



**ZAMBIA INFORMATION AND
COMMUNICATIONS TECHNOLOGY
AUTHORITY
(ZICTA)**

LICENSING GUIDELINES

INTRODUCTION

The Zambia Information and Communications Technology Authority (the Authority) is under Parts III, IV and VI of the Information and Communication Technologies Act No. 15 of 2009 (the ICT Act) empowered to prescribe the manner of application for electronic communication licences and assignment of scarce resources as well as prescribing their standard terms and conditions. Pursuant to the mandate referred to above the Authority issues these guidelines.

**PART I - LICENSING OF ELECTRONIC COMMUNICATIONS UNDER
PART III OF THE ICT ACT**

1. **CLASSIFICATION OF LICENSES**

Under this licensing framework the Authority will issue licenses that are broadly categorised as follows:

- a) **Network Licence:** This license category allows the holder of the license to construct, own or make available an electronic communications network, or to provide a network service; and
- b) **Service Licence:** A license holder under this license category is allowed to provide one or more electronic communications services.

The ICT Act has further classified the Network and Service licenses into two groups:-

i. **Individual licence;**

These are major network or service licenses with significant economic and social impact and significant regulatory obligations. This License may also require the extensive use of radio frequency spectrum and other finite resources. These licenses shall be issued conditionally through a competitive process announced at the instance of the Authority, which announcement will include the mode, procedure and other pertinent issues related to the issuance of the license such as performance guarantee. Note that the Authority will

determine the procedure to be followed depending on the type of license to be issued.

Accordingly, the following licenses in Tables 1 and 2 below have been classified as individual licenses pursuant to The Information and Communication Technologies (Fees) Regulations being SI No. 34 of 2010:

Table 1: Individual Network Licence

NETWORK LICENSE				
TYPE	LICENSE	FREQUENCY REQUIRED	LICENSE DURATION	NUMBERS REQUIRED
Mobile Cellular	individual	Yes	15 years	Yes
Fixed Internet	individual	Yes	5 years	Case by Case
Fixed	individual	Yes	25 years	Yes
Public Radio Paging	individual	Yes	5 years	No
Network Service - Carrier of Carriers Public Signal Distributor Private Signal Distributor	 Individual	 Yes	 15 years	 Case by case

Table 2 Individual Service License

SERVICE LICENSE				
TYPE	LICENSE	FREQUENCY REQUIRED	LICENSE DURATION	NUMBERS REQUIRED
Mobile Cellular	individual	Yes	15 years	Yes
International Voice	individual	Yes	15 years	Yes
Fixed	individual	No	25 years	Yes

ii. Class License:

These are types of licenses which have lesser social and economic impact than individual licences. These licenses may be applied for through an open application process by an applicant.

Accordingly, the following licenses in Tables 3 and 4 below have been classified as Class licenses pursuant to The Information and Communication Technologies (Fees) Regulations being SI No. 34 of 2010:

Table 3 Class Network Licenses

NETWORK LICENSE				
TYPE	LICENSE	FREQUENCY REQUIRED	LICENSE DURATION	NUMBERS REQUIRED
Wireless Internet	Class	Yes	5 years	Case by Case
Public Data	Class	Yes	5 years	Case by Case
Public Pay phone	Class	Yes	5 years	No
Private Network	Class	Yes	1 year	No
Passive Network Infrastructure	Class	No	1 year	No

Table 4 Class Service Licenses

SERVICE LICENSE				
TYPE	LICENSE	FREQUENCY REQUIRED	LICENSE DURATION	NUMBERS REQUIRED
Internet Service (ISP)	Class	Yes	5 years	Case by case
Citizen band	Class	Yes	1 year	No
Value Added Service	Class	Yes	1 year	Case by case

2. EXEMPTIONS OF SPECIFIC PERSONS AND ACTIVITIES

Where the Authority exempts certain persons and activities from the necessity to be licensed under the provisions of the ICT Act, the Authority shall publish a list of such persons or activities. Any person who wishes to make use of those activities would only require registering with the Authority thereafter.

3. CLASS LICENSE APPLICATION PROCEDURES

The following shall be the procedure for applying for a class license:

- i. The applicant shall obtain the prescribed application form at the Authority's registered office or online from the Authority's website (www.zicta.zm).
- ii. The applicant then submits a dully completed form in duplicate together with payment of the prescribed application fee.
- iii. For the purpose of avoidance of doubt, the sixty (60) day statutory period within which the Authority shall issue or reject the application shall only begin to run upon receipt of a duly completed form and payment of the full amount of application fee and an official receipt being issued by the Authority.
- iv. In the event that the Authority shall require further information from the applicant it shall inform the applicant of the need to furnish that information in the prescribed form.
- v. Should the applicant not provide the information requested for within 14 days from the date in (iv) above or such other longer period as the Authority may consider appropriate the application shall be rejected by the authority.

- vi. The Authority shall, prior to issuance of a licence to an applicant, satisfy itself that the applicant has the financial and technical capability to construct, own or make available a Network or provide the service associated with the licence.
- vii. In the event that the Authority determines during consideration of an application that there has been misinformation relating to a material particular or that the applicant has withheld material information, it may reject the application.
- viii. Upon evaluation, the Authority shall notify the applicant in writing on the outcome of the application. Where an application has been rejected, the Authority shall inform the applicant of the rejection and the reasons thereof.
- ix. Payment of Initial License Fees - The applicant pays the required initial license fees.
- x. The licensee shall within six months from the date of issue of the licence commence operations in default of which the licence shall lapse.
- xi. Renewal of the license may be renewed upon the licensee's written notice to the Authority which notice shall be submitted at least three (3) months prior to the expiration of the license.

The Authority shall renew the License subject to the provisions of the ICT Act on the same terms and conditions as those applicable to the licensee during the proceeding license period provided that the licensee has not been in material breach of the license conditions.

- xii. License Issuance - Upon payment of the initial license fee, the Authority shall issue an electronic communications network or service License containing the applicable terms and conditions related to the network to be established or service to be provided.

- xiii. Inspections - In order to ensure compliance with the provisions of the ICT ACT and the terms and conditions of any license or assignment, the Authority shall carryout inspections and may appoint such telecommunications Officers as may be necessary for that purpose.

4. **SCOPE OF LICENSES**

In line with the classification of licenses in 1 above, the following is the general scope that a licensee will be required to abide by, upon issuance of the relevant license;

- i. **Mobile cellular (both network and service)**
- Construction and installation of the mobile cellular network.
 - The Licensee shall interconnect the mobile cellular network with the Public Switched Telephone Network (PSTN) for origination or termination of calls from or to a cellular subscriber.
 - The Licensee shall interconnect with the PSTN so as to make available to the consumers the long distance and international services of the PSTN operator.
 - Provision of cellular services by the Licensee to subscribers over the mobile cellular network
 - In addition, the Licensee shall provide such other or further services, which shall include but not be limited to mobile cellular voice, mobile cellular data, and mobile cellular internet, voice messaging and facsimile.
 - The Licensee shall be permitted to sell Mobile Subscriber Radio Units (MSRU) to the general public, provided that all MSRU's sold must be type approved by the Authority.

ii. Network services

A. Carrier of carriers

- To procure, own, construct, maintain, operate and use a public national Carrier of Carriers network within Zambia for the carrying of information, in the form of speech or other sound, data, text or images, by means of guided or unguided electromagnetic energy, but does not include services provided solely on the consumer side of the network boundary.
- To connect or cause to be allowed to be connected, to the Carrier of Carriers facility by the following
 - a) Individual Licence Holders (both network and service)
 - b) Class Licence Holders (both network and service)
 - c) Any telecommunication system or telecommunication service situated in Zambia and licensed to operate a closed user group network except where such connection would contravene a treaty or other agreement to which Zambia is a party
 - d) any telecommunications facility required for the provision or operation of a Carrier of Carriers Service
- To convey to and from any connected licensed telecommunication system or service or equipment as contemplated above any traffic and to perform any switching incidental to such conveyance.
- To provide the service to any licensed operator who requests such services and to use the Carrier of Carriers telecommunications service for the licensee's own purposes or business activities; and

- The Licensee shall enter into Interconnection Agreements with any licensed operators for the provision of a Carrier of Carriers Service to such operators.
- To provide international connections for Zambian licensed operators for relaying their international traffic whether it is internet, data or images, apart from voice and video, depending on the conditions of their individual or class licence categories.
- To provide transit services for international operators through our borders from one neighbouring country to another neighbouring country provided that such traffic shall not be terminated in Zambia.
- To provide any telecommunication service that is incidental to the services above.

B. Public and Private Signal Distributors

A person intending to operate a Signal Distribution Network shall apply for a licence from the Authority; The Authority shall issue the following Licenses under this category:

- i. Public Signal Distributor Licence - A public signal distributor shall provide nation-wide coverage and services to licensed Broadcasting Content Service Providers on a non-discriminatory basis in order to provide universal access;
- ii. Private Signal Distributor Licence - A Private Signal Distributor shall provide nation-wide coverage and service to Broadcasting Content Service Providers (Licensees) on a competitive and non - discriminatory basis.

The private signal distributor shall be established through competitive open tender process

A Signal distribution licensee shall-

- Provide network infrastructure that will receive content after aggregation from broadcasters for multiplexing, content signal distribution and provide Subscriber Management System (SMS)/network transmission;
- Carry the signals received from the content service provider, distribution of the signal to designated transmission sites, broadcast the signal in line with the content service provider's licence;
- provide and manage connectivity to broadcasting studios of the authorized Content Service Providers;
- provide up to five (5) free-to-air programme channels for public service;
- adopt common technologies for devices to be used by the public to access services;
- establish and operate a help desk;
- develop a service level agreements with Content Service Providers on a non-discriminatory basis; and
- Provide signal service distribution in an equitable, reasonable and non-discriminatory manner.

iii. **Public Data (both network and service)**

- Construction and installation of the data communications network.
- The Licensee is authorized to provide within the service area data communication services to consumers over the public data communications network in accordance with the contract of service entered into between the Licensee and the consumer.

- The Licensee shall, where necessary, interconnect with the Mobile Cellular Network operators and PSTN operators on reasonable terms and conditions set out in respective interconnection agreements.
- The Licensee shall, where necessary, interconnect with the PSTN and/or Mobile Cellular Networks so as to make available to the consumers the long distance and international data service they may require.

iv. **Internet (both network and service)**

- The Licensee is authorized to provide internet services in the country.
- The Licensee shall not provide voice services.
- The Licensee may use only technology approved in writing by the Authority.
- The Licensee shall apply separately for the use of radio earth station, associated frequencies, and microwave links.
- The licensee may upon the written approval of the Authority provide interconnection with other networks for purposes of providing service in terms of this license provided that such other networks are authorised to do so by the Authority.
- The licensee may construct its own telecommunication service infrastructure for the purpose of exploiting this license. This provision shall not apply to any link connecting two or more points of the network within the licensee's premises.
- The licensee shall use only type-approved technology certified by the Authority. If the licensee intends to

utilize as a supplement to the Internet Service, conventional radio systems, these shall be in conformity with frequency spectrum utilization requirements established by the Authority.

- The licensee shall not install and operate or allow to be installed on their network internet telephone facility with direct interface into a Public Switched Telephone Network (PSTN) for either local or International Communications.

v. **Private Network/closed user group**

- The scope of this licence shall be for the operation of a Closed User Group Private Telecommunications Network for transmitting data and voice of the Licensee on a non-commercial basis within the boundaries of Zambia.
- International voice communication shall not be allowed.
- The Licensee may at its own cost upon approval and on payment of prescribed fees to the Authority install and use its own private satellite links through which data and voice may be carried. These shall be point to point links between the Licensee's registered premises (Nodes) and Licensee's hubs provided for in the original or subsequent proposal.
- For the purpose of operating the network, the network shall not be utilised to provide transmission or interconnect to the Public Switched Networks

vi. **Value Added Services**

Value Added Service License issued by the Authority permits the holder to provide content services and applications other than voice, SMS and data using the telecommunication network.

vii. **Public Radio Paging**

- Uses Voice and data and be carried on physical or wireless network.
- Can use PABX or VOIP
- Systems for national weather Services.
- Medical/ ambulance services
- Security systems

viii. **Citizen Band**

- Domestic wireless security/ alarm system
- Domestic remote controlled gate, door, toys cars/ planes

ix. **Passive Network Infrastructure**

For purposes of this provision, passive infrastructure shall mean the inactive elements on a network which include and are not limited to the following:

- Wire
- Cable
- Antenna
- Towers
- Mast
- Satellite Transponder
- Circuit
- Earth Station
- Radio Apparatus or other thing

A licensee shall own, build and maintain passive infrastructure.
A licensee shall allow other licensees to co-locate on its infrastructure on such terms and conditions to be agreed by the parties and approved by the Authority on a non-discriminatory basis.

**PART II - ASSIGNMENT OF SCARCE RESOURCES UNDER
PARTS IV AND VI OF THE ICT ACT**

Where applicable, the assignment of scarce resources shall be issued at the same time as an associated electronic communication license under Part I of these Guidelines.

This section shall specifically apply to Spectrum and numbers.

1. Radio Spectrum Assignment Application Procedure

The following shall be the procedure relating to granting of the assignments of radio frequency spectrum by the Authority:

- i. The applicant shall obtain the prescribed application form at the Authority's registered office or online from the Authority's website (www.zicta.zm).
- ii. The applicant then submits a dully completed form in duplicate together with payment of the prescribed application fee.
- iii. For the purpose of avoidance of doubt, the sixty (60) day statutory period within which the Authority shall issue or reject the application shall only begin to run upon receipt of a dully completed form and payment of the full amount of application fee and an official receipt being issued by the Authority.
- iv. In the event that the Authority shall require further information from the applicant it shall inform the applicant of the need to furnish that information in the prescribed form.
- v. Should the applicant not provide the information requested for within 14 days from the date in (iv) above or such other longer period as the

Authority may consider appropriate the application shall be rejected by the authority.

- vi. The Authority shall, prior to issuance of a licence to an applicant, satisfy itself that the applicant has the financial and technical capability to construct, own or make available a Network or provide the service associated with the licence.
- vii. In the event that the Authority determines during consideration of an application that there has been misinformation relating to a material particular or that the applicant has withheld material information, it may reject the application.
- viii. Upon evaluation, the Authority shall notify the applicant in writing on the outcome of the application. Where an application has been rejected, the Authority shall inform the applicant of the rejection and the reasons thereof.
- ix. Renewal of the license shall be done thirty (30) days before expiration and the procedure will be the same as that of a new application. The Authority shall renew the License subject to the provisions of the ICT Act on the same terms and conditions as those applicable to the licensee during the preceding license period provided that the licensee has not been in material breach of the license conditions.
- x. The licensee shall within six months from the date of issue of the licence commence operations in default of which the licence shall lapse.
- xi. Payment of Initial License Fees - The applicant pays the required initial license fees.
- xii. License Issuance - Upon payment of the initial license fee, the Authority shall issue a Radio Spectrum License containing the frequency or frequency range. The Radio Spectrum License the frequency/frequency range and all applicable conditions relating to the radio station to be established
- xiii. Inspections - In order to ensure compliance with the provisions of this

ACT and the terms and conditions of any license or assignment, the Authority shall carry out inspections and may appoint such telecommunications Officers as may be necessary for that purpose.

2. Consideration of Applications

The following are some of the factors which the Authority may take into account in considering whether or not to issue a radio Spectrum licence:

- (a) The principles of good management of the radio spectrum as a natural resource and as a public facility;
- (b) Existing and possible future frequency allocations at national, Southern African Development Community and international level.
- (c) The nature of the service for which the radio spectrum is sought.

“The Authority may issue special conditions, over and above the standard licence terms and conditions referred to in the Third Schedule of the ICT Act. These special terms and conditions may or may not be unique to a particular licensee.”