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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE 785 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 /08/2021

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, No. 500 (Government Gazette No. 43707) of 11 September 2020, Government Notice No. 678 (Government Gazette No. 43945) of 27 November 2020, Government Notice No. 165 (Government Gazette No. 44374) of 31 March 2021 and Government Notice No. 314 (Government Gazette No. 44631) of 28 May 2021.

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 must pay pro-rated radio frequency spectrum licence fees, in terms of the Radio Frequency Spectrum Licence Fees Regulations, 2010, for the period commencing on 01 September to 30 November 2021, for 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 September 2021.”

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

“(7) No radio frequency spectrum licence assigned pursuant to sub-regulations (3) and (4), will be valid after 30 November 2021. Any Licensee assigned with radio frequency spectrum pursuant to sub-regulations (3) and (4) must wind up their operations, on or before 30 November 2021. The Authority will not extend any further, the utilisation of the radio frequency spectrum contemplated in sub-regulations (3) and (4), beyond 30 November 2021.

- (d) by the substitution for sub-regulation (12A) of the following sub-regulation:

“(12A) The duration of spectrum sharing agreements approved by the Authority pursuant to these Regulations shall not exceed the duration of the temporary radio frequency spectrum licence contemplated in sub-regulations (6) and (7). The licensees with spectrum sharing agreements approved by the Authority in terms of these Regulations, must wind up their operations with respect to their spectrum sharing agreements, on or before 30 November 2021. The Authority will not approve any spectrum sharing agreements or further extension of the spectrum sharing agreements in terms of these Regulations beyond 30 November 2021.”

3. **Short Title and Commencement**

These Regulations are called the "ICT COVID-19 National Disaster Sixth Amendment Regulations" and will come into force on 01 September 2021.

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