

ICT Weekly Update

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Feel free to forward this ICT Weekly Update, without alteration, to friends and colleagues.

If you would like to obtain copies of any of the documents mentioned in this ICT Weekly Update, please visit our website at [ICT Law and Regulation - South Africa](http://www.thornton.com/ict-law-and-regulation-south-africa). If you require additional information, or want assistance in responding in any proceeding, please contact info@thornton.co.za.

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Legal, regulatory and policy developments in the ICT industry

Prepared by Lisa Thornton Inc for clients and colleagues

NEW FINDINGS, JUDGMENTS AND ANNOUNCEMENTS

ICASA

- ICASA published the reporting format with respect to regulation 6 of the End-User and Subscriber Service Charter, 27 Jan 2012

.za DNA

- A panel of adjudicators ordered the transfer of the domains, kingo.co.za and kingonumbers.co.za.

NEW PROCEEDINGS

ICASA

- ICASA issued invitations to apply for -
 - individual commercial subscription broadcasting service licences, due **11 July 2012**
 - individual commercial sound broadcasting service licences in Gauteng, Cape Town and Durban (primary markets), due **4 July 2012**
 - individual commercial sound broadcasting service licences in the Eastern Cape, Northern Cape and Free State (secondary markets), due **27 June 2012**
- ICASA gave notice of reasons of its decision in respect of the application for the transfer of the broadcasting licence of East Coast Radio to Kagiso Broadcasting.

PENDING PROCEEDINGS - REPRESENTATIONS DUE

DoC

- The DoC invites comments on a notice of intention to make Policy Directions to ICASA in respect of the 800 MHz and 2.6 GHz radio frequency bands, due **29 Feb 2012**.

ICASA

- ICASA invited comments on the proposed draft Spectrum Assignment Plan for the radio frequency bands, 800 MHz and 2.6 GHz, due **29 Feb 2012**.
- ICASA invited comments on the draft invitation to apply for radio frequency spectrum licenses in the bands, 800 MHz and 2.6 GHz, also due **29 Feb 2012**.
- ICASA published an Issues Paper: A Review of the Broadcasting Regulatory Framework towards a Digitally Converged Environment, for public comment, due **16 March 2012**.

PENDING PROCEEDINGS - OUTCOME AWAITED

Parliament

- Protection of Information Bill
- Protection of Personal Information Bill

Minister of Communications

- Amended broadcasting digital migration policy
- ICASA Amendment Bill
- Cyber-security Policy
- Strategy on local and digital content development
- Set top box manufacturing sector development strategy
- Study on the trends of digital local content and uptake rates

ICASA

[Pending decisions about individual licenses and complaints are not included in this list]

- Repeal the digital migration regulations and replacement with digital terrestrial television regulations.
- List of under-serviced areas
- Regulatory Framework for Broadcasting Transmission Services
- Introduction of local loop unbundling
- Report re wholesale transmission services
- Report re universal service obligations
- Radio frequency spectrum fee regulations applicable to broadcasting
- Numbering Plan Regulations
- Ownership and control regulations
- Amended E-rate regulations
- Must carry obligations
- Schedule for periodic review of markets; Regulations for monitoring and investigating anti-competitive behavior; Significant market power determinations; Pro-competitive licence conditions; Methodology to determine effectiveness of competition; and Methodology to define and identify markets
- Technical standards for power line communications
- Essential facilities regulations

[The following were initiated under the Telecommunications Act]

- Findings in enquiry into a satellite licensing framework
- Findings re Community Sound Broadcasting Policy
- Regulations re telecommunications equipment approval
- Regulations re amateur radio
- Regulations re local TV

Dept Trade and Industry

- ICT Sector Charter, Broad Based Black Economic Empowerment Act

Minister of Science and Technology

- Regulations on radio astronomy protection levels in astronomy advantage areas.
- Regulations in terms of the Astronomy Advantage Areas Act

Minister of Justice and Constitutional Development

- Promotion of Access to Information Amendment Bill
- 17th Amendment Bill to the Constitution, permitting national gov't to require municipalities to participate in infrastructure plans
- 18th Amendment Bill to the Constitution and State Liability Bill
- Ratification of Council of Europe's Convention on Cyber crime (dealing with computer-related fraud and forgery and infringement of copyright). Additional protocol regarding racist and xenophobic acts committed through computer systems has yet to be signed by South Africa.

National Treasury

- New Standardised PPP Provisions

Dept of Environmental Affairs

- Amendments to the Environmental Impact Assessment Regulations, 2010
- Additional Implementation Guidelines (Sector Guidelines) in terms of National Environmental Management Act
- Implementation Guidelines in terms of National Environmental Management Act
- Guidelines on environmental impact assessments for facilities to be included in the electricity plan and for strategically important developments of state owned enterprises

National Consumer Commission

- Guidelines for the accreditation of Ombud Schemes
- Guidelines for the development of industry codes of conduct

.za Domain Name Authority

- Amended Memorandum and Articles of Association of the Authority
- Registry and Registrar licensing regulations

City of Johannesburg

- By-laws re rights of way for electronic communications facilities

South African Law Reform Commission

- Issue Paper on electronic evidence
- Discussion Paper 122 on Project 25: Statutory law revision, legislation administered by DoC.

Regulatory Compliance Manual for licensees and licence exempt entities

This compliance manual for EC Act licensees and licence exempt entities covers the EC Act, the ECT Act and the interception legislation. If you are interested in purchasing the manual, please send an email to info@thornton.co.za with an indication of the price you are willing to pay.

ISP Standard Terms and Conditions

With the adoption of Standard Terms and Conditions (STC) an ISP is able to sign one page service agreements with customers. If you are interested in purchasing the STC and a simple ISP Service Agreement, please send a request to info@thornton.co.za.

Communications Systems and Website Use Policies

These policies for employee and consultants' use of employers' communications systems, and for inclusion in websites, respectively, which have been developed in line with South African law. If you would like to purchase the policies, please email a request to info@thornton.co.za.

LISA THORNTON INC PUBLICATIONS

International Comparative Legal Guide (IPLG)

The South African chapter of the International Comparative Legal Guide to Telecommunications Law and Regulations 2011 can be found at http://www.iclg.co.uk/index.php?area=4&country_results=1&kh_publications_id=157&chapters_id=3897.

Telecommunications Law in South Africa

If you would like to purchase Telecommunications Law in South Africa, contact STE publishers at angela@ste.co.za. It is available online at [ICT Law and Regulation - South Africa](#).

The State of Competition in the Telecommunications Sector in South Africa

This report is available online at internationalcompetitionnetwork.org/media/library/conference_5th_capetown_2006/AppendixIII.pdf.

World Communications Regulation Report

BNA International has published a series of articles by Lisa Thornton Inc on South African ICT issues.

- Re-shaping the Electronic Communications Regulator, Aug 2010
- Broadcasting Regulatory Developments, March 2010
- Policy and Legislative Developments, Nov 2009
- Suggested Amendments to the Electronic Communications Act - Universal Service, Aug 2009
- Suggested Amendments - Competition Matters, July 2009
- Suggested Amendments - Interconnection, June 2009
- Suggested Amendments - Licensing, May 2009
- South Africa's New Service Licence Fees, April 2009
- Numbering Plans and Number Portability, March 2009
- Court Rulings, Licence Conversion, and the Future of Electronic Communications in South Africa, Dec 2008

- Radio Frequency Spectrum, October 2008
- High Court Ruling Paves the Way for Competition, Sept 2008
- Recent Legal Challenges, May 2008
- Update on the Licence Conversion Process, April 2008
- A New Broadband Infrastructure Company, Feb 2008
- Regulation of Submarine Communications Networks, November 2007
- Interception of Electronic Communications, October 2007
- The Minister's Policy and Policy Directions, September 2007
- How the Communications Regulator exercises its Powers and Functions, July 2007
- The Making of subordinate Legislation, May 2007
- Rights of Way, April 2007
- Competition Matters, March 2007
- Universal Service, Feb 2007
- The Regulation of Broadcasting Services, Dec 2006
- Interconnection and Facilities Leasing, November 2006
- The Powers of the Minister and of the Independent Regulator, October 2006
- The Electronic Communications Act, Sept 2006

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