

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y   I N S T R U M E N T S

2019 No. 78.

THE UGANDA COMMUNICATIONS (EQUIPMENT TYPE  
APPROVAL) REGULATIONS, 2019

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY

*Regulation.*

1. Title
2. Application of Regulations.
3. Objectives of Regulations.
4. Interpretation.

PART II—COMMUNICATIONS EQUIPMENT TYPE APPROVAL

5. Right to connect.
6. Publication of technical specifications.
7. Approval of communications equipment.
8. Type-approval.
9. One-off approval.
10. Provisional approval.
11. Testing and type examination of equipment or apparatus.
12. Approval label.
13. Publication of type approved communications equipment.
14. Compliance with technical specifications.
15. Standards for customer or terminal equipment.
16. Metering equipment.

*Regulation.*

17. Methods of conducting type approval of equipment.
18. Verification of equipment.
19. Certification of equipment.
20. Responsibility for equipment compliance.
21. Application for equipment approval.
22. Conformity of equipment.
23. Quality assurance.
24. Marketing of equipment.
25. Labelling requirements.

PART III—GENERAL

26. Application for facility installation permit.
27. Cabling licence.
28. Complaints against harmful equipment.
29. Disconnection of dangerous equipment and cabling.
30. Warranty.
31. Enforcement.
32. Revocation of type approval certificate.
33. Offences and penalties.
34. Revocation of S.I 22 of 2005.

**SCHEDULES**

SCHEDULE 1—CURRENCY POINT

SCHEDULE 2—APPLICATION FOR CABLING LICENCE

# STATUTORY INSTRUMENTS

2019 No. 78.

## **The Uganda Communications (Equipment Type Approval) Regulations, 2019.**

*(Under sections 5, 6, 21 and 93 of the Uganda Communications Act, 2013, Act No.1 of 2013)*

IN EXERCISE of the powers conferred upon the Minister by section 93 of the Uganda Communications Act, 2013 and in consultation with the Commission, these Regulations are made this 5th day of July, 2019.

### PART I – PRELIMINARY

#### **1. Title.**

These Regulations may be cited as the Uganda Communications (Equipment Type Approval) Regulations, 2019.

#### **2. Application of Regulations.**

(1) These Regulations apply to—

- (a) the provision of communications installations and construction works;
- (b) the approval of communications equipment for use in providing communications services, including interconnection of networks;
- (c) the connection of communications equipment to communications networks;
- (d) the direct connection of all terminal equipment to the communications networks, for use in the provision of communications services;
- (e) equipment that can be connected to communications networks or systems for use by a communications service subscriber at his or her premises;

- (f) the manufacture, possession, connection, installation, distribution, sale, lease, offer for sale or importation of communications equipment; and
- (g) persons licensed by the Commission to distribute, sell, resell, install, commission and de-commission communications equipment and networks installations in Uganda; and
- (h) where applicable, disposal of e-waste from communications apparatus in accordance with the National Environment Act, 2019 and regulations made under that Act.

(2) The Commission shall, in applying and implementing these Regulations—

- (a) have exclusive control over all communications devices, apparatus or equipment and their parts or components in use in Uganda;
- (b) authorise any person to manufacture, import, ship, sell or lease, offer for sale or lease, distribute, possess, install, maintain or provide after-sales support or in any way operate or use any communications devices, apparatus or equipment and their parts or components;
- (c) inspect all communications installations and equipment comprised in a network and ascertain whether they conform to the requirements of the Act, these Regulations or the terms and conditions of the respective licences; and
- (d) monitor the compliance of the operation and use of communications installations and equipment with these Regulations.

(3) The Commission may, for purposes of these Regulations, make guidelines for recognition of standards, specifications, nomenclature and procedures issued by the Commission.

### **3. Objectives of Regulations.**

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 the manufacture, possession, connection, installation, 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 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.

#### **4. Interpretation.**

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communications Act, 2013;

“Accredited Testing Laboratory” means a laboratory accredited by a national accreditation body or any other recognized accreditation body in terms of ISO/IEC 17025 requirements;

“broadcasting” means the transmission of sound, video or data intended for simultaneous reception by the public;

- “Commission” means the Uganda Communications Commission established under the Act;
- “communications” means telecommunications, data communications, radio communications, and postal communications; and includes broadcasting;
- “communications apparatus” or “communications station” means any apparatus or equipment used or intended to be used in connection with the transmission of communications from one place to another by carriage of electromagnetic waves;
- “communications equipment” means equipment or apparatus, other than customer premises equipment, used by an operator to provide communications services and includes software which is integral to the equipment and upgrades other than switching equipment associated with the provision of switched communications services;
- “communications network” means a transmission system and where applicable, switching equipment and other resources, which permit the conveyance of signals between defined termination points by wire, radio, optical or other electromagnetic means;
- “communications services” means services performed, consisting of the dissemination or interchange of audio, visual or data content using postal, radio, or telecommunications media, data communications; and includes broadcasting;
- “communications system” means a system for the conveyance, through the agency of electric, magnetic, electro-magnetic, electro-chemical, electro-mechanical or light energy, of—
- (a) speech, music, data and other sounds;
  - (b) visual images;
  - (c) signals serving to emport, whether as between persons and things, of any matter otherwise than in the form of sounds or visual images; or

(d) signals serving for the actuation or control of machinery or apparatus; and includes communications apparatus situated in Uganda;

“communications terminal equipment” means a product enabling communication, or its relevant component, which is intended to be connected directly or indirectly by any means to interfaces of public communications networks;

“currency point” has the value assigned to it in Schedule 1 to these Regulations;

“customer equipment” means—

- (a) any equipment, apparatus, tower, mast, antenna or other structure or thing that is used, installed, ready for use or intended for use on the customer side of a boundary of a communications network; or
- (b) any system that is used, installed ready for use or intended for use on the customer side of a boundary of a communications network;

“data” means electronic representations of information in any form;

“emergency situation” means an emergency declared by the Commission under section 86 of the Act and the Uganda Communications (Emergency Response) Regulations, 2019;

“equipment” includes all communications apparatus and communications stations, and communications terminal equipment;

“fees or prescribed fees” means the fees prescribed under the Uganda Communications (Fees and Fines) Regulations 2019;

“harm” means an electromagnetic and electromechanical hazard to the user, damage to any communications equipment directly or indirectly connected to the network, and damage to the communications network;

“interface” means—

- (a) a network termination point which is a physical connection point at which a user is provided with access to a public communications network; or
- (b) an air interface specifying the radio path between radio equipment, and the technical specifications of the radio equipment;

“marketing” means any business effort to sell, publicise availability, provide information or introduce any equipment to which these Regulations apply in the chain of distribution or commerce; whether by an operator, importer or other commercial entity;

“network termination point” means all physical connections and their technical access specifications, which form part of the public communications network and which are necessary for access to and efficient communication through that public network;

“operator” means a person licensed to provide communications services under the Act;

“quality assurance” means the quality assurance prescribed under regulation 16;

“radio communications” means the transmitting or receiving of communications in the form of electromagnetic waves



and energy of a frequency not exceeding three million megahertz, which either—

- (a) serves for the conveyance of messages, sound or visual images; whether the messages are actually received by any person or not, or for the actuation or control of machinery or apparatus; or
- (b) is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion of any object or objects of any class;

“radio communications apparatus” or “radio communications station” means any apparatus or station as the case may be, for transmitting or receiving radio communications other than a domestic radio set and where-

- (a) that radio communications apparatus or station cannot lawfully be used without a radio communications licence or without an exemption under section 23 of the Act;
- (b) radio communication in the form of a message, audio or visual images is received or transmitted by that apparatus or station; and
- (c) the apparatus is electrically coupled with other apparatus or a station for the purpose of enabling any person to receive or emit messages, sound or visual images;

“responsible party” means a party responsible for ensuring the compliance of communications equipment with the applicable standards and other regulatory requirements;

“terminal equipment” means equipment which enables communication, or a relevant component, intended to be

connected directly or indirectly by any means, to interfaces of communications networks;

“type approval” means the process by which equipment or a device or system is authorised by the Commission to be used in Uganda or imported into Uganda and involves verification of the equipment’s compliance with the applicable standards and other regulatory requirements.

## PART II—COMMUNICATIONS EQUIPMENT TYPE APPROVAL

### **5. Right to connect.**

(1) An operator of a communications network shall not refuse to connect terminal equipment to appropriate interfaces on technical grounds where the equipment complies with these Regulations.

(2) All equipment, properly approved, installed, maintained and used for its intended purpose shall satisfy the essential requirements set out in these Regulations.

(3) All communications equipment approved by the Commission may be connected to any communications network or system.

(4) Subject to subregulation (5), the network owner or operator shall not refuse or object to any connection under subregulation (3).

(5) Notwithstanding subregulation (4), connection of approved communications equipment or apparatus on a communications network or system may be denied or restricted for—

- (a) security of network operations;
- (b) maintenance of network integrity;
- (c) interoperability of services;
- (d) data protection; or
- (e) security of life and health or safety of users.

(6) Where approved communications equipment malfunctions in a way which adversely affects the integrity of a network, or where there is damage or physical injury to a person, the network operator shall immediately disconnect the equipment from the network.

(7) A network operator shall, before disconnecting any equipment in accordance with this regulation, seek approval of the Commission, and give reasons for the proposed disconnection.

(8) A network operator may restrict connection of approved communications equipment to a communications network in emergency situations.

(9) “Emergency situation” under subregulation (8), includes a catastrophic network breakdown or an exceptional case of force majeure including extreme weather, floods, lightning, fire, industrial action or lockout, war, military operation or civil disorder.

(10) The following measures may be taken by a network operator to safeguard the security of a network’s operations—

- (a) interruption of services;
- (b) limitation of service features;
- (c) denial of access to the network; and
- (d) services for new users.

(11) A network operator may restrict connection of approved communications equipment—

- (a) on the basis of maintenance of network integrity under subregulation (5) (b) where it is for the protection of network equipment, software or stored data; or
- (b) for the protection of personal data or confidentiality of information transmitted or stored.

(12) All approved communications equipment shall be interoperable to the extent that it complies with the Uganda Communications (Interconnection and Access) Regulations, 2019.

(13) An operator shall deny access or connection to its network or use of its services where the equipment or the use of the equipment has not been approved by the Commission.

#### **6. Publication of technical specifications.**

(1) Every operator of a communications network shall publish in the Gazette, in a newspaper and in any other media of national circulation, at least once a year, accurate and adequate technical specifications of all interfaces offered by it and the services provided through the interfaces.

(2) Every operator of a communications network shall, in every publication under subregulation (1) provide—

- (a) sufficient details of technical interface specifications to permit the design of communications terminal equipment capable of utilising all services provided through a corresponding interface;
- (b) details of changes in existing interface specifications; including information on network characteristics which affect the correct operation of terminal equipment; and
- (c) information which may be necessary to allow manufacturers to carry out relevant tests for the essential requirements applicable to communications terminal equipment.

#### **7. Approval of communications equipment.**

(1) Any communications equipment, apparatus or device that may be connected to a communications network shall, before installation, connection or operation and use in the provision of communications services in Uganda, be approved by the Commission.

(2) The requirement for approval under subregulation (1) applies to electronic communications equipment and facilities before they can be used, supplied, sold, offered for sale, leased or hired in Uganda.

(3) All communications equipment, apparatus, device and any of its parts or components, shall comply with the technical standards applicable to each type of equipment requiring approval by the Commission.

(4) An approval may apply—

- (a) to particular equipment or to any equipment of a description specified in the approval; and
- (b) for the purposes of a particular communications system or any communications system of a specified description.

(5) The Commission may, in the approval of any communications equipment, specify conditions to be complied with, and include a requirement for the licensee to satisfy any other entity with respect to any matter related to the approval of communications equipment.

(6) An approval of equipment by the Commission may be—

- (a) a type-approval;
- (b) a one-off approval; or
- (c) a provisional approval.

#### **8. Type-approval.**

Type-approval of equipment referred to in regulation 7(6) (a) shall consist of a technical evaluation process of the equipment, which satisfies the Commission on the performance of the samples and the manufacturing and quality control procedures.

#### **9. One-off approval.**

A one-off approval of equipment referred to in regulation 7(6) (b) shall consist of approval of equipment to a single dated purpose and shall not be for multiple, repeated or general use, distribution, sale or resale in Uganda.

**10. Provisional approval.**

(1) A provisional approval referred to in regulation 7(6) (c) shall be for a period of 30 days and may be extended for a further period of 30 days only.

(2) Where a type approval is not granted, the holder of a provisional approval shall within 30 days after the decision is communicated to ensure that all units are withdrawn at their own cost.

(3) A provisional approval may be granted in respect of testing, demonstration or exhibition purposes.

**11. Testing and type examination of equipment or apparatus.**

(1) The Commission shall test equipment or apparatus submitted to it for approval, in accordance with recognised and prescribed standards by the Commission.

(2) Equipment may be subjected to type examination procedures consisting of—

- (a) type examination; and
- (b) declaration of conformity procedure.

(3) The Commission shall, under the type examination procedure—

- (a) examine the technical documentation and verify that the type was manufactured in conformity with the relevant national standards;
- (b) perform, in a recognised test laboratory, the appropriate examinations and necessary testing checks for the essential requirements; and
- (c) perform, in an accredited testing laboratory, appropriate examinations and tests to check that the equipment type meets national standards set by the Commission

in consultation with the Uganda National Bureau of Standards and regional and internationally recognised standards.

(4) The Commission may, at any time, carry out random testing of equipment to establish the conformity of equipment to the type approved by the Commission.

(5) The Commission shall issue, from time to time, a list of approved communications equipment, its technical specifications and prescribed type approval fees, and shall publish the list in the Gazette, in a newspaper or other media of national circulation.

(6) An importer or distributor shall, before selling any equipment, ensure that the equipment meets the standards and specifications prescribed by the Commission and works compatibly with other equipment within the communications networks.

## **12. Approval label.**

(1) The Commission shall, for every terminal or network equipment which complies with the approved technical conditions, issue an approval label which shall be displayed on the equipment.

(2) Every importer or distributor shall ensure that any equipment offered for sale for local use is clearly labelled or affixed with—

- (a) the trade name, model name and serial number;
- (b) the manufacturer's or supplier's name; and
- (c) a type approval label issued by the Commission.

(3) An importer or distributor who is issued a type approval label by the Commission shall display the label in a conspicuous place at the importer or distributors premises.

(4) A type approval label shall contain—

- (a) the logo of the Commission;

- (b) the type of the equipment: and
- (c) the alphanumeric identification of the equipment.

**13. Publication of type approved communications equipment.**

The Commission shall, at regular intervals, publish in a newspaper of national circulation a list of type approved communications equipment, to be imported, sold or distributed in Uganda.

**14. Compliance with technical specifications.**

(1) Every operator shall comply with the technical specifications prescribed by the Commission—

- (a) to ensure technical compatibility;
- (b) to avoid technical harm to the communications network of other operators: and
- (c) to prevent safety hazards to personnel during the connection of communications equipment or systems to a network.

(2) Every operator shall ensure that all apparatus has—

- (a) information on the intended use of the equipment and a declaration of its conformity to the applicable essential requirements: and
- (b) sufficient information to identify the interfaces of communications networks to which the equipment is intended to be connected.

**15. Standards for customer or terminal equipment.**

(1) The Commission shall prescribe technical standards for specified customer equipment or specified communications installations.

(2) The Commission may prescribe the following types of standards—



- (a) technical standards for customer equipment and customer cabling;
- (b) standards relating to the features of customer equipment that are designed to cater for the special needs of persons with disabilities; and
- (c) technical standards for the interconnection of facilities.

(3) Technical standards shall consist of requirements which are necessary or convenient to—

- (a) protect the integrity of a communications network or facility;
- (b) protect the health or safety of persons who operate, work on, use services supplied by means of, or are likely to be affected by the operation of a communications network or facility;
- (c) ensure that customer equipment is used to give access to emergency call services;
- (d) ensure, for the purpose of the supply of a standard telephone service, the interoperability of customer equipment with a communications networks to which the equipment is, or is proposed to be connected;
- (e) meet national, regional and international quality of service requirements; and
- (f) achieve any objective specified under these Regulations or the Act.

(4) All customer equipment and customer cabling shall be labelled to indicate compliance with the standards prescribed by the Commission or the Uganda National Bureau of Standards.

(5) The Commission shall issue a connection permit authorising the connection of customer equipment and customer cabling.

(6) The Commission shall, in prescribing technical standards, so far as is practicable, ensure that—

- (a) interested persons have had an adequate opportunity to make representations about the proposed standard; and
- (b) due consideration is given by the Commission to any representation made.

(7) The Commission may prescribe technical standards for specified customer equipment, where—

- (a) the equipment is for use with a standard telephone service;
- (b) the equipment is for use primarily by persons who do not have disabilities; and
- (c) the standard relates to features of the equipment that are designed to cater for the special needs of persons with disabilities.

(8) The Commission may prescribe technical standards relating to the interconnection of facilities—

- (a) to promote the long-term interests of end-users of a communications service; or
- (b) to reduce or eliminate the likelihood of hindrances to the provision of access to communications services.

#### **16. Metering equipment.**

(1) An operator shall, before connection or use of any meter for the operation and provision of a communications service, obtain the prior approval of the Commission.

(2) An operator shall ensure that the metering equipment used for the services provided or operated under a licence is accurate and reliable and shall not in any way tamper with the metering equipment after it has been approved by the Commission.

(3) The Commission shall, at any time, conduct tests on any metering equipment to assess its accuracy, reliability and conformity to the technical standards prescribed by the Commission.

#### **17. Methods of conducting type approval of equipment.**

(1) The Commission shall conduct type approval of equipment through verification, certification or mutual recognition of national and international authorisations of the equipment.

(2) The Commission shall authorise the operation of a Centralised Equipment Identity Register to detect and deny service to unauthorised, counterfeit or blacklisted equipment.

#### **18. Verification of equipment.**

(1) The Commission shall verify equipment to certify that a manufacturer or importer of equipment has determined that the equipment is capable of compliance with the prescribed technical standards, if no unauthorised change is made in the equipment, and whether the equipment is properly maintained and operated.

(2) The Commission shall verify communications equipment by issuing a declaration of conformity where a manufacturer or responsible party has made measurements or taken necessary steps to ensure that the equipment complies with the appropriate technical standards prescribed by the Commission.

(3) Where the Commission has verified equipment, all items subsequently marketed by a manufacturer or importer, which are identical to a tested sample certified by the manufacturer, shall be deemed to have been verified and to be compliant with the appropriate standards.

(4) Where the Commission has issued a declaration of conformity for equipment, all items subsequently marketed by a party responsible for the marketing of items identical to the sample tested and certified by that party shall be deemed to have been issued with a declaration of conformity.

(5) An applicant shall warrant that each unit of equipment marketed under the verification procedure is identical to the unit tested and found to meet the appropriate technical standards and that the records maintained by that party continue to reflect the equipment produced under that verification within variations that can be expected due to quantity production and testing on a statistical basis.

(6) An importer or manufacturer shall maintain adequate identification records to facilitate positive identification for each verified device.

#### **19. Certification of equipment.**

(1) The Commission shall issue a certification or authorisation for communications equipment upon satisfaction that the equipment meets prescribed standards.

(2) A person issued with a certification or authorisation of equipment shall ensure that each unit of equipment marketed under the grant and bearing the identification specified in the grant—

- (a) conforms to the unit that was measured; and
- (b) that the data, including the design and rated operational characteristics filed with the application for certification, continues to be representative of the equipment produced under the grant within variations that can be expected due to quantity production and testing on a statistical basis.

(3) The Commission may require an applicant to submit a sample unit for measurement at the Commission's laboratory or any other place specified by the Commission.

(4) Where an applicant believes that the submission of a sample to the Commission's laboratory under subregulation (3) is impractical because of the size or weight of the equipment, power requirements or for any other reason, the applicant shall submit to the Commission for determination a written statement to the Commission explaining why the submission is impractical.

(5) The Commission may, from time to time, request a party responsible for any equipment, to submit the equipment to the Commission to determine the extent to which subsequent production of the equipment continues to comply with the data filed by an applicant or data kept on file with that party, subject to a declaration of conformity.

(6) A manufacturer may use any measurement procedure approved by the Commission to prepare data demonstrating the compliance of the equipment.

(7) Any information relating to measurement submitted to the Commission shall identify the specific standard or measurement procedure used.

(8) A party making measurements of equipment subject to equipment authorisation, whether the measurements are filed with the Commission or kept by the party responsible for the compliance of the equipment, shall compile a description of the measurement facilities employed.

(9) A description of measurement facilities under subregulation (8) shall contain—

- (a) the location of the test site;
- (b) the physical description of the test site, accompanied by photographs;
- (c) a drawing showing the dimensions of the test site; the physical layout of all supporting structures and all structures within five times the distance between a measuring antenna and the device which is measured;

- (d) a description of the structures used to support the device which is measured and the test instrumentation;
- (e) a list of measuring equipment used;
- (f) information concerning the calibration of the measuring equipment, including the date on which the equipment was last calibrated and how often the equipment is calibrated; and
- (g) where required, a statement on whether a test site is available to conduct measurement services for the public at a fee.

(10) All equipment for which an application for equipment authorisation is made shall bear a name plate or label with a Commission identifier which shall be permanently affixed to the equipment and shall be readily visible to a purchaser at the time of purchase.

(11) A grant of equipment certification or authorisation is valid only where the Commission identifier is permanently affixed to the device and remains effective until it is revoked, withdrawn, rescinded, surrendered, or where a termination date is specified by the Commission.

(12) A grantee of an equipment certification or authorisation shall be responsible to the Commission, for any equipment produced using the authorisation.

(13) Any equipment subsequently marketed by an authorised person which is identical to the tested sample shall be deemed to be certified or authorised by the Commission.

(14) Any sample of equipment submitted to the Commission shall be—

- (a) in good working condition;

- (b) properly configured for testing and complete with the necessary test adapters; and
- (c) clearly marked with a trade name, model and serial number.

(15) Any equipment to be sold shall be similar to the model that is granted a type approval and the approved equipment shall not be modified in any way, without the approval of the Commission.

(16) The Commission shall undertake regular inspections of commercial and retail communications equipment approved under these Regulations.

(17) A type approval granted under these Regulations shall not be construed as a guarantee by the Commission of the proper functioning, performance or quality of the equipment.

(18) The Commission shall not be liable for any interference caused to any other equipment or for injury, loss of life or damage to property as a direct or indirect result of the use of the approved equipment.

## **20. Responsibility for equipment compliance.**

(1) The following parties are responsible for the compliance of communications equipment with the applicable standards—

- (a) in the case of equipment requiring authorisation by the Commission—
  - (i) the person to whom authorisation is issued; or
  - (ii) where the communications equipment is modified by a party who is not the person authorised under paragraph (i), the party that performs the modification;

- (b) in the case of equipment subject to authorisation under the verification procedure, a manufacturer or, in the case of imported equipment, an importer, and where, subsequent to manufacture or importation the communications equipment is modified by a party without the authority of the manufacturer or importer, the party who performs the modification; and
  
- (c) in the case of equipment subject to authorisation under the declaration of conformity procedure—
  - (i) a manufacturer or, where the equipment is assembled from individual component parts and the resulting system is subject to authorisation under a declaration of conformity, the assembler;
  - (ii) where the equipment, by itself, is subject to a declaration of conformity and is imported, the importer;
  - (iii) a retailer or original equipment manufacturer who enters into an agreement with the responsible party designated in subparagraph (i) or (ii) in order to assume responsibility and ensure compliance of equipment as the new responsible party; and
  - (iv) where equipment is modified by a party without the authority of a responsible party, the party performing the modifications, or, if the equipment is imported subsequent to the modifications, the importer.

(2) Where, as a result of modifications performed subsequent to authorisation, a new party becomes responsible for ensuring that a product complies with the technical standards but does not obtain a new equipment authorisation, the equipment shall be labelled with the following words: *"This product has been modified by [insert name, address and telephone number of the party performing the modifications]"*.



**21. Application for equipment approval.**

(1) A person seeking approval of equipment under regulation 7 shall apply to the Commission in writing.

(2) An application for equipment type approval under subregulation (1) shall indicate—

- (a) the identification, technical description and purpose of the equipment for which approval is sought;
- (b) a description of all circuitry employed in assuring compliance with—
  - (i) specifications, including voltage or current ratings, of all circuit elements in that part of the equipment or circuitry;
  - (ii) a circuit diagram containing the complete circuit of that part of the equipment or circuitry;
  - (iii) a statement that the terminal equipment or protective circuitry complies with these Regulations and accompanied by test results, description of test procedures, analyses, evaluations, quality control standards and quality assurance standards that are necessary to demonstrate that the terminal equipment or protective circuitry complies with all the applicable rules and regulations;
  - (iv) a photograph, sample or drawing of the equipment label showing the information to be placed on it;
  - (v) a photograph of the equipment of sufficient clarity to reveal equipment construction and layout and labels for controls, with sufficient views of the internal construction to define component placement and chassis assembly;

- (vi) descriptive installation procedures for cross-connect panels where applicable; and
- (vii) additional requirements including—
  - (aa) an extension cord consisting of a male connector and a female connector and wiring between them;
  - (bb) a transfer switch manually operated and wired in a balanced tip and ring configuration; and
  - (cc) the inspection fees prescribed by the Commission.

(2) An application for equipment approval shall be accompanied by a technical report containing—

- (a) the full name and mailing address of the manufacturer of the equipment and the applicant for certification;
- (b) the Commission identifier;
- (c) a copy of the installation and operating instructions to be furnished to a user;
- (d) a brief description of the circuit functions of the device and a statement describing how the device operates, including a description of the ground system and antenna, if any, used with the device;
- (e) a block diagram showing the frequency of all oscillators in the device, including the signal path, frequency for tuning range and intermediate frequency for each block and a schematic diagram for intentional radiators;
- (f) a report of measurements showing compliance with the technical requirements of the Commission, including

an identification of the test procedure used, the date and location of the measurements, the device that was tested and its model and serial number, if available, and sample calculations showing how the measurement results are converted for comparison with the technical requirements;

- (g) a sufficient number of photographs to clearly show the construction, the component placement on the chassis, the chassis assembly and the exterior appearance showing the overall appearance, the antenna used with the device, if any, the controls available to a user, and the required identification label in sufficient detail so that the name and Commission identifier can be read;
- (h) instead of a photograph of a label in paragraph(g), a sample label or a facsimile, may be submitted together with a sketch showing where the label is to be placed on the equipment;
- (i) where the equipment for which certification is sought must be tested with peripheral or accessory devices connected or installed, a brief description of the peripherals or accessories which shall be unmodified and commercially available equipment; and
- (j) evidence of payment of the prescribed fee.

(3) Where a device to which an application relates is designed to operate in conjunction with equipment whose characteristics affect the compliance of the device, the equipment shall be registered or where the equipment is already registered, the Commission number shall be supplied.

(4) The Commission may issue a public notice in a newspaper or other media of national circulation of—

- (a) an application for registration of equipment; and
- (b) the grant of approval of the equipment.

(5) Comments on any application for the registration of equipment may be filed with the Commission within five days after the date of the issuance of the public notice under subregulation (4)(a) and the Commission may reply to the comments within five days after receipt of the comments.

(6) The Commission may grant approval for the registration of equipment where it is satisfied that the equipment complies with the prescribed standards or that the grant shall serve the public interest.

(7) An application for equipment type approval shall be processed by the Commission within forty five days from submission of the application.

## **22. Conformity of equipment.**

(1) A manufacturer or an authorised representative of a manufacturer shall affix a label to each product stating that the equipment conforms to technical standards prescribed by the Commission under regulation 15.

(2) A manufacturer shall compile the technical documentation specified in subregulation (4) and the manufacturer or the authorised representative of the manufacturer, shall keep the documents for a period of at least ten years after the last product is manufactured, at the disposal of the Commission, for inspection purposes.

(3) Where a manufacturer or an authorised representative of a manufacturer is not established within Uganda, the technical documentation required to be compiled under subregulation (2) shall kept by the person who places the product on the market in Uganda.

(4) The technical documentation shall enable the assessment of the conformity of a product with the essential requirements and shall relate to the design, manufacture and operation of the product, and in particular shall contain—

- (a) a general description of the product;

- (b) a conceptual design and manufacturing drawings and schemes of components, sub-assemblies and circuits;
- (c) descriptions and explanations necessary for the understanding of the drawings and schemes and the operation of the product;
- (d) a list of the standards, applied in full or in part, and descriptions and explanations of the solutions adopted to meet the essential requirements, where the standards have not been applied or do not exist;
- (e) a copy of the authorisation of the manufacturer or dealer;
- (f) results of design calculations made and examinations carried out; and
- (g) test reports.

(5) A manufacturer or an authorised representative of a manufacturer shall keep a copy of the declaration of conformity with the technical documentation referred to in subregulation (2).

(6) A manufacturer shall take necessary measures during the manufacturing process to ensure compliance of a manufactured product with the technical documentation and these Regulations.

### **23. Quality assurance.**

(1) A manufacturer shall operate an approved quality assurance system for the design, manufacture, inspection and testing of a final product.

(2) In this regulation, “quality assurance” means a system by which a manufacturer ensures and declares that a product satisfies the requirements applicable to it and affixes a mark to the product and issues a written declaration of conformity of the equipment with the requirements.

(3) A manufacturer shall lodge an application for assessment of its quality assurance system with the Commission and the application shall include—

- (a) all information relevant to the final product; and
- (b) all documentation relating to the quality assurance system.

(4) The quality assurance system shall ensure the compliance of a product with the requirements that apply to it.

(5) A manufacturer shall document, in a systematic and orderly manner, and in the form of written policies, procedures and instructions, all the elements, requirements and provisions adopted by the manufacturer, which shall ensure a common understanding of the quality, policies and procedures, including quality programmes, plans, manuals and records.

(6) The Commission shall assess the quality assurance system to determine whether it satisfies the requirements prescribed in this regulation, and in particular, whether the quality control system ensures conformity of a product with this regulation, using the relevant documentation and test results supplied by a manufacturer.

(7) A manufacturer shall undertake to fulfill the obligations arising out of the quality assurance system as approved and to uphold them so that the system remains adequate and efficient.

(8) A manufacturer or an authorised representative of a manufacturer shall keep the Commission informed of any intended update of the quality assurance system.

(9) Where a manufacturer proposes to modify the quality assurance system, the Commission shall evaluate the modifications and determine whether the proposals satisfy the requirements under this regulation or whether a reassessment of the system is required.

(10) A manufacturer shall allow the Commission access, for inspection purposes, to the location of design, manufacture, inspection, testing and storage and shall provide the Commission with all necessary information and in particular—

- (a) documents relating to the quality assurance system documentation;
- (b) the quality assurance records of the design stage of the quality assurance system; including results of analyses, calculations and tests; and
- (c) the quality assurance records of the manufacturing stage of the quality assurance system, including inspection reports, test data, calibration data and qualification reports of the concerned personnel.

(11) The Commission may, at any time, visit a manufacturer and carry out tests or have tests carried out to check the functioning of the quality assurance system.

(12) The Commission may, at the manufacturer's request, carry out a field surveillance study to establish and evaluate conformity of equipment through independent specialised organs authorised by the Commission.

(13) The Commission shall give a copy of its visit report to the manufacturer and where tests have been carried out, a copy of the test report.

#### **24. Marketing of equipment.**

(1) The Commission shall, authorise the sale or lease, or offer for sale or lease, or importation, shipment, or distribution of any communications equipment.

(2) The Commission shall approve communications equipment before its import, sale, distribution or use.

(3) The requirements for approval of equipment are—

- (a) that the equipment satisfies the essential requirements under these Regulations;
- (b) that information relating to the equipment is provided in accordance with these Regulations;
- (c) that appropriate conformity assessment procedure in respect of the apparatus is carried out;
- (d) that the Commission label or marking is affixed to the equipment by a manufacturer of an apparatus or by the person responsible for the apparatus;
- (e) that a declaration of conformity is drawn up in respect of the manufacturer of the apparatus or a person responsible for the apparatus; and
- (f) that the equipment has been nationally or internationally approved.

(4) A communications device may be advertised or displayed at a trade show or exhibition before equipment authorisation or, for a device that is not subject to equipment authorisation requirements, before a determination of compliance with the applicable technical requirements.

(5) The advertisement or display under subregulation (4) shall contain or be accompanied by a conspicuous notice with the following words: *"This device is not authorised by the Commission and may not be offered for sale or lease or sold or leased, until authorisation is obtained"*.

(6) Where a product displayed is a prototype of another product that is properly authorised, and the prototype is not authorised due to differences between the prototype and the authorised product, the



following disclaimer notice may be used instead of a notice specified under subregulation (5): “*Prototype not for sale*” or “*Similar prototype for the same use*”.

(7) Equipment shall not be marketed before authorisation or determination of compliance with the applicable technical requirements but may be operated for—

- (a) compliance testing;
- (b) demonstration at a trade show;
- (c) demonstration at an exhibition conducted at a business, commercial, industrial, scientific or medical location;
- (d) evaluation of product performance and determination of customer acceptability at a manufacturer’s facility, during the developmental, design, or pre-production stages; or
- (e) evaluation of product performance and determination of customer acceptability, where customer acceptability of a radio frequency device cannot be determined at a manufacturer’s facility because of size or the unique capability of a device.

(8) In this regulation, “marketing” includes sale, lease, offer for sale or lease, advertisement for sale or lease, importation, shipment, distribution for the purpose of selling or leasing and offering for sale or lease.

## **25. Labelling requirements.**

(1) A manufacturer or importer of specified customer equipment or specified customer cabling shall affix on the equipment or cabling, a label indicating that the equipment or cabling meets the prescribed standards.

(2) Before a label is fixed on any equipment or cabling, the following requirements shall be complied with—

- (a) the manufacturer or importer shall obtain certification from the Commission, that the equipment or cabling complies with the prescribed standard;
- (b) the equipment or cabling shall be tested by a recognised testing authority, for compliance with the prescribed standards;
- (c) a manufacturer or importer shall—
  - (i) conduct quality assurance programs;
  - (ii) be satisfied that quality assurance programs are conducted; and
  - (iii) have regard to the results of quality assurance programs;
- (d) a manufacturer or importer shall obtain certification from the Commission that reasonable efforts have been made to comply with the prescribed standards; and
- (e) a manufacturer or importer shall make a written declaration in relation to the equipment or cabling.

(3) The standards prescribed by the Commission may specify requirements that may be complied with after a label is applied to customer equipment or customer cabling, including a requirement that a manufacturer or importer retains for inspection, for the period specified—

- (a) records of the quality assurance programs;

- (b) records of results of any tests conducted in relation to compliance with the standards; and
  - (c) a declaration of conformity or a copy of the declaration.
- (4) The Commission may grant a licence for the manufacture of radio communications equipment in Uganda, including authorised adjustment or conditioning of equipment.

### PART III—GENERAL

#### **26. Application for facility installation permit.**

(1) An operator shall, before carrying out any installation of a facility, obtain from the Commission a facility installation permit.

(2) An application for a facility installation permit shall be in writing and shall be accompanied by the prescribed fee.

(3) The Commission may, after considering the application, issue a facility installation permit authorising the applicant to carry out the installation of the facility specified in the application.

(4) The Commission shall not issue a facility installation permit unless the Commission is satisfied that—

- (a) the communications network to which the facility relates is or is likely to be of national significance;
- (b) the facility is or is likely to be, an important part of the communications network to which it relates;
- (c) any of the following conditions is satisfied—
  - (i) the greater part of the infrastructure of the communications network to which the facility relates is already installed;

- (ii) a greater part of the infrastructure of the communications network to which the facility relates is not installed but each administrative authority whose approval is required for the installation of the greater part of the infrastructure of the network gives, or is reasonably likely to give the approval;
  - (iii) no part of the infrastructure of the communications networks to which the facility relates is installed, but each administrative authority whose approval is required for the installation of a greater part of the infrastructure of the network gives, or is reasonably likely to give the approval;
- (d) the advantages likely to be derived from the operation of the facility in the context of the communications network to which the facility relates outweigh any form of degradation of the environment likely to result from the installation of the facility in accordance with the National Environment Act, 2019; and
- (e) the operator makes reasonable efforts to negotiate in good faith with—
  - (i) each proprietor whose approval is required, or would be required to carry out an installation; and
  - (ii) each administrative authority whose approval is required, or would be required, to carry out an installation.

(5) In determining whether a network is of national significance as referred to in subregulation (4) (a), the Commission shall consider—

- (a) the geographical reach of the network;

- (b) the number of customers connected, or likely to be connected, to the network;
- (c) the importance of the network to the national economy; and
- (d) any other matter the Commission may consider relevant.

(6) In determining whether a facility is an important part of a network as referred to in subregulation (4) (b), the Commission shall consider the technical, economic and social importance of the facility in the context of the communications network to which the facility relates.

(7) In determining whether the advantages of a facility outweigh the disadvantages of degradation of the environment under subregulation (4)(d), the Commission shall consider—

- (a) the extent to which the installation of the facility is likely to promote the long-term interests of end-users of communications services or of services supplied by means of communications services;
- (b) the impact of the installation, maintenance or operation of the facility on the environment;
- (c) the objective of facilitating the timely supply of efficient, modern and cost-effective services to the public;
- (d) any relevant technical or economic aspects of the installation, maintenance or operation of the facility in the context to which the communications facility relates;
- (e) whether the installation of the facility contributes to the fulfillment of a universal service obligation by the applicant;

- (f) whether the installation of the facility involves collocation with one or more facilities;
- (g) whether the installation of the facility facilitates collocation or future collocation, with one or more facilities; and
- (h) any other matter that the Commission may consider relevant.

(8) A facility installation permit may be subject to a condition requiring a holder—

- (a) to undertake an assessment or a further assessment of the environmental impact of the installation of the facility concerned;
- (b) to consult a particular person or body on the installation of the facility concerned; and
- (c) to obtain the approval of the relevant government ministry, department or agency.

## **27. Cabling licence.**

(1) Cabling includes the installation, connection and maintenance of a customer to a communications network or facility.

(2) A person may apply to the Commission for a cabling licence to authorise the performance of any cabling work referred to in subregulation (1).

(3) An application for a cabling licence shall be in the form set out in Schedule 2 to these Regulations.

(4) The application shall—

- (a) contain a description of the knowledge and experience of the applicant to perform cabling work;
- (b) provide verification, by statutory declaration, of statements in the application; and
- (c) be accompanied by the prescribed fee.

(5) The Commission shall, before granting a cabling licence, be satisfied that—

- (a) the applicant has the necessary knowledge and experience to perform the type of cabling work applied for; and
- (b) the cabling work shall be performed in accordance with the conditions of the licence and the standards in force.

(6) Where installation works require access to proprietary application or specialised skills and knowledge, the application shall be certified by the manufacturer.

(7) The Commission may, after considering an application, grant a cabling licence in accordance with the Act and these Regulations.

(8) The Commission shall maintain a register indicating all current cabling licences and the conditions of the licences.

(9) A person may, on payment of the prescribed fee—

- (a) inspect the register; and
- (b) make a copy of or take extracts from the register.

(10) The Commission may, in its discretion, withhold proprietary information in extracts taken from the register under this regulation.

## **28. Complaints against harmful equipment.**

(1) Any person may file with the Commission a complaint or representation on the performance of any equipment that is type approved or an objection against a type approval of any equipment.

(2) The complaint under subregulation (1) may be made to the Commission—

- (a) in writing;
- (b) by telephone or electronic means using the contact information provided by the Commission; or
- (c) by walking into any of the offices of the Commission and filing a complaint.

(3) Where a complaint is filed under subregulation (1) by telephone or orally, the staff of the Commission shall substantially reduce the complaint with writing.

(4) A complaint filed under subregulation (1) shall contain the following particulars—

- (a) the name of the complainant;
- (b) a description of the complainant whether adult, child, group or other legal entity, where applicable;
- (c) the physical address of the complainant and other relevant contact information;
- (d) the facts, including supporting data, where available, showing that the equipment does not conform to the requirements of these Regulations and that the equipment may cause harmful interference to a communications network or is a risk to human health or the environment;
- (e) where fire or physical injury is recorded, the nature of damage or physical injury caused; and



- (f) a report of any prior interaction with the operator or licensed person against whom the complaint is being filed.
- (5) Upon receipt of the complaint, the Commission shall—
  - (a) forward a copy of the complaint or representation to the applicant concerned or holder of the type approval certificate and give the applicant or holder an opportunity to reply to the representation or objection;
  - (b) investigate the complaint; or
  - (c) where the facts allege possible commission of a criminal offence, except for an offence under the Act, refer the complainant to the relevant authority.

(6) Where investigations are concluded under subregulation (5) (b), the Commission shall require the operator to respond to or take appropriate action to resolve a consumer complaint.

(7) The Commission may in handling a complaint under subregulation (5)—

- (a) give all affected parties notice of its investigations and a copy of the complaint;
- (b) give the complainant and any person or operator accused in the complaint, an opportunity to appear and provide any further evidence required by the Commission to make a decision;
- (c) take into account any complaints or representations.
- (d) where necessary, impound apparatus possessed, installed, connected or operated unlawfully;
- (e) make findings and take appropriate action to—

- (i) require an operator to supply goods or services for a specified period;
- (ii) require an operator to supply goods or services under specified terms and conditions;
- (iii) make an order requiring an operator or licensee to pay costs to a consumer;
- (iv) make an order requiring a consumer to pay costs to an operator;
- (v) make an order requiring an operator or licensee to replace or repair defective or malfunctioning equipment or to refund to the consumer the cost of the purchase;
- (vi) require an operator to appear at a hearing or to produce documents;
- (vii) dismiss a complaint;
- (viii) impose a fine, depending on the nature of the complaint.

(8) In exercising any of its investigative powers or in conducting an inquiry under the Act or these Regulations, the Commission may request for the records from an operator.

(9) Every decision or order of the Commission shall be in writing and shall state the reasons for the decision.

**29. Disconnection of dangerous equipment and cabling.**

(1) Only a licensed person may—

- (a) connect customer equipment or customer cabling to a communications network or to a facility;

- (b) disconnect customer equipment or customer cabling to a communications network or to a facility; or
- (c) have, under his or her control, customer equipment or customer cabling, connected to a communications network or facility.

(2) An operator of a network or facility who believes that the equipment or cabling connected to his or her network is likely to be a threat or is a threat to the health or safety of any person who operates, works or uses services supplied by a communications network or facility, may disconnect the equipment or cabling.

(3) A person disconnected with a disconnection under subregulation (2) may file a complaint with the Commission requesting for an investigation.

(4) Where the Commission after investigation is satisfied that there was no reasonable ground for the disconnection, it may direct the operator to reconnect the equipment or cabling.

(5) Where the Commission determines that an operator of the network or facility did not have reasonable grounds for the disconnection under subregulation (2) and that as a result of the disconnection, a person suffered loss or damage, the Commission may direct the operator to compensate the person the amount of loss or damage suffered.

(6) An operator of a network or facility who believes that the equipment or cabling is likely to be a threat or is a threat to the integrity of a communications network or facility, may disconnect the equipment or cabling and where necessary, disconnect other customer equipment or cabling.

(7) Where equipment or cabling is disconnected or purportedly disconnected under subregulation (5), the Commission may, by written notice to the operator of the network or facility, direct the operator to reconnect the equipment or cabling.

(8) The Commission may, by written notice, declare that the operation, supply or possession of specified customer equipment or specified customer cabling is prohibited for reasons which the Commission may specify in the notice.

(9) The reasons specified under subregulation (8) may relate to-

- (a) the protection of the integrity of a communications and radio communications network or facility; or
- (b) the protection of the health or safety of a person who operates, works with, or uses services supplied by means of a communications network or facility or who is reasonably likely to be affected by the operation of the communications network or facility.

(10) A copy of a notice issued by the Commission under this regulation shall be published in a newspaper and any other media of wide circulation in Uganda.

(11) A person shall not operate or supply equipment or cabling which is not approved by the Commission, or have in his or her possession, customer equipment or customer cabling for the purpose of operating or supplying that equipment or cabling.

(12) A person who contravenes subregulation (11) commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

### **30. Warranties.**

Every operator shall ensure that—

- (a) the warranty of the manufacturer or distributor of the communications apparatus is honoured; and
- (b) the manufacturer or distributor replaces, upon notice, within a reasonable time, defective or malfunctioning communications apparatus sold to consumers.

### **31. Enforcement.**

(1) Where the Commission has reasonable grounds to suspect that a Commission label is affixed to equipment in contravention of these Regulations, the Commission may serve a notice in writing on—

- (a) the manufacturer of the equipment or his or her authorised representative in Uganda; or
- (b) the person responsible for placing the equipment on the market in Uganda.

(2) A notice served under subregulation (1) shall-

- (a) state that the Commission suspects that the Commission marking was not correctly or lawfully affixed to the equipment;
- (b) specify the circumstances in which the Commission suspected the anomaly and give particulars of the circumstances;
- (c) require a person to whom the notice is given-
  - (i) to ensure that any equipment to which the notice relates conforms to the correct affixation of the Commission marking within the period specified in the notice; or
  - (ii) to provide evidence, within a specific period to the satisfaction of the Commission, that the label marking is correctly affixed; and
- (d) warn the operator that if the non-conformity continues, or if satisfactory evidence is not provided within the period specified in the notice, further action may be taken under these Regulations in respect of that equipment or equipment of a similar type placed on the market by the person to whom the notice is given.

- (3) Where the Commission is satisfied that a communications operator is contravening or has contravened any of the provisions of the Act, these Regulations or any of the conditions of the licence, the Commission shall commence an investigation, for the purpose of enforcing compliance.

### **32. Revocation of type approval certificate**

(1) The Commission may revoke a type approval certificate where—

- (a) the certificate holder or other person or entity modifies radio equipment with respect to the brand or product name, model number, or function or other information recorded on the type approval without applying for a new type approval from the Commission; or
- (b) after investigation of a consumer complaint filed with the Commission under the Uganda Communications (Consumer Protection) Regulations, 2019 or notification by any other government ministry, department or agency, the Commission finds that—
- (i) the type approved equipment fails a Conformity Assessment; and
- (ii) the type approval holder has violated any conditions of the type approval.

(2) Any equipment relating to a revoked certificate shall be withdrawn at the cost of the person responsible for placing the equipment on the market within thirty days from the date of notification of the revocation.

(3) A type approval holder may appeal the revocation decision of the Commission to the Uganda Communications Tribunal within 30 days from the date of the notice of revocation.

### **33. Offences and penalties.**

A person who—

- (a) makes unauthorised connections; or
- (b) manufactures, possesses, connects, installs, distributes, sales, leases, offers for sale or imports equipment not approved by the Commission, commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding twenty four months or both.

### **34. Revocation of S.I 22 of 2005.**

The Communications (Telecommunications and Radio Communications Equipment Type Approval) Regulations, 2005 are revoked.

**SCHEDULES**

**SCHEDULE 1**

*Regulation 4*

**CURRENCY POINT.**

A currency point is equivalent to twenty thousand shillings.



## SCHEDULE 2

Regulation 27 (3)

### APPLICATION FOR CABLING LICENCE

*Fill in Quadruplicate*

#### 1.0 PARTICULARS OF APPLICANT/S

##### 1.1 Name, physical and postal address of applicant/s

- (a) Name: \_\_\_\_\_
- (b) Physical address: \_\_\_\_\_
- (c) Postal address: \_\_\_\_\_
- (d) Tel: \_\_\_\_\_
- (e) Fax: \_\_\_\_\_
- (f) Mobile no.: \_\_\_\_\_
- (g) E-mail address: \_\_\_\_\_
- (h) TIN number: \_\_\_\_\_
- (i) VAT Reg: \_\_\_\_\_

##### 1.2 Name of proposed business if different from above

- (a) Name: \_\_\_\_\_
- (b) Location: \_\_\_\_\_
- (c) Postal address: \_\_\_\_\_
- (d) Tel: \_\_\_\_\_
- (e) Fax: \_\_\_\_\_
- (f) Mobile No.: \_\_\_\_\_
- (g) E-mail address: \_\_\_\_\_

##### 1.3 Name and details of contact person

- (a) Name: \_\_\_\_\_
- (b) Physical address: \_\_\_\_\_
- (c) Postal address: \_\_\_\_\_
- (d) Tel: \_\_\_\_\_

(e) Mobile no. \_\_\_\_\_

(f) E-mail address \_\_\_\_\_

## 2 LEGAL STATUS OF APPLICANT/S

### 2.1 Indicate legal status of applicant (Tick relevant option)

- (a) Sole proprietorship
- (b) Partnership
- (c) Public Limited Liability Company
- (d) Private Limited Liability Company
- (e) Cooperative Union Society
- (f) Other (please specify)

*(Attach certified copies of Certificate of Registration, Certificate of Incorporation, Certificate of Registration and Memorandum and Articles of Association where applicable)*

### 2.2 Names and particulars of directors:

Name	Address	Nationality	Country of usual residence
1.			
2.			
3.			
4.			

## 3 FINANCIAL STATUS OF APPLICANT

3.1 Share capital of applicant (Fully paid) \_\_\_\_\_

Loans \_\_\_\_\_

**Please provide certified audited financial statements and accounts for the last 3 years (or latest 3 years) prior to application.**

**3.2 Bankers and financial references**

**Bankers**

**Name and address of Bankers (including telephone and fax)**

**(a) In Uganda**

Name	Address	Contact person	Tel/Fax
1.			
2.			
3.			
4.			

**(b) Outside Uganda:**

**3.3 Other important referees on the applicant's financial status**

Name and address	Contact person
1.	
2.	
3.	
4.	

**3.4 Sources of funding for proposed project (US \$.000)**

**(a) Share capital contribution (*specify, foreign or local*)**

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**(b) Loan capital (*specify source and provide evidence*)**

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Others (*specify*)

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**4.0 MAIN BUSINESS ACTIVITY OF APPLICANT**

Please indicate what business activity the applicant is currently engaged in and provide specimen:

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**5.0 TECHNICAL CAPACITY AND EXPERIENCE**

**5.1 Technical and industrial competence of applicant**

Please provide detailed statement of applicant's technical and industrial competence and experience to undertake the proposed cabling project. (*Use additional sheets if necessary and attach signed copies of CV's of proposed staff*)

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**Describe technical and industrial support from external sources:**  
(*Attach memorandum of understanding or contracts in this regard. Attach a detailed profile of the company and extent of support*)

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**6.0 DESCRIPTION OF PROPOSED PROJECT - TYPE OF LICENCE APPLIED FOR**

**6.1 Please provide detailed description of intended cabling connection and licence applied for:**

(*Use additional sheets or report as appropriate*)

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**6.2 Project site/utilities**

Project site (*attach relevant map and drawings and state whether there are access roads required*):

**6.3 Technical aspects/design of the project**

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**Indicate requirements for spectrum allocation if necessary:**

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**6.4 Time plan for implementation of the project:** (*Attach gphant chart of the implementation schedule*)

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**6.5 Land use at the project site** (*Indicate the existing infrastructure*)

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**6.6 Indicate access roads** (*Attach map*):

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**6.7 Contact/consultations with local authorities, neighbours:** (*Attach relevant documents*):

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**6.8 State if there is need to access public and/or private land:**

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**6.9 Specified consents/licences required from other public authorities to undertake project and their status e.g. NEMA (attach relevant documents):**

Consent required and from whom	Description of activity	Legal provisions

**7.0 COMMERCIAL ASPECTS OF THE PROJECT**

**7.1 State intended market for products**

- (a) Local;
- (b) Regional;
- (c) National;
- (d) East African Community;
- (e) International.

**7.2 State the regions (areas) to which the products shall be supplied**

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**8.0 IMPACTS OF THE PROJECT**

**8.1 Impact on socio economics**

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**8.2 Impact on cultural heritage**

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**8.3 Impact on environment**

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**8.4 Impact on natural resources:**

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**8.5 Impact on wildlife:**

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**8.6 Any other relevant Information (Use additional sheets if appropriate)**

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**9.0 DECLARATION BY THE APPLICANT:**

The proposed project is not unlawful or contrary to the interests of Uganda. I/we hereby declare that the details stated above are, to the best of my/our knowledge, true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

**10.0 AUTHORISED SIGNATURE/S AND SEAL OF APPLICANT/S**

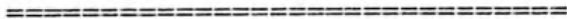
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**SEAL**

**10.1 Witness to above signatures**

Name	Position	Signature



**FOR OFFICIAL USE ONLY**

1. Date of submission of application \_\_\_\_\_
2. Fees paid and receipt number \_\_\_\_\_
3. Results of verification for completeness \_\_\_\_\_
4. Dates and newspapers in which application is advertised:  
\_\_\_\_\_

- 5. Results of public hearing \_\_\_\_\_  
\_\_\_\_\_
- 6. Recommendation of UCC \_\_\_\_\_  
\_\_\_\_\_
- 7. Decision of UCC \_\_\_\_\_  
\_\_\_\_\_
- 8. Issue date of licence \_\_\_\_\_  
\_\_\_\_\_
- 9. Expiry date of licence \_\_\_\_\_  
\_\_\_\_\_
- 10. Other relevant information \_\_\_\_\_  
\_\_\_\_\_

**Cross References**

Uganda Communications (Centralised Identification Equipment Register) Regulations, 2019.  
Uganda Communications (Emergency Response) Regulations, 2019.  
Uganda Communications (Fees and Fines) Regulations 2019.  
Uganda Communications (Interconnection and Access) Regulations, 2019.

**FRANK TUMWEBAZE,**  
*Minister of Information and  
Communications Technology and National Guidance.*



**STATUTORY INSTRUMENTS SUPPLEMENT**

*to The Uganda Gazette No. 57, Volume CXII, dated 8th November, 2019*

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**S T A T U T O R Y I N S T R U M E N T S**

**2019 No. 81.**

**THE UGANDA COMMUNICATIONS (COMPUTER EMERGENCY  
RESPONSE TEAM) REGULATIONS, 2019**

**ARRANGEMENT OF REGULATIONS**

**PART I—PRELIMINARY**

*Regulation*

1. Title.
2. Application.
3. Objective of Regulations.
4. Interpretation.

**PART II—POWERS OF COMMISSION TO DECLARE AND ACT IN A  
COMMUNICATIONS EMERGENCY**

5. Declaration of a communications emergency.
6. Powers of Commission in a communications emergency.

**PART III—ESTABLISHMENT AND OPERATIONS OF COMPUTER EMERGENCY  
RESPONSE TEAM (CERT)**

7. Establishment of CERT.
8. Responsibilities and powers of CERT.

**PART IV—RESPONSIBILITIES OF OPERATORS**

9. Obligations and reporting requirements of operators.

*Regulation*

10. Information and record keeping.
11. Commission to issue guidelines on certain matters.
12. Access to information collected.

PART V—MISCELLANEOUS

13. Protection from liability.
14. Offences and penalties.

SCHEDULE

SCHEDULE—CURRENCY POINT

# STATUTORY INSTRUMENTS

2019 No. 81.

## **The Uganda Communications (Computer Emergency Response Team) Regulations, 2019**

*(Under section 5 (1) (k) and 93 of the Uganda Communications Act, 2013, Act No. 1 of 2013)*

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, these Regulations are made this 5th day of July, 2019.

### PART I—PRELIMINARY

#### **1. Title.**

These Regulations may be cited as the Uganda Communications (Computer Emergency Response Team) Regulations, 2019.

#### **2. Application.**

These Regulations apply to all operators—

- (a) for the daily operations of the Computer Emergency Response Team (“CERT”), with or without a communications emergency; and
- (b) in the event of a communications emergency declared by the Uganda Communications Commission.

#### **3. Objective of Regulations.**

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.

#### **4. Interpretation.**

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communications Act, 2013;

“authorised” in relation to an officer or employee of the Commission, means a person authorised by the Executive Director to exercise the powers or perform the duties in respect of which an authorised person is required to perform;

“CERT” means Computer Emergency Response Team;

“communications emergency” means an emergency in the communications subsector declared by the Commission;

“Commission” means the Uganda Communications Commission established by the Act;

“communications” means telecommunications, data communications, radio communications, postal communications and broadcasters;

“communications services” means services performed consisting of the dissemination or interchange of audio, visual or data content using postal, radio or telecommunications media or data communication and includes broadcasting;

“critical communications infrastructure” means an element or system of elements of the critical infrastructure in the communications sector and within the field of cyber security;

- “currency point” has the value assigned to it in the Schedule to these Regulations;
- “Executive Director” means the Executive Director of the Commission;
- “inspector” means a person appointed by the Commission under section 49 of the Act;
- “Minister” means the Minister responsible for information and communications technology;
- “operator” means a person licensed to provide communication or communications services;
- “Tribunal” means the Uganda Communications Tribunal established by section 60 of the Act.

PART II—POWERS OF COMMISSION TO DECLARE AND ACT IN A  
COMMUNICATIONS EMERGENCY

**5. Declaration of a communications emergency.**

The Commission may declare a communications emergency in the event of a major threat to communications or a significant cyber related event threatening the operation of critical communications infrastructure in the country.

**6. Powers of Commission in a communications emergency.**

The Commission may, where it declares a communications emergency—

- (a) classify threats to communications for appropriate sector response;
- (b) inform the public of any identified threats to protect public safety;
- (c) monitor communications services in Uganda;

- (d) install equipment at facilities owned by operators to monitor and block communications traffic that may disrupt communications and harm public safety;
- (e) confiscate any apparatus which is being operated without a licence;
- (f) confiscate any apparatus which is being operated contrary to the directives of the Commission;
- (g) direct an operator or other person to provide critical information to assist the Commission in its response to a communications emergency or cyber-crime or any other computer related communications incident;
- (h) direct an operator to deny service to a consumer or intermediate user of communications services engaging in prohibited or destructive behavior; and
- (i) refer, where necessary, complaints to law enforcement agencies for investigation and prosecution.

### PART III—ESTABLISHMENT AND OPERATIONS OF COMPUTER EMERGENCY RESPONSE TEAM (CERT)

#### **7. Establishment of CERT.**

(1) There is established a Computer Emergency Response Team within the Commission to protect critical communications infrastructure in the country.

(2) The Commission shall develop and issue guidelines for effective operations of the CERT in the communications sector.

(3) The Commission shall ensure compliance with applicable national standards and international standards laid down by international communication agreements to which Uganda is party with respect to the mandate of the CERT.

#### **8. Responsibilities of CERT.**

The CERT shall—

- (a) design, manage and implement a critical infrastructure protection program to protect Uganda's critical communication assets in the event of an interference, compromise, incapacitation or integrity problem; including acts of cyber war, espionage or cyber terrorism;
- (b) develop operational guidelines to manage and respond to communications incidents;
- (c) educate stakeholders within the communications sector on risks and vulnerabilities as they emerge from time to time;
- (d) develop, maintain and ensure implementation of cyber security procedures and standards by operators;
- (e) develop guidelines for dissemination to the public of information on communications emergencies and cyber security incidents;
- (f) classify communications and cyber threats;
- (g) coordinate with law enforcement agencies and local and international bodies in cybersecurity management;
- (h) forecast, take preventive measures, and broadcast alerts on cyber security incidents;
- (i) conduct cyber security audits on critical communications infrastructure;
- (j) deploy equipment at the premises and on the network infrastructure of operators;
- (k) receive, analyse and investigate cyber security incidents, and take appropriate action;

- (l) direct an operator to remove or restrict access to any unlawful, illegal or offensive content from a regulated communications medium;
- (m) refer, where necessary, complaints to law enforcement agencies for investigation and prosecution; and
- (n) carry out any other responsibilities relating to cyber security management as the Commission may prescribe from time to time.

#### PART IV—RESPONSIBILITIES OF OPERATORS

### 9. **Obligations and reporting requirements of operators.**

(1) An operator shall—

- (a) maintain a secure environment for the transmission of voice and data communications at all times;
- (b) establish and implement a cyber-security policy for information and communications systems approved by the Commission;
- (c) provide a safe space for installation of communications monitoring equipment by the Commission and ensure it is not tampered with or bypassed;
- (d) implement guidelines issued by the CERT;
- (e) notify the Commission of any significant information or computer security threat or incident that comes to their attention during their ordinary course of business;
- (f) provide the Commission with quarterly cyber security incident reports, information technology and systems risk assessment reports and any other information requested for by the Commission;



- (g) allow inspectors access to records and premises in the course of an investigation of any communications emergency or incident of alleged cybercrime;
- (h) regularly update internal operating standards, guidelines or procedures on the advice of the CERT;
- (i) establish reliable and up to date mechanisms to filter malicious traffic from incoming or outgoing traffic;
- (j) maintain a designated focal point of contact accessible at all hours by the Commission in the event of an emergency; and
- (k) promptly disconnect a consumer, user, third party content provider or other person if directed by the Commission.

**10. Information and record keeping.**

(1) An operator shall maintain the following information for a period of at least six months—

- (a) any action taken by the operator under regulation 9;
- (b) user logs, traffic and routing data pertaining to any threat or malicious traffic; and
- (c) any other information specified by the Commission.

(2) The Commission may retain the information referred to under subregulation (1) if directed by the Tribunal or a court.

**11. Commission to issue guidelines on certain matters.**

The Commission shall issue guidelines for the purpose of ensuring that—

- (a) there is information security and that no information is shared for purposes other than those specified under the Act and these Regulations;

- (b) no information is shared or published in a manner that violates the constitutional and statutory rights of the persons or entities whose information is shared; and
- (c) no information is kept longer than is necessary to achieve the purposes specified under these Regulations, and that any such information collected from operators is destroyed in a timely manner.

**12. Access to information collected.**

(1) Only authorised staff of the Commission and inspectors may collect information and records under these Regulations.

(2) An operator shall afford properly identified staff of the Commission and inspectors referred to under subregulation (1), full access to any information, document, article, apparatus or equipment that is the subject of an investigation under these Regulations.

(3) The entry shall be limited to an operator's place of operation, business or place where the information is stopped.

(4) An entry other than one under subregulation (2) shall require a search warrant issued by a Magistrate.

PART V—MISCELLANEOUS

**13. Protection from liability**

(1) An officer of the Commission or a person acting on the directions of the Commission or of an officer of the Commission is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of functions under these Regulations.

(2) An operator acting on the directions of the Commission shall not be held liable for any action done in compliance with these Regulations.

**14. Offences and penalties.**

(1) Any person whether, being an officer of the Commission, a public officer, an operator, private individual or entity who publishes, divulges, discloses or makes known in any manner information collected under these Regulations without obtaining the authority of the Commission commits an offence.

(2) A person who commits an offence under subregulation (1) is liable, on conviction, to a fine not exceeding forty-eight currency points or imprisonment not exceeding two years or both.

(3) Where the person or entity convicted of an offence under this regulation is an operator, the Commission may revoke the operator's licence.

## **SCHEDULE**

*Regulation 4.*

### **CURRENCY POINT**

A currency point is equivalent to twenty thousand shillings.

**FRANK TUMWEBAZE,**  
*Minister of Information and  
Communications Technology and  
National Guidance.*

STATUTORY INSTRUMENTS SUPPLEMENT

*to The Uganda Gazette No. 57, Volume CXII, dated 8th November, 2019*

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STATUTORY INSTRUMENTS

2019 No. 82.

THE UGANDA COMMUNICATIONS (INTELLIGENT NETWORK  
MONITORING SYSTEM) REGULATIONS, 2019.

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY

*Regulation*

1. Title.
2. Application.
3. Objective.
4. Interpretation.

PART II—COMMUNICATIONS TRAFFIC MONITORING

5. Powers of the Commission.

PART III—INMS SYSTEM CAPABILITY

6. INMS capability.
7. IBCS installation and capacity.

PART IV—FRAUDULENT TRAFFIC

8. Fraudulent traffic.
9. Regulatory surveillance on fraudulent communications traffic.

PART V—APPLICABLE RATES AND FEES FOR  
THE INMS OPERATIONS

10. Fixed minimum rates.

## *Regulation*

### PART VI—GENERAL OBLIGATIONS

11. Operators obliged to provide information.
12. Fees charged by operators.
13. Monitoring process.
14. Installation and safety of devices.
15. Service suspension.
16. Compliance order.
17. Restrictions on disclosure of information.

### PART VII—SERIOUS BREACHES

18. Acts and omissions constituting serious breach.

### PART VIII—OFFENCES

19. Offences and penalty.
20. Repeated breaches.

### PART IX—MISCELLANEOUS

21. Effective Implementation of INMS.
22. Transitional provisions.
23. Appeals.

## **SCHEDULES**

### SCHEDULE—CURRENCY POINT

# STATUTORY INSTRUMENTS

2019 No. 82.

## **The Uganda Communications (Intelligent Network Monitoring System) Regulations, 2019**

*(Under sections 5(1) (u) and 93 of the Uganda Communications Act, 2013, Act 1 of 2013)*

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, these Regulations are made this 5th day of July, 2019.

### PART I—PRELIMINARY

#### **1. Title.**

These Regulations may be cited as the Uganda Communications (Intelligent Network Monitoring System) Regulations, 2019.

#### **2. Application.**

These Regulations apply to all operators and licensed network facilities in Uganda.

#### **3. Objective.**

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
- (j) enhancing local and international traffic revenue assurance and international market watch services.

#### **4. Interpretation.**

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communications Act, 2013;

“authorised” in relation to an officer or employee of the Commission, means a person authorised by the Executive Director to exercise the powers or perform the duties in respect of which an authorised person is required to perform;

“by-pass” means the routing of international calls by a licensed network operator to a third party outside of any contractual obligations or beams dedicated to domestic interconnection;



“CDR” means call detail records generated by telephone exchanges which contain detailed information about calls originating from, terminating at or passing through the exchange;

“CLI” means caller line identification;

“Commission” means the Uganda Communications Commission established by the Act;

“communications” means telecommunications, data communication, radio communications and postal communications; and includes broadcasting;

“communications networks” means all the ways of providing communication services between a number of locations where communications equipment provides access to these services;

“communications traffic” means a profile of signs, signals, writing, images and sounds or intelligence of any nature flowing within a communications network;

“currency point” has the value assigned to it in the Schedule to these Regulations;

“gateway” means the switching system through which communications traffic is sent and received, with provision for allowing physical monitoring of traffic flow;

“IBCS” means interconnect border control system;

“INMS” means intelligent network monitoring system;

“market watch services” means a business intelligence insight into emerging key market and technology trends affecting the information and communications technologies infrastructure and network computing technologies in the marketplace;

“monitoring” means observation and keeping records of communications traffic signaling for the purpose of facilitating regulatory activities stipulated under these Regulations;

“operator” means an operator providing a communications service under the Act;

“SIM” means Subscriber Identity Module;

“special service fee per minute” means the fee prescribed by the Commission and imposed on operators to meet the operation cost of the INMS.

#### PART II—COMMUNICATIONS TRAFFIC MONITORING

##### **5. Powers of the Commission.**

(1) The Commission shall monitor communications traffic through among others the Intelligent Network Monitoring System.

(2) For purposes of subregulation (1), the Commission shall—

- (a) acquire, install, operate and maintain monitoring devices and signaling at the premises of the operator;
- (b) acquire, install, operate and maintain monitoring devices at off-site premises housing an operator’s network equipment where such a situation exists;
- (c) determine a minimum rate for international traffic; and
- (d) request for data and carry out inspection of the premises of the operators.

#### PART III—INMS SYSTEM CAPABILITY

##### **6. INMS capability.**

(1) The INMS shall have the signaling capability to—

- (a) track, detect and block bypass fraud through an anti-fraud system and services for all international incoming traffic;
- (b) track, detect and block bypass fraud through an anti-fraud system and services for all domestic traffic;
- (c) ensure compliance of operators with quality of service parameters set by the Commission;
- (d) generate reliable statistics for domestic and international communications traffic including terminal identification details, mobile money transaction information and SIM card profiles;
- (e) monitor any other traffic associated with value added services; and
- (f) conduct data recovery operations of data.

(2) The INMS shall work independently without directly interfering with the operations of operators.

#### **7. IBCS installation and capacity.**

(1) Every operator shall facilitate the installation of the IBCS in their networks for the purposes of the INMS.

(2) The IBCS monitoring hardware and software shall only be installed over dedicated links with signaling information where it shall be physically impossible to record, monitor or tap into the content of any electronic communication.

### **PART IV—FRAUDULENT TRAFFIC**

#### **8. Fraudulent traffic.**

Communications traffic shall be considered fraudulent where—

- (a) it is managed by an entity without a licence or without the required authorisation for the management of communications traffic issued by the Commission;

- (b) it is managed by an operator without declaring it to the Commission;
- (c) it is managed by an operator but charged at a rate below the minimum rate prescribed by the Commission by notice in the Gazette;
- (d) it is unauthorised traffic generated by operators or their agents or carriers and transmitted to or within Uganda without revenue being levied and collected by a licensed operator;
- (e) calls are being made to inflate payments;
- (f) there is unauthorised traffic where the income received by an operator is from illegally discounted calls to customers; or
- (g) there is any fraudulent or unauthorised act as may be determined by the Commission;
- (h) where it has been intercepted under the Regulation of Interception of Communications Act, 2010.

**9. Regulatory surveillance on fraudulent communications traffic.**

(1) The Commission shall conduct regulatory surveillance to detect and eliminate fraudulent communications traffic.

(2) The Commission shall, where there is fraudulent trafficking, direct or order the operator to do any of the following—

- (a) effectively carry out or comply with any fraud surveillance obligations; whether national or international;
- (b) disclose any fraudulent SIM;
- (c) provide for a balance reporting on a fraudulent SIM;
- (d) deactivate any fraudulent SIM; and

- (e) share detection of any other fraud or other criminal activity with the Commission or law enforcement for further action.

(3) The acceptance of and termination of communications traffic shall be subject to the terms of the operator's licence, regardless of the routing protocol used and any termination or delivery by any person or body corporate without a licence shall be considered fraudulent.

(4) Operators may deliver and terminate communications traffic to either customers of their own network or to customers of other operators with whom they have an interconnection agreement for the provision of transit or roaming service.

(5) Traffic by-pass is not permitted and must be blocked and reported to the Commission by any network operator.

(6) Network operators may block traffic without CLI or with modified CLI.

(7) Network operators shall carry traffic with unmodified CLI.

(8) The Commission may conduct on-site inspections to establish compliance with CLI.

(9) Network operators shall not terminate fraudulent international communications traffic on their network or networks of other operators.

(10) Network operators shall charge transit fees or charges for international communications traffic determined by an interconnection and access agreement between the network operators.

PART V—APPLICABLE RATES AND FEES FOR  
THE OPERATION OF INMS

**10. Fixed minimum rates.**

(1) An operator shall charge the fixed minimum rate for all international incoming communications traffic at the rates prescribed by the Commission under regulation 8(c).

(2) The Commission shall collect from every operator, a special service fee which shall be a percentage of the revenue generated from the minimum rate of international incoming communications traffic at the rate prescribed by the Commission under regulation 8(c).

(3) An operator shall declare to the Commission the revenue collected in each month under subregulation (2).

(4) Where an operator fails to declare the revenue collected, or where the Commission is not satisfied with the declaration made by the operator, the Commission may verify the amount declared by the operator.

(5) An operator shall, with effect from the date of implementation of the INMS by the Commission, file a return and remit the special service fees due to the Commission by the 15<sup>th</sup> day after the end of each month.

(6) The return filed by the operator under subregulation (5) shall include—

- (a) the total number of calls made or received over the network;
- (b) the number of minutes carried over the network;
- (c) the special service fee per minute;
- (d) the amount due; and
- (e) the period of the return.

(7) Where an operator under declares or fails to remit to the Commission the special service fee required under subregulation (6) on or before the time when the amount is payable, the operator shall pay as a penalty, a surcharge of two percent of the amount in default for each day of default.

#### PART VI—GENERAL OBLIGATIONS

### 11. Operators obliged to provide information.

(1) Every operator shall provide the Commission with the following information—

- (a) the total number of minutes and revenue of the termination of international inbound communications traffic, including transit communications traffic in their own network which shall provide the statistics of international incoming communications traffic of calls completed on their own network and calls completed on third party networks;
- (b) statements by international carriers or operators of the communications traffic terminated in Uganda or invoices sent to international carriers or operators;
- (c) the number of minutes and revenue of communications traffic terminated to each international carrier contracting the termination service with the operator;
- (d) the CDRs for voice traffic, both for international inbound traffic and for national voice traffic in a format prescribed by the Commission; and
- (e) any other necessary information related to the management of the operator's network for the provision of voice services, including the network signaling data links, recorded communications traffic, contracts and invoices with other carriers.

(2) The report and CDRs required under this regulation shall be submitted to the Commission before the 15<sup>th</sup> day after the end of each month.

(3) The CDRs submitted under subregulation (2), shall be subject to a comparison and verification process by the Commission or an authorized representative of the Commission.

(4) An operator shall allow the Commission or an authorised person to—

- (a) conduct surveys to facilitate the implementation of connectivity requirements for the INMS;

- (b) carry out actual connectivity of the INMS to the operators' networks;
- (c) monitor, in real time, any communications traffic related information; and
- (d) inspect and audit the operator's network.

(5) Any site survey conducted by the Commission or its authorised representative under subregulation (4) shall be done together with or in the presence of the operator or an authorised representative of the operator.

(6) An operator shall keep all signaling data necessary for the management of communications.

(7) The signaling data referred to under subregulation (6) shall include the origin, destination, service information, time and path of the call over a dedicated link, in such a way that the dedicated link shall not carry any other data and in particular, the content of communications, location information for mobile services or SMS.

## **12. Fees charged by operators.**

(1) An operator shall, in addition to any other specific obligations, in charging rates, have the following obligations—

- (a) charge international carriers the fixed minimum rate per minute prescribed by the Commission under regulation 8 (1) (c) for the termination of international communications traffic in Uganda; and
- (b) charge transit traffic fees at the rate specified in the agreement between the operator and international carriers, and submit copies of the carrier agreements to the Commission.

(2) The transit fees or charges for international incoming communications traffic referred to under subregulation (1) (b), shall



be determined and agreed upon by, and entered into by agreement between the operators and international carriers.

**13. Monitoring process.**

(1) The Commission shall monitor, for each operator—

- (a) the monthly trend of communications traffic in Uganda; and
- (b) the parameters relating to quality of service and fraud detection.

(2) The Commission shall collect any information from the operators in order to ascertain, inter alia, quality of service and volume of traffic carried over the network of the operators.

(3) In monitoring communications traffic, the operator shall—

- (a) allow the Commission or any entity acting on behalf of the Commission to install and maintain necessary equipment in, on, upon or at the network premises of the operator;
- (b) collaborate by providing all the required support and space as may be determined by the Commission for the installation of the monitoring system in the premises of the operator; and
- (c) facilitate points of interconnection for links between the Commission's monitoring system installed at the operator's switch centres and the Commission's main operating centre.

(4) The Commission shall, in monitoring communications traffic, ensure that the signaling data is—

- (a) processed and stored exclusively for the purpose of monitoring compliance with the licence obligations;
- (b) stored in a secure and encrypted mode;

- (c) processed and stored through the right security measures and stored only for the duration necessary for the purpose of monitoring compliance with the licence obligations; and
- (d) not transmitted or given to third parties, public or private, except as permitted by law.

**14. Installation and safety of devices.**

(1) An operator shall exercise due care for the safety of the devices installed.

(2) Where an installed device is tampered with, destroyed or damaged by the operator, the operator shall—

- (a) pay for the cost of replacement of the device tampered with, destroyed or damaged device; and
- (b) pay to the Commission the amount prescribed by the Commission under regulation 8(1)(c) based on the previous highest returns plus 10% of the returns during the period the device remains tampered with, destroyed or damaged.

(3) Where a device interferes with the operator's network, all concerned parties shall, in good faith, take reasonable measures to resolve the problem.

(4) The IBCS and any collocation device, for the purposes of INMS, shall not cause any interference to the network operators' equipment, plant, facilities, and networks or to the equipment of any other operator in the collocation space, including during the installation of the IBCS equipment.

(5) Subject to subregulation (5), where any interference may occur, all concerned parties shall, in good faith, take reasonable measures to resolve the problem promptly.

(6) Procedures relating to physical access to and the inspection of the collocation space and equipment by the Commission or its authorized representatives shall be determined at the time of the installation of the IBCS or any related communications traffic measurement equipment, anti-fraud and detection systems and any other equipment.

(7) Where there is any direct damage to the collocation plant, network equipment or facilities, arising out of or during the course of installation, operation, maintenance, replacement or repair of the collocated facility or network in the premises of an operator, the damage shall be reported to the Commission and the network equipment or facility shall be, subject to any agreement, rectified without delay.

(8) The Commission or its authorised representative shall be responsible for the operation or maintenance of its collocation equipment or as may be mutually agreed with an operator.

(9) The Commission and operators shall ensure that their staff observe and comply with all applicable or specified safety rules issued by the Commission.

#### **15. Service suspension.**

Every operator shall comply with the directives of the Commission to suspend service to carriers and entities managing international inbound voice traffic in a twenty four hour term for reasons in connection with or matters affecting any of the provisions or the implementation of these Regulations.

#### **16. Compliance order.**

The Commission may, in implementing these Regulations, issue compliance orders to operators.

**17. Restriction on disclosure of information.**

The Commission shall not disclose any information received or obtained during the exercise of its powers or performance of its duties, except, where the information is required by a law enforcement agency, court of law or other lawfully constituted tribunal or with the consent of the parties.

**PART VII—SERIOUS BREACHES.**

**18. Acts and omissions constituting serious breach.**

The following acts by operators or their representatives constitute serious breaches of the obligations imposed by these Regulations—

- (a) the provision of international inbound voice and data services without a licence;
- (b) the termination of all international communications traffic, including transit traffic at a price below the minimum rate prescribed by the Commission under regulation 8 (1) (c);
- (c) the refusal or delay by an operator to collect and pay to the Commission, the special service fees and surcharge prescribed by these Regulations;
- (d) the refusal by an operator to meet the transparency obligations prescribed by these Regulations;
- (e) the refusal or obstructive acts or omissions on the part of an operator to allow the installation of an IBCS or any equipment for monitoring under these Regulations;
- (f) the failure by network operators to file or register all interconnection and international carrier agreements with the Commission; or
- (g) the failure by an operator to achieve any of the transitional conditions or comply with any requirement identified by the Commission during the course of the transitional period.

## PART VIII—OFFENCES.

### 19. Offences and penalty.

(1) A person who contravenes these Regulations commits an offence and is liable to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

(2) A breach of these Regulations shall be considered a serious breach of the Act, under section 41 of the Act.

(3) The Commission may suspend or revoke the licence of an operator who is convicted of an offence under subregulation (1).

### 20. Repeated breaches.

(1) Repeated breaches under regulation 18 shall be penalised by the Commission with the greater of the following two amounts—

- (a) three times the benefit obtained with the action defined as a breach; or
- (b) a payment of 10% of a verified billable amount as may be determined by the Commission.

(2) Where an operator commits three serious breaches under these Regulations, the Commission may suspend or cancel the operator's licence in accordance with section 41 of the Act.

(3) Where an operator increases its tariff or service fees for the fixed minimum rate for international communications traffic, it shall be liable to pay a penalty three times the sum of the value of the increase to the Commission.

## PART IX—MISCELLANEOUS

### 21. Effective implementation of INMS.

The Commission may, for effective implementation of the INMS and handling of the possible impacts on other regulatory measures or processes—

- (a) consider and adopt new operator interconnection billing standards and settlement procedures;
- (b) develop a new operator support and supervision agreement for the control of international traffic flows, including regional traffic, in and out of Uganda;
- (c) define the technical terms and conditions of support and supervision among the operators as well as the mechanisms for the supply, maintenance and operation of Uganda's signaling control systems;
- (d) establish revenue assurance benchmarks;
- (e) consider the planning, operation and maintenance of all parts of the INMS for purposes of supervision and management of national and international traffic in Uganda; and
- (f) provide technical assistance and training in the management of interconnection management systems and infrastructure for the purposes of these Regulations.

## **22. Transitional provisions**

Every network operator shall, within sixty days after the coming into force of these Regulations—

- (a) cause a review and amendment of their existing carrier agreements;
- (b) file with the Commission, all their amended interconnection and carrier agreements;
- (c) reach an agreement with the Commission or its representative on all matters relating to the co-location of any INMS equipment;
- (d) enter into an agreement with the Commission, where applicable, on all the required network and service parameters for the purposes of these Regulations;

- (e) assist the Commission's representatives in the conduct of any survey for the purposes of these Regulations;
- (f) secure an identified place or space for connection and collocation of the IBCS;
- (g) identify all requirements for the connectivity of the IBCS to the switch and networks of the concerned operators;
- (h) establish and complete a network with a functional and operational INMS; and
- (i) carry out any other thing or requirement identified by the Commission required for the effective and efficient implementation of the INMS.

### **23. Appeals.**

A person aggrieved by the decision of the Commission under these Regulations, may appeal to the Uganda Communications Tribunal within 30 days after receipt of the decision.

## SCHEDULE

*Regulation 4.*

### CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

#### *Cross References*

Regulation of Interception of Communications Act, 2010, Act 18 of 2010.

**FRANK TUMWEBAZE,**  
*Minister of Information and  
Communications Technology and  
National Guidance.*



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S T A T U T O R Y I N S T R U M E N T S

2019 No. 88

THE UGANDA COMMUNICATIONS (INTERCONNECTION AND  
ACCESS) REGULATIONS, 2019.

PART I — PRELIMINARY

*Regulation*

1. Title
2. Application.
3. Objectives of Regulations.
4. Interpretation

PART II — OBLIGATION OF TELECOMMUNICATIONS OPERATORS TO  
INTERCONNECT

5. Obligation of telecommunications to interconnect.
6. Technically feasible interconnection.
7. Traffic identification obligation.
8. Interconnection through physical collocation.
9. Interconnect of Mobile Virtual Network Operations.
10. Interconnection of unbundled network elements.
11. Reference interconnection offer (“RIO”).
12. Negotiations.
13. Interconnection agreements.
14. Termination of interconnection agreement.

15. Imposition and approval of agreements.
16. Interconnection charges and cost accounting systems.
17. Changes in the network.

### **PART III — OBLIGATIONS TO PROVIDE ACCESS**

18. Application of Part.
19. Obligation by operators to provide mandatory access.
20. Authorisation subject to content regulation.
21. Access for postal and courier services.
22. Must carry obligations and pricing of carried services.
23. Guidelines for authorisations.
24. Application of Part II to access seekers.

### **PART IV — MISCELLANEOUS**

25. Guidelines.
26. Breach of Commission directives.
27. Failure to interconnect or provide access.
28. Offences.
29. Appeals.
30. Revocation of S.I No. 25 of 2005.
31. Revocation of General Notice No. 536 of 2006.

### **SCHEDULES**

- |                     |   |
|---------------------|---|
| <b>SCHEDULE 1—</b>  | <b>ZONAL ACCESS CITIES AND MUNICIPAL AREAS</b>          |
| <b>SCHEDULE 2 —</b> | <b>NETWORK ELEMENTS</b>                                 |
| <b>SCHEDULE 3 —</b> | <b>CHARGING PRINCIPLES FOR INTERCONNECTION SERVICES</b> |

# STATUTORY INSTRUMENTS

2019 No. 88

## **The Uganda Communications (Interconnection and Access) Regulations, 2019**

*(Under sections 58 and 93 of the Uganda Communications Act,  
2013, Act 1 of 2013)*

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 these Regulations are made this 5<sup>th</sup> day of July, 2019.

### PART I - PRELIMINARY

#### **1. Title**

These Regulations may be cited as the Uganda Communications (Interconnection and Access) Regulations, 2019.

#### **2. Application.**

These regulations apply to—

- (a) interconnection between telecommunication operators under section 58 of the Act;
- (b) access to communications infrastructure and services by operators, access seekers and customers; and
- (c) pricing and tariffs for interconnection and access charges.

#### **3. Objectives of Regulations.**

The objective of these Regulations is to establish an effective and competitive framework for regulating interconnection and access, and providing 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;
- (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 in respect of matters relating to access, equality of treatment and interconnection;
- (i) ensuring equality of treatment in tariffs, access and interconnect for infrastructure, connectivity and any other forms of access;
- (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.

#### 4. Interpretation

In these Regulations, unless the context otherwise requires-  
“access” means—

- (a) the provision by an operator of any services, facilities or arrangements on a non-exclusive basis, through which another operator or authorised service provider is able to directly or indirectly make use of-
  - (i) any network, network element or service provided by the operator;
  - (ii) any facilities comprised in such a network or used for the purposes of the network or service; and references to providing network access include references to providing any such services, making available any such facilities or entering into any such arrangements;

“access seekers” means a person or entity who requests access services from an access provider;

“act” means the Uganda Communications Act, 2013;

“call” means voice or SMS traffic which originates from or terminates with a user in Uganda, regardless of routing;

“collocation” means physical collocation where an interconnect seeker rents space within an interconnect provider’s building or premises, by bringing its cables into the rented space and installing its own transmission equipment and frames there, and where the rented space is often delineated by a secure cage to which only the new entrant has access and the transmission equipment is connected to the interconnect provider’s equipment by short leads;

“commission” means the Uganda Communications Commission;

“communications” means telecommunications, data communications, radio communications, and postal communications; and includes broadcasting;

- “communications services” means services consisting of the dissemination or interchange of audio, visual or data content using postal, radio, or telecommunications media, data communication; and includes broadcasting;
- “determination” means a decision or order made and issued by the Commission under the Act;
- “facility” means any facility or equipment used or intended to be used in connection with the transmission of communications by means of electricity from one place to another place, either along a wire joining those two places or partly by wire from each of those two places and partly by radio communication;
- “infrastructure” means the underlying physical components associated with the provision of communications, including towers, masts, poles, antennae mounting, ducts, duct chambers or any other similar civil engineering works structure, which carry or route any telecommunication including softwares other than switching equipment associated with the provision of switched communications services;
- “interconnect provider” means an operator who is under a duty and who is obliged to interconnect its network and infrastructure to an interconnect seeker;
- “interconnect seeker” means an operator who requests interconnection or who is interconnected on the network or infrastructure of an interconnect provider;
- “interconnection” means the linking; whether directly or indirectly, by physical and logical means or by a combination of both, of communications networks, used by the same or a different operator, in order to allow the users of one operator to communicate with users of the same operator or to access services provided by another operator;
- “interconnection agreement” means an agreement of interconnection between an interconnect provider and an interconnect seeker;
- “interconnection charges” means charges made by an owner or an

operator of a communications network or service to an operator or service provider interconnecting with the operator, for access and use, including the conveyance of traffic;

“interoperability” means the ability of two or more facilities or networks to be connected to exchange information, and to use the information that has been exchanged;

“IP traffic” means conveyed traffic according to the internet protocol providing for transmission of packets of data, including voice from sources to destinations in accordance with applicable standards published from time to time by accepted international standards bodies;

“leased line” means a dedicated, always-on end-to-end communications link for the exclusive use by the acquirer for voice and data traffic;

“licence” means a licence issued under the Act;

“licensee” means an operator licensed under the Act to own or operate a public communications network;

“network” means a transmission, switching or routing system consisting of infrastructure and facilities for the conveyance of communications services;

“network element” means a facility or equipment used in the provision of a communications service and includes features, functions, and capabilities that are provided by means of the facility or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of communications service;

“operator” means any licensee providing communications services over a public communications network and includes a broadcaster operating a communications network;

“point of interconnection” means a physical point where the system of one operator is connected to the system of another operator for calls, signaling messages and other traffic to be handed over from one system to the other;

- “public communications network” means a communications network used, in whole or in part, for the provision of publicly available communications services;
- “RIO” means a reference interconnection offer which is required to be provided by any operator by these Regulations or by the Commission;
- “service provider” means a licensee that offers communications services to users, either by using the basic service and infrastructure provided by network operators on a re-sale basis, or by providing services through the service provider’s own infrastructure where it forms part of a network;
- “significant market power” or “SMP” has the meaning given to it in the Uganda Communications (Competition) Regulations, 2019;
- SMS” means short message service for transmitting text messages between mobile devices or via wireless networks;
- “termination” means the switching or routing of traffic at a terminating operator’s end office switch or equivalent facility, and delivery of the traffic to a called party’s premises;
- “traffic” means the total volume of calls or data signals being carried over one or more networks or between networks at any given point in time;
- “transit” means the conveyance of traffic between two networks through a third network to which each of those two networks are connected;
- “user” means a consumer or operator using or requesting publicly available communications services;
- “virtual point of interconnection” means a point at which connection can be made to the facilities of the interconnect provider and from which the interconnect provider extends connection using transmission facilities to a remote point of interconnection, with all charges applicable being as if the actual point of interconnection were at that virtual point of interconnection;
- “zonal access cities” means those cities and towns specified in



Schedule 1 to these regulations, where operators may be obliged to provide interconnection in accordance with regulation 5(4) (d).

## PART II — OBLIGATION OF TELECOMMUNICATIONS OPERATORS TO INTERCONNECT

### **5. Obligation of telecommunications operators to interconnect.**

(1) A telecommunications operator shall make available its infrastructure and facilities for interconnection with other operators.

(2) A telecommunications operator shall provide interconnection to other operators on an unbundled basis, as may be identified and determined by the Commission in accordance with regulation 10.

(3) All telecommunications operators designated by the Commission as having significant market power in a relevant market may be subject to additional obligations in respect of interconnection prescribed under these Regulations, or in their licences, or as determined by the Commission from time to time.

(4) An interconnect provider shall provide interconnection with the interconnect provider's infrastructure and facilities—

- (a) for the transmission and routing of communications services through origination, termination or exchange of traffic, including the obligation to terminate traffic and provide transit for traffic, which is generated directly by an interconnect seeker or indirectly by a third party and delivered by a transit provider and, where the operators agree, with a symmetric configuration;
- (b) subject to regulation 11(4), by connecting and keeping connected an interconnect provider's facilities and by establishing and maintaining one or more points of interconnection as may be reasonably required, and of sufficient capacity and in sufficient number, to enable traffic

- conveyed or to be conveyed by means of any of the facilities in a manner that meets all reasonable demands for the conveyance of traffic between an interconnect provider's facilities and an interconnect seeker's facilities;
- (c) to provide to the Commission every six months and on request, to interconnect seekers; under suitable non-disclosure conditions, details of capacity currently available by location, updated on a reasonably frequent basis, including planned growth, actual spare capacity and new spare capacity coming on-stream, available power and cooling capacity and other relevant data;
  - (d) establishing and maintaining a physical or virtual point of interconnection in all zonal access cities specified in Schedule 1 to these Regulations where it has facilities with a transmission capacity of at least 140 Mega Bits per second;
  - (e) at a level of quality that complies with standards set by the Commission and which is equal to that which an interconnect provider provides to itself or to a subsidiary, an affiliate, or any other party, and shall, to that extent, design interconnection facilities to meet the same technical criteria and service standards that are used within its own network; and
  - (f) on terms and conditions that are just, reasonable, and non-discriminatory in accordance with the terms and conditions of any agreement or licence, the requirements of the Act and any regulations made under the Act, including offering terms and conditions that are not less favourable than the terms and conditions upon which an interconnect provider provides interconnection to itself, including but not limited to the time within which the interconnect provider provides the interconnection.

(5) The Commission shall ensure that interconnect providers comply with subregulation (4) (e).

(6) A licensee who has ownership or control of infrastructure or facilities shall share the infrastructure and facilities with other operators providing public communications networks or services on the same basis as specified in subregulation (4) and generally under these Regulations.

(7) The facilities subject to the obligation in subregulation (6) include—

- (a) ducts and trenches for lines;
- (b) poles and masts for line and radio communication;
- (c) international facilities such as submarine cable and gateways; and
- (d) physical collocation at premises for interconnection and local loop access.

(8) The Commission shall, from time to time, issue interoperability standards and guidelines for broadcast services, terminals or equipment including common interface obligations.

#### **6. Technically feasible interconnection.**

(1) Where an interconnect provider denies a request for interconnection at a particular point in a network on the grounds that it is not technically feasible, the interconnect provider must provide the interconnect seeker with proof and justification in writing, stating why it is not technically feasible, within fifteen working days of submission of the interconnection request.

(2) An interconnect seeker denied a request under subregulation (1) may refer the matter to the Commission with supporting evidence and the Commission shall adjudicate as to whether the denial is reasonable or not, and shall issue a written decision copied to both parties within fifteen working days after the referral.

(3) Where the Commission finds that the denial of request by an interconnect provider is unreasonable, the Commission shall direct that interconnect provider to allow the interconnection request immediately on such terms as the Commission may deem fit.

(4) In considering the denial of interconnection on the grounds that it is not technically feasible; the Commission shall physically verify the operator's claim and apply internationally accepted interface or protocol standards and any other technical or other conditions approved by the Commission.

(5) A previously successful collocation interconnection at a particular point in a network constitutes substantial evidence that interconnection is technically feasible at that point, or at a substantially similar point in networks employing substantial facilities and adherence to the same interface or protocol standards.

**7. Traffic identification obligation.**

(1) All interconnect parties shall provide to the interconnect partners, full Calling Line Identity (CLI) and Calling Party Number Delivery (CPND).

(2) An operator, authorised service provider or third party service provider, sending or receiving electronic communications shall not change the contents of the Operation Interface (OI) or CLI or CPND without authorisation by the Commission.

**8. Interconnection through physical collocation.**

(1) Where interconnection is through physical collocation, virtual collocation or both, an interconnect provider shall—

- (a) provide an interconnection point which is physically accessible by both interconnecting parties; and at which the wires or radio frequency carrying an interconnect seeker's circuits may be connected; or enter into the interconnect provider's premises, provided that the interconnect provider shall designate interconnection points as close as reasonably possible to its premises;
- (b) provide at least two interconnection points at each interconnect provider's premises at which there are at least two entry points for the interconnect provider's cable facilities, and at which space is available for new facilities in at least two of those entry points;

- (c) where technically feasible, permit interconnection of approved cables;
- (d) permit physical collocation of transmission facilities;
- (e) install and maintain collocated equipment within the same time periods and with failure rates that are no greater than those applicable to the performance of similar functions for comparable equipment of the interconnect provider itself;
- (f) allocate space for the collocation of equipment in accordance with the following requirements—
  - (i) an interconnect provider shall make available, space within or on its premises to interconnect seekers on a first-come, first-serve basis, but shall not be required to lease or construct additional space to provide for physical collocation when existing space is exhausted;
  - (ii) to the extent possible, an interconnect provider shall make contiguous space available to interconnect seekers that seek to expand their existing collocation space;
  - (iii) when planning renovations of existing facilities or constructing or leasing new facilities; an interconnect provider shall take into account projected demand for collocation of equipment;
  - (iv) an interconnect provider may retain a limited amount of floor space for its own specific future uses, on the same terms applicable to other communications carriers seeking to reserve collocation space for their own future use;
  - (v) an interconnect provider shall relinquish any space held for future use before denying a request for collocation on the grounds of space limitations, unless the interconnect provider proves that collocation at that point is not technically feasible; and
  - (vi) an interconnect provider may impose reasonable restrictions on the warehousing of unused space by interconnect seekers but shall not set maximum space limitations applicable to such carriers unless the

- interconnect provider proves that space constraints make such restrictions necessary;
- (g) permit interconnect seekers to collocate equipment and connect the equipment to unbundled network transmission elements obtained from the interconnect provider, and shall not require the interconnect seekers to bring their own transmission facilities to the interconnect provider's premises in which they seek to collocate equipment;
  - (h) permit an interconnect seeker to interconnect its network with that of another interconnect seeker at the interconnect provider's premises and to connect its collocated equipment to the collocated equipment of another interconnect seeker within the same premises, provided the collocated equipment is also used for interconnection with the interconnect provider or for access to the interconnect provider's unbundled network elements;
  - (i) provide the connection between the equipment in the collocated spaces of two or more interconnect seekers, unless the interconnect provider permits one or more of the collocating parties to provide the connection for themselves;
  - (j) require reasonable security arrangements to separate the interconnect seeker's space from the interconnect provider's facilities; and
  - (k) permit the interconnect seeker to subcontract the construction of physical collocation arrangements with contractors approved by the interconnect provider, and shall not unreasonably withhold approval of contractors.

(2) The total cost of physical interconnection shall be shared equally between the parties.

**9. Interconnect of Mobile Virtual Network Operations.**

(1) Every operator shall offer interconnection for mobile virtual network operators (MVNO) through the MVNO's host network.

(2) The Mobile Virtual Network Operations traffic shall be terminated at the same terms and rates as the host network's traffic.

(3) The Mobile Virtual Network Operator's host network shall bear full responsibility, including commercial, technical and quality of service for the Mobile Virtual Network Operators interconnection.

(4) The Commission shall maintain regulatory oversight of Host Mobile Virtual Network Operators commercial agreements.

(5) The Mobile Virtual Network Operators' commercial agreements referred to under subregulation (4) shall be negotiated in good faith.

(6) In this regulation "Mobile Virtual Network Operator" (MVNO) means a licensee that buys or receives mobile network capacity and who uses that this capacity to offer its own mobile subscriptions and services and are not agents for Mobile Virtual Network Operations from whom they buy capacity.

**10. Interconnection of unbundled network elements.**

(1) An interconnect provider, shall offer to an interconnect seeker other than in call termination markets —

(a) interconnection of network elements identified by the Commission and specified in Schedule 2 for that market under subregulation (2), on an unbundled basis with all the unbundled network element features, factors and capabilities, in a manner that allows an interconnect seeker to provide communications services that can be offered by means of that network element; and

(b) interconnection to an interconnect seeker on a technologically neutral basis and ensure network interoperability .

(2) The Commission shall identify and determine for each market, the network elements that shall be made available on an unbundled basis by an operator designated as having SMP in that market.

(3) An operator shall provide to an interconnect seeker, the elements and information about the elements specified in Schedule 2 to these Regulations on such conditions of confidentiality as set out in subregulation 12(4).

(4) Except upon request, an interconnect provider shall not separate requested network elements that an interconnect provider currently combines.

(5) Upon request by an interconnect seeker, an interconnect provider to which this regulation applies, shall perform the functions necessary to combine unbundled network elements that are not ordinarily combined in the interconnect provider's network, where the combination—

- (a) is technically feasible; and
- (b) would not impair the ability of other carriers to obtain access to unbundled network elements or to interconnect with the interconnect provider's network.

#### **11. Reference interconnection offer ("RIO").**

(1) An operator allocated numbers under any numbering plan or scheme shall, in accordance with subregulations (5), (6), (7) and (8), prepare a RIO in respect of communications services they offer or provide at any time and shall make that RIO available to any interconnect seeker on request on a non-exclusive basis.

(2) Every operator obliged to prepare a RIO under subregulation (1) shall publish it by placing a copy prominently on its website and in a publicly accessible part of its office or public premises of the operator, in such a manner and in such a place to make it readily available for inspection, free of charge, by members of the public during normal working hours.



(3) An operator designated by the Commission as having significant market power in a relevant market, other than in call termination, shall publish its RIO within ten (10) days of final approval by the Commission in accordance with subregulation (3).

(4) An operator designated by the Commission as having significant market power in a relevant market shall, on the request of the Commission, submit a draft RIO to the Commission for its review and approval within thirty (30) days of receipt of the Commission's request.

(5) The RIO shall reflect no less favourable terms or conditions than those contained in any relevant interconnection agreement in effect to which the operator is party and shall comply with the decisions of the Commission and these Regulations.

(6) The Commission shall decide on the procedures and timetable for review and implementation of the RIO depending on the circumstances, including industry or public consultations in respect of the RIO.

(7) The Commission shall issue a decision to approve, modify or reject the RIO or part of the RIO as soon as reasonably practical but in any event no later than thirty (30) days after the submission of the draft.

(8) The RIO shall not be effective until approved by the Commission and shall comply with any requirements specified by the Commission, including stipulations relating to price, service quality or technical aspects.

(9) A RIO under this regulation shall include at least the information specified in regulation 12 (3) in respect of interconnection agreements and any other material, information or data specified by the Commission at the time of making the request including—

- (a) a list and description of the interconnection services offered;
- (b) information regarding the availability of interconnection services including—
  - (i) the address of each point of interconnection; and
  - (ii) the geographical boundaries of the area served by each point of interconnection;
  - (iii) the procedures that the interconnect provider will use to notify the interconnect seeker in the event that any interconnection service ceases to become available at any location;
- (c) a description of the quality of service that the interconnect provider will provide including—
  - (i) the means by which quality of service will be measured;
  - (ii) the timeframe within which any specific quality of service parameters shall be corrected;
  - (iii) the amount and manner in which the interconnect seeker will be compensated for any failure by the interconnect provider to meet the quality of service standards; and
  - (iv) the quality of service may reference one or more parameters in the schedule to the Uganda Communications (Quality of Service) Regulations, 2019.
- (d) a description of any operational and technical requirements that the interconnect seeker must comply with to avoid harm to the interconnect provider's network;
- (e) a description of any restriction or condition that the interconnect provider intends to impose on the terms of the offer contained in the RIO including—
  - (i) any situations in which capacity, technical or

- operational constraints will limit the ability of the interconnect provider to meet requests for interconnection; or
- (ii) and any situation in which an interconnect provider will not offer or will limit or condition an offer of interconnection an applicant for interconnection;
- (f) a description of the means by which an interconnect seeker can order currently available interconnection services including-
- (i) the contact persons, the expected number of days from order to provisioning;
  - (ii) the means by which provisioning will be monitored, including quality of service testing procedures;
  - (iii) the procedures for reporting operational and technical problems;
  - (iv) the procedures and timeframes for correcting any such problems; and
  - (v) the amount and means by which the interconnect provider will compensate the interconnect seeker for any unreasonable provisioning delays;
- (g) a statement of the terms on which the interconnect provider will protect confidential information provided by the interconnect seeker and the terms on which the interconnect provider requires the interconnect seeker to protect its confidential information, in connection with any interconnection agreement and a description of the standards to be used to determine whether information is confidential;
- (h) a provision stating that, where the parties are unable to resolve disputes through negotiation within a reasonable period of time, either party may refer disputes regarding interconnection arising from the implementation of the RIO to the Commission for resolution; and

- (i) a provision stating that the interconnect provider will obtain the Commission's written approval before unilaterally suspending or terminating the interconnection agreement or services.

(10) A RIO shall be sufficiently unbundled, giving a description of the interconnection offerings broken down into components according to market needs and the associated terms and conditions including wholesale interconnect charges.

(11) An interconnect provider shall provide information on the charges and terms and conditions set out in a RIO in accordance with regulation 15, and shall revise a RIO; and any related interconnection agreements in force, in accordance with any determination in relation to interconnection charges issued by the Commission.

## **12. Negotiations.**

(1) Upon receiving a request for interconnection, an interconnect provider shall, in accordance with section 58 of the Act, submit an application to the Commission and shall begin negotiations and subject to regulation 13, enter into a binding agreement with an interconnect seeker within 30 days after the notification.

(2) An interconnect provider and the interconnect seeker shall negotiate, in good faith, and in a timely manner, use all efforts to conclude and reach acceptable terms and conditions of an interconnection agreement in fulfillment of the obligation under the Act and these Regulations to interconnect.

- (3) In accordance with section 58 of the Act, the Commission—
  - (a) shall, within ninety days from the receipt of an application of an operator or within such other reasonable period in the circumstances; or
  - (b) may, on its own motion, impose an interconnection agreement on two operators if a negotiated agreement is

not possible or if the Commission determines that such an agreement does not promote fair competition.

(4) Subject to the execution by both parties of an agreed confidentiality undertaking, an interconnect provider shall provide to an interconnect seeker, and the Commission, technical information about its network facilities sufficient to allow the interconnect seeker to achieve interconnection, consistent with the requirements of this regulation.

(5) Where the parties fail to execute a confidentiality undertaking within ten days of request from the interconnect seeker, either of the parties shall refer the matter to the Commission and the Commission shall provide a standard form confidentiality undertaking which the parties must execute within three days after receipt.

(6) Interconnect providers designated by the Commission as having significant market power shall ensure that all negotiations and terms of interconnection agreements are based on the same charges and associated terms and conditions as set out in the RIO published by the interconnect provider under regulation 11(2).

(7) A party negotiating an interconnection agreement shall not—

- (a) intentionally mislead the other party;
- (b) coerce the other party into making an agreement that it would not otherwise have made; or
- (c) intentionally obstruct negotiations.

(8) The following actions or practices violate and breach the duty to negotiate in good faith—

- (a) failure to provide the other party with all the relevant information in a timely manner;
- (b) demands to sign non-disclosure agreements, which are coercive or unnecessarily broad or restrictive;

- (c) refusal to allow clauses within an agreement, which permit future amendments;
- (d) attempts to tie conditions within the agreement to resolution of other unrelated disputes;
- (e) actions intended to delay negotiations including—
  - (i) consistent refusal to designate a representative with authority to make binding commitments, leading to delay; and
  - (ii) refusal to provide information required to reach agreement;
- (f) requirement for a purchaser of interconnect services to commit to minimum periods of use before establishing a price for the service;
- (g) making it a condition of negotiations on an interconnect seeker's first obtaining clearance from the Commission;
- (h) intentionally misleading or coercing another party into reaching an agreement that it would not have otherwise made;
- (i) intentionally obstructing or delaying negotiations or resolutions of disputes; and
- (j) refusing to provide information necessary to reach agreement, including—
  - (i) refusal by an interconnect provider to furnish information about its network that an interconnect seeker reasonably requires to identify the network elements it needs in order to serve a particular customer; or
  - (ii) refusal by an interconnect provider to furnish cost data that would be relevant to setting rates if the parties were in arbitration.

(9) An operator who contravenes this regulation is considered to have engaged in unfair competition and to have committed an anti-competitive act or a breach of fair competition under the Act.

### **13. Interconnection agreements.**

(1) An interconnection agreement between an interconnect provider and an interconnect seeker shall be entered into as soon as practicable, but in any event, not later than ninety days after an interconnect provider receives a request for interconnection, whether by negotiation or by imposition in accordance with these Regulations.

(2) The Commission may, where one of the parties to an interconnection negotiation is an operator designated as having significant market power by the Commission and which has published a RIO, stipulate a fast-track negotiation process that is shorter than the time prescribed in subregulation (1) and regulation 11(1).

(3) An interconnection agreement shall contain at least the following information and any other provisions required by the Act and these Regulations or by the Commission-

- (a) the type of equipment that will be interconnected, network termination points, and related technical arrangements, including, switches, location, type and function, interconnections circuits, location, number, speed, capacity and type, signalling, routing and synchronization;
- (b) the type of interconnection services and communications services provided via the interconnected networks;
- (c) the capacity required by the interconnect seeker and the commitments of the other party to the interconnection agreement to provide that capacity, including any requirements for providing forecasts of increases in capacity;
- (d) dates, time periods, and deadlines for establishing interconnection;
- (e) testing arrangements and protocols;
- (f) any special provisions required to maintain acceptable signal quality;
- (g) measures for the protection of the network and

- interconnected networks from damage or harm and for ensuring network safety;
- (h) additional cost components of the operator, or of the interconnect seeker, associated with the establishment of the agreed network termination points for interconnection;
  - (i) interconnection prices, other terms and conditions;
  - (j) obligations to disclose in a timely manner, the application of the numbering plan and to implement any proposal to be issued by the interconnect applicant and changes to the active numbering plan from other operators to maintain any to any connectivity;
  - (k) the procedures for network management;
  - (l) the common securing of emergency calls and operator assistance where applicable;
  - (m) the effective period of the interconnection agreement; procedures for amendment, renewal, suspension and termination of the agreement; and
  - (n) in the case of interconnection requested from or provided by an interconnect provider designated as having significant market power or as having market power, any additional relevant information required by regulation 10.

(4) An interconnection agreement shall not contain a termination provision which allows disconnection of networks without the prior written approval of the Commission.

(5) The Commission shall publish a model interconnection offer from time to time which shall serve as an indication of what the Commission regards as acceptable terms for interconnection agreements between operators in Uganda.

#### **14. Termination of interconnection agreement.**

(1) Where an interconnect provider proposes to terminate an interconnection agreement and to disconnect the respective networks according to the terms of the agreement, it shall obtain the approval of



the Commission before the disconnection.

(2) The Commission shall, within fifteen calendar days after receipt of the request for approval of disconnection, notify the interconnect provider—

- (a) of the approval of the disconnection; or
- (b) require the interconnect provider to maintain connectivity for a period not longer than sixty days while a solution is sought to the dispute.

(3) An Interconnect provider may terminate an interconnection agreement by providing 60 days notice to the operator or interconnection or access seeker on any of the following grounds—

- (a) fraud including falsification of communications' traffic or communications traffic records;
- (b) a finding by the Commission that the operator has committed serious and repeated breaches of the Act;
- (c) notice of termination of the operator's licence by the Commission;
- (d) insolvency under the Insolvency Act, 2011; and
- (e) failure to pay interconnect fees due under the interconnection agreement.

(2) Subject to provisions of the Act, the parties may refer the termination notice to the Commission for adjudication.

(3) The Commission may by notice in the Gazette provide for interconnection rates and procedures.

(4) The Commission may issue guidelines for termination of interconnection agreements.

## **15. Imposition and approval of agreements.**

(1) A party negotiating an agreement under this regulation may, at any time during the negotiations, request the Commission to mediate any differences arising in the course of the negotiations.

(2) Where the parties to an interconnection negotiation cannot reach agreement within ninety days from the date of receipt of an application, either party to the negotiation may request the Commission to arbitrate in any contentious issue.

(3) A party requesting the Commission to arbitrate shall, at the time of submitting the request, provide the Commission and the other party with copies of all relevant documents relating to the negotiations and in particular—

- (a) the unresolved issues as between the applicant for interconnection and the network operator;
- (b) the position of each party with respect to those issues; and
- (c) any other issue discussed and resolved by the parties.

(4) A party requesting the Commission to arbitrate shall provide a copy of the request letter and any other documentation to the other party, not later than the day on which the Commission receives the request.

(5) The other party to the negotiations may respond to the requesting party's submission and provide any additional information within fifteen calendar days after the Commission receives the request.

(6) The Commission shall limit its consideration of any request to arbitrate and any response to it, to the issues in the request and in the response, if any, filed with the Commission.

(7) The Commission may require the requesting party and the responding party to provide such information as may be necessary for the Commission to reach a decision on the unresolved issues and where any party refuses or fails to respond within the time given, to any reasonable request from the Commission, the Commission may proceed with the arbitration on the basis of the information available

to it.

(8) The Commission shall resolve each issue in a request within sixty days after the date of receipt of the request and may impose, appropriate conditions upon the parties to the agreement.

(9) The refusal by any party to negotiations, to participate further in the negotiations, to cooperate with the Commission in carrying out its function as an arbitrator, or to continue to negotiate in good faith in the presence or with the assistance of the Commission, shall be considered as a failure to negotiate in good faith.

(10) The Commission shall, in resolving by arbitration any issues and imposing conditions, upon the parties to an agreement—

- (a) ensure that the resolution and conditions meet the requirements of the Act and these Regulations;
- (b) establish rates for interconnection services or network elements; and
- (c) provide a schedule for implementation of the terms and conditions by the parties to the agreement.

(11) An interconnection agreement adopted by negotiation between two operators, shall be submitted for approval to the Commission within 7 days of adoption or agreement and the Commission shall approve or reject the agreement, giving reasons in writing.

(12) The Commission may reject an agreement or any portion of it, adopted by negotiation, where it finds that—

- (a) the agreement, or a portion of the agreement, discriminates against an operator who is not a party to the agreement;
- (b) the implementation of the agreement or a portion of it is not consistent with the public interest, convenience, or necessity; or
- (c) the agreement is contrary to the principles of fair competition under the Act, these regulation or the Uganda Communications (Competition) Regulations, 2019.

(13) Any interconnection agreement entered into by an operator, before the coming into force of these Regulations shall, upon the coming into force of these Regulations, be submitted to the Commission for scrutiny and approval.

(14) The Commission may direct operators to make changes to specific clauses in the agreements referred to in subregulation (13) where the agreement inconsistent with the Act and the Uganda Communications (Content) Regulations 2019.

**16. Interconnection charges and cost accounting systems.**

(1) Subject to subregulations (2) or (3), interconnection shall be provided at charges that are cost oriented, reasonable, transparent and non-discriminatory.

(2) The Commission may prescribe charges for interconnection services for all operators in a relevant market or only for those operators designated as having significant market power in a relevant market.

(3) The charges prescribed under subregulation (2) may include—

- (a) a fixed monetary amount;
- (b) a formula such as retail-minus cost methodology; or
- (c) minimum or maximum charges.

(4) The Commission may, in prescribing charges for interconnection services, conduct an industry-wide consultation exercise and shall set its pricing on any or a combination of the following principles—

- (a) costs, subject to the application of an appropriate cost methodology, such as incremental costs or fully allocated actual costs;
- (b) a fair return on capital; or
- (c) international or regional benchmarks.

(5) Where the Commission prescribes interconnection charges under subregulations (2), (3) and (4), the Commission shall publish

reasons for the interconnection charge.

(6) The Commission may require the operators who are subject to charges prescribed under this regulation to undertake a full analysis of their costs of providing interconnection services.

(7) The Commission shall issue a notice to the operator concerned setting out the requirements and the deadlines by which such analysis and information shall be delivered to the Commission.

(8) An operator issued with a notice under subregulation (7) shall make available to the Commission, upon request, detailed cost based calculation of the interconnection charges for any interconnection services.

(9) Where an interconnect provider has been notified under subregulation (7), the interconnect provider shall ensure that all charges are based on the same costing principles and cost allocation basis so that —

- (a) interconnection charges are kept separate from any universal service obligation contributions or access deficit contributions that may be applicable;
- (b) interconnect seekers pay for only those elements of the network that are necessary for the service agreed upon for them to use and that these are duly taken into account in the charging structure to reflect optimum routing factors;
- (c) charges for interconnection offered by an interconnect provider are sufficiently unbundled so that the interconnect seeker is not required to pay for anything not strictly related to the service requested;
- (d) interconnection pricing shall enable new entrants to plan the location of their points of interconnection in a way that allows them to minimise costs;
- (e) interconnection charging is subject to review on a retroactive basis, to resolve a dispute or reflect contemporaneous

- pricing; and
- (f) where an interconnection provider is required to publish a RIO the interconnection charges are published as part of the RIO and updated as appropriate.

(10) An interconnection provider shall charge individual prices for each network component or facility provided to the interconnect seeker and the pricing structure comprising the interconnection cost based charges may be divided as follows—

- (a) charges to cover initial implementation of the physical interconnection, based on the costs of providing the specific interconnection requested, such as specific equipment and resources and compatibility testing;
- (b) rental charges to cover the on-going use of equipment and resources; and
- (c) traffic related charges, for the conveyance of traffic to and from the interconnected network.

(11) Cost-based interconnection charges may, according to the principle of proportionality, include a fair share of joint and common costs and the cost of ensuring essential requirements including maintenance of the network integrity, network security in cases of emergency, interoperability of services and protection of data.

(12) An operator shall take into account the charging principles specific to each interconnection service prescribed in Schedule 3 to these Regulations.

## **17. Changes in the network.**

- (1) A network change shall apply to—
- (a) changes of physical network, like switch closure or re-location; and
- (b) upgrade of electrical or signalling specification.

(2) An interconnect operator shall notify the other parties to an interconnection agreement within 30 calendar days prior to the change, of any changes made in its network that may require another operator to make any changes to the configuration or location of any of its infrastructure or facilities.

(3) A party making network changes shall pay the reasonable and justifiable costs of the other operator where the changing party's alterations cause the other party to change its system or network, except where the change is agreed upon or where the alteration is part of a planned upgrade programme.

### PART III — OBLIGATIONS TO PROVIDE ACCESS

#### **18. Application of Part.**

This Part applies to—

- (a) active access to a communications network, enabling receipt or transmission of communications traffic, whether one-way or simultaneously including termination of such traffic on consumer communication devices;
- (b) passive access to infrastructure provided by an operator to allow for deployment of cabling, wiring, ducts, pipes or access by any other media to facilitate communications; and
- (c) access to consumer data, whether proprietary data or other data in possession of an operator.

#### **19. Obligation by operators to provide mandatory access.**

(1) All operators subject to compliance with technical requirements set by the Commission shall be obliged to provide access to authorised parties to deliver content over their communication networks.

(2) Any person who seeks access shall apply to the Commission for authorisation to connect through a licensed communications network.

(3) An authorisation issued by the Commission under subregulation (2) shall require a person to—

- (a) comply with the Uganda Communications (Content) Regulations, 2019;
- (b) maintain a complaints resolution framework in accordance with the Uganda Communications (Consumer Protection) Regulations, 2019;
- (c) comply with the Data Protection and Privacy Act, 2019; and
- (d) prohibit transmission of unsolicited messages whether message spam or printed spam under the Uganda Communications (Text and Multimedia Messaging) Regulations, 2019.

(4) The Commission may restrict access—

- (a) to any data under these regulations, including in a state of emergency; and
- (a) to certain consumer data which may infringe on the customer's privacy without their express consent.

(5) The Commission may publish from time to time classes of data that are subject to mandatory sharing under any access agreement.

#### **20. Authorisation subject to content regulation.**

An authorisation issued by the Commission under regulation 21(2) shall subject the person authorised to—

- (a) content regulation by the Commission; and
- (b) prohibition on unsolicited messages under the Uganda Communications (Text and Multimedia Messaging) Regulations, 2019.

#### **21. Access for postal and courier services.**

(1) A postal service licensee shall allow access to all or part of its postal network with other postal licensees.



(2) A postal service licensee shall, in allowing access onto and through its postal network, grant access on a non-discriminatory and equal basis.

(3) A postal service licensee granting access shall enter into an access agreement with the postal service operator allowed to access and the agreement shall be filed with the Commission.

(4) Negotiations for access, access agreements and other related matters shall be in accordance with these Regulations.

## **22. Must carry obligations and pricing of carried services.**

(1) Every broadcast public infrastructure provider shall fulfill the "must carry" obligation in respect of the public broadcaster.

(2) The Commission may require the broadcast public infrastructure provider to provide equitable access to all other content service providers subject to contractual obligations between the parties.

(3) The Commission shall, in requiring broadcast public infrastructure provider to provide equitable access under subregulation (2) take into account economic and technical feasibility.

(4) A free to air content service provider shall carry general public interest content including national events.

## **23. Guidelines for authorisations.**

The Commission may issue guidelines to operators—

- (a) to provide non-discriminatory access to authorised parties in accordance with the Act; and
- (b) to regulating access and sharing of customer data by operators and access seekers.

**24. Application of Part II to access seekers.**

The provisions of Part II of these Regulations shall apply with necessary modifications to access seekers and access agreements under this Part.

**PART IV – MISCELLANEOUS**

**25. Guidelines.**

(1) The Commission may—

- (a) issue a framework for international terminal dues under the Uganda Communications (Intelligent Network Monitoring Solution) Regulations, 2019;
- (b) issue a framework for fees' authorisations for access under these Regulations;
- (c) impose obligations for the domestic remittance of postal items by third party couriers; and
- (d) impose obligations for making credit or debit transactions across different networks.

(2) Guidelines issued under subregulation (1) may relate to matters including non-discrimination, pricing, liability and quality of service.

**26. Breach of Commission directives.**

(1) Every violation or non-compliance with Commission directives under these Regulations amounts to a serious breach under section 41 of the Act.

(2) The Commission may suspend or revoke the licence of an operator or licensee who—

- (a) submits false or misleading information to an applicant for interconnection or to the Commission;
- (b) imposes interconnection fees above the maximum rates imposed by the Commission under the Act.

**27. Failure to interconnect or provide access.**

(1) Where an operator intentionally denies another operator interconnection or access to its facilities, the Commission may

- (a) requires the operator to pay a fine not exceeding ten percent of the operator's gross annual revenue.
- (b) suspend the operator's licence; or
- (c) revoke the operator's licence.

(2) Where an operator fails to implement a decision or directive of the Commission within the prescribed time, the Commission may suspend or revoke the operator's licence.

**28. Offences.**

Any person who intentionally submits false or misleading information to an applicant for interconnection or to the Commission for any of the purposes of these Regulations commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding twenty four months or both.

**29. Appeals.**

Any person dissatisfied with the decision of the Commission under these Regulations may appeal to the Uganda Communications Tribunal within 30 days of receipt or notification of the decision.

**30. Revocation of S.I No. 25 of 2005.**

The Communications (Interconnection) Regulations, 2005 are revoked.

**31. Revocation of General Notice No. 536 of 2006.**

General Notice No.536 of 2006 is revoked.

## **SCHEDULE 1**

*Regulations 4 and 5(4) (d).*

### **ZONAL ACCESS CITIES AND MUNICIPAL AREAS**

**Cities/Towns** in Uganda in which interconnect providers may be obliged to provide physical or virtual interconnection.

1. Kampala
2. Jinja
3. Mbarara
4. Gulu
5. Mbale
6. Masaka
7. Kabale
8. Arua
9. Bushenyi-Ishaka
10. Kasese-Rwenzori
11. Fort Portal
12. Hoima
13. Soroti
14. Lira
15. Tororo-Busia-Malaba
16. Iganga

## SCHEDULE 2

*Regulation 10 (1) (a) and (3)*

### NETWORK ELEMENTS

This Schedule sets out the list of network elements identified by the Commission.

1. Operators are obliged to provide the following network elements to requesting operators—
  - (a) transmission links; and
  - (b) Aggregation and disaggregation facilities.
  
2. In paragraph 1—
  - (a) “transmission links” means facilities (including all ancillary facilities) providing for the conveyance of traffic between two nodes, each of which is part of one operator’s network; and
  - (b) “aggregation and disaggregation facilities” means facilities connected to one or more transmission links allowing traffic to be combined with other traffic before, or separated after, sharing the capacity of the transmission link.
  
3. The designated operator will provide on request to an interconnect seeker, under conditions of confidentiality, details of any transmission facilities under its direct control.
  
4. The information in paragraph 2 shall be updated every three months and shall include—
  - (a) the location of each transmission equipment node;
  - (b) the type of transmission equipment at each node;
  - (c) the connectivity between the transmission equipment identifying the links;
  - (d) the utilised, reserved and unused capacity on all transmission links;

- (e) the potential expansion capacity on all transmission links;
- (f) an indication that a link or a node has no spare capacity; and
- (g) an indication that it is not possible to upgrade a link or node, together with an explanation of why it is not possible.

### SCHEDULE 3

*Regulation 16 (12)*

#### CHARGING PRINCIPLES FOR INTERCONNECTION SERVICES

Tariffs for interconnection services shall be prescribed in accordance with the following principles

Service	Charging structure	Charging level
Interconnection links	Monthly charge, which may be shared between the parties in proportion to traffic volumes.	No set tariff list. Priced by negotiation, but cost based. Reference point: compare costs to a retail 2Mbps leased line between end points, making allowance for higher availability requirements.
Termination of TDM calls to fixed locations	Duration based, per second. Regional (meaning in this case delivery to the POI designated for this type of call) and national (meaning delivery at a POI that has not been designated for this type of call) tariffs. Peak and off peak.	Tariffs set by UCC's cost model output.

Service	Charging structure	Charging level
Termination of TDM Calls to Mobile Terminals	Duration based, per second. National tariff only	Tariffs set by UCC's cost model output.
Termination of TDM Calls to Terminals using Special Numbers	Tariffs to be set by separate UCC Regulations on Special Number Services	
Termination of TDM calls to International locations	Duration based by country code possibly by dialed number (mobile vs. fixed destination). No regional/national split – expect this to be offered at only one point. Peak and off peak	Retail minus X% (discount to be specified by the Commission based on benchmarks/ regional comparators)
Termination of IP traffic to fixed location	Based on peak capacity and class of service for each type of data stream.	Cost based. Recommended approach is that tariffs be set by consideration of effective bandwidth requirements
Origination of TDM calls from fixed terminals	Duration based, per second. Regional (meaning in this case delivery to the POI in the same region as the calling party) and national (meaning delivery at any other POI) tariffs. Peak and off peak.	Tariffs set by model output.



Service	Charging structure	Charging level
Basic Transit of TDM Calls	Duration based, per second. Regional (meaning in this case delivery to the POI in the same region as the POI to the third network) and national (meaning delivery at any other POI) tariffs. Peak and off peak.	Tariffs set by model output.
Basic Transit and Termination of TDM Calls	Duration based, per second. Regional (meaning in this case delivery to the POI in the same region as the called number) and national (meaning delivery at any other POI) tariffs. Peak and off peak.	Capped by sum of transit and termination tariffs, plus an allowance for billing, admin, risk, value of cost avoidance etc, but operators are not forced down this route.
Basic Transit of IP Traffic	Uses peak capacity and class of service for each type of data stream. No regional and national concept as not practical to establish geography from IP address in most cases	Cost based Recommended approach is that tariffs be set by consideration of effective bandwidth requirements
Transit Conveyance and termination of IP Traffic	Uses peak capacity and class of service for each type of data stream. No regional and national concept as not practical to establish geography from IP address in most cases	Cost based. Recommended approach is that tariffs be set by consideration of effective bandwidth requirements

Service	Charging structure	Charging level
Leased lines	Same structure as equivalent retail tariff, less a discount	Retail minus X%
Transmission elements	By negotiation	Cost based. Prices to be tested by comparison with retail leased line services, imputed stack test.
Transmission aggregation/ disaggregation elements	By negotiation	Cost based. Prices to be tested by comparison with retail leased line services, imputed stack test.
Collocation of equipment within a building	By negotiation	Cost based. Prices tested against local rental rates
Collocation of equipment in a shelter	By negotiation	Cost based. Prices tested against local rental rates
Collocation of radio equipment	By negotiation	Cost based. Prices tested against local rental rates

## *Cross References*

The Bankruptcy and Insolvency Act, 2011.

The Uganda Communications Act, 2013.

The Uganda Communications (Intelligent Network Monitoring Solutions) Regulations, 2019.

The Uganda Communications (Competition) Regulations, 2019.

The Uganda Communication (Pricing and Accounting) Regulations, 2019.

The Uganda Communications (Text and Multimedia Messaging) Regulations, 2019.

**Frank Tumwebaze**

*Minister of Information and Communications  
Technology and National Guidance*

STATUTORY INSTRUMENTS SUPPLEMENT  
*to The Uganda Gazette No. 57 Volume CXII, dated 8th November, 2019*  
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S T A T U T O R Y I N S T R U M E N T S

2019 No. 87

THE UGANDA COMMUNICATIONS (CONSUMER  
PROTECTION) REGULATIONS, 2019

ARRANGEMENT OF REGULATIONS

PART I— PRELIMINARY

*Regulation*

1. Title.
2. Application.
3. Objective.
4. Interpretation.

PART II — CONSUMER RIGHTS AND OBLIGATIONS

5. Rights of consumers.
6. Obligations of consumers.

PART III— CONSUMER SAFETY AND FILING OF  
CONSUMER COMPLAINTS.

7. Powers of the Commission.
8. Procedure for filing consumer complaint with the Commission.
9. Power to demand records.

PART IV — PROHIBITED PRACTICES.

10. Prohibited advertising.
11. Prohibition of unsolicited telemarketing calls.
12. Prohibition of unsolicited postal marketing.
13. Denial of access or service and equality of treatment.

14. Misleading advertising.
15. Defective, counterfeit and dangerous communications apparatus and services.
16. Protection of consumer information.
17. Equality of treatment.
18. Protection of consumers from unsolicited and harmful content.
19. Advertising code and guidelines.

#### PART V — APPARATUS AND EQUIPMENT TESTING

20. Consumer complaints on communications apparatus or equipment.
21. Protection of minors.

#### PART VI — COMPLAINTS HANDLING MANAGEMENT

22. Consumer assistance.
23. Publications.
24. Service Level Agreements.
25. Contents of Service Level Agreements.
26. Record keeping.

#### PART VII — COMPLIANCE.

27. Monitoring operator complaint handling mechanisms.
28. Action by Commission.

#### PART VIII — CONSUMER EDUCATION AND AWARENESS

29. General public education and consumer awareness.
30. Consumer code of conduct.
31. General technical evaluations.

#### PART IX — MISCELLANEOUS

32. Appeals against decisions of Commission.
33. Filing false records.
34. Abuse of information.

### SCHEDULES

SCHEDULE 1—	CURRENCY POINT
SCHEDULE 2—	FORMS

# STATUTORY INSTRUMENTS

2019 No. 87

## **The Uganda Communications (Consumer Protection) Regulations, 2019**

*(Under sections 5, 45, 56, 57 and 93 of the Uganda Communications  
Commission Act, 2013, Act 1 of 2013)*

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 these Regulations are made this 5th day of July, 2019.

### PART I—PRELIMINARY

#### **1. Title.**

These Regulations may be cited as the Uganda Communications (Consumer Protection) Regulations, 2019.

#### **2. Application.**

These Regulations apply to all matters relating to consumer protection in communications services in Uganda.

#### **3. Objective.**

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 of any consumer related complaints referred to the Commission by the Minister.

#### **4. Interpretation.**

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communications Act 2013;

“advertising” means any visual or oral communication, representation, reference or notification of any kind-

- (a) which is intended to promote the sale, leasing or use of any goods or services;
- (b) which appeals for, or promotes the support of any cause; and
- (c) includes promotional content of display material, menus, labels and packaging;

“appropriate testing facilities” means testing facilities approved by the Commission for the testing of technology, devices, materials, and equipment used in communications services;

“broadcaster” means a person licensed to package and distribute television or radio programmed services for reception by subscribers or the public, regardless of the technology used;

“broadcasting” means the transmission of sound, video, or data, intended for simultaneous reception by the public;

“child” means a person under the age of eighteen years;

“Commission” means the Uganda Communications Commission established by the Act;

“communications” means telecommunications, data communication, radio communications and postal communications; and includes broadcasting;

“communications services” means services performed consisting of the dissemination or interchange of audio-visual or data content using postal, radio, or telecommunications media or data communications; and includes broadcasting and value added services;

“complaint” means any written or oral representation of a dissatisfaction about the provision of or failure to provide a communications service or product;

- “consumer” means a final user of communications apparatus, communications services or value added services or a customer and includes a purchaser for value of communications apparatus or communications services regulated by the Commission under the Act; but does not include an operator, wholesaler or retailer of communications apparatus or communications and value added services;
- “content” means any sound, text, still picture, moving picture or other audio-visual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically;
- “currency point” has the value assigned to it in Schedule 1 to these Regulations;
- “distributor” means a person who markets or distributes, in a given territory in Uganda, communications apparatus, products and services on behalf of an operator;
- “operator” means a person licensed to provide a communications or broadcasting service under the Act;
- “quality of service” means quality of service parameters prescribed in the Uganda Communications (Quality of Service) Regulations, 2019;
- “Service Level Agreement” means an agreement for the provision of communications apparatus or communications services between an operator and a consumer;
- “telemarketing call” means a voice call made to a telephone number to offer, supply, provide or advertise goods or services, land or an interest in land, or a business opportunity;
- “Tribunal” means the Uganda Communications Tribunal established by section 60 of the Act;
- “value added services” includes secondary or incidental communications services provided to consumers on a communications apparatus or network.



**5. Rights of consumers.**

A consumer has the right —

- (a) to receive, at the point of purchase or connection, whichever comes first, clear, complete and transparent information about rates, terms and conditions for all available communications apparatus and communications services in an appropriate medium or language used in Uganda;
- (b) to protection enshrined in the Act which sets out the basis, requirements and parameters for consumer protection in respect of communications services and products;
- (c) to freely choose from a range of communications apparatus, products and communications services available on the market;
- (d) to freely choose from the full range of operators;
- (e) to be billed or charged only for the products and services subscribed to and consumed;
- (f) to access and to be provided with quality and reliable products and services that meet clearly defined, published and regularly monitored quality of service standards and parameters;
- (g) to receive accurate, understandable and itemised billing for the products and services that have been agreed to or authorised;
- (h) to access readily available channels of complaint-resolution that are free or inexpensive and user friendly and which provide timely, effective and fair redress and clear escalation procedures;
- (i) to equal opportunity for access to the same type and quality of services as other consumers in the same area, at the same rates;
- (j) to fair and responsible marketing of products and services and protection against advertising that is misleading or false and from unfair trade practices or anti-competitive behaviour by operators;

- (k) to personal privacy, security of private data and protection against unauthorised use of personal information and unsolicited communication or messages;
- (l) to receive or consume communications products and equipment that adequately meet appropriate safety standards;
- (m) to consume licensed communications services that meet the Commission's established quality of service parameters;
- (n) to be informed about his or her rights and have access to all relevant information to enable the consumer to exercise his or her rights; and
- (o) to make his or her voice heard through any form of advocacy group and to participate in public fora relating to consumer protection and proceedings that affect rights of consumers.

## **6. Obligations of consumers.**

A consumer is obliged —

- (a) to use the communications equipment, products and services in a proper manner as stipulated in the relevant service level agreement;
- (b) to pay bills or charges for the products and services consumed as provided for in the relevant service level agreement;
- (c) to make genuine complaints against an operator;
- (d) to ensure appropriate disposal of waste arising from the products and services consumed;
- (e) to adhere to the provisions of service level agreements;
- (f) to respect the privacy and safety of other consumers; and
- (g) to report to the authorities, any offence or illegal activity committed by any consumer or operator using communications apparatus, products or communications services.

PART III — CONSUMER SAFETY AND FILING OF CONSUMER  
COMPLAINTS.

**7. Powers of the Commission.**

The Commission shall—

- (a) promptly investigate any complaint relating to the safety of any communications apparatus or communications services provided or supplied in Uganda under section 45(a) of the Act;
- (b) promptly receive, investigate and arbitrate any consumer complaint relating to communications services, including quality of service and take necessary action;
- (c) compel an operator to resolve any consumer complaint filed with the Commission;
- (d) confiscate any communications apparatus possessed, installed, connected or operated under section 6(2) of the Act;
- (e) modify an operator's licence in accordance with section 40(1) of the Act;
- (f) remove or impound any communications apparatus for further examination in accordance with section 50(1)(a) and (b) of the Act;
- (g) issue an order suspending or revoking a licence under section 41(1) of the Act;
- (h) issue an order to an operator under section 41(2) of the Act;
- (i) recall communications apparatus upon investigation and a finding that the apparatus is hazardous to the public; and
- (j) where necessary, refer a complaint to other law enforcement agencies for investigation and prosecution.

**8. Procedure for filing consumer complaint with the Commission.**

(1) An aggrieved consumer may file a consumer complaint with the Commission—

- (a) in writing, in the form prescribed in Schedule 2 to these Regulations;
- (b) by telephone or electronic means using the contact information provided by the Commission; or

(c) by walking into any of the offices of the Commission and making an oral or written complaint.

(2) Where a complaint is made under subregulation (1) (b) or (c), a member of staff of the Commission shall substantially reduce the complaint in writing in the form set out in Schedule 2 to these Regulations.

(3) A complaint made under this regulation may be in English or in a local language.

(4) Where the complaint is made in a local language it shall be translated into English by the Commission.

(5) Where the complaint is written in English, it shall be written in simple English without insults directed at the person or institution complained about.

(6) Where the complaint is recorded, the recorded complaint shall be read back to the complainant who shall sign or endorse it with a thumbprint as proof that it is a true and accurate statement.

(7) A complaint made under subregulation (1) shall contain the following particulars—

- (a) the name of the complainant;
- (b) a description of the complainant; whether adult, child, group or other legal entity, where applicable;
- (c) the physical address of the complainant and other relevant contact information;
- (d) material particulars describing the complaint; including, date, time, pricing, billing, defective equipment, denial of service or credit, offensive content, false advertising or frequency of particulars or incidents being complained of;
- (e) where fire or physical injury is recorded, the nature of damage or physical injury caused; and

- (f) a report of any prior interaction with the operator or licensed person against whom the complaint is being filed.

(8) The complainant may indicate the names and addresses of possible witnesses.

(9) The Commission may, before considering a complaint, require the complainant to supply further information and documents relating to the complaint as the Commission may consider necessary.

(10) Upon receipt of a complaint, the Commission shall—

- (a) investigate the complaint;
- (b) where the facts allege possible commission of a criminal offence, except for an offence under the Act, refer the complainant to the relevant law enforcement agencies.

(11) Where the commission concludes an investigation and establishes that there is a valid complaint, it shall require the operator to respond to or take appropriate action to resolve a consumer complaint.

(12) The Commission may, in handling a complaint under subregulation (5)—

- (a) give all affected parties notice of its investigations and a copy of the complaint;
- (b) give the complainant and any person or operator accused in the complaint, an opportunity to appear and provide any further evidence required by the Commission to make a decision;
- (c) where necessary, impound apparatus possessed, installed, connected or operated unlawfully;
- (d) make findings and take appropriate action to—
  - (i) require an operator to supply goods or services for a specified period;
  - (ii) require an operator to supply goods or services under specified terms and conditions;

- (iii) make an order requiring an operator or licensee to pay costs to a consumer;
- (iv) make an order requiring a consumer to pay costs to an operator;
- (v) make an order requiring an operator or licensee to replace or repair defective or malfunctioning equipment or in lieu thereof, refund the consumer the cost of the purchase;
- (vi) require an operator to appear at a hearing or to produce documents;
- (vii) dismiss a complaint;
- (viii) impose a fine, depending on the nature of the complaint; or
- (ix) order a consumer refund.

(13) Every decision or order of the Commission shall be in writing and shall state the reasons for the decision.

#### **9. Power to demand records.**

The Commission may, during the course of an investigation under regulation 8, order an operator to provide records kept by the operator under regulation 25.

### **PART IV — PROHIBITED PRACTICES.**

#### **10. Prohibited advertising.**

An operator shall not transmit in any medium—

- (a) false advertising intended to deceive persons who receive it;
- (b) misleading advertising that is likely to deceive persons who receive it;
- (c) bait and switch advertising intended to mislead consumers on the true cost of a broadcasting or communications service;
- (d) indecent advertising content that is age inappropriate for a child or prohibited by any law including the Uganda

- Communications (Content) Regulations, 2019; or  
(e) falsely label any communications apparatus.

**11. Prohibition of unsolicited telemarketing calls.**

(1) Subject to subregulation (2), an operator shall not engage in unsolicited telemarketing.

(2) An operator shall conduct telemarketing in accordance with “call” or “do not call” preferences recorded by the consumer at the time of entering a service agreement.

(3) Telemarketing includes distribution and delivery of unsolicited promotional and commercial material through audio-visual or text messages.

**12. Prohibition of unsolicited postal marketing.**

(1) Subject to subregulation (2), an operator shall not engage in unsolicited postal marketing.

(2) An operator shall conduct postal marketing in accordance with the preference scheme for consumers who do not wish to receive unsolicited postal articles.

(3) For the purposes of this regulation, unsolicited postal marketing includes distribution and delivery of unsolicited promotional and commercial material through postal articles.

**13. Denial of access or service and equality of treatment.**

The following practices are prohibited in relation to broadcasting or communications services—

- (a) denial of access or service except for nonpayment of dues or for any other just cause under section 56 of the Act; and
- (b) discriminatory treatment prohibited by section 57 of the Act to different consumers in a given area in terms of—

- (i) quality of service;
- (ii) pricing of communications products and services;  
and
- (iii) availability of appropriate technologies required to serve specific subscribers.

**14. Misleading advertising.**

(1) Advertising practices prohibited under these Regulations include —

- (a) sale of equipment or communications apparatus to consumers based on misleading claims, false labeling and deceptive marketing schemes forcing consumers to purchase equipment in order to enjoy a communications service;
- (b) any statements or visual presentations which, directly or by implication, omission, ambiguity, inaccuracy, exaggerated claims or otherwise, are likely to mislead the consumer;
- (c) undisclosed prohibitive penalty schemes applied by the operator in the event of early termination of service;
- (d) misleading practices published by the Commission from time to time in the advertising code and the consumer code of practice issued by the Commission;
- (e) false or misleading statements about operators' licences or approvals from the Commission.

(2) Where prices are published by an operator, including prices for provision of value added services, an operator or agent of an operator shall not charge consumers a price different from the published price.

**15. Defective, counterfeit and dangerous communications apparatus and services.**

(1) An operator or a distributor appointed by an operator shall not sell defective, counterfeit or dangerous communications apparatus and services to consumers.



(2) A vendor, whether retail or wholesale, shall not sell defective, counterfeit or dangerous communications apparatus and services to consumers.

**16. Protection of consumer information.**

(1) An operator may only collect and maintain information on consumers where the information is required for the business purposes of the operator or when directed to do so by the Commission.

(2) Information collected and maintained on consumers under subregulation (1) shall—

- (a) be fairly and lawfully collected and processed;
- (b) be processed for clearly identified purposes;
- (c) be accurate;
- (d) be processed in accordance with the rights of the consumer;
- (e) be protected against improper or accidental disclosure; and
- (f) not be transferred to any party except—
  - (i) as permitted by any terms and conditions agreed with the consumer and the terms and conditions shall be clearly explained to the consumer;
  - (ii) as permitted or approved by the Commission; or
  - (iii) as otherwise permitted or required by any other applicable law.

(3) Any information collected under subregulation (1) shall not be sold or transferred for economic or other benefit in instances where—

- (a) a consumer has not expressly consented; or
- (b) a consumer has not expressed interest in receiving such information.

(4) An operator collecting consumer information shall ensure that—

- (a) notice is given to the consumer of the consumer information that has been collected about the consumer;

- (b) a consumer is given a choice as to what information is collected, used and disclosed to third parties;
- (c) a consumer whose information is collected has access to that information;
- (d) security measures are put in place to protect the information; and
- (e) enforcement measures are put in place to remedy any failure to protect the information, including data breaches and loss or theft of personal data.

(5) Subregulation (4) (a), (b) and (c) apply to instances where information is collected verbally.

#### **17. Equality of treatment.**

(1) An operator shall provide equal opportunity for access to the same type and quality of service to all consumers in a given area.

(2) Where possible, an operator shall make provision for persons with disability without discrimination in pricing.

(3) Any discriminatory conduct based on age, gender, social or economic status is prohibited.

#### **18. Protection of consumers from unsolicited and harmful content.**

(1) An operator shall take appropriate measures and put in place mechanisms to protect consumers against unsolicited communications or spam, scams, unsolicited calls, advertising, messages and inappropriate or harmful content.

(2) An operator shall put in place a mechanism which allows a consumer to either accept or reject unsolicited communications, unsubscribe or opt out of the list of recipients at no cost to the consumer.

#### **19. Advertising code and guidelines.**

(1) The Commission may issue advertising codes or guidelines to regulate advertising content.

(2) All operators and third party content providers authorised by the Commission shall comply with the advertising guidelines issued by the Commission.

#### PART V — APPARATUS AND EQUIPMENT TESTING

#### 20. **Consumer complaints on communications apparatus or equipment.**

(1) The Commission may, upon receipt of a consumer complaint relating to communications apparatus or equipment, take the following action—

- (a) conduct or order testing at an appropriate testing facility determined by the Commission for material defects and threats to consumer safety;
- (b) require a vendor or distributor to stop the sale of the communications apparatus complained of;
- (c) where the defect covers a wider span of goods, issue a recall of specified communications apparatus;
- (d) where appropriate, issue directions to cure and remedy the offending act or conduct in accordance with section 41(2)(a) of the Act;
- (e) where appropriate, levy a fine not exceeding ten percent of the licensed operator's gross annual revenue in accordance with section 41(2)(b) of the Act; and
- (c) where appropriate, require additional labeling, including warning language on communications apparatus or equipment.

#### 21. **Protection of minors.**

The Commission shall, in exercising its powers to inspect and approve equipment, take reasonable steps to ensure that materials that are hazardous to the health, safety and welfare of children are regulated and carry appropriate warning language prominently displayed on the apparatus or equipment.

PART VI — COMPLAINTS HANDLING MANAGEMENT

**22. Consumer assistance.**

(1) Every operator shall devise, operate and maintain a complaints handling manual.

(2) The complaints handling procedures and processes contained in the manual shall be approved by the Commission.

(3) The complaints handling manual shall deal with consumer complaints including —

- (a) consumer complaints on the quality of service, price and billing disputes; and
- (b) consumer complaints on quality of communications equipment or apparatus, sold or serviced by an operator.

(4) Every communications operator shall have a 24 hour customer care line which shall be free of charge to customers.

(5) An operator other than one referred to in subregulation (4) shall have a customer care department which shall be open during business hours.

(6) Every operator shall have a walk-in customer care center that is accessible to persons with disabilities.

(7) An operator shall, in so far as possible, provide low cost methods of filing consumer complaints including—

- (a) toll-free access;
- (b) web access;
- (c) e-mail access;
- (d) telecopier; and
- (e) mail or letter access.

(8) A consumer shall be assigned a unique identifier to allow the consumer to check and follow up on filed complaints.

(9) The Commission may refer a complaint from a consumer back to the operator to be remedied.

(10) An operator shall resolve a consumer complaint within thirty days of receipt.

### **23. Publications.**

(1) An operator shall make available to consumers and publish quarterly —

- (a) product information and service terms, including pricing and terms and conditions in printed and electronic format where the operator's products and services are sold;
- (b) safety information for products sold;
- (c) information relating to quality of service;
- (d) information relating to service support, complaints handling procedures and dispute resolution; and
- (e) information on any upgrades available.

(2) Information under subregulation (1) shall be complete, accurate, current and in a language that is simple and easy to understand.

### **24. Service Level Agreements.**

(1) Every operator shall, within 30 days after the commencement of these Regulations, submit to the Commission a standard service level agreement for vetting and approval.

(2) Every applicant for a licence under the Act shall, where applicable, file a proposed service level agreement with the application for a licence.

(3) An operator providing a service contract shall seek the written consent of the consumer prior to offering services under a service contract.

(4) Any updates to a service contract shall be in writing or in electronic format, where feasible.

(5) Where an operator offers “bundled” services, the operator shall remain contractually responsible for the performance of the service and conduct of third parties engaged by the operator to provide the services.

(6) Where a dispute arises between a consumer and an operator on the interpretation of any term in a service level agreement, the Commission shall determine dispute.

**25. Contents of service level agreements.**

- (1) A service level agreement shall, at a minimum, contain—
- (a) a full description of each component and the full scope of service to be offered to the consumer;
  - (b) a confidentiality clause;
  - (c) the right of the operator to periodically review the agreement;
  - (d) the right of the consumer to be notified of any changes to the agreement;
  - (e) the rights and obligations of either party;
  - (f) an attestation clause;
  - (g) specific information regarding any compensation, refund or other arrangements which may apply if the contracted quality service levels are not met;
  - (h) the procedures and methods of resolving disputes;
  - (i) the commencement and termination date of the service contract or service agreement, including terms relating to delivery, installation and activation of service;
  - (j) quality of service parameters and procedures for compensation for failure to meet benchmarks for quality of service;
  - (k) the procedure for terminating the agreement or contract;
  - (l) the terms and conditions for renewing the contract, including an opt-out clause for a consumer who does not wish to renew the service or contract within a reasonable time of expiry of the initial contract or agreement;

- (m) a statement of instances where the operator is entitled to suspend or terminate service to the consumer;
- (n) the terms, conditions and time frame for issuing consumer refunds for purchased but unused services; and
- (o) the terms and conditions governing interruption, withdrawal or discontinuation of service.

(2) An operator shall inform and advise a consumer about any changes to the service contract or agreement at least 30 days before the change takes effect.

(3) An operator is ultimately responsible for services delivered to a consumer from third party providers contracted or engaged by the operator.

## **26. Record keeping.**

(1) An operator shall keep the following records at the operator's ordinary place of business—

- (a) a written log of telephonic and electronic mail complaints; including the date and time of filing of a consumer complaint and the record of disposal of the complaint;
- (b) a file containing written complaints; including the date and time of filing of the consumer complaint, where it was filed and whether it was resolved or not.

(2) A summary of customer complaints lodged with the operator shall be submitted to the Commission in each month monthly in a format approved by the Commission.

(3) The record referred to in subregulation (1) shall be kept by the operator for a period of one year and a summary of the records shall be included in any application for renewal of a licence .

## PART VII — COMPLIANCE.

### **27. Monitoring operator complaint handling mechanisms.**

(1) The Commission may install apparatus and other infrastructure to monitor the day to day performance of any operator's consumer complaint handling mechanisms.

(2) The Commission may intervene in the event of an emergency and order an operator to take immediate corrective action.

### **28. Action by Commission.**

(1) Where the Commission writes to an operator directing any form of action under these Regulations and a time prescribed for a response, the operators shall respond within the prescribed time.

(2) Where an operator fails to respond in the time prescribed under subregulation (1), the Commission may take appropriate action which may include one or more of the following—

- (a) impose a fine;
- (b) make a public demand in the media that corrective action be taken;
- (c) make a public reprimand or admonishment as the case may warrant;
- (d) deny an operator any services offered by the Commission;
- (e) refuse to renew the operator's licence;
- (f) revoke the operator's licence.

## PART VIII — CONSUMER EDUCATION AND AWARENESS

### **29. General public education and consumer awareness.**

(1) The Commission shall conduct regular public campaigns to educate —

- (a) consumers of their rights and obligations, and the rights and obligations of operators under the Act and these Regulations ; and



- (b) operators of their rights and obligations, and the rights and obligations of consumers under the Act and these Regulations.

(2) The Commission shall conduct regular public campaigns to educate consumers on—

- (a) complying with their contractual obligations;
- (b) use and return of operator leased equipment;
- (c) responsibilities of consumers upon termination of service agreements;
- (d) movement restrictions on operator owned equipment;
- (e) unauthorised modifications to operator's equipment;
- (f) disposal of communications apparatus waste in accordance with the National Environment Act, 2019;
- (g) conduct that interferes with the normal operation of the equipment of an operator; whether physically or through use of unauthorised communications apparatus; and
- (h) use of operator's equipment to commit fraud.

### **30. Consumer code of conduct.**

The Commission may issue a consumer code of conduct to be adopted by operators.

### **31. General technical evaluations.**

(1) The Commission may, in exercise of its consumer protection mandate, conduct or authorise any person in accordance with section 5(1)(g) of the Act to conduct technical evaluations relating to communications services or devices and apparatus used to deliver communications services.

(2) The Commission may publish its findings under subregulation (1) to protect and inform consumers.

PART IX — MISCELLANEOUS

**32. Appeals against decisions of Commission.**

A person dissatisfied with a decision of the Commission under these Regulations may appeal to the tribunal within 30 days of notification of the decision.

**33. Filing false records.**

A person who knowingly files a false record with the Commission under these Regulations commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment for a term not exceeding two years, or both.

**34. Abuse of information.**

A person who uses consumer information for unauthorised purposes contrary to regulation 16 commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment for a term not exceeding two years, or both.

**SCHEDULES**  
**SCHEDULE 1**

*Regulation 4*

**CURRENCY POINT**

A currency point is equivalent to twenty thousand shillings.

## SCHEDULE 2

*Regulation 8 (1) (a) and (2).*

### FORMS

### FORM A

### CONSUMER COMPLAINTS FORM

Ref (UCC): \_\_\_\_\_ operator

Ref) \_\_\_\_\_

1. Full name: \_\_\_\_\_ Date: \_\_\_\_\_

2. Tel. No.: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

3. P.O. Box: \_\_\_\_\_

4. City: \_\_\_\_\_

5. District: \_\_\_\_\_ Town: \_\_\_\_\_

6. Street \_\_\_\_\_ Plot. No. \_\_\_\_\_

7. Nature of business or if personal/individual: \_\_\_\_\_

8. Service provider complained against: \_\_\_\_\_

9. Type of service/product purchased: \_\_\_\_\_

*(Please select the category that best describes your complaint)*

- Equipment use and safety
- Discrimination in access to service(s)
- Billing dispute
- Unsolicited text messages/calls
- Caller ring back tones
- Quality of service issues
- Access to customer care services
- Promotions
- Non-delivery of mail
- False and misleading advertisements

- Intrusion of Privacy
  - Internet/GPRS issues
  - Poor customer service
  - Airtime loading
  - Broadcasting
  - Other (please specify)
- 

10. Facts/explanation of the complaint (*Briefly narrate the complaint or alleged practice by the Operator*)

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### 11. Verification

Have you exhausted the complaints mechanism provided by your operator?

- If yes - Please indicate date you reported your complaint to your operator and reference number.
- If no - Kindly forward your complaint to your service provider.

12. Indicate the remedy sought: \_\_\_\_\_

Name/contact of person complained to (*if applicable*): \_\_\_\_\_

Other contacts: \_\_\_\_\_

13. Have you taken any legal action?

- No.
- Yes. With whom? \_\_\_\_\_
- Current status? \_\_\_\_\_

14. Attachments to support your complaint(s)

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
- (d) \_\_\_\_\_

I confirm to the best of my knowledge that the information provided above is true and I understand that I will be liable if the information is proved to be untrue.

Complainant's signature or thumb print: \_\_\_\_\_

Signature of authorised UCC officer: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

Acknowledgment by operator

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR UCC USE ONLY.**

UCC Complaints Ref: \_\_\_\_\_

Authorised UCC Officer complained to: \_\_\_\_\_

**ACTION TAKEN:**

<b>ACTION</b>	<b>REMARKS</b>	<b>DATE</b>
Forwarded to user Department		
Forwarded to Service Provider		

ACTION	REMARKS	DATE
Complaint withdrawn/discarded		
Resolved and closed		
Other (please specify)		

Comment \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Cross References*

- Uganda Communications (Content) Regulations, 2019.
- Uganda Communications (Quality of Service) Regulations, 2019.

**Frank Tumwebaze**  
*Minister of Information and Communications  
 Technology and National Guidance*

STATUTORY INSTRUMENTS SUPPLEMENT  
*to The Uganda Gazette No. 57, Volume CXII, dated 8th November, 2019*

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S T A T U T O R Y I N S T R U M E N T S

2019 No. 94

THE UGANDA COMMUNICATIONS (FEES AND FINES)  
REGULATIONS, 2019

ARRANGEMENT OF REGULATIONS

PART I — PRELIMINARY.

*Regulation*

1. Title.
2. Application.
3. Objective of Regulations.
4. Interpretation.

PART II — POWER OF COMMISSION TO COLLECT FEES

5. Power of Commission to assess and collect fees.
6. Power to classify an applicant as eligible for special licence.

PART III — POWER OF COMMISSION TO LEVY FINES

7. Power to impose and collect fines.

PART IV — GENERAL

8. Revocation of General Notice 241 of 2004 .



SCHEDULES

SCHEDULE 1

LICENCE FEES

SCHEDULE 2

VIOLATIONS REQUIRING FINE NOT  
EXCEEDING 10% OF GROSS ANNUAL  
REVENUE

**The Uganda Communications (Fees And Fines)  
Regulations, 2019**

*(Under sections 6(1), 41(2) (b), 67(1)(b), (c), (d), 67(2), (68) and 93  
(2) of the Uganda Communications Act, 2013, Act 1 of 2013)*

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 these Regulations are made this 5th day of July 2019.

PART I — PRELIMINARY

**1. Title.**

These Regulations may be cited as the Uganda Communications (Fees and Fines) Regulations, 2019.

**2. Application.**

These Regulations apply to—

- (a) operators licensed by the Commission;
- (b) third parties authorised by the Commission to buy or sell communications services on communications networks;
- (c) any person offered a service by the Commission in respect of which a fee is assessed and payable under section 6(1) of the Act; and
- (d) any person assessed a fine or other financial penalty by the Commission under the Act or the following regulations—
  - (i) the Uganda Communications (Quality of Service) Regulations, 2019;

- (ii) the Uganda Communications (Consumer Protection) Regulations, 2019;
- (iii) the Uganda Communications (Centralised Equipment Identification Register) Regulations, 2019;
- (iv) the Uganda Communications (Equipment Type Approval) Regulations, 2019; and
- (v) the Uganda Communications (Licensing) Regulations, 2019.
- (vi) the Uganda Communications (Text and Multimedia) Regulation, 2019

### **3. Objective of Regulations.**

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.

### **4. Interpretation.**

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communications Act, 2013;

“agent” means an independent person or entity registered by an operator; offering services on behalf of the operator to provide communication services and value added services under the Act;

“broadcaster” means a person licensed under section 2 of the Act to provide broadcasting services;

“Commission” means the Uganda Communications Commission established under the Act;

- “content” means any sound, text, still picture, moving picture or other audio-visual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically;
- “content provider” means a third party content provider selling value added services on a platform owned and operated by an operator;
- “infrastructure” means infrastructure used to provide communications and value added services;
- “licence” means a licence issued under the Act;
- “Minister” means the minister responsible for information and communications technology;
- “operator” means a person licensed by the Commission to provide a communications service or a value added service and includes a broadcaster;
- “special licensee” means an operator holding at least licence and is seeking to obtain a licence to provide value added services.

## PART II — POWER OF THE COMMISSION TO COLLECT FEES

### 5. **Power of Commission to assess and collect fees.**

(1) The Commission may—

- (a) classify communications services, assess and collect fees for application, grant, modification, transfer and renewal of licences to operate such services in Uganda;
- (b) impose specific financial conditions to maintain licences;
- (c) impose penalties for failure to meet terms and conditions of licences and variations issued under subregulation (a);
- (d) assess and collect the gross annual revenue levy on operators under section 68 of the Act; and
- (e) determine, assess and collect fees for permits and services rendered by the Commission in exercise of its functions under the Act.

(2) The fees specified in Schedule 1 to these Regulations are payable in respect of licences issued under the Act and other services.

**6. Power to classify applicant as eligible for special licence.**

(1) The Commission may, where it deems necessary, classify an applicant as eligible for a special licence.

(2) Where the Commission designates an applicant as a special licensee, it may waive part of the licensing fees for the additional licence.

(3) The Commission may designate as a special licensee applicants for a communications licence or communications services licence who wish to buy and sell value added services.

**PART III — POWER OF COMMISSION TO LEVY FINES**

**7. Power to impose and collect fines.**

(1) The Commission may impose a fine on any operator or authorised party who fails to remedy a breach of any regulations or directive issued under the Act.

(2) The violations referred to in Column 1 of Schedule 2 to these Regulations shall attract payment of a fine of up to 10% of the Gross Annual Revenue prescribed in Column 2 of Schedule 2 to these Regulations.

(3) The violations in subregulation (2) shall be subject to the 10% penalty for serious and repeated breaches imposed under regulation 9 are as prescribed in Schedule 2 to these Regulations.

(4) The Commission shall give the operator written notice of not less than sixty days specifying the reasons for the intended suspension or revocation of a licence, during which the operator may make representations to the Commission.

PART IV — GENERAL.

**8. Revocation of General Notice 241 of 2004.**  
General Notice 241 of 2004 is revoked.

**SCHEDULE 1  
LICENCE FEES**

*Regulations 5 (2)*

*(All fees are exclusive of VAT)*

**(a) TWO –WAY RADIO COMMUNICATION SERVICES**

		FEES
1.	HF Fixed Station	Shs.110,000
2	HF Mobile Station	Shs.110,000
3	VHF & UHF Fixed station	Shs.75,000
4	VHF & UHF Mobile station	Shs.75,000
5	VHF Hand held sets	Shs.75,000
6	Application processing fees	Shs.50,000

**(b) RADIO STATIONS: BROADCASTING FEES**

	CATEGORY	FEES
1	Application processing fees (One off)	Shs.4,368,000/= (Community Radio Stations)  Shs. 6,580,000 (Commercial Radio Stations)
2	Initial entry fee/ change in ownership (One off fee)	Shs.23,100,000 (National Commercial Radio – Tier 1) Regional Commercial Station (Shs.17,500,000- Tier 2; Shs.14,000,000 - Tier 3; Shs.10,500,000 - Tier 4 Community Radio Stations (Shs. 200,000)

	CATEGORY	FEES
3	Commercial Radio Licence	Shs.7,000,000/- Tier1; Shs.5,600,000- Tier 2; Shs.4,200,000 - Tier 3 ; Shs.3,500,000 - Tier 4
4	Community Radio Licence	Shs.1,400,000
5	Spectrum fees (Radio )	ERP watts <1120 = Shs.500,000 ii) ERP = 1120 &<ERP <2800 = Shs.750,000 iii) ERP> 2800 &<ERP 5600= Shs.1,000,000 iv) ERP> 5600 Shs 1,000,000 for every 2800
6	Studio Transmitter Link	Shs.700,000
7	Online Radio	Shs. 100,000 per year (providers of such services to be granted authorisation as opposed to licenses)
8	Transfer of licence	commercial radio: 25,000,000 Community Radio: NIL

### TIER CLASSIFICATION

Tier 1- National Radio, Tier 2 - Kampala Region; Tier - 3 Jinja, Mbale, Soroti, Lira, Gulu, Arua, Fort portal, Masaka, Mbarara and Tier 4 - Rest of the country



Factors A: 1 for Tier 1, 0.8 for Tier 2 and 0.6 for Tier 3 and 0.5 for Tier 4 to be applied on initial entry fees, annual licence fees and spectrum fees.

**(c) CONTENT SERVICE PROVIDER/BROADCASTING SERVICES (TELEVISION STATIONS)**

	<b>CATEGORY</b>	<b>FEEES</b>
1	Application processing fees	USD 2,500
2	Content Service Provider- (Free To Air -National Licence – Single Stream)	Initial entry USD 20,300; Annual fees USD17,600 per stream
3	Content Service Provider- (Free To Air -National Licence – Multiple Streams)	Initial entry USD 40,500 Annual fees USD 67,600 per licensee
4	Content Service Provider – (Free To Air –Regional –Single Stream )	Initial entry USD 5400 Annual fees USD 2,700
5	Content Service Provider – (Free To Air –Regional –Multiple Stream )	Initial entry USD 5,400; Annual fees USD 5400 per licensee
6	Content Service Provider - Free To Air -International Single Stream	Initial entry USD 27,000 & Annual fees USD 20,300 per stream
7	Content Service Provider ( - Pay TV –National -Single Stream)	Initial entry USD 27,000: Annual fees USD 20,300

	CATEGORY	FEES
8	Content Service Provider ( - Pay TV –Regional -Single Stream)	Initial entry USD 8,100; Annual fees USD 4,100
9	Content Service Provider ( - Pay TV –International -Single Stream)	Initial entry USD 32,400 ; Annual fees USD 27,000
10	Content Service Provider - Hybrid TV (Single Channel)	Initial entry USD 21,600 Annual fees USD 18,900
11	Subscriber Management Services	Initial entry USD 13,500 Annual fees USD 5,400
12	Public Broadcaster Fee - UBC	US\$ 20,000 for all streams per annum
13	Private Television Stations (Spectrum charges)	ERP watts /12db gain/ channel : ERP 3865 =Usd 1,350; ERP 3865-6440w = Usd. 1,800; ERP6440-12885w= USD 2,200 ERP 12885-19330w = Usd 2,700 ; above ERP 19330 Usd 270 for every 1288 watts above 19330 watts per transmitter
14	Content Service Provider – Academic/ Research (For Six Months)	USD1350
15	Content Service Provider (Online Broadcasting)	USD 8100 per stream per annum

	CATEGORY	FEES
16	Broadcasting Public Service Provider ( Pay TV —National - Multiple Streams)	<p>Initial entry Fee USD 67,600. This shall be payable by only new entrants.</p> <p>(b) Annual licence fees of USD 25,000 or 0.65% of the operator's Annual Gross Revenue, whichever is higher. The Annual Gross Revenue shall be determined basing on the Licensee's Audited Books of Account for each year of operation.</p>
17	Broadcasting Public infrastructure Provider - National	<p>Initial entry Fees USD 67,600. This shall be payable by only new entrants. Annual licence fees of USD 25,000 or 0.65% of the operator's Annual Gross Revenue, whichever is higher. The Annual Gross revenue shall be determined basing on the licensee's Audited Books of Accounts for each year of operation</p>
18	Regional Broadcasting Public Service Provider (Pay TV- Regional Multiple Streams)	<p>USD 2500 or 0.65% of the of the operator's Gross Annual Revenue, whichever is higher per region.</p>

	<b>CATEGORY</b>	<b>FEES</b>
19	Regional Broadcasting Public infrastructure Provider	USD 2500 or 0.65% of the of the operator's Gross Annual Revenue, whichever is higher per region
		where the nature of the operators require an operator to have both the public infrastructure provider licence and public service Provider licence the annual licence fees shall be calculated on the annual gross revenue derived from the composite operations
20	Licence transfer fees	UGX 25,000,000 for every licence transfer. The fee shall be payable before approval of licence transfer.
21	Landing Rights licence	Performance Bond USD 250,000.

	CATEGORY	FEES
21	Logical Channel Numbers(LCN)	Premium Logical Channel Number Shs. 3,000,000 Ordinary Logical Channel Number Shs.600,000 Ordinary Logical Channel Number (Content aggregators; Shs.4,500,000 for 1st 10 channels; & Shs.300,000 for every extra channel Premium Logical Channel Number (Content aggregators; Shs.9,000,000 for 1st 10 channels; Shs.600,000 for every extra channel

Note: Factors based on geographical regions will be applied on the above fees as follows: A factor of 1 shall be applied to Kampala region; a factor of 0.8 shall be applied on all regional licences/ fees outside of Kampala region and a factor of 0.6 shall be applied on stations in hard to reach areas as defined by the Commission.

**(d) RADIO TRANSMISSION LINKS (MICROWAVE LINKS)**

The annual spectrum fee payable is based on the following formula:

$$\text{Frequency Fees (FF)} = U_p \times K_1 \times BW \times N_f \times F_r$$

Where FF = Frequency Fees

$U_p$  = USD 120 per transmit frequency per site

$K_1$  is the Frequency band factor, where:

$$K_1 = 0.7 \quad f \leq 8\text{GHz}$$

$$K_1 = 0.6 \text{ for } 8\text{GHz} < f \leq 15\text{GHz}$$

$$K_1 = 0.5 \text{ for } 15\text{GHz} < f \leq 23\text{GHz}$$

$K1 = 0.4$  for  $23\text{GHz} < f \leq 38\text{GHz}$

$K1 = 0.3$  for  $f > 38\text{GHz}$

$N_f$  = Number of same transmit frequencies in the network

$F_r$  is the Frequency reuse factor, where:

$F_r = 1$  for first 10 frequencies reuse

$F_r = 0.3$  for next 10 frequencies reuse

$F_r = 0.1$  for frequencies reuse  $\geq 20$  times

**(e) ACCESS BANDS**

	<b>Band Category</b>	<b>Fees (per Mhz paired) <i>Fees are in United States Dollars or prevailing Uganda Shilling Equivalent.</i></b>
1	1.7GHZ	2,700
2	3.3GHZ	4,100
3	3.5GHZ	4,100
4	2.3GHZ	4,100
5	2.6GHZ	5,400
6	800 Mhz	24,300 for 1 <sup>st</sup> 5 Mhz paired, & 150m per extra Mhz above 5 mhz paired
7	900 Mhz	40,500for first 5Mhz & 121,600 per extra Mhz above 5Mhz
8	1800Mhz	20,300 for first 5Mhz & 40,500 per extra Mhz above 5Mhz
9	2.1Ghz	27,000 for first 5Mhz & 81,100 per extra Mhz above 5Mhz
10	450 Mhz	5,400
11	GSM Jamming services	135 per device

**(f) LICENCE FEES**

		<b>Fees per annum (in USD unless stated otherwise)</b>
(i)	<b>TELECOMMUNICATIONS</b>	
1	Application processing fees	2,500
2	Public Infrastructure Provider initial entry fee	100,000 (One off)
3	Public Service Provider Licence (Capacity Resale) Initial entry	3,000
4	Customer Premises block wiring and repair workshop Application fee	85
5	Customer Premises block wiring and repair workshop	500
6	Satellite phone users licence	500
7	Transfer of telecommunication licence	30,000

(i) TELECOMMUNICATIONS

License Category	License Value (New) - Minimum License Value per annum	License Value (Renewal/ migration of existing licensees)	License Fee Computation (Renewal / migration)	License Value Tenure	Payment terms	Geo-graphical Coverage of license	Spectrum Allocation	Public Listing Obligation	Local Ownership Obligation
8 National Telecom Operator (NTO)	TBA	TBA	TBA	5 years		100% geo-graphical cover	Sufficient resources to be allocated to enable coverage obligation and as per approved rollout plan	20% within 2 years of licensing	N/A
9 National Public Service Provider (NPSP)	\$300,000	1.23% of Prior Year Total Audited Gross Revenue / Minimum License Fee Value - which ever is higher	Basis of total gross revenues of last year ended audited accounts, multiplied by license tenure	5 years	Prepayment - Annually	100% geo-graphical cover	N/A	N/A	20% on licensing or renewal/ migration



License Category	License Value (New) - Minimum License Value per annum	License Value (Renewal/migration of existing licensees)	License Fee Computation (Renewal / migration)	License Value Tenure	Payment terms	Geographical Coverage of license	Spectrum Allocation	Public Listing Obligation	Local Ownership Obligation
10 Regional Public Service Provider (RPSPK) - Kampala zone only	\$150,000	1.23% of Prior Year Total Audited Gross Revenue / Minimum License Fee Value - which ever is higher	Basis of total gross revenues of last year ended audited accounts, multiplied by license tenure	5 year	Prepayment - Annually	As per licensed zone	N/A	N/A	N/A
11 Regional Public Service Provider (RPSPR) - Excl - Kampala zone	\$50,000	1.23% of Prior Year Total Audited Gross Revenue / Minimum License Fee Value - which ever is higher	Basis of total gross revenues of last year ended audited accounts, multiplied by license tenure	1 year	Prepayment - Annually per zone	As per licensed zone	N/A	N/A	N/A
12 National Public Infrastructure Provider (NPIP)	\$300,000	1.23% of Prior Year Total Audited Gross Revenue / Minimum License Fee Value - which ever is higher	Basis of total gross revenues of last year ended audited accounts, multiplied by license tenure	15 years	Prepayment - Annually	100% geographical cover	Sufficient resources to be allocated to enable coverage obligation and as per approved rollout plan	N/A	20% on licensing or renewal/migration

License Category	License Value (New) - Minimum License Value per annum	License Value (Renewal/migration of existing licensees)	License Fee Computation (Renewal / migration)	License Value Tenure	Payment terms	Geo-graphical Coverage of license	Spectrum Allocation	Public Listing Obligation	Local Ownership Obligation
13 Regional Public Infrastructure Provider (RPIPK) - Kampala zone only	\$150,000	1.23% of Prior Year Total Audited Gross Revenue / Minimum License Fee Value - which ever is higher	Basis of total gross revenues of last year ended audited accounts, multiplied by license tenure	15 years	Prepayment - Annually	As per licensed zone	Sufficient resources to be allocated to enable coverage obligation in license zone only and as per approved roll out plan	N/A	N/A
14 Regional Public Infrastructure Provider (RPIPR) - Excl Kampala zone	\$50,000	1.23% of Prior Year Total Audited Gross Revenue / Minimum License Fee Value - which ever is higher	Basis of total gross revenues of last year ended audited accounts, multiplied by license tenure	15 year	Prepayment - Annually per zone	As per licensed zone	N/A	N/A	N/A

License Category	License Value (New) - Minimum License Value per annum	License Value (Renewal/ migration of existing licensees)	License Fee Computation (Renewal/ migration)	License Value Tenure	Payment terms	Geographical Coverage of license	Spectrum Allocation	Public Listing Obligation	Local Owner-ship Obligation
Community Operator - Excl Kam-pala zone (Service or Infrastructure) - Not exceeding half a designated zone	\$10,000	1.23% of Prior Year Total Audited Gross Revenue / Minimum License Fee Value - which ever is higher	Basis of total gross revenues of last year ended audited accounts, multiplied by license tenure	1 year	Prepayment - Annually per zone	As per licensed zone	N/A	N/A	N/A

### Notes

- Where 2 Licenses are issued within different zonal categories eg NPSP & RPIPK- the higher license value applies (as the minimum license value) or 1.23% of total gross revenue, whichever is higher.
- Where 2 licenses are issued within the same zonal category, only 1 license fee is computed as the minimum value or 1.23% of total gross revenue, whichever is higher.
- Where a party applies for 2 National Operator licenses ie NPSP and NPIP, the party automatically qualifies as an NTO license and will be licensed accordingly
- Where a resources application as been logged, only NTO, NPIP and RPIPK will be issued with spectrum resources - roaming will be required and enforced for other license categories
- Spectrum is issued within licensed zones only
- Transfer of ownership of license will attract a 10% fee of total license value for each license category issued

		Fees per annum (in USD unless stated otherwise)
(ii)	SALE OF TELECOMMUNICATIONS APPARATUS	
1	Application fees	1,000
2	National distributors of telecoms apparatus Annual Licence fee	5,000
3	Importers, Wholesalers of telecoms apparatus Annual Licence fee	2,500
(iii)	POSTAL AND COURIER SERVICES	
1	Application fees	190
2	Domestic (City to city)	400
3	Domestic (National) Courier Licence fee	1,000
4	Regional Courier Licence fee	2,500
5	International Courier Licence fee	5,000
6	Reserved National Postal Operator	50,000 (Five year licence)
7	Transfer of Licence	1,500
(iv)	SERVICE AUTHORISATION	
1	Application processing fees	140
2	Private VSAT use Authorisation	2,500
3	VSAT fees per Node	100 per node per annum
4	Medical and Educational use VSAT	500
5	Satellite Earth Stations	10,000

		Fees per annum (in USD unless stated otherwise)
(v)	SHORT CODES	
1	Short code application fee	250
2	Initial entry fees - One time	1,000
3	Range 140-189	2,000
4	Range 6000 - 8999	2,000
5	Range 200 - 298	10,000
(vi)	TYPE APPROVAL	
1	Application processing fee	20
2	VSAT type approval	20
3	VSAT Registration	100
4	Telecom Network Subsystem	150
5	Telecom base station subsystem	625
6	Media Gateway subsystem	1,500
7	Radio Equipment $\leq 10$ watts	100
8	Radio Equipment 11-25watts	200
9	Radio Equipment 26-50 watts	300
10	Radio Equipment 51-100	500
11	Radio Equipment $> 100$ watts	1,000
12	PABX	500
13	Vehicle immobiliser	150
14	Tracking Device	50
15	STB's	150
16	Mobile TV, IDTV	200
17	TV & Radio Broadcast equipment	200
18	Community Broadcast equipment	150
(i)	LEVY ON GROSS ANNUAL REVENUE(GAR) OF ALL OPERATORS	2% of GAR

		Fees per annum (in USD unless stated otherwise)
<b>(f) FILM INDUSTRY LICENCES</b>		
1	Community Distributor	27
2	National Distributor	270
3	Regional Distributor	80
4	Exhibition Licence	135
5	Exhibition Premises - Cinema	270
6	Exhibition Premises - small ( <i>Bibanda</i> )	27
7	Permit to stage a play	27
8	Filming Permit (Local Film)	27 per film
9	Filming Permit (International Film)	1,000 per film
10	Filming Licence (National)	1,350
11	Public Performance Permit	27
12	Licence Commercial Still photography	27
13	Permit exhibit film, documentary of photography	27
14	Permit to advertise exhibition of a play or commercial still photography or a documentary	27

**(g) VALUE ADDED SERVICES**

1	Application Fees	USD 100
2	License fees digital financial services	USD 5000 per annum
3	License Fees Digital Audio-Visual Content	USD 2000 per annum

**(h) FINES**

	<b>Violation</b>	<b>Fine (in USD unless stated otherwise)</b>
1.	Failure to disclose information to the Commission	260
2.	Failure to display required notice, certificates, authorisations at premises or on communication equipment or apparatus.	260
3.	Failure to maintain required records	260
4.	Failure to implement a lawful order issued by the Commission	260
5.	Denial of the regulator access to premises, apparatus, equipment, information	260
6.	Unauthorised discontinuance of services licenced by the Commission	The Commission may invoke s.41 and fine 10% of Gross Annual Revenue(GAR)
7.	Exceeding power limits	260 per day of offence or if repeated the Commission invoke s.41 and fine up to 10% of the GAR
9.	Failure to engage in required frequency coordination	260
10.	Failure to install band pass filters	260 per day from day of commission of offence or may if repeated the Commission invoke s.41 and fine up to 10% of the GAR

11.	Over modulation	260 per day from day commission of offence or may if repeated the Commission invoke s.41 and fine up to 10% of the GAR
12.	Distribution of prohibited content	260 or invoke s.41 and fine
13.	Reconnection fees	540
15.	Exceeding antenna height	260 per day when the offending antenna remains high
16.	Relocation without authorisation	260 per day of operation from the date of relocation
17.	Air testing without authorisation.	260 or prosecution under s.26(3)
18.	Falsifying information	s.41 and fine up to 10% of the GAR
19.	Non-compliance with any of the provisions of the codes, guidelines and standards of the Commission.	260
20.	Failure to pay for services within the stipulated time	All Annual licence fees are subject to a monthly interest of 2% where the fee remains unpaid ninety (90) days after it becomes due.



## SCHEDULE 2

*Regulations 7 (2) and (3)*

### VIOLATIONS REQUIRING FINE NOT EXCEEDING 10% OF GROSS ANNUAL REVENUE

	<b>Violation</b>	<b>Section 41(1) escalation of fine to 10% of gross revenue applicable</b>
1.	False advertisement	Yes
2.	Operation without a licence	Yes
3.	Failure to furnish required information to the Commission	Yes
4.	Failure to display required notice, certificates, authorisations at premises or on communications equipment or apparatus	Yes
5.	Failure to maintain required records	Yes
6.	Failure to implement a lawful order issued by the Commission	Yes
7.	Denial of the regulator access to premises, apparatus, equipment, information	Yes
8.	Unauthorised discontinuance of a service licensed by the Commission	Yes
9.	Construction without a construction and installation permit	Yes
10.	Sending false distress signals	Yes
11.	Exceeding power limits	Yes

12.	Using unauthorised frequencies	Yes
13.	Failure to engage in required frequency coordination	Yes
14.	Failure to install band pass filters	Yes
15.	Over modulation	Yes
16.	Interference	Yes
17.	Distribution of prohibited content upon notice by the Commission	Yes

### ***Cross References***

- The Uganda Communications (Quality of Service) Regulations, 2019.  
The Uganda Communications (Consumer Protection) Regulations, 2019.  
The Uganda Communications (Equipment Type Approval) Regulations, 2019.  
The Uganda Communications (Licensing) Regulations, 2019.  
The Uganda Communications (Centralised Equipment Type Approval) Regulations, 2019.  
The Uganda Communications (Text and Multimedia) Regulations, 2019.

**Frank Tumwebaze**  
*Minister of Information and Communications  
Technology and National Guidance*

STATUTORY INSTRUMENTS SUPPLEMENT

*to The Uganda Gazette No. 57, Volume CXII, dated 8th November, 2019*

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**S T A T U T O R Y I N S T R U M E N T S**

**2019 No. 92**

**THE UGANDA COMMUNICATIONS (QUALITY OF  
SERVICE) REGULATIONS, 2019.**

**ARRANGEMENT OF REGULATIONS**

**PART I — PRELIMINARY**

*Regulation*

1. Title.
2. Application.
3. Objectives of Regulations.
4. Interpretation.

**PART II — QUALITY OF SERVICE**

5. Quality of service targets.
6. Quality of service reports.
7. Critical outage report.
8. Monitoring and inspection by Commission.
9. Direction to remedy breach.
10. Fine for non-compliance.
11. Events or acts beyond control of operator.
12. Publication of quality of service results.
13. Revocation of S.I No. 73 of 2012

## SCHEDULES

SCHEDULE 1	QUALITY OF SERVICE INDICATORS FOR VOICE
SCHEDULE 2	QUALITY OF SERVICE PARAMETERS FOR DATA
SCHEDULE 3	QUALITY OF SERVICE PARAMETERS FOR TELEVISION BROADCASTING
SCHEDULE 4	QUALITY OF SERVICE PARAMETERS FOR POSTAL AND COURIER OPERATORS
SCHEDULE 5	REGIONS FOR REPORTING PURPOSES BY OPERATOR
SCHEDULE 6	CRITICAL OUTAGE REPORT
SCHEDULE 7	FORMS
SCHEDULE 8	CALCULATION OF FINES

# S T A T U T O R Y   I N S T R U M E N T S

2019 No. 92.

## **The Uganda Communications (Quality of Service) Regulations, 2019.**

*(Under sections 5 (1) (u), 57 and 93 of the Uganda Communications Act, 2013, Act 1 of 2013)*

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, these Regulations are made this 5<sup>th</sup> day of July, 2019.

### PART I — PRELIMINARY

#### **1. Title.**

These Regulations may be cited as the Uganda Communications (Quality of Service) Regulations, 2019.

#### **2. Application.**

These Regulations apply to operators licensed under the Act.

#### **3. Objectives of Regulations.**

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 non-compliance with these Regulations.

#### **4. Interpretation.**

In these Regulations, unless the context otherwise requires—

“access network” means a group of linked entities which provide the required transport bearer capabilities for the provision of communications services between a user equipment, a service terminal and the associated operator servicing terminal and, in case of postal services, sufficient geographical footprint and operations time;

“Act” means the Uganda Communications Act, 2013;

“blocked call” means a call attempt that fails to achieve a connection to the destination party and therefore not receiving an alerting or ringing tone, busy tone, answer signal or announcement;

“busy period” means the subsequent one hour intervals of the day for which the traffic or the number of call attempts is greatest or section of the day during which tests are performed by the Commission;

“call attempt” means an attempt to achieve a connection to one or more devices attached to a telecommunications network which commences when the destination address information required for setting up the call is sent by the user;

“communications” means telecommunications, data communications, radio communications, postal communications; and includes broadcasting;

“communications services” means services consisting of the dissemination or interchange of audio, visual or data content using postal, radio or telecommunications media or data

communication, and includes broadcasting;

“critical outage” means a failure or disruption of normal operations of network elements or sections of the network, causing failure to access resources necessary for provisioning services from at least five adjoining serving access network terminals within a 5km radius from an access network serving terminal for more than 60 seconds affecting more than 30 percent of traffic in the affected area;

“dropped call” means a call terminated by the network before it is ended by either party participating in the call;

“network availability” means a measure of degree to which the network is usable or the time that network resources are available to the customer, excluding time for planned maintenance;

“operator” means a person licensed to provide a communications or broadcasting service under the Act;

“parameter” means a measurable characterisation of the quality of an aspect of a service;

“quality of service” means the totality of characteristics of a communications service that bear on its ability to satisfy stated and implied needs of the user of the service;

“scheduled maintenance” includes planned network changes carried out to optimise network resources, install new infrastructure or expand network coverage and which is included in the annual business plan of the operator as a scheduled activity;

“unplanned outages” means network service degradation or interruptions caused by unforeseen or unpredictable events on the network;

“unscheduled maintenance” means planned network changes or enhancements carried out to remedy a fault, optimise network services or any other activity associated with the daily operations of the network and are not included in the operator’s annual business plan as a scheduled activity;



“user” means any entity external to the network which utilises connections through the network for communication;

“traffic channel” means a network path or circuit across which information is transmitted.

## PART II — QUALITY OF SERVICE

### 5. Quality of service targets.

(1) Every operator shall, as applicable, achieve the targets of quality of service in accordance with the parameters specified in Schedules 1, 2,3 and 4 to these Regulations; and any other parameters specified by the Commission in a licence issued under the Act.

(2) The measurement methods, formulae and calculations used to evaluate the parameters under subregulation (1) shall be in accordance with those specified by the Commission for the associated quality of service indicators.

(3) Where network statistics are used to indicate the quality of service, the set of network element counters and related formulae shall be determined by the Commission, in consultation with the operator.

### 6. Quality of service reports.

(1) Every operator shall report to the Commission, quarterly quality of service results as measured against its mandated quality of service targets specified in regulation 5.

(2) The Commission may, in addition to the reporting requirements under subregulation (1), at any time, in the exercise of its functions, require an operator to submit a report of its quality of service performance with respect to the parameters specified in Schedules 1, 2 ,3 and 4 to these Regulations, where applicable.

(3) The reports referred to in this regulation shall be based on the regions of Uganda set out in the map contained in Schedule 5 to these Regulations reproduced in the reporting format set out in Schedule 6 to these Regulations and shall be accompanied by a declaration signed by an authorised officer of the operator, certifying that the report is true and accurate.

(4) The results in the report under subregulation (1) shall be aggregated on a weekly basis beginning with the 1st day of January of the respective calendar year and shall be submitted to the Commission by the 25<sup>th</sup> day of the first month of the following quarter.

(5) The data used to produce the report under subregulation (1) shall be kept by the operator for a minimum of twelve months and shall be availed to the Commission on request.

(6) For the purposes of subregulation (2), the operator shall submit separate reports for each region and each report shall be considered as a complete report for purposes of these Regulations.

#### **7. Critical outage report.**

(1) The operator shall report to the Commission all critical outages affecting its network in the form set out in Schedule 6 to these Regulations.

(2) The report under subregulation (1) shall be made, in the case of—

- (a) scheduled maintenance, at least forty eight hours before the outage;
- (b) unscheduled maintenance, six hours before the outage;  
or
- (c) unplanned outages, within twelve hours after the outage.

**8. Monitoring and inspection by Commission.**

(1) The Commission shall monitor, inspect, or conduct surveys or performance audits of the operator to establish—

- (a) the performance of an operator against the quality of service parameters issued by the Commission under regulation 5; and
- (b) the completeness and veracity of the reports submitted under these Regulations.

(2) For the purposes of subregulation (1), the Commission may—

- (a) carry out impromptu or routine tests, consumer surveys and audits of data received from the operators; and
- (b) use modes of testing that may include drive tests and mobile test probes.

(3) For purposes of this regulation, the operator shall, at all times, allow access by the Commission or its authorised representatives to its network installations and records including soft copy and hard copy versions of captured data.

**9. Direction to remedy breach.**

(1) Where, as a result of a quality of service report submitted under these Regulations, or as a result of an investigation, or inspection, the Commission determines that an operator has breached an obligation under these Regulations, the Commission shall direct the operator to remedy the breach, or to do such act specified by the Commission in within the time specified.

(2) The operator shall, on receipt of the Commission's direction under subregulation (1) —

- (a) submit a remedial action plan to the Commission within 5 days;
- (b) perform remedial monitoring and evaluation; and
- (c) submit an impact report 3 days after implementation of the remedial action plan.

(3) The Commission shall verify the contents of the impact report submitted under subregulation 2(c) and will communicate the findings to the concerned operator and the public.

(4) The direction referred to under subregulation (1) shall be in Form 1 set out in Schedule 7 to these Regulations.

#### **10. Fine for non-compliance.**

(1) The Commission may, after consideration of any representations of the operator, in accordance with section 41(2) (b) of the Act, by notice direct an operator to pay a fine not exceeding ten percent of the gross annual revenue of the operator where the operator—

- (a) fails to measure the quality of service as required under regulation 5;
- (b) fails to achieve the quality of service targets referred to in regulation 5;
- (c) fails to comply with a directive issued by the Commission to remedy a breach under regulation 9;
- (d) denies the Commission access to its premises, network elements and records; or
- (e) fails to submit reports or submits false reports under these Regulations.

(2) The notice referred to under subregulation (1) shall be in Form 2 set out in Schedule 7 to these Regulations and shall specify the fine to be paid by the operator.

(3) The Commission shall, in determining the fine under subregulation (1), take into account the nature and cause of the breach or non compliance and shall be guided by the calculations specified in Schedule 8 to these Regulations.

#### **11. Events or acts beyond control of operator.**

(1) The Commission shall determine which events or acts are beyond the reasonable control of the operator on a case by case basis following analysis and consideration of measures employed by the

operator to mitigate unforeseen events.

(2) Where an operator fails to fulfil any of the requirements under these Regulations as a result of events referred to in subregulation (1), the failure shall not constitute a breach of these Regulations.

(3) Where an operator fails to fulfill any of the requirements as a result of events referred to in subregulation (1), the operator shall promptly notify the Commission, giving particulars of the failure and the cause.

(4) Where an operator fails to fulfill any of the requirements as a result of events referred to in subregulation (1), that period of non-compliance shall not be included in the period during which the operator would otherwise have been obliged to discharge those obligations.

#### **12. Publication of quality of service results.**

The Commission shall, annually, publish in the Gazette, in a national newspaper and any other media of national circulation in respect of all operators, a quality of service report containing its findings collected during implementation of these Regulations.

#### **13. Revocation of S.I. No. 73 of 2012.**

The Uganda Communications (Telecommunications) (Quality of Service) Regulations, 2012 are revoked.

# SCHEDULES

## SCHEDULE 1

*Regulations 5(1) and 6 (2)*

### QUALITY OF SERVICE INDICATORS FOR VOICE

	Parameter	Description	Target values
1.	Service activation or provisioning time	Time taken to provide a service from the time a customer completes all due obligations for provision of service	95% of all applications should be completed within 24 hours. 100% of all applications should be completed within 48 hours. The user active interface is the indication of completeness.
2.	Service restoration time	The time taken to restore the service from the time the fault is reported by a customer (The time interval during which a network element is in a down state due to a failure)	80% of all service restoration should be fulfilled within 24 hrs. 100% of all service restoration should be fulfilled within 48hrs.
3.	Network availability	Degree to which the network is usable; or the time that network resources are available to the customer. (Excludes time for planned maintenance).	>99% availability for core network elements. >95% for access network elements.
4.	Blocked call rate	Proportion of unsuccessful call attempts during busy hour	Proportion of blocked calls in busy period. Not more than 2% of the call attempts made during busy period should be blocked.

5.	Call setup success rate	Portion of call attempts with an indication of call connection (alerting, busy tone or announcement) within 12 seconds from the instant the user initiates a request.	More than 95% of the call attempts made in the busy period should receive a connection indication within 12 seconds.
6.	Dropped call rate	Proportion of calls, which once successfully established and therefore have an assigned traffic channel, are dropped or interrupted prior to their normal completion by the user, the cause of the early termination being with the operator's network	Not more than 2% of established calls should be dropped during busy period before either called or caller party terminates connection.
7.	Billing accuracy	The correctness of the billing information in reflecting all the necessary billing parameters and actual use and cost of the service.	98% of billing information should be accurate within the first 10 seconds. 100% within the first 15 seconds after use of the service. Overall bill accuracy should be 99.9% Transparency in Billing Transparency in metering

## SCHEDULE 2

*Regulations 5(1) and (6) (2)*

### QUALITY OF SERVICE PARAMETERS FOR DATA

#### A. TECHNICAL PARAMETERS

	Parameter	Description	Target Values
1.	Network Availability	Percentage of point of presence reachability for all regional and national Points of Presence in the service provider's network.	99% for regional and international POPs. 98% for national POPs. 98% for national routers.
2.	SMS Completion rate	Ratio of received and send Test SMS from one mobile to another mobile part.	98% of all SMS messages sent should have been received within 60 seconds.  100% of all SMS messages should have been received within 75 seconds.
3.	Data transmission speed	The data transmission speed is defined as the data transmission rate that is achieved separately for downloading and uploading specified test files between a remote web site and a user's computer or terminal device	Minimum of 95% of the peak service advertised rate.



4.	Successful log-in ratio	<p>The successful log- in ratio is defined as the ratio of successful log-ins to access the Internet.</p> <p>A successful log-in is one that is done within 10 seconds.</p> <p>Network and the Internet Access Provider (IAP) network are available in full working order.</p>	Minimum of 98% logins for internet access service should be successful.
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**B. NON- TECHNICAL PARAMETERS**

5.	Parameter	Description	Target
6.	Billing speed	The time taken from end of call to the time the billing information is provided to the customer.	Billing information should be provided within 10 seconds after use of the service, 99%of the time.
7.	Billing accuracy	The correctness of the billing information in reflecting all the necessary billing parameters and actual use and cost of the service.	<p>98% of billing information should be accurate within the first 10 seconds. 100% within the first 15 seconds after use of the service.</p> <p>Overall bill accuracy should be 99.9%</p> <p>Transparency in Billing</p> <p>Transparency in metering</p>

8.	Repairs <i>(This is applicable to faults reported by users and faults detected and reported by network monitoring elements.)</i>	The time taken from the report of fault to the time the fault has been rectified.	95% of all reported faults should be repaired within 24 hrs. 100% of all reported faults should be repaired within 48 hrs.
9.	Service Support	The time taken from a request made to the operator for service support to the instant service has been provided to the satisfaction of the customer.	95% of all service support requests should be satisfactorily addressed within 24 hrs. 100% of all service support requests should be satisfactorily addressed within 48 hrs.
10.	Service Support Availability	Reliability of user access facilities for making service support requests. The facilities will include the hours of access as well as methods of access.	More than 98% of call attempts to customer help lines should be successfully connected to support personnel within 20 seconds.

## SCHEDULE 3

*Regulations 5(1) and 6 (2)*

### QUALITY OF SERVICE PARAMETERS FOR TELEVISION BROADCASTING (AUDIO-VISUAL CONTENT)

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#### PART A: FRAMEWORK FOR QUALITY OF SERVICE (QoS) FOR TELEVISION BROADCASTING SERVICES IN UGANDA

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#### 1. INTRODUCTION

(1) This framework is issued in fulfilment of the mandate of the Uganda Communications Commission (UCC) under section 5(i) and 5(k) of the Uganda Communications Act 2013, to prescribe “set national communication standards and ensure compliance with national and international standards”; and “safeguard the interests of consumers and operators as regards the quality of communications services and equipment”.

(2) The framework seeks —

- (i) to empower consumers to drive the provision of quality of services by making informed choices;
- (ii) to facilitate good performance by the broadcast operators in a competitive environment by highlighting their performance and by use of approved regulatory measures.

(3) This framework applies to the following Television (TV) Broadcasting Services—

- (a) public and pay TV infrastructure providers on the terrestrial, satellite and cable platforms.
- (b) pay TV content service providers on the terrestrial, satellite and cable platforms

#### 2. DEFINITIONS

(1) In this schedule, unless the context otherwise requires, the

following terms shall have the meanings ascribed to them under this paragraph. In the event of conflict or ambiguity between the terms defined herein and the terms defined in a licence or in the Uganda Communications Act, 2013 the following order of precedence shall apply—

- (a) The Uganda Communications Act, 2013;
- (b) The Uganda Communications (Quality of Service) Regulations, 2019;
- (c) Licence terms and conditions;
- (d) Technical guidelines issued by the commission.

(2) In this Schedule, the following terms shall have the following meanings—

“billing” means the administrative function of preparing bills and submitting the bills to customers;

“complaint” means a statement by a customer expressing dissatisfaction due to a difference between the expected and the delivered benefits from the use of the service. The complaint may be made in various forms such as, writing, electronic means, or in person;

“customer” means a user of a service who is responsible for payment for the services;

“Customer Premise Equipment (CPE)” means equipment placed at the customer’s premises and that enables the customer to access the service providers’ services. Set top boxes, satellite dishes and decoders are examples of CPEs;

“force majeure” means an inevitable, unpredictable act of nature, not dependent on an act of man;

“preventive maintenance” means maintenance that is regularly performed on equipment to lower the likelihood of the equipment failing.

“Quality of Service (QoS)” means the totality of characteristics of a communications service that bear on its ability to satisfy stated and implied needs of the user of the service;

“service provider” means an operator providing its customers with access to broadcasting services.

### **3. RESPONSIBILITIES OF COMMISSION & LICENSEES UNDER THIS FRAMEWORK**

#### **(1) The responsibilities of the Commission are—**

- (a) to set the quality of service standards, specifying the QoS parameters against which performance shall be evaluated and the associated target levels. The Commission may amend these parameters or the targets from time to time to accommodate developments in the sector;
- (b) to specify the methodology to measure performance against each QoS parameter;
- (c) to apply for appropriate sanctions in cases of noncompliance by a licensee;
- (d) to carry out audit of the QoS reports submitted by licensees;
- (e) to carry out measurements against some or all the QoS parameters; and
- (f) to carry out comparative publishing of QoS performance of the licensees

#### **(2) The responsibilities of licensees are—**

- (a) to have their technical operation in line with the standards set by the Commission;
- (b) to cooperate in providing access to facilities and information to the Commission or authorised persons for inspections, audits and investigations;
- (c) to carry out measurements as specified by the Commission and submit periodic reporting on the respective QoS indicators and critical outage reports as outlined by the Commission;
- (d) to provide explanations in cases where the QoS performance is below the standard as well as associated remedial plans;
- (e) to comply with the reporting requirements set by the Commission on the QoS performance of the licensee.

#### **4. QoS MEASUREMENTS BY LICENSEES**

(1) Measurement methods, formulas and calculation shall be in accordance with those specified for the associated QoS parameters by the Commission.

(2) All supported data used to produce the quarterly reports shall be kept by the licensee for a minimum of twelve (12) months and shall be availed to representatives of the Commission on request.

(3) For each quality of service parameter that the licensee is required to report against, the licensee shall prepare periodic reports at intervals as provided in the licence or as requested by the Commission.

#### **5. QoS MEASUREMENTS & AUDITING BY COMMISSION**

(1) The Commission shall conduct inspections, surveys or performance audits of the quality of service of the licensees from time to time to establish the performance of the licensees and adherence to the Commission quality of service standards.

(2) Measurements for activities under subparagraph (1) shall be done using modes of collection of data including -

- (a) impromptu and routine drive tests;
- (b) consumer survey; and
- (c) statistical data and documents received from operators.

(3) The Commission reserves the right to use its own personnel, employ the services of specialist personnel or an independent third party to conduct any QoS audits deemed necessary.

(4) In cases of impromptu onsite audits or visits, the licensee shall arrange for the Commission to be granted access to their network installations and records as and when this access is required.

(5) The licensees shall fully co-operate with and provide all assistance to such inspectors as well as with all requests of the Commission for information and all Commission verification and audit activities.

## **6. REPORTING BY LICENSEES**

(1) The licensee shall, in every quarter, provide the Commission with reports on the results of measurements done against some of the QoS parameters.

(2) The reporting under subparagraph (1) shall be done using only the standard reporting templates provided by the Commission for this purpose which shall, in all cases, be accompanied with a declaration letter signed by a duly authorised officer of the licensee, stating that the report is true and accurate in all respects.

(3) The reports submitted under subparagraph (1) shall contain results for the respective quarter aggregated on a monthly basis starting on 1<sup>st</sup> January of the respective calendar year and the report shall be submitted to the Commission by the 25<sup>th</sup> day of the following quarter.

## **7. NETWORK OUTAGE REPORTS**

(1) The licensee shall inform the Commission about all outages affecting its transmission and distribution network using the standard template provided in which shall be sent either electronically to the email address [ucc@ucc.co.ug](mailto:ucc@ucc.co.ug) or via hard copies submitted to the Commission at any of its branch offices.

(2) Reporting of outages shall be done at least 48 hours before outage for scheduled maintenance, 12 hours before outage for unscheduled maintenance and within 24 hours of the occurrence of the unplanned outages.

## **1. PUBLICATION OF QoS RESULTS**

The Commission may publish the evaluation results of the QoS performance of licensees for consumption by the general public in any form or manner as may be deemed appropriate by the Commission.

## **2. COMPLIANCE AND ENFORCEMENT**

### **(1) Contravention**

(1) A licensee shall have committed a contravention where—

- (a) it fails to perform the measurement, reporting and record keeping tasks set out in this framework;
- (b) it fails to achieve a target for the Commission QoS parameter for a reporting period at a given reporting region;
- (c) it does not comply with a directive issued by the Commission to remedy a contravention
- (d) it publishes false or misleading information about its quality of service; or
- (e) it obstructs or prevents the Commission conducting a QoS investigation, inspection, audit or measurement.

(2) Penalty for a contravention is a fine or penalty or other appropriate sanctions under the law.

### **(2) Exemption from compliance**

(1) An operator may be exempted from compliance with the QoS standard or provisions of this schedule to the extent it is unable to comply due to force majeure, on condition that the event is reported in time.



## PART B- NETWORK RELATED QOS PARAMETERS

The parameters apply to (some or all TV) signal distribution platforms i.e. satellite, terrestrial and cable.

Parameter	Definition	Purpose	Computation	Target	Test method / Data to be used to evaluate fulfillment of target	Reporting Areas
1. Service Availability	This is the ability of a service provider to perform its required function at a stated instant or over a stated period of time assuming that the external resources, if required, are provided.	It measures the proportion of time for which each broadcasting service is available on the satellite/ cable/ terrestrial signal distribution platform.	$\frac{\text{Service Uptime}}{24 \text{ hours}} \times 100$	>99% availability	Quarterly reports on daily systems measurements of service availability submitted by the licensee	Areas that are within the service area of each broadcast transmitter/ satellite / cable network

	Picture Quality	It is a term used to rate the inherent quality of the TV picture.	It assesses the television picture quality of the output of the satellite/cable/terrestrial signal distribution platform that is received by the viewers.	<p>Quality Five-grade scale Impairment</p> <p>5 =Excellent 5 =Imperceptible</p> <p>4 =Good 4 =Perceptible, but not annoying</p> <p>3 =Fair 3 =Slightly annoying</p> <p>2 =Poor 2 =Annoying</p> <p>1 =Bad 1 =Very annoying</p>	>4	<p>Quarterly reports on daily system measurements of audio and video quality submitted by the licensee</p>	<p>Areas that are within the service area of each broadcast transmitter/satellite / cable network</p>
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3.	Bitrate per program stream	It is a measure of the rate of information content of the digital video stream.	It is used to know the speed that digital audio and video files are encoded or compressed.	Number of bits per second	Bitrate $\geq$ 1.5Mbit/s	Quarterly reports on daily systems measurement of bitrate per program stream submitted by the licensee	Head end of the terrestrial network
4.	Modulation Error Ratio	It is a measure of the signal-to-noise ratio (SNR) in a digitally modulated signal.	It is used to quantify the performance of a digital broadcast transmitter using digital modulation.	$10 \log$ (average symbol power/average error power)	MER > 32dB	Drive tests by UCC on a monthly basis	Areas that are within the service area of each broadcast transmitter
5.	Bit Error Rate	The ratio of the number of bits with errors to the total number of bits transmitted.	It is used to quantify the quality of a digital transmission from broadcast transmitter.	$\frac{\text{No. of bits with errors}}{\text{No. of bits transmitted}}$	Bit error rate $\leq$ 1.5Mbit/s	Drive tests by UCC on a monthly basis	Areas that are within the service area of each broadcast transmitter

6.	Carrier Power to Noise Ratio	The ratio of the received signal strength relative to the strength of the received noise.	It evaluates the quality of the received signal from a broadcast transmitter.	$\frac{\text{Carrier Power}}{\text{Noise}}$	$C/N \geq 10\text{dB}$	Drive tests by UCC on a monthly basis	Areas that are within the service area of each broadcast transmitter
7.	Signal strength	It is the magnitude of an electric field at a reference point, which is located at a significant distance from the transmitting antenna.	It measures the transmitter power output as received by a TV receiver antenna at a distance from the broadcast transmitter evaluates the transmitting antenna.	Signal strength	Signal strength > 32dbm/ $\mu\text{V}$	Drive tests by UCC on a monthly basis	Areas that are within the service area of each broadcast transmitter

***NB: System measurements are measurements carried out using dedicated measuring equipment for particular parameters.***

### 1. Customer Service Related QoS parameters

These parameters apply to the following groups of licensees-

- Pay TV service providers on all platforms i.e. satellite, terrestrial and cable.
- Public signal distributor on terrestrial platform.

Parameter	Purpose	Computation	Target	Test method / Data to be used to evaluate fulfillment of target	Reporting Areas
1. First time service activation	It assesses the proportion of time taken to provide a pay TV service to the customer from the instant the licensee acknowledges receipt of the payment from the customer	$\frac{\text{No. of first time service activation done within 36 hours}}{\text{No. of first time service activation done within a month}} \times 100$	>95%  100% within 48 hrs	Quarterly reports on first time service activation report submitted by the licensee	Customer care Service

	Subsequent service reactivation after payment	The proportion of requests for reactivation that are concluded within the agreed time frame after acknowledgment of the customer's payment by the licensee	$\frac{\text{No. of service reactivations done within 24 hours}}{\text{No. of service reactivations done within a month}} \times 100$	>98% w/100% within 36 hrs	Quarterly reports on service reactivation report submitted by the Licensee	Customer care Service
3.	Customer support performance in complaints handling	It assesses the quality of support services offered to customers by the licensee through service centers.	$\frac{\text{No. of complaints on nonreception of public TV services or pay TV services resolved with 24 hours}}{\text{Total No. of complaints on nonreception of public TV services or pay TV services received in a month}} \times 100$	>99% of the complaints are redressed within 24hrs  100% within 36 hrs	Quarterly reports on customer support performance submitted by the licensee	Customer care Service
			$\frac{\text{No. of other complaints resolved with 24 hours}}{\text{Total No. of other complaints received in a month}} \times 100$	>95% of the Other complaints are redressed within 24 hours 99% within 36 hrs		Customer care Service

	Notification time on service maintenance	It measures the time given to the customers (Content service providers (and public) to receive notification about preventive maintenance work on the signal distributor's network	<i>Time of providing notice to the public – Time of the preventive maintenance work on the licensee's network ( pay TV service operators &amp; public signal distributor)</i>	Notice should be at least 3 days in advance	Formal communication received from the licensee informing UCC about the notification	Customer care Service
Billing performance	It assesses the accuracy of the bill and billing options (Prepaid and Post-paid) and billing currency.	$\frac{\text{No. of billing complaints resolved within 24 hours}}{\text{Total No. of billing complaint}}$	>99%are accurate	Quarterly reports on billing performance submitted by the licensee	Customer care Service	

**PART C: TRANSMISSION & DISTRIBUTION NETWORK  
OUTAGE REPORT FORMAT**

<b>CONTACT INFORMATION</b>		
Name of licensee:		
Name of technical contact person	Em E-mail:	
	Mobile No:	
<b>OUTAGE INFORMATION</b>		
Type of critical outage		
Unplanned	Scheduled	Unscheduled
Date of incident (dd/mm/ yyyy):.....		
Local time outage began (24-hr hh:mm): .....		
Outage duration: ..... hrs ..... Mins. ....		
Outage status when filling this report:.....		
.....		
Local time outage was resolved: .....		
Cause of the outage:		
.....		
.....		



**EFFECTS OF THE OUTAGE**

Network element(s) affected: .....

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Affected areas:

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Description of outage:

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Explanation of outage duration:

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Actions taken and to be taken:

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**DECLARATION**

I am authorised by the .... to legally bind the provider to the truth, completeness, and accuracy of the information contained in this report. I on oath depose and state that the information contained herein is true, correct, and accurate to the best of my knowledge and belief, and that the operator on oath deposes and states that this information is true, complete and accurate.

Name: .....

Date:..... Time:.....

## SCHEDULE 4

*Regulations 5(1) and 6 (2)*

### QUALITY OF SERVICE PARAMETERS FOR POSTAL AND COURIER OPERATORS

#### PART A— QUALITY OF SERVICE FRAMEWORK

##### 1 INTRODUCTION

(1) Section 5 of the Uganda Communications Act, 2013 requires Uganda Communications Commission (UCC) to—

- (a) “set national standards and ensure compliance with national and international standards and obligations laid down by international communication agreements and treaties to which Uganda is a party” ;
- (b) “to promote and safeguard the interests of consumers and operators as regards the quality of communications services and equipment” respectively.

(2) This quality of service (QoS) framework spells out how the Commission shall regulate the QoS of postal services offered in Uganda to ensure integrity and reliability of the services.

(3) The framework includes the QoS requirements, evaluation of performance, reporting and publication and enforcement.

(4) The provisions of this framework applies to all postal services with respect to the clearance, sorting, transport and distribution of postal article/items for a charge or fee.

(5) A postal article or item is an addressed article weighing up to 30 kilogrammes and which is deposited to the postal service provider in the final form in which it shall be transported by the postal services provider.

(6) The implementation of this framework is subject to the provisions of—

- (a) the Uganda Communications Act, 2013; and
- (b) the Uganda Communications (Licensing) Regulations, 2019.

## **2 RESPONSIBILITIES IN QoS MANAGEMENT**

### **Uganda Communications Commission**

(1) the Commission shall—

- (a) set the quality of service standards, specifying the QoS parameters against which performance shall be evaluated and the associated target levels and the Commission may amend these parameters or the targets from time to time to accommodate developments in the sector;
- (b) specify the approach to be used in measuring performance against each QoS parameter;
- (c) conduct measurements against some or all the QoS parameters;
- (d) audit the QoS reports submitted by licensees;
- (e) publish QoS information as appropriate;
- (f) apply the appropriate sanctions where a licensee failure to meet the targets, does not remedy a QoS performance breach after notification from the Commission to do so, or to comply with the reporting requirements specified under this QoS framework.

### **Responsibilities of licensees**

2. Every licensee shall—

- (a) meet or exceed levels of performance specified in the QoS standards set by the Commission;
- (b) establish and administer measurement systems to collect and, if necessary, process data regarding its performance in the application of the quality of service standards in Schedule I;

- (c) comply with the reporting requirements set by the Commission on the QoS performance of the licensee;
- (d) cooperate fully with all the Commission requests for information as well as inspection and audit activities;
- (e) ensure that the information submitted to the Commission is correct and factual;
- (f) implement remedial measures as directed by the commission;
- (g) publish, on its website, QoS information approved by the Commission in manner specified by the Commission.

### **3 MEASUREMENT OF QUALITY OF SERVICE**

(1) The measurement of performance against the quality of service parameters shall be based on the respective methodologies specified by the Commission in Schedule 1.

(2) Data acquisition used by the Commission to evaluate performance of the licensee against the QoS Standard shall include—

- (a) “live” mail;
- (b) “Test” mail;
- (c) Customer surveys;
- (d) Customer service and other operations information.

(3) The Commission reserves the right to carry out audits using its own personnel or to employ the services of a third party to validate the QoS information provided by the licensees as deemed appropriate by the Commission.

### **4 COMPLIANCE OF OPERATORS TO PRESCRIBED STANDARDS**

(1) The Commission will continuously engage the operators on the scope of the parameters, the set targets, the repercussions of not meeting the targets as well as remedial measures for poor performance.

(2) Through engagement with operators, the standards will be reviewed taking into account global industry best practice, operator

views and consumer demands.

## **5 REPORTING**

(1) Every licensee shall submit to the Commission Quarterly reports on its QoS performance using only the standard reporting templates provided by the Commission for this purpose.

(2) The licensee shall—

- (a) make timely notification to the Commission of circumstances that might affect achievement of established delivery standards;
- (b) include in their quarterly operational reports incidents of delayed delivery.

(3) The licensee shall also comply with any additional information requests or reporting requirements made by the Commission on its QoS.

(4) Operators shall be obliged to keep the original data files pertaining to complaints received for purposes of reference, should the need arise.

## **6 OTHER OBLIGATIONS**

### *Customer service*

(1) To facilitate the monitoring process, operators shall be required to file with the Commission a Master Service Agreement detailing commitments related to privacy, liability and security commitments to customers.

(2) Every licensee shall—

- (a) develop and publish delivery timelines and attendant cut off times.
- (b) publish a list of working days, clearly specifying the non-operational days in the week.

### *Liability*

(3) Operators shall maintain a claims handling policy for loss, damage or delay of delivery of postal articles in line with the guidelines highlighted in this framework. The policy shall spell out rights and responsibilities of the all parties (consumer and postal operator) in any given transaction.

(4) The licensee shall adhere to the guidelines issued by the commission in respect of liabilities and claims.

### *Security*

(5) Operators shall ensure security of the service offered through institution policies and systems to secure operational premises, eliminating prohibited items and contraband, as well as integrity of postal articles in transit.

(6) The licensee shall additionally conform to the security guidelines issued by the Commission.

### *Disclosure*

(7) A licensee or any party who in operations associated with the provision of postal services, has acquired knowledge or access to any of the following information may not, without legal authorisation, reveal or use—

- (a) information relating to postal items conveyed within the operation;
- (b) information concerning the customer including the individual person's address, telephone number and workplace.

(8) A licensee shall, upon legal request, provide information concerning suspicion of the commission of an offence to a prosecution

authority, police authority or some other authority that is bound to intervene against the offence, unless a less severe sanction than imprisonment for two years is prescribed for the offence.

### **Undeliverable postal articles**

(1) Domestic letters or other postal articles that cannot be delivered due to an undecipherable or non-existent address or post code may be opened by a licensee and where the letter or article is capable of being delivered based on information in the letter or article; the licensee shall deliver the letter or article accordingly.

(2) Where a letter or postal article opened under subparagraph (1), is incapable of being delivered, but contains the address of a sender, the licensee shall notify the sender.

(3) Every undeliverable postal article that has been opened and remains undeliverable may be kept and disposed of by the licensee as required by law or in a manner approved by the Commission.

(4) In cases of domestic courier, undeliverable items shall be kept for no less than 3 months except where they are perishable.

(5) A licensee shall on a quarterly basis furnish the Commission with a detailed list of items it has disposed (in the case of perishable items) or intends to dispose at the end of that quarter.

(6) Where a letter or postal article is opened as provided by these Guidelines, the licensee shall affix a mark on the letter or postal article indicating the—

- (a) Date and time of opening;
- (b) Period it has remained undelivered;
- (c) Contents; and
- (d) Manner in which the licensee decides to deal with the undelivered article.



(7) Where a letter or postal article is returned to the sender because of being undeliverable as addressed and the sender refuses to take delivery, the letter or postal article shall be dealt with as provided under paragraph (3).

(8) Where a licensee is satisfied that the addressee of a postal article is dead, it may—

- (a) retain the postal article and on production of the will or letters of administration to the estate of the addressee together with the written application of one or more of the executors or administrators, deliver or release the article in accordance with such request; or
- (b) treat the postal article in accordance with the provisions of this framework on undeliverable postal articles.

## **7 ENFORCEMENT AND REMEDIAL MEASURES**

(1) The following shall constitute breach under this framework—

- (a) failure to comply with the standards and requirements specified in this framework;
- (b) failure to file documents or information; keep records or submit reports to the Commissions as required under this framework;
- (c) submission or publication of false or misleading information;
- (d) obstructing, preventing or interfering with any inspection, investigation or enforcement action carried out or authorised by the Commission under any law or this framework;
- (e) committing any act or omission whose effect would be to defeat the purposes of this framework.

(2) Where a licensee has failed to meet the specified target values of a QoS parameter, the Commissions may require a detailed explanation from the Licensee of the reasons behind the Licensee's

failure to meet the specified target and detailed action plan with timelines to ensure that the necessary steps are taken to improve performance to meet the specified target.

(3) In case of repeated breach or failure to address the QoS performance shortfall, the Commission shall penalise the licensee in accordance with these Regulations.

## PART B- CUSTOMER SERVICE PARAMETERS

<b>Parameter:</b> Service availability				
<b>Definition:</b> Presence of pick and drop off points set out by an operator or an appointed agent.	<b>Purpose:</b> This parameter indicates coverage and type of postal service available to consumers across the country.	<b>Measure:</b> Number of operational service outlets as submitted by each operator.	<b>Formula:</b> Offices operational/ No. of offices inspected ×100	<b>Target:</b> 95%
<b>Frequency of monitoring:</b> Quarterly	<b>Method:</b> Physical inspection	<b>Scope:</b> National	<b>Reporting:</b> quarterly	

<b>Parameter:</b> Customer information				
<b>Definition:</b> Information displayed at each operational outlet to support a customer's purchase decision.	<b>Purpose:</b> This parameter contributes to empowering consumers through availing adequate information.	<b>Measure:</b> Availability of displayed copy of a valid UCC annual licence certificate	<b>Formula:</b> Offices operational/ No. of offices inspected ×100	Target: 95%
<b>Frequency of monitoring:</b> Quarterly	<b>Method:</b> Physical inspection	<b>Scope:</b> National	<b>Reporting:</b> quarterly	<b>Information required:</b> -Tariffs -Liability policy -Delivery timelines -Prohibited goods -Contact information

## Technical parameters

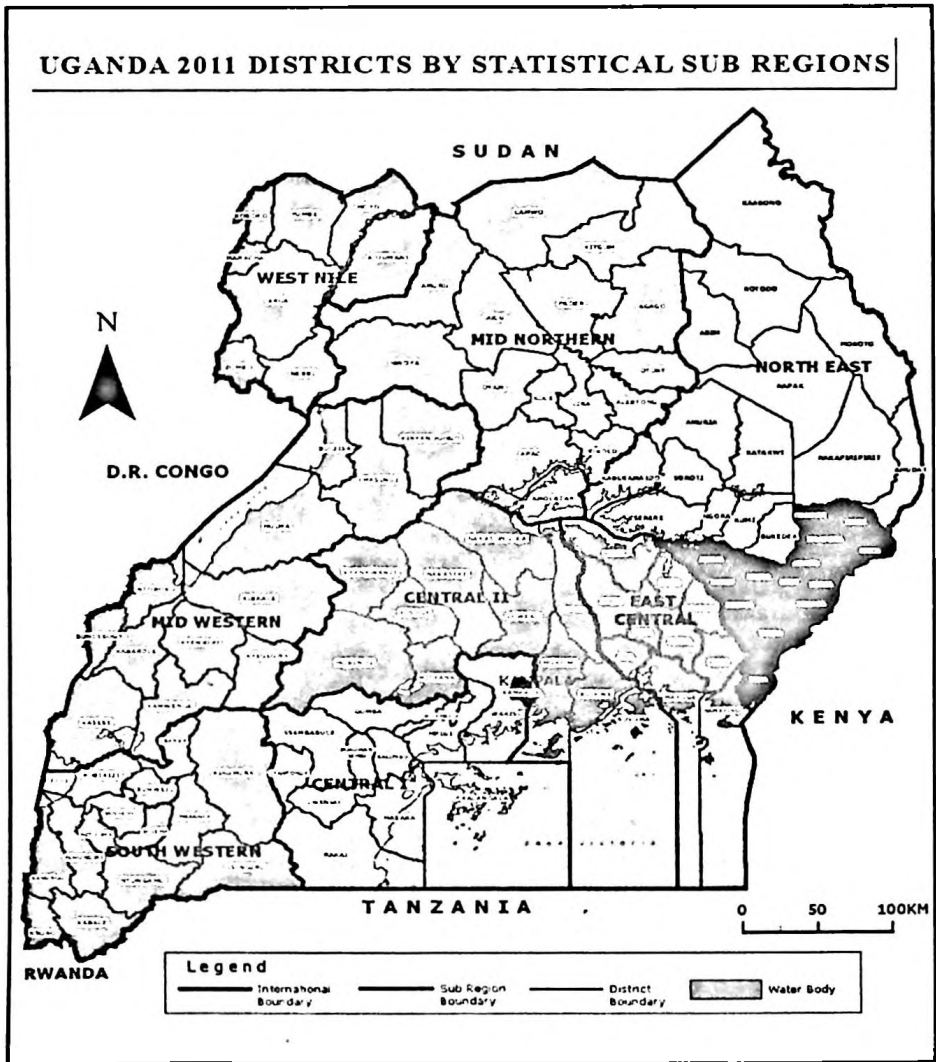
<i>Parameter:</i> Speed of delivery				
<b>Definition:</b> The time it takes to deliver a postal article against what is promised by the service provider.	<b>Purpose:</b> To ensure that operators delivery as promised to the customer.	<b>Measure:</b> Average transmission time (in days) taken between posting and delivery of test items.	<b>Formula:</b> Average transmission time = $\frac{\sum(\text{Day} \times \text{No. of items delivered})}{\text{total items}}$	<b>Target:</b> 85% of all test items delivered within the time specified by the operator.
<b>Frequency of monitoring:</b> Quarterly	<b>Method:</b> Mail tests	<b>Scope:</b> National	<b>Reporting:</b> quarterly	

<i>Parameter:</i> Complaints resolution				
<b>Definition:</b> A documented process on how customers' complaints on loss, damage or delay of a postal article while in conveyance.	<b>Purpose:</b> Ensuring due responsibility is taken in cases of loss, damage or delay of items in transit.	<b>Measure:</b> % of recorded complaints resolved within 24 hours	<b>Formula:</b> Cases resolved/ total cases recorded.	<b>Target:</b> 85% of all test items delivered within the time specified by the operator.
<b>Frequency of monitoring:</b> Quarterly	<b>Method:</b> Mail tests	<b>Scope:</b> National	<b>Reporting:</b> quarterly	<b>Verification:</b> Follow-up calls with consumers.

# SCHEDULE 5

Regulations 5(4) and 6(3)

## REGIONS FOR REPORTING PURPOSES BY OPERATORS



**The regions for the purposes of these Regulations are-**

- (a) Kampala;**
- (b) Central I;**
- (c) Central II;**
- (d) East Central;**
- (e) Mid Eastern;**
- (f) South Western;**
- (g) Mid Western;**
- (h) West Nile; and**
- (i) Mid Northern.**

**SCHEDULE 6**

*Regulation 8(1)*

**CRITICAL OUTAGE REPORT.**

The Uganda Communications Commission

**KAMPALA.**

**1. Contact information**

- (a) Name of operator.....
- (b) Address and contact.....
- (c) Primary contact person.....
- (d) mail.....
- (e) Phone No.....

**2. Outage information**

Type of critical outage (*tick as appropriate*)

- (a) Unplanned
- (b) Scheduled
- (c) Unscheduled

3. Date of incident (dd/mm/yyyy).....

4. Time when outage began (24-hr hh:mm).....

5. Status of outage at the time of filling this report.....

.....  
.....  
.....

- 6. Time the outage was resolved (*if it has been resolved*):  
.....
- 7. Cause of the outage.....  
.....
- 8. Effects of the outage
  - (a) Network elements affected  
.....  
.....  
.....  
.....  
.....
  - (b) Affected region/area.....  
.....  
.....
  - (c) Estimated proportion or number of customers affected.....  
.....  
.....
  - (d) Explanation of outage duration.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....



(e) Action taken and/or to be taken.....  
.....  
.....  
.....  
.....

9. Declaration

I..... (*name of person with capacity to bind the operator*) declare that the information contained in this report is true, correct and accurate to the best of my knowledge and belief.

Dated this..... day of..... 20..... at .....  
(*Specify time*).

Signed.....

\_\_\_\_\_

Operator

**SCHEDULE 7**

*Regulations 9 (4) and 10 (2)*

**FORM 1**

To. ....

.....

*(Name and address of operator)*

.....

*(Particulars of licence issued by the Commission)*

**DIRECTION TO REMEDY BREACH**

*(Under section 48 of the Uganda Communications Act, 2013 and regulation 10 of the Uganda Communications (Quality of Service) Regulations, 2019)*

**TAKE NOTICE THAT** you are in breach of your obligations under the licence in respect of the quality of service required of you as an operator.

The particulars of the breach are as follows:

.....  
.....  
.....

In accordance with section 48 of the Act, you are directed to remedy the breach within ..... days from receipt of this direction.

If you do not comply, the Commission shall, after the time specified in this notice discontinue the use of the.....  
*(Communication apparatus relating to the breach)* unless you show cause to the contrary.

Dated this.....day of.....20.....

.....

*Executive Director*

*Uganda Communications Commission*

To. ....

.....

*(Name and address of operator)*

**FINE FOR BREACH OF QUALITY OF SERVICE TARGETS**

*(Under section 41 of the Uganda Communications Act and regulation 10 of the Uganda Communications (Quality of Service) Regulations, 2019)*

TAKE NOTICE that you are in breach of your obligations under the licence in respect of the quality of service required of you as an Operator.

*(State breach here)* .....

.....

.....

In accordance with section 41(2) (b) of the Uganda Commission Act, 2013 you are directed to pay a fine of ..... being...% of your gross annual revenue.

Dated this.....day of.....20.....

.....

*Executive Director*

*Uganda Communications Commission*

**SCHEDULE 8***Regulation 10 (3)***CALCULATION OF FINES**

Fines shall be calculated on the basis of the Gross Annual Revenue for the preceding year for each quality of service target, for each reporting region and in respect of each reporting period (quarter) for contravention of these Regulations by an operator as follows:

No.	NATURE OF BREACH	Fine in as % of Gross Annual Revenue
1	Failure to perform the measurements as required under regulation 5	0.05
2	Failure to achieve the quality of service parameters under regulation 5	up to 10% of Gross Annual Revenue
(a)	Service activation or provisioning time	0.01
(b)	Service restoration time	0.01
(c)	Network availability	0.05
(d)	Blocked call rate	0.05
(e)	Call setup time	0.05
(f)	Dropped call rate	0.05
(g)	Good call quality	0.01
(h)	SMS completion rate	0.01
(i)	Point of interconnect blocking	0.05
3	Failure to comply with direction to remedy a breach; 0.1 (0.01% per day for each day that the contravention continues)	
4	Failure to submit reports or submits falsified reports under regulation 6;	0.1

5	Obstructing or preventing the Commission from conducting quality of service: (a) Investigation; (b) Inspection; (c) Audit; or (d) Measurement	0.5
6	Failure to achieve the same quality of service parameter for 2 consecutive quarters	0.1
7	Failure to achieve the same quality of service parameter for 3 consecutive quarters	0.5
8	Failure to achieve the same quality of service parameter for 4 consecutive quarters	0.75

**Frank Tumwebaze**

*Minister of Information and Communications  
Technology and National Guidance*

STATUTORY INSTRUMENTS SUPPLEMENT

*to The Uganda Gazette No. 57, Volume CXII, dated 8th November, 2019*

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STATUTORY INSTRUMENTS

2019 No. 80.

THE STAGE PLAYS AND PUBLIC ENTERTAINMENTS RULES, 2019

ARRANGEMENT OF RULES

PART I—PRELIMINARY

*Rule*

1. Title.
2. Application.
3. Objective of Rules.
4. Interpretation.

PART II—POWERS OF THE COMMISSION

5. Powers and functions of Commission.

PART III—STAGE PLAYS AND PUBLIC ENTERTAINMENTS

6. Permits for stage plays or public entertainments.
7. Contents of application for permit.
8. Cruelty to persons and animals on stage prohibited.
9. Authorisation for advertisement of stage plays and public entertainments.
10. No exclusion from public entertainment or stage play.
11. Prohibited content generally.

PART V—MISCELLANEOUS

12. Powers of Inspectors.
13. Display of permits.
14. Offence and penalty.
15. Revocation of S.I.49-1.

**SCHEDULE**

SCHEDULE —FORMS

# STATUTORY INSTRUMENTS

2019 No. 80.

**The Stage Plays and Public Entertainments Rules, 2019**  
(Under section 17 of the Stage Plays and Public Entertainments Act,  
*Cap. 49*)

IN EXERCISE of the powers conferred upon the Minister by section 17 of the Stage Plays and Public Entertainments Act, these Rules are made this 5th day of July, 2019.

## PART I—PRELIMINARY

**1. Title.**

These Rules may be cited as the Stage Plays and Public Entertainments Rules, 2019.

**2. Application.**

These Rules apply to—

- (a) permits for performance of stage plays;
- (b) permits for staging of public entertainments;
- (c) advertising the performance of stage plays and exhibition of public entertainments; and
- (d) related matters.

**3. Objective of Rules.**

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.

#### **4. Interpretation.**

In these Rules, unless the context otherwise requires—

“Act” means the Stage Plays and Public Entertainments Act;

“authorised” in relation to an officer or employee of the Commission, means a person authorised by the Executive Director to exercise the powers or perform the duties in respect of which an authorised person is required to perform;

“cinematograph theatre” means any building, structure, tent or other erection of whatever nature or any place or land in or on which a cinematograph or video exhibition is presented to the public either gratuitously or for reward;

“Commission” means the Uganda Communications Commission established under the Uganda Communications Act, 2003;

“Executive Director” means the Executive Director of the Commission;

“exhibition” means the staging of a play or public entertainment to the public;

“inspector” means an authorised person appointed by the Commission under section 49 of the Act;

“Minister” means the minister responsible for information and communications technology;

“poster” means any picture, drawing, painting, photograph, figure or other device advertising any stage play or public entertainment;

“prescribed fees” means the fees charged by the Commission under the Uganda Communications (Fees and Fines) Regulations, 2019;

“public entertainment” includes any concert, animal or circus performance, waxworks, puppet performance, dancing exhibition, picture or art exhibition, games of skill or chance, acrobatics or other exhibitions of skill, professional wrestling and boxing bouts to which the public are admitted either gratuitously or otherwise but does not include athletics or sports;

“stage play” includes any tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, dialogue, prologue, epilogue or other dramatic entertainment or any part of it.

## PART II—POWERS OF THE COMMISSION

### 5. Powers and functions of Commission.

(1) The Commission shall have the following powers in relation to stage plays and public entertainments—

- (a) to classify activities under these Rules for purposes of issuing permits;
- (b) to prescribe fees for any permit granted under the Act;
- (c) to regulate content for stage plays and public entertainments;
- (d) to prescribe fees to be paid for attendance of any officer of the Commission at the staging of a play or exhibition of a public entertainment;
- (e) to inform the public when permits issued under these Rules are withdrawn; and

- (f) to monitor content produced and exhibited in a stage play or public entertainment to ensure that it meets the minimum broadcasting standards.
- (g) prepare orientation materials containing duties and responsibilities of permit holders covering—
  - (i) health and safety;
  - (ii) welfare of children performing in a stage play or public entertainment;
  - (iii) treatment of animals;
  - (iv) erection of props and other physical structures during the exhibition or display, where applicable; and
  - (v) emergency procedures in event of a fire, sudden illness or power outages.

### PART III—STAGE PLAYS AND PUBLIC ENTERTAINMENTS

#### **6. Permits for stage plays or public entertainments.**

(1) A person shall not, without a permit issued by the Commission, stage or exhibit a play or public entertainment to the public.

(2) A permit referred to in subrule (1) shall be required, whether the staging of the play or public entertainment is in a public hall or cinematograph theatre.

#### **7. Contents of application for permit.**

(1) A person who wishes to exhibit a stage play or stage a public entertainment shall apply to the Commission for an entertainment permit in the form set out in the Schedule to these Regulations.

(2) The application under subrule (1) shall—

- (a) state the name, address and legal status of the applicant;

- (b) state the premises where the play is to be staged or where the public entertainment is to be exhibited;
- (c) include a copy of the script of the stage play;
- (d) where applicable, be accompanied by a certificate of censorship issued by the Media Council;
- (e) where the audio-visual content is in a language other than English, include a certified translation of the content; and
- (f) attach evidence of payment of the application fee.

(3) The Commission may on reviewing the application, submitted under subrule (1) direct that the permit be issued free where—

- (a) the stage play is performed by a registered educational institution;
- (b) the performing group is an amateur group; and
- (c) the performance is free or solely for charitable purposes.

(4) An applicant shall, prior to receipt of a permit to stage a play or public exhibition, review orientation materials prepared by the Commission.

## **8. Cruelty to persons and animals on stage prohibited.**

(1) Cruelty to or maltreatment of persons or animals in any form is prohibited in any stage play or public entertainment.

(2) The display and performance of animals shall conform to guidelines issued by the Commission.

## **9. Authorisation for advertisement of stage plays and public entertainments.**

(1) A person shall not, without the authorisation of the Commission, using any poster or any other means, advertise a stage play or advertise any public entertainment.

(2) A person who wishes to advertise a stage play or public entertainment under subrule (1) shall apply in writing to the Commission stating the following—

- (a) that the exhibition is authorised by the owners of the stage play or public entertainment; and
- (b) that permission has been granted by the local government in the area of display, to put up posters advertising the activity.

**10. No exclusion from public entertainment or stage play.**

No person shall be excluded from the public performance or presentation of a stage play on grounds of race, ethnic background, gender, religious or social belief.

**11. Prohibited content generally.**

(1) The display or exhibition of content shall comply with any rules or regulations made under the Act and guidelines issued by the Commission.

(2) No person shall display or exhibit any content prohibited under the Uganda Communications (Content) Regulations, 2019.

**PART V—MISCELLANEOUS**

**12. Powers of Inspectors.**

(1) An inspector may enter, inspect and monitor any place where a stage play or public entertainment is being performed to ensure compliance with a permit issued under the Act and these Rules.

(2) An inspector may enter any place where a stage play or public entertainment is being performed for purposes of withdrawing a permit issued under the Act and these Rules and stopping its continuation.

(3) An inspector or other officer authorised by the Commission may impound any content, apparatus or equipment used to conduct any activity prohibited by these Rules.

(4) No person shall bar, restrain, deny entry to an inspector or other authorised officer to premises where a stage play or public entertainment is being performed upon proper identification being displayed.

**13. Display of permits.**

A person issued with a permit under rule 7 shall prominently display a copy of the permit at the premises where the stage play or public entertainment is to be staged.

**14. Offence and penalty.**

(1) A person who stages a public play or public entertainment without a permit issued by the Commission commits an offence and is liable, on conviction, to a fine not exceeding two thousand shillings or imprisonment not exceeding six months or both.

(2) Any person who denies entry to an inspector or other authorised person to premises where a public entertainment or stage play is being performed commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

**15. Revocation of S.I.49-1.**

The Stage Plays and Public Entertainments Rules S.I. 49-1 are revoked.

# SCHEDULE

*Rule 7*

## UGANDA COMMUNICATIONS COMMISSION

### THE STAGE PLAYS AND PUBLIC ENTERTAINMENTS RULES, 2019 APPLICATION TO ADVERTISE A STAGE PLAY OR PUBLIC ENTERTAINMENT

*(Application be made by the performing group or promoter or owner of the public entertainment)*

	<b>Modify or adapt where applicable</b>	<b>Additional Instructions</b>
Name of applicant and address		If a registered group or company, attach certificate of registration or certificate of incorporation.
Title of play		If title of the play is in a language other than English, include title with English translation.
Date of UCC Permit for Stage Play or Public Entertainment		A permit may only be given in respect of an approved stage play or public entertainment.
Endorsement by local government council where advertisement is to be displayed or exhibited		Relevant local government council issues permission to display and remove posters or other audio-visual displays where applicable.
List of theatre or performance or exhibition venues for public entertainment		A copy of the advertisement may be attached if print/poster method is used.
Application fee receipt		Attach receipt issued by the Commission.
Application result		Official action by the Commission only.

## **Cross References**

The Uganda Communications Act, 2013, Act 1 of 2013.

The Uganda Communications (Content) Regulations, 2019.

The Uganda Communications (Fees and Fines) Regulations, 2019.

**FRANK TUMWEBAZE,**  
*Minister of Information and  
Communications Technology and  
National Guidance.*



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STATUTORY INSTRUMENTS

2019 No. 77.

THE NATIONAL DRUG POLICY AND AUTHORITY  
(SURGICAL INSTRUMENTS AND SURGICAL APPLIANCES)  
REGULATIONS, 2019

ARRANGEMENT OF REGULATIONS

*Regulation*

PART I—PRELIMINARY

1. Title.
2. Application.
3. Interpretation.

PART II—REGISTRATION

4. Application of National Drug Policy and Authority (Registration) Regulations, No. 29 of 2014

PART III—CERTIFICATE OF SUITABILITY OF PREMISES

5. Certificate of suitability of premises
6. Application for certificate of suitability of premises.
7. Inspection of premises.
8. Notification of change of information
9. Location of premises.
10. Standards of construction.

## *Regulation*

11. Premises to be in good state of repair and to be clean and tidy
12. Invasive and non-invasive surgical instruments and surgical appliances to be separated.

### PART IV—LICENCE TO CONDUCT BUSINESS OF WHOLESALE, DISTRIBUTION AND RETAIL OF SURGICAL INSTRUMENTS AND SURGICAL APPLIANCES

13. Obligation to obtain a licence.
14. Application for licence
15. Validity and conditions of licences.
16. Refusal to issue licence
17. Renewal of licence.
18. Suspension and revocation of licences.
19. Maintenance of record of distribution

### PART V—IMPORTATION OF SURGICAL INSTRUMENTS AND SURGICAL APPLIANCES

20. Importation of surgical instruments and surgical appliances.
21. Application for import licence.
22. Verification certificate.
23. Packaging for imported surgical instruments and appliance.
24. Verification of surgical instruments and surgical appliances.
25. Re-export of imported surgical instruments and surgical appliances not allowed into Uganda.
26. Importation of donated surgical instruments and surgical appliances
27. Restriction to importation of samples of surgical instruments and surgical appliances
28. Cancellation of import licence

### PART VI—RECALL OF SURGICAL INSTRUMENTS AND SURGICAL APPLIANCES

29. Recall of surgical instruments and surgical appliances from market

*Regulation*

**PART VII—ADVERTISEMENT OF SURGICAL INSTRUMENTS  
AND SURGICAL APPLIANCES**

30. Restriction on advertisement
31. Limitation on content of promotional materials
32. Criteria for promotional material
33. Prohibition of comparison of surgical instruments and surgical appliances in advertisements and promotional materials

**SCHEDULES**

- First Schedule — Surgical Instruments and Surgical appliances  
Second Schedule — Forms 1,2,3,4  
Third Schedule — Form 5  
Fourth Schedule — Forms 6,7,8,9

# STATUTORY INSTRUMENTS

2019 No. 77.

## **The National Drug Policy and Authority (Surgical Instruments and Surgical Appliances) Regulations, 2019**

*(Made under section 64 of the National Drug Policy and Authority Act, Cap. 206)*

IN EXERCISE of the powers conferred upon the Minister responsible for health by section 64 of the National Drug and Policy and Authority Act and on the advice of the National Drug Authority, these Regulations are made this 25th day of September, 2019.

### PART I—PRELIMINARY

#### **1. Title.**

These Regulations may be cited as the National Drug Policy and Authority (Surgical Instruments and surgical appliances) Regulations, 2019.

#### **2. Application.**

These Regulations apply to human and veterinary surgical instruments and surgical appliances.

#### **3. Interpretation.**

In these Regulations, unless the context otherwise requires—

“Act” means the National Drug Policy and Authority Act, Cap. 206;

“adverse event” means a problem that can or does result in permanent impairment, injury or death to the patient or the user;

“adverse reaction” means a response to a surgical instrument or appliance which is noxious and unintended, and which occurs at normal use in man for surgery operation or procedure;

“emergency” means circumstances which are urgent, unforeseeable and not caused by dilatory conduct;

“emergency situation” means a circumstance which is urgent or unforeseeable or a situation which is not caused by dilatory conduct where—

- (a) Uganda is seriously threatened by or actually confronted with a disaster, catastrophe, war or an act of God;
- (b) life or the quality of life or environment may be seriously compromised;
- (c) a Government programme would be delayed or seriously compromised unless the surgical instruments and surgical appliances and surgical appliances are imported;

“significant change” means a change that could reasonably be expected to affect the safety quality and performance of a surgical instrument;

“surgical instrument and appliance” means a specialized tool or implement for performing specific actions or tasks during surgery or to relieve a particular medical condition; and

## PART II—REGISTRATION

### **4. Application of National Drug Policy and Authority (Registration) Regulations, No. 29 of 2014**

All surgical instruments and surgical appliances shall be registered by the Authority under the National Drug Policy and Authority (Registration) Regulations, No. 29 of 2014.

## PART III—CERTIFICATE OF SUITABILITY OF PREMISES

### **5. Certificate of suitability of premises**

(1) The Authority shall grant a certificate of suitability of premises for the premises where the business of wholesale, distribution or retail

of surgical instruments and surgical appliances that are registered by the Authority, is to be carried out.

(2) A certificate of suitability of premises shall be in the format in Form 1 in the Schedule to these Regulations.

#### **6. Application for certificate of suitability of premises.**

(1) A person who wishes to conduct the business of wholesale, distribution or retail of surgical instruments and surgical appliances that are registered by the Authority in accordance with regulation 4, shall apply to the Authority for a certificate of suitability of premises.

(2) An application for a certificate of suitability of premises shall be accompanied by—

- (a) the plan of the premises or where the building is yet to be constructed, the plans of the buildings; and
- (b) the prescribed fees.

(3) An application for a certificate of suitability of premises shall be made using Form 2 in the Schedule to these Regulations.

#### **7. Inspection of premises.**

(1) The Authority shall, prior to issuing a certificate of suitability of premises, inspect the premises to determine that the premises are suitable for the purpose for which the certificate is to be issued.

(2) The officer who inspects the premises under this Regulation shall make a report, in the format prescribed in Form 3 in the Schedule to these Regulations.

#### **8. Notification of change of information**

Where, after the issuance of a certificate of suitability of premises, there is a change to any of the information in the application, the holder of the certificate shall submit the new information to the Authority within twenty one days of the change.

**9. Location of premises.**

The premises shall be located in a place where the premises cannot be contaminated by the external environment or other activities.

**10. Standards of construction.**

The premises shall—

- (a) be of a permanent nature;
- (b) be protected against, adverse weather conditions including dust, ground water seepage, vermin and pest infestation;
- (c) have sufficient space for the carrying out and supervision of the necessary operations;
- (d) have air intakes, exhausts, and associated pipe work and trucking sited so as to avoid contamination;
- (e) have drains that are of an adequate size and that are provided with sufficient traps and proper ventilation;
- (f) have well marked fire exits and the access to the fire exists kept clear at all times;
- (g) have floors and walls made of a washable and impervious material with a flat surface, free of cracks and a ceiling covered with a nonflaking finish that allows easy cleaning; and
- (h) be well lit, ventilated and have appropriate facilities that control air including temperature, humidity, and filtration for the operations to be undertaken.

**11. Premises to be in good state of repair and to be clean and tidy**

The premises shall be maintained in a good state of repair, with toilet facilities, a regular and sufficient supply of water and shall be maintained in a clean and tidy condition.

**12. Invasive and non-invasive surgical instruments and surgical appliances to be separated.**

The invasive surgical instruments and surgical appliances shall be kept separate from the non-invasive surgical instruments and surgical appliances.

PART IV—LICENCE TO CONDUCT BUSINESS OF WHOLESALE,  
DISTRIBUTION AND RETAIL OF SURGICAL INSTRUMENTS  
AND SURGICAL APPLIANCES

**13. Obligation to obtain a licence.**

(1) A person shall not without a licence issued by the Authority in accordance with the Act and these Regulations carry on the business of wholesale, distribution or retail of surgical instruments and surgical appliances.

(2) The licence shall be in the format in Form 4 in the Schedule to these Regulations.

**14. Application for licence**

(1) An application for a licence shall be made to the Authority using Form 5 in the Schedule to these Regulations.

(2) The application shall be accompanied by—

- (a) where the business is to be carried on as a partnership, the partnership deed;
- (b) where the business is carried on as a limited liability company, the memorandum and articles of association of the company;
- (c) the certificate of suitability of premises; and
- (d) the prescribed fees.

**15. Validity and conditions of licences.**

(1) A licence issued under these Regulations, shall, unless cancelled by the Authority, remain valid for the period stated in the licence.



(2) A licence shall indicate the conditions on which, it is issued and shall state that the licence may be cancelled where the conditions are not fulfilled or are breached.

**16. Refusal to issue licence**

(1) The Authority may refuse to issue a licence where—

- (a) the applicant makes a false or misleading statement in the application;
- (b) the Authority has reasonable grounds to believe that issuing a licence constitutes a risk to the health or safety of patients, users or other persons; or
- (c) the applicant failed to meet the requirements of these Regulations.

(2) Where the Authority refuses to issue a licence, the Authority shall in writing, notify the applicant of the reasons for the refusal and give the applicant an opportunity to be heard.

**17. Renewal of licence.**

(1) A person who intends to renew a licence issued under these Regulations, shall make an application for renewal of the licence to the Authority.

(2) An application for renewal of a licence shall be made to the Authority, at least three months before the expiry of the licence.

(3) The requirements and procedure for renewal of a licence shall be the same as the requirements and procedure for application of the licence.

**18. Suspension and revocation of licences.**

(1) The Authority may suspend or revoke a licence issued under these Regulations where the person to whom a licence is issued—

- (a) breaches a condition of the licence;

- (b) fails to remedy a breach or repeats a breach of a condition of the licence; or
- (c) ceases to be fit to carry on the business for which the licence is granted.

(2) The Authority shall give the person whose licence is to be suspended or revoked an opportunity to be heard before the suspension or revocation.

### **19. Maintenance of record of distribution**

A person who conducts the business of wholesale, distribution or retail of surgical instruments and surgical appliances, shall maintain a record of distribution of the surgical instruments and surgical appliances.

## **PART V—IMPORTATION OF SURGICAL INSTRUMENTS AND SURGICAL APPLIANCES**

### **20. Importation of surgical instruments and surgical appliances.**

(1) A person shall not import surgical instruments or surgical appliances, into Uganda, without an import licence issued by the Authority.

(2) An import licence shall be in the format prescribed in Form 6 in the Schedule to these Regulations.

(3) The Authority shall issue an import licence where it is satisfied that the applicant meets the criteria set out in this Part.

(4) A licence shall be valid during the calendar year in which it is issued.

(5) The Authority shall prior to issuing an import licence, ascertain that the facility from which the surgical instruments and surgical appliances to be imported, are manufactured, complies with the internationally accepted Good Manufacturing Practice Guidelines adopted by the Authority.

(6) For the avoidance of doubt, a surgical instrument and a surgical appliance to be imported into Uganda shall be registered by the Authority.

(7) Notwithstanding sub regulation (6) the Authority may, upon request by any person or institution, in emergency or emergency situations, approve the importation of a surgical instrument or surgical appliance that is not registered by the Authority.

## **21. Application for import licence.**

(1) A person who intends to import surgical instruments or surgical appliances into Uganda shall make an application for an import licence using Form 7 in the Schedule to these Regulations and shall be accompanied by the licence of the licensed person and the prescribed fees.

(2) A person who makes an application to import surgical instruments or surgical appliances shall be a person who is issued with a licence to conduct the business of wholesale, distribution or retail of surgical instruments and surgical appliances, under these Regulations.

(3) An import licence may be cancelled where the licence issued to conduct the business of wholesale, distribution or retail of surgical instruments and surgical appliances is cancelled by the Authority.

## **22. Verification certificate.**

(1) A consignment of surgical instruments or surgical appliances to be imported into Uganda shall before importation, be issued with a verification certificate which shall be in the format in Form 8 in the Schedule to these Regulations.

(2) A licensed person shall before the importation of a consignment of surgical instrument or surgical appliance into Uganda apply for a verification certificate using Form 9 in the Schedule to these Regulations.

(3) An application for a verification certificate, for each surgical instrument and surgical appliance to be imported shall state—

- (a) the name of the surgical instrument or the surgical appliance;
- (b) where a surgical instrument or a surgical appliance contains more than one active ingredient, the name and strength of each active ingredient;
- (c) the number of surgical instruments and surgical appliances to be imported;
- (d) the name of the manufacturer or supplier of the surgical instruments and surgical appliances;
- (e) the country of origin of the surgical instruments and surgical appliances;
- (f) where applicable, the proprietary name of the surgical instruments or surgical appliances; and
- (g) the registration number of the surgical instruments and surgical appliances.

**23. Packaging for imported surgical instruments and appliance.**

(1) The primary packaging of an imported surgical instrument or surgical appliance shall be labelled in accordance with the requirements of regulation 29 of the National Drug Policy and Authority (Registration) Regulations, No. 29 of 2014.

(2) Where the label of a surgical instrument or surgical appliance shows evidence of alteration in the label, the surgical instrument or surgical appliance shall be deemed to be adulterated and shall not be allowed entry into Uganda or shall be returned to the manufacturer at the cost of the person who imports the surgical instrument or surgical appliance.

(3) In subregulation (2), “evidence of alteration in the label” includes circumstances where—

- (a) the entire label or a part of the label with the details such as the date of manufacture of the surgical instrument and appliance is removed;
- (b) there is evidence of removal of the original label and evidence of attaching another label or evidence of placing a label over the original label; or
- (c) there is evidence of erasing or concealing the original details of the label and replacing the details with other details.

**24. Verification of surgical instruments and surgical appliances.**

(1) A surgical instrument or a surgical appliance that is imported into Uganda shall be accompanied by the certificate of analysis of the surgical instrument and surgical appliance issued by the country of manufacture and the certificate of conformity or the test report of the surgical instrument or surgical appliance.

(2) The Authority shall, on the arrival of a consignment of surgical instruments and surgical appliances at a port of entry into Uganda, inspect the surgical instruments and surgical appliances to confirm that the surgical instruments and surgical appliances comply with the approved specifications and that each batch is accompanied by a certificate of analysis.

**25. Re-export of imported surgical instruments and surgical appliances not allowed into Uganda.**

(1) Where the Authority does not allow a consignment of surgical instruments or surgical appliances into Uganda, the importer of the surgical instruments or surgical appliances shall re-export the surgical instruments and surgical appliances to the country of origin of the surgical instruments and surgical appliances, within a period of one month of the decision by the Authority to refuse entry into Uganda.

(2) Sub regulation (1) shall apply where the surgical instruments and surgical appliances are refused entry into Uganda for reasons other than the quality of the surgical instruments and surgical appliances.

(3) Where the Authority does not allow a consignment of surgical instruments and surgical appliances into Uganda, due to quality, the surgical instruments and surgical appliances shall be destroyed by the Authority at the cost of the importer.

**26. Importation of donated surgical instruments and surgical appliances**

Any person who intends to import donated surgical instruments or donated surgical appliances shall prior to the importation, notify the Authority and submit evidence that the surgical instruments or surgical appliances are a donation.

**27. Restriction to importation of samples of surgical instruments and surgical appliances**

(1) Subject to the other requirements for importation specified in these Regulations, a sample of a surgical instrument or a surgical appliance that is to be imported into Uganda shall—

- (a) bear a label with the words “Free sample – Not for sale”;
- (b) not exceed 300 unit packs in a single consignment.

(2) A person shall not sell or offer for sale a sample of a surgical instrument or a surgical appliance.

**28. Cancellation of import licence**

The Authority may cancel an import licence issued these Regulations, where the Authority is satisfied that the importer or the consignment has contravened any provision of these Regulations.

PART VI—RECALL OF SURGICAL INSTRUMENTS  
AND SURGICAL APPLIANCES

**29. Recall of surgical instruments and surgical appliances from market**

(1) The Authority may, on its own motion, at any time, where the Authority is of the opinion that a particular surgical instrument or

surgical appliance may cause injury to, or affect the health or safety of patients, users or other persons, order the recall of the surgical instrument or surgical appliance from the market, at the cost of the person who is issued with a licence under these Regulations.

(2) Notwithstanding sub regulation (1), the person who is issued with a licence under these Regulations may voluntarily initiate the recall of any surgical instrument and surgical appliance, after receiving complaints from patient or users or upon proof after investigation that the surgical instrument or surgical appliance caused or is about to cause injury to the health or safety of patients, users or other persons.

(3) A person shall on or before undertaking a recall referred to in sub regulation (2), provide the Authority with the following—

- (a) the name of the surgical instrument or surgical appliance and its identification, including identification of any surgical instrument and appliance that is part of a system, test kit;
- (b) the name and address of the manufacturer, and the name and address of the premises where the surgical instrument or surgical appliance was manufactured, if different from that of the manufacturer;
- (c) the reason for the recall, the nature of the defectiveness or possible defectiveness and the date on and circumstances under which the defectiveness or possible defectiveness was discovered;
- (d) the number of affected units of the surgical instrument or surgical appliance;
- (e) the period during which the affected units of the surgical instruments or surgical appliances were distributed in Uganda;

- (f) the names of the persons to whom the affected surgical instruments or surgical appliances were distributed and the number of units that were distributed to each person;
- (g) a copy of any communication issued with respect to the recall; and
- (h) the strategy to be used to conduct the recall, including, the date for beginning the recall, how and when the Authority will be informed of the progress of the recall and the proposed date for completing the recall.

(4) A person shall on completion of a recall exercise submit to the Authority a report on the evaluation of the risk associated with the defectiveness or possible defectiveness, the results of the recall and the proposed corrective action to prevent recurrence of the problem.

(5) A person shall not sell, offer or expose for sale or supply surgical instruments or surgical appliances which are subject to be recalled.

PART VII—ADVERTISEMENT OF SURGICAL INSTRUMENTS  
AND SURGICAL APPLIANCES

**30. Restriction on advertisement**

(1) A surgical instrument and surgical appliance shall not be advertised unless it is registered by the Authority.

(2) An advertisement for a surgical instrument and surgical appliance shall be approved by the Authority.

(3) A person shall not conduct an advertisement for a surgical instrument or surgical appliance except where the advertisement is approved by the Authority.

(4) A person shall not advertise any product or cause any product to be advertised as a surgical instrument or a surgical appliance where that product is not a surgical instrument and surgical appliance.



(5) A person shall not advertise or cause to be advertised, a surgical instrument or surgical appliance that is registered by the Authority, in a manner that presents the surgical instrument or surgical appliance as being usable for any purpose other than that for which it is registered.

(6) A person shall not advertise any surgical instrument or surgical appliance in a false or misleading way.

(7) For the purposes of sub regulation (6), an advertisement of a surgical instrument or surgical appliance shall be taken to be false or misleading where—

- (a) it is deceptive, misleading or falsely describes the surgical instrument or surgical appliance or gives false information concerning the surgical instrument or surgical appliance; or
- (b) it is likely to create an erroneous impression regarding the formulation, composition, design specification, quality, safety, quality, performance or uses of the surgical instrument or surgical appliance.

### **31. Limitation on content of promotional materials**

(1) Promotional material shall not contain misleading or unverifiable statements or omissions regarding the quality, safety and performance or value of the surgical instrument or surgical appliance and which likely to induce medically unjustifiable product use or to give rise to undue risks.

(2) A surgical instrument or surgical appliance shall not be promoted in a manner that is misleading or that is calculated to mislead or which is deceptive or is likely to create erroneous impression either directly or by implication regarding the character, value, quantity, composition, safety or quality or performance of the surgical instrument or surgical appliance, as the case may be.

**32. Criteria for promotional material**

(1) A surgical instrument and a surgical appliance shall not be promoted unless it is registered by the Authority.

(2) Promotional materials shall be approved by the Authority and a person shall not use promotional materials that are not approved by the Authority.

(3) The content of promotional materials shall be unbiased, accurate, informative, up to date and consistent with information approved during registration.

**33. Prohibition of comparison of surgical instruments and surgical appliances and surgical appliances in advertisements and promotional materials**

(1) A comparison of different types or brands of surgical instruments or surgical appliances, for purposes of competition between the types or brands, is prohibited.

(2) Where a comparison is made between different types or brands of surgical instruments or surgical appliances, for purposes other than commercial purposes, the comparison shall not be disparaging, mislead by distortion or by undue emphasis or in any other way, but shall be factual and fair.

**SCHEDULE**

**FORMS**

**FORM 1**

*Regulation 5(2)*

**Certificate of Suitability of Premises**

This is to certify that the premises of:.....

At the Physical Location :.....

Postal Address: .....

Supervised by :(Qualified technical person):.....

Registration number:..... are considered suitable for carrying on the  
business of.....

**Wholesale /Retail /Other Surgical Instrument and Appliances**

Premise No.:..... Valid up to:.....

Fee Paid:..... Issue Date:.....

.....  
*(Secretary to the Authority)*

This License must be prominently displayed in the premises to which it refers

**FORM 2**

*Regulation 6(4)*

**Application for a Certificate of Suitability of Premises for  
a Wholesale /Retail Outlet for Surgical Instruments and appliance.**

NATIONAL DRUG POLICY AND AUTHORITY ACT, CAP 206.

Full names of applicant \_\_\_\_\_

P.O.BoxNo. \_\_\_\_\_ Tel. \_\_\_\_\_

Fax \_\_\_\_\_ email: \_\_\_\_\_

Physical address of premises for which certificate is applied for \_\_\_\_\_  
County \_\_\_\_\_

Sub county \_\_\_\_\_

If applying as representative of the applicant indicate:

Name of representative \_\_\_\_\_

Physical address of registered office \_\_\_\_\_

P.O.BoxNo. \_\_\_\_\_ Tel. \_\_\_\_\_

Fax \_\_\_\_\_ Email \_\_\_\_\_

Plot No \_\_\_\_\_ Street Name \_\_\_\_\_

Name and approximate distance of nearest wholesale /Retail Outlet to  
the premises for which certificate is applied for \_\_\_\_\_  
\_\_\_\_\_

I certify that the above information is correct.

\_\_\_\_\_  
*Signature of applicant*

\_\_\_\_\_  
*Date:*

**FORM 3.**

*Regulation 7 (2)*

**Inspection Report- Wholesale Outlet/Retail Outlet**

**Part A—Premises.**

Name of the Outlet \_\_\_\_\_

Physical address \_\_\_\_\_

Postal address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

Street name \_\_\_\_\_

Plot no: \_\_\_\_\_

**Construction and finish of the premises:**

	<b>Good</b>	<b>Needs attention</b>	<b>Poor condition</b>
<b>Walls:</b>	Shop area		
	Store		
<b>Roof/ceiling:</b>	Shop area		
	Store		
<b>Floor:</b>	Shop area		
	Store		
<b>Lighting:</b>	Shop area		
	Store		
<b>Ventilation:</b>	Shop area		
	Store		

Toilet(s):

General external environment \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Part B- Storage area.**

Overall size of store \_\_\_\_\_ x \_\_\_\_\_ metres

Is the floor dry and sound? Yes/No

Is the roof/ceiling waterproof? Yes/No

Is there adequate cool/cold storage space for temperature-sensitive stocks? Yes/No

Are chemicals and ingredients kept separate from finished products? Yes/No

Are expired/returned/rejected drugs kept separate from salable stock? Yes/No

Is the shelving/racking/palleting in good condition? Yes/No

Is there sufficient security, burglar bars, etc? Yes/No

**Part C—Records.**

There must be records for all the Surgical Instruments and appliances received and sold for the preceding two years.

Records maintained for imported goods (tick or Y/N)

Import licence no. \_\_\_\_\_ Supplier \_\_\_\_\_ Invoice No. \_\_\_\_\_ Quantity \_\_\_\_\_

Date received \_\_\_\_\_ Batch No(s). \_\_\_\_\_ Expiry date(s) \_\_\_\_\_

Records maintained for other receipts (tick or Y/N)

Supplier \_\_\_\_\_ Quantity \_\_\_\_\_ Invoice no. \_\_\_\_\_

Date received \_\_\_\_\_ Batch no(s). \_\_\_\_\_ Expiry date(s) \_\_\_\_\_

Records maintained for wholesale sales (tick or Y/N)

Date of supply \_\_\_\_\_ Customer \_\_\_\_\_ Quantity \_\_\_\_\_

Batch no(s). \_\_\_\_\_ Expiry date(s) \_\_\_\_\_

Countersigned by supervising Qualified technical person \_\_\_\_\_

**Part D-Ownership and staffing.**

Name of owner \_\_\_\_\_ Individual/ Partnership/Company  
Professional qualification of owner/senior partner/managing director (if any) \_\_\_\_\_

Home or company address (if different from Part A) \_\_\_\_\_

P.O. Box No. \_\_\_\_\_ Tel. \_\_\_\_\_ Fax \_\_\_\_\_

Qualified Technical Person in charge—

Name \_\_\_\_\_ Reg No. \_\_\_\_\_

Names and registration numbers of the other Technical personnel employed (if any)

1. \_\_\_\_\_ 2. \_\_\_\_\_

Certificates on display:

Qualified Technical in-charge's registration Y/N

Wholesale/Retail Outlet operating licence Y/N

**Part E- Operating requirements.**

Cleanliness satisfactory (Yes/No)

Tidiness satisfactory (Yes/No)

Shop area: \_\_\_\_\_

Store: \_\_\_\_\_

Drugs protected from heat (Yes/No)

Drugs protected from light (Yes/No)

Shop area \_\_\_\_\_

Store \_\_\_\_\_

**Part F- Good Distribution Practices**

Compliance to all provisions of Good distribution Practices (Yes/No)

Comments and recommendations:

Inspection carried out by \_\_\_\_\_ on \_\_\_\_\_

**FORM 4**

*Regulation 13(3)*

**License to Operate Retail /Wholesale Surgical Instrument and appliance Outlet**

This is to certify that the premises of:.....

At the Physical Location :.....

Postal Address: .....

Supervised by: (Qualified technical person):.....

Registration number:.....

Is licensed to carry out business of Wholesale /Retail /Other Surgical Instrument and Appliances

Premise No.:..... Valid up to:.....

Fee Paid:..... Issue Date:..... TIN:.....

.....  
*(Secretary to the Authority)*

This License must be prominently displayed in the premises to which it refers



**FORM 5**

*Regulation 14(1)*

**Application For a Licence to Operate Retail /Wholesale Surgical Instrument and appliance outlet.**

Physical address of premises \_\_\_\_\_

P.O. Box No. \_\_\_\_\_ Tel. \_\_\_\_\_ Fax \_\_\_\_\_

Name of applicant \_\_\_\_\_

Qualifications:

Technical \_\_\_\_\_

Other \_\_\_\_\_

Application is made for:

a partnership \_\_\_\_\_

a company \_\_\_\_\_

If applying on behalf of a company:

Physical address of registered office \_\_\_\_\_

P.O. Box No. \_\_\_\_\_ Tel. \_\_\_\_\_ Fax \_\_\_\_\_

Name of managing director \_\_\_\_\_

If applying on behalf of a company or partnership, give the following information for all directors or partners:

Name \_\_\_\_\_

Address \_\_\_\_\_

Qualifications \_\_\_\_\_

Has the applicant or any partner or director been convicted, of any offence involving the wrongful or illegal dealing in or supply or possession of surgical instruments and appliances within or outside Uganda? Yes/No

If "yes", give details \_\_\_\_\_

Has any previous application by the applicant, or any partner or director, for a licence to operate any type of business under the Act, been refused or cancelled? Yes/No

If "yes", give details \_\_\_\_\_

Purposes for which premises are to be used (tick proposed activities)—

Retail \_\_\_\_\_ Wholesale \_\_\_\_\_

Packing \_\_\_\_\_ Others (Specify): \_\_\_\_\_

Name and registration number of Qualified Technical person to be in charge of the premises: \_\_\_\_\_

I certify that the above information is correct and apply for a licence to operate retail/Wholesale Outlet for Surgical instruments and appliances at the above-named premises.

Signature of applicant \_\_\_\_\_ Date \_\_\_\_\_



**FOR AUTHORITY USE:**

Suitability of premises certificate checked Yes/No

\_\_\_\_\_  
(signature)

Applicant's information checked and verified Yes/No

\_\_\_\_\_  
Licence to operate a retail /Wholesale /Other outlet for Surgical Instruments and appliances approved/not approved

If not approved, give reasons \_\_\_\_\_

\_\_\_\_\_  
For the Authority

\_\_\_\_\_  
Date

**FORM 6**

*Regulation 20(2)*

**IMPORT LICENCE FOR SURGICAL INSTRUMENTS AND APPLIANCES**

*(Issued under sections 64(g) of the Act)*

This is to certify that:

the applicant named .....

of address .....

TIN .....

*is authorized to import into Uganda, in accordance with sections 64(g) of the Act, the following Surgical Instruments and appliances*

.....  
.....  
.....  
.....

**Conditions**

1. The importation shall be through authorised Customs entry points.
2. Each consignment to be imported shall be verified prior to importation, by the Authority.
3. This permit shall be displayed at the premises for which it is issued.

Permit. No. .... /IMP/ .....

Date dd/mm/yyyy

Fee Paid Ushs: .....

This permit expires on ..... (dd/mm/yyyy)

.....

*For the Authority*

**FORM 7**

*Regulations 21(1)*

**APPLICATION FOR IMPORT LICENCE FOR SURGICAL INSTRUMENTS AND APPLIANCES**

I hereby apply for an importation licence for Surgical Instruments and Appliances

1. Name of the qualified technical in-charge of the business .....
2. Name of the business for which application is made .....
3. File No.....
4. P.O. Box Number: ..... Tel: ..... Fax: .....  
This is a retail Outlet /wholesale Outlet/others (Specify) .....
5. Licence Number ..... (the operating licence of the Authority)
6. I hereby apply for the issue of an importation licence for (Delete what is not applicable)
  - (a) Surgical Instruments and Appliances for Human use
  - (b) Surgical Instruments and Appliances for Veterinary use
  - (c) Accessories or Spare parts for Surgical Instruments and appliances

I understand that a separate verification certificate has to be obtained for each order placed and that a consignment coming into Uganda shall be issued with an authorization certificate by the Authority, at the port of entry into Uganda.

I have read and understood the regulations relating to the importation of Surgical Instruments and appliances into Uganda.

Signed (Qualified technical in-charge of the business of the applicant)

.....

*Date* .....

**For NDA Use only:                    APPLICATION APPROVED/REJECTED**

If rejected state reasons .....

.....

Licence Number..... Issued on ..... (*Date*)

Signed..... *For the Authority*

SEAL/STAMP

**FORM 8**

*Regulation 22(1)*

**VERIFICATION CERTIFICATE FOR THE IMPORTATION OF  
SURGICAL INSTRUMENTS AND APPLIANCES**

Name of person (company or **partnership**) .....

T.I.N ..... Address.....

Import licence No. ....

Are the surgical instruments and appliances registered by the Authority?  
YES/NO (Delete whichever is not applicable)

If "no" list the Surgical instruments and appliances that are not registered  
.....  
.....

If "no", the applicant has to apply to the Authority for registration of the  
Surgical instruments and appliances.

The Surgical instruments and appliances are: prescription only, Over the  
counter, (*delete those which do not apply*).

This certificate authorizes the above named company /partnership  
to import the following surgical Instruments and appliances  
.....

.....through .....  
(indicate the approved entry point).

Name of supplier/exporter .....

Address .....

Date .....Signature .....

*(For the Authority)*

*On arrival of the Surgical Instruments and appliances specified in this certificate, at the specified port of entry, the consignment shall be inspected by an Inspector of Drugs in order to verify the information in this certificate and to check the quality of the Instruments and appliances before clearance by the Customs. This certificate and all the other relevant documents shall be presented to the Inspector of Drugs at the port of entry into Uganda.*

**FORM 9**

*Regulation 22(2)*

**APPLICATION FOR A VERIFICATION CERTIFICATE FOR  
THE IMPORTATION OF SURGICAL INSTRUMENTS AND  
APPLIANCES**

**A. Details of the applicant (\*delete as appropriate)**

1. Name of company .....
2. P.O. Box ..... 4. Tel: .....
3. Physical address .....
5. Fax: .....
6. Email: .....
7. Import Licence No..... 8. TIN:.....

**B. Details of the Surgical Instrument and appliance (Note: Standard means ISO, ASTM)**

<i>Generic name</i>	<i>Proprietary Name</i>	<i>Class</i>	<i>Standard</i>	<i>Reg. No</i>	<i>Pack size</i>	<i>No. of packs</i>	<i>Manufacturer (name &amp; site)</i>	<i>Supplier</i>	<i>Country of manufacture</i>

Name of Qualified technical in charge of the business .....

*Signature:* .....

*Date:* .....

HON. DR. ACENG JANE RUTH,  
*Minister for Health.*