

## **Part 7 General Provisions**

### **29. Allocation and Display of Call Sign**

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

### **30. Modifications to a Station**

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

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

(1) A licensee is obliged to maintain all radio apparatus in a good technical condition and to ensure at all times that it satisfies the requirements of the Authority and does not cause harmful interference.

(2) The antenna system must comply with any requirements of the relevant local municipality or other relevant authority.

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

(1) No person shall transmit language which, judged within context:

- (a) Violates the dignity or privacy of a person;
- (b) Amounts to profanity;
- (c) Amounts to obscenity;
- (d) Amounts to propaganda for war;
- (e) Amounts to incitement of imminent violence;
- (f) Amounts to the advocacy of hatred based on race, ethnicity, religion or gender and that constitutes incitement to cause harm;

(2) Sub regulation (1) shall not apply to bona fide literature, drama, documentary or scientific material or to bona fide religious debate.

### **33. Distress Signal**

No person must transmit a distress signal without justifiable reason.

### **34. Change of Contact Details**

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

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

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

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

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

(1) The Master of a ship must ensure that the radio installation on board is not used for radiocommunication while the ship is berthed or anchored in a harbour in the Republic, except for the purposes of type F3 transmissions in the VHF maritime mobile band to communicate with:

- (a) the nearest coast station in the Republic that is open for public correspondence;
- (b) the port operations service; and
- (c) a vessel on its way to the harbour or berth provided the communication is limited to navigational safety.

(2) The restriction shall not apply to the apparatus used on board a ship for establishing communication via any satellite of the INMARSAT organisation.

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

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

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

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

- (1) No person must break a seal or alter radio apparatus sealed or altered by the Authority in terms of section 32(3) (a) of the Act.
- (2) Subject to the provisions of section 31(6) of the Act, the Authority may issue, upon application, a permit (maximum period of one month) with regard to the following activities:

- (a) Trial, experimental and demonstration system;
- (b) National or news events of public or global interest;
- (c) Presidential/inter-governmental visits; or
- (d) Any other special event or occasion that would require the use of radio frequency spectrum.

(4) An application for a permit must be accompanied by the prescribed application fee and must contain the following:

- (a) Full name, address and contact details of the applicant.
- (b) If the applicant is a juristic person or an association, a copy of the registration certificate for the company or the Constitution of the association must be supplied.
- (c) The storage location of the radio apparatus for which the permit is applied;
- (d) The make and model number of the radio apparatus;
- (e) The number of units in question; and
- (f) Technical parameters of such radio apparatus, including, but not limited to, frequency, power and applicable standard.

(5) Where the radio apparatus is not type-approved for use in South Africa and is intended for export purposes only, the applicant must provide an affidavit stating the following:

- (a) The country from where the equipment originates;
- (b) The country where the radio apparatus will be exported;
- (c) That the radio apparatus and containers therein are sealed; and
- (d) That the radio apparatus is not intended for use, sale or distribution in South Africa.

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

(1) No person may be in possession of a radio reception blocking device, also known as a radio jamming device.

(2) The provisions of sub regulation (1) do not apply to any member of the security services as defined in section 1 of the Act as to who is required to possess a radio reception blocking device for a lawful purpose and in the execution of his or her functions only where it is possessed and used in line with a formal agreement between the Authority and the security services.

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

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

(2) All applications shall be accompanied by a covering letter and relevant supporting documents including:

- (a) trial objective;
- (b) location;
- (c) equipment technical specifications;
- (d) network configuration;
- (e) coverage map (not applicable for demo and experimental);
- (f) trial schedule and time line;
- (g) sampling size and category (for commercial trial); and
- (h) data collection method (for commercial trial).

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

(3) A licence for a trial for the testing of an experimental system or the demonstration of a system could be considered for each of the following purposes:

- (a) For the benefit of "public interest" as stated in the Act (Section 2);
- (b) For the benefit of users or the public;
- (c) For strategic business decisions and implementation;
- (d) For consumer education, orientation and feedback;
- (e) For research and development into the use of new technologies or new ways that existing technology might be used; and/or
- (f) For research and development into new or different ways of using the radio frequency spectrum.

(4) A similar task or activity shall not be implemented within the same geographic area that has an existing system of the same nature, unless there are critical and strategic reasons to support the subsequent application[s]. Each application of a trial will need to specify the criteria as listed above and its justifications

### **Nature of trials**

(3) A trial can typically be of the following nature, although not exclusively so:

- (a) A field or technical trial that includes aspects such as compatibility, interoperability, safety, compliance to standards and engineering and network operational practices, as well as other related activities and should largely on the areas of technical operation and performance of a system or product as well as the technical assessment of the technology:

(b) A pilot study that may encompass evaluating all-round aspects of a system or product and is normally conducted with an offering for trial to a select group of users who will evaluate services offered by the trial within the specified time period;

(c) A commercial trial will involve commercial issues and may incur all or any of the commercial levies or charges, as mutually agreed for the trial, usage or recurring charges and billing, installation and commissioning costs and rental of equipment over the period where the trial is being conducted;

(d) Trials and experimental systems may be conducted for the purpose of research and development (R&D) either by individuals or organisations, like government, universities, research establishments, companies, trade associations or learned societies on condition that sufficient justification is provided; and

(e) Trials may be conducted for showcasing new applications and contents on an existing system or product.

### **Duration of the Trial**

(6) The short term trial shall be limited to three (3) months and may be extended for good reasons given for a period which does not exceed three (3) months.

(7) The long term trial shall be eight (8) months and may be extended for good reasons given for a period which does not exceed six (6) months.

(8) Applications with duration of less than three (3) months may be extended for good reasons given for a period which does not exceed one (1) month.

(9) For experimental purpose the duration may be based on an applicant's requirement.

(10) For demonstration purposes, the assignments period may coincide and be based on the exhibition or conference period.

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

(11) For the purposes of effective evaluation of a trial in progress, the trial shall be subjected to regular reporting on the status or progress to the Authority throughout the trial period. This must be in the form of a periodic report, submitted every three (months).

(12) The final report must be submitted at the end of the trial period. This report must detail, inter alia, the findings, the issues and problems and their resolutions, the benefits obtained and the proposals for the next steps.

(13) The report must consist of additional trial results and trial outcomes or findings.

(14) All trials will allow for the participation of the Authority's personnel according to mutually-agreed upon principles.

PART VIII - Other

## **41. Rights**

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

## **41. Liability for Costs**

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

## **42. Offences and Penalties**

(1) Any person who contravenes these Regulations, except for regulations 3, 11(c), 13(4), 17(5), 38(1) and (2) and 39(1) is liable to a fine not exceeding R200 000, 00 (Two hundred thousand Rands).

(2) Any person who contravenes regulation 3 of these Regulations, is guilty of an offence and subject, on conviction, to a fine not less than R50 000, 00 (Fifty thousand Rand) but not exceeding R100 000, 00 (One hundred thousand Rand).

(3) Any person who contravenes regulation 11(c) of these Regulations is guilty of an offence and subject, on conviction, to imprisonment of thirty (30) days and/or a fine not less than R50 000, 00 (Fifty thousand Rand) but not exceeding R200 000, 00 (Two hundred thousand Rand).

(4) Any person who has contravenes regulation 13(4) of these Regulations shall be subject to a cooling-off period.

(5) Any person who contravenes regulation 17(5) is liable to payment of interest on the outstanding amount at the interest rate provided for in terms of section 80 of the PFMA.

(6) Any person who contravenes regulation 38 (1) and (2) of these Regulations is guilty of an offence and subject, on conviction, to imprisonment of not less than six (6) months but not more than twenty-four (24) months and/or is liable to a fine not less than R250 000, 00 (Two hundred and fifty thousand Rand) but not exceeding R5 000 000, 00 (Five million Rand).

(7) Any person who contravenes regulation 39(1) of these Regulations is guilty of an offence and subject, on conviction, to imprisonment of not less than twelve (12) months but not exceeding sixty (60) months and/or a fine not less than R500 000, 00 (Five hundred thousand Rand) but not exceeding R5 000 000, 00 (Five million Rand).