

## Statutory Instrument 162 of 2008

### Postal and Telecommunications (Penalties) Regulations, 2008

IT is hereby notified that the Minister of Transport and Communications has, in terms of section 99 as read with section 43 of the Postal and Telecommunications Act [*Chapter 12:05*], made the following regulations after consultation with the Postal and Telecommunications Regulatory Authority:—

#### 1. Title

These regulations may be cited as the Postal and Telecommunications (Penalties) Regulations, 2008.

#### 2. Interpretations

In these regulations—

“the Act” means the Postal and Telecommunications Act;

“Authority” means the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ);

“assize scales” means the scales compliant with the Trade Measures Act;

“period” means the maximum time over which a breach will be penalised, as per the Schedule, or the maximum duration which a breach shall be rectified or corrected, before escalation;

“penalty” means the maximum amount that can be charged, at the discretion of the Authority, for a breach.

#### 3. Application

These regulations shall apply to all postal and telecommunications licences.

#### 4. Penalties

(1) The Authority has fixed the penalties specified in the Schedule for licence issued or renewed by the Authority.

(2) The penalties shall be cumulative.

(3) The penalties shall be based on the gross turnover of the previous month when the breach occurred.

(4) Total penalties exceeding 100% or US\$100 000,00 shall be considered material breach and may lead to suspension or cancellation of licence.

### SCHEDULE (Section 2)

PENALTIES FOR FAILURE TO COMPLY WITH LICENCE CONDITIONS AND/OR AN ORDER ISSUED IN TERMS OF SECTION 43 OF THE POSTAL AND TELECOMMUNICATIONS ACT  
[*CHAPTER 12:05*]

<i>Licence breaches</i>	<i>Penalties as percentage of gross monthly turnover for public networks and US\$ for private</i>	<i>Period (days)</i>
<b>1. POSTAL SERVICES (GENERAL) LICENCE</b>		
<b>2. DOMESTIC COMMERCIAL COURIER LICENCE</b>		
<b>3. INTERNATIONAL COMMERCIAL COURIER LICENCE</b>		
<i>(where applicable)</i>		
a. Failure to comply with decisions and instructions of the Authority issued in accordance with the Act	15%	10
b. Failure to offer commercial service on the date agreed with the Authority	15%	20
c. Failure to comply with shareholding provision within a specified period	25%	40
d. Failure to inform the Authority of material changes in shareholding	25%	10
e. Offering services not approved or authorised by the Authority.	10%	10
f. Failure to rectify acts or omissions of the licensee agents, dealers	10%	10

g.	Failure to submit agreements or contracts with agents or dealers for approval by the Authority before signing	5%	20
h.	Failure to roll-out Universal Service and Community Service Obligations	10%	40
i.	Offering services without appropriate customer contract	5%	10
j.	Failure to meet quality of service targets	15%	40
k.	Failure to meet roll-out targets	15%	40
l.	Implementing unapproved tariffs	25%	5
m.	Publishing unapproved tariffs	15%	5
n.	Inaccurate billing of customers	5%	5
o.	Implementing unpublished tariffs	10%	5
p.	Failure to display approved tariffs at service provisioning centres	5%	10
q.	Failure to comply with fair trading conditions	10%	10
r.	Failure to provide unhindered access to all facilities by authorised inspectors of the Authority	10%	1
s.	Failure to submit regulatory reports and accounts prescribed or reports as requested by the Authority within the stipulated time	5%	10
t.	False declaration of information in reports and accounts submitted to the Authority	5%	5
u.	Operating without assized scales per station	5%	5
v.	Failure to dispose undelivered articles as prescribed by the Authority	5%	5
w.	Illegible date stamp impressions	5%	5
x.	Failure to disclose abusive or subversive use of the network	15%	10

**4. PUBLIC FIXED TELECOMMUNICATIONS SERVICES LICENCE**  
**5. PUBLIC MOBILE CELLULAR TELECOMMUNICATION SERVICES LICENCE**  
**6. PUBLIC DATA TELECOMMUNICATION SERVICES LICENCE**  
**7. INTERNET ACCESS PROVIDER (IAP) CLASS “A” LICENCE**  
**8. INTERNET ACCESS PROVIDER (I&P) CLASS “B” LICENCE**

<i>Licence breaches</i>	<i>Penalties as percentage of gross monthly turnover for public networks and US\$ for private</i>	<i>Period (days)</i>
<i>(where applicable)</i>		
a. Failure to comply with decisions and instructions of the Authority issued in accordance with the Act	15%	20
b. Failure to offer commercial service on the date agreed with the Authority	15%	20
c. Failure to comply with shareholding provision within a specified period	25%	40
d. Refilling traffic without express permission or interconnection agreement with the other licensee(s)	10%	5
e. Offering services not approved or authorised by the Authority	10%	5
f. Failure to interconnect with other licensees within a period specified by the Authority	5%	10
g. Failure to share infrastructure within a period specified by the Authority.	5%	10
h. Failure to rectify acts or omissions of the licensee agents, dealers or service providers.	10%	10
i. Failure to submit agreements or contracts with agents, dealers or service providers	5%	20
j. Failure to roll-out Universal Service and Community Service Obligations	10%	40
k. Failure to keep records of network plans and installations and make the information available within 14 days when requested by the Authority	10%	60
l. Failure to inform the Authority of material changes to the network	10%	10
m. Failure to provide daily agreed service with customer, for fourteen (14) consecutive days	15%	20
n. Offering services without appropriate customer contract	5%	10
o. Disclosing customer data without the consent of the customer or approval of the Authority under or the laws of Zimbabwe	1%	5
p. Failure to meet quality of service targets	15%	60

q.	Failure to meet roll-out targets	15%	40
r.	Implementing unapproved tariffs.	25%	5
s.	Publishing unapproved tariffs	15%	5
t.	Inaccurate billing of customers	5%	5
u.	Implementing unpublished tariffs	15%	5
v.	Failure to display approved tariffs at service provisioning centres	5%	10
w.	Failure to comply with fair trading conditions	10%	10
x.	Failure to provide unhindered access to all facilities by authorised inspectors of the Authority	10%	1
y.	Failure to put appropriate warning signs on masts and to comply with the prescribed safety regulations	2%	5
z.	Unapproved radio installations	5%	5
aa.	Use of unassigned radio frequencies.	25%	5
bb.	Failure to submit regulatory reports and by the Authority within the stipulated time.	5%	10
cc.	False declaration of information in reports and accounts submitted to the Authority	5%	10
dd.	Using unassigned numbers .	10%	5
ee.	Failure to disclose abusive or subversive use of the	15%	10

**9. PRIVATE TELECOMMUNICATION NETWORK LICENCE**

**10. PRIVATE MOBILE RADIOCOMMUNICATION (PMR) LICENCE**

**11. AERONAUTICAL LICENCE**

<i>Licence breaches</i>	<i>Penalties as percentage of gross monthly turnover for public networks and US\$ for private</i>	<i>Period (days)</i>
<i>(where applicable)</i>		
a. Failure to comply with decisions and instructions of the Authority issued in accordance with the Act	US\$5000,00	10
b. Offering services not approved or authorised by the Authority .	US\$5 000,00	10
c. Failure to share infrastructure within a period specified by the Authority.	US\$2 500,00	10

d.	Failure to pay fees prescribed by the Authority by the due date	US\$5 000,00	10
e.	Failure to keep records of network plans and within 14 days when requested by the Authority	US\$5 000,00	10
f.	Failure to inform the Authority of material changes to the network	US\$5 000,00	10
g.	Failure to put appropriate warning signs on masts and to comply with prescribed safety regulations	US\$5 000,00	10
h.	Failure to submit regulatory reports prescribed or reports as requested by the Authority within the stipulated time	US\$5 000,00	10
i.	False declaration of information in reports submitted to the Authority	US\$2 500,00	5
j.	Use of radio frequencies not assigned	US\$2 500,00	5
k.	Use of unapproved radio equipment/station	US\$2 500,00	5
l.	Operating outside the scope of the licence	US\$2 500,00	5
m.	Late renewal of licences	US\$2 500,00	5
n.	Supply and/or installation equipment not type approved	US\$2 500,00	5
o.	Operating from unapproved premise	US\$2 500,00	5
p.	Late submission of returns	US\$2 500,00	5

## 12. AMATEUR RADIO STATION LICENCE

<i>Licence breaches</i>	<i>Penalties as percentage of gross monthly turnover for public networks and US\$ for private</i>	<i>Period (days)</i>
<i>(where applicable)</i>		
a.	Failure to comply with decisions and instructions of the Authority issued in accordance with the Act	US\$200,00 5
b.	Failure to keep records of network plans and installations and make the information available within 14 days when requested by the Authority	US\$200,00 5
c.	Failure to inform the Authority of material changes to the network	US\$200,00 5
d.	Failure to put appropriate warning signs on masts and to comply with prescribed safety regulations	US\$200,00 5
e.	Failure to submit regulatory reports and accounts prescribed or reports as requested by the Authority within the stipulated time	US\$200,00 5
f.	False declaration of information in reports and accounts submitted to the Authority	US\$200,00 5

g. Using unassigned call sign	US\$200,00	5
h. Operating outside specified frequencies	US\$200,00	5
i. Operating outside specified frequencies	US\$200,00	5
j. Late renewal of licences	US\$200,00	5

**13. APPROVED TELECOMMUNICATION EQUIPMENT SUPPLIER LICENCE**

**14. APPROVED RADIOCOMMUNICATIONS EQUIPMENT SUPPLIER LICENCE**

<i>Licence breaches</i>	<i>Penalties as percentage of gross monthly turnover for public networks and US\$ for private</i>	<i>Period (days)</i>
<i>(where applicable)</i>		
a. Failure to comply with decisions and instructions of the Authority issued in accordance with the Act	US\$5 000,00	
b. Offering services not approved or authorised by the Authority	US\$5 000,00	10
c. Failure to keep records of network plans and installations and make the information available within 14 days when requested by the Authority	US\$5 000,00	
d. Failure to submit regulatory reports and accounts prescribed or reports as requested by the Authority within the stipulated time	US\$5 000,00	10
e. False declaration of information in reports and accounts submitted to the Authority	US\$5 000,00	10
f. Installing unassigned radio frequency	US\$5 000,00	10
g. Operating from unapproved premises	US\$5 000,00	10
h. Late submission of returns	US\$5 000,00	10
i. Late renewal of licences	US\$5 000,00	10