

## GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 28 OF 2003

**The Radiocommunications Act**  
(Laws, Volume 11, Cap. 169)**The Radiocommunications (Frequencies) Regulations, 2003**

IN EXERCISE of the powers contained in section *twenty* of the Radiocommunications Act the following Regulations are hereby made:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |
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| 1. These Regulations may be cited as the Radiocommunications (Frequencies) Regulations, 2003.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Title                          |
| 2. In these Regulations, unless the context otherwise requires—<br>“Authority” means the Communications Authority established under the Telecommunications Act;<br>“Convention” means the International<br>Telecommunication Convention signed at Nairobi on 6th November, 1982 or any other international telecommunication convention to which the Government is from time to time a party, and includes in either case any regulations or other subordinate instruments or provisions annexed thereto or made thereunder;<br>“dummy load” means a restrictive device connected to equipment to absorb power not intended for radiation;<br>“frequency” means radiofrequencies or radio waves in the principal Act defined as “Hertzian waves”;<br>“licence” means a licence issued under section <i>six</i> of the Act;<br>“licensee” means the holder of a licence issued under Part III of the Act;<br>“network” means two or more stations operated by a person and used for or intended to be used for purposes of communication between or among the stations;<br>“person” includes a partnership, firm, trust, joint venture and private or government entity;<br>“Radio Regulations” means the Radio Regulations annexed to the International Telecommunication Convention to which the Government is party;<br>“station” means a transmitter, receiver, a combination of transmitters and receivers or any accessory thereto used for radiocommunication. | Interpretation<br><br>Cap. 469 |
| 3. A licensee shall comply with the following conditions:<br>(a) operate the station at such location as may be approved by the Authority;<br>(b) erect, fit, place and use the station and equipment for use by the licensee in a manner that does not interfere with the efficient operation of other licensed stations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Conditions for licence         |

- (c) identify self by the transmission of a call sign assigned to the licensee by the Authority, at the beginning and end of each transmission made in short intervals;
- (d) obtain the approval of all relevant authorities prior to the erection of any mast or antenna used in connection with the operation of a station;
- (e) ensure any change in, or of, the approved location, equipment, mast or antenna system is approved by the Authority prior to making the change;
- (f) keep a record of all transmissions indicating the date and time of each period of transmission, the frequency and time of emission employed;
- (g) preserve for two years a record of each entry made in terms of paragraph (f) and upon being required so to do, produce such record for inspection by a telecommunication officer at any reasonable time; and
- (h) comply with such other conditions as the Authority may determine.
- Allocation of frequencies 4. The Minister may, subject to regulation 5 allocate or assign to a licensee such frequencies as the Minister may, on the advice of the Authority, consider necessary.
- Limitation of frequencies 5. (1) The Minister, on the advice of the Authority, shall in the allocation or assignment of frequencies, limit the number of frequencies to the minimum essential to provide, in a satisfactory manner, the necessary services.
- (2) Where the Minister allocates or assigns frequencies—
- (a) the Minister shall not confer on a licensee a monopoly of the use of the frequencies; and
- (b) the allocation or assignment of the frequency shall not be construed as conferring an exclusive right in respect of such frequencies.
- Rational, efficient and economic use of frequencies 6. (1) A licensee shall, in a rational, efficient and economic manner, use any frequencies allocated or assigned to the licensee.
- (2) A licensee shall not transmit any superfluous signal or message by way of any station or network.
- Frequency economy 7. The Minister may, on the advice of the Authority, and in the interest of frequency economy require a licensee to share a frequency with another licensee, subject to such terms or conditions as the Minister may, on the advice of the Authority, determine.
- Frequency usage fee 8. The Authority may, where it considers it appropriate and in the interest of economising on the use of a frequency, charge a frequency usage fee determined in consultation with the Minister and shall in so doing consider the—
- (a) re-usability of the frequency;
- (b) area of coverage involved; and
- (c) period of use of the frequency.
- Radiocommunication equipment 9. (1) For the purposes of these Regulations radiocommunication equipment used for transmitting or receiving signals or messages shall—

- (a) be in accordance with technical specifications approved by the Authority; and
  - (b) be appropriate for the frequencies allocated or assigned.
- (2) A licensee shall keep an up-to-date record of the radiocommunication equipment in the station and network.
- (3) The record kept under subregulation (1) shall—
- (a) contain such information;
  - (b) be kept in such form; and
  - (c) be submitted to the Authority at such intervals;
- as the Authority may require.

(4) A licensee who contravenes subregulation (1) commits an offence under section *eighteen* of the Act.

10. (1) A licensee shall not use a frequency that has not been allocated or assigned to the licensee.

Licensee not to use unallocated or unassigned frequencies

(2) The Authority shall not, in giving effect to the provisions of the Convention or to the Radio Regulations, be responsible for any costs arising or necessitated by any changes to a station or otherwise.

11. (1) A person shall not operate or use any station or network for, or in furtherance of, any unlawful purpose.

Prohibition of use of station or network for unlawful purpose

(2) A person shall not transmit any message—

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

12. (1) A person shall not intercept or acquaint that person's self with the contents of any radiocommunication other than a radiocommunication transmitted for general information or for the information of licensees.

Non-disclosure of radiocommunication

(2) Except as otherwise provided in these Regulations, any other law or the terms and conditions of a licence a person having access to a radiocommunication in the course of duty shall not disclose except to a person entitled to the disclosure, or use, of the radiocommunication, or use any radiocommunication, other than a radiocommunication transmitted for general information.

(3) A person having access to a radiocommunication shall not print, publish or cause to be printed or published any radiocommunication that comes to that person's knowledge unless authorised so to do.

13. (1) A test, trial or practical transmission shall not be transmitted except in such circumstances as may be necessary to preclude interference with another station or network.

Restrictions on test, trial, etc.

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

Safe  
operation of  
station or  
network

14. A licensee shall ensure that a station or network is operated in a safe manner and does not impair or interfere with the—

- (a) communication system of the Zambia Police Force or the Defence Force; or
- (b) efficient and convenient operation or maintenance of any other station, network, telecommunication system or service licensed by the Authority.

Safety of  
radiocomm-  
unication  
installations,  
etc.

15. A licensee shall, in the event of any danger, screen or isolate all or any part of a station or apparatus so as to ensure the safety of radiocommunication installations, facilities, operators and the public.

Control of  
interference  
to  
radiocomm-  
unication

16. (1) An owner, licensee or user of electrical, electronic or radiocommunication equipment causing, capable of or suspected of causing interference or disturbance to telecommunication equipment, stations, networks or systems shall not use that electrical, electronic or radiocommunication equipment.

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

- (a) remedy a fault in, or the improper operation of, the equipment;
- (b) modify or alter the equipment installation;
- (c) disconnect the equipment; or
- (d) take other suitable measures to eliminate or reduce the interference.

(3) The Authority may require any action required to be taken under subregulation (2), to be effected within such period 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 subregulation (2) or (3), the Authority may, by notice in writing, pursuant to section *seventeen* of the Act direct the owner licensee or user to cease using the radio station or radio or other equipment pending inquiry.

Interference  
by medical  
equipment

17. Notwithstanding regulation 16, stations operating in a frequency shared with industrial, scientific and medical equipment shall accept interference caused by that equipment.

Revocation  
of licence

18. The Authority may revoke a licence if satisfied that the licensee has failed to comply with the Act and these Regulations.

LUSAKA  
6th March, 2003  
[MCT.104/2/17c]

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