



Independent Communications Authority of South Africa

CONSUMER ADVISORY PANEL

**Representations by the Consumer Advisory Panel (CAP) of ICASA on
the draft Regulations on the Rapid Deployment of Electronic
Communications Networks and Facilities, 2026.
Government Gazette, 10 April 2026, No. 54484**

Chairperson: Rapid Deployment Council Committee

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BACKGROUND

1. The Consumer Advisory Panel of ICASA has been established by the Authority in terms of section 4, read with section 71 of the Electronic Communications Act, 2005 (Act No.36 of 2005), hereafter called CAP Regulations of 14 July 2024 (“CAP Regulations”).
2. In terms of Sec 3(b) and 12(a) & (d) of the CAP Regulations, CAP is required to provide a consumer perspective through commentary on relevant regulations and regulatory projects when published for public comments.
3. On the 10 April 2026, and in terms of section 4, read with section 67(4) of the Electronic Communications Act, 2005 (Act No.36 of 2005), the Authority published the Draft Regulations on Rapid Deployment of Electronic Communications Networks and Facilities, 2026 for public comments.
4. Should the Authority elect to hold public hearings, CAP would like to have an opportunity to participate and make oral representations.

SCHEDULE

1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been assigned in the Electronic Communications Act or the ICASA Act shall have that meaning, unless the context otherwise indicates:

"Affected Parties" means any person, including the landowner, with a registered or recognised legal interest in the land or property affected by the deployment activities, including but not limited to usufructuaries, leaseholders, holders of servitude rights, and occupiers as defined in the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997), or persons in possession of land in terms of the Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996).

"Access Agreement" means a legally binding contract between a Licensee and a landowner or relevant authority (where the authority has the power to grant access) governing the terms of entry, installation, maintenance, alteration, removal, and compensation for an electronic communications facility or electronic communications network deployment.

"Complaints and Compliance Committee (CCC)" means the Committee established by the Authority in terms of section 17A of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).

"Competent Court" means a Magistrate's Court or High Court within the Republic of South Africa having jurisdiction pursuant to the Magistrates' Courts Act, 1944 (Act No. 32 of 1944) or the Superior Courts Act, 2013 (Act No. 10 of 2013), respectively.

"Compensation" means a monetary remedy payable to a landowner or affected party for direct, reasonable and demonstrable patrimonial loss, determined by agreement between the parties or in accordance with applicable law, arising from the deployment of electronic communications networks or facilities, including, where applicable, physical damage to property or depreciation in property value, physical damage, and other patrimonial loss.

"GIS Database" means the Geographical Information System Information as specified by the Authority about the type and location of Electronic Communications Network Service deployed.

"Landowner" means the person registered in a deeds registry as the owner of the land or property, or where land is held in trust, the trustee(s), or, in the case of state land, the Relevant Authority having control over that land.

"Licensee" means a person issued with an Electronic Communications Network Service licence in terms of section 5(2)(a) of the Act.

"Public Utility" means an entity legally mandated to provide essential services (including but not limited to electricity, water, sanitation, or transport infrastructure) under South African law, including state-owned enterprises (e.g. Eskom, Transnet, SANRAL) and municipal service providers.

"Property" means immovable property registered in the name of a person; any movable property intended to be acquired in connection with the relevant immovable property; and a right in or to such property, including an unregistered right recognised and protected by law;

"Property Owner" has the same meaning as "Landowner" and may be used interchangeably, unless the context clearly indicates otherwise. Both terms signify the party responsible for rates, taxes, and compliance with property regulations.

"Relevant Authorities" means municipal, provincial, or national entities with jurisdiction over the land or property in question.

"The Act" means the Electronic Communications Act, 2005 (No 36, 2005), as amended from time to time.

"The Authority" means the Independent Communications Authority of South Africa (ICASA), established under the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).

"Wayleave Certificate" means a formal authorisation issued by a relevant authority (municipal, provincial, or national) permitting a Licensee to deploy, maintain, or alter electronic communications infrastructure on or beneath public or private land, subject to compliance with applicable bylaws and conditions.

CAP COMMENTS ON DEFINITIONS: CAP agrees and supports the definitions as outlined and explained, however would like to propose that the definition on "Wayleave Certificate" be reconsidered and be replaced by the wording "Wayleave". The explanation can remain the same, which will be consistent with the Wayleave definition as stated in the Standard Draft By-laws for Deployment of Electronic Communications Facilities, of 24 February 2023.

CAP FURTHER PROPOSES THAT THE FOLLOWING DEFINITIONS BE ADDED:

Property/Land use Agreement means an agreement between the property/land owner and the licensee intending to deploy electronic communications facilities onto the property/land owner's property and or land.

The purpose of these Regulations is to:

- (a) provide procedures and processes for obtaining any necessary permit, authorisation, and/or statutory approval, including the criteria necessary to qualify for such permit, authorisation, and/or approval;
- (b) set out the rights and responsibilities of Licensees;
- (c) prescribe processes and procedures for entry upon public and private property for deploying, maintaining, altering, or removing

Electronic Communications Facilities;

- (d) establish a framework for compensation;
- (e) provide a dispute resolution mechanism for disputes between Licensees and landowners, and other affected parties, including public utilities; and
- (f) provide for a Geographic Information System (GIS) database and specify Licensee responsibilities in relation thereto.

CAP COMMENTS ON THE PURPOSE OF THE REGULATIONS: CAP fully agrees and support the scope and purpose of these Regulations, as they are consistent with all relevant, related legislation and policy documents i.e. (National Policy on Rapid Deployment of Electronic Communications Networks and Facilities of 31 March 2023 and the Electronic Communications Act, Act No.36 of 2005, The White Paper of 03 October 2016, The ECA, 2005 and etc). The regulations provide for national standard and uniformity on processes and procedures in obtaining access to public and private property

to install, deploy and maintain Electronic Communications Facilities. They clearly outline rights and obligations of licensees. They provide a framework for fair compensation to affected land/property owners. The dispute resolution mechanism will facilitate the speedy resolution of disagreements between parties involved. Furthermore, The Consumer Advisory Panel (CAP) generally acts to ensure these regulations protect consumer interests, particularly regarding access to services in underserved areas, as aligned with the 2023 National Policy on Rapid Deployment.

2. RESPONSIBILITIES OF LICENSEES

(1) A Licensee must:

- (a) exercise due diligence, care, and take all reasonable measures to prevent and mitigate damages to land and property during deployment, maintenance, alteration or removal activities;
- (b) repair damages after deployment, maintenance, alteration or removal activities;
- (c) restore property to its former state after removal;
- (d) submit GIS data to the Authority in accordance with regulation 6 of these Regulations; and
- (e) take all reasonable steps to ensure that their activities do not compromise or impede the ability of a public utility to exercise its powers or perform its function.

CAP COMMENTS ON THE RESPONSIBILITIES OF LICENSEES: CAP fully agrees and supports these regulations as they clearly provide open and transparent expectations of licensees as they exercise their wayleave rights in accessing, deploying and maintaining their Electronic Communications facilities on public and private land/property. These Draft Regulations mandate that licensees provide 30 days' notice, ensure procedural fairness,

minimize duplication, and maintain accurate Geographic Information System (GIS) data for infrastructure. Licensees are also required to compensate for entry-related damages and follow established dispute resolution procedures regarding access and facilities.

3. THE PROCESS AND PROCEDURE FOR ENTRY ONTO LAND OR PROPERTY

Approval and Entry Requirements for Deployment

(1) A Licensee must obtain all necessary approvals from the relevant local authorities, national authorities, and affected parties, including but not limited to:

- (a) environmental impact assessment approvals, where required by law;
- (b) civil aviation approval;
- (c) town-planning schemes/rezoning approval;
- (d) traditional land rights approvals, where applicable; and
- (e) wayleave certificate obtained following the by-laws of the relevant authority.

(2) A Licensee must conduct public consultations with affected communities to ensure transparency and address concerns.

CAP advises that not all rapid deployment activities necessitate broad public consultation.

CAP COMMENTS ON THE PROCESS AND PROCEDURE FOR ENTRY ONTO LAND OR PROPERTY: CAP fully agrees and supports these regulations as they explain clearly, all necessary and requisite approvals needed from all relevant local authorities, national authorities, and affected

parties, prior to entry and performance of any construction and or installation work on any public or private property. This will avoid and prevent unnecessary disputes and delays. On Protection of Property Rights: CAP recommends that Licensees should remain liable for any damage caused during entry, construction, maintenance, or restoration activities.

Mandatory Consultation

- (3) A Licensee intending to deploy electronic communications networks and facilities must consult the landowner and affected person(s) and/or communities before the commencement of any deployment activity.

- (4) In conducting consultation in sub-regulation 4 (3), Licensee must:
 - (a) provide reasonable written notice to the landowner and affected person(s) and/or communities and provide the details of the proposed project, its scope, intended timelines, and expected impacts;
 - (b) allow the landowner and affected person(s) and/or communities a reasonable opportunity to consider the proposal and respond;
 - (c) engage in good-faith discussions to address concerns relating to land access, cultural sites, environmental effects, local economic participation, and community safety;

- (d) record outcomes of the consultation, including any agreed-upon conditions, access arrangements, and mitigation measures; and
- (e) conclude an access agreement with the landowner or property owner.

(5) The agreement contemplated in sub-regulation 4 (4)(e) should, at a minimum, include: access conditions and times, safety, environmental and heritage protection measures, reinstatement standards, and compensation for disturbance or damage, where applicable.

(6) In the event that the consultation contemplated in sub-regulation (3) does not result in the conclusion of an agreement as contemplated in sub-regulation (5), the parties may initiate the dispute resolution process contemplated in regulation 8.

Notice of entry for deployment and construction

(7) A Licensee must give at least thirty (30) days' notice, in writing, of its proposed access activity to the landowner and/or affected parties, specifying:

- (a) The reasons for entry;
- (b) The date of commencement;
- (c) The location of the electronic communications networks and facilities;

- (d) Environmental, water, health and safety information as may be applicable;
- (e) Confirmations of the approvals required and/or obtained; and
- (f) Outline the dispute resolution mechanism in the case of a dispute relating to its plans.

(8) If a Licensee changes the planned location of the electronic communications networks and facilities, a Licensee must:

- (a) update the location of its electronic communications network on its plans; and
- (b) notify the affected land/property owner of the changes within fourteen (14) days.

Notice of entry for scheduled maintenance, or alteration of an electronic communications network and facilities

(9) A Licensee must provide fourteen (14) days' written notice for maintenance, repair or alteration of the electronic communications network and facilities.

(10) Where the land/property belongs to a local authority or utility providers' prior written notice must include:

- (a) Detailed plans of proposed works (e.g. location, depth, duration);
- (b) Traffic management plans;
- (c) Emergency contact information; and (d) Proposed restoration methods.

(11) A Licensee must, before commencement of work and upon request by a local authority, allow for a joint site inspection.

(12) In case of private land or property, the Licensee must consult with the landowner regarding the process of entry onto the land, including the proposed timeline, methods, and any potential impacts of the activities.

(13) The Licensee must include a clause on emergency maintenance or repair procedures with the facility provider or the landlord in the access agreement.

(14) The Licensee must ensure that all employees and/or contractors entering the premises have:

- (a) a letter of authorisation from the Licensee; and (b)
- valid identification.

Duplication and Coordination of Deployments

(15) A Licensee must take reasonable and practicable measures to promote cooperation with other Licensees when undertaking the installation and deployment of an electronic communications network and facilities on the same land to minimise duplication, inconvenience and damage. Such measures may include, but are not limited to, notifications to other licensees.

(16) Where directed by the relevant authority, a Licensee must participate in trench sharing or co-build arrangements on reasonable terms, subject to safety and technical feasibility.

CAP COMMENTS ON the MANDATORY CONSULTATION: In many instances, matters relating to network deployment involve private negotiations and access arrangements between landowners and licensees. Requiring extensive public consultation in all cases may create unnecessary administrative burdens, delays in infrastructure rollout, increased deployment costs, and regulatory uncertainty, which may ultimately negatively affect consumers through slower infrastructure roll-out, connectivity expansion and higher service costs.

For standard site access negotiations between licensees and private and public landowners, direct engagement between the affected parties should generally suffice.

4. REMOVAL OF ELECTRONIC COMMUNICATIONS NETWORKS AND FACILITIES

Cost Recovery for Alterations or Deviations

(1) A Licensee claiming recovery of costs under section 25 (1) or 25 (6) of the Act must submit an itemised invoice for expenses to the responsible local authority or person.

(2) Invoices in terms of sub-regulation (1) must be submitted within thirty (30) days after the completion of the alteration, removal and/or deviation.

(3) Any dispute regarding the quantum or reasonableness of such costs must be resolved by agreement between the parties or, failing which, by a court of competent jurisdiction.

(4) A Licensee electing to bear the whole or part of the costs in terms of section 25 (7) of the Act must communicate that election in writing.

Removal of Obsolete and Redundant Facilities

(5) A Licensee must decommission and remove electronic communications networks or facilities that have been formally decommissioned and removed from its operational network records, within sixty (60) days of such decommissioning.

(6) Electronic communications networks and facilities that are not actively in use but remain part of a Licensee's registered operational network and are maintained in a safe condition shall not be regarded as obsolete or redundant for purposes of sub-regulation (5).

(7) The Authority may require a Licensee to demonstrate that infrastructure retained for future use remains operationally planned and does not pose a safety or environmental risk.

CAP COMMENTS ON THE REMOVAL OF ELECTRONIC

COMMUNICATIONS NETWORKS AND FACILITIES: CAP fully agrees and supports these regulations & CAP further submits that consumers and affected communities should be informed where the removal of infrastructure may result in service interruptions, reduced connectivity, or changes in network availability. CAP recommends that licensees be required to restore land or property to a reasonable condition following the removal of infrastructure and to remain liable for any damage caused during the removal process.

5. COMPENSATION

(1) A landowner/property owner has the right to claim compensation for any loss incurred from the entry of his/her land by a Licensee subject to sub regulations (5) to (7).

(2) The determination of compensation must be undertaken through negotiations made in good faith between the parties concerned, with due regard to ensuring a just and equitable balance of interests.

(3) In determining compensation, due consideration must be given to, but not limited to:

- (a) the market value of the affected land or property, as determined by a registered and independent valuer; and
- (a) any loss or damage sustained by the land owner arising from the severance of such land from other land owned by the same

person, or from any injurious affection to such other land resulting from the granting of a right of way.

- (4) Compensation must be paid within the agreed terms between the parties.

Compensation for Damages

- (5) A Licensee must pay compensation to the affected party for incidental damages arising from the Licensee's deployment, maintenance, alteration or removal of electronic communications networks and facilities.

- (6) Subject to sub-regulation (5), an assessment of the damages sustained must be undertaken jointly by the Licensee and the affected party to determine the value of the damages.

Compensation for Use of Land

- (7) The Licensee must pay compensation where the installation of an electronic communications networks and facilities restricts or inhibits the owner's ability to use the land or any part thereof for its intended purpose;

- (8) An assessment of the nature and extent of the compensation must be undertaken jointly by the Licensee and the affected party, and an agreement to conduct the assessment jointly must be concluded between the parties; and

- (9) In case of a dispute between the parties, the Licensee must follow the dispute resolution process outlined in regulation 8.

CAP COMMENTS ON COMPENSATION: The Consumer Advisory Panel fully agrees and supports these regulations & furthermore on Compensation for Land Access: The regulations provide for compensation for any loss incurred following entry onto land or property by licensees for network deployment

6. RAPID DEPLOYMENT GIS DATABASE

- (1) A Licensee must submit accurate and complete geographical information system (GIS) data to the Authority on a bi-annual basis, or as requested by the Authority, in accordance with the technical specifications in Appendix A.

- (2) The data in terms of sub-regulation (1) must, at a minimum, include information pertaining to the following categories, where applicable:

- (a) Georeferenced data on passive physical infrastructure, including:

- (i) The location and type of infrastructure (e.g. fibre optic cables routes, copper lines, ducts, poles, manholes, and base stations);
- (ii) The owner or operator of the infrastructure;
- and (iii) Available physical space or capacity.

- (b) Data on service availability, including:
 - (i) Geographical reach of fixed and mobile broadband services, mapped to the lowest possible granularity at the address level; and
 - (ii) The technology used to provide the services (e.g. Fibre, DSL, 2G, 3G, 4G, 5G or any other technology).
- (c) Information on planned investments in network deployment, including:
 - (i) Georeferenced data on areas designated for new or upgraded network rollouts;
 - (ii) The estimated date for the start and completion of works; and
 - (iii) The technology to be deployed.

(3) The GIS Data should follow the following standards:

- (a) All files must contain valid GIS data in a supported file format (i.e., ESRI Shapefile, ESRI Filed, GeoJSON, or GeoPackage);
- (b) For ESRI Shapefile or ESRI Filed data, GIS data must be submitted as a single Zip archive file;
- (c) GIS data must use the unprojected (geographic) WGS84 / EPSG:4326 coordinate reference system;
- (d) GIS data must contain well-formed 2D vector polygon data according to the Open Geospatial Consortium (OGC) rules;
- (e) GIS data must contain only closed, non-overlapping polygons; and

- (f) Each polygon must have a single value for each of the following fields: technology code ("technology").

CAP COMMENTS ON RAPID DEPLOYMENT GIS DATABASE: CAP fully agrees and supports these regulations. They provide accurate information about deployed communications facilities. They also provide stakeholders with the information identifying unserved or underserved areas

8. DISPUTE RESOLUTION

(1) In the event of a dispute:

- (a) Between a Licensee and a landowner, a Licensee must first attempt to resolve the dispute through negotiation, failing which, within fourteen (14) days, the Licensee may appoint an independent mediator to facilitate voluntary mediation, and ICASA or any other industry representative may act as a mediator, subject to agreement between parties.

- (b) Between Licensees who have an existing access agreement with the same landowner, the Licensees must first attempt to resolve the dispute through negotiation, failing which, within fourteen (14) days, the dispute must be referred to the CCC in accordance with the ICASA Act, or parties may refer the dispute to a court of competent jurisdiction.

(2) Any agreement concluded pursuant to regulation 8 (1)(a) or (b) shall be reduced to writing and shall be duly executed by both parties.

- (3) If a dispute remains unresolved following mediation, or where mediation is not undertaken, the Licensee may:
- (a) by agreement between the parties, refer the dispute to arbitration; or
 - (b) refer the matter to a court of competent jurisdiction.

CAP COMMENTS ON DISPUTE RESOLUTION: CAP fully agrees and supports these regulations. CAP further, welcomes the inclusion of a formal dispute resolution mechanism within the Draft Regulations, as this may reduce delays in network deployment while promoting regulatory certainty among stakeholders. A clear and accessible dispute resolution process is essential to balancing infrastructure expansion with the rights and interests of affected parties, including consumers, communities, municipalities, and property/land owners.

9. CONTRAVENTION AND PENALTIES

- (1) A Licensee that contravenes regulations 3 and 4 is liable to a fine not exceeding R150 000.00 (One Hundred and Fifty Thousand Rand).
- (2) A Licensee that contravenes regulation 6 and 7 is liable to a fine not exceeding R1 000 000.00 (One million Rands).

CAP COMMENTS ON CONTRAVENTION AND PENALTIES: CAP fully agrees and supports these regulations. Furthermore, CAP supports the inclusion of appropriate enforcement measures, contraventions, and penalties within the Regulations to promote compliance, accountability, and responsible conduct by all parties involved.

10. SHORT TITLE AND COMMENCEMENT

(1) These Regulations are called "The Rapid Deployment Regulations, 2026" and will come into force upon publication in the Government Gazette.

(2) Regulation 7 will be effective six (6) months from the date of publication of these Regulations.

CAP COMMENTS ON SHORT TITTLE AND COMMENCEMENT: CAP fully agrees and supports these provisions for implementation.

APPENDIX A: GIS DATA SUBMISSION FORMAT

TABLE 1: FIXED BROADBAND DATA FORMAT

NODES	
Field	Description
Node address – province	The field node address province refers to the first-level administrative division (the province) where a specific network node or infrastructure point is geographically located. The name or standard code of the primary administrative region (province) where the network node (e.g., exchange, cabinet, or distribution point) resides.
Node address – commune	
Node address – unique identifier of commune (if possible)	

Node address – name of town	A node is the most basic data element, representing a single point in space defined by its latitude and longitude. A node can be "tagged" with a town name and specific address details using addr:city and addr:street tags.
Node address – unique identifier for town name (if possible)	
Node address - street name	In South Africa, official "Situational (Street) Addresses" are often captured spatially as a point feature class (address nodes). While traditional property descriptions rely on stand or erf numbers, the street name provides a vital linear reference for navigation and emergency services.
Node address – unique identifier of street (if possible)	

Node address - number of the building	
Node geometric center coordinates	Geographical coordinates: longitude and latitude in the WGS84 coordinate system with an accuracy of 1 m
Building type or structure where the node is located	Location of node: office building. residential • building. industrial building. service • building. public building. sacred object. • • power grid object. tower. mast. • • container; • • • •
	• pole. • cable well
The possibility of sharing surface area in the facility	Yes/No

where a node is located	
Layers of the telecommunications node	Layer: • backbone. distribution. • access
Transmission medium	Transmission medium: fiber optic. coax, copper. • radio
	• GPON. • EPON. • DWDM. • CWDM. • SDH. • PDH. • VDSL. ADSL. HDSL. coax, copper: Fiber PDH. POTS/ Wi-Fi

Technology for mediums	
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TABLE 2: MOBILE BROADBAND DATA FORMAT

MOBILE TOWERS	
Object geometric Centre coordinates	Geographical coordinates: longitude and latitude in the WGS- 84 coordinate system with an accuracy of 1 m.
GSM cell technology	• 2G. • • 3G. • 4G. 5G.

¹ ITU Guidelines Establishing or Strengthening National Broadband Mapping Systems

	•Others (specify)
GSM cell identifier	Unique identifier of the corresponding GSM cell

CONCLUSION

The Consumer Advisory Panel (CAP) supports the overall objective of the Draft Regulations on Rapid Deployment of Electronic Communications Networks and Facilities, 2026, as they have the potential to significantly advance universal connectivity, accelerate broadband rollout, and improve digital inclusion across South Africa. The Regulations, if effectively implemented, are expected to benefit consumers through improved network coverage, enhanced quality of service, faster deployment of communications infrastructure, increased competition, and ultimately more affordable electronic communications services.

CAP further welcomes the intention to create a transparent, uniform, and efficient regulatory framework that reduces unnecessary delays in infrastructure deployment while balancing the rights of communities, landowners, and licensees. In particular, the proposed mechanisms relating to dispute resolution, infrastructure sharing, and the development of a national GIS infrastructure database may contribute to better planning, reduced duplication of infrastructure, and lower deployment costs, which can translate into consumer benefits over time.

However, CAP advises ICASA to ensure that consumer interests remain central to the implementation of the Regulations. This includes safeguarding procedural fairness,

meaningful community consultation, environmental and public safety considerations, protection of vulnerable and rural communities, transparency in deployment processes, and ongoing monitoring to ensure that cost savings and efficiencies achieved through rapid deployment are ultimately passed on to consumers in the form of affordable, accessible, reliable, and high-quality services.

CAP therefore recommends that ICASA adopt and implement the Regulations with clear consumer protection safeguards, accountability mechanisms, and measurable universal access outcomes to ensure that the rapid deployment framework contributes meaningfully to South Africa's digital transformation and socio-economic development.

