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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 165 OF 2021****AMENDMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY
("ICT") COVID-19 NATIONAL DISASTER REGULATIONS**

The Independent Communications Authority of South Africa ("the Authority"), hereby amends the ICT COVID-19 National Disaster Regulations published in Notice No. 238 (Government Gazette No. 43207) dated 6 April 2020, as amended, in terms of section 4(7)(b) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), to the extent reflected in the Schedule.

Dr Keabetswe Modimoeng**Chairperson****26 /03/2021**

SCHEDULE

1. Definitions

In these regulations "the Regulations" means the regulations published by Government Notice No. 238 (Government Gazette No. 43207) of 6 April 2010, as amended by Government Notice No. 252 (Government Gazette No. 43279) of 5 May 2020, Government Notice No. 500 (Government Gazette No. 43707) of 11 September 2020 and Government Notice No. 678 (Government Gazette No. 43945) of 27 November 2020.

2. Amendment of regulation 6 of the Regulations

Regulation 6 of the Regulations is hereby amended –

- (a) by the substitution for sub-regulation (5) of the following sub-regulation:

"(5) Licensees shall pay pro-rated radio frequency spectrum licence fees, in terms of the Radio Frequency Spectrum Licence Fees Regulations, 2010, for the period commencing on 1 April 2021 to 31 May 2021, in relation to the bands specified in sub-regulations (3) and (4)."

- (b) by the substitution for sub-regulation (5A) of the following sub-regulation:

"(5A) Payment of fees, in terms of sub-regulation (5), must be made to the Authority by no later than 15 of April 2021."

- (c) by the deletion of sub-regulation (5C).

- (d) by the substitution for sub-regulation (7) of the following sub-regulation:

“No radio frequency spectrum licence assigned pursuant to sub-regulations (3) and (4) shall be valid after 31 May 2021.”

- (e) by the substitution for sub-regulation (16) of the following sub-regulation:

“(16) A licensee assigned with temporary spectrum in terms of sub-regulations (3) and (4), must maintain network connectivity in line with regulatory requirements for the virtual classrooms platforms allocated respectively to it by the Authority, free of charge, for a period of 14 months from the date of confirmation of deployment by the operator as verified by the Authority in collaboration with the Department of Basic Education and the Department of Communications and Digital Technologies notwithstanding that its licence for temporary spectrum assigned to it in terms of sub-regulations (3) and (4) has expired.”

- (f) by the substitution for sub-regulation (17) of the following sub-regulation:

“(17) A licensee assigned with temporary spectrum in terms of sub-regulations (3) and (4), that does not seek to extend the validity period of its temporary radio frequency spectrum licence post 31 March 2021, must maintain network connectivity for the virtual classrooms platforms as contemplated in sub-regulation (16) for a period of 12 months.”

3. Amendment of Annexure A of the Regulations

Annexure A of the Regulations is hereby amended by the deletion in the table of the words "Otherwise, the TVWS technology can be deployed temporarily in conjunction with CSIR" under the column heading called "AVAILABLE BANDWIDTH".

4. Short Title and Commencement

These regulations are called the "ICT COVID-19 National Disaster Fourth Amendment Regulations" and will come into force on 1 April 2021.

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