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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

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**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)

	CATEGORY	FEES
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
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	FEEES
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 ≥ 20 times

(e) ACCESS BANDS

	Band Category	Fees (per Mhz paired) <i>Fees are in United States Dollars or prevailing Uganda Shilling Equivalent.</i>
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 st 5 Mhz paired, & 150m per extra Mhz above 5 mhz paired
7	900 Mhz	40,500 for 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

		Fees per annum (in USD unless stated otherwise)
(i)	TELECOMMUNICATIONS	
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

	License Category	License Value (New) - Minimum Licence Value per annum	License Value (Renewal/migration of existing licensees)	License Fee Computation (Renewal / migration)	Licence 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 Kam-pala 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 Licence 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
15	Community Operator - Excl Kampala 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

1. 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.
2. 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.
3. 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
4. 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
5. Spectrum is issued within licensed zones only
6. 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 ≤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 >100watts	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)
(f) FILM INDUSTRY LICENCES		
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

(b) FINES

	Violation	Fine (in USD unless stated otherwise)
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**

	Violation	Section 41(1) escalation of fine to 10% of gross revenue applicable
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.

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