

**LEGAL NOTICE NO. 133 OF 2016**

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**THE ELECTRONIC COMMUNICATIONS (NUMBERING) REGULATIONS, 2016**

(Under Section 39)

In exercise of the powers conferred by Section 39 of the Electronic Communications Act, 2013, the Minister for Information, Communications and Technology makes the following Regulations –

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**PART I**

PRELIMINARY PROVISIONS

***Citation and commencement***

1. (1) These Regulations may be cited as the Electronic Communications (Numbering) Regulations, 2016.  
(2) These Regulations shall come into force on the date of publication in the gazette.

***Interpretation***

2. In these Regulations, unless the context otherwise requires –  
“Act” means the Electronic Communications Act, 2013;

“Commission” means the Swaziland Communications Commission established in terms of Section 3 of the Swaziland Communications Commission Act, 2013;

“communications addresses” means an address determined by the Commission from time to time, for use in communication;

“communication number” means the number, sign or other mark that a licensee uses for identification of communications systems when the licensee is delivering communication services in order to connect between the place of transmission and the place of reception, or for the identification of the type of content of transmission the communications system is to deliver;

“licensee” means a person licensed under the Act;

“Maritime Mobile Service Identity” means a number used for the purpose of identification while using Global Maritime Distress Service System search and rescue facilities on board ships;

“National Communication Numbering and Addressing Plan” means the plan for electronic communications numbers and addresses, postal codes and national addressing system established by the Commission under regulation 5;

“Numbering Scheme” means the procedures and criteria for the reservation, assignment, and by the Commission;

“Signalling Point Codes (SPC)” means codes used in the network to identify the exchanges national or international between which path connections are to be established;

“short code” means a number that is not a supplementary code and has a maximum of six (6) digits;

“Unstructured Supplementary Service Data (USSD)” means a Global System for Mobile (GSM) communication technology that is used to send text between a mobile phone (using a number that contains at least one occurrence of a star (\*) or a hash (#) and an application programme in the network;

“utilised numbers” means numbers that are allocated to customers or kept for internal system and human communications or that have been distributed to a dealer on SIM cards;

“VAS short code” means an electronic communication number designated for Value Added Services;

“Value Added Services (VAS)” means extra electronic communication services as provided by an assignee in addition to other basic telecommunications services.

### ***Application***

3. These Regulations shall apply to all electronic communication operators and any service provider in relation to Telecommunication numbering resources.

## **PART II**

### **ELECTRONIC COMMUNICATION NUMBERING AND ADDRESSING**

#### ***Duties of the Commission***

4. The Commission shall maintain control of all electronic communication numbers and addresses to ensure fair and efficient use by –
  - (a) Performing proper planning, allocations, assignment and monitoring; and
  - (b) Maintaining the national electronic communication numbering register for all carriers and operators in respect of resources which have been assigned.

#### ***Establishment of a National Communications and Numbering Plan***

5. (1) The Commission shall establish a National Communication Numbering and Address Plan and control all communication numbers and addresses to ensure fairness and efficiency by –
  - (a) undertaking planning, allocation and monitoring;
  - (b) maintaining the national communication numbering and address register for all licensees in respect of resources which have been assigned;
  - (c) facilitating maintenance of the national electronic address and users register;
  - (d) managing postal codes and national addressing systems;
  - (e) assigning call signs to all amateur radio operators in the country.
- (2) The National Communication Numbering and Address Plan shall include communication numbers used to identify –
  - (a) electronic communication networks or various carriers;
  - (b) terminal facilities for cellular phones;
  - (c) signalling transmission equipment;

- (d) emergency, help, health and inquiry calls;
- (e) terminal transmission line facilities for data communication services;
- (f) unstructured Supplementary Services Data (USSD) applications;
- (g) value added services; and
- (h) Terminal transmission line facilities for paging services, space for future technological developments.

***Assignment of communication numbers***

6. Where an application for communication numbers or addresses is submitted to the Commission, the Commission shall, after taking into account the National Communication Numbering and Address Plan and availability of the numbers and addresses, assign and issues certificate of assignment together with the conditions attached to the use of the communication numbers, the numbers or addresses required for the communication or addresses, upon payment of a fee may be prescribed by the Commission.

***Eligibility for assignment of communication numbers***

7. (1) All licensed telecommunications network operators and service providers shall be eligible for assignment of electronic communication numbers.
- (2) Unlicensed entities may apply for VAS short codes subject to the nature of Value Added Services to be provided.
- (3) Unlicensed entities shall be assigned to one VAS short code; and where more than one VAS short code is required, the applicant shall be obliged to have the appropriate license as provided by the Commission.

***Procedure for Assignment of communication numbers***

8. (1) Any electronic communication licensee or unlicensed entity requiring electronic communication numbers shall submit to the Commission –
- (a) the appropriate application form;
  - (b) documents and reasons for use of the said numbers;
  - (c) estimated demand as the grounds for said request; and
  - (d) plans for provision of telecommunication services for the numbers required.
- (2) Subject to sub-regulation (1), the Commission may assign electronic communication numbers and issue a certificate of assignment based on the conditions that –
- (a) the electronic communication numbers required for provision of electronic communications services are available; and
  - (b) the relevant fees are paid.

***Procedure for Assignment of VAS Short Codes***

9. (1) VAS short codes shall be assigned serially with respect to categories and availability.

(2) The minimum requirements for VAS short codes applicants are –

- (a) dully filled application form;
- (b) certified copy of certificate of incorporation or registration;
- (c) certified copy of company's Memorandum and Articles of Association;
- (d) company profile;
- (e) taxpayer's Identification Number (TIN); and
- (f) physical and mailing address

***Obligations of licensees or assignees***

10. A licensee or assignee shall use the communication numbers and addresses assigned by the Commission in accordance with the National Communication Numbering and Address Plan and ensure that the resources are –

- (a) utilised efficiently;
- (b) limited to provision of communication services;
- (c) utilised in a manner that ensures that communications systems and services are identified;
- (d) utilised and paid for as prescribed by the Commission; and
- (e) not transferred without the prior written consent of the Commission.

***Changes of communication numbering plan***

11. In the event that the numbering plan has to change, the Commission shall issue a general notice to the public and the assignee at least six (6) months prior to the date of change.

***Cancellation of assignment***

12. (1) Where a licensee fails to use the number or address assigned by the Commission within the prescribed period or fails to pay any prescribed fees or uses the number in a manner contrary to the Regulations, the licensee shall be required to submit to the Commission the reasons for such failure, after which the Commission may take such measures as it deems fit including among others, cancellation of the assignment.

(2) A licensee who fails to utilise a number or address assigned to it by the Commission within the period prescribed in the assignment may apply, in writing, to the Commission for the extension of the time within which the licensee ought to utilise the number or address.

(3) An application for extension of time under sub-regulation (2) shall include the reasons for the failure to utilise the number within the time prescribed.

**PART III**

SIGNALLING POINT CODES

***National Signalling Point Codes Plan Management***

13. (1) The National Signalling Point Codes Plan shall include international and national formats used to identify –
- (a) The world geographical zone where the network is located;
  - (b) The geographical area or network within a specific world zone;
  - (c) The signalling point (international exchange) within a specific geographical area or network;
  - (d) A signalling area or network code (SANC);
  - (e) The network or operator in which the exchange is located;
  - (f) The hierarchical layer of the exchange in the operator's network;
  - (g) The geographical area where the exchange is located; and
  - (h) Space for future assignment.
- (2) The Commission shall maintain and update the Signalling Point Codes Plan as appropriate.

***Assignment of Signalling Point Codes***

14. The Commission may assign Signalling Point Codes and issue a certificate of assignment with the conditions –
- (a) If it determines that the Signalling Point Codes required for provision of electronic communication services are available; and
  - (b) Upon payment of the relevant fees.

***Signalling Point Codes (SPCs) Assignee obligations***

15. Any Signalling Point Codes assignee shall use the code only as assigned by the Commission and in accordance with the national Signalling Point Codes Plan.

**PART IV**

GENERAL PROVISIONS

***Compliance with numbering and address plans***

16. (1) A licensee shall apply and abide by the numbering plan prescribed by the Commission.
- (2) The Commission may, before developing a numbering plan, consult with licensees in respect of –
- (a) arrangements for the allocation and re-allocation of numbers within the initial numbering plan; and
  - (b) additions to, or replacement of the initial numbering plan.

(3) The Commission shall, at least six (6) months before prescribing a new numbering plan, give notice to licensees and the general public by notice in the gazette and any other media that the Commission considers appropriate.

***Prohibition of generation and use of fictitious numbers and addresses***

17. A person shall not regenerate or use fictitious numbers or addresses.

***Offences and penalties***

18. (1) A person who contravenes these Regulations commits an offence and shall on conviction, be liable to a fine of not exceeding three thousand Emalangeni (E3000) or imprisonment for a period not exceeding one (1) year.

(2) A licensee who uses numbers or addresses contrary to these Regulations, commits an offence and shall on conviction, be liable, upon conviction, to a fine of not exceeding three thousand Emalangeni and/or imprisonment for a period not exceeding one (1) year.

**SCHEDULE**

APPLICATION FORM FOR ELECTRONIC COMMUNICATION NUMBERS OR CODES

<b>Application for allocation, assignment &amp; reservation of Codes or Block of Numbers</b>	<b>Date:</b>
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<b>1. Application type:</b> e.g. Geographic, mobile, fixed
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Application for: Allocation	Assignment	Reservation
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<b>2. Applicant's Information</b>
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Company Name	
Company Reg. No	
Licence No.	
Tel	
Website	
<b>Internal Numbering Representative</b>	
Name and Surname	
Contact No.	
Fax	
Email	

External numbering representative (in case of applicant's using external advisor e.g consultant)

Company name	
Name and Surname	
Contact No.	
Fax	
Email	
<b>Business Address</b>	
Physical Address	
Postal Address	
P. O. Box	
<b>3. Technical Information</b>	
<b>Numbering code, block, individual number requested</b> (Where appropriate second and third preferences should be indicated. N.B allocation of preferred requested numbering is not guaranteed)	
1	
2	
3	
4	
5	
6	
<b>Description of Service</b> (For individual number requests i.e 7 x xxx xxx include the name of the business requesting the number)	

4. Previous allocations (relevant to this application)						
Data date: (if differs from date of application)						
	Service Description of Numbers	Quantity (active)	Quantity (active)			
A	Allocated by the Commission					
B	Internal network services					
C	Contract services					
D	Pre-paid services					
E	Total used for services/network					
	B+C+D					
F	Degree of Usage					
Numbers in Time Window lock (i.e in recycling)						
Numbers Reserved						
4.1 Report on utilisation for the past 6 months						
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Actual numbers activated						
Actual numbers churned						
<p>I declare that all the information in this Application Form and any of the attachments provided are true and correct. I understand that the approval from SCCOM for this Application is based on the information as declared in this Application Form. Should any of the information declared, found to be inaccurate or incorrect after approval has been granted to the Applicant, SCCOM reserves the right to suspend or revoke such approval without compensation. I declare that the numbers will be used in accordance with the numbering regulations.</p> <p>Name: Date: Signature:</p>						

**Note:**

Reservations will lapse after six (6) months unless covered by an application for an allocation or a further period of reservation.

**DUMISANI NDLANGAMANDLA**

MINISTER FOR INFORMATION, COMMUNICATIONS AND TECHNOLOGY