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# New communications regulations have been gazetted



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### **NEW COMMUNICATIONS REGULATIONS HAVE BEEN GAZETTED**

In Exercise of the powers conferred upon the Minister by section 93 of the Uganda Communications Act, 2013, and in consultation with the Uganda Communications Commission, new Regulations have been made.

These Regulations replace the Communications Regulations which were made in 2005, under the under section 94 of the repealed Uganda Communications Act, Cap 106.

The new regulations are cover many sector issues and will result in many changes within the Communications sector. The regulations not only changes the entire current Licensing Framework, but also extends the regulatory oversight to new services and many hitherto unregulated services and industries. At the same time, the Regulations seek to further improve the regulatory environment in relation to Consumer protection issues.

The newly made and gazetted Regulations include the following;

#### **1. The Uganda Communications (Licensing) Regulations, S.I No.95 of 2019**

The objectives of these Regulations are-

- (a) to promote fair competition in the communications industry, transparency in licensing and authorisation procedures and compliance based on open, objective, non-discriminatory and transparent rules, requirements, terms and conditions of licensing and authorisations;
- (b) to promote the development of a harmonised and nation-wide communications network, fulfilment of the public interest and the objectives of the Act, and promotion of the national, social and economic development;
- (c) to develop a broadband infrastructure policy to govern installation, operation and sharing of communications infrastructure and any other identified resource that can be used at the same site by more than one operator, or by an operator and other authorised users;
- (d) to enhance the interoperability of communications infrastructure, facilities, networks and services countrywide;
- (e) to establish a regulatory framework for the transformation and operation of a commercialised communications network and services that are efficient, effective, reliable and affordable, and to correspond to the changing consumer demands and technology;
- (f) to facilitate the introduction of new modern services and the expansion of existing services into modern and innovative quality services delivered at reasonable and affordable cost;
- (g) to stimulate technological innovation and the development of new services;

- (h) to ensure the fulfilment of essential requirements; including security of network operations, maintenance of network integrity, interoperability of networks, data protection, protection of the environment and compliance with physical planning requirements;
- (i) to ensure that the provision of communications services complies with international obligations for the maximisation of user benefits in quality and pricing;
- (j) to ensure the viability and benefits of new competitive entry in the communications market through increased competition;
- (j) to ensure efficient management and use of the frequency spectrum;
- (k) to promote the growth, development, efficiency and competitiveness of the film industry in Uganda; and
- (l) to regulate value added services offered directly or indirectly by licensed operators to consumers.

2. **The Uganda Communications (Universal Service and Access Fund) Regulations, S.I No.85 of 2019**

The objective of these Regulations is –

- (a) to provide for the establishment of a Universal Service and Access Fund in accordance with section 5 (1) (s) of the Act to facilitate access to universal service for the development of rural communications and information and communications technology in the country;
- (b) to provide for appointment of a fund manager;
- (c) to provide for operating procedures of the fund; and
- (d) to regulate the utilisation of monies of the fund.

3. **The Uganda Communications (Intelligent Network Monitoring System) Regulations, S.I No.82 of 2019**

The objective of these Regulations is to establish a framework to regulate the Intelligent Network Monitoring System to ensure thorough monitoring and effective regulation of communications traffic in Uganda by-

- (a) granting the Commission sufficient regulatory tools to enable it to fulfill its mandate under the Act;
- (b) granting government through its agencies to monitor communications use and fulfill any other security requirements directed by authorised persons;
- (c) enabling the Commission to ensure the generation of reliable information and communications technologies statistics for communications traffic;
- (d) detecting and eliminating fraud in the communications networks in Uganda;
- (e) empowering the Commission to effectively monitor compliance with the quality of service parameters;

- (f) ensuring fair competition through Intelligent Network Monitoring System and services for monitoring of gateway traffic;
- (g) ensuring effective regulation of gateways and their optimum use by operators;
- (h) promoting even and fair practice in international transit and roaming practices among operators;
- (i) verifying and validating the returns of operators in Uganda; and enhancing local and international traffic revenue assurance and international market watch services.

**4. The Uganda Communications (Fees And Fines) Regulations, S.I No.94 of 2019**

The objective of these Regulations is-

- (a) to provide for the assessment of fees by the Commission under the Act;
- (b) to prescribe fines imposed by the Commission under the Act and regulations made under the Act;
- (c) to prescribe fines and penalties in respect of serious and repeated breaches of the Act; and
- (d) to provide for the imposition of a fine of up to 10% of gross annual revenue in accordance with section 41(2) of the Act.

**5. The Uganda Communications (Emergency Response) Regulations, S.I No.84 of 2019**

The objective of these Regulations is to provide for-

- (a) the exercise of the powers of the Commission during a state of emergency;
- (b) temporary takeovers of any communication station or apparatus installed and used in the station during a state of emergency;
- (c) the issuance of directions to operators to operate services in a specified manner to alleviate the state of emergency or promote public safety; and
- (d) the interception and detention of postal articles in the course of transmission in Uganda during a state of emergency.

**6. The Uganda Communications (Computer Emergency Response Team) Regulations, S.I No. 81 of 2019**

The objective of these Regulations is -

- (a) to establish and operate a CERT to manage cyber security incidents in the communications sector;
- (b) to identify and protect critical communications infrastructure;

- (c) to provide for an administrative and legal framework during a declared communications emergency;
- (d) to provide for emergency response measures to respond to cyber and *any* other network threats in the communications sector.

**7. The Stage Plays And Public Entertainments Rules, S.I No.80 of 2019**

The objective of these Rules is-

- (a) to provide for the powers and functions of the Commission under the Stage Plays and Public Entertainments Act;
- (b) to provide for the application for permits under the Stage Plays and Public Entertainments Act;
- (c) to provide for the advertising of stage plays and public entertainments; and
- (d) to provide for the withdrawal of permits issued under these Rules.

**8. The Uganda Communications (Film And Commercial Still Photography) Regulations, S.I No.79 of 2019**

The objective of these Regulations is to provide for-

- (a) the powers and functions of the Commission under section 5(1)(x) of the Act;
- (b) the application for filming licences under section 5(1)(x) of the Act;
- (c) the application for licences and permits for film production, commercial still photography and documentaries;
- (d) the advertising of exhibitions of film production, commercial still photography and documentaries;
- (e) the withdrawal of permits issued for any of the purposes of these Regulations.

**9. The Uganda Communications (Content) Regulations, S.I No.91 of 2019**

The objective of these Regulations is-

- (a) to regulate matters relating to content under the Act; and
- (b) to define the functions of the Contents Committee established under section 14 (2) of the Act.

**10. The Uganda Communications (Universal Service) Regulations, S.I No.86 of 2019**

The objectives of these Regulations are-

- (a) to ensure availability of communications services at a minimum standard determined by the Commission, including providing services to persons with disabilities, persons in rural, sparsely populated, high cost service areas and other specified areas in accordance with the Schedule 6 to the Act;
- (b) to define a set of communications services to be provided by national operators throughout the country;
- (c) to create a framework for open and efficient access to and use of communication networks and services in an environment of an open and competitive market;

- (d) to ensure universal provision of and access to quality and affordable basic communication services;
- (e) to promote widespread access to quality services at affordable rates and ensure that rural and high cost areas have access to communication and information services at prices reasonably comparable with those offered in urban areas;
- (f) to expand and maintain the accessibility of affordable and quality communications services to all persons in Uganda;
- (g) to establish a mechanism for sharing net costs fairly, transparently and proportionately among operators, and if there are any net costs, to encourage competitive delivery as far as possible; and
- (h) to ensure that adequate arrangements are in place to monitor the delivery of universal service and review of its level from time to time.

**11. The Uganda Communications (Text And Multimedia Messaging) Regulations, S.I No.83 of 2019.**

The objectives of these Regulations are-

- (a) to promote the use, with confidence, of text and multimedia message by end users of communications services in Uganda, while minimising encumbrances from mobile spam;
- (b) to provide a transparent mechanism for complaints handling in relation to text and multimedia messaging and ensuring that complaints are handled in a fair and efficient manner;
- (c) to establish a regime that ensures that reasonable steps are taken by or authorised parties to protect children from viewing audiovisual content that is not suitable for them; and
- (d) to ensure that the use of text and multimedia messages complies with the laws of Uganda.

**12. The Uganda Communications (Centralised Equipment Identification Register) Regulations, S.I No.90 of 2019**

The objectives of these Regulations are-

- (a) to provide a legal framework for the operation of the Centralised Equipment Identification Register,
- (b) to promote and safeguard the interest of consumers; and
- (c)

- (d) to provide a procedure for reporting use of unauthorised communications apparatus and a means to disable the functioning of unauthorised, stolen or blacklisted communications apparatus.

**13. The Uganda Communications (Quality Of Service) Regulations, S.I No.92 of 2019.**

The objectives of these Regulations are-

- (a) to prescribe minimum standards of quality of service for operators;
- (b) to create conditions for consumer satisfaction by prescribing the quality of service which an operator is required to provide and which the user has the right to expect;
- (c) to prescribe standards for the measurement of the quality of service provided by an operator in order to assess the level of performance of the operator;
- (d) to promote fairness and safeguard the interests of consumers of communications services; and
- (e) to prescribe penalties for noncompliance with these Regulations.

**14. The Uganda Communications (Interconnection And Access) Regulations, S.I No.88 of 2019.**

The objective of these Regulations is to establish an effective and competitive framework for regulating interconnection and access, and providing for mechanisms for the interoperability of communications networks, systems, and facilities through measures aimed at-

- (a) ensuring equality of access and universality; guaranteeing competitive interconnection of network facilities to enable the delivery and mutual exchange of communications services;
- (b) ensuring cost-oriented commercial leasing arrangements for network infrastructure, facilities, systems, components or elements;
- (c) ensuring adequate consumer protection, data privacy and maximising consumer welfare of any-to-any connectivity;
- (d) preventing operators and service providers with significant market power in interconnect and access markets from abusing their positions;
- (e) regulating the conduct of operators and providers in a manner proportionate to the market power or relative position in each separate market;
- (f) protecting access seekers and other third parties from artificial barriers erected by operators to protect their market share and products' offering from competition;
- (g) promoting fair competition, transparency of interconnection and access agreements, and compliance with technical standards by setting out rights and obligations of operators, third parties and service providers in infrastructure and services markets in regard to interconnection and access requests;
- (h) establishing a dispute resolution mechanism for access and interconnection disputes;
- (i) laying down charging principles for access and interconnection of networks and infrastructure facilities and services;
- (j) promoting efficient nationwide infrastructure roll out and deployment; and
- (k) promoting overall reduction of operator network costs by providing for infrastructure sharing frameworks to limit duplication of infrastructure in the delivery of communications services.

**15. The Uganda Communications (Equipment Type Approval) Regulations, S.I No.78 of 2019**

The objectives of these Regulations are -

- (a) to provide uniform standards for the protection of communications networks from harm caused by the connection of terminal equipment and associated wiring;
- (b) to set technical standards for manufacture, posses, connect, install, distribution, sale, lease, offer for sale, importation, use and disposal of communications equipment;
- (c) to ensure that the connection of equipment to the communications networks does not damage or jeopardise the integrity of communications networks;
- (d) to provide a mechanism that enables the efficient delivery of communications services over communications networks in order to achieve an acceptable quality of overall end-to-end network performance;
- (e) to ensure the safety of end-users, the general public and workers of communications equipment; and
- (f) to ensure the fulfillment of essential requirements, including security of network operation, maintenance of network integrity, interoperability, data protection and protection of the environment.

**16. The Uganda Communications (Consumer Protection) Regulations, S.I No.87 of 2019**

The objective of these Regulations is-

- (a) to promote and safeguard the interests of consumers and operators;
- (b) to empower the Commission to receive, investigate and determine consumer complaints relating to communications services offered by the Commission; and
- (c) to provide for the investigation any consumer related complaints referred to the Commission by the Minister.

**17. The Uganda Communications (Competition) Regulations, S.I No.93 of 2019**

The objectives of these Regulations are -

- (a) to promote the efficiency and competitiveness of communications services in Uganda;
- (b) to ensure that communications services are reasonably accessible and fairly priced in Uganda;
- (c) to ensure that communications services are supplied as efficiently and economically as is practicable and at performance standards that meet the social, industrial and commercial needs of Uganda;

- (d) to promote and maintain fair and efficient market conduct and effective competition among all persons engaged in commercial activities connected with the communications sector in Uganda;
- (e) to encourage, facilitate and promote industry self-regulation in the communications industry in Uganda;
- (f) to encourage, facilitate and promote investment; and
- (g) to establish, develop and expand the communications industry in Uganda.

**18. The Uganda Communications (Pricing And Accounting) Regulations, S.I No.89 of 2019**

The objective of these Regulations is to establish a framework for the efficient and reasonable cost-oriented pricing of communications services through measures that-

- (a) ensure that prices charged to consumers are reasonable and efficient, cost-oriented, non-discriminatory and reflect optimum consumer satisfaction;
- (b) ensure the promotion of operation efficiency and resource utilization;
- (c) ensure the disclosure of accounting information and records as a basis of deriving or determining cost-oriented prices;
- (d) establish an accounting system in the communications sector that is consistent, reliable, comparable and stable in financial reporting;
- (e) require operators to implement transparent cost accounting systems and costing framework, reflecting the costs of efficient service provision;
- (f) promote fair competition by ensuring that charges are cost-oriented, transparent and non-discriminatory; and
- (g) regulate pricing for communications infrastructure to ease interconnection, co-location, provision of access and sharing where applicable.



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