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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 678 OF 2020****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****13 /11/2020**

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 and Government Gazette No. 500 (Government Gazette No. 43707) of 11 September 2020.

2. Amendment of regulation 4 of the Regulations

Regulation 4 of the Regulations is hereby amended by the addition of the following sub-regulations:

"(14A) Regulation 4(6) of the Community Broadcasting Services Regulations is hereby suspended.

(14B) The suspension in sub regulation (14A) shall automatically cease upon expiry of a period of fourteen (14) working days after termination of the National State of Disaster."

3. Amendment of regulation 5 of the Regulations

Regulation 5 of the Regulation is hereby amended by the substitution for sub-regulations (10) and (11) of the following sub-regulations:

"(10) Type Approvals made in line with these Regulations shall be valid for a period of three (3) months after termination of the National State of Disaster after which time the equipment must be decommissioned.

(11) Wherein a Supplier would like to continue using Equipment that has been Type Approved in line with these Regulations beyond the period contemplated in terms of sub-regulation 10 above, they are required to

apply for Type Approval in line with the applicable Type Approval Regulations.”

4. Amendment of regulation 6 of the Regulations

4.1 Regulation 6 of the Regulations is hereby amended 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 December 2020 to 31 March 2021, in relation to the bands specified in sub-regulations (3) and (4).”

4.2 Regulation 6 of the Regulations is hereby amended by the insertion, after sub-regulation (5), of the following sub-regulations:

“(5A) Payment of fees, in terms of sub-regulation (5), must be made to the Authority by no later than 15 December 2020.

(5B) Failure to pay the fees in terms of sub-regulation (5A) will result in the issued temporary spectrum licence being invalid.

(5C) No radio frequency spectrum licence fees shall be payable for the usage of temporary radio frequency spectrum in relation to Television White Space as such usage is on a secondary basis.”

4.3 Regulation 6 of the Regulations is hereby amended 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) shall be valid after 31 March 2021.”

4.4 Regulation 6 of the Regulations is hereby amended by the addition of the following sub-regulations:

- “(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 twelve (12) 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.
- (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 30 November 2020, must maintain network connectivity for the virtual classrooms platforms as contemplated in sub-regulation (16) for a period of eight (8) months.”

5. **Short Title and Commencement**

These regulations are called the “ICT COVID-19 National Disaster Third Amendment Regulations” and will come into force on the date of publication in the Government Gazette.

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