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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

THE ELECTRONIC AND POSTAL COMMUNICATIONS (RADIO COMMUNICATIONS AND
FREQUENCY SPECTRUM) REGULATIONS, 2011

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THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

(Made under section 165)

THE ELECTRONIC AND POSTAL COMMUNICATIONS
(RADIO COMMUNICATIONS AND FREQUENCY SPECTRUM) REGULATIONS, 2011

PART I
PRELIMINARY PROVISIONS

- | | |
|--------------------------------|--|
| Citation | 1. These Regulations may be cited as the Electronic and Postal Communications (Radio communications and Frequency Spectrum) Regulations, 2011. |
| Applica-
tions | 2. These Regulations shall apply to licensees who are using radio frequency spectrum resource. |
| Interpre-
tation
Cap.306 | 3. In these Regulations, unless the context otherwise requires-
“Act” means the Electronic and Postal Communications Act;
“amateur service” means radio-communication service in which the transmissions are intended for the purpose of self-training, intercommunication and technical investigations;
“amateur station” means a station in respect of which an amateur station licensee is authorised in the licence to use;
“amateur” means an authorised person interested in radio techniques solely with a personal aim and without |

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- pecuniary interest;
- “authorised officer” means any person authorised by the Authority to act on its behalf;
- “Authority” means the Tanzania Communications Regulatory Authority established under the Tanzania Communications Regulatory Authority Act;
- “base station” means a radio communications transmitter and its associated infrastructure including any antenna, housing and other equipment in the land mobile service;
- “fixed station” means a station in the fixed service;
- “fixed service” means a radio communications service between specified fixed points;
- “earth station” means a station located either on the earth’s surface and intended for communications with one or more stations of the same kind by means of one or more reflecting satellites or other objects in space;
- “land mobile service” means a mobile service between a base station and a land mobile station or between land mobile stations themselves;
- “land station” means a station in the mobile service not intended to be used while in motion;
- “licence” means any licence issued to frequency spectrum users under the provisions of the Acts;
- “licensee” means any person who holds a licence;
- “localised radio communications” means communications by radio covering short distance using low power transmitter;
- “mobile service” means a radio communications service between mobile and land stations, or between mobile stations themselves;
- “mobile station” means a station in the mobile service intended to be used in motion or during halts at unspecified points;
- “network” means two or more stations operated by a person and used or intended to be used in communications with one another;
- “private network” means a network which exists to meet the

- exclusive internal communication needs of the licensee;
by means of radio communications;
- “public network” means a network which is accessible to any member of the public;
- “radio regulations” means the radio regulations annexed to the International Telecommunication Convention;
- “radio communication” means-
- (a) radio emission; or
 - (b) reception of radio emission for the purpose of communicating information between persons and persons, persons and things or things and things and reference to communicating information includes communicating information between a part of a thing and-
 - (i) another part of the same thing; or
 - (ii) the same part of that thing by means of radio waves.
- “radio communications device” means-
- (a) a radio communications transmitter; or
 - (b) a radio communications receiver;
- “radio communication transmitter” means-
- (a) a transmitter designed or intended for use for the purpose of radio communications; or
 - (b) anything whether artificial or natural that is designed or intended for use for the purpose of radio communications by means of the reflection of radio emissions;
- “radio communications receiver” means anything designed or intended for use for the purposes of radio communication by means of the reception of radio emission whether artificial or natural;
- “transmitter” means anything, irrespective of its use or function or the purpose of its design, that is capable of radio emission;
- “spectrum” means range of radio frequencies within the radiofrequency band;
- “spectrum plan” means division of the entire radio frequency

spectrum into frequency bands for the purpose of regulating radio communications and specify the general purpose or purposes for which each other band may be used;

“station” means a transmitter, receiver, a combination of transmitters and receivers or any accessory thereto which is used or intended to be used for radio-communication;

“user” means any person or body of persons who uses or operates radio communication services.

**PART II
GENERAL CONDITIONS FOR GRANTING RADIO SPECTRUM**

Permission to use spectrum and operate station

4.-(1) The spectrum may be assigned for mobile or fixed wireless access, networks, private business radio, fixed links and broadcasting stations depending on availability of spectrum.

(2) Notwithstanding sub regulation (1), no person shall use any portion of radio frequency spectrum or channel to establish or operate any network or shall possess, establish, install or use any station in any place or on board any local vessel or aircraft or in any vehicle, unless he has a valid licence granted by the Authority.

(3) For the interest of equity, two or more companies or corporations operating in a joint venture shall not apply for spectrum from a single band planned for public wireless access network use.

(4) Spectrum assigned to a licensee shall not be leased or transferred to a third party.

(5) For the purposes of economic efficient, spectrum planned for Wireless Access Network shall be allocated to public networks.

Station and network elements

5.-(1) A licensee assigned spectrum by the Authority shall be required to keep up-to-date records of radio communications equipment and corresponding network

records

elements in a format approved by the Authority.

(2) The records referred to under sub-regulation (1) shall be submitted to the Authority on quarterly basis.

(3) The licensee shall, at all reasonable times, permit an authorized officer to inspect station records and make copies of the records of a radio station.

(4) Any technical amendment to any network system relating to the use of radio spectrum by the licensee shall be made in writing and submitted to Authority.

(5) In the case of technical amendment involving change of equipment, moving a base station, requesting a new channel or frequency assignment or additional base station, the licensee shall fill the appropriate forms provided by the Authority.

Confidentiality

6.-(1) A person shall not intercept or acquaint himself with the contents of any radio communications other than those transmitted for general information or for the information of licensees belonging to the same licensed network.

(2) Except as otherwise provided in these Regulations or by terms and conditions of a station or network licence, every person having access to radio communications or wireless communication network shall hold strictly secret all radio communications, other than those transmitted for general information, which may pass through his hands or come to his knowledge.

(3) Every person having access to radio communication or wireless communication network shall not, directly or indirectly, disclose the contents thereof except to a person entitled to become acquainted with the radio communications, an authorized officer or to a court of law and shall not make other use of such radio communications other than that which may be authorized by the Authority.

(4) Any person unauthorized to access radio communication or wireless communication network shall not print or publish or cause to be printed or published in any newspaper, pamphlet, book or document any radio communication that may pass through his hands, or come to his

knowledge whether such radio communication is for private or general reception.

Station and network used for lawful purpose

7.-(1) A person shall not operate or use any station or wireless network for or in furtherance of any unlawful action or purposes.

Restrictions on transmission

8.-(1) A person shall not test or carry out practical transmission in circumstances that will cause interference with any other station or network.

(2) All tests, unless prior approval from the Authority has been obtained, shall be conducted on dummy load.

(3) A person shall not knowingly transmit -

- (a) any message containing indecent, obscene or offensive language;
- (b) any message for an improper or illegal purpose;
- (c) any message which interferes with the operation of any authorized station or network;
- (d) any message which, to his knowledge is false or misleading and likely to prejudice the efficiency of any life-service or endanger the safety of any person or of a place or premises, vessel, aircraft or vehicle; or
- (e) any superfluous signal by any station or network.

Safe operation of station or network

9.-(1) A licensee shall ensure that a station or wireless network is operated in a manner which is safe and which does not impair or interfere with -

- (a) communication system of any Armed Forces; or
- (b) the efficient and convenient working or maintenance of any other station or network or telecommunication system or service licenced by the Authority.

(2) A licensee shall cease to operate his station or network and shall take any other immediate action when it has been informed by the Authority that the working of its station or wireless network causes interference to other networks or stations.

(3) A licensee shall, where so directed by the Authority in writing, cease to operate any or all of the equipment comprised in its station or network for such period of time as may be required by the Authority for the purpose of investigation and resolution of interference to radio-communication.

(4) A licensee shall screen or isolate all parts of the station or apparatus which may be dangerous so as to ensure safety of radio-communication operators.

Inspection,
examination
or test of
station or
network

10.-(1) Any authorised officer shall be entitled, to enter into any building, premises, compound or other place, vehicle, vessel or aircraft where a station or wireless network is installed, or is being installed and may inspect, examine or test any equipment comprised therein.

(2) The owner or occupier of such building, premises, compound or other place, vehicle, vessel or aircraft shall allow an authorised officer to enter therein and inspect such station or network or equipment.

Inspection
of licence,
search or
seizure of
radio-
communi-
cation
equipment

11.-(1) Any authorised officer, on his own or in accompany of a police officer shall be entitled, upon production of proof of identity, to examine the licence of a station or network or, if it is not immediately available, require its production at the office of the Authority or a named police station within twenty four hours.

(2) Any authorised officer accompanied by a police officer

may search and seize any radio communication equipment which is found by him in any place, vehicle, vessel or aircraft without a licence.

Licensee to comply with international telecommunications convention

12. A licensee shall comply with the provisions of the International Telecommunications Convention and any Regulations annexed thereto which the Government of Tanzania has ratified.

Fees for frequency usage and operating a station

13.-(1) The Authority may, where it considers appropriate and in the interests of the spectrum economy, charge frequency usage after taking note of the re-usability of the frequency, the area of coverage involved and the period of use of the assigned frequency.

(2) Multi-channel radio communications equipment used for transmitting or receiving signals in the radio communication network shall be in accordance with the bandwidth of frequencies assigned.

PART III TYPES OF LICENCES

Aircraft station licence

14. An aircraft station licence shall be granted only in respect of a commercial or privately-owned aircraft registered in Tanzania.

Duty of licensee in respect of equipment

15.-(1) An application for licence in any station on board an aircraft shall be accompanied by a certificate of air worthiness issued by the Tanzania Civil Aviation Authority.

(2) A licensee of a station on board an aircraft shall observe the provisions of the Radio Regulations made under the International Convention and any other local or international rules and regulations applicable to stations on board an aircraft.

Restrictions on use of aircraft station

16. Any station fitted in an aircraft shall not be operated or used while such aircraft is at rest on the land or on waters of Tanzania except-

- (a) in time of emergency or distress;
- (b) where communication by means of telecommunication line system is not available for communication in exceptional circumstances on matters relating to air navigation and services with the nearest aeronautical station;
- (c) where communication with such station is impracticable, with any other station; or
- (d) for the purpose of carrying out experimental tests, with the written consent of and subject to such conditions as may be determined by the Authority; or
- (e) for the purpose of carrying out functional tests to determine the serviceability of the station:

Provided that such tests shall not be carried out on international distress frequencies.

Amateur radio licence and station licence

17.-(1) The Authority may subject to sub-regulations (2), grant licence for amateur radio service to such qualified or approved natural persons interested in operation of radio communication equipment.

(2) The licence granted under these Regulation shall be classified as follows:

- (a) General Class - for applicants aged twenty one years and above who are qualified to operate amateur radio equipment; and
- (b) Restricted Class - for applicants aged between eighteen and twenty one years who shall be supervised by qualified person.

Conditions for amateur station licence

18. An amateur station licensee shall observe and comply with the following conditions-

- (a) to operate the station at locations approved by the Authority;
- (b) to erect, fix, place and use the station and all equipment used or intended to be used by the licensee in a manner that does not interfere with the efficient and convenient working of other authorised stations;
- (c) to identify himself by the transmission of the call sign assigned to it by the Authority at the beginning and at the end short transmission interval;
- (d) to ensure that any change in the approved location, equipment, mast or antenna system is approved by the Authority prior to the change being made;
- (e) to obtain the approval of all relevant authorities before erecting any mast or antenna to be used in connection with the operation of the station;
- (f) to keep a running record of whole transmission periods showing the date and time of each period of transmission, the frequency and time of emission employed, and preserve the record of each entry made for one year and being required to make these records available for inspection at reasonable time to an authorised officer.

Age
restriction

19.-(1) An amateur station licence shall not be granted to a person under the age of eighteen.

(2) An amateur station licensee between the ages of eighteen and twenty one years may only operate or use any amateur station if supervised by a qualified person under regulation 17(2)(b) and who has agreed to supervise the licensee, and that qualified person shall ensure that the licensee observes and complies with all duties and obligations specified in the licence and in these Regulations.

Qualifica-
tions

20. An applicant shall qualify for an amateur station

licence upon passing the radio amateur examination set by the Authority or be in possession of an Amateur radio certificate acceptable to the Authority.

Prohibition on use of encryption devices

21. Any amateur station licensee shall not make use of encryption devices or equipment in the operation or use in any station.

Restrictions on transmissions

22.-(1) Any message transmitted through an amateur station shall be in plain language and relate solely to amateur services.

(2) Any amateur station shall not be used for transmitting news, advertisements and communications of a business nature or of non experimental character, messages for monetary reward or messages for or on behalf of a third party.

(3) Except with the written permission of the Authority, a licensee of an amateur station shall not call or transmit to any station other than an amateur station.

(4) Transmission shall not commence without listening in the frequency to be used in order to ascertain that no interference is likely to be caused to any other station which is in operation..

(5) Any amateur radio station shall not transmit powers exceeding 100W.

Power of the authority to order transmission

23. The Authority may, in case of natural disaster, by notice in writing require the licensee to transmit any message by means of its licensed amateur station.

Portable station

24. The Authority may approve an amateur station as a portable or mobile stations, subject to such conditions as the Authority may prescribe.

Experimental station licence

25.-(1) The Authority may grant an experimental licence to -

- (a) educational institutions, training establishments or qualified persons as the Authority may determine, for the purpose of conducting research and development activities, experiments or demonstrations in radio communication; or
- (b) licensed dealers in, or manufacturers or importers of radio communication equipment for the purpose of testing, demonstration or conducting research and development in radio communication equipment.

(2) The Authority may limit the maximum power of a station in respect of which an experimental station licence has been issued, having regard to the purpose for which the station has been authorised and the conditions under which it will work.

Radio
communi-
cation
station
licence

26. The Authority may grant a radio communication station licence to the applicant for the purpose of enabling it to transmit or receive or transmit and receive messages by means of radio communication or using a radio communication device.

Frequency
user
licence

27.- (1) The Authority may grant a frequency user licence based on national frequency spectrum plan and availability of frequency spectrum to-

- (a) network facilities licensee for supporting his core and access network; or
- (b) application service licensee for accessing the end user.

(2) Where the spectrum is insufficient or the bands are competitive, the allocation and assignments of spectrum to any successful applicant shall be on the basis of beauty contest process.

(3) For the purpose of this regulation, “beauty contest process” means allocation of spectrum through competitive tender process.

(4) In the event of competing demand for the spectrum, the Authority may decide who to assign the spectrum based on the following criteria:

- (a) rollout commitments such as the scale and scope of the network rollout;
 - (b) credibility of the applicant including the financial and technical capability of the applicant to operate the intent communication network;
 - (c) how the applicant's network rollout plans fit with the Authority's band plan; and
 - (d) public interest consideration.
- (5) The term of frequency user licence shall be the same as the duration specified in the network facilities licence.
- (6) Notwithstanding the provision of sub regulation (3), the validity of frequency user licence shall be subject to payment of annual frequency user licence fees.
- (7) The Authority shall ensure that the radio frequencies or spectrum allocated for use to a licensee are put into use within the period of twelve months from the date of grant of the licence .
- (8) Failure to use spectrum after the period specified under sub-regulation (5) the process of retrieving the allocated or assigned spectrum shall commence as specified in section 72 of the Act.
- (9) The Authority shall from time to time conduct spectrum audit to determine efficient and effective utilization of spectrum resources.
- (10) Spectrum or frequency channels assigned or allocated are concessions, therefore, they shall not be sold, transferred, leased or sublet either partially or wholly to a third party without prior written consent from the Authority.

Review of frequency assignment, refarming or displacement of services and relocation of users

28.-(1) The Authority shall from time to time review the spectrum allocation plan with a view to phase out ageing technologies and obsolete radio equipment at the end of useful life as well as expiry of licence in order to free up spectrum bandwidths required for reallocation to emerging technologies and new services.

(2) The Authority may carry out frequency reframing with a view to reallocate the spectrum in order to accommodate

changes in technologies and services in the use of the spectrum.

(3) Any frequency licensee may be displaced or moved from one part of the spectrum currently assigned to another within the same or different band as the Authority may deem fit.

Sharing of
frequency

29. The Authority may, in the interest of frequency spectrum economy or for any other reason, require a frequency user licence to share a frequency with other users, subject to terms and conditions which the Authority may impose provided that the sharing of the frequency does not prejudice the frequency user who was first licensed to use the frequency spectrum.

Review of
parameters
to be used by
different
services

30. The Authority may from time to time review and publish Rules specifying technical parameters and conditions for devices operating in different frequency bands.

Localised
radio
communi-
cation
licence

31. (1) The Authority may grant a licence for a localised radio communications station to use the following equipment-

- (a) remote control devices;
- (b) local area paging devices;
- (c) wireless microphones;
- (d) telemetry or alarm systems or both;
- (e) low range cordless telephones; or
- (f) Industrial Scientific and Medical (ISM) band equipment;
- (g) any other radio-communication equipment as may be authorised by the Authority from time to time.

(2) Radio frequency allocated to any localized radio communications device may be shared by other users.

(3) Where radio frequencies are allocated for localized radio devices, the Authority shall not be responsible or liable for any interference.

Satellite
communi-
cation
station

32.-(1) The Authority may grant the satellite communication station licence to enable the licensee to transmit and receive messages by means of satellite communication for such purposes as may be authorised by the Authority.

(2) The licence granted under these Regulations shall be categorized as follows-

- (a) Very small aperture terminal licence;
- (b) Tracking, telemetry and command earth station licence;
- (c) Satellite earth station licence
- (d) Transportable satellite receiver; and
- (e) Satellite terminals.

(3) A satellite communication station licensee shall seek the approval of the Authority for access to any space segment and shall comply with the relevant rules, regulations and procedures imposed by the satellite operator for station access, booking and fees.

(4) Unless exempted by the Authority, the licensee shall at all times comply with the provisions of the Radio Regulations annexed to the International Telecommunications Convention which the Government of Tanzania has ratified.

Ship
station
licence
conditions

33. A ship station licence may be granted by the Authority if -

- (a) the ship has a valid internationally recognised sea worthiness certificate;
- (b) the station is operated by an appropriate number and category of radio operators holding a certificate of competency granted under the Radio communication (Certificates of Competency for Ship Station Operators) Regulations or by a competent local or foreign authority, except where the vessel is used solely or principally for pleasure purposes;
- (c) the ship has an accounting authority acceptable to the Authority; and

- (d) the ship complies with such other requirements as may be determined by the Authority from time to time.

Compliance with radio regulations or Authority's requirements

34.-(1) A ship station licensee shall provide on board a ship the following documents-

- (a) a ship station licence;
- (b) radio operators certificate of competence; and
- (c) any other documents as the Authority may determine from time to time.

(2) A ship station licensee shall comply with the working procedures set out in the Radio Regulations and with such other requirements as the Authority may determine.

Restrictions on use of equipment while in territorial waters

35. Any radio station on board a ship shall not be used while the ship is within the territorial waters of the United Republic, except for the purposes of-

- (a) safety of navigation, life or property or for any other purpose as may be authorised by the Authority; and
- (b) communication on such frequency bands as may be specifically authorised by the Authority, subject to such conditions as may be determined by the Authority, provided that the use of such station shall not cause interference to the working of any other authorised station or network.

Network radio station licence

36. The Authority may grant the following classes of radio communication licences for electronic communications network:

- (a) radio communication station licence;
- (b) frequency user licence; and
- (c) any other type of radio communication licence

that may be determined by the Authority from time to time.

Temporarily permit

37.-(1) Upon the request for temporary usage of spectrum, the Authority may grant any person a temporary permit for the right to use any specified part of the radio frequency spectrum subject to payment of charges and for such period not exceeding thirty days.

(2) The Authority may grant temporary permit specified in sub Regulation (1) for coverage of special events which are national or international.

PART IV

INTERFERENCE WITH ELECTRONIC COMMUNICATIONS EQUIPMENT, STATION NETWORK AND SYSTEMS

Control of interference to radio-communication network

38.-(1) An owner, a licensee or a user of electrical, electronic or radio communication equipment causing or suspected of causing interference or disturbance to electronic communications equipment, stations, networks or systems shall be required to permit an authorised officer to inspect his equipment in order to determine whether the interference is in fact caused by his equipment.

(2) Where the Authority determines that interference or disturbance to electronic communications equipment, stations, networks or systems is caused by any particular electrical, electronic or radio communications equipment, it shall by notice in writing, direct the owner, licensee or user of that electrical, electronic or radio communications equipment to do, at his own expense, any one or more of the following-

- (a) take suitable measures to eliminate or reduce the interference disturbance; or

- (b) remedy a fault in or the improper operation of the equipment ;
- (c) modify or alter the equipment installation; or
- (d) disconnect the equipment.

(3) The Authority may require any action required to be taken under sub-regulation (2), to be effected within such period of time as the Authority may determine having regard to the circumstances of each case.

(4) Where the owner, licensee or user fails to comply with the directions issued by the Authority under sub-regulation (2) or (3), the Authority may, by notice in writing, prohibit the installation or use of that equipment unless and until such directions are complied with.

(5) A person who fails to comply with directions issued under these Regulations commits an offence and shall, on conviction, be liable to a fine of not less than five million Tanzania shillings or to imprisonment term of twelve months or both.

(6) In case of a continuing commission of an offence to a further fine of not less than one million Tanzanian shillings for every day or part thereof during which the offence continues.

Compound
ing
offences

39. Where a person commits an offence under these Regulations, the Director General may, where such person admits in writing compound such offence by collecting from that person a sum of money not exceeding the amount of the fine prescribed for the offence.

Penalties

40. Any person who contravenes any provision of these Regulations, commits an offence and shall be liable, on conviction, to a fine of not less than five million shillings or to imprisonment for a term not exceeding twelve months or to both.

Revocation
of G.N.
N.270 of
2005

41. The Tanzania Communication (Radio Communications and Frequency Spectrum) Regulations, are hereby revoked.

Dar es Salaam
29th November, 2011

MAKAME M. MBARAWA
*Minister for Communication,
Science and Technology*