

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 53, Volume CXIII, dated 18th September, 2020

Printed by UPPC, Entebbe, by Order of the Government.

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

2020 No. 111.

THE UGANDA COMMUNICATIONS (FEES AND FINES)
(AMENDMENT) (NO. 2) REGULATIONS, 2020.

ARRANGEMENT OF REGULATIONS

Regulation

1. Title
2. Amendment of S.I. No. 94 of 2019



STATUTORY INSTRUMENTS

2020 No. 111.

**The Uganda Communications (Fees and Fines) (Amendment)
(No. 2) Regulations, 2020**

*(Under section 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)*

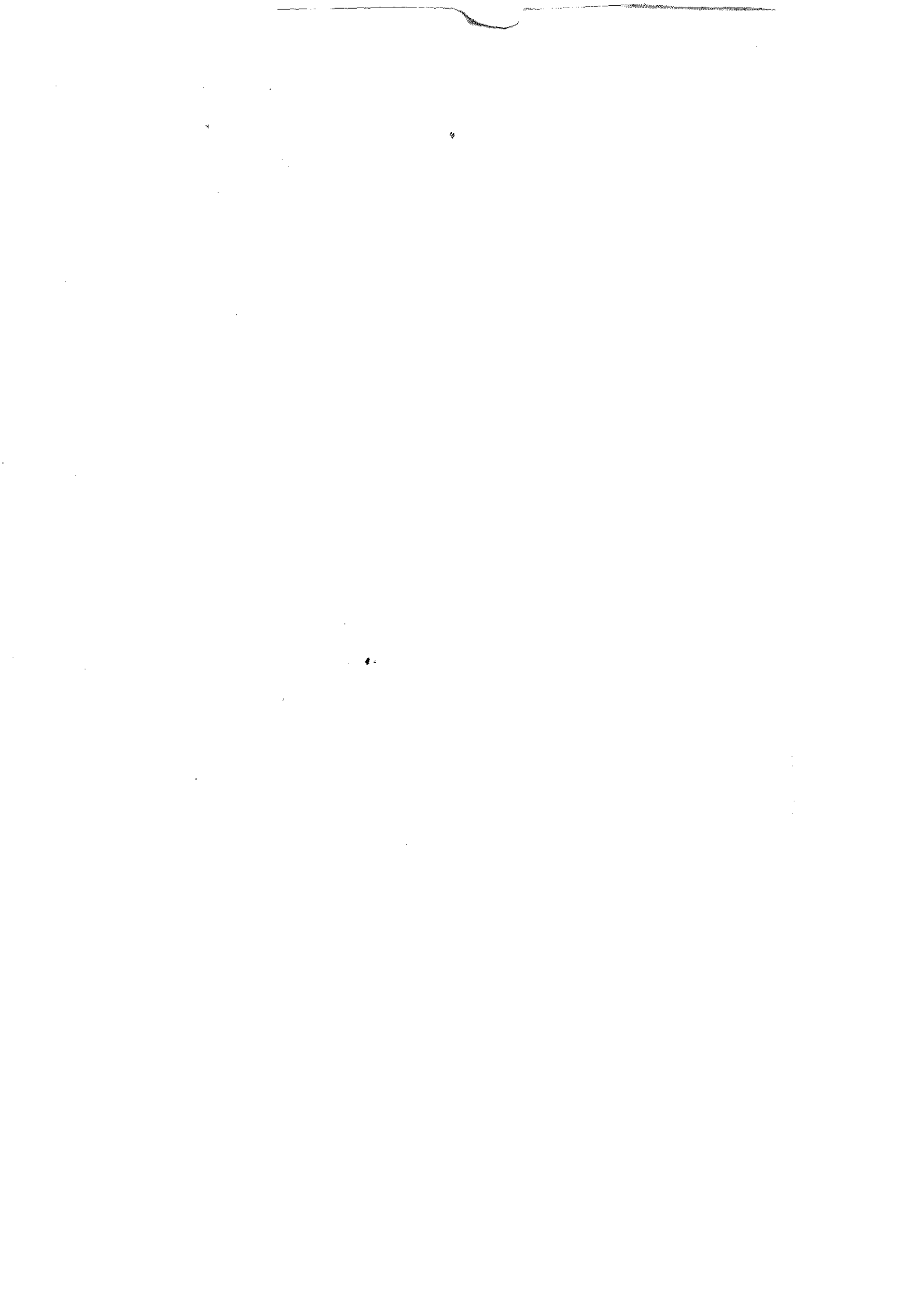
IN EXERCISE of the powers conferred upon the Minister by section 93 of the Uganda Communications Act, 2013 and in consultation with the Uganda Communications Commission, these Regulations are made this 12th day of August, 2020.

1. Title

These Regulations may be cited as the Uganda Communications (Fees and Fines) (Amendment) (No. 2) Regulations, 2020.

2. Amendment of S.I. No. 94 of 2019

The Uganda Communications (Fees and Fines) Regulations, 2019 are amended in Schedule 1 by substituting for item (h), the following—



(d) Service licence (with eligibility to hold at most two (2) regional infrastructure licences)								
No.	Licence category	Minimum licence value/initial licence value (USD \$) (all fees exclusive of VAT)	Licence value computation (renewal/migration of existing licensees)	Duration of licence	Licence payment terms	Geographical coverage of licence	Spectrum and numbering resource allocation	Public listing obligation
9.	National Public Service Provider (NPSP)-with eligibility for 2 Regional infrastructure Provider Licences	\$60,000	0.89% of prior year total audited gross revenue multiplied by licence payment terms / minimum licence value - whichever is higher	5 years	Prepayment-annually	The entire territory of the Republic of Uganda	Eligible for authorisation for numbering and spectrum (for regional infrastructure licence only) resources subject to availability of the resources, conditions for assignment of the respective resource, consideration of	N/A
							the licensee's obligations and service development plans, as well as the public interest.	

4999

8	Regional Public Infrastructure Provider (RPIPR) – per Region Excluding Central Region	\$9,900	0.89% of prior year total audited gross revenue multiplied by licence payment terms / minimum licence Value - whichever is higher	15 years	Prepayment - annually per region	Entire licensed region	Eligible for authorisation for numbering (<i>for regional service licence only</i>) and spectrum resources subject to availability of the resources, conditions for assignment of the respective resource, consideration of the licensee's obligations and service development plans, as well as the public interest.	N/A
---	---	---------	---	----------	----------------------------------	------------------------	---	-----

No	Licence category	Minimum licence value/initial licence value (USD \$) (all fees exclusive of VAT)	Licence value computation (renewal/migration of existing licensees)	Duration of licence	Licence payment terms	Geographical coverage of licence	Spectrum and numbering resource allocation	Public listing obligation
7	Regional Public Infrastructure Provider (RPIP)- Central Region only	\$36,000	0.89% of prior year total audited gross revenue multiplied by licence payment terms / minimum licence value - whichever is higher	15 years	Pre-payment - annually	Entire licensed region	Eligible for authorisation for numbering (<i>for regional service licence only</i>) and spectrum resources subject to availability of the resources, conditions for assignment of the respective resource, consideration of the licensee's obligations and service development plans, as well as the public interest	N/A

(c) Infrastructure License (with eligibility to hold at most two (2) regional service licences)								
6	National Public Infrastructure Provider (NPIP)	\$60,000	0.89% of prior year total audited gross revenue multiplied by licence payment terms / minimum licence value- whichever is higher	15 years	Prepayment – annually	The entire territory of the Republic of Uganda	Eligible for authorisation for numbering (<i>for regional service licence(s) only</i>) and spectrum resources subject to availability of the resources, conditions for assignment of the respective resource, consideration of the licensee's obligations and service development plans, as well as the public interest.	N/A

5	Regional Public Service Provider (RPSPR) – per Region excluding the Central Region and no infrastructure licence.	\$3,300	0.89% of prior year total audited gross revenue multiplied by licence payment terms / minimum licence value- whichever is higher	5 years	Prepayment -annually per region	Entire licensed region.	Eligible for authorisation for numbering subject to availability of the resources, conditions for assignment of the respective resource, consideration of the licensee service development plans, as well as the public interest	N/A
---	---	---------	--	---------	---------------------------------	-------------------------	--	-----

4995

4	Regional Public Service Provider (RPSPC) – Central Region [Only] with no infrastructure licence.	\$12,000	0.89% of prior year total audited gross revenue multiplied by license payment terms / minimum licence Value- whichever is higher	5 years	Prepayment –annually	Entire licensed region	Eligible for authorisation for numbering subject to availability of the resources, conditions for assignment of the respective resource, consideration of the licensee's service development plans, as well as the public interest	N/A
---	--	----------	--	---------	----------------------	------------------------	--	-----

(b) Service only providers (Not eligible for infrastructure licence)								
No.	Licence category	Minimum licence value/initial licence value (USD \$) (all fees exclusive of VAT)	Licence value computation (renewal/migration of existing licensees)	Duration of licence	Licence payment terms	Geographical coverage of licence	Spectrum and numbering resource allocation plans, as well as the public interest	Public listing obligation
3	National Public Service Provider (NPSP)- With no infrastructure licence.	\$20,000	0.89% of prior year total audited gross revenue multiplied by licence payment terms/ minimum license Value- whichever is higher	5 years	Prepayment- Annually	The entire territory of the Republic of Uganda	Eligible for authorisation for numbering subject to availability of the resources, conditions for assignment of the respective resource, consideration of the licensee's service development	N/A

4993

2	National Operator (Special Licence)	N/A	Fixed value - USD 100M	12 years	Prepayment - 12 years	The entire territory of the Republic of Uganda	Eligible for authorisation for numbering and spectrum resources subject to availability of the resources, conditions for assignment of the respective resource, consideration of the licensee's obligations and service development plans, as well as the public interest	20% within 2 years of effective date of licence
---	-------------------------------------	-----	------------------------	----------	-----------------------	--	---	---

For the purposes of interpreting this Table and for the avoidance of doubt in the application of these Regulations—

1. Where the operator is transitioning to the licensing regime under the Act and had paid licence fees at the time of licence migration, the fees shall be pro-rated in respect of the duration of the old licence and the balance applied to the new licence. For the purposes of this Schedule, “old licence” means a licence issued under the repealed Electronic Media Act, Cap. 104, the Uganda Communications Act, Cap. 106 or the Act before the coming into force of the Uganda Communications (Fees and Fines) Regulations, 2019 and the Uganda Communications (Licensing) Regulations 2019; “new licence” means licence issued under the Uganda Communications (Fees and Fines) Regulations, 2019 and the Uganda Communications (Licensing) Regulations, 2019.
2. Geographical coverage means the geographical area where a licensed operator is authorised to operate in accordance with the coverage map issued by the Commission from time to time.
3. An operator shall not be permitted to hold two (2) National licences i.e. NPSP and NPIP.
4. A person can only apply for a maximum of two (2) regional PSP or two (2) Regional PIP licences.
5. Where an operator holds two (2) licences in the same licence category (2RPSPs or 2RPIPs), the licence fee applicable will be the total of the licence values of the 2 licences as indicated, which total will be the minimum licence value applicable of the two licences or 0.89% of the licensee’s previous year total annual gross revenue, whichever is higher.
6. Where two (2) regional licences are issued in different licensing categories but within the same region, e.g. RPSPC and RPIPC, only the RPIPC fees shall be computed as the minimum value or 0.89% of the licensee’s previous year total gross annual revenue from both licences, whichever is higher.

7. Where an operator obtains a National Public Infrastructure Provider License and a maximum of two Regional Public Service Provider Licenses, the minimum licence value shall be USD 60,000 or 0.89% of the licensee's previous year gross annual revenue, whichever is higher.
8. Where an operator obtains a National Public Service Provider Licence only (not eligible for infrastructure licence), the annual fees payable shall be USD 20,000 or 0.89% of the licensee's previous year gross annual revenue, whichever is higher.
9. Where two (2) regional licences are issued in different licensing categories and within different regions e.g. RPSPC and RPIPR the licence fee applicable will be the total of the licence values of the two (2) licences as indicated, which total will be the minimum licence value applicable or 0.89% of the licensee's previous year's gross annual revenue from both licences, whichever is higher.
10. Only NTO, NPIP and RPIP and Communal operator will be eligible for assignment of spectrum resources.
11. For existing operators and renewals, the basis for fees computation shall be the gross annual revenues of the last year ended audited accounts.
12. All costs included in separate schedules pertaining to issuing of the operator licences are applicable as indicated."

JUDITH NALULE NABAKOoba,
*Minister of Information and Communications
Technology and National Guidance.*

