Information and Communication Technologies

[No. 15 of 2009 117

THE INFORMATION AND COMMUNICATION TECHNOLOGIES, ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

- 1. Short title and commencement
- 2. Interpretation
- 3. Supremacy of Act

PART II

THE ZAMBIA INFORMATION AND COMMUNICATIONS TECHNOLOGY

AUTHORITY

- 4. Continuation and re-naming of Authority
- 5. Functions of Authority
- 6. Independence of Authority
- 7. Authority to issue guidelines
- 8. Competition in sector

PART III

Licensing of Electronic Communications other than Radiocommunications

- 9. Prohibition of operation of network or provision of service without licence
- 10. Licences
- 11. Application for licence
- 12. Issue of licence
- 13. Conditions of licence
- 14. Variation of licence
- 15. Surrender of licence
- 16. Transfer of license
- 17. Amendment of licence
- 18. Suspension or cancellation of licence
- 19. Renewal of licence
- 20. Exemption of specific persons, activities etc.
- 21. Obligations of persons undertaking exempt activities
- 22. Reserved service
- 23. Provision of essential services
- 24. Change of control of licencee
- 25. Necessity for scarce resources assignment
- 26. Register

Copies of this Act may can be obtained from the Government Printer, P.O. Box 30136, 10101 Lusaka. Price K33,500- each.

7

PART IV

RADIOCOMMUNICATION SERVICES

27. Application of part

28. Prohibition of operating radio station, etc. without license

29. Application for license

30. License

31. Conditions of license

32. Duration of license

33. Renewal of license

34. License not transferable

35. Certificate of competence to operate amateur radio station

36. Unauthorised activities

37. Suspension or revocation of licence or certificate

38. Notice to be given of certain works

PART V

ECONOMIC REGULATION

39. Definition

40. Relevant markets and dominant market players

41. Interconnection

42. Register of interconnection agreement

43. Access agreement

44. Co-location

45. Interim arrangements for interconnection, access or colocation

46. Authority to be copied

47. Tariffs for services to public

48. Tariffs for services offered by licencee holding dominant position

49. Forbearance

50. Approval of tariffs and charges by Authority

51. Tariff rates and regulations

52. Penalty for using unapproved tariffs, charges etc

PART VI

TECHNICAL REGULATION

53. Prohibition of using frequency, bands, etc. without assignment

54. Spectrum and number assignment

55. Numbering plan

56. Assignment exemption

57. Assignment fees

- 58. Assignment renewal
- 59. Modification, suspension and withdrawal of individual assignments
- 60. Modification, suspension and withdrawal of class assignment
- 61. Rights of transfer, frequency, band, etc.
- 62. Access to public land for provision of electronic communication service
- 63. Access to private land and acquisition of private property
- 64. Technical standards for electronic communications apparatus
- 65. Standards for performance and operation of equipment or electronic communication apparatus
- 66. Type approval of equipment

PART VII

CONSUMER AFFAIRS

67. Quality of Service

68. Guidelines for handling complaints

69. Code of conduct for service providers

PART VIII

UNIVERSAL ACCESS AND SERVICE

- 70. Universal Access and Service Fund
- 71. Administration and management of Fund
- 72. Annual returns

PART IX

DISPUTES, REVIEWS AND APPEALS

- 73. Appeals
- 74. Appeals Tribunal
- 75. Licensee disputes

PART X

ENFORCEMENT AND OFFENCES

- 76. Inspection
- 77. Security of electronic communications installation or plant
- 78. General Offences
- 79. Failure to comply with guidelines, terms or conditions of license, etc.
- 80. Interference with programming of mobile device
- 81. Unauthorised disclosure of radiocommunication message
- 82. Furnishing of false information, etc.
- 83. Unauthorised interference with apparatus, etc.

- 84. Forfeiture of equipment
- 85. Use of equipment in commission of offence
- 86. Penalty for abating or attempting to commit offences
- 87. Offences by body corporate or unincorporate body
- 88. Power of Director-General to compound certain offences
- 89. Offences cognizable

PART XI

GENERAL PROVISIONS

- 90. Information to be furnished to Authority
- 91. Regulations
- 92. Repeal of Cap. 469 and Cap. 169

Schedules

First Schedule Second Schedule Third Schedule à

GOVERNMENT OF ZAMBIA

ACT

No. 15 of 2009

Date of Assent: 26th August, 2009

An Act to continue the existence of the Communications Authority and re-name it as the Zambia Information and Communication Technology Authority; provide for the regulation of information and communication technology; facilitate access to information and communication technologies; protect the rights and interests of service providers and consumers; repeal the Telecommunications Act, 1994, and the Radiocommunications Act, 1994; and provide for matters connected with or incidental to the foregoing.

[28th August, 2009

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Information and Communication Technologies Act, 2009, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

2. (1) In this Act, unless the context otherwise requires—

"aircraft station" has the meaning assigned to it in the Second Schedule:

- " amateur radio station " has the meaning assigned to it in
- the Second Schedule; "Authority" means the Zambia Information and Communication Technology Authority referred to under section four;
- "Board" means the Board of the Authority constituted under paragraph 1 of the First Schedule; broadcaster " means a person licenced to operate a
- broadcasting service under the Independent Broadcasting Authority Act;

Short title and commencement

Interpretation

Act No. 17 of 2002