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GOVERNMENT NOTICES

DEPARTMENT OF COMMUNICATIONS

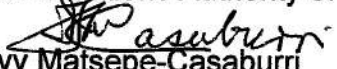
No. R. 1384

1 October 2003

TELECOMMUNICATIONS ACT, 1996 (ACT No. 103 OF 1996)

REGULATIONS RELATING TO THE MANNER IN WHICH APPLICATIONS FOR VALUE ADDED NETWORK SERVICE (VANS) LICENCES ARE TO BE MADE.

In terms of section 96 of the Telecommunications Act, 1996 (Act No. 103 of 1996) as amended, I, Dr. Ivy Matsepe-Casaburri, Minister of Communications hereby approve and publish the regulations in the Schedule made by the Independent Communications Authority of South Africa.


Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE

Definition

In this Schedule any expression to which a meaning has been assigned by the Telecommunications Act, 1996 (Act No. 103 of 1996) (hereinafter referred to as the Act), shall have the same meaning unless the context otherwise indicates.

Application and Repeal

These regulations apply to Value Added Network Services (hereinafter referred to as "VANS") and repeal the Interim Guidelines relating to the manner in which applications shall be made in respect of licences for VANS, published in notice 1701 of 1997 in Government Gazette No. 18415 of 06 November 1997.

Manner of application

1. An application for a VANS licence shall:

- (1) be made to the Authority in writing by completing the application form as set out in Annexure A attached herein;
- (2) identify the applicant by providing the following information :
 - (a) if the applicant is a natural person, the following information must be furnished:
 - (i) the full names of the applicant;
 - (ii) the identity number of the applicant;

- (iii) the applicant's permanent residential address;
 - (iv) the applicant's business address;
 - (v) the applicant's telephone and fax numbers.
- (b) if the applicant is a juristic person, the following information must be furnished:
- (i) business name and address, the telephone and fax numbers of the applicant, and certified copies of all the founding documents of the applicant;
 - (ii) the full name, address (physical, postal and e-mail) and the telephone number, fax number of each shareholder or member owning shares or having an interest in the applicant by completing section 1.2.2 of the application form.
- (3) contain a general description of the service to be provided.
- (4) contain a description of all the technical aspects of the network including but not limited to, network diagram, points of presence and the identification of telecommunication facilities provided by PSTS operator(s) and any other relevant information.
- (5) contain a general description of the geographical area where the service will be provided, including relevant maps.
- (6) contain a certified copy of the type-approval certificate by the Authority of the telecommunications equipment to be used in respect of any telecommunications equipment to be connected to the public switched telecommunication network.

2. A VANS application shall contain-

- (a). In the case of natural persons with annual turnover of R1 000 000 (one million Rand) and above;**
- (i) the employment strategies related to historically disadvantaged individuals;

(b). In the case of juristic persons;

- (i) the employment strategies related to historically disadvantaged individuals; and
- (ii) Have a minimum of 15 percent (%) shareholding by historically disadvantaged individuals.

(c). In the case of deemed VANS operators with annual turnover of R1 000 000 (one million Rand) and above;

- (i) A minimum of 15 percent (%) shareholding by historically disadvantaged individuals within 24 months of promulgation of these regulations.

Annexure A**APPLICATION FOR A LICENCE TO PROVIDE
VALUE ADDED NETWORK SERVICE (VANS).****1 PARTICULARS OF THE APPLICANT****1.1 Natural persons:**

Name of the applicant:

Nature of business.....
.....
.....

Identification number of the applicant:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Permanent residential address:
.....
.....
.....Principal place of business:
.....
.....
.....

Telephone number: (.....).....

Fax number : (.....).....

Cellular Number: (.....).....

E-mail address:

Companies and Closed Corporations:**1.2.1 Address**

1.2.1.1 Business name:

1.2.1.2 Nature of business:
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[illegible]

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1.2.1.7 E-mail address:

1). Name: Address: Tel. No. : (.....) Fax No. : (.....) E-mail Address:	Shares:	%
	Nature of Shares	☐ Ordinary ☐ Preference ☐ Redeemable

2). Name: Address: Tel. No. : (.....) Fax No. : (.....) E-mail Address:	Shares:	%
	Nature of Shares	☐ Ordinary ☐ Preference ☐ Redeemable

3). Name: Address: Tel. No. : (.....) Fax No. : (.....) E-mail Address:	Shares:	%
	Nature of Shares	☐ Ordinary ☐ Preference ☐ Redeemable

4). Name: Address: Tel. No. : (.....) Fax No. : (.....) E-mail Address:	Shares:	%
	Nature of Shares	☐ Ordinary ☐ Preference ☐ Redeemable

5). Name: Address: Tel. No. : (.....) Fax No. : (.....) E-mail Address:	Shares:	%
	Nature of Shares	☐ Ordinary ☐ Preference ☐ Redeemable

6). Name: Address: Tel. No. : (.....) Fax No. : (.....) E-mail Address:	Shares:	%
	Nature of Shares	☐ Ordinary ☐ Preference ☐ Redeemable

Description of the Service*Please tick the applicable block(s)*

A description of the proposed service(s) to be provided:

- ☐ Electronic Data Interchange (EDI)
- ☐ Protocol Conversion
- ☐ Access to a Database
- ☐ E-mail
- ☐ Internet
- ☐ Managed Data Network Services (MDNS)

Other:

.....

.....

.....

2.1.2 Business plan, including projection of the market size and target market for the proposed VANS for the first year of operation to be attached to this application

2.1.3 Licence fee income for the last financial year: R.....
Forecast of revenue for the first year in the case of new applicants.

3. Technical Description of the Network

3.1. Please attach to this application a description of all technical aspects of the network including but not limited to, network diagram, points of presence and the identification of telecommunication facilities provided by PSTS operator(s) and any other relevant information.

3.2 Interfaces between PSTN and VANS network;

- ☐ V-type interfaces:
- ☐ X-type interfaces:
- ☐ Main path interfaces:
- ☐ Network/Protocol interfaces:
- ☐ Other:

.....

.....

.....

3.3 Equipment to be used by the applicant in the provision of VANS, not supplied by a Public Switched Telecommunication Network (PSTN) operator:

- ☐ Routers
- ☐ Switches
- ☐ Hubs
- ☐ Bridges

Other:

-
.....
- 3.4 Indicate telecommunications facilities to be used by the applicant, supplied by a Public Switched Telecommunication Network (PSTN) operator:

☐ Diginet or Diginet Plus

☐ ISDN

☐ Saponet-P

☐ VSAT

Other:

-
.....
.....
.....
- 3.5 Geographical area(s) where the proposed value added network service(s) will be provided.

- 3.6 Please attach to this application, a certified copy of the type-approval certificate issued by the Authority in respect of any telecommunications equipment to be connected to a PSTN Operator.

4. To be completed by applicants who are natural persons:

The employment strategies related to historically disadvantaged individuals:.....
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4.1 To be completed by applicants who are juristic persons.

4.1.1 The employment strategies related to historically disadvantaged individuals:.....
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4.1.2 Percentage of shareholding by historically disadvantaged individuals:
.....%

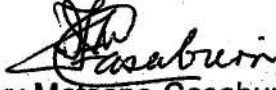
5. Any other information the applicant deems relevant.

No. R. 1385

1 October 2003

TELECOMMUNICATIONS ACT, 1996 (ACT No. 103 OF 1996)**REGULATIONS RELATING TO THE MANNER IN WHICH APPLICATIONS FOR PRIVATE TELECOMMUNICATION NETWORK (PTN) LICENCES ARE TO BE MADE.**

In terms of section 96 of the Telecommunications Act, 1996 (Act No. 103 of 1996) as amended, I, Dr. Ivy Matsepe-Casaburri, Minister of Communications hereby approve and publish the regulations in the Schedule made by the Independent Communications Authority of South Africa.



Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE**Definition**

In this Schedule any expression to which a meaning has been assigned by the Telecommunications Act, 1996 (Act No. 103 of 1996) (hereinafter referred to as the Act), shall have the same meaning unless the context otherwise indicates.

Application and Repeal

These regulations apply to Private Telecommunications Network (hereinafter referred to as "PTN") and repeal the Interim Guidelines relating to the manner in which applications shall be made in respect of a licence for PTN, published in notice 1701 of 1997 in Government Gazette No. 18415 of 06 November 1997.

Manner of application

1. An application for a PTN licence shall:

- (1) be made to the Authority in writing by completing the application form as set out in Annexure A attached herein;
- (2) identify the applicant by providing the following information:
 - (i) business name and address, the telephone and fax numbers of the applicant, and where applicable, certified copies of all the founding documents of the applicant;

- (ii) the full name, address (physical, postal and e-mail) and the telephone number, fax number of each shareholder or member owning shares or having an interest in the applicant;
- (3) contain a general description of the service to be provided.
- (4) contain a description of all the technical aspects of the network including but not limited to, network diagram, demarcated private properties, points of interconnection with PSTN(s) and the identification of telecommunication facilities provided by PSTN if applicable and any other relevant information.
- (5) contain a general description of the geographical area where the service will be provided, including relevant maps.
- (6) contain a certified copy of the type-approval certificate issued by the Authority of the telecommunications equipment to be used in respect of any telecommunications equipment to be connected to the public switched telecommunication network.

Annexure A**APPLICATION FOR A LICENCE TO PROVIDE
A PRIVATE TELECOMMUNICATIONS NETWORK (PTN).****1 PARTICULARS OF THE APPLICANT****Juristic persons:****1.2.1 Address**

1.2.1.1 Business name:

1.2.1.2 Nature of business.....
.....
.....
.....

1.2.1.2 Registration number:

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1.2.1.3 Principal place of business:
.....
.....
.....1.2.1.4 Postal Address:
.....
.....
.....

1.2.1.5 Telephone number : (.....).....

1.2.1.6 Fax number : (.....).....

1.2.1.7 E-mail address:

Please attach certified copies of all the founding documents of the applicant to this application. (Founding statement for CC, Shareholders agreement, Application for conversion from company to CC, Certificate of incorporation, Memorandum of association, Certificate of Incorporation for Section 21 Company, Deed of Trust, Certificate of change of name of company)

Purpose of the PTN

2.1.1

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.....

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Technical Description of the Network

The area of operation of the proposed PTN, (contain a description of all technical aspects of the network including but not limited to, network diagram, demarcated private property(s), points of interconnection with PSTN(s) and the identification of telecommunication facilities provided by PSTN if applicable and any other relevant information:

.....

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3.2 Interfaces between PSTN and PTN;

- ☐ V-type interfaces:
- ☐ X-type interfaces:
- ☐ Main path interfaces:
- ☐ Network/Protocol interfaces:

Other:

.....

.....

3.3 Equipment to be used by the applicant in the PTN, not supplied by a Public Switched Telecommunication Network (PSTN) operator:

- ☐ Routers
- ☐ Switches
- ☐ Hubs
- ☐ Bridges

Other:

.....

.....

.....

3.4 Indicate telecommunications facilities to be used by the applicant, supplied by a PSTN Operator:

☐ Diginet or Diginet Plus

☐ ISDN

☐ Saponet-P

☐ VSAT

Other:
.....
.....
.....

3.5 Please attach to this application, a certified type-approval certificate issued by the Authority in respect of any telecommunications equipment to be connected to a PSTN Operator.

4. Any other information the applicant deems relevant.

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No. R. 1390

1 October 2003

TELECOMMUNICATIONS ACT, 1996, (ACT 103 OF 1996)

In terms of section 96 of the Telecommunications Act, 1996 (Act 103 of 1996) as amended, I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby approve the regulations in the Schedule made by Independent Communications Authority of South Africa in terms of section 96 read with section 88(1), 88(2) and 88(3) of the said Act.

Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE**REPEAL**

These regulations repeal the section 88(1), 88(2) & 88(3) regulations published in Government Gazette 23685 of the 29th of July 2001, Notice 1333 of 2002.

DEFINITIONS

1. In this Schedule any expression to which a meaning has been assigned by the Telecommunications Act, 1996, (Act 103 of 1996) (hereinafter referred to as, "the Act"), shall have the same meaning unless the context otherwise indicates.

APPLICATION FEES

2. The following application fees shall accompany an application for the respective licence categories:

(1) Value Added Network Services (VANS)	R5,000.00
(2) Private Telecommunication Networks (PTN)	R5,000.00

to be adjusted annually for inflation by taking into account cumulative changes in the Consumer Price Index for the immediately preceding calendar year and with 2001 as the base year.

TIME FOR PAYMENT OF LICENCE FEES FOR VANS AND PTNs LICENCES

3. The first payment of the annual licence fee for any Value Added Network Service Licence shall be made within three months after the first anniversary of the issued licence. Subsequent annual licence fees for a Value Added Network Service licence shall be paid on or before each anniversary thereafter.
4. Annual licence fees for a Private Telecommunication Network licence shall be paid on or before each anniversary date of the licence.

PENALTY FOR LATE PAYMENT

5. A Value Added Network Service or Private Telecommunication Network Licensee who fails to pay the annual licence fee on or before the required date shall, in addition to the annual licence fee, pay a penalty comprising 10% (ten percent) of the annual licence fee per month overdue up to three months after the required date, failing which s100 of the Act shall be invoked.
-

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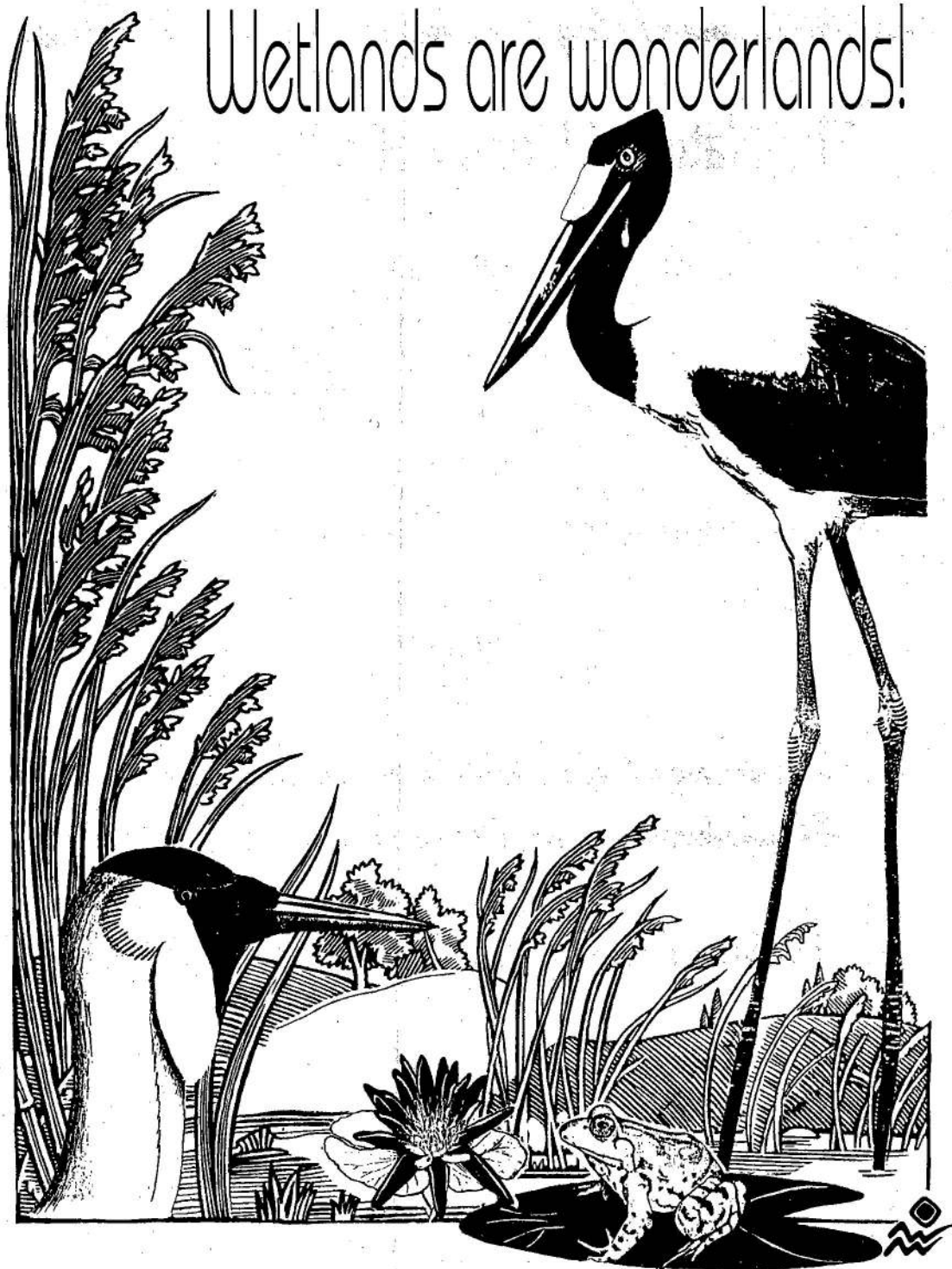
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