

17. General functions and powers of Authority(1) The Authority shall supervise and promote the provision of efficient telecommunication services in Botswana.(2) Without derogating from the generality of the provision of subsection (1), the Authority shall-(a) take all reasonable steps to promote the provision, throughout Botswana, of such telecommunication services as will satisfy all reasonable demands for them including emergency services, public call box services, and directory information services;(b) promote the interests of consumers, purchasers and other users of telecommunication services in respect of the prices charged for, and the quality and variety of, such services and equipment or terminal equipment supplied for the purposes of such services; and(c) promote and maintain competition among persons engaged in commercial activities for or in connection with the provision of telecommunication services, and promote efficiency and economy on the part of persons so engaged.(3) The Authority shall have, and may exercise and perform, such other powers and functions as may be conferred on it by or under this or any other Act.(4) The Board may, in writing, delegate any of the powers and functions of the Authority to the Chief Executive or any other officer of the Authority.(5) The Minister may, after consultation with the Board, give the Board directions of a general or specific nature regarding the exercise of its powers and the performance of its functions, which directions shall not be inconsistent with this Act or with the contractual or other legal obligations of the Authority, and the Authority shall give effect to any such directions.(6) Subject to the provisions of subsection (5), the Authority shall not be subject to the direction of any other person or authority in the exercise of its functions under Parts V, VI, VII and VIII of this Act.18. Tariffs(1) The Authority shall publish, in the Gazette, the principles established by it and to be applied in the setting of tariffs by telecommunication systems operators and telecommunication service providers.(2) A licensed service provider of a telecommunication system for local, national or cellular telephony shall submit a proposal in writing, to the Authority, in respect of the tariff which he intends to apply for the use of his system.(3) The Authority shall, within sixty days of its receipt of any proposal made under subsection (2), either approve the tariff proposed, or make a counter-proposal; and any failure of the Authority to respond to a proposal shall entitle the person so making the proposal to impose the tariff proposed.(4) Where the service provider does not accept the counter proposal made to it by the Authority, and it is unable to reach any agreement with the Authority on the matter, it may appeal to the Minister.(5) A licensed service provider shall make its tariffs available to the public.(6) Any person who contravenes the provisions of subsection (5) shall be guilty of an offence and shall be liable to a fine not exceeding P5 000,00.(7) Where the Authority has approved any tariff, any service provider who exceeds such tariff shall be guilty of an offence and shall be liable to a fine of not less than P10 000,00 but not more than P2 000 000,0019. Settlement of disputesThe Authority shall settle any dispute that may arise between licensees, between licensees and other service providers, and between licensees and members of the general public.20. Monitoring of competition in telecommunications sector(1) The Authority shall be responsible for monitoring competition in the telecommunications sector.(2) The Authority shall report any contravention of the rules of competition as specified under section 48 of this Act to the Attorney General who shall deal with any such contravention as he considers appropriate.21. Type approval of equipment(1) The Authority may make regulations specifying the types of telecommunication equipment which may be used for providing a telecommunication service, for operating or connecting to, a telecommunication system, or for terminal equipment (referred to in this Act as "type approval").(2) No person who provides a telecommunication service or supplies telecommunication equipment shall use any telecommunication equipment which has not been type approved by the Authority; and no person shall connect, to any telecommunication system, any telecommunication equipment which has not been type approved.(3) The Authority may type approve any telecommunication equipment by reference to a type approval used in another country.(4) Save where the Authority otherwise directs, every telecommunication equipment used in or connected to a telecommunication system or network in Botswana shall be marked as being of a type approved for use in Botswana.(5) The Authority shall maintain a register of type approvals which shall be open to inspection by the public.(6) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and shall be liable to a fine of not less than P10 000,00 but not more than P2 000 000,0022. Power to require information(1) The Authority shall have the power to require, from any person, such information including accounts, returns or estimates, as the Authority deems necessary to enable it to carry out its functions under this Act.(2) If so requested by the Authority, a person shall give the Authority access to, or provide it with, such information as the Authority may require; and the Authority shall be entitled to make copies or take extracts from any such information.(3) A person who gives any information or access information pursuant to this section shall not give information or access to information which he knows to be false or misleading.(4) Notwithstanding the provisions of subsection (1) and (2) the Chief Executive or employee or officer of the Authority shall not disclose to any other person, any information so acquired if that disclosure would be detrimental to the person or business of the person providing that information except in the following circumstances-(a) the person is declared bankrupt in Botswana, or, if a company, is being wound up, and the information is required in connection with bankruptcy or winding-up proceedings;(b) civil or criminal proceedings arise involving that person and the Authority;(c) the Chief Executive, employee or officer of the Authority is summoned to appear before a court of competent jurisdiction in Botswana and the court orders the disclosure of the information;(d) the information is required by an employee or officer in the

employment of the Authority, or by an auditor or legal representative of the Authority, who requires if or is entitled to know the information in the course of his professional duties;(e) the information is required by the Directorate on Corruption and Economic Crime in connection with an investigation being carried out by that Directorate or under its authority in accordance with the provisions of the Corruption and Economic Crime Act.(5) Any person who contravenes subsection (2) or (3) of this section shall be guilty of an offence and shall be liable to a fine of not less than P10 000,00 but not more than P50 000,00.23. Powers of inspection(1) The holder of a licence granted under this Act shall, on demand by an officer of the Authority authorized to inspect licences, or on demand of a police officer, produce his licence for inspection.(2) An authorized officer or police officer may, without warrant, enter premises-(a) on which any telecommunication operator or supplier carries on business; or(b) which are owned or occupied by a person who he has reasonable cause to believe is using, without the requisite licence, the premises for the carrying on of a business or activity for which a licence is required under this Act,and shall have the power to carry out such examination, inspection or enquiry, and do such things as may appear to him necessary, to ascertain whether or not the provisions of this Act or the regulations thereto are being complied with.(3) An authorized officer or police officer may seize-(a) any telecommunication equipment which he has reasonable cause to believe is being used by, or is in the possession or under the control of a person in contravention of this Act; and(b) any book, record or document which he has reasonable cause to believe will afford evidence of the communication of an offence under this Act.(4) An authorized officer may order a person to cease using, pending an enquiry by the Authority, any telecommunication equipment which, in his opinion, is being operated in contravention of this Act, of the regulations thereto, or to the terms and conditions of a licence.(5) Any person who obstructs or hinders an authorized officer or a police officer in the exercise of his powers under this section, or who fails or neglects to comply with an order under subsection (4) shall be guilty of an offence and shall be liable to a fine of not less than P10 000,00 but not more than P500 000,00.24. Committees(1) The Board may, for the purpose of performing the functions of the Authority, establish such committees as it considers appropriate, and may delegate, to any such committee, such of its functions as it considers necessary.(2) The Board may appoint, to such committees, such number of persons, not being members of the Board as it considers appropriate, and such persons shall hold office for such period as the Board may determine.(3) Subject to the specific or general directions of the Board, a committee may regulate its own procedure.(4) Meetings of a committee shall be held at such times and places as the committee may determine, or as the Board may direct.(5) Each committee shall keep minutes of its meetings and shall keep the Board informed of its activities, and shall conduct its proceedings in such manner as the Board may direct.(6) A member of a committee of the Board shall be paid such allowances, if any, as the Board, with the approval of the Minister, may determine.25. Numbering systemThe Authority shall establish and maintain a non-discriminatory and efficient numbering system to be applied by all providers and operators of telecommunication services in order to ensure fair access to such services.26. RegulationsThe Minister may make regulations prescribing any matter required by this Act to be prescribed, and for the better carrying into effect of the purposes and provisions of the Act.