

Postal and Telecommunications (Licensing, Registration and Certification) (Amendment) Regulations, 2015

---

IT is hereby notified that the Minister of Information Communication Technology, Postal and Courier Services has, in terms of section 99 of the Postal and Telecommunications Act [Chapter 12:05], after consultation with the Authority, made the following regulations:—

1. These regulations may be cited as the Postal and Telecommunications (Licensing, Registration and Certification) (Amendment) Regulations, 2015.

2. Section 2 of the Postal and Telecommunication (Licensing, Registration and Certification) Regulations, 2001, published in Statutory Instrument 11A of 2001 (hereinafter called “the principal regulations”), is amended by the—

(a) insertion of the following definitions—

“Broadband Global Area Network (BGAN)” means a global satellite internet network that includes telephony;

“C band” means the microwave frequencies for satellite communications from 3.6GHz to 8GHz;

“Ka band” means microwave frequencies for satellite communications from 18 to 40 GHz;

“Ku band” means the microwave frequencies for satellite communications from 11.2 GHz to 14.5 GHz;

“Mesh topology” means a network architecture in which devices are connected with many redundant interconnections between network nodes;

“Mobile-Satellite Service (MSS)” means a radio-communication service between mobile earth stations and one or more space stations;

“Star topology” means an architecture in which all nodes are individually connected to a central connection point, like a Hub or a router;

“Virtual Network Operator (VNO)” means a local entity that does not own VSAT network facilities but leases such facilities from International VSAT Hub service providers;

“VSAT Facilities Service Provider” means a VSAT Upstream Provider or Local Hub Operator;”;

- (b) repeal of the definition of “hub” and the substitution of—

““hub” means a central VSAT earth station operating within a VSAT Network, star or mesh in configuration, whose functions include control of network operations, configuration, performance and traffic engineering”.

3. Section 9 of the principal regulations is amended by the insertion after subsection (e) of the following subsections—

“(f) operating a Virtual VSAT Network without a VNO contract approved by the Authority;

- (g) failure by the licensee to comply with any directive issued in terms of the Interception of Communications Act [*Chapter 11:20*] and the Postal and Telecommunications Act [*Chapter 12:05*] or any other relevant enactment.”.

4. Part XII of the principal regulations is repealed and substituted with the following—

“PART XII

CONSIDERATIONS RELATING TO USE OF VERY SMALL APERTURE TERMINAL (VSAT) BY PUBLIC AND PRIVATE TELECOMMUNICATION LICENSEES

*Public network operators*

55. (1) No Virtual Network Operator (VNO), who does not own a local hub, shall operate a VSAT Virtual Network unless such operator enters into a contract with a VSAT Facilities Service Provider for the provision of VSAT services.

(2) The VNO referred to in subsection (1) shall submit the VNO contract entered into with the VSAT Facilities Service Provider to the Authority for approval within sixty days from the date of publication of these regulations.

(3) No VNO shall operate a VSAT Virtual Network without an approved VNO contract.

(4) The VNO contract shall—

- (a) confer the following minimum rights to local operators—
  - (i) right to add or delete remote stations for the Virtual Network;
  - (ii) full visibility and management of remote stations belonging to the Virtual Network;
  - (iii) billing rights of remote stations within the Virtual Network;
- (b) make provision for compliance with the legislation on lawful interception of communication.

(5) All VSAT terminals shall be licensed by the Authority.

(6) All local hub operators shall comply with directives issued in terms of the Interception of Communications Act [*Chapter 11:20*] and the Postal and Telecommunications Act [*Chapter 12:05*] or any other law.

*Conditions for Licensing Private Network Operators*

55A. (1) The Authority may license a Private Network Operator where—

- (a) the relevant telecommunication or radio communication service is not provided by a public telecommunication licensee; or
- (b) it is not practicable or convenient or expedient for a public telecommunication licensee to provide the service in question; or
- (c) in the opinion of the Authority, circumstances justify the provision of the service in question.

(2) Any radio station operated in connection with a private telecommunication service or system shall be worked solely for the purposes of transmitting and receiving messages relating to the business of the licensee.

(3) A radio station operated in terms of section 5(3) shall communicate only with such other station or stations as may be authorised by the Authority.

*VSATs in Mesh or Point to Point Configuration*

55B. (1) No Public or Private Network Operators shall use satellite networks in Mesh or Star configuration, unless the network operator notifies the Authority of earth stations located in Zimbabwe which have—

- (a) independent centralised control and monitoring functionality;
- (b) the capability to suppress transmissions from any earth station within the network.

(2) Subject to the approval of the Authority, Public and Private Network operators may use earth stations with point-to-multi point and point- to-point configurations as permanent earth stations.”

5. Part I of the Second Schedule to the principal regulations is amended by the repeal of Paragraph 6 and the substitution of the following—

“SECOND SCHEDULE

US\$

“6. The VSAT/Mobile Satellite Service Terminal (MSS) landing rights fees (payable in US dollars)—	
(i) VSAT network with foreign hub (Virtual VSAT Network) C and Ku Bands—	
An annual fee payable in advance, per each VSAT terminal in full . . . . .	30,00
(ii) VSAT with foreign hub (Virtual Network VSAT) Ka Band—	
An annual fee payable in advance, per each VSAT terminal in full . . . . .	20,00

US\$

(iii) MSS Terminal—

An annual fee payable in advance, per each transportable satellite or portable satellite phones (pro-rated for each calendar month or part thereof) . . . . . 200,00

(iv) BGAN terminal—

An annual fee payable in advance, per each transportable terminal (pro-rated for each calendar month or part thereof) . . . . . 200,00.”

