



Botswana Telecommunications Regulations 1999

C.634

Statutory Instrument No. 52 of 1997

TELECOMMUNICATIONS ACT, 1996 (No.
15 of 1996)

TELECOMMUNICATIONS REGULATIONS, 1997
(Published on 17th July, 1997)

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PART I-Preliminary

IN EXERCISE of the powers conferred on the Telecommunications Authority by section 26 of the Telecommunications Act, 1996 (No. 15 of 1996), the following Regulations are hereby made

- 1. These Regulations may be cited as the Telecommunications Regulations, 1997. Citation
- 2. In these Regulations, unless the context otherwise requires Citation
 - "Act" means the Telecommunications Act, 1996;
 - "address capacity" means a part of the address plan's total address resource; Interpretation
 - "Authority" means the Telecommunications Authority;
 - "connexion to a telecommunication system" means either direct connexion by wired, radio optical or other electromagnetic means, to the termination point of a telecommunication system, or the interworking point of such a system; No, 150f19%
 - "license" means a service provider as defined under section 2 of the Act, and shall include a telecommunication system operator;
 - "number capacity" means a part of the numbering plan's total number resource.

PART 11- Telecommunication Networks and Services

- 3. Every licensee shall General obligation
 - (a) operate his telecommunication system or provide his telecommunication service in accordance with international telecommunication treaties and conventions which are binding on Botswana;
 - (b) take the necessary measures to ensure that telecommunication is maintained in the case of war or other crisis or emergency; and
 - (c) take the necessary measures to ensure that emergency calls or information is conveyed during an emergency or at any other time.
- 4. Every licensee shall comply with such numbering system as is determined by the Authority. Obligation to apply numbering system
- 5. (1) The Authority shall allocate, to each licensee, a number or address capacity which the Authority considers reasonable taking into account the number of subscribers which the Authority has forecast, the need for operator codes, and any other relevant factor; and the Authority shall, when so allocating number capacity, specify, in writing, the purpose for which such capacity may be used. Allocation of numbering and address capacity
 - (2) A licensee may apply in writing to the Authority to supply it with the number or address capacity which the Authority has allocated to it.
 - (3) A licensee shall use only the number or address capacity allocated to it in accordance with subregulation (1), and only for the purpose for which it has been allocated.

(3) The cost of any alteration made to, or movement of, existing lines for the transmission of electricity to avoid interference with proposed telecommunication lines shall be borne by the licensee provided that electricity line was lawfully erected; in all other cases the cost of alteration or movement shall be borne by the owner of the electricity line.

Height and depth of lines

10. (1) The height of aerial telecommunication lines along any land, street, road or footpath shall be at least 3m, and that of any aerial telecommunication line crossing any such land, street road or footpath shall be at least 5m above the surface of the ground; and a telecommunication line crossing a main road or railway shall be at least 60cm below the surface of the ground.

(2) Subject to the provisions of regulations 8 and 11; the licensee shall take such steps, at its own expense, as it considers it necessary to effect relief to the owner or occupier of any land who proves, to the satisfaction of the licensee, that he is obstructed in the free use of the land by reason of the insufficient height or depth of any telecommunication line.

Alteration of works at request of local authority or other person

11. (1) Where, as a result of any works undertaken by a local authority or any person, it becomes necessary to alter any pre-existing telecommunication line, the cost of such alteration shall be borne by such local authority or person.

(2) Where any telecommunication line passing over private property interferes with any building about to be erected on that property, the owner or occupier of that property shall so notify the licensee responsible for that line in writing, and also, at the same time, provide proof that such building is to be erected, and the licensee shall, within four weeks of receiving such notification and proof, cause the line to be altered in such a manner as will remove all obstacles to building operation.

(3) Where the owner or occupier of any land through which a telecommunication line passes requests a licensee to alter or move any telecommunication line for any other reason, the licensee shall, within 28 days of such request, either comply with the request or, if it does not so comply, so inform the owner or occupier in writing, giving reasons for his decision not to comply.

Damage to property or injury to persons

12. (1) A licensee shall, in carrying out any work required for its purposes, exercise due care and shall carry out such work with regard to the safety and convenience of the owners or occupiers of the land, street, road, footpath, waterway or railway upon which the work is carried out, and with minimum damage to the property of that owner or occupier or to telecommunication lines or other telecommunication infrastructure on, over, or under that property and shall make good all streets, roads, footpaths, waterways, rail ways, telecommunication lines or other infrastructure disturbed by such work.

(2) The licensee shall be liable for compensation for injury or damage caused to any property including telecommunication lines or other infrastructure if such injury or damage was caused willfully or through the negligence of its employees.

(3) Any person who, either directly or indirectly by his servant or employee, by an animal, vehicle or thing owned by him or in his custody, with intention or through negligence, destroys or damages any line, mast, building or other component constituting telecommunication infrastructure, shall be liable to pay the owner or, if applicable, the user of the infrastructure, the cost of making good the destruction or damage.

Technical feasibility and compatibility

13. A licensee shall, in order to fulfill essential requirements, ensure that the network operations or services he provides are technically feasible and are compatible with the networks, operations or services provided by other licensees. :

20. Radio stations shall comply with international regulations concerning distress signals, such as the group (SOS) in radio telegraphy and the word "MAYDAY" in radio telephony and priority shall be given to any other communication.

Distress signals

PART IV -Type Approval

21. A licensee shall, before supplying, installing or using any telecommunication equipment, apply, in writing, to the Authority to have that equipment type approved.

Type approval

22. (1) A licensee shall, not less than four week~ before submitting an application to the Authority for the type approval of his telecommunication equipment, have that equipment field tested by the Authority or such body as may be approved by the Authority in order to assess the performance of the equipment in the telecommunication system.

Field tests

(2) The licensee shall submit, with his application for the type approval of his telecommunication equipment, a certificate from the body referred to in sub regulation (1) certifying whether or not the said equipment has been field tested, and certifying as to its performance in the telecommunication system.

23. (1) The Authority shall type approve telecommunication equipment only where the licensee concerned can demonstrate that he can arrange for an acceptable repair service in Botswana:

Repair service~
precondition for
type approval

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Provided that the Authority may, where it is satisfied that the standard of service will not be compromised, permit the licensee to have a service contact point in Botswana, which service contact point may then, where necessary, send the said equipment abroad for repairs or subcontract the repair service to such person as the Authority may approve.

(2) The Authority may, where it considers it appropriate, exempt a licensee from the requirements of type approval as specified in sub regulation (1).

(3) A licensee who wishes to be exempted in terms of sub regulation (2) shall apply to the Authority in writing *for* such exemption at the same time; as he applies for type approval stating reasons in support of the application for the exemption.

24. In type approving telecommunication equipment, the Authority shall ensure that the technical configuration of equipment corresponds to the equipment in respect of which an application for type approval is made.

Configuration
of equipment
for type
approval
Operating
instructions

25. Every licensee shall ensure that operating instructions in respect of any telecommunication equipment supplied or installed by him are supplied in both English and Setswana to the user or the subscriber.

26. A type approval in respect of any telecommunication equipment shall be valid for such time as the Authority shall stipulate.

Validity time
of type
approval

27. (1) The Authority may revoke a type approval for any of the following Reasons

Revocation
of type
approval

- (a) the telecommunication equipment does not comply with essential requirements when properly or correctly used for the purpose for which it was intended by the manufacturer:
- (b) an acceptable repair service arrangement ceases to exist:
- (c) a licensee ceases to adhere to the provisions of these regulations: and
- (d) the licensee supplied, with his application; for type approval, any Information which was false, and on which the Authority relied upon to make a decision to grant type approval.