

# COMPLAINTS AND COMPLIANCE COMMITTEE<sup>1</sup>

Date of Hearing: 19 May 2016

CASE NUMBER 156/2015

IN RE: WEB 4US CC

**PANEL:** Prof JCW van Rooyen SC  
Councillor Nomvuyiso Batyi  
Prof Kasturi Moodaliyar  
Mr Jack Tlokana

From WEB 4US cc: Ms Maggie Bezuidenhout and Mr Theuns Bezuidenhout

From ICASA's Licensing and Compliance Department: Ms Veronica Matsane

In attendance from the Office of the Coordinator: Adv. T Mtolo

Coordinator: Ms Lindisa Mabulu

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## JUDGMENT

### JCW VAN ROOYEN SC

[1] On 8 September 2009 WEB 4US cc ("Web 4US") was issued with a Class Electronic Communications Service Licence and a Class Electronic

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<sup>1</sup> An Independent Administrative Tribunal set up in terms of the Independent Communications Authority Act 13 of 2000. The CCC was recognised as an independent tribunal by the Constitutional Court in 2008. It, inter alia, decides disputes referred to it in terms of the Electronic Communications Act 2005. Such a decision is, on application, subject to review by a Court of Law. The Tribunal also decides whether complaints (or internal references from the compliance division or inspectors at ICASA) which it receives against licensees in terms of the Electronic Communications Act 2005 or the Postal Services Act 1998 (where registered postal services are included) are justified. Where a complaint or reference is dismissed the matter is final and only subject to review by a Court of Law. Where a complaint or reference concerning non-compliance is upheld, the matter is referred to the Council of ICASA with a recommendation as to sanction against the licensee. Council then considers a sanction in the light of the recommendation by the CCC. Once Council has decided, the final judgment is issued by the Complaints and Compliance Committee's Coordinator. A licensee, which is affected by the sanction imposed, has a right to be afforded reasons for the Council's imposition of a sanction. In the normal course, where Council is satisfied with the reasons put forward to it by the Complaints and Compliance Committee, further reasons are not issued. The final judgment is, on application, subject to review by a Court of Law.

Communications Network Service Licence<sup>2</sup> by the Independent Communications Authority of South Africa (“ICASA”). ICASA’s Compliance Division (ECS and ECNS licences), which has a delegated monitoring function, referred this matter to the Complaints and Compliance Committee (“CCC”), alleging that Web 4US had not filed financial statements for the years 2011, 2012 and 2013. This should have been done in accordance with General Notices published in the *Government Gazette* in terms of the September 2011 Licence Fees Regulations.<sup>3</sup> Furthermore, that no contribution had been made in terms of the Universal Service and Access Fund (“USAF”) and no licence fees paid in terms of the ICASA General Licence Fees Regulations 2012.

[2] The September 2011 Regulations, in accordance with which Government Notices were issued requiring holders of licences to file financial statements, do not have retroactive effect and, accordingly, the year-end February 2011 financial statement cannot be part of the contraventions before the CCC. The earlier Regulations were substituted by the September 2011 Regulations. The Constitution of the Republic of South Africa<sup>4</sup> does not permit charges to be brought under repealed legislation, unless a charge was initiated while such legislation was still in operation.<sup>5</sup> The allegation of omissions was sent to WEB 4 US by the CCC Coordinator in 2015. Thus, only omissions to file financial statements for the years ending February 2012 and 2013 are before the CCC.

## **FINANCIAL STATEMENTS**

[3] ICASA published two Notices (dated 16 September 2011 and 26 April 2013) in the *Government Gazette* reminding holders of licences of their obligation to file financial statements, pay Universal Service and Access Fund<sup>6</sup> contributions and licence fees. These notices were also published on the ICASA website. These obligations arise from four sets of Regulations which are set out in the Annexure to this judgment. The first two sets of Regulations permit ICASA to obtain

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<sup>2</sup> The two sets of Regulations are reproduced in the Addendum to this judgment.

<sup>3</sup> Individual Electronic Communications Service Licence Regulations and the Individual Electronic Communications Network Service Licence Regulations 2011. See Regulation 9 of each.

<sup>4</sup> See section 35(3) (l). Cf. *Masiya v DPP, Pretoria (Centre for Applied Legal Studies, Amici Curiae)* 2007 (5) SA 30 (CC) at para [54]; *Savoi v NDPP* 2014 (5) SA 317 (CC) at para [73].

<sup>5</sup> And it is constitutionally acceptable. Thus, the death penalty could not be imposed for murder committed even before the interim Constitution of the Republic became effective in April 1994.

<sup>6</sup> The origin of which is to be found in section 89 of the Electronic Communications Act 2005.

information from the said persons in regard to the exercise of ICASA's responsibilities. The said two *Government Gazette* Notices, indeed, sought to remind and obtain information from them – in this case, requiring them to file financial statements.

[4] Web 4US should at least have obtained legal advice as to the effect of the Regulations published in September 2011.<sup>7</sup> A high standard of compliance is expected from a licensee and this was lacking in the present case. In *S v Waglines Pty Ltd and Another*<sup>8</sup> Judge Didcott held that “ignorance of or mistake about the law is cognisable by the courts only if that excuse is an acceptable one. The answer would depend on the care he took or did not take to acquaint himself with the true legal position. That person has a duty to acquaint himself with the true legal position, *particularly when he is engaged in a trade, occupation or activity which he knows to be legally regulated.*” To ensure consistency and orderly management within the licensing regime, negligence (*culpa*) would generally suffice. Compare *S v Longdistance Natal Pty Ltd*<sup>9</sup> where Nicholson, Acting Judge of Appeal, stated as follows at 284:

*“Mens rea*<sup>10</sup> in the form of *culpa*<sup>11</sup> is sufficient for convictions under para (a) or (b) of s 31(1) of the Act. Accused No 4 and the corporate accused were engaged in the specialised field of road transportation, which is strictly controlled by an Act of Parliament and regulations made thereunder. It was plainly their duty to take all reasonable care to acquaint themselves with what they were permitted and what they were not permitted to do. (Cf *S v De Blom* 1977 (3) SA 513 (A) at 532G.)

[5] Ms Bezuidenhout, on behalf of the cc, of which she and her brother are members, conceded that Web 4US had been in contravention of the said Regulations. She, however, explained that they had expected their accountant to have filed the relevant statements and ensure that the fees are paid. In spite of the fact that the accountant had been paid for the work, she had not done it. Web 4US now had a new accountant and they would need some time to file the later financial statements. They had, however, filed the financial statements for the years 2011, 2012 and 2013 and the ICASA accounts, we were informed, were

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<sup>7</sup> See the first two Addenda to this judgment.

<sup>8</sup> 1986(4) SA 1135(N) and regulation of the Standard Terms and Conditions for Individual Electronic Communications Network Service 2010 – both came into operation on 11 September 2011.

<sup>9</sup> 1990 (2) SA 277 (A).

<sup>10</sup> Translated: “a guilty mind”.

<sup>11</sup> Translated: negligence.

paid. The omission to file later financial statements is not before the CCC. Web 4US, however, indicated that they would file the statements within 90 days of the hearing. Given the fact that a “day” has since 2014 been defined in the ICASA Amendment Act as a working day, we believe that 60 working days will suffice.

## **USAF CONTRIBUTIONS**

[6] In so far as the payment of USAF contributions is concerned, regulation 3 of the USAF Regulations (Feb 2011) provides as follows:

(1) Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund.

“Annual Turnover” is defined as follows in the said Regulations:

“Annual Turnover” means total revenue generated from Licensed Activity per annum less service provider discounts, agency fees, interconnection and facilities leasing charges, government grants and subsidies; (emphasis added)

Ms Bezuidenhout conceded that these amounts had not been paid – once again since she believed that their accountant had taken care of this debt. The amounts had, however, already been paid when this hearing took place.

## **FEES**

[7] Fees are payable in terms of the ICASA General Licence Fees Regulations 2012, as amended. Such fees are payable on revenue, which is defined as follows in the said Regulations:

“Revenue” means Revenue as defined in terms of the International Accounting Standard 18 and disclosed in the Licensee's audited Annual Financial Statements, i.e. the gross inflow of economic benefits during the period arising in the course of the ordinary activities of the entity when those inflows result in an increase of equity other than increases relating to contributions from equity participants.

Ms Bezuidenhout conceded that these amounts had not been paid – once again, since she believed that their accountant had taken care of this debt. The amounts had, however, already been paid when this hearing took place.

## FINDING ON THE MERITS

1. No financial statements for end of year 2012 and 2013 were filed.
2. No USAF contributions were paid for the years 2012 and 2013.
3. No licence fees were paid for the years 2012 and 2013.

When the hearing before the CCC took place, the above financial statements had been filed and the debts had all been paid. Since at the time of the hearing of this matter the 2014 and 2015 financial statements had not been filed yet, Ms Bezuidenhout undertook to file them within sixty working days from the date on which this judgment is issued by the Coordinator.

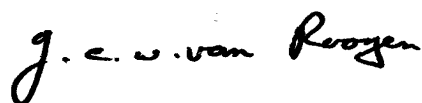
## ADVICE TO THE ICASA COUNCIL AS TO SANCTION

In the light of the explanation given, the apology for the omissions and the filing of statements and payment of the debts up to 2013 year-end, it is not necessary to issue more than a desist order in terms of section 17E(2)(a) of the ICASA Act. That subparagraph provides as follows:

(a) direct the licensee to desist from any further contravention;

**The order should, it is recommended, read as follows:**

**WEB 4US cc is ordered to desist in future from not filing its financial statements within six months after its financial year end. The financial statements must either be signed and sworn to by an accountant or signed by an auditor.**



23 May 2016

PROF JCW VAN ROOYEN SC

CHAIRPERSON

The Members of the CCC agreed with the finding on the merits and the advice to Council on the sanction.

## **ADDENDA: RELEVANT REGULATIONS**

### **STANDARD TERMS AND CONDITIONS FOR CLASS ELECTRONIC COMMUNICATIONS NETWORK SERVICES REGULATIONS 2010;**

Commencement of GN R525: 12 September 2011

#### **1. Definitions**

In these regulations unless the context indicated otherwise:

“**Act**” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“**Authority**” means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

“**ECNS**” means an Electronic Communications Network Service as defined in the Electronic Communications Act; 2005 (Act No. 36 of 2005);

“**ECN**” means an Electronic Communications Network as defined in the Electronic Communications Act; 2005 (Act No. 36 of 2005);

“**Effective date**” means the date on which the Licence is issued;

“**Licence**” means the class Electronic Communications Network Service Licence issued to the Licensee in the form contained in Annexure B of these regulations;

“**Licensee**” means the person named in Licence and issued with a licence to provide services in terms of Chapter 3 of the Act.

#### **2. Notification of change in licensee details and information**

(1) A Licensee must submit written notice to the Authority within seven (7) days of the occurrence of the following changes:

- (a) the name of the Licensee;
- (b) contact details including the contact person;
- (c) shareholding;
- (d) physical address; and
- (e) financial year end.

[Subr. (1) substituted by Gen N 155/2016]

- (2) Any change or transfers of shares undertaken in terms of 2(1) (c) above must comply with all licence terms and conditions and the ECA.

### **3. Licence area**

- (1) The licence area is a district or local Municipality as defined in the Local Government Municipal Structures Act, No 117 of 1998.
- (2) All electronic communications equipment and facilities, as well as radio apparatus are to be situated entirely within the licence area.
- (3) The specific licence will be as defined by the licence issued to a licensee.
- (4) A licensee must provide services within its licence area.  
[Subr. (4) added by Gen N 155/2016]

### **4. Duration of the licence**

The Licence is valid for ten (10) years from the effective date.

### **5. Commencement of operations**

A Licensee must commence operation of the ECNS specified in the Licence within twenty-four (24) months from the date of issue, unless the Authority grants, on good cause shown, an extended commencement period on written application, prior to the expiry of the twenty-four (24) months period.

[Reg. 5 substituted by Gen N 155/2016]

### **6. Hours of operations**

- (1) A Licensee must provide electronic communication network services for twenty four (24) hours per day unless the Authority has been notified of a shorter schedule of daily broadcast operations.
- (2) Where a Licensee cannot provide the licensed service due to circumstances beyond its control, for a continuous period of twelve (12) hours or longer, the licensee must notify the Authority in writing of such circumstances within twenty four (24) hours.

### **7. Services to be provided by the licensee**

The licensee must construct, operate and maintain an ECN as well as provide ECNS in the licensed service area.

### **8. Safety measures**

The Licensee must, in respect of all apparatus, equipment and installations that it owns, leases or uses, take reasonable and necessary safety measures to safeguard life or property, and to limit exposure to electromagnetic emission, radiation and related risks.

## **9. Provision of information**

- (1) *The Authority may, in the course of carrying out its obligations under the Act, require a Licensee to provide any information including documents or books not ordinarily required, so as to enable it to:*
  - (a) *monitor and enforce consumer protection, quality of service, competition, compliance with licence conditions and other requirements of the Act and related legislation;*
  - (b) *allow for the assessment and allocation of applicable fees and related requirements;*
  - (c) *facilitate the efficient use of radio frequency spectrum; and*
  - (d) *collect and compile information to be used for research purposes, planning, reporting and conducting inquiries.*
- (2) *In respect of each information request referred to in subregulation (1), except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries may be addressed.*
- (3) *A Licensee must submit all the required information as required by the Authority in terms of subsection (1).*
- (4) *In the event where a Licensee or its representative refuse or fail to provide the Authority with requested information in terms of subregulation (1), the Authority may, after reasonable attempts, refer the matter to the Complaints and Compliance Committee.*

## **10. Publication of tariffs and fees**

A Licensee must provide to the Authority on a bi-annual basis, a record of the actual services provided and the actual tariffs charged thereof during the previous six months.

## **11. Metering and billing arrangements**

- (1) A Licensee must install and operate metering and billing systems which accurately record the extent of the service(s) provided to any end-user.
- (2) A Licensee must provide an accurate invoice with a detailed statement of services rendered to any end-user at no charge, except where the end-user obtains services exclusively on a prepaid basis and the prices and terms of such prepaid service have been disclosed at the time of purchase.
- (3) The invoice must include information for the entire period covered by such invoice as follows:



- (a) details of services rendered to the end-user; and
  - (b) breakdown of charges associated with such services.
- (4) Upon request by an end-user, the Licensee must provide an itemised bill, meaning an invoice which contains a sufficient level of detail to allow verification of charges incurred in using the services provided by the licensee. Each detailed itemised bill shall contain at least the following information in relation to each individual transaction (voice or data call) charge incurred by the subscriber during the relevant billing period: destination, dialed number, date, time, duration and charge for each individual transaction:
- (a) via post or in an electronic format; and
  - (b) at such a price that takes into account the difference in the mode of delivery.

## **12. Contraventions and penalties**

Any person that contravenes these Regulations is liable to a fine not less than R2 500, 00 (Two thousand, five hundred Rand) but not exceeding R100 000, 00 (One hundred thousand Rand).

[Reg. 12 substituted by Gen N 155/2016]

## **13. Short title and commencement**

The regulations are called the standard terms and conditions for Class Electronic Communications Network Services Regulations 2010, and will come into operation by notice in the Gazette.

# **STANDARD TERMS AND CONDITIONS FOR CLASS ELECTRONIC COMMUNICATIONS SERVICES 2010**

Commencement of GN R525: 12 September 2011

## **1. Definitions**

In these regulations unless the context indicated otherwise:

“**Act**” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“**Authority**” means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

“**ECS**” means an Electronic Communications Services as defined in the Electronic Communications Act; 2005 (Act No. 36 of 2005);

“**ECN**” means an Electronic Communications Network as defined in the Electronic Communications Act; 2005 (Act No. 36 of 2005);

“**ECNS**” means an Electronic Communications Network Service as defined in the Electronic Communications Act; 2005 (Act No. 36 of 2005);

“**Effective date**” means the date on which the Licence is issued;

“**Licence**” means the Class Electronic Communications Network Service Licence issued to the Licensee in the form contained in Annexure C of these regulations;

“**Licensee**” means the person named in the Licence and issued with a licence to provide services in terms of Chapter 3 of the Act.

## **2. Notification of change in licensee details and information**

(1) A Licensee must submit written notice to the Authority within seven (7) days of the occurrence of the following changes:

- (a) the name of the Licensee;
- (b) contact details including the contact person;
- (c) shareholding;
- (d) physical address; and
- (e) financial year end.

[Subr. (1) substituted by Gen N 155/2016]

## **3. Licence area**

(1) The licence area is a district or local Municipality as defined in the Local Government Municipal Structures Act, No 117 of 1998.

(2) A Licensee must provide services within its licence area.

[Reg. 3 substituted by Gen N 155/2016]

## **4. Duration of the licence**

The Licence is valid for ten (10) years from the effective date.

## **5. Commencement of operations**

A Licensee must commence operation of the ECS specified in the Licence within twelve (12) months from the date of issue, unless the Authority grants, on good cause shown, an extended commencement period on written application, prior to the expiry of the twelve (12) months period.

[Reg. 5 substituted by Gen N 155/2016]

## **6. Hours of operations**

- (1) A Licensee must provide electronic communication services for twenty four (24) hours per day unless the Authority has been notified of a shorter schedule of daily broadcast operations.
- (2) Where a Licensee cannot provide the licensed service due to circumstances beyond its control, for a continuous period of twelve (12) hours or longer, the licensee must notify the Authority in writing of such circumstances within twenty four (24) hours.

## **7. Services to be provided by the licensee**

The licensee must provide ECS by means of an ECN operated by an ECNS licensee.

## **8. Safety measures**

The Licensee must, in respect of all apparatus, equipment and installations that it owns, leases or uses, take reasonable and necessary safety measures to safeguard life or property, and limit exposure to electromagnetic emission, radiation and related risks.

## **9. Provision of information**

- (1) *The Authority may, in the course of carrying out its obligations under the Act, require a Licensee to provide any information including documents or books not ordinarily required, so as to enable it to:*
  - (a) *monitor and enforce consumer protection, quality of service, competition, compliance with licence conditions and other requirements of the Act and related legislation;*
  - (b) *allow for the assessment and allocation of applicable fees and related requirements;*
  - (c) *facilitate the efficient use of radio frequency spectrum; and*
  - (d) *collect and compile information to be used for research purposes, planning, reporting and conducting inquiries.*

- (2) *In respect of each information request referred to in subregulation (1), except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries may be addressed.*
- (3) *A licensee must provide the information in accordance with such format as may be prescribed by the Authority.*
- (4) *In the event where a Licensee or its representative refuse or fail to provide the Authority with requested information in terms of subregulation (1), the Authority may, after reasonable attempts, refer the matter to the Complaints and Compliance Committee.*

*[Reg. 9 substituted by Gen N 155/2016]*

## **10. Publication of tariffs and fees**

- (1) A Licensee may not provide any service for a charge, fee or other compensation, unless the price(s) for the service and other terms and conditions of the provision of such service.
  - (a) have been made known by:
    - (i) making such prices and terms and conditions available for inspection at its offices during business hours; and
    - (ii) providing such details to anyone who requests same at no charge.
  - (b) have been filed with the Authority at least seven(7) days prior to the provision of the said service. In making such a filing, a Licensee must utilise a format approved by the Authority in writing.
- (2) A Licensee must provide to the Authority on a bi-annual basis, a record of the actual services provided and the actual tariffs charged thereof during the previous six months.

## **11. Metering and billing arrangements**

- (1) A Licensee must install and operate metering and billing systems which accurately record the extent of the service(s) provided to any end-user.
- (2) A Licensee must provide an accurate invoice with a detailed statement of services rendered to any end-user at no charge, except where the end-user obtains services exclusively on a prepaid basis and the prices and terms of such prepaid service have been disclosed at the time of purchase.
- (3) The invoice must include information for the entire period covered by such invoice as follows:
  - (a) details of services rendered to the end-user; and

- (b) breakdown of charges associated with such services.
- (4) Upon request by an end-user, the Licensee must provide an itemised bill, which contains a sufficient level of detail to allow verification of charges incurred in using the services provided by the licensee.
  - (a) Each detailed itemised bill shall contain at least the following information in relation to each individual transaction (voice or data call) charge incurred by the subscriber during the relevant billing period:
    - (1) destination,
    - (2) dialed number,
    - (3) date,
    - (4) time,
    - (5) duration; and
    - (6) charge for each individual transaction.
  - (b) The detailed itemised bill must be provided:
    - (i) via post or in an electronic format; and
    - (a)(ii) at such a price that takes into account the difference in the mode of delivery.

## **12. Contraventions and penalties**

Any person that contravenes these Regulations is liable to a fine not less than R2 500, 00 (Two thousand, five hundred Rand) but not exceeding R100 000, 00 (One hundred thousand Rand).

[Reg. 12 substituted by Gen N 155/2016]

## **13. Short title and commencement**

These regulations are called the Standard Terms and Conditions for Class Electronic Communications Services 2010, and will come into operation by notice in the Gazette.

## **14. Repeal of regulations**

These regulations repeal Government Gazette No. 30530 containing the Standard Terms and Conditions for Class licences published in Notice 1138 of 30 November 2007 in its entirety

## USAF REGULATIONS 2011

**Applicable from 10 February 2011 ( Regulations published in Government Notice 1270 of Government Gazette No. 31499 dated 10 October 2008 repealed)**

### 1. Definitions

In these regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned.

**“Act”** means the Electronic Communications Act, 2005 (Act No. 36 of 2005, as amended)

**“Agency fees”** means the percentage of fixed fees due to the agent;

**“Annual Turnover”** means total revenue generated from Licensed Activity per annum less service provider discounts, agency fees, interconnection and facilities leasing charges, government grants and subsidies;

**“Applicable Interest Rate”** means the uniform interest rate set by the Minister of Finance in terms of section 80(1)(b) of the Public Finance Management Act 1 of 1999;

**“BS Licensee”** means broadcasting service licensee;

**“ECNS Licensee”** means Electronic Communications Network Service Licensee;

**“ECS Licensee”** means Electronic Communications Service Licensee;

**“Fund”** means the Universal Service and Access Fund established in terms of section 87(1) of the Act;

**“Licensed Services”** means ECS, ECNS and BS provided pursuant to a licence issued to a Licensee in terms of Chapters 3, 4 and 9 of the Act.

**“the MDDA”** means the Agency established in terms of the Media Development and Diversity Agency Act No. 14 of 2002;

**“Service provider discounts”** means financial incentives offered to service providers by licensees for the purpose of subscriber base improvement;

**“USAF Contribution”** means the payment due to the Fund in terms of these regulations.

## **2. Object of the regulations**

(1) These regulations seek to:

- (a) prescribe the annual contributions to be paid to the Universal Service and Access Fund (“the Fund”) by persons issued with licences in terms of chapters 3 and 9 of the Act;
- (b) specify the date when such contributions to the Fund become payable and the manner in which they must be paid.

## **3. Contributions to the universal service and access fund**

(1) Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund.

(2) A BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution,

provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year.

#### **4. Payment of contributions**

- (1) Where a legal entity holds any combination of a BS Licence, ECS Licence and/or ECNS Licence, such entity may calculate the USAF contribution based on the Annual Turnover from aggregated revenue generated from the combined licences.
- (2) Payments in respect of contributions to the Fund:
  - (a) are due annually based on the licensee's financial year;
  - (b) are payable within 6 months from the end of the licensee's financial year; and
  - (c) May only be paid by way of an electronic transfer or via a direct deposit into the Authority's bank account, and
  - (d) must be based on the:
    - (i) Audited annual financial statement of the licensee; or
    - (ii) Financial statements signed and sworn to by the accounting officer of the licensee where the licensee is not legally obliged to provide audited financial statements.

#### **5. Interest**

Interest on all late payments in respect of contributions to the Fund is payable at the Applicable Interest Rate and in accordance with the manner prescribed in regulation 4 where payment is overdue.

#### **6. Amendment or repeal**

Government Notice 1270 of Government Gazette No. 31499 dated 10 October 2008 is hereby repealed.

#### **7. Contraventions and penalties**

- (1) Upon a determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:
  - (a) One Hundred Thousand Rands (R100, 000. 00) for contravention of regulations 3, 4(2) and 5.



- (b) Fifty Thousand Rands (R50, 000. 00) for contravention of all the regulations not specified in regulation 7(1)(a), and
- (c) Additional One Hundred Thousand Rands (R100, 000. 00) for repeated contravention of the regulations.

**8. Short title and commencement**

- (1) These regulations will be effective from the date of publication in the Government Gazette.
- (2) These regulations will be called the USAF Regulations, 2011.

**ICASA GENRAL LICENCE FEES REGULATIONS 2012**

**Section 7(1): Contraventions and penalties**

(1) Failure to pay the annual licence fees will result in the suspension of the licence issued by the Authority in terms of Chapter 3 of the Act until such time that the annual licence fees, plus interest, are paid in full.

(2) Failure to comply with any other provision in these regulations will result in a fine not exceeding one million rands (R1 000 000.00).