



ESWATINI  
COMMUNICATIONS  
COMMISSION

## NOTICE 20/2022

### **REGULATION OF RADIO FREQUENCY SPECTRUM (OPERATING RADIOCOMMUNICATIONS EQUIPMENT WITHOUT A RADIO FREQUENCY SPECTRUM LICENCE) – ENFORCEMENT MEASURES**

The Eswatini Communications Commission is the regulatory authority established by the Eswatini Communications (ESCCOM) Act of 2013 to provide for the regulatory functions with regard to telecommunications services and networks, type approval, broadcasting services, data protection, postal services, electronic commerce, and the use and allocation of radio frequency spectrum.

Section 35(1) of the Electronic Communications Act, 2013, as read with Regulation 16(1) of the Electronic Communications (Radio Communications and Frequency Spectrum) Regulations of 2016 provides that, with the exception of broadcast receivers, ***“...a person shall not use radio frequency spectrum that has not specifically been allocated to that person through a licence issued by the Commission”***.

Further, Regulation 6 provides that ***“a person shall not possess, establish, install or use any radio communications station which requires licensing under the Regulations in any place or on board any local vessel, aircraft or vehicle, unless that person has a valid licence granted by the Commission”***.

The Commission, in the exercise of its regulatory powers, has observed that there are a number of people, businesses entities and organizations that establish, install or use radio communications stations without a valid licence issued by the Commission in accordance with the law. Section 38(j) of the ESCCOM Act empowers the Commission to ***“confiscate or disconnect any apparatus that is unlawfully possessed, installed, connected, or operated”***.

In light of the above, the Commission shall be embarking on a major exercise in terms of Section 38(j) of the ESCCOM Act where it shall confiscate or disconnect any apparatus that is unlawfully possessed, installed, connected, or operated.

Note that in terms of Section 41(a) of the ESCCOM Act, ***“a person who obstructs, impedes or assaults an officer of the Commission or any other person duly authorised by the Commission to act on behalf of the Commission in the exercise of a power under the Act Commits an offence”***.

Any comments or questions related to the above may be sent to [info@esccom.org.sz](mailto:info@esccom.org.sz)

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**CHIEF EXECUTIVE**