handling procedures

91. (1) In addition to the provisions of regulation 29, a licensee shall provide a procedure through a complaints framework which consumers may use to lodge complaints concerning the services given by such licensee and such procedure shall be submitted to the Authority for approval.

(2) Notwithstanding the generality of subregulation (1), the procedure shall provide for –

- (a) notification to customers of the right to complain;
- (b) availability of a complaint form or any other written method for raising complaints; and
- (c) maintenance of a log of consumer complaints.

Consumer information

92. A licensee shall provide to consumers information on its available products and services which is complete, accurate and up to date and in simple and clear language.

Consumer information protection

93. (1) A licensee may collect and maintain information on individual consumers where such information is reasonably required for its business purposes or the interests of the public.

(2) Consumer information shall be processed fairly and used for business purposes only and shall not be transferred to any third party except as permitted by any terms and conditions agreed with the consumer, or by any permission or approval of the Authority, or as otherwise permitted or required by these Regulations or other applicable laws.

Undue preferential treatment of consumers

94. (1) A licensee shall not take any action in the provision of any regulated service under the Act that has or is likely to have the effect of giving an undue preference to, or causing undue discrimination against, any consumer or a category of consumers.

(2) If it appears to the Authority that a licensee has contravened subregulation (1), the Authority may, after having given such licensee an opportunity to be heard, direct the licensee through a written notice to cease or refrain from taking such action, as the case may be.

(3) A licensee who fails to comply with a direction given by the Authority in accordance with subregulation (2) commits an offence.

*Accurate
consumer billing
or charging*

95. (1) A licensee shall ensure that consumer billing and charging are accurate, timely and verifiable.

(2) The Authority shall develop guidelines for ensuring –

(a) that consumers are charged appropriately; and

(b) that the rights of consumers are protected.

(3) The Authority shall on a regular basis, cause an audit of the licensee's billing system.

*Unsolicited
electronic
communication
messages*

96. A licensee shall take such necessary measures to prevent the propagation of unsolicited electronic communication messages and minimise the impact of such unsolicited messages on the licensee's customers.

*Safety, health
and environment*

97. A licensee shall adhere to the safety, health and environment obligations and requirements in the provisions of its licenced service and as may be issued by the Authority from time to time.

PART XIII – *Regulatory Monitoring Systems*

*Regulatory
monitoring system*

98. The Authority may establish electronic connections of its regulatory monitoring systems with the regulated suppliers systems using any technology for –

(a) monitoring the performance of the regulated services in relation to the quality of services and adherence to technical standards etc.;

(b) establishing operators' compliance to provisions of their licences conditions, the Act, these Regulations and Guidelines as issued by the Authority; and

(c) any other purposes related to monitoring and enforcement functions of the Authority under the Act.

*Systems
interoperability*

99. (1) To ensure proper interoperability of the regulatory monitoring system with the regulated supplier systems, an operator shall within 30 days of the date of notification by the Authority –

- (a) provide access and connectivity at the designated point of interconnection for the regulatory monitoring system; and
- (b) allow the Authority, or any entity acting on the Authority's behalf, to install in the operator's networks all the hardware and software necessary for the regulatory monitoring system;

(2) An operator shall as soon as possible, but not later than 14 days, notify the Authority of any changes or modifications in its network that would affect the operation of the regulatory monitoring system.

Systems integrity

100. (1) The Authority shall ensure that –

- (a) its regulatory monitoring system is established and implemented in a manner that does not compromise or infringe networks integrity; and
- (b) hardware and software installed for the regulatory monitoring system shall not intentionally or unintentionally modify, interfere, record or access communications contents and messages transferred over the regulated supplier networks.

(2) A person shall not, without the authority, wilfully remove, destroy or damage any installation, software, hardware or any other element of the regulatory monitoring system.

PART XIV– *Reports*

Reports

101. (1) A licensee shall, for the purposes of these Regulations, submit to the Authority its audited financial accounts relating to its business operations not later than four months after the end of its financial year.

(2) The Authority shall have the right to request the licensee to submit periodic reports, statistics and other data or information as may be required for the effective supervision and monitoring of the performance of the licensee.

(3) The Authority shall, in making any request for information under subregulation (2), ensure that no undue burden is imposed on the licensee in procuring and furnishing such information.

(4) A licensee may request the Authority to treat any information contained in a report submitted under this regulation as confidential business information that may not be disclosed to third parties.

PART XV – *Miscellaneous provisions*

Quality of service standards

102. (1) A licensee shall comply with quality of service standards, which the Authority shall set and monitor from time to time.

(2) A licensee shall submit its quality of service standards to the Authority for approval and monitoring.

Public emergency service broadcasting

103. A licensee shall provide a public emergency service or where there is an emergency, make his or her network available and shall give priority to support activities required to overcome the emergency.

Harmful interference

104. (1) A licensee who operates a radio equipment which transmits on an assigned frequency to deliver a telecommunications or broadcasting service shall not cause harmful interference to any other radio-communications service or broadcasting service provided by another station.

(2) A licensee shall, where any interference referred to in subregulation (1) occurs, take all steps to eliminate the interference.

Licence fees and levies

105. The fees and levies to be paid for the various services licenced under the Act shall be as set out in Schedule 2.

Licence exemption

106. (1) The following shall be exempted from the requirements under sections 40 (1) and 45 (1) of the Act to hold a system licence and radio licence respectively –

- (a) the Botswana Defence Force;
- (b) the Botswana Police Service;
- (c) the Directorate on Corruption and Economic Crime;
- (d) the Directorate of Intelligence and Security; and
- (e) the Botswana Red Cross.

(2) A person who operates radio equipment in accordance with the technical parameters outlined in Schedule 3 and type approved by the Authority shall be exempted from the requirements under section 45 (1) of the Act to hold a radio licence.

Licence application guidelines and procedures

107. The Authority shall provide any person who wishes to apply for a licence under these Regulations with the guidelines and procedures for a licence application.

General penalty

108. A person who contravenes a provision of these Regulations for which no specific penalty is prescribed commits an offence and shall be liable to a fine not exceeding P5 000, or imprisonment for a term not exceeding six months, or to both.

Revocation

109. The following Regulations are hereby revoked –

S.I. No. 52 of 1997

(a) the Telecommunications Regulations; and

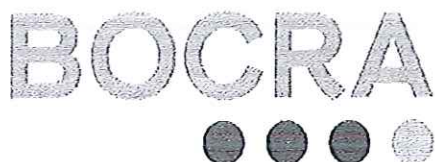
S.I. No. 97 of 2004

(b) the Broadcasting Regulations.

SCHEDULES

Schedule 1
Form 1
(reg. 46 (1))

Application for type approval of telecommunications, broadcasting and electronic postal equipment



BOTSWANA COMMUNICATIONS REGULATORY AUTHORITY

PRIVATE BAG 00495 GABORONE BOTSWANA TEL: +2673957755

FAX: +2673957976 e-mail: info@bocra.org.bw website: www.bocra.org.bw

Registration for Type Approval

Name of Applicant Company or Person	Address
Company / ID No:	

<p>Contact Information</p> <p>Tel. office:</p> <p>Tel. mobile:</p> <p>Fax:</p> <p>Email:</p>	
---	--

<p>Contact Information</p> <p>Please provide contact details for the person dealing with this application.</p>	
Name	Telephone
Title / Position:	Fax
Email	

<p>Product Details</p> <p>Please give details of the product. Include serial numbers if the registration is for a single batch of equipment. A separate application form should be used for each family or range of products.</p> <p>Make / Brand Name</p> <p>-----</p> <p>Product / Model Identification</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>Brief Description</p> <p>Please give a brief description of the product. The description must identify all telecom</p>
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networks to which connection is intended and all radio transmitters. For all radio transmitters specify the frequency range, channels/separation, modulation methods, output power and antenna type/gain.

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Manufacturer or supplier making the Declaration of Conformity (DoC)	
Name	Contact person
Address	Name
	Telephone
	Fax
	Email:
Identifying particulars of the DoC:	

Repair Service Provider in Botswana	
Name	Contact person

Address	Name
	Telephone
	Fax
	Email:

Agreement	
<p>I / We hereby apply registration for the above product and agree to abide by the BOCRA Regulations for Registration of Terminal Equipment & Radio Equipment for Type Approval.</p> <p>I / We believe that the DoC referenced above and supplied with this application is authentic and that it applies to the product described above.</p> <p>I / We authorise BOCRA to discuss details related to this application with the manufacturer or supplier identified above.</p>	

Form 2
(reg. 49 (2))

Declaration of Conformity

Reference:	
------------	--

I / We

.....
(name of manufacturer/supplier)

Of

.....
.....
.....
.....
(address including postcode)

declare under my/our sole responsibility that the product(s)

.....
.....
.....
(product description including brand name, type or model and any supplementary information such as lot, batch or serial number identification)

**to which this declaration relates, is/are in conformity with the BOCRA Regulations for
Registration of Terminal Equipment & Radio Equipment for Type Approval
and the following national specifications:**

.....

.....
.....
.....
.....

and that I have examined the technical basis for this declaration which is based on test reports and /or certificates issued by

.....
.....
.....

Supporting documentation relevant to this declaration has been compiled under the reference number given above and will be made available to BOCRA on request.

Signature

Date:

.....
(for and on behalf of
manufacturer/supplier)

.....

NOTE: For information on how to complete this declaration and prepare the supporting documentation, please refer to ISO/IEC 17050 Conformity assessment – Supplier's declaration of conformity Part 1: General requirements, Part 2: Supporting documentation and the corresponding sections of the BOCRA Guide to Registration for Type Approval

Form 3
(reg. 62 (2))

Application for a postal licence

Application Requirements for a Licence to Provide Postal Services in Botswana

Applicants should furnish the Authority with the following information:

1 Particulars of the Applicant

- Provide certified copy of certificate of incorporation or certificate of registration of the company;
- A complete ownership profile must be provided, listing all the Shareholders, their nationalities, their physical and postal addresses and their shareholding. Provide certified copies of shareholding certificates and certified copies of national identity card (Omang) for citizens and passport for non-citizens;
- Disclose the Directorship of the company;
- It must be indicated whether the company is a member of a group, and if so, give details of the ownership profile of the parent company;
- The nature of the company must be disclosed i.e. whether it is a private or public company incorporated in terms of the Companies Act;
- The company must have a registered office in Botswana. Provide details of Registered Office; and
- Provide contact details of the Registered Office including the Physical address, Postal Address, Contact telephone and the corporate email address.

2 Business Plan

Provide a three-year business plan of your proposed project. The business plan shall at a minimum have the following:

- A market analysis of the postal sector and what gaps have been identified. A clear strategy on how the applicant intends to fill identified gaps in the market;
- Services to offer and how such services will benefit the market;
- Description of aftersales support structures for customers, where applicable;
- Target market;
- Pricing for the services;
- Three-year financial projections of the Cash Flows and Income Statement;
- A statement of commitment indicating the date of commencement of operations; and
- Proof of funding.

Form 4
(reg. 66 (1))

Application to transfer or lease a postal licence

Applicants should furnish the Authority with the following information:

1 The licensee shall give notice to the Authority of his intention to transfer a postal licence to another company.

2 Particulars of the Transferee:

- Provide certified copy of certificate of incorporation or certificate of registration of the company;
- A complete ownership profile must be provided, listing all the Shareholders, their nationalities, their physical and postal addresses and their shareholding. Provide certified copies of shareholding certificates and certified copies of national identity card (Oman) for citizens and passport for non-citizens;
- Disclose the Directorship of the company;
- Furnish a resolution from the transferring licensee to the receiver signed by the licensee's Directors or shareholders
- It must be indicated whether the company is a member of a group, and if so, give details of the ownership profile of the parent company;
- The nature of the company must be disclosed i.e. whether it is a private or public company incorporated in terms of the Companies Act;
- The company must have a registered office in Botswana. Provide details of Registered Office; and
- Provide contact details of the Registered Office including the Physical address, Postal Address, Contact telephone and the corporate email address.

2 Business Plan

Provide a three-year business plan of your proposed project. The business plan shall at a minimum have the following:

- A market analysis of the postal sector and what gaps have been identified. A clear strategy on how the applicant intends to fill identified gaps in the market;
- Services to offer and how such services will benefit the market;
- Description of aftersales support structures for customers, where applicable;
- Target market;
- Pricing for the services;
- Three-year financial projections of the Cash Flows and Income Statement;
- A statement of commitment indicating the date of commencement of operations; and
- Proof of funding.

NOTICE OF INTENTION TO TRANSFER POSTAL LICENCE

Part A (Transferor)

Notice is hereby given that I/ We have disposed of my/ our entire interest in carrying on the business of Postal Services to who will trade under the same style of Business.

Name Position.....

Signature Date.....

Part B (Transferee)

Notice is hereby given that I/we intend to acquire the business of Postal Services

from..... and to continue to trade under the same style of business.

Name

Position.....

Signature.....

Date

Schedule 2

(regs. 42 (3)(b), 46 (2), 62 (2), 65 (1)(b), 66 (1) and 105)

Fees and Levies

A. Broadcasting, telecommunications, radio and postal licence fees and levies

LICENCE CATEGORY	TYPE OF LICENCES & DURATION OF LICENCE	Application Fee P (Per instance)	Network Licence Fee P (Annual)	Service Licence Fee P (Annual)	%Net Operating Revenue (Annual)
NETWORK FACILITIES PROVIDER LICENCE (International, National and Regional)	A. International Network Facilities (15 years)	10,000			
	International Gateway Systems (Satellite or Terrestrial) (This includes Satellite Earth Stations, Microwave Radio Links, Submarine Cables, Switching Centres, Nodes and Servers and others.)		386,014		
	Cable Transit Systems (This includes transmission network facilities established to transit through the country.		386,014		
	Satellite Hub Systems e-g GMPCS, VSAT etc.		30,000		
	Uplink Satellite Broadcasting Stations		30,000		
	B. National Network Facilities (15 years)				
	Public Fixed Systems (This includes Cable Links, Microwave Radio links, Switches, Routers, Exchanges, Nodes and Servers etc.)	10,000		772,029	
	Broadcasting Signal Distributor.			30,000	

Public Land Mobile Systems <i>(This includes Radio Base Stations mobile switches, Base Station Controllers, Mobile Switches, Servers, Nodes etc)</i>			772,029	
MVNO Facilities <i>(MVNO facilities include switching centre, servers, nodes etc)</i>			386,014	
Internet Exchange Points			30,000	
Tower Management			30,000	
C. Regional Network Facilities (15 years) <i>Regional means covering no more than three (3) cities, towns, villages or localities.</i>	5,000			
Broadcasting Signal Distributor.		10,000		
Public Internet Network				
Public Radio Trunking Systems				
Local Loop Networks, Fixed Wireless Access Systems, etc.		1,500		
Private Networks				

LICENCE CATEGORY	TYPE OF LICENCES	Application Fee P (Per instance)	Network Licence Fee P (Annual)	Service Licence Fee (Annual)	%Net Operating Revenue (Annual)
A. Services & Applications (15 years)		10,000			3.0%
services carried on Public Fixed Networks (i.e voice/data/text)				127,421	
Services carried on Public Land Mobile Cellular Networks (voice/data/text)				127,421	
International Services (voice /data/text)				63,711	
MVNO Services (voice/data/text)				127,421	

SERVICE & APPLICATIONS PROVIDER LICENCE	GMPCS Services			63,711
	Satellite Services			63,711
	B. Value Added Services	5,000		
	All Services and Application carried over Regional Networks			
	Internet Service on Regional Networks			
	VOIP Services			
	Services offered on Private Network		1,500	
	Premium Rate Service			
	Credit Card Validation Service			
	Other web based public commercial information			
CONTENT PROVIDER	A. Content Service (Broadcasting)			
	Commercial Content Service Licence (Radio)	5,000		1% of annual net turnover
	Commercial Content Service Licence (Television)	5,000		annual net turnover
	Subscription Management Service Provider	5,000		1% of annual net turnover
	Non-Commercial Content Service Licence (Radio)	1,000		1,000
	Non-Commercial Content Service Licence (Television)	1,000		1,000
	Foreign Broadcasting Service	5,000		14,300
	Commercial Special Event Broadcaster (Local)	300		
	Non-Commercial Special Event Broadcaster (Local)	100		1,000

RADIO LICENCE FEES

Radio Licence Type	Annual Fee (Pula)
CATEGORY A: SERVICE RELATED	
RADIO LICENCE	
Amateur	
Botswana National	100
Non-Botswana National	100
Citizen Band	
Citizen Band 27Mhz	
Botswana National	100
Non-Botswana National	100
Base or Mobile Station 29Mhz	
Botswana National	100
Non-Botswana National	100
Aeronautical Service Band	
Botswana National	200
Non-Botswana National	200
CATEGORY B: SITE LICENCES	
Television and Sound Broadcasting Band	
Fixed Station, Broadcasting MW > 100kW	1,000.00
Fixed Station, Broadcasting MW 25-100kW	700
Fixed Station, Broadcasting MW < 25kW	400
Fixed Station, Broadcasting HF	700
Fixed Station, Broadcasting FM > 10kW	700
Fixed Station, Broadcasting 0-10kW	400
Mobile station, Broadcasting FM	400
Fixed station, Television > 10 kW	1,500.00
Fixed station, Television 0 - 10 kW	700
Mobile station, Television	700
Fixed Station, Uplink Broadcasting	1,500.00
Fixed Station, Uplink Broadcasting (temporary)	750
Satellite News Gathering Station (SNG)	750
Mobile or fixed news gathering station (temporary)	750
Stations in 2 - 30 MHz band	
Fixed Stations (Urban Areas)	500
Fixed Stations (Rural Areas)	300
Mobile station	200
VHF/UHF (Land Mobile)	
Fixed, Base or Repeater station VHF/UHF - High Demand	756

Fixed, Base or Repeater station VHF/UHF - Medium Demand	378
Fixed, Base or Repeater station VHF/UHF - Low Demand	200
Paging systems, Base stations	2,500.00
Radio Trunking Base Station	2,500.00
Community repeater	2,500.00
Wireless LAN (2.4 / 5.7 GHz)	
Wireless LAN, (rural areas)	2,500.00
Wireless LAN, (urban areas)	6,500.00
Radio transmitter for security	
Base station (Alarm)	15.00/month
Remote station (Alarm) Subscriber Transmit	7.50/month
Satellite	
Earth station (C-Band)	3,000.00
VSAT terminal (Ku-band)	1,500.00
Mobile tracking system terminal	150
Inmarsat A-terminal	400
Inmarsat B-terminal	400
Inmarsat C-terminal	300
Inmarsat M-terminal	400
Fixed Links (Point-to-Point Microwave Links)	Fee / MHz
1 - 3Ghz	381
3 - 5Ghz	235
5 - 10Ghz	196
10 - 17Ghz	141
17 - 24Ghz	141
24 - 30Ghz	84
Above 30Ghz	84
CATEGORY C: SPECTRUM LICENCES	
Public Cellular Service Bands	Fee / MHz
900 MHz	431,979
1800 MHz	289,242
2100 MHz	279,303
2300 MHz	47,124
2600 MHz	57,737
3500 MHz	23,049
Cost based Spectrum Usage Fee for new assignments	10,000
Fixed/Broadband Wireless Access Bands	Fee / MHz
2.3 - 2.4 GHz	47,124
2.5 - 2.69 GHz	12,168

3.4 - 3.6 GHz	23,049
10 - 10.5 GHz	13,829
24 - 26.5 GHz	8,195

Other Fees	
Radio Dealers	350
Licence Amendment	20
Duplicate Licence	20
Experimental Station	750

POSTAL LICENCE FEES

Fee Type	Public Postal Operator	Commercial Postal Operator
Initial Licence Fee	0	P20 000
Annual Licence Fee	1% Of Annual Net Turnover	0.5% of Annual Net Turnover
Renewal Licence Fee	P20 000	P20 000

EQUIPMENT TYPE APPROVAL FEES

Item	Assumed Life	Fee (Pula)
Alarm Systems	5	2400
Answering Machines	5	2400
Basic Telephone	5	2400
Cordless Telephone	5	2400

Faxes	5	2400
Low Power Devices (SRD)	2	1100
Data Modems (incl. switches, routers)	5	2400
Multiplex Equipment (Voice and Data)	7	3100
Radio Interface Equipment	7	3100
Radio Transmitters (incl. Broadcasting)	7	3100
Wireless Microphones	5	2400
Cellular Phones	2	1100
PABX with less than 24 ports	7	3100
Switches with less than 24 ports	7	3100
Basic Routers	5	2400
Wireless Terminals	5	2400
PABX with 24 - 47 ports	7	5700
PABX with 48 - 127 ports	7	8300
PABX with 128 - 255 ports	7	10900
PABX with 256 or more ports	7	13500
Satellite Earth Station	7	13500
VSAT Terminal	7	8300
Switches with more 24 or more ports	7	5700
DTT Set- Top-Box Receivers	5	2400

UNIVERSAL ACCESS AND SERVICES LEVY

UASF LEVY	
All licensees determined by the Authority from time to time	1% of gross revenue

Notes:

1. All Network Licence Fees and Service Licence Fees will increase annually by a Consumer Price Index (CPI) factor determined by BOCRA.
2. The Application Fee is per application instance and it is not refundable.

Schedule 3
(reg. 106 (2))

Technical Parameters of exempt Radio Equipment

Frequency Band (Hz)	Type of Device	Technical parameters (Maximum Radiated Power, Field Strength Limits, Duty cycle or Channel Spacing)	Relevant Standard	Additional Requirements
9-59.750 kHz	72 dB μ A/m at 10 m	No restriction	No spacing	Only loop coil antennas allowed for external use
59.750-60.250 kHz	42 dB μ A/m at 10 m	No restriction	No spacing	Only loop coil antennas allowed for external use
60.250-70.000 kHz	69 dB μ A/m at 10 m	No restriction	No spacing	Only loop coil antennas allowed for external use
70-119 kHz	42 dB μ A/m at 10 m	No restriction	No spacing	Only loop coil antennas allowed for external use
119-135 kHz	66 dB μ A/m at 10 m	No restriction	No spacing	Only loop coil antennas allowed for external use
135-140 kHz	42 dB μ A/m at 10 m	No restriction	No spacing	Only loop coil antennas allowed for external use
140-148.5 kHz	37.7 dB μ A/m at 10 m	No restriction	No spacing	Only loop coil antennas allowed for external use
6765-6795 kHz	42 dB μ A/m at 10 m	No restriction	No spacing	
7400-8800 kHz	9 dB μ A/m at 10 m	No restriction	No spacing	
13.553-13.567 MHz	42 dB μ A/m at 10 m	No restriction	No spacing	
26.957 – 27.283 MHz	Non-specific SRD	10 mW erp, No restrictions 68	EN 300 220 EN 301 489-	CEPT/ERC/REC 70-03


		on duty cycle, No channel spacing	1,3 EN 60950	
26.995 MHz 27.045 MHz 27.095 MHz 27.145 MHz 27.195 MHz	Surface Model Control.	100 Mw erp, No restrictions on duty, 10kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
35.00 – 35.25 MHz	Aircraft Model Control.	100 mW erp No restrictions on duty cycle 10kHz channel spacing	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
36.65 – 36.75 MHz	Wireless Microphones.	100 mW erp, No restrictions 100% duty cycle, No channel spacing	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
40.65 – 40.7 MHz	Wireless Microphones.	100 mW erp, No restrictions 100% duty cycle, No channel spacing	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
26.957 – 27.283 MHz	Non-specific SRD, Citizen Band radios	10 mW erp, No restrictions on duty cycle, 12.5 KHz channel spacing	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
29.710 – 29.985 MHz	Non-specific SRD, Citizen Band radios	4W erp, No restrictions on duty cycle, 12.5KHz channel spacing		
40.665 MHz	Surface Model Control.	4W erp, No restriction on duty	EN 300 220 EN301 489-1,3	CEPT/ERC/REC 70-03

40.675 MHz 40.685 MHz 40.695 MHz		cycle. 12.5kHz channel spacing.	EN 60950	
40.66-40.7 MHz	Non-specific SRD.	10 mW erp, No duty cycle restriction, No channel spacing	EN 300 220 EN301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
46.61 – 46.97 MHz 49.67 – 49.97 MHz	CTO Cordless Phones.	10 mW	The Authority TE014	
53 – 54 MHz	Wireless Microphones.	50 mW erp, for class 1 equipment 100 mW 100% duty cycle, No channel spacing	EN 300 422 EN 301 489- 1,9 EN 60950	CEPT/ERC/REC 70-03
54.4500 MHz 54.4625 MHz 54.4750 MHz 54.4875 MHz 54.500 MHz 54.5125 MHz 54.5250 MHz 54.5375 MHz 54.5500 MHz	Model Control.	5W erp, 12.5kHz channel spacing	EN 300 220 EN301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
87.5-108 MHz	Micro FM Transmitters	50 nW erp, Up to 100 % duty cycle, 200 kHz channel spacing	ETSI EN 301 367 applies	
141 – 142 MHz	Remote control Industrial Apparatus.	100mW erp	EN 300 220, EN 60950 EN 301 489- 1,3	

148-152 MHz	Wildlife telemetry Tracking	25mW erp	EN 300 220, EN 301 489-1,3, EN 60950	The use of the band is restricted to National game Parks
169.4 - 169.475 MHz	Meter Reading	500mW erp 50kHz, channel spacing, <10% duty cycle	EN 300 220, EN 301489-1,3, EN 60950	CEPT/ERC/REC 70-03, ECC/DEC (05)02
173.2125 - 173.2375 MHz 173.2375- 173.2875 MHz	Non-specific SRD-telecommand only	10 mW erp, 25 kHz channel spacing	EN 300220, EN 301 489-1,3, EN 60950	
173.965- 174.015 MHz	Wireless Microphones and assistive listening devices.	2 mW erp, 100% duty cycle, No channel spacing	EN 300220, EN 301 489-9, EN 60950	CEPT/ERC/REC 70-03, ECC/DEC (05)02
433.05 – 434.79 MHz	No-specific SRD.	10 mW erp. 100% duty cycle, Up to 25kHz channel spacing.	EN 300 220, EN 301 489-3, EN 60950, ISO/IEC 18047-7	CEPT/ERC/REC 70-03
446 - 446.1M includes the following eight channels. 446.00625 MHz 446.01875 MHz 446.03125 MHz 446.04375 MHz 463.975 MHz 464.125 MHz 464.175 MHz 464.325 MHz	Public Mobile Radio (PMR).	500mW, 6.25 or 12.5 k channel spacing.	EN 300 296, EN 301 489-5, EN 60950	
463.975 MHz 464.125 MHz 464.175 MHz	Low Power Radio.	500mW, 12.5 k channel spacing	EN 300 296, EN 301 489-5, EN 60950	CEPT/ERC/REC 70-03

464.325 MHz 464.375 MHz				
863-865 MHz	Wireless Audio Systems.	10 mW 100% duty cycle No channel spacing.	EN 301 357, EN 301 489-9, EN 60950	CEPT/ERC/REC 70-03, CEPT/ERC/DEC (01) 18
2400-2483.5 MHz	Low power Communication System, NFC devices, wireless network	10 mW e.i.r.p, No restriction, No channel spacing	EN 300 440	
5725-5875 MHz	No-specific SRD.	25 mW e.i.r.p, No restriction, No channel spacing	EN 300 440	
24.00-24.25 GHz	Short range Radar	100 mW, No restriction, No channel spacing	EN 300 440	
28 and 31GHz	High Density Fixed Satellite Service	100 mW, No restriction, No channel spacing		
61-61.5 GHz	No-specific SRD.	100 mW, No restriction, No channel spacing	EN 300 440	
122-123 GHz	No-specific SRD.	100 mW, No restriction, No channel spacing	EN 300 440	
244-246 GHz	No-specific SRD.	100 mW, No restriction, No channel spacing	EN 300 440	

MADE this.....01.. day ofJune..... 2022.



THULAGANO M. SEGOKGO,
Minister of Communications, Knowledge and Technology.