

STATUTORY INSTRUMENTS

2005 No. 23.

THE COMMUNICATIONS (RADIO) REGULATIONS, 2005.

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STATUTORY INSTRUMENTS

2005 No. 23.

The Communications (Radio) Regulations, 2005.

(Under section 94 of the Uganda Communications Act, Cap 106)

IN EXERCISE of the powers conferred upon the Uganda Communications Commission by section 94 of the Uganda Communications Act, these Regulations are made this 7th day of January, 2005.

1. Title

These Regulations may be cited as the Communications (Radio) Regulations, 2005.

2. Application of the Regulations

(1) These Regulations apply to—

- (a) the transmission of energy, communication or signal by radio or any radio emission or communication originating or received within Uganda, or intended to be used in Uganda;
- (b) a person within Uganda, engaged in communication or transmission of energy by radio;
- (c) licensing and regulation of all devices and equipment whose operation is capable of emitting radio frequency energy by radiation, conduction or other means as to cause interference to radio communication; and
- (d) the manufacture, importation, sale, offer for sale, shipment or use of a device, equipment or system, capable of emitting radio frequency energy by any means.

(2) In applying and implementing these Regulations, the Commission shall have the power—

- (a) to exercise exclusive control over all radio communication and radio frequency devices, equipment and parts or components capable in their operation or use, of emitting radio frequency energy by radiation, conduction or other means in any degree which causes harmful interference to radio communication;
- (b) to suspend a licence of any operator upon sufficient proof which satisfies the Commission that the licensee—
 - (i) violated, caused, aided, or abetted the violation of the Act, any regulations made under the Act or terms of a licence issued under the Act;
 - (ii) failed to carry out a lawful order of the Commission;
 - (iii) wilfully damaged or permitted radio apparatus or installations to be damaged;

- (iv) transmitted superfluous radio communications or signals or knowingly transmitted false or deceptive signals, communication, a call signal or letter which was not assigned by the Commission, to the station he or she is operating;
 - (v) wilfully or maliciously interfered with any other radio communication or signal; or
 - (vi) obtained or attempted to obtain, or assisted another operator to obtain or to attempt to obtain an operator's licence by fraudulent means;
- (c) to inspect all radio installations associated with stations required to be licensed, or which the Commission authorises to operate without a licence and to ascertain whether in construction, installation, and operation the radio installations conform to the requirements of these Regulations or the Act;
- (d) to monitor radio communications and frequency use in Uganda;
- (e) to authorise the operation of radio stations without licences in respect of emergency or war disaster situations;
- (f) to grant a temporary authorisation where delay in the grant of a licence would seriously prejudice the public interest or where there are extraordinary circumstances requiring temporary authorisation in the public interest before the completion of the procedures for the grant of a licence authorised to be issued; and
- (g) to prescribe the manner in which parts of the radio frequency spectrum may be made available for experimentation.

3. Objectives of the Regulations

(1) The objective of these Regulations is generally to establish a framework for the efficient use and management of radio spectrum resources without causing harmful interference through measures aimed at—

- (a) providing the widest possible range of wireless services to those who desire them, while maximising the spectrum available to those who depend upon wireless technology in order to obtain maximum spectral efficiency;
- (b) making effective, efficient and prudent use of the radio frequency spectrum in the best interest of the public with the aim of conserving it for use where other means of communication are not available or feasible;
- (c) providing the legal framework for the co-ordination of radio frequency spectrum, appropriate to meet policy objectives that contribute to national development, economic growth, employment and public welfare;
- (d) stimulating technological innovation and the development of new services to foster competition and strengthen competitiveness in radio communication;

- (e) establishing a market-based system in the assignment of commercial licences for the use of radio frequency spectrum, and the provision of radio-communication services;
- (f) exempting socially desirable services from the market-based apportionment system of assigning radio frequency spectrum usage, through classifying non-commercial spectrum from commercial spectrum uses and users;
- (g) increasing and promoting greater economic efficiency in the management and apportionment of radio frequency spectrum, by establishing a radio frequency spectrum assignment process and allocation procedures for commercial spectrum-based radio-communication services based on market principles;
- (h) conserving the radio frequency spectrum through promoting or encouraging the development and the use of spectrum efficient technologies and techniques that meet the current spectrum requirements and preserve the radio frequency spectrum for additional uses;
- (i) optimising the accommodation of radio frequency spectrum users through the allocation of adequate spectrum and the implementation of techniques and policies that promote efficient spectrum assignment and use, in order to satisfy the constantly evolving radio frequency spectrum needs and ensuring that the spectrum resource is apportioned and used efficiently;
- (j) developing a national frequency plan based on the public interest or market requirements for the provision of non-commercial and commercial uses of the radio frequency spectrum by appropriately balancing the commercial and public interest in radio frequency spectrum policy;
- (k) managing the radio frequency spectrum in accordance with principles of openness, transparency, objectivity, non-discrimination and competition rules, in order to distribute the available radio frequency spectrum in a transparent manner on the basis of objective criteria of pricing mechanisms that reflect the market value of radio spectrum;
- (l) defining the regulatory criteria, setting priorities and resolving conflicts to ensure that commercial and public interests for the demand and use of radio frequency spectrum are appropriately balanced through methods that ensure efficient and effective co-ordination between different services, and to meet the immediate and long term demand by existing and new radio communication services;
- (m) providing an orderly method for allocating frequency bands, authorising and recording frequency use, establishing rules, regulation and standards for governing spectrum use, resolving conflicts arising from radio communication and generally radio spectrum policy at national and international level;

- (n) developing processes to allocate spectrum, assign frequencies to specific licences, monitor compliance and enforcement;
- (o) providing for frequency assignment procedures that ensure minimum interference between radio communication services and efficient utilisation of radio frequency spectrum;
- (p) managing the radio frequency spectrum in order to support the communication policy objectives under the Act;
- (q) creating a predictable environment for current and future use of radio spectrum which allow for longer term strategic planning and development of radio services and products and the future use of radio spectrum;
- (r) adjusting in the distribution of radio spectrum among its various uses depending on the technological, market and regulatory development, and balancing the assignment of radio spectrum between existing users and new or future users;
- (s) achieving radio frequency harmonisation through frequency allocation measures that identify frequency bands for the provision of defined services taking into account technical conditions;
- (t) defining procedures and rules of radio spectrum assignment and licensing that establish a regulatory level playing field for all users of radio spectrum based on open, objective, non-discriminatory and transparent grounds that support technological innovation and competition;
- (u) ensuring the fulfillment of essential requirements like security of network operation, maintenance of network integrity, interoperability of services, data protection, protection of environment and town and country planning;
- (v) ensuring that the framework for the co-ordination of radio spectrum complies with the public interest and international obligations for the maximisation of user benefits in quality and pricing;
- (w) imposing non-discriminatory charges in the granting of licences which do not negatively affect development or competition;
- (x) liberalising the apportionment of radio spectrum among private users through increased use, and reliance on market mechanism other than a centralised administrative system; and
- (y) increasing public access to the process of radio spectrum management.

4. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communication Act, Cap 206;

“allotment” in respect of a radio frequency or radio frequency channel means, entry of a designated frequency channel in the Uganda Table of Frequency Allocation, for use by one or more users for a terrestrial or space radio communication service in Uganda;

- “amateur service” means a radio-communication service for the purpose of self-training, intercommunication or technical investigations, carried out by an authorised amateur, interested in radio technique solely with a personal aim and without pecuniary interest;
- “amateur station” means a station in an amateur service;
- “assigned frequency” means the centre of the frequency band assigned to a station;
- “assigned frequency band” means the frequency band within which the emission of a station is authorised;
- “assignment” in respect of a radio frequency or radio frequency channel, means authorisation given by the Commission to a radio station to use a radio frequency or radio frequency channel;
- “authorised person” means a person authorised by the Commission to sell, lease, offer for sale or lease, import, ship or distribute for the purpose of selling, leasing or offering for sale or lease, any frequency device;
- “Commission” means the Uganda Communication Commission established under the Act;
- “Commission identifier” means an identification mark permanently affixed on a device by the Commission and which remains effective until it is revoked, withdrawn, rescinded, surrendered or whose termination date is otherwise determined by the Commission;
- “currency point” has the meaning assigned to it by the First Schedule;
- “emission of electromagnetic energy” includes the deliberate reflection of electromagnetic energy by means of any apparatus designed or specially adapted for that purpose whether the reflection is continuous or intermittent;
- “experimental radio service” means a service in which radio waves are employed for purposes of experimentation in the radio art or for purposes of providing essential communications for research projects that can not be conducted without the benefit of such communications;
- “experimental station” means a station which utilises radio waves in experiments, for the development of science or techniques;
- “fixed service” means a radio communication service between specified fixed points;
- “frequency tolerance” means the maximum permissible departure by the centre frequency, of the frequency band occupied by an emission from the assigned frequency or, by the characteristic frequency of an emission from the reference frequency;
- “geostationary satellite” means a geosynchronous satellite whose circular and direct orbit lies in the plane of the earth’s equator, and which therefore remains fixed, relative to the earth;

“harmful interference” means interference which endangers the functioning of a radio communication service or of any other safety service or which seriously degrades, obstructs, or repeatedly interrupts a radio-communication service operating in accordance with the International Radio Regulations;

“interference” means the effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon the reception in a radio-communication system, manifested by any performance, degradation, misinterpretation, or loss of information which may be extracted in the absence of the unwanted energy;

“Minister” means the Minister responsible for communication;

“mobile station” means a station in the mobile service used while it is in motion or during halts at unspecified points;

“necessary bandwidth” means for a given class of emission, the width of the frequency band which is just sufficient to ensure the transmission of information at the rate and with the quality required under specified conditions;

“radiation” means the outward flow of energy from any source in the form of radio waves;

“radio” means the general term applied to the use of radio waves;

“radio-communication” means telecommunication by means of radio waves;

“radio-communication service” means a service involving the transmission, emission or reception of radio waves for specific telecommunication purposes;

“terrestrial radio-communication” means any radio communication other than space radio-communication or radio astronomy;

“terrestrial station” means a station effecting terrestrial radio-communication;

“Uganda Table of Frequency Allocation” means the nomenclature of frequency and wavelength prepared by the Commission.

5. International Regulations

(1) The International Radio Regulations, 1995 shall, with the necessary modifications apply to these Regulations in regard to the assignment of radio frequency spectrum.

(2) The nomenclature of frequency and wavelength shall be in accordance with the International Radio Regulations, 1995 where radio spectrum is subdivided into nine frequency bands, designated as specified in the Second Schedule to these Regulations.

(3) The unit of frequency shall be the Hertz (Hz) and frequencies shall be expressed in—

(a) KiloHertz (KHz), for frequencies up to and including 3,000 KiloHertz (KHz);

- (b) Megahertz (MHz), for frequencies above 3 Megahertz (MHz), up to and including 3,000 Megahertz (MHz); and
- (c) Gigahertz (GHz), for frequencies above 3 Gigahertz (GHz) up to and including 3,000 Gigahertz (GHz).

6. Table of frequency allocations

(1) The assignment of frequencies and bands of frequencies to all stations and classes of stations, the licensing and authorisation of the use of frequencies between 9 kHz and 300 GHz, and the actual use of those frequencies for radio communication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Uganda Table of Frequency Allocations.

(2) The Commission shall, in preparing the Uganda Table of Frequency Allocation prescribe area designations and bandwidth assignment that promote—

- (a) equitable distribution of licences and services among geographic areas;
- (b) economic opportunity for a wide variety of applicants including small businesses, rural developers or investors and businesses, to advance minority groups including children, women and people with disabilities; and
- (c) investment and rapid deployment of new technologies and services.

(3) The Uganda Table of Frequency Allocation shall to the extent practicable conform to the International Table of Frequency Allocations and any assignment of frequency shall be on condition that—

- (a) no harmful interference is caused to services operating in accordance with the Uganda Table of Frequency Allocations;
- (b) radio frequency devices operated at a radio station shall use frequencies separated from the limits of a band allocated to that service so that they do not cause harmful interference to allocated services in immediately adjoining frequency bands;
- (c) any segment of the radio spectrum may be allocated on an exclusive or shared basis for use by one or more radio services;
- (d) where a segment of the radio spectrum is allocated, the priority for primary, permitted and secondary services shall apply as follows—
 - (i) permitted and primary services have equal rights, except that, in the preparation of frequency plans, the primary services shall have prior choice of frequencies over permitted services;
 - (ii) stations of a secondary service—
 - (A) shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date;

- (B) shall not claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; and
 - (C) shall claim protection, from harmful interference from stations of the same or other secondary service to which frequencies may be assigned at a later date;
- (e) the emission, modulation and transmission characteristics are designated according to their classification and necessary bandwidth provided in the International Table of Frequency Allocations;
 - (f) radio frequency transmissions are identified in accordance with the composition and blocks of international call signs available for assignment matching the call signs to the classes of stations or any other clearly distinguishing form of identification readily recognisable internationally;
 - (g) the frequency assigned to a station of a given service shall be separated from the limits of the band allocated to this service in such a way that, taking account of the frequency band assigned to a station, no harmful interference is caused to services to which frequency bands immediately adjoining are allocated; and
 - (h) any emission capable of causing harmful interference to distress, alarm, urgency or safety communications on the international distress and emergency frequencies established for those purposes by the International Radio Regulations is prohibited, and supplementary distress frequencies available on less than a world-wide basis shall be afforded adequate protection.

(4) In addition to the Uganda Table of Frequency Allocation, the assignment of frequency shall be in accordance with a spectrum plan or frequency band plan prepared by the Commission providing for—

- (a) the division of the spectrum into a number of frequency bands;
- (b) designating the bands to be used primarily for the purposes of national defence and security;
- (c) designating a part of the spectrum primarily for broadcasting purposes;
- (d) the purpose for which a band or any part of a band, including any particular frequency or frequency channel may be used;
- (e) the classification of radio-communication services or radio stations;
- (f) the nature of services to be rendered by each class of stations and each station within a class;
- (g) the assigning of bands of frequencies to the various classes of stations;
- (h) the assigning of frequencies for each individual station, the power to be used by such station and the time for operation;
- (i) the location of classes of station or individual stations;

- (j) the kind of apparatus to be used and the characteristics of its external purity, the sharpness of the emission from each station and the apparatus in that station;
- (k) the establishment of areas or zones to be served by any station;
- (l) the keeping of records of transmission of energy, communication or signals by each station;
- (m) designating call letters for all stations; and
- (n) monitoring and enforcement of the Table of Frequency Allocation by the Commission, in accordance with the spectrum plan.

7. Radio-communications licence

(1) The Commission shall issue radio-communication licences basing on classifications of radio services according to their usage as follows—

- (a) non-commercial spectrum uses for socially desirable services comprising of—
 - (i) national defence and security requirements;
 - (ii) governmental departments or ministries;
 - (iii) emergency and disaster situations;
 - (iv) public safety services;
 - (v) amateur radio services;
 - (vi) developmental and research services; and
- (b) commercial spectrum uses.

(2) Radio-communication services for non-commercial spectrum uses shall use frequencies that may be assigned to each class by the Commission, in consultation with the Minister.

(3) Non-commercial spectrum users shall conform to these Regulations in the prevention of interference with other radio stations.

(4) Where a Government and a private or commercial radio station on land operate in close proximity, and interference with the work of the Government station cannot be avoided when they operate simultaneously, the private or commercial station that interferes with the transmission or reception of radio communication or signal by the Government station, shall not use its transmitters during the time the Government station is operational.

(5) The Commission shall where public convenience, interest, or necessity warrant, grant to any applicant a frequency spectrum licence to operate a radio-communication station or to provide radio-communication services.

(6) The Commission shall distribute licences, frequencies, hours of operation, and power among the regions and districts of Uganda to provide a fair, efficient, and equitable distribution of radio services throughout the Republic of Uganda.

(7) A minor licence granted under this regulation shall be for a term not exceeding five years, and may be renewed where the Commission finds that public interest, convenience, and necessity would be served by the renewal.

(8) In determining an application for renewal of a licence, the Commission shall not require any applicant to file any information which was previously furnished to the Commission or which is not directly material to the considerations of the application, but may require any new or additional facts it deems necessary to make its findings.

8. Grant of licence and assignment procedures

(1) The Commission may grant, modify or renew a frequency spectrum licence, only upon a written request submitted to it.

(2) A spectrum frequency licence shall only be granted to an applicant who—

- (a) obtains an equipment authorisation of the equipment installed and commissioned;
- (b) is issued with a construction permit and completes the construction, installation and commissioning of the radio station as authorised; and
- (c) obtains an assignment of specified frequencies.

(3) The assignment of a spectrum and issue of a licence for commercial spectrum uses shall—

- (a) be on a first-come first-serve basis; and
- (b) through competitive bidding.

(4) An assignment on a first-come first-serve basis shall be issued by the Commission to an applicant for a minor licence after considering the application and determining the qualification of the applicant and whether the public interest, convenience and necessity shall be served by the granting of the application.

(5) The competitive bidding procedure shall be applied in an assignment of commercial spectrum uses where the principal use of the spectrum involves the licensee receiving compensation from subscribers in exchange for enabling the subscribers—

- (a) to receive communication signals that are transmitted utilising frequencies on which the licensee is licensed to operate; or
- (b) to transmit directly, communications signals utilising frequencies on which the licensee is licensed to operate.

(6) The Commission shall use the competitive bidding method of assignment only where—

- (a) there are mutually exclusive applications for the use of radio spectrum;
- (b) the Commission has determined and identified classes of licences whose grant through competitive bidding shall—

- (i) safeguard and protect the public interest in the use of the spectrum;

- (ii) promote the development and rapid deployment of new technologies, products and services for the benefit of the public including those residing in rural areas, without administrative or judicial delays;
- (iii) promote economic opportunities and competition and ensure that new and innovative technologies are readily accessible to the public by avoiding excessive concentration of licences and by issuing licences to a wide variety of applicants;
- (iv) recover for the public, a portion of the value of the public spectrum resource made available for commercial use and avoid unjust enrichment through methods employed to award uses of that resource; and
- (v) promote the efficient and intensive use of the electromagnetic spectrum.

(7) For the avoidance of doubt, the competitive bidding method of spectrum assignment shall be used in respect of radio services that qualify for a major licence under the Act.

(8) The Commission shall, after determining and identifying such classes of licences to grant through competitive bidding, issue a public notice inviting bids from the public for the grant of a particular licence in the class, as may be available.

(9) The Commission shall after issuing a notice under subregulation (8), design an appropriate methodology for the competitive bidding, which shall include—

- (a) the selection method;
- (b) the reserve price;
- (c) the entry fee for bidders;
- (d) the deposit payable by the successful bidder; and
- (e) method of payment for a licence.

(10) Upon making an assignment, the Commission may issue to an applicant a construction permit authorising the construction of a station in accordance with the terms and conditions of the construction permit and these Regulations.

(11) Upon issuance of the construction permit, but before installation of equipment and grant of a radio spectrum licence, the Commission may grant the applicant an equipment authorisation allowing the applicant to install the equipment authorised.

(12) The Commission may issue a radio spectrum licence to an applicant after the installation and commissioning of the station by the Commission.

(13) The applicant to whom a radio spectrum licence is issued shall have obtained a construction permit and an equipment authorisation.

(14) The actual operation of all radio frequency devices or apparatus at any radio station shall be authorised by the radio spectrum licence and any communication at such station shall be in accordance with a radio spectrum licence issued in respect of the specified station and equipment.

9. Application for licence

(1) An application for a radio spectrum licence, or an application for modification or renewal of a licence shall specify—

- (a) the character, financial, technical and other qualifications of the applicant to operate the station;
- (b) the ownership and location of a proposed station and of the stations, if any, with which it is proposed to communicate;
- (c) the frequencies and the power desired to be used;
- (d) the hours of the day or other periods of time during which it is proposed to operate the station;
- (e) the purposes for which the station is to be used; and
- (f) any other information as the Commission may require.

(2) The Commission may at any time after the filing of an application and during the term of any licence, require from an applicant or licensee, further written statements of fact to enable it determine whether the application should be granted or denied or whether the licence shall be revoked.

(3) The Commission shall determine in the case of each application filed with it, whether public interest, convenience, and necessity shall be served by granting the licence and where the Commission, upon examination of the application and upon consideration of any other matters as the Commission may officially notice, finds that public interest, convenience, and necessity shall be served by granting it, the Commission may grant the licence.

(4) An aggrieved party may at any time prior to the grant of a licence by the Commission file with the Commission an objection to prohibit the grant of an application under this regulation.

(5) A licence issued under this regulation shall be in a general form and shall contain, in addition to other provisions, a statement of the following conditions, to which the license shall be subject—

- (a) the licence shall not vest in a licensee any right to operate a station or any right to use the frequencies designated in the licence except in a manner authorised in these Regulations;
- (b) the licence or the right granted under it shall not be assigned or transferred in violation of the Act; and
- (c) every licence issued under the Act shall be subject to the right of use or control by Government during war situations for national defence and security.

10. Contents of a frequency licence

(1) A radio spectrum licence shall authorise a licensee to operate the specified radio-communications devices on the radio spectrum assigned or to use a part of the spectrum during the operation of the radio-communications devices.

(2) A radio spectrum licence shall include conditions—

- (a) specifying the maximum permitted level of radio emission in parts of the spectrum outside a specified part, that may be caused by operating radio-communications devices under the licence;
- (b) specifying an area within which operation of radio-communications devices is authorised under the licence;
- (c) specifying the maximum permitted levels of radio emission outside an area that may be caused by operation of a radio-communications devices under the licence;
- (d) specifying the period during which the operation of radio-communications devices is authorised under the licence; and
- (e) requiring a licensee to pay spectrum access charges or spectrum licence tax.

(3) A radio spectrum licence shall remain in force for the period specified in the licence.

(4) A radio spectrum licence shall authorise the operation of a radio frequency device only within a part of the spectrum that constitutes capacity reserved for the device in the Uganda Table of Frequency Allocation.

(5) In addition to the provisions of subregulation (4), a licensee shall not operate or permit operation of a transmitter—

- (a) for a purpose that is inconsistent with the purpose specified in the appropriate frequency band plan within the Uganda Table of Frequency Allocation;
- (b) except in accordance with conditions specified in a licence, relating to—
 - (i) containment of interference or of the likelihood of interference to radio-communications; or
 - (ii) transmission of an identification signal;
- (c) except on a frequency or on a frequency channel and at a constancy specified in the licence; or
- (d) in any way that is likely to cause reasonable persons, justifiably in all the circumstances, to be seriously alarmed or affronted, or for the purpose of harassing a person.

11. Special provisions for broadcasting frequency

(1) The Commission shall, in consultation with the Broadcasting Council established under the Electronic Media Act designate and allocate a part of the spectrum which shall be included in the Uganda Table of Frequency Allocations, primarily for broadcasting purposes.

(2) The Commission shall not issue a radio spectrum licence authorising the operation of a radio frequency device within a part of the spectrum designated for broadcasting purposes, except where the licensee obtains an authorisation of the Broadcasting Council, in accordance with the Electronic Media Act.

12. Experimental radio services

(1) A station operating in the experimental radio service may be permitted to conduct the following types of operations—

- (a) experimentations in scientific or technical radio research;
- (b) experimentations under contractual agreement with the Government or for export purposes;
- (c) communications essential to research projects;
- (d) technical demonstrations of equipment or techniques;
- (e) field strength surveys by persons who are not eligible for authorisation in any other service;
- (f) demonstration of equipment to prospective purchasers by persons or institutions engaged in the business of selling radio equipment;
- (g) testing of equipment in connection with production or regulatory approval of the equipment;
- (h) development of radio techniques, equipment or engineering data, not related to an existing or proposed service, including field or factory testing or calibration of equipment; and
- (i) development of radio techniques, equipment, operational data or engineering data related to an existing or proposed radio service.

(2) Authorisation for a station in the experimental radio service shall only be issued to a person qualified to conduct experimentation utilising radio waves for scientific or technical operation data directly related to the use of radio or for communications in research projects when existing communications facilities are inadequate.

(3) An applicant who is eligible for authorisation in an established service and who seeks to develop operational data or techniques directed toward the improvement or extension of that service, shall file an application and conduct any required projects under the developmental rules of the established service.

(4) An applicant for station authorisation shall be specific and complete with regard to station location, proposed equipment, power, antenna height, operating frequency and any other information required in the application form.

(5) An applicant for an authorisation in the experimental radio service shall enclose in the application, a narrative statement describing in detail the program of research and experimentation proposed, the specific objectives sought to be accomplished, and how the program of experimentation shall contribute to the development, extension, expansion, or utilisation of the radio art.

(6) A regular licence period for a station in the experimental radio service shall be one or two years, and any applicant who desires to apply for a three year licence shall provide justification for it.

(7) To evaluate the progress of the experimental program, the Commission may, as a condition of authorisation, request a licensee to forward to it periodic reports.

(8) An applicant may request the Commission to withhold from the public certain reports and associated material submitted to it and the Commission may do so unless public interest requires otherwise.

(9) Prior authorisation from the Commission is required before the following antenna changes are made at a station at a fixed location—

(a) any change that is likely to increase the height of a structure supporting the radiating portion of an antenna or to decrease the height of a lighted antenna structure; or

(b) any re-location of an antenna which involves a change in the geographic co-ordinates of latitude or longitude by a second, or a change in a street address.

(10) In case of permanent discontinuance of operation of the experimental radio service, or in case of permanent discontinuance of operation of all transmitter units listed in the licence for the experimental radio service, a licensee shall forward the station licence to the Commission.

(11) An applicant for a station in the experimental radio service shall accept the licence with the express understanding—

(a) that the authority to use a frequency assigned is granted on an experimental basis, and does not confer any right to conduct an activity of a continuing nature; and

(b) that the grant is subject to change or cancellation by the Commission at any time if in its discretion, the need, change or cancellation arises.

(12) Each frequency or band of frequencies available for assignment to a station in the experimental radio service shall be available on a shared basis, and shall not be assigned for the exclusive use of a sole applicant.

(13) Each frequency available for assignment shall be restricted to one or more specified geographical areas.

(14) The Commission may issue an authorisation to a school or a student, to present an experiment or technical demonstration for a school or an approved project that requires the use of radio for a limited period of time.

(15) A program of experimentation stated by an applicant in an application for a licence or in a station instrument of authorisation shall be adhered to except where a licensee is authorised to do otherwise by the Commission.

(16) A station and a record of a station in the experimental radio service shall be made available for inspection at any time when the station is in operation or upon reasonable request of an authorised representative of the Commission.

(17) A single applicant shall not be assigned use of more than one frequency in a band of frequencies except where the applicant demonstrates that the assignment of additional frequencies is essential to the proposed program of experimentation.

13. Temporary radio operations

(1) An experimental program shall be considered temporary where its program is not expected to last more than six months.

(2) The Commission may issue a special temporary authorisation under this regulation, for operation of a station for a period not exceeding six months, where a need is shown.

(3) An extension of a special temporary authorisation shall be granted where an application for a regular experimental licence is filed at least fifteen days before the expiration of a licensee's temporary authorisation, and the operations of the licensee may continue in accordance with the other terms and conditions of the temporary authority, pending determination of the application, except where the applicant is notified otherwise by the Commission.

(4) An application for special temporary authorisation may be filed as an informal application and shall contain the following information—

- (a) name and address of the applicant;
- (b) description of the purpose of the special temporary authorisation is required;
- (c) description of the operation to be conducted and its purpose;
- (d) time and dates of the proposed operation;
- (e) class of station and call sign of station, if applicable;
- (f) description of the location and geographical co-ordinates of the proposed operation;
- (g) equipment to be used, including name of manufacturer, model and number of units;
- (h) frequency desired;
- (i) maximum effective radiated power;
- (j) emission designator or description of the emission; and
- (k) overall height of antenna structure above the ground.

14. Approval of radio-communications system and equipment(1) Every frequency licence of radio-communications equipment, apparatus or devices forming part of, connected to, operated or used in a station or installation for the provision of radio-communications services in accordance with equipment type approval regulations made under the Act, shall be subject to the approval of the Commission.

(2) Without limiting the generality of subregulation (1), every frequency licence shall require the licensee—

- (a) to seek the approval of the Commission before any installation, connection, operation or use of any radio-communication equipment at a station, installation or service provision;
- (b) to comply with any requirements that the Commission may think appropriate including the requirement to satisfy some other person with respect to any matter; and

- (c) to pay a fee to the Commission in respect of the carrying out of any test or other assessment for the approval of the radio-communication equipment, as the Commission may determine.

15. Construction permit

(1) An application for a construction permit shall specify—

- (a) the character, financial, technical, and other ability of an applicant to construct and operate a station;
- (b) the ownership and location of a proposed station and of the station or stations with which it is proposed to communicate;
- (c) the frequencies desired to be used;
- (d) the hours of the day or other periods of time during which it is proposed to operate the station;
- (e) the purpose for which the station is to be used;
- (f) the type of transmitting apparatus to be used;
- (g) the power to be used;
- (h) the date upon which the station is expected to be completed and commence operation; and
- (i) any other information as the Commission may require.

(2) The Commission may—

- (a) approve the location and manner of installation of any radio equipment required;
- (b) approve installations, apparatus, and the necessary spare parts; and
- (c) prescribe any additional equipment that may be necessary to supplement that specified in this regulation for the proper functioning of the radio installation, and the proper conduct of radio communication in time of emergency or distress.

(3) The Commission shall have the authority to—

- (a) prescribe the operating and technical conditions and characteristics including frequencies, emissions, power, communication capability and range of installations required under this regulation;
- (b) approve the location and manner of installation of the equipment required or necessitated for the purposes and requirements under this regulation;
- (c) approve installations, apparatus and spare parts necessary to comply with the purposes and requirements of this regulation; and
- (d) prescribe any additional equipment as may be necessary to supplement that specified in this regulation for the proper functioning of the radio installation, installed in accordance with this regulation or for the proper conduct of radio communication in time of emergency or distress.

(4) Where an installation or operation of equipment is likely to significantly impact on the environment, an environmental impact assessment under the National Environment Act, shall be submitted with the application.

(5) A radio installation that requires an antenna structure shall paint and illuminate the radio tower to prevent it from constituting a menace to air navigation and shall maintain the painting or illumination of the tower.

(6) A permit for construction shall specify the date when the actual operation of a station is expected to begin, and shall provide that the permit shall automatically be forfeited if the station is not ready for operation at the time specified or at a later time as the Commission may allow, unless it proves that the delay to operate was caused by reasons beyond the control of a licensee.

(7) The Commission shall issue a licence to the lawful holder of a permit for the operation of a station—

- (a) upon the completion of construction of the station for which a permit has been granted;
- (b) where it appears to the Commission that all the terms, conditions, and obligations specified in an application and permit are complied with; and
- (c) where it appears to the Commission that no cause or circumstance arising or coming to the knowledge of the Commission after granting the permit that, in the judgement of the Commission, make the operation of the station go against the public interest.

(8) The Commission or a duly authorised official of the Commission shall make an inspection as may be necessary to ensure compliance with the requirements of this regulation.

16. Licence modification and renewal

(1) A frequency licence may be modified or renewed in accordance with the Act, and in the manner set out in the practice and procedure regulations made under the Act.

(2) The Commission shall before modifying a frequency licence take into consideration—

- (a) the necessity to achieve the objectives of the Act and these Regulations;
- (b) public interest;
- (c) the justified interests of operators; and
- (d) the principles of fair competition and equality of treatment.

17. Suspension and revocation of licence

(1) The Commission may in accordance with the Act, and in a manner set out in the practice and procedure regulations and the terms of a licence, suspend or revoke the licence.

(2) The Commission shall before revoking a frequency licence consider—

- (a) serious and repeated breach of the conditions of the licence;
- (b) any fraud or intentional misrepresentation by an operator in an application for the licence;
- (c) whether the operator is engaged in or is supporting activities which amount to a treasonable offence under the Penal Code Act; or
- (d) whether the operator has ceased to be an eligible person.

(3) The Commission shall revoke any frequency spectrum licence, permit or authorisation—

- (a) for any false statement knowingly made in an application or in any statement of fact;
- (b) for conditions coming to the attention of the Commission which warrant a refusal to grant the licence, permit or authorisation on an original application;
- (c) for wilful or repeated failure to operate as specified in the licence;
- (d) for wilful or repeated violation of, or wilful or repeated failure to observe any provision of the Act or these Regulations;
- (e) for violation of or failure to observe any cease and desist order issued by the Commission under this regulation; or
- (f) for wilful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for an elective office on behalf of his or her candidacy.

(4) Before revoking a frequency spectrum licence, permit or authorisation or issuing a cease and desist order, the Commission shall serve upon the licensee, permit holder, or authorised person, an order to show cause why an order of revocation or a cease and desist order should not be issued.

(5) An order to show cause shall contain a statement of the matters with respect to which the Commission is inquiring and shall call upon a licensee, permit holder, or authorised person to appear before the Commission at a time and place stated in the order, and give evidence upon the matter specified in the order.

(6) The time period for appearing before the Commission shall not be less than thirty days after the receipt of the order, except that where the safety of life or property is involved, the Commission may provide for a shorter period in the order.

(7) If after a hearing, the Commission determines that an order of revocation or a cease and desist order shall issue, it shall issue the order, including a statement of the findings of the Commission and the grounds and reasons for the order and shall specify the effective date of the order.

(8) The Commission shall cause an order issued in subregulation (7) to be served on a licensee, permit holder, or authorised person.

(9) The Commission may issue a cease and desist order where a licensee—

- (a) fails to operate as prescribed in a licence;
- (b) violates or fails to observe the Act; or
- (c) violates or fails to observe these Regulations.

(10) The provisions of the practice and procedure regulations, which apply with respect to the institution of any proceedings for the revocation of a licence or permit shall apply with respect to the institution of any proceedings for the issuance of a cease and desist order.

(11) For purposes of this regulation—

- (a) “wilful”, with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of the act, irrespective of any intent to violate the Act or these Regulations; and
- (b) “repeated”, with reference to the commission or omission of any act, means the commission or omission of the act more than once or, where the commission or omission is continuous, for more than one day.

18. Transfer of licences

(1) An application for the transfer of a licence by an operator shall be in the manner provided in the Act and in the practice and procedure regulations.

(2) The Commission shall consider an application for a transfer of a licence using the terms and conditions used in granting a new licence, and the Commission may in its discretion refuse to grant the application.

19. Distress messages

(1) Each station licence shall give absolute priority to a radio-communication or signal relating to distress and shall cease communicating on frequencies, which are likely to interfere with a radio-communication or signal of distress.

(2) Each station shall, except when engaged in answering or aiding a ship or aircraft in distress, refrain from sending any radio-communication or signal until there is assurance that no interference is likely to be caused with the radio-communication or signal relating to it and shall assist a station in distress, where possible, by complying with its instructions.

(3) Any station which becomes aware that another station is in distress may transmit the distress message—

- (a) where the station in distress is not in a position to transmit the message;
- (b) where a rescuing station following a distress, believes that further help is necessary; or
- (c) where it is directed by the station in control of distress traffic; or
- (d) where it has reason to believe that the distress call it intercepted is not received by any station in position to render aid.

(4) A station which is notified to cease operation shall not resume operation on a frequency which may cause interference until it is notified by the station issuing the original notice that it does not interfere with the distress traffic routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

(5) A licensee of any station other than a broadcasting stations may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilise the station for emergency communication service to communicating in a manner other than that specified by the Commission.

(6) In a period of emergency, a licensee of a station shall—

- (a) as soon as possible after the beginning of the emergency use, send to the Commission a notice stating the nature of the emergency and the use to which the station is put;
- (b) discontinue the emergency use of a station as soon as normal communication facilities are available again;
- (c) immediately notify the Commission when special use of the station is terminated;
- (d) not engage in emergency transmission on a frequency other than, or with power in excess of, that specified in the Commission authorisation or as may be expressly provided by the Commission; and
- (e) terminate any emergency communication undertaken under this regulation, upon an order of the Commission.

(7) A person shall not use, directly or indirectly, a device required to be licensed for radio-communication services, for the purpose of overhearing or recording a private conversation of other parties unless the use is authorised by all of the parties engaging in the conversation.

(8) Subregulation (7) does not apply to operations of any law enforcement or security agency conducted under lawful authority.

20. Offences

(1) A person shall not in any advertising matter or brochure, use or make reference to an equipment authorisation in a deceptive or misleading manner or convey the impression that the equipment authorisation reflects more than the Commission's approval that the device or product is shown to be capable of being compliant with the applicable technical standards.

(2) Except with the authority of the Commission, a person shall not manufacture, import, ship, sell or lease, offer for sale or lease, distribute, possess, install or in any way operate or use any devices referred to in regulation 2.

(3) A person who contravenes this regulation commits an offence and is liable on conviction to a fine not exceeding thirty currency points or imprisonment not exceeding twelve months or both.

SCHEDULES.



FIRST SCHEDULE

REGULATION 5

Currency point

One currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

Regulation 6

NOMENCLATURE OF FREQUENCIES

Band No.	Frequency subdivision	Frequency range
4	VLF (very low frequency).	Below 30 kHz.
5	LF (low frequency)	30 to 300 kHz.
6	MF (medium frequency).	300 to 3000 kHz.
7	HF (high frequency)	3 to 30 MHz.
8	VHF (very high frequency).	30 to 300 MHz.
9	UHF (ultra high frequency).	300 to 3000 MHz.
10	SHF (super high frequency).	3 to 30 GHz.
11	EHF (extremely high frequency).	30 to 300 GHz.
12	300 to 3000 GHz.

Cross References

Electronic Media Act, Cap. 104
National Environment Act, Cap.153
Penal Code Act, Cap 120

ABEL KATAHOIRE,
Chairperson, Uganda Communications Commission.