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REPUBLIC OF SOUTH AFRICA
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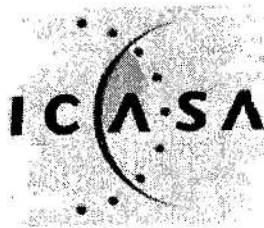


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Independent Communications Authority of South Africa	
<i>General Notice</i>	
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GENERAL NOTICE

NOTICE 559 OF 2003**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

NOTICE OF INTENTION TO PRESCRIBE REGULATIONS IN TERMS OF SECTION 52 AND 96 OF THE TELECOMMUNICATIONS ACT NO 103 OF 1996, AS AMENDED, WHICH LIMITS THE OWNERSHIP AND CONTROL OF LICENCES GRANTED IN TERMS OF SECTION 40A ("UNDER-SERVICED AREA LICENCES").

The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it intends making the following regulations in terms of section 52 of the Telecommunications Act No. 103 of 1996, as amended ("the Act"), with regard to the ownership and control of Under - Serviced Area Licences ("USALs").

These regulations are made specifically to limit the ownership and control of or the holding of any financial or voting interests in the category of licences granted pursuant to section 40A of the Act.

These regulations will be effected in terms of section 96 of the Act.

The provisions in Government Gazette No24288 promulgated on the 16th of January 2003, which contain "Regulations in respect of the Limitation of Ownership and Control of Telecommunication Services" is specifically incorporated herein in so far as this regulation does not amend any of the definitions or provisions contained therein.

The proposed regulations are attached as "Schedule A" herein.

Interested persons are hereby invited to submit written representations in relation to the proposed regulations to the Authority by no later than the 16h00 on the 26th March 2003.

Written representations may be e-mailed, faxed, posted or hand delivered for the attention of:

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164 Katherine Street
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Please note that the Authority will not be holding public hearings on this draft regulation, thus all written representations should be detailed and complete.

**MANDLA LANGA
CHAIRPERSON
ICASA**

SCHEDULE "A"

1. Definitions

In these regulations a word or expression shall have the meaning assigned to it in terms of the Act and the General Notice in Respect of the Limitation of Ownership and Control of Telecommunications Services as contained in Government Gazette No. 24288 of 2003.

2. Limitation of ownership and control of telecommunication services

- 2.1 Any person or an affiliate of such a person with an existing controlling interest or ownership interest in the any of the existing telecommunications licences in terms of sections 32B, 32C, 36 and 37 of the Act are excluded from applying for or acquiring any financial or voting interest in any Under-Served Area Licence.
- 2.2 No person or an affiliate of such person shall hold a **controlling interest** in more than one (1) Under- Served Area Licence.
- 2.3 No person or an affiliate of such person, **shall** hold an **ownership interest** in more than **nine (9)** Under-Served Area Licences.
- 2.4 No foreign person or an affiliate of such person shall, whether directly or indirectly, have a **controlling interest** in an Under-Served Area Licensee.

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