

Statutory Instrument 11A of 2001.

Postal and Telecommunications (Licensing, Registration and Certification) Regulations, 2001

SIs 11A/2001, 43/20012, 44/2001, 14/2008, 23/2008, 165/2008

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

PART I

PRELIMINARY

1. Title

These regulations may be cited as the Postal and Telecommunications (Licensing, Registration and Certification) Regulations, 2001.

2. Interpretation

In these regulations—

“certificate” means certificate issued in terms of section 39 of these regulations;

“earth station” means a station located on the earth’s surface and intended for communication with one or more space stations;

“fixed satellite service” means a radiocommunication service between given positions on the earth’s surface and one or more satellites;

“fixed wireless access system” means a radio system employed to eliminate the need of cables to the subscriber premises in the distribution network;

“form” means a form prescribed in the First Schedule;

“high capacity” means capacity above 300 channels or 34 megabits per second;

“hub” means an earth station operating with VSATs in a star configuration;

“ITU Radio Regulations” means the Radio Regulations made in terms of the ITU Constitution;

“ISM”, in relation to frequency bands or radiocommunication systems, means Industrial, Scientific and Medical equipment;

“ITU” means the International Telecommunications Union;

“low capacity” means capacity up to 30 channels or 2 megabits per second;

“medium capacity” means capacity more than 30 channels or 2 megabits per second up to 300 channels or 34 megabits per second;

“paging system” means a communication system that sends brief messages to a subscriber. The message may be a tone message, a numeric message or an alphanumeric message;

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“private radio station” means a radio station other than a public radio station;

“public radio station” means a radio station operated together with, or for the purpose of providing a radiocommunication service to, a cellular telecommunication or telecommunication service;

“trunked system” means a communication system that shares a limited number of radio channels amongst a large group of users;

“Very Small Aperture Terminal (VSAT)” means an earth station operating on the fixed satellite service usually implemented to form a closed network for dedicated applications for either information broadcasting or for information exchange.

3. Application

These regulations shall apply to licences other than postal licences.

PART II

LICENCES OTHER THAN PRIVATE RADIO STATION LICENCES

4. Application for licences under Part II

(1) An application for—

(a) a cellular telecommunications licence; or

(b) a telecommunications licence; or

(c) a private telecommunications licence; or

(d) a public radio station licence;

shall be made in form PT1 and accompanied by the application fee prescribed by notice in the *Gazette* or in Part I of the Second Schedule:

Provided that an application for a public radio station licence may be made together with an application for any other licence specified in paragraph (a), (b) or (c) in the same form.

5. Licence application procedure under Part II

(1) The Authority shall, within 14 days of receiving an application in terms of section 4, publish a notice in the *Gazette* and in at least two consecutive issues of a national newspaper inviting representations on the application from members of the public.

(2) The Authority shall receive representations from the public for 14 days from the last date of publication of the notice of application and forward any representations received to the evaluation committee.

(3) The evaluation committee shall, not later than 90 days after receiving the application, forward them, together with any representations and its recommendations thereon, to the Authority.

6. Considerations relating to issue of telecommunication licences for public satellite telephony and private telecommunication licences

(1) A telecommunication licence for the provision of a public satellite telephony service may be offered through a hub situated outside Zimbabwe:

Provided that the Authority shall authorise the provision of such service subject to any bilateral or international convention or agreement.

(2) Fixed wireless access, public trunking and paging technologies approved within the ITU shall be considered for private telecommunication licensing.

(3) In relation to an application for a private telecommunication licence, where—

(a) the relevant telecommunication or radio communication service is not provided by a telecommunication licensee; and

(b) it is not practicable or convenient or expedient for a telecommunication licensee to provide the service in question; and

(c) in the opinion of the Authority, circumstances justify the provision of the service in question; the Authority may, subject to subsections (4) and (5), license a private telecommunication service or system and the operation of a radio station in connection therewith.

(4) Any radio station operated in connection with a private telecommunication service or system shall be worked solely for the purposes of transmitting and receiving messages relating to the business of the licence.

(5) A radio station operated in terms of subsection (3) shall communicate only with such other station or stations as may be authorised by the Authority.

7. Licence fees and contributions

An applicant for a licence and a licensee shall pay to the Authority the following fees contributions as prescribed by notice in the *Gazette* or as set out in Part I of the Second Schedule—

(a) a non-refundable application fee; and

(b) a basic licence fee; and

(c) and, where applicable, an annual frequency fee; and

(d) an annual contribution to the Universal Services Fund in terms of section 76 of the Act.

8. Terms and conditions and duration of licence

(1) A licence shall be in written form and shall, in the case of—

(a) a telecommunication licence for a fixed-line telephone service, be valid for 20 years;

(b) a cellular telecommunication licence, be valid for 15 years;

(c) any other class of telecommunication licence, a public radio station licence or a private telecommunication licence, be valid for the period stated in the licence concerned.

(2) A licence may authorise or require—

(a) the connection or interconnection of the cellular telecommunication system or the telecommunication system to which the licence relates—

(i) to any other telecommunication system specified in the licence, or of a description so specified;

(ii) to any apparatus specified in the licence, or of a description so specified;

(b) the provision by means of a cellular telecommunication system to which the licence relates of any telecommunication service or cellular telecommunication service specified in the licence.

(3) Without limitation to any other conditions that may be so specified or otherwise applicable, a licence may specify—

(a) guidelines, in accordance with ITU standards, to be adopted in the operation of the service;

(b) the frequencies assigned to the licensee for the duration of the licence;

(c) universal service obligations to be undertaken by the licensee;

(d) performance specifications to which the licensee is to conform;

(e) the obligation of the licensee in relation to the conclusion of any agreement with any other person licensed in terms of these regulations on interconnection with established licensed networks;

(f) the obligation of the licensee in relation to the provision of emergency service.

9. Material breaches of licences

(1) Without limiting any other grounds on which the Authority may cancel a licence the following events, whether specified in the licence or not, shall constitute material breaches of the licence justifying the cancellation of the licence concerned—

(a) failure by a licensee to commence construction of a telecommunications network or cellular telecommunications network within three months of the date of issue of licence;

- (b) failure by a licensee to provide the licensed service to customers in accordance with the targets specified in its business plan;
- (c) continuous interruption of the licensed service for a consecutive or combined period of 30 days over any four-month period, provided that the interruption is not a result of *force majeure*;
- (d) where a licensee is declared bankrupt or insolvent or is liquidated under any written laws in force in Zimbabwe or any other country;
- (e) failure by a licensee to pay any prescribed fees or contributions or any penalty imposed in terms of section 43 of the Act on such a licensee by the Authority.

10. *Renewal of licence and notice of termination or renewal*

- (1) The Authority may renew a licence issued in terms of this Part upon the written request of the licensee.
- (2) Subject to subsection (3), a licensee may submit to the Authority a written request for renewal of his licence at any time.
- (3) A licensee the term of whose licence is—
 - (a) more than seven years, shall notify the Authority of his intention to renew or terminate the licence three years before his licence expires;
 - (b) more than two years and less than seven years, shall notify the Authority of his intention to renew or terminate the licence six months before his licence expires;
 - (c) less than two years shall notify the Authority of his intention to renew or to terminate the licence a month before his licence expires

11. *Amendment of licence*

- (1) A licensee may submit to the Authority a written request for amendment of his licence at any time.
- (2) Where the Authority proposes to amend a licence the Authority shall notify the licensee in writing accordingly and shall in its notice specify—
 - (a) the proposed amendment;
 - (b) state the reasons for the proposed amendment;
 - (c) the date on which the Authority intends to effect the amendment.
- (3) The licensee shall respond to a notification in terms of subsection (2) within 30 days from the date on which the Authority serves the notice on the licensee.
- (4) If the licensee does not respond the Authority within the period required under subsection (3), the Authority shall amend the licence in the manner specified in the notice.
- (5) Where the licensee responds within the period required under subsection (3), the Authority may amend the licence taking into consideration the representations raised by the licensee.

PART III

PRIVATE RADIO STATIONS LICENCES AND CERTIFICATES

12. *Conditions and fees for licences, certificates and examinations under Part III*

Subject to the Act, the licences, certificates and examinations set out in the first column of Part II of the Second Schedule shall be issued or arranged subject to the conditions set out opposite thereto in the second column upon payment of the fees set out opposite thereto in the third column of the Schedule:

Provided that, in such circumstances as it may determine the Authority may waive the payment or remit any fee or charge payable in terms of this Part.

13. *Applications for licences under Part III*

Unless otherwise provided in terms of these regulations, applications for licences, certificates or to sit for examinations shall be made in writing to the Authority and applicants shall, in connection therewith, supply such information as the Authority may require.

14. *Licences and certificates subject to regulations*

Every licence and certificate shall be subject to the provisions of these regulations insofar as they are applicable to the form of licence or certificate concerned.

15. *Duration of licences and certificates under Part III*

Licences and certificates issued in terms of this Part shall be valid for the period shown therein, and applications for renewal thereof must be made at least 14 days before the date of expiry.

PART IV

GENERAL PROVISIONS APPLICABLE TO LICENSEES

16. Type approval

- (1) The Authority shall approve radio communication equipment upon payment of the appropriate fee set out in Part III of the Second Schedule.
- (2) The Authority shall issue a certificate of approval for such equipment.
- (3) The Authority shall maintain a register of type-approved radio communication equipment, which shall be made available on request and on payment of the appropriate fees set out in Part III of the Second Schedule.

17. Interference

- (1). A licensee shall establish and work any radiocommunication services in such a manner as not to result in interference harmful to other radio communication services licensed or worked by another licensee.
- (2) Radio communication systems operating within frequency bands designated as ISM bands shall accept interference from ISM systems.
- (3) Radio communication systems operating in bands designated as ISM bands shall not cause harmful interference to services operating in the adjacent bands.

18. Distress calls

A licensee shall accept with absolute priority any distress call, message or signal regardless of its origin and shall immediately take such action in regard thereto as may be required in terms of the ITU regulations.

19. False signals and impersonation

- (1) No licensee or person working a radio communication service shall transmit or use call signs or other identifying signals which have not been assigned to that radio station by the Authority.
- (2) No person or licensee in the working of any radio communication service shall impersonate any other licensee.

20. Right to use frequencies

- (1) No licence shall be construed as conferring any exclusive right in respect of any frequency or frequencies.
- (2) The Authority may re-assign any frequency or frequencies allocated to any licensee.

21. Alterations to be approved

No radio transmitting station shall be altered in respect of—

- (a) in the case of a fixed station, its location or area; or
- (b) in the case of a mobile station, its area of operation; or
- (c) its power; or
- (d) the class or characteristics of its emission; or
- (e) its method of frequency of control; without prior written approval of the Authority.

22. Identification

No radio transmitting station shall transmit signals without identification of such station.

23. Indemnity

A licensee shall at all times indemnify the Authority against all actions, claims and demands which may be brought or made by any person in respect of any injury arising from any act of the licensee or his agents in connection with the workup of the station for which he is licensed.

24. Preservation of secrecy

- (1) It shall be a condition of the issue of a licence or certificate that if any message, the receipt of which is not authorised thereunder, is received by means of the station concerned neither the licensee nor the holder of the certificate shall make known the contents of any such message, its origin or destination, its existence or the fact of its receipt to any person except an officer of the Authority or a competent legal tribunal and shall not retain any copy or make any use of any such message or access it to be reproduced in writing, copied or made use of.
- (2) A licence or certificate shall not be issued unless the applicants sign, in the presence of an officer of the Authority, a declaration of secrecy in the following form—

“I (*name in full*) do solemnly declare that if any radio communication which I am not entitled to receive is unintentionally received through my working of a radio station I will not make known or allow to be made known its contents, its origin, its destination, its existence or the fact of its receipt to any person otherwise than in terms of subsection (1) of section 11 of the Postal and Telecommunications (Licensing) Regulations, 2001.”

25. Disclosure of criminal messages

Where a licensee, in the course of the provision of his service or operation of his system, receives any message or information relating to the commission of a criminal offence, he shall forthwith report the message or provide the information to the relevant authorities.

26. Authority not liable in certain circumstances

Nothing in these regulations shall be construed so as to make the Authority liable or responsible in any way for any infringement by a licensee in the exercise of his licence of a copyright in any work or any patent or for any other breach of the law arising out of the exercise of the licence.

27. Permission of owners of premises

Where an applicant for a licence to work a radio transmitting station is not the owner of the premises on which the station is to be installed no licence shall be issued unless the applicant has produced to the Authority the written permission of the owner of the premises for such an installation.

28. Visiting foreign stations

(1) The provisions of these regulations shall not apply to visiting foreign aircraft or ship stations except in so far as compliance with the ITU Convention is concerned.

(2) Other visiting foreign stations other than those mentioned in subsection (1) may require temporary licence before entry into Zimbabwe.

29. Serial number of transmitters

No radio transmitting station shall be sold, given, lent or otherwise transferred to any person unless a serial number is firmly fixed or endorsed in a prominent place on the chassis of the transmitter.

PART V

DEALERS

30. Application for registration as dealer

(1) Every person who is registered to carry on the business of repairing radio transmitting stations in terms of the Radiocommunication Services By-laws, 1973 (RGN 390 of 1973), shall, at the date of coming into operation of these regulations, be regarded as being registered in terms of these regulations.

(2) No person shall be registered as a dealer unless he has satisfied the Authority that he has the technical capacity to examine, test and certify that any radio transmitting station assembled, manufactured or sold by him conforms to the technical specifications laid down by the Authority for that type of station.

31. Certificate of registration

(1) Upon registration as a dealer a certificate of registration shall be issued by the Authority and shall at all times be kept by the dealer on the premises to which it relates, and an additional copy of such certificate may be issued by the Authority for each set of premises in which the dealer carries on business as a dealer.

(2) Every certificate issued in terms of subsection (1) shall be an authority for the dealer concerned to carry on his trade or business as a dealer.

32. Information to be supplied by dealer

Every application for registration shall set out—

- (a) the name of the person or firm concerned; and
- (b) the address or addresses at which the trade, business or industry is carried on; and
- (c) information indicating whether such trade, business or industry is conducted as an assembler, manufacturer, importer, wholesaler, retailer, auctioneer or any or all of those in combination; and
- (d) complete particulars of his training, qualifications and experience.

33. Returns by dealers

Every dealer shall submit to the Authority such returns and information at such times as the Authority may specify.

34. Restrictions on importation, possession or delivery of radio transmitting stations to unlicensed persons

(1) No dealer or his employee or agent shall deliver a radio transmitting station to any person in pursuance of the sale, exchange, hire or loan of that transmitting station, or for any other reason, unless that person first produces, or causes to be produced, to him a licence authorizing the possession of the radio transmitting station by that person, irrespective of whether or not that radio transmitting station is to be used for the purpose of establishing a new station or to add to an existing licensed network.

(2) No person shall import, possess or deliver any radio transmitting station without a licence.

PART VI

REPAIRERS

35. Applications for registration as repairer

(1) Every person who is registered to carry on the business of repairing radio transmitting stations in terms of Radiocommunication Services By-laws 1973 (RGN 390 of 1973), shall, at the date of coming into operation of these regulations, be regarded as being registered in terms of these regulations.

(2) Every person who, after the date of coming into operation of these regulations, commences any business of repairing radio communication stations shall forthwith apply for registration with the Authority.

36. Certificate of registration

(1) Upon registration as a repairer a certificate of registration shall be issued by the Authority and shall at all times be kept by the repairer on the premises to which it relates, and additional copy of such certificate may be issued by the Authority for each set of premises in which the repairer carries on business as such.

(2) Every certificate issued in terms of subsection (1) shall be authority for the repairer concerned to carry on the business of repairing radio communication stations.

37. Information to be supplied in applications

(1) Every application for registration as a repairer shall set out—

- (a) the full names of the repairers; and
- (b) his postal and physical address; and
- (c) complete particulars of his training, qualifications and experience.

38. Information concerning repairers

(1) Every person who carries on the business of repairing radiocommunication stations shall record in a register kept for that purpose the following particulars in respect of every service provided by him—

- (a) the name and address of the person on whose behalf the repair is carried out; and
- (b) the make, type and serial number of the transmitter repaired or of the transmitter with which any repaired equipment is associated; and
- (c) the nature of the repair carried out; and
- (d) particulars of the licence, if any, of the person on whose behalf the repair is carried out.

(2) Every person who carries on the business of radio transmitting station shall submit to the Authority such returns and information at such times as the Authority may specify.

39. Types of certificates

The following certificates of competency may issued by the Authority—

- (a) First Class Radiotelegraph Operator's Certificate; and
- (b) Second Class Radiotelegraph Operator's Certificate; and
- (c) Radiotelegraph Operator's Special Certificate; and
- (d) Radiotelephone Operator's Restricted Certificate; and
- (f) Amateur Radio Operator's Certificate.

40. Authority to perform certain duties

A person holding any of the certificates issued by the Authority in terms of section 39 shall be authorised to perform such of the duties or functions in connection with a radio-communication service as the holder of such a certificate is entitled to perform in terms of the ITU Regulations.

41. Qualifications for ship and aircraft stations

No person shall work an aircraft station or ship station installed in any aircraft or ship registered in Zimbabwe unless he holds a certificate set out in section 39.

42. Information for a certificate

(1) An application for any of the certificate of competency mentioned in section 39 shall be made to the Authority and shall set out—

- (a) the name and address of the applicant;
 - (b) proof of his citizenship;
 - (c) proof that he is not less than—
 - (i) eighteen years of age where application is made for a certificate mentioned in paragraph (a), (b), (c), (d), or (e) of section 39; or
 - (ii) sixteen years of age where application is made for an Amateur Radio Operator's Certificate;
- and
- (d) the type of certificate which is applied for.

(2) Each application shall be accompanied by two unmounted photographs of recent date and approximately seventy-five millimetres by fifty millimetres in dimension showing the head and shoulders of the applicant.

43. Examinations

(1) The holding of examinations for the certificates set out in section 39 shall be advertised by the Authority and shall be held at such intervals, at such times, in such places and under such conditions as the Authority may specify.

(2) Where an applicant for a certificate produces to the satisfaction of the Authority evidence of qualifications recognised outside Zimbabwe it may issue to the applicant a certificate set out in section 39 and may require the candidate to sit any or all of the examinations which may be necessary for the issues of such certificate.

44. Qualifications

(1) The standards to be reached by applicants for the certificate set out in paragraphs (a), (b), (c), (d) and (e) of section 39 shall be the standards appropriate for the certificates as specified in terms of the ITU Radio Regulations.

(2) An Amateur Radio Operator's Certificate shall be issued only to a person who—

- (a) holds an Amateur Radio Examination Certificate issued to him by the Authority; or
- (b) satisfies the Authority that he possesses qualifications or knowledge and experience equivalent to that required for the possession of such certificate; and
- (c) proves, to the satisfaction of the Authority—

- (i) his ability to send and receive correctly Morse Code at a speed of not less than twelve words per minute for a period of five minutes:

Provided that—

- A. in the case of a person wishing to qualify for a Novice Class Certificate, the minimum requirements shall be five words per minute;
- B. in the case of a person wishing to make use exclusively of frequencies above one hundred and forty-four megahertz, the Morse qualification requirement may be raised, at the discretion of the Authority;

and

- (ii) that he has sufficient knowledge of the technique of living up and working radio transmitter, with special reference to the maintenance of correct frequency and avoidance of harmful interference; and
- (iii) that he has sufficient knowledge of the working procedures to enable him to comply with the provisions of these regulations and the ITU Radio Regulations.

(3) The standards required for passing the Amateur Radio Examination shall be equivalent to the standards required for the passing of the Radio Amateur's Examination of the City and Guilds of London Institute:

Provided that the standards required for a Novice Class Certificate shall be as determined by the Authority.

PART VII

AMATEUR STATIONS

45. Licence for amateur stations

A licence to establish and work an amateur station shall be issued only—

- (a) to a person who possesses an Amateur Radio Operators Certificate; and
- (b) subject to type approval of the equipment and a satisfactory inspection of the station before it is brought into use.

46. Applications under Part VII

(1) Applications for licences for amateur stations shall be made in writing to the Authority setting out such information it may require.

(2) A licence for an amateur station shall not be issued to an association, company, corporation, educational institution or any other body of persons corporate or unincorporate:

Provided that in the case of a *bona fide* radio society such a licence may be issued to an office-bearer of such society who holds on behalf of such society a licence to work an amateur station.

47. Communication between amateurs

(1) An amateur station may establish communication only with another amateur station.

(2) Communication with another amateur station situated outside Zimbabwe shall be established only if such communication is not prohibited by or under the law in force in the country in which such other amateur station is situated.

(3) Subject to the provisions of this section when communications between amateur stations are permitted they shall be limited to messages relating to radio experiments and to remarks of a personal character for which by reason of their unimportance recourse to use public telecommunication service is not justified.

(4) All communications between amateur stations shall be conducted in plain language or the “Q” code and neither the licensee of the amateur station or any other person shall use his radio station or allow it to be used for the transmission of advertisements, news, or any message for or on behalf of a third party.

(5) Any headquarters of an amateur radio society recognized by the Authority may, with its approval, transmit information bulletins of direct interest to amateurs at regular intervals and may transmit Morse code transmission for persons learning or improving their efficiency in Morse operating.

48. Entertainment not to be transmitted

(1) The licensee of an amateur station shall not transmit from his station any form of entertainment so, however, that the transmission of music for test purposes only shall be allowed subject to the following condition—

- (a) no transmission of music shall exceed a period of three minutes in any such transmission; and
- (b) after a transmission of music there shall be a period of at least five minutes during which music is not transmitted; and
- (c) where gramophone records are used no mention shall be made of the make or name thereof or of any information to identify the records; and
- (d) transmission of music shall be restricted to the following frequencies—
 - (i) 3 650 to 3 800 kilohertz; and
 - (ii) 144 to 146 megahertz; and
 - (iii) 430 to 440 megahertz; and
 - (iv) 1 215 to 1 300 megahertz; and
 - (v) 2 300 to 2 450 megahertz; and
 - (vi) 5 650 to 5 850 megahertz; and
 - (vii) 10 000 to 10 500 megahertz.

(3) For the purposes of this section the transmission of anything recorded whether on a gramophone record or by any other means shall be deemed to be a transmission of music.

PART VIII

AIRCRAFT STATIONS

49. Need to comply with Civil Aviation Act [Chapter 13:16]

The issue of a licence for an aircraft station shall not in any way exempt the licensee from compliance with the provisions of the Civil Aviation Act [Chapter 13:16] nor shall such issue be construed as a guarantee by the Authority that the aircraft station and radio apparatus associates therewith are safe for all the conditions which may be encountered during the operation of the aircraft in which the station is installed.

PART IX

LOW POWER MODULATED OSCILLATORS AND LOW POWER DEVICES

50. Low power modulated oscillators and low power devices which constitute a radio station

No person shall work a low powered modulated oscillator in association with a record player or a microphone in such a way as to constitute the working of any radio station sanctioned in the First Schedule to the Act unless he is in possession of appropriate licence issued in terms of these regulations.

51. Requirements for low powered modulated oscillators

No low powered modulated oscillator shall be licensed unless it complies with the following requirements—

- (a) its working shall be on a frequency between 1 600 kilohertz and 1 605 kilohertz; and
- (b) the power input to the final valve connected to the aerial shall not exceed one watt; and
- (c) there shall be firmly affixed to it a notice indicating that its possession is subject to the holding of a licence issued in terms of these regulations.

52. Requirements for low power devices

(1) Low power devices operating at less than 10mW around the centre frequency 433.92 MHz shall be exempt from licensing

(2) Such low power devices shall operate on a secondary basis.

(3) Demonstration of compliance with European directives I-ETS 300 220 and I-ETS 300 330 shall be sufficient for approval of such devices by the Authority.

PART X

FIXED STATIONS

53. Types of fixed stations

The following types of fixed stations shall be considered for licensing—

- (a) low capacity point-to-point link;
 - (b) medium capacity point-to-point link;
 - (c) high capacity point-to-point link;
 - (d) point-to-multi-point link;
- and any other type of fixed station as may be approved by the Authority.

PART XI

WIRELESS PABX

54. Wireless PABX system

Wireless PABX systems shall be licensed for private indoor use and use within one hundred metres around the building in which the PABX is installed with other conditions as specified in the licence.

PART XII

VERY SMALL APERTURE TERMINAL (VSAT)

55. Application of ITU recommendation on VSAT

- (1) Licensing of VSAT earth stations shall be subject to the application of ITU Recommendations on VSATs.
- (2) VSAT earth stations operating with a local hub or an external hub or operating in a point-to-point configuration without a hub shall be considered for licensing.
- (3) VSAT earth stations shall not be used for voice communication.

PART XII

GENERAL

56. Duplicate copies of licences or certificates

A duplicate copy of any licence or certificate issued in terms of these regulations may be provided by the Authority upon payment of the appropriate fee set out in Part III of the Second Schedule.

57. Changes of address

The holder of any licence or certificate issued in terms of these regulations shall, within 14 days of any change in any address specified in such licence or certificate, notify the Authority of the person's new address.

58. Return of licences or certificates on cancellation

Where in terms of the Act, the Authority refuses to renew, cancels or suspends any certificate or licence the holder of the certificate or licence in question shall return it to the Authority at its request.

59. Repeals

The Presidential Powers (Temporary Measures) (Cellular Telecommunication Services) (Amendment) Regulations, 1998, published in Statutory Instrument 136 of 1998, and the Postal and Telecommunications (Radiocommunication Services) (Charges) Regulations, 2000, published in Statutory Instrument 329 of 2000, are repealed.

FIRST SCHEDULE (Section 2)

APPLICATION FOR LICENCES OTHER THAN PRIVATE RADIO STATION LICENCES

Form PT 1

Instructions on how to complete this form

- Attach annexures wherever necessary.
- Do not leave any questions blank or unanswered; where necessary answer "Not applicable" or "Not known".
- All responses in this form and all annexures shall be typewritten.
- Upon completion the original of this form and supporting annexures shall be submitted to:
 - The Director General,
 - Postal and Telecommunications Regulatory Authority of Zimbabwe,
 - c/o The Permanent Secretary,
 - Ministry of Transport and Communications,
 - Sixteenth Floor, Kaguvi Building,
 - Fourth Street and Central Avenue; or
 - P.O. Box MP 843,
 - Mount Pleasant,
 - Harare.

All inquiries concerning this form should be directed to the Director General at the above address.

PRELIMINARY

State the name, address and telephone number of the person(s) who may be contacted regarding any questions in respect of this application:

.....
.....
.....

SECTION 1: PARTICULARS OF APPLICANT

1. Name of applicant (attach certificate of incorporation)

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.....

2. Type of licence applied for

.....
.....

3. Address of Applicant's head office

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.....
.....

4. Names, addresses and occupations of directors

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.....
.....

5. Indicate shareholding structure (including nationalities of shareholders):

.....
.....
.....

6. Names, address, nationality, qualifications and experience of chief executive officer

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.....
.....

7. Names, addresses, nationalities and qualifications of senior managers who would be involved in the project if application is successful:

.....
.....
.....

8. Names, addresses and qualifications of auditors and lawyers in Zimbabwe

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.....
.....

9. Indicate applicant's shareholding (if any) of 10% or more in another telecommunications licensee

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.....
.....

10. Provide your project proposal, typed or printed, written in English, bound and in 10 copies. The proposal must include, without limitation the following:—

- (a) The technical specifications, including:
 - description of system and technology;
 - detailed frequency requirements (if any);
 - detailed roll out plan which includes, without limitations, time scales, provision of emergency services and community services proposals;
 - interoperability.
- (b) The business plan, including:
 - market analysis and projections;
 - particulars of financial resources to be applied to project;
 - tariff proposals, covering connection charges, monthly subscriptions call charges and other charges;
 - cash flow projections for 3 years;
 - experience in the provision of similar services.

11. Has the applicant or any of its associate ever been censured, disciplined, penalized, suspended, prosecuted, convicted, warned as to conduct, investigated or subjected to proceedings by or at the instance of any governmental agency, regulatory authority or professional association within or outside Zimbabwe, whether in connection with its banking activities or otherwise? YES/NO. If yes, provide details.

12. Has the applicant or any of its associates ever been or is now the subject of any litigation, in Zimbabwe or elsewhere, which may have a material effect on its resources?

13. Has the applicant or any of its associates failed to satisfy within one year any judgment debt issued in Zimbabwe or elsewhere? YES/NO. If yes, provide details.

14. Has the applicant or any of its associates ever: been adjudged insolvent by a court, in Zimbabwe or elsewhere? (YES/NO); been served with an insolvency petition or petition for its compulsory winding-up within the last 10 years in Zimbabwe or elsewhere? (YES/ NO); made any compromise with its creditors? (YES/ NO); had any liquidator, receiver of property or judicial manager (final or provisional) appointed in relation to its property? (YES/ NO); instituted proceedings for its voluntary winding up within the last 10 years in Zimbabwe or elsewhere? (YES/ NO). If the answer to any of the questions is yes, provide details.

Declaration

We, the undersigned chief executive officer and members of the Board of Directors of the applicant, do hereby certify that—

- (i) all information given in response to and in support of the questions of this application is true and correct to the best of our knowledge and belief;
- (ii) this application is made in good faith with the purpose and intent that the affairs and business of the applicant will at all times be honestly conducted in accordance with good and sound business principles and in full compliance with all applicable laws and lawful directives from the Authority.

We further certify that to the best of our knowledge and belief there are no other facts or information relevant to this application of which the Authority should be aware, and we pledge to promptly inform the Authority of any changes material to this application which may arise while it is being considered by the Authority. We hereby authorize the Authority and any of its authorized staff to make an inquiry or obtain any information from any source for the purpose of determining the correctness of all representations made in connection with this application or of assessing its merits.

Chairman of the Board (print name)

.....

(Signature)

Chief Executive Officer (print name)

.....

(Signature)

Director (print name)

.....
.....

(Signature)

Director (print name)

.....
.....

(Signature)

SECOND SCHEDULE (Sections 4(1), 7, 12, 16(1), 56)

[Schedule substituted by s.i 14 of 2008 and amended by s.i 165 of 2008]]

PART I

FEES FOR LICENCES OTHER THAN PRIVATE RADIO STATION LICENCE

Fee in US dollar or the equivalent in Zimbabwe dollar at applicable exchange rate

The public fixed telecommunications licence

1.—

- (a) application fee (non-refundable) US\$800,00
- (b) a basic licence fee comprising of two components:
- (i) an initial fee payable on or before issue of licence US\$100 000 000,00
- (ii) an annual fee of 3% of gross turnover plus VAT, payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 3% of annual gross turnover less monthly payments already made, payable within 90 days of financial year end to be authenticated by an audit certificate
- (c) a contribution of 2% of monthly gross turnover plus VAT as a direct contribution to the universal services fund payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 2% of annual gross turnover less monthly payments already made, payable within 90 days of financial year end to be authenticated by an audit certificate
- (d) frequency user fee calculated as follows:

$$\text{Spectrum fee} = \text{RFBW} \times [\text{Reuse Factor}] \times [\text{Service Factor}] \times [\text{Sharing Factor}] \times [\text{Unit Spectrum Charge}] \times [\text{Satellite Service Factor}]$$

$$\text{Spec Unit}$$

Spectrum fees table 2008

Frequency band and services	Spectrum unit	service factor (Private)	satellite service factor	Unit Spectrum Charge (USD)
	<i>Mhz</i>			<i>USD</i>
0.099MZ—30MHz	0.003	1.05	1.06	40
30MHz — 300MHz	0.0125	1.05	1.06	40
300 MHz— 1GHz	0.125	1.05	1.06	40
CELLULAR SYSTEM 900	02	N/A	N/A	50
CELLULAR SYSTEM 1800	0.2	N/A	N/A	50
1 GHz—25GHz	1	1.05	1.06	50
25GHz-30GHz	2	1.05	1.06	40
beyond 30GHz	2	1.05	1.06	40

where:

“Spectrum Fee or Chn” is the fee payable in respect of a frequency together with the allocated bandwidth in a communication link. A duplex link is therefore considered as two channels;

“Radio Frequency Bandwidth” is the actual bandwidth occupied by channel;

“Spectrum Unit” is the moderating factor in the spectrum charging formula. It takes account of the different bandwidth applicable in a particular band;

“Reuse Factor” is the coefficient taking into account the coverage area of the transmission. An assignment is protected over an area of 40km. Taking into account the geographic area of Zimbabwe, the maximum reuse factor is considered to be for frequencies above 30MHz;

“Sharing Factor” is the coefficient of the number of users sharing the same frequency in the same charging area;

“Unit Spectrum charge” is Spectrum charge per spectrum unit, per unit area;

“Satellite Service Factor” applies to channels used in the Satellite Service and has a value of 1.05;

(e) Number fees as stipulated in paragraph 10

The public, mobile cellular licence fees

2.—

- (a) application fee (non-refundable) US\$800,00
- (b) a basic licence fee comprising of two components:
- (i) an initial fee payable on or before the issue of licence US\$100 000 000,00
- (ii) An annual fee of 3% of the annual gross turnover plus VAT payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 3% of annual gross turnover less monthly payments already made payable within 90 days of financial year end to be authenticated by an audit certificate
- (c) contribution of 2% of monthly gross turnover plus VAT as a direct contribution to the universal services fund payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 2% of annual gross turnover less monthly payments already made, payable within 90 days of financial year end to be authenticated by an audit certificate
- (d) frequency user fee calculated using the formula specified in paragraph 1(d)
- (e) number fees as stipulated in paragraph 10

The Class A Internet access provider licence fee

3.—

- (a) an application fee (non-refundable) US\$350,00
- (b) basic licence fee comprising of two components:
- (i) an initial fee payable on or before the issue of a licence US\$4 000 000,00
- (c) (ii) an annual fee of the Zimbabwe Dollar equivalent of US\$100 000,00 or 3% of the annual gross turnover plus VAT whichever is the greater payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 3% of annual gross turnover less monthly payments already made payable within 90 days of financial year end to be authenticated by an audit certificate

- (iii) a contribution of 2% of monthly gross turnover plus VAT as a direct contribution to the universal services fund payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 2% of annual gross turnover less monthly payments already made payable within 90 days of financial year end to be authenticated by an audit certificate
- (d) frequency user fee calculated using the formula specified in paragraph 1(d)
- (e) number fees as stipulated in paragraph 10

The Class B Internet access provider licence

4.—

- (a) an application fee (non-refundable) US\$350,00
- (b) a basic licence fee comprising of two components:
 - (i) an initial licence fee payable on or before the issue of licence US\$2 000 000,00
 - (ii) an annual fee of US\$60 000 or 3% of the audited annual gross turnover plus VAT whichever is greater payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 3% of annual gross turnover or US\$60 000 less monthly payments already made, payable within 90 days of financial year end to be authenticated by an audit certificate
- (c) a contribution of 2% of monthly gross turnover plus VAT as a direct contribution to the universal services fund payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 2% of annual gross turnover less monthly payments already made, payable within 90 days of financial year end to be authenticated by an audit certificate
- (d) frequency user fees calculated using the formula specified in paragraph 1(d)
- (e) number fees as stipulated in paragraph 10

The public data communication licence fees

5.—

- (a) an application fee (non-refundable) US\$350,00
- (b) a basic licence fee comprising of two components:
 - (i) an initial fee payable on or before issue of the licence US\$2 000 000,00
 - (ii) an annual fee of the Zimbabwe Dollar equivalent of US\$60 000,00 or 3% of the annual gross turnover plus VAT whichever is greater payable monthly in arrears, at the end of the following month, for 12 months or part thereof. Final payment, being balance of 3% of annual gross turnover or US\$60 000,00 less monthly payments already made payable within 90 days of financial year end to be authenticated by an audit certificate
- (c) a contribution of 2% of monthly gross turnover plus VAT as a direct contribution to the universal services fund payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 2% of annual gross turnover less monthly payments already made, payable within 90 days of financial year end to be authenticated by an audit certificate
- (d) frequency user fees as calculated using the formula specified in paragraph 1(d)

- (e) number fees as stipulated in paragraph 10

Private network licence fees

6.—

- | | | |
|-----|---|--------------|
| (a) | an application fee (non-refundable) | US\$160,00 |
| (b) | an annual licence fee payable in advance on or before the anniversary date of the licence | US\$2 500,00 |
| (c) | an annual contribution as direct contribution to the universal services fund, payable in advance on or before the anniversary date of the licence | US\$1 000,00 |
| (d) | frequency user fees calculated using the formula specified in paragraph 1(d) | |

The public trunked (radio network) licence fees

7.—

- | | | |
|------|---|------------------|
| (a) | an application fee (non-refundable) | US\$350,00 |
| (b) | a basic licence fee comprising of two components: | |
| (i) | an initial licence fee payable on or before the issue of a licence | US\$2 000 000,00 |
| (ii) | an annual fee of US\$60 000 or 3% of the annual gross turnover plus VAT payable monthly on or before the 10th of the following month, for 12 months or part thereof; Final payment, being balance of 3% of annual gross turnover or S US\$60 000 less monthly payments already made, payable within 90 days of financial year end to be authenticated by an audit certificate | |
| (c) | a contribution of 3% of monthly gross turnover plus VAT as a direct contribution to the universal services fund payable monthly on or before the 10th of the following month, for 12 months or part thereof. Final payment, being balance of 3% of annual gross turnover less monthly payments already made, payable within 90 days of financial year end to be authenticated by an audit certificate | |
| (d) | frequency user fees calculated using the, formula specified in paragraph 1(d) | |
| (e) | number fees as stipulated in paragraph 10 | |

The VSAT landing rights (payable in US dollars only)

- | | | |
|----|--|---------------|
| 8. | An annual fee payable in advance, in full | US\$36 000,00 |
| 9. | (a) Transportable satellite [transceiver and or satellite phones] (pro-rated, for each calendar month or part thereof) | US\$7 500,00 |
| | (b) VSAT with local private hub | US\$10 000 |

Number fees

10. Number fees shall be assigned in blocks of minimum size 1 000 or 10000 depending on the size of the exchange. Operators shall pay an annual fee of US\$0,05 payable in Zimbabwe dollars at the applicable exchange rate per number for all the blocks allocated.

Offences and penalty

11. (a) Any annual fee payable in terms of paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 9 not paid by the due date shall attract a penalty calculated at the ruling banking rate plus 10% of the payable amount:
Provided that any annual fee not paid within three months after the due date shall attract a penalty calculated at 100% of the fee payable plus interest calculated at the ruling bank rate.
- (b) Monthly returns shall be submitted on the date of payment of any fees payable in terms of paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 9 and failure to submit monthly returns shall attract a penalty of 1% of the payable amount.

Foreign shareholding

12. Public Licensees with foreign shareholding shall pay initial licence fees in United States dollars proportionate to the foreign shareholding percentage.

PART II

PRIVATE RADIO STATION FEES AND CONDITIONS

In this Schedule, "radio station" does not include a broadcasting station or a radio receiving station used solely in connection with a broadcasting or diffusion service.

<i>Licence</i>	<i>Conditions of issue</i>	<i>Fee in US dollar or equivalent in Zimbabwe dollar at the applicable exchange rate</i>
1. Aircraft station VHF	(a) application fee (non-refundable)	US\$30,00
	(b) issuance/renewal fee for any Aircraft station working within a frequency range of 30 to 300 megahertz, payable on or before expiry of current licence	US\$160,00
	(c) frequency user fees calculated using the formula specified in paragraph 1(d) of Part 1	
2. Aircraft station (HF)	(a) application fee (non-refundable)	US\$30,00
	(b) issuance/renewal fees for any Aircraft station working within a frequency range of 3 to 30 megahertz. The licence is renewed annually upon payment of renewal fee or before expiry date of current licence	US\$180,00
	(c) frequency user fee calculated using the formula specified in paragraph 1(d) of Part 1	
3. Amateur station	(a) application fee (non-refundable)	US\$30,00
	(b) issuance/ renewal fees for any Aircraft station. Only one station chargeable per call sign. The licence is renewed annually upon payment of renewal fee on or before expiry of current licence	US\$10,00

		(c)	frequency user fee calculated using the formula specified in paragraph 1(d) of Part 1	
4.	Citizen band	(a)	application fee (non-refundable)	US\$30,00
		(b)	Issuance of renewal fee for a mobile station VHF band using pre assigned frequencies. The licence is renewed annually upon payment of renewal fees on or before expiry of current licence	US\$50,00
		(c)	frequency user fees calculated using the formula specified in paragraph 1(d) of Part 1	
5.	Walkie talkie	(a)	Application fee (non-refundable)	US\$30,00
		(b)	issuance/renewal fee for a low power hand held station for two way communication. The licence is renewed annually upon payment of renewal fees on or before expiry of current licence	US\$10,00
		(c)	frequency user fees calculated using the formula specified in paragraph 1(d) of Part 1	
6.	Cordless telephone		(Subject to approved seal of approval)	Free
7.	Model control	(a)	application fee (non-refundable)	US\$30,00
		(b)	issuance/renewal fee. The licence is renewed annually upon payment of renewal fee on or before expiry of current licence	US\$90,00
		(c)	frequency user fees calculated using the formula specified in paragraph 1(d) of Part 1	
8.	Meteorological Aids	(a)	application fee (non refundable)	US\$30,00
		(b)	issuance/renewal fee. The licence is renewed annually upon payment of renewal fees on or before expiry of current licence	US\$90,00
		(c)	frequency user fee calculated using the formula specified in paragraph 1(d) of Part 1	
9.	Ship station (VHF)	(a)	Application fee (non-refundable)	US\$30,00
		(b)	issuance/renewal fee for a station authorised to work a maritime private enterprise radio communication system in the frequency range of 30 to 300 megahertz. The licence is renewed annually upon payment of renewal fees on or before expiry date of current licence	US\$90,00
		(c)	frequency user fee calculated using the formula specified in paragraph 1(d) of Part 1	
10.	Ship station (HF)	(a)	application fee (non-refundable)	US\$30,00

- | | | | | |
|-----|--|-----|---|------------|
| | | (b) | issuance/renewal fee for a station authorised to work a maritime private enterprise radio communication system in the frequency range of 3 to 30 megahertz. The licence is renewed annually upon payment of renewal fees or before expiry date of current licence | US\$90,00 |
| | | (c) | frequency user fee calculated using the formula specified in paragraph 1(d) of Part 1 | |
| 11. | VHF | (a) | application fee (non-refundable) | US\$30,00 |
| | | (b) | issuance/renewal fee for a station mobile or fixed not defined above and including paging transmitters authorised to work in the frequency range of 30 to 300 megahertz. The licence is renewed annually upon payment of renewal fee or before expiry date of current licence | US\$10,00 |
| | | (c) | frequency user fee calculated using the formula specified in paragraph 1(d) of Part 1 | |
| 12. | HF (local) | (a) | application fee (non-refundable) | US\$30,00 |
| | | (b) | issuance/renewal fee for a station mobile or fixed not defined above and including paging transmitters authorised to work in the frequency range of 3 to 30 megahertz. The licence is renewed annually upon payment of renewal fees or before expiry date of current licence | US\$50,00 |
| | | (c) | frequency user fees calculated using the formula specified in paragraph 1(d) of Part 1. | |
| 13. | HF (cross border) | (a) | application fee (non-refundable) | US\$30,00 |
| | | (b) | issuance/renewal fee for a station mobile or fixed not defined above and authorised to work in the frequency range of 3 to 30 megahertz across borders. The licence is renewed annually upon payment of renewal fees or before expiry date of current licence | US\$150,00 |
| | | (c) | frequency user fee calculated using the formula specified in paragraph 1(d) of Part 1 | |
| 14. | Renewal fees for annual licences payable in terms of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of Part II not paid on or before the expiry date of the current licence shall attract a penalty of 100% of the licence fee plus interest calculated at the ruling bank rate | | | |

PART II

RADIO SERVICES

<i>Services</i>	<i>Fee in US dollar or the equivalent in Zimbabwe dollar at the applicable exchange rate</i>
1. Relocation of an existing station/network	US\$15,00
2. Addition of radios to existing network	US\$15,00
3. Type approval of radio equipment	US\$500,00
4. Registration as a Radio Dealer	US\$120,00
5. Renewal of Radio Dealer Certificate	US\$100,00
6. Application to sit for Amateur Radio Examination Certificate	US\$10,00
7. Issue of duplicate Certificate of Competency	US\$20,00
8. Inspection of newly established Amateur station	US\$50,00
9. Inspection in connection with interference where apparatus is found to be faulty or inadequately maintained	US\$200,00