

STATUTORY INSTRUMENTS SUPPLEMENT
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STATUTORY INSTRUMENTS

2019 No. 95.

THE UGANDA COMMUNICATIONS (LICENSING)
REGULATIONS, 2019.

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY

Regulation.

1. Title.
2. Application.
3. Powers of the Commission.
4. Objectives.
5. Interpretation.
6. Prohibition of activities without licence.

PART II—LICENSING AND REGULATION OF
TELECOMMUNICATIONS SERVICES

7. Telecommunications licence.
8. National operator licence.
9. Additional requirements for national operator.
10. Application for telecommunications licence.
11. Authorisation to provide communal access.

Regulation

PART III—LICENSING AND REGULATION OF
BROADCASTING SERVICES

12. Commercial broadcasting licence.
13. Community broadcasting licence.
14. Restrictions on holder of community broadcasting licence.
15. Community broadcasting services.
16. Application for broadcasting licence.
17. Persons prohibited from applying for broadcasting licence.
18. Commission may limit number of broadcasting licences.
19. Application of designation as national operator.

Broadcasting Services.

20. Obligations relating to broadcasting services.
21. Public broadcasting service.
22. Private commercial broadcasting service.
23. Public Infrastructure Provider.
24. Electronic programme guides.

Programme Code.

25. Setting standards for programmes.
26. Approval of Programme Code.
27. Authorisation to provide subscription broadcasting services.
28. Obligations of subscription broadcasting services operators.

PART IV—LICENSING AND REGULATION OF
RADIO COMMUNICATIONS SERVICES

29. Application of International Telecommunication Radio Regulations.
30. Uganda Table of Frequency Allocation.

Regulation.

31. Reservation of spectrum.
32. Reservation of additional spectrum.
33. Assignment of spectrum.
34. Spectrum refarming.
35. Spectrum to be withdrawn upon licence revocation.
36. Special provisions for broadcasting frequency.
37. Licence for radio communications.
38. Contents of radio communications licence.
39. Non-interference with Government radio communications.
40. Experimental radio communications services.
41. Temporary radio operations.
42. Construction permit.
43. Approval of radio communications system and equipment.
44. Distress messages.
45. Prohibition of unauthorised radio communications.

PART V—LICENSING AND REGULATION OF
POSTAL AND COURIER SERVICES

46. Application of Part.
47. International postal rules and regulations.
48. Licence for postal services.
49. Application for postal services licence.
50. Technical plan.
51. Inspection and other verification prior to issue of licence.
52. Insurance.
53. Liability of postal service operator.
54. Operations beyond Uganda.
55. Postal secrecy.
56. Prohibited items.

Regulation.

57. Postal articles subject to tax.
58. Detention of postal articles.

PART VI—LICENSING AND REGULATION OF
VIDEO, FILM AND CINEMA OPERATORS

59. No operation of cinematograph theatre without licence.
60. Exhibition in cinematograph theatre without licence.
61. Application for cinematograph theatre licence.
62. Conditions for grant of cinematograph theatre licence.
63. Hiring of experts.
64. Duration of cinematograph theatre licence.
65. Open air cinematograph theatres.
66. Conditions to be observed in erection, alteration or equipment of cinematograph theatres.
67. Classification of cinematograph theatres.
68. Enclosures for apparatus.
69. Lanterns and film gates.
70. Projectors.
71. Spools.
72. Storage of films.
73. Lighting.
74. Electric light to be used.
75. Cables, leads, connections and resistances.
76. Display of cinematograph theatre licence.
77. Endorsement of stage plays and public entertainments.
78. Application of the Stage Plays and Public Entertainments Rules, 2019.

Licensing of Content Distributors.

79. Licensing of distributors.
80. Records to be kept by distributor.
81. Categories of distributors.
82. Duration of distributor's licence.

PART VII—LICENSING AND REGULATION OF
VALUE ADDED SERVICES

83. Powers of Commission in relation to value added services.
84. Classification of value added services.
85. Application for value added services licence.
86. Persons who do not require licence.

Additional Powers of Commission

87. Power to issue operating guidelines.
88. Monitoring apparatus used to deliver value added services.

Obligations of Licensees to Release Funds

89. Funds of deceased and missing persons.
90. Management of unclaimed funds.
91. Information keeping and disposal requirements.

PART VIII—GENERAL

92. Exempted practices.
93. Licensing procedures.
94. Grant of licences.
95. Provisional licence.
96. Special licence where applicant qualifies for more than one licence.
97. Terms and conditions of licences.

Regulation.

98. Compliance with terms and conditions of licence or authorisation.
99. Modification of conditions of licence by the Commission.
100. Modification of condition of licence on application by the licensee.
101. Renewal of licence.
102. Transfer of licence.
103. Register of licences, permits and authorisation.
104. Suspension or revocation of licence.
105. Enforcement of licence.
106. Liaison officers for regulatory affairs.
107. Service provision schemes.
108. Liability of operators to compensate third parties.
109. False documents.
110. Offences.

Enforcement

111. Inspection and entry.
112. Confiscation of apparatus and equipment.
113. Emergency enforcement powers.
114. Other orders of Commission.
115. Revocation of S. Is No. 20, 23 and 28 of 2005 and S.I 104-1.

SCHEDULES

SCHEDULE 1—CURRENCY POINT

SCHEDULE 2—FORMS

SCHEDULE 3—NOMENCLATURE OF FREQUENCIES.

STATUTORY INSTRUMENTS

2019 No. 95.

The Uganda Communications (Licensing) Regulations, 2019. *(Under section 6 (1) (a), (e) 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 (Licensing) Regulations, 2019.

2. Application.

(1) These Regulations apply to the regulation and licensing of telecommunications and telecommunications services.

(2) These Regulations apply to the regulation and licensing of—

- (a) telecommunications and telecommunications services;
- (b) access and provision of services through the National Broadcasting Policy;
- (c) broadcasting and broadcasting services;
- (d) radio communication and radio communications services;
- (e) the installation of television and radio stations;

- (f) erection of physical and other infrastructure to support communications and delivery of communication services;
- (g) the use of frequency spectrum;
- (h) Postal and couriers services;
- (i) value added services; and
- (j) film, video halls and cinematograph theatres.

3. Powers of the Commission.

In applying and implementing these Regulations, the Commission shall have the power to—

- (a) have exclusive control over all communications devices, radio communication and radio frequency devices capable in their operation or use, of emitting radio frequency energy by radiation, conduction or other means in any degree which causes harmful interference to radio communication, equipment and parts or components capable in their operation or use, of providing communications services;
- (b) authorise the manufacture, importation, shipment, sale, lease, offer for sale or lease, distribution, possession, installation, manner of operation or use of any communications apparatus, device or equipment;
- (c) with respect to postal services, retain exclusive authority to licence, supervise and prescribe the quality of service for Uganda Post Limited as required by section 66 of the Act;
- (d) licence the operation of postal couriers operating in Uganda;
- (e) licence the operation of cinematograph theatres, video works and film distributorship;
- (f) inspect premises used or intended to be used for exhibiting films or video works;
- (g) regulate and prescribe conditions to be observed in the erection, alteration or equipment of cinematograph theatres;

- (h) regulate and prescribe conditions for the health, safety and convenience of persons attending video or cinematograph exhibitions;
- (i) regulate and control cinematographic exhibitions and the distribution of films and video works;
- (j) inspect all communications systems, networks and equipment required to be licensed, and to ascertain whether in construction, installation, and operation they conform to the requirements of these Regulations and the Act;
- (k) monitor radio communications and frequency use in Uganda;
- (l) authorise the operation of radio stations and the provision of other communications services without licences in emergency or war disaster situations;
- (m) inspect all communications systems, networks, radio installations and equipment required to be licensed or radio installations authorised by the Commission to operate without a licence and to ascertain whether, in construction, installation and operation, they conform to the requirements of these Regulations, the Act and the licence;
- (n) grant temporary authorisations where delay in the grant of a licence would seriously prejudice the public interest or where there are extraordinary circumstances requiring temporary authorisation in the public interest before the completion of the licensing process;
- (o) prescribe the manner in which parts of the radio frequency spectrum may be made available for experimentation;
- (p) prescribe by licence, the manner in which telecommunications broadcast infrastructure is erected and shared across the country to reduce the overall cost of service;

- (q) regulate mergers and acquisitions in the communications sector to maintain competition and efficient use of resources;
- (r) manage waste disposal in accordance with the National Environment Act, 2019 and limit adverse effects of human settlement and physical infrastructure erected to support communications and delivery of communication services; and
- (s) assign and allocate essential resources.

4. Objectives.

The objectives of these Regulations are—

- (a) to promote fair competition in the communications industry, transparency in licensing and authorisation procedures and compliance based on open, objective, non-discriminatory and transparent rules, requirements, terms and conditions of licensing and authorisations;
- (b) to promote the development of a harmonised and nation-wide communications network, fulfilment of the public interest and the objectives of the Act and promotion of national, social and economic development;
- (c) to develop a broadband infrastructure policy to govern installation, operation and sharing of communications infrastructure and any other identified resource that can be used at the same site by more than one operator, or by an operator and other authorised users;
- (d) to enhance the interoperability of communications infrastructure, facilities, networks and services countrywide;
- (e) to establish a regulatory framework for the transformation and operation of a commercialised communications network and services that are efficient, effective, reliable and affordable; and which correspond to the changing consumer demands and technology;

- (f) to facilitate the introduction of new modern services and the expansion of existing services into modern and innovative quality services delivered at reasonable and affordable cost;
- (g) *to stimulate technological innovation and the development of new services;*
- (h) to ensure the fulfilment of essential requirements; including security of network operations, maintenance of network integrity, interoperability of networks, data protection, protection of the environment and compliance with physical planning requirements;
- (i) to ensure that the provision of communications services complies with international obligations for the maximisation of user benefits in quality and pricing;
- (j) to ensure the viability and benefits of new competitive entry into the communications market through increased competition;
- (j) to ensure efficient management and use of the frequency spectrum;
- (k) to promote the growth, development, efficiency and competitiveness of the film industry in Uganda;
- (l) to regulate value added services; and
- (m) to ensure that authorised users and content service providers can reach their customers.

5. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communications Act, 2013;

“advertising” means the broadcasting of any content whether or not in return for payment or consideration to a broadcaster with the intention of—

- (a) selling to a viewer or listener, any product or service;
- (b) convincing a viewer or listener of a belief or course of action; or
- (c) promoting a product, service, belief, course of action, person or organisation;

“agent” means an independent person or entity registered by an operator to offer services on behalf of a person licensed to provide communications and value added services under the Act;

“allocation” in respect of radio communications means entry in the Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more terrestrial or space radio-communications services or radio astronomy services under specified conditions;

“assignment” means an authorisation given by the Commission to a licensee to use a designated radio frequency, radio frequency channel, numbering resource, electronic address or other essential communications resources under specified conditions;

“authorised”—

- (a) in relation to an officer or employee of the Commission, means authorised by the Executive Director to exercise the powers or perform the duties in respect of which an authorised person is required; and
- (b) *in relation to a third party, includes a service provider, an agent selling value added services or distributing content on a licensed communications platform with access provided by an operator with notification to the Commission;*

“broadcaster” means a licensed person who packages or *distributes 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 and includes electronic outdoor broadcasting, street signals and outdoor advertising through signals;

“broadcasting licence” means a licence issued by the Commission under the Act, authorising a licensee to broadcast content to the public according to the specifications of the licence;

“broadcast market” means the geographical area within which a broadcast operator is licensed to operate;

“child” means a person under the age of 18 years;

“cinematograph” means a motion picture projector or motion picture camera;

“cinema operator” means an operator of a cinematograph theatre or facility whose principal use is the operation of a motion picture projector or a motion picture camera;

“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;

“class of emission” means, the set of characteristics of an emission, designated by standard symbols including the type of modulation of the main carrier, modulating signal, type of information to be transmitted, and where appropriate, any additional signal characteristics;

“commercial broadcasting service” means a broadcasting service operating for profit or as part of a profit entity but excludes broadcasting services provided by a licensed public broadcaster;

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

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

“communication channels” means platforms used for the dissemination of audio, visual or data content using telecommunications, media and data communication; 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 and data communication; and includes broadcasting;

“community broadcasting” means independent broadcasting which is for, by and about specific geographical communities or communities of interest whose ownership and management is representative of those communities and which pursues a social development agenda and is not for profit;

“community broadcaster” means a broadcaster licensed to provide independent broadcasting limited in scope to a particular community, subject to section 93(2) (r) of the Act;

“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 them which is capable of being created, manipulated, stored, retrieved or communicated electronically;

“content service provider” means a broadcaster who provides television, radio or other content programming to the public either directly or through a signal broadcaster or broadcast telecommunications platform;

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

“courier service” means any specialised service for the collection, dispatch, conveyance, handling and delivery of postal articles;

“cultural organisation” means an organisation based within a locality on the basis of historical, social or cultural background, and includes a social group;

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

“distributor” means—

- (a) a person engaged in the business of leasing, hiring or selling of films or video works and includes persons operating film and video libraries; or
- (b) a person who packages and sells television or radio programmes to other content service providers;

“eligible person” means a person who—

- (a) has not been adjudged bankrupt or has not entered into a composition or a scheme of arrangement with his or her creditors; or
- (b) has not been convicted of an offence for which the penalty exceeds six months imprisonment or a fine exceeding twelve currency points or both; or
- (c) being a legal person, is either incorporated or otherwise registered in Uganda.

“election period” means the period determined by the Electoral Commission as the period during which campaigning, voting and declaration of results shall take place;

“Executive Director” means the Executive Director of the Commission;

“exhibition” means a display of art, video or data to the public, with or without sound, by means of electronic apparatus;

“experimental radio service” means a service in which radio waves are employed for purposes of experimentation in the radio art or for purposes of providing essential communications for research projects that cannot be conducted without the benefit of such communications;

“film” includes a cinematographic film, video film or any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;

“foreign postal administration” means a postal administration outside Uganda;

“harm” means a hazard to a person employed directly or indirectly by an operator, damage to communications equipment, damage to a postal article, malfunction of communications

billing equipment, and degradation of service to a person other than a user of a subject terminal equipment, his or her calling or called party;

“harmful interference” means interference which endangers the functioning of a radio communications service or of any other safety service or which seriously degrades, obstructs, or repeatedly interrupts a radio-communications service operating in accordance with these Regulations;

“infomercial” means any advertising broadcast in visual or audio form lasting for more than two minutes which may contain demonstrations of the use of the product or service advertised, entailing direct offers to the public in return for payment, and which results in the broadcaster receiving payment in monetary terms or otherwise;

“inspector” means a person appointed by the Commission under section 49 of the Act;

“interference” means the effect of unwanted energy due to one or a combination of emissions, radiations or inductions upon the reception in a radio-communication system, manifested by any performance, degradation, misinterpretation, or loss, of information which may be extracted in the absence of the unwanted energy;

“international” when used in relation to a postal article, means an article which is intended to be transmitted, or which is in the course of transmission by an international service;

“international service” means a postal service performed by an operator in respect of a postal article posted within Uganda to an addressee outside Uganda for delivery or a postal article posted outside Uganda to an addressee in Uganda for delivery or retransmission to a place within Uganda;

- “ITU” means International Telecommunications Union;
- “licence” means a licence issued under the Act;
- “licensee” means a person issued a licence under the Act;
- “locality” means a geographically contiguous area of no more than 10 square miles from central broadcasting facility;
- “minimum broadcasting standards” means the minimum broadcasting standards prescribed in Schedule 4 to the Act;
- “Minister” means the Minister responsible for information and communications technology;
- “mobile money” means the use of a communications apparatus to transfer cash, manage a stored value account, and make deposits or withdrawals to a payment system or any other transfer of value on a communications platform;
- “national media” means a printed, electronic or audio-visual publication that reaches at least 70% of the national communications market defined by the Commission;
- “national telecommunications operator” means a person licensed under regulation 8;
- “necessary bandwidth” means, for a given class of emission, the width of the frequency band which is sufficient to ensure the transmission of information at the rate and with the quality required under specified conditions;
- “Non-Governmental Organisation” means a non-governmental organisation registered under the Non-Governmental Organisations Act, 2016;

“operator” means a person licensed to provide a communications or broadcasting service under the Act;

“parcel” means an article which is offered for transmission by post as a parcel, or a postal article which is in the course of transmission by parcel post;

“post” means any system for the collection, dispatch, conveyance, handling and delivery of postal articles;

“postal article” includes any letter, postcard, newspaper, book, document, pamphlet, pattern, sample packet, small packet, parcel, package, or other article tendered for dispatch or specified as such by the Universal Postal Union or in the licence granted to an operator;

“postal services” means—

- (a) the service of conveying postal articles from one place to another by post, the incidental services of receiving, collecting, sorting and delivering such articles and any other service relating to those services or provided in conjunction with any of them; or
- (b) the services performed and facilities provided in connection with—
 - (i) the collection, transmission and delivery by land, water or air of postal articles;
 - (ii) the issue of postage stamps and the use of franking machines; and

(iii) the issue and payment of money from one place to another place or to another address, commonly referred to as money ordering;

“premises” means any house, room, building, garden, shop, vehicle, vessel, stall or place where any film or video work is exhibited and to which admission is or may be procured by payment of money or by ticket or by other means or consideration;

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

“producer” means a person making arrangements necessary for the production of a film or video work and for the organisation and direction of the scenes to be depicted in the film or video work;

“programme” in relation to a broadcasting service, means sound, vision or a combination of both, intended to inform, educate or entertain but does not include text or data;

“prohibited content” means content prohibited under any enactment or by the Commission under the minimum broadcasting standards contained in Schedule 4 to this Act;

“provider” in relation to value added services, means a person licensed to provide value added services;

“provisional licence” means a licence issued by the commission on temporary terms for specific use for a period of less than one year;

“public broadcasting service” means any broadcasting service provided by the Uganda Broadcasting Corporation; or any other public broadcaster designated by the Commission;

“quality of service parameters” means the quality of service parameters issued to operators by the Commission under the Uganda Communications (Quality of Service) Regulations, 2019;

“radiation” means the outward flow of energy from any source in the form of radio waves;

“radio” means the use of radio waves to carry information such as sound by systematically modulating properties of electromagnetic energy waves transmitted through space;

“radio communication” means the transmitting or receiving over paths which are not provided by any material substance constructed or arranged for that purpose, of electromagnetic energy of a frequency not exceeding three million Megahertz, being energy which either-

- (a) serves for the conveyance of messages, sound or visual images, whether 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 services” means services performed and facilities provided in connection with communication by means of radio communications apparatus;

“Radio Regulations” means the Radio Regulations of the International Telecommunications Union;

“Radio Station” means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment necessary at one location for carrying on a radio-communication service, or radio astronomy service;

“rebroadcasting” means the simultaneous or subsequent broadcasting of services offered by one or more broadcasters, of the broadcast of another broadcaster;

“safety service” means any radio-communication services used permanently or temporarily for safeguarding human life and property;

“sender” in relation to any letter or other postal article, means a person from whom a posted article originates;

“service provider” means a person who offers services to an end-user, using the basic service and infrastructure provided by network operators on a re-sale basis, or by providing services through his or her own infrastructure where it forms part of a network operation;

“signal distributor” means a person who provides network facility operator services for digital terrestrial transmissions and radio broadcasting and mobile television based on broadcasting technologies;

“State of Emergency” means a State of Emergency declared by the President under Article 110 of the Constitution;

“stored value account” means an account maintained by a provider for value added services where a fixed amount of value can be used to enter transactions for sale and purchase of goods and services on a specified communications’ platform;

“subscriber” means any person who is party to a contract with
a provider of communications services, for the supply of
those services;

“subscription broadcasting service” means a broadcasting
service provided to an end user upon payment of a fee;

“telecommunications” means the emission, transmission
or reception through the agency of electricity or
electromagnetism, of any sound, signals, signs, writing,
images or intelligence of any nature by wire, radio, optical
or other electromagnetic systems whether or not such
signs, signals, writing, images, sounds or intelligence is
subjected to rearrangement, computation or other process
by any means in the course of their transmission, emission
or reception;

“telecommunications apparatus” means any apparatus or
equipment used or intended to be used in connection
with the transmission of communications by means of
electricity from one place to another, either along a wire
joining those two places or partly by wire from each of
those two places and partly by radio communication;

“telecommunications service” means a service consisting of the
conveyance or reception of any sounds, signs, signals,
writing or images or intelligence by wire, optical or other
electronically guided media system, whether or not the
sounds, signs, signals, writings, images or intelligence are
subjected to rearrangement, computation or other process
by any means in the course of their transmission, emission
or reception;

“telephone network” means the public switched network and
private lines;

“television broadcasting service” means a broadcasting service that sends visual images or other visual signals, whether with or without accompanying sounds, where the visual images are such that sequences of them are seen as moving pictures;

“termination” means switching telecommunications traffic at a terminating operator’s end office switch or equivalent facility and delivering the traffic to a called party’s premises;

“terrestrial radio-communication” means any radio communication, other than space radio communication or radio astronomy;

“terrestrial station” means a station effecting terrestrial radio-communication, space radio-communication or radio astronomy;

“third party content provider” means a person selling data value added services on a platform owned and operated by an operator;

“Tribunal” means the Uganda Communications Tribunal established by section 60 of the Act;

“Uganda Table of Frequency Allocation” means the nomenclature of frequency and wavelength issued by the Commission;

“user” means an individual, including a consumer or operator using or requesting publicly available communications services, or in case of postal services, a sender, addressee and a potential user and consumer of a service or product;

“value added services” includes secondary or incidental communications services provided to consumers on a communications apparatus or network;

“video works” means objects or devices that receive, process or store recorded data or instructions and create interactive games capable of being played, viewed or experienced through a computer, gaming system or other technology.

6. Prohibition of activities without licence.

(1) A person shall not, without a licence issued by the Commission, carry out any activity for which a licence is required under the Act.

(2) A person who contravenes subregulation (1) commits an offence and is liable, on conviction, where a penalty is not prescribed in the Act, to a fine not exceeding forty eight currency points or to imprisonment not exceeding twenty four months.

(3) An operator shall operate in accordance with the Act, regulations made under the Act and the terms and conditions of the licence.

**PART II—LICENSING AND REGULATION OF
TELECOMMUNICATIONS SERVICES**

7. Telecommunications licence.

(1) Subject to the Act, these Regulations and guidelines issued by the Commission, a person who intends to provide telecommunications or telecommunication services regionally or nationally shall apply to the Commission for one or more of the following licences—

- (a) a public infrastructure provider licence; to permit licensees to construct, install and operate network facilities associated with transmission, reception and switching of telecommunications or electronic signals;
- (b) a public service provider licence; issued to persons to provide telecommunications services, using the infrastructure of a licensed public infrastructure provider, to consumers of the service or a reseller of the service, regardless of the technology used;
- (c) any other telecommunications licence as may be designated by the Commission, for services or operations for public pay, communications network services and private networks or any other telecommunications services or operations.

(2) A facilities-based operator shall be individually licensed.

(3) A services-based operator may be individually licensed or class licensed, depending on the scope of the operations and nature of services.

(4) The Commission may, on receipt and evaluation of an application, designate the applicant as an applicant for a national operator's licence and regulation 8 shall apply to the adjudication of the application.

8. National telecommunications operator licence.

(1) A person who holds a telecommunications licence under regulation 7 may, after ten years in good standing, apply to the Commission for a national telecommunications operator's licence subject to the Act, regulations made under the Act and terms and conditions prescribed by the Commission.

(2) Notwithstanding subregulation (1), the Commission shall, upon issue or renewal of a telecommunications licence or any other licence, designate the licensee as a national telecommunications operator.

(3) The Commission may issue guidelines prescribing the scope of a licence under subregulation (2) by defining—

- (a) the scope of coverage to cover the entire geographical area of Uganda;
- (b) universal access including broadband delivery;
- (c) applicable principles to regulate competition to promote infrastructure sharing, interconnection and access; and
- (d) provision of government communication services mandated by the Uganda Communications (Pricing and Accounting) Regulations, 2019.

9. Additional requirements for national telecommunications operator.

(1) The Commission may, in considering an application for a national operator's telecommunications licence, require an applicant to—

- (a) register a prospectus with the Capital Markets Authority and sell shares to the public at a percentage of total ownership prescribed by the Commission;
- (b) reserve for citizens of Uganda a certain percentage in employment whether in key positions or general employment;
- (c) implement national roaming for customers to have seamless access and coverage for their subscribers irrespective of their network;
- (d) expand or modify the operator's universal access obligations under the Uganda Communications (Universal Service) Regulations, 2019; and
- (e) guarantee good quality of service in terms of network coverage and accurate billing of customers.

(2) A national telecommunications operator licence shall be valid for twenty years from the date of initial issue and may be renewed once for a further period of ten years subject to compliance with the Act, regulations made under the Act, any other applicable law, terms and conditions of the licence and directions issued by the Commission.

(3) In implementing the requirements of this regulation, the Commission may issue guidelines from time to time.

10. Application for telecommunications licence.

(1) The Commission may, by notice in a newspaper of local or national circulation or in the electronic media, invite eligible persons to apply for telecommunications licences.

(2) The notice under subregulation (2) shall state—

- (a) the telecommunications operations and services in respect of which applications are invited;

- (b) the service area, relevant technical parameters, and technical, legal and financial requirements to compete for selection;
- (c) the selection method;
- (d) the reserve price, where one has been set by the Commission;
- (e) the entry fee for new applicants and the sustenance fee for existing licence holders or operators; whichever is applicable;
- (f) the deposit payable by a successful applicant;
- (g) the method of payment for a licence; and
- (h) the place at which and the time or period within which application forms may be obtained and lodged.

(3) An application for a telecommunications licence shall be made to the Commission in Form A set out in Schedule 2 to these Regulations.

(4) An application under this regulation shall be accompanied by the prescribed fee.

(5) The Commission may, on receipt of an application for issue of a licence; an application for modification, renewal or transfer of a licence, request from the applicant, further particulars to enable the Commission to determine whether the application should be granted or denied.

(6) The Commission may, based on the area of coverage of the applicant, grant the applicant a National or Regional licence.

11. Authorisation to provide communal access.

(1) The Commission may authorise a person to provide communal access to the services of a public service provider, private networks, or any other services or operations designated by the Commission.

(2) A person who intends to transmit communications traffic shall apply to the Commission for an authorisation to transmit communications traffic.

(3) An application under subregulation (2) shall be accompanied by a copy of the agreement between the applicant and the operator.

(4) The Commission shall, in granting an authorisation under this regulation, stipulate terms and conditions which the applicant shall observe.

**PART III—LICENSING AND REGULATION OF
BROADCASTING SERVICES**

12. Commercial broadcasting licence.

A person who intends to broadcast or provide broadcasting services shall apply to the Commission, for one or more of the following licences—

- (a) a public infrastructure provider licence, issued to persons interested in providing broadcasting infrastructure to broadcast content using technology including—
 - (i) digital terrestrial transmission;
 - (ii) satellite transmission;
 - (iii) satellite landing rights;
 - (iv) cable;
 - (v) internet protocol;
 - (vi) digital mobile; and
 - (vii) any other technology;

- (b) a public service provider licence, issued to persons interested in providing any of the following broadcasting services to the public—
 - (i) public service broadcasting;
 - (ii) content service provider covering commercial broadcasting including free to air and subscription services; and
 - (iii) community broadcasting;
- (c) a distributor licence issued to persons who package and sell television or radio programmes to other content service providers; and
- (d) any other broadcasting licence as may be designated by the Commission.

13. Community broadcasting licence.

The following persons shall apply for a community broadcasting licence—

- (a) a community-based organisation;
- (b) a registered non-governmental organisation;
- (c) a social or cultural organisation;
- (d) a local community, through its authorised representatives;
or
- (e) a special interest group.

14. Restrictions on holder of community broadcasting licence.

(1) A community broadcasting licensee shall not—

- (a) own more than one broadcasting frequency;
- (b) operate in more than one locality; but may share programming with another community broadcasting licensee;

- (c) engage in commercial broadcasting services as may be prescribed by the Commission from time to time; or
- (d) be assigned power of not more than 500 watts

(2) The following entities are not eligible for a community broadcasting licence and must apply for a commercial broadcasting licence under regulation 12—

- (a) an applicant with total assets exceeding shillings 200 million;
- (b) an applicant owned or partially owned by a licensed commercial broadcaster; and
- (c) an applicant operating in more than one locality, except where the applicant can demonstrate the autonomy of operations and activities in each of the localities.

15. Community broadcasting services.

(1) A community broadcaster shall—

- (a) meet the needs of the specific geographical community or communities of interest and pursue a social development agenda;
- (b) operate on a not-for-profit basis;
- (c) deal specifically with community issues which are not normally dealt with by other broadcasting services in the same area;
- (d) provide programming that is informational, educational and entertaining in nature;
- (e) focus on the provision of programmes that highlight grassroots community issues, including developmental issues, health care, basic information and general education, environmental affairs, local and international affairs, and reflect local culture;

- (f) ensure that its programming promotes national unity and prevents sectarianism; and
- (g) reflect the character of the community for which the broadcaster is licensed.

16. Application for broadcasting licence.

(1) An application for a broadcasting licence shall be made to the Commission in Form B set out in Schedule 2 to these Regulations.

(2) An application under subregulation (1) shall include—

- (a) the category of broadcasting technology specified in regulation 12 applied for;
- (b) evidence of the applicant's legal status in Uganda;
- (c) a physical address that shall serve as the official address of service;
- (d) a statement of ownership, disclosing the full identities of the shareholders;
- (e) a viable business plan;
- (f) the minimum capital requirements;
- (g) evidence of financial solvency and ability to fund the business venture;
- (h) evidence of technical capability in terms of personnel and equipment to carry out broadcasting;
- (i) evidence of relevant experience and expertise to carry out broadcasting services;
- (j) proof of possession of an interconnect agreement, signal distribution agreement or access agreement with a public infrastructure provider or public service provider;
- (k) evidence of proprietorship of premises where programming and distribution of content will be done;

- (l) evidence of capacity to offer the broadcasting services including a draft programming guide and list of producers required by section 30 of the Act;
- (m) installation licences authorising the construction of facilities;
- (n) type approvals for equipment issued under the Uganda Communications (Type Equipment Approval) Regulations, 2019 to be used for broadcasting under section 21 of the Act; and
- (o) any other information as the Commission may require.

(3) Unless otherwise required by the Commission, an applicant for a licence to provide subscription broadcasting services may apply to the Commission for authorisation to provide broadcasting services to members of the public on behalf of a person licensed to land satellite broadcasts in Uganda.

(4) An applicant under subregulation (3) shall satisfy the Commission that it has the capacity to offer a minimum of ten channels to each subscriber and shall submit a copy of the agreement entered into between the person licensed to land satellite broadcasts in Uganda and the applicant.

(4) The Commission may, by notice in a newspaper of national circulation in Uganda or in the electronic media, invite eligible persons to apply for a broadcasting licence.

(5) The notice under subregulation (4) shall state the broadcasting infrastructure and broadcasting services in respect of which applications are invited.

(6) Where an application relates to the provision of community broadcasting services under regulation 14, an applicant shall, in addition, display the application at the Office of the Chief Administrative Officer in the district where the proposed broadcasting station is to be

located and at the offices of the Commission, for a period of not less than thirty days.

(7) A member of the public may submit written comments to the Commission on the suitability of the applicant within seven days after the posting of the advertisement of the application under subregulation (6).

(8) The Commission shall take into account submissions from members of the public under subregulation (6) in granting a community broadcasting licence.

(9) An application under this regulation shall be accompanied by the prescribed fee.

(10) The Commission may, at any time after the filing of an application for a licence, require from an applicant further written statements of fact to enable the Commission to determine whether the application for a licence should be granted or denied.

(11) An applicant for a licence shall be bound by all terms, commitments, offers, presentations, proposals, plans and obligations stated in the application and shall ensure the accuracy of the information and representations submitted in the application.

17. Persons prohibited from applying for broadcasting licences. Subject to the provisions of the Act, the following persons are prohibited from applying for a broadcasting licence—

- (a) a person who ceases to be an eligible person within the meaning of section 2 of the Act;
- (b) a person to whom the grant of a licence is not in the public interest;
- (c) a person convicted of an offence under the Computer Misuse Act, 2012; and
- (d) a person convicted of broadcasting prohibited content under the Uganda Communications (Content) Regulations, 2019.

18 Commission may limit number of broadcasting licences.

(1) The Commission may, based on the area of coverage, grant a licence as—

- (a) national;
- (b) regional; or
- (c) local.

(2) The Commission may limit the number of licences issued to a single person in any of the areas of coverage under subregulation (1).

(3) For purposes of this regulation, person includes an individual, company, association or body of persons corporate or unincorporated, and any beneficial owner.

19. Application of designation of national operator to broadcast operator.

The Commission may, while considering any application under this Part, designate an applicant as a national operator and shall impose such terms, conditions and obligations as required.

Broadcasting Services.

20. Obligations relating to broadcasting services.

(1) The Commission shall ensure that broadcasting services—

- (a) safeguard, enrich and strengthen the cultural, social and economic fabric of Uganda;
- (b) promote local content and diversity in program content;
- (c) meet the minimum broadcasting standards prescribed in Schedule 4 to the Act;
- (d) provide efficient delivery of programming using the most effective technologies available;

- (e) meet the minimum technical standards to enable operators to receive, as appropriate, a live signal feed through a public infrastructure provider from the national broadcaster or its affiliate for rebroadcasting of matters of national importance, national events, national emergencies or disasters and security threats of a national character that necessitate the entire viewing public to have access to the same information at the same time from one source;
- (f) ensure pluralism in the provision of news, views and information and provide a wide range of entertainment and education programs;
- (g) cater for a broad range of services and specifically for the programming needs of underserved areas and unserved areas; and
- (h) provide air-time for public service announcements from Government intended for dissemination to the public.

(2) The Commission may define, expand or limit the scope of any broadcasting service.

(3) Every broadcaster shall—

- (a) file, annually, with the Commission, the particulars of the station's physical location and station identity and any changes to them;
- (b) ensure that the station identity is not identical or similar to that of another station; and
- (c) keep such records as the Commission may from time to time prescribe by notice in writing to the licensee.

21. Public broadcasting service.

(1) A public broadcaster shall—

- (a) provide radio and television broadcasting services and programmes that contribute to social economic

development with emphasis on national unity and cultural diversity;

- (b) reflect the Government vision regarding the objective, composition and overall management of broadcasting services;
- (c) ensure protection of the public interest in rendering broadcasting services;
- (d) achieve and sustain comprehensive national radio and television coverage throughout the country; and
- (e) provide independent and impartial broadcasting services of information, education and entertainment in the official languages of Uganda and in local languages.

(2) A public broadcaster may provide and receive from other persons, material to be broadcast, except that in acquiring the material, the public broadcaster shall have regard to the need to maintain the distinctive character of the public broadcasting service and to cater for the expectations of audiences which are not generally catered for by other broadcasting services.

(3) Broadcast frequencies assigned to a public broadcaster for use in public broadcasting shall not be leased or transferred to a third party.

(4) A licence granted to a public broadcaster may require the broadcaster to maintain and keep separate accounts in respect of its commercial and non-commercial broadcasting services.

22. Private commercial broadcasting service.

A private commercial free-to-air broadcaster shall—

- (a) hold a broadcasting service licence and where applicable, separate frequency licences in respect of each broadcast station that utilises spectrum as a frequency resource;

- (b) provide a diverse range of programming that reflects the culture, needs and aspirations of the people in its locality;
- (c) commence broadcasts within twelve months after being issued with a licence;
- (d) not acquire exclusive rights for the broadcast of national events identified to be of public interest as may be determined by the Commission from time to time;
- (e) provide a diverse range of programming addressing a wide section of the Ugandan public;
- (f) provide, as a whole, programming in the official languages and other languages spoken in Uganda; and
- (g) within a reasonable period of time, provide national coverage of its services and comprehensive coverage of the areas which they are licensed to serve.

23. Public Infrastructure Provider.

(1) Every content service provider shall ensure that its content is only transmitted by a licensed Public Infrastructure Provider.

(2) A Public Infrastructure Provider shall be assigned frequency spectrum where applicable to broadcast content as a self-provider or multiplex provider, on any of the platforms referred to in regulation 12 (a).

(3) A licence granted under regulation 16 may require a broadcaster to—

- (a) distribute, on its digital platform, free to air and subscription broadcasting services and related data on behalf of other licensed broadcasters;
- (b) enter into contractual arrangements, on terms and conditions approved by the Commission, with licensed broadcasters for the distribution of broadcasting services;

- (c) provide its services on such terms and conditions as to access, tariffs and quality of service as the Commission may approve.

(4) A Public Infrastructure Provider shall, within 14 days of notification by the Commission of the revocation, expiry or non-renewal of a broadcaster's licence, discontinue any arrangements entered into in relation to the distribution of broadcasting services of that broadcaster.

(5) A Public Infrastructure Provider may impose charges in respect of—

- (a) any contractual arrangements entered into with a content service provider;
- (b) reception of broadcasting services requiring conditional access; and
- (c) the provision by the Public Infrastructure Provider of any apparatus or device enabling the reception of digital broadcasting services, including free-to air broadcasting services in a digital form.

24. Electronic programme guides.

(1) A signal distributor shall, in consultation with other content service providers it carries on its infrastructure, prepare an electronic programme guide for audiences to use to access the provider's respective programming schedules.

(2) A signal distributor shall ensure that an electronic programme guide prepared under subregulation (1) is user-friendly and easy to navigate.

(3) Where the signal distributor carries its own or its affiliate's content, such activity shall not disadvantage other content service providers through privileged access.

25. Setting standards for programmes.

(1) The Commission shall prescribe a Programme Code that sets out broadcasting standards.

(2) The Commission shall publish the Programme Code referred to in subregulation (1) in the Gazette and in a newspaper of national circulation at regular intervals.

26. Approval of Programme Code.

(1) A registered body of broadcasters wishing to operate under its own Programme Code shall submit the proposed Code to the Commission for approval.

(2) The Commission shall, before approving a Programme Code under subregulation (1) consider the standards contained in the Programme Code prescribed under regulation 25 take into account the following—

- (a) the taste and decency of programme material, the subject of a broadcasting service or sound broadcasting service and the portrayal of violence and sexual conduct in the material;
- (b) advertising, infomercials, sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service other than advertising and activities referred to in paragraph (c);
- (c) advertising, infomercials, sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service being advertising and other activities directed to children;
- (d) news, public affairs, analysis and commentaries;
- (e) children's programmes, coverage and welfare;
- (f) election periods and political parties;

- (g) liquor, narcotics, cigarettes and other tobacco products;
- (h) individual rights, privacy, discrimination and personal attacks;
- (i) religious programmes, occultism and superstition;
- (j) identity of broadcasters subscribing to the Code and the procedure of subscribing to the Code;
- (k) action to be taken against violators;
- (l) family viewing policy, programme guide and labelling;
- (m) programming that promotes the stereotyping of any person or community;
- (n) programming likely to incite or promote hatred or vilify any person or community on the basis of ethnicity, race, gender, religion, culture, age and disability; and
- (o) any other matter as the Commission may prescribe from time to time, by notice to the licensee.

(3) Where the Commission rejects a Programme Code submitted under subregulation (1)—

- (a) the Commission shall notify the broadcaster of the remedial measures to be undertaken by the broadcaster in order to satisfy the requirements of the Commission; and
- (b) the broadcaster shall, within thirty days from the date of notification under paragraph (a), resubmit the revised Programme Code for reconsideration by the Commission.

27. Authorisation to provide subscription broadcasting services.

(1) The Commission may, upon application in writing, grant an applicant authorisation to operate a subscription broadcasting service.

(2) A licence granted under subregulation (1) may require the operator to—

- (a) distribute broadcasting services, whether through cable, satellite or telecommunication facilities within the borders of Uganda or from Uganda to other territories;
- (b) provide a prescribed minimum number of channels carrying local content;
- (c) provide diversity in programming;
- (d) ensure protection of consumers of the broadcast services; and
- (e) respect copyright and neighbouring rights in respect of any work or material broadcast.

28. Obligations of subscription broadcasting services operators.

(1) A person licensed to provide subscription broadcasting services or subscription management services shall provide each subscriber with the following information, in writing—

- (a) the products and services offered;
- (b) the cost of subscription, installation and maintenance;
- (c) the options of programming services available;
- (d) the conditions under which the service is supplied;
- (e) the instructions for usage of the service in the official languages;
- (f) the number and allocation of channels carried on the system and the programming available on each channel;
- (g) the billing and complaints procedures; and
- (h) the address and telephone number of the operator's business office of the operator.

(2) A person licensed to provide subscription broadcasting services or subscription management services not make any changes in the programming service or channel allocation without giving each subscriber notice of at least fourteen days prior to the change.

(3) A person licensed to provide subscription broadcasting services or subscription management services shall provide a mechanism that parents or guardians may use to control access to broadcast content that they may consider inappropriate.

PART IV—LICENSING AND REGULATION OF
RADIO COMMUNICATIONS SERVICES

29. Application of International Telecommunication Radio Regulations.

(1) The International Telecommunications Union (ITU) Radio Regulations shall, with necessary modifications, apply to this Part with regard to the management of radio frequency spectrum.

(2) The nomenclature of frequency and wavelength shall be in accordance with the ITU Regulations referred to in subregulation (1) in which radio spectrum is subdivided into the designated frequency bands reproduced in Schedule 3 to these Regulations.

(3) The unit of frequency shall be the Hertz (Hz) and frequencies shall be expressed in—

- (a) Kiloherzt (KHz), for frequencies up to and including 3,000 Kiloherzt (KHz);
- (b) Megahertz (MHz), for frequencies above 3 Megahertz (MHz), up to and including 3,000 Megahertz (MHz); and
- (c) Gigahertz (GHz), for frequencies above 3 Gigahertz (GHz) up to and including 3,000 Gigahertz (GHz).

30. Uganda Table of Frequency Allocation.

(1) The Commission shall prepare and issue a Uganda Table of Frequency Allocation, allocating the radio spectrum to specific uses.

(2) The assignment of frequencies and bands of frequencies to all stations and classes of stations, the licensing and authorisation of the use of frequencies between 8.3 kHz and 300 GHz, and the actual use of those frequencies for radio communication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Uganda Table of Frequency Allocations.

(3) The Commission shall, in preparing the Uganda Table of Frequency Allocation, prescribe area designations and bandwidth assignment that promote—

- (a) the development of radio-communication services and applications in Uganda;
- (b) universality of communications services in Uganda;
- (c) the introduction and rapid deployment of new technologies and services; and
- (d) regional and international harmonisation of spectrum allocation.

(4) The Uganda Table of Frequency Allocation shall, to the extent practicable, conform to the International Table of Frequency Allocations and any assignment of frequency shall be on condition that—

- (a) no harmful interference is caused to services operating in accordance with the Uganda Table of Frequency Allocations;
- (b) the frequency assigned to a station of a given service is separated from the limits of the band allocated to that service in such a way that, taking account of the frequency

band assigned to a station, no harmful interference is caused to services to which frequency bands immediately adjoining are allocated;

- (c) any segment of the radio spectrum may be allocated on an exclusive or shared basis for use by one or more radio communications services;
- (d) where a segment of the radio spectrum is allocated, the priority for primary, permitted and secondary services shall apply as follows—
 - (i) permitted and primary services shall have equal rights, except that, in the preparation of frequency plans, the primary services shall have prior choice of frequencies over permitted services;
 - (ii) stations of a secondary service—
 - (aa) shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date;
 - (bb) shall not claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; and
 - (cc) may claim protection from harmful interference from stations of the same or other secondary service to which frequencies may be assigned at a later date;
- (e) the emission, modulation and transmission characteristics are designated according to their classification and necessary bandwidth provided in the International Table of Frequency Allocations;

- (f) radio frequency transmissions are identified in accordance with the composition and blocks of international call signs available for assignment, matching the call signs to the classes of stations or any other clearly distinguishing form of identification readily recognisable internationally;
- (g) any emission capable of causing harmful interference to distress, alarm, urgency or safety communications on the international distress and emergency frequencies established for those purposes by the Radio Regulations is prohibited, and supplementary distress frequencies available on less than a world-wide basis are afforded adequate protection.

(5) The assignment of frequency shall, in addition to the Uganda Table of Frequency Allocation, be in accordance with a spectrum plan or frequency band plan prepared by the Commission providing for—

- (a) the division of the spectrum into a number of frequency bands;
- (b) designation of bands to be used primarily for the purposes of national defence and security;
- (c) designation of a part of the spectrum primarily for broadcasting purposes;
- (d) designation of bands to be used for emergency, public safety and relief;
- (e) the purpose for which a band or any part of a band, including any particular frequency or frequency channel, may be used;
- (f) the classification of radio-communications services or radio stations;

- (g) the nature of services to be rendered by each class of stations and each station within a class;
- (h) the assignment of bands of frequencies to the various classes of stations;
- (i) the assignment of frequencies for each individual station, the power to be used by the station and the time for operation;
- (j) the location of classes of stations or individual stations;
- (k) the kind of apparatus to be used and the characteristics of its external purity, the sharpness of the emission from each station and the apparatus in that station;
- (l) the establishment of areas or zones to be served by any station;
- (m) the keeping of records of transmission of energy, communication or signals by each station;
- (n) designating of call signs for all stations; and
- (o) monitoring and enforcement of the Uganda Table of Frequency Allocation by the Commission, in accordance with the spectrum plan.

(6) The Commission shall review its spectrum plan in order to cater for new developments, standards and policy changes, including a re-planning or rearranging of existing band plans.

31. Reservation of spectrum.

(1) The Commission may, upon application by an eligible person for a telecommunications or broadcasting licence, reserve spectrum in any of the following categories—

- (a) opened-up frequency bands in line with existing band channelisation plans;
- (b) bands for which spectrum is not pre-reserved within reservation conditions;
- (c) bands with no existing assignment; and
- (d) bands with no existing occupancy.

(3) A reservation of spectrum shall contain—

- (a) the services for which the band is required;
- (b) the technology proposed to be deployed;
- (c) the channel spacing requirements, including bandwidth and duplex separation (TDD, FDD); and
- (d) any other requirements as the Commission may determine.

(4) The spectrum reservation shall be valid for a period not exceeding 120 days from the date of payment of the licence application fees.

(5) A reservation under these Regulations shall not confer any rights in the spectrum resources on the applicant in the event of the rejection of the application for a licence.

32. Reservation of additional spectrum.

(1) An operator already utilising assigned spectrum may apply to the Commission for reservation of additional spectrum in any of the categories specified in regulation 31 provided—

- (a) existing assigned spectrum is being used optimally; and
- (b) there is a business or engineering need for the additional spectrum.

(2) An application for reservation of additional spectrum shall be in Form C set out in Schedule 2 to these Regulations and shall be accompanied by the prescribed application fee.

(3) The Commission may, upon determining the availability of spectrum, reserve the additional spectrum and assign it to the applicant upon payment of the prescribed fees.

(4) A reservation of additional spectrum made under subregulation (3) shall be valid for sixty days after which the reservation shall lapse and any reservation fees paid shall not be refunded.

33. Assignment of spectrum.

(1) The assignment of spectrum for commercial uses shall be at the discretion of the Commission in accordance with the policy in force at the time an application is lodged.

(2) The Commission shall, concurrent with the grant of a telecommunications or broadcasting licence, where applicable, assign the reserved spectrum to a successful applicant for a telecommunications or broadcasting licence.

(3) The Commission may, in assigning spectrum, direct an applicant to share the assigned spectrum with another operator.

(4) The Commission may develop and publish guidelines at regular intervals detailing—

- (a) priority of allocation of spectrum;
- (b) methods of allocation of spectrum;
- (c) spectrum sharing; and
- (d) pricing for different uses for spectrum.

34. Spectrum refarming.

(1) The Commission may refarm spectrum and displace services to other frequency spectrum bands to ensure optimal utilisation of spectrum and to mitigate against interference and in line with policy and regulatory changes.

(2) The Commission may issue new licences as a result of spectrum refarming and displacement of services.

(3) A new licence issued by the Commission under subregulation (2) shall require the licensee to pay for the cost of displacement.

(4) The Commission shall not be liable or responsible for the compensation of persons affected by subregulation (1).

(5) Where the Commission issues a new licence after refarming under subregulation (1), the new licence shall include conditions for the licensee to implement a migration plan.

35. Spectrum to be withdrawn upon licence revocation.

Where the Commission intends to revoke an operator's licence, the Commission shall notify the operator that the radio spectrum shall be withdrawn on the date on which the licence is revoked.

36. Special provisions for broadcasting frequency.

The Commission shall designate and allocate a part of the spectrum which shall be included in the Uganda Table of Frequency Allocations, primarily for broadcasting purposes.

37. Licence for radio communications.

(1) A radio communications licence shall authorise a licensee to operate the specified radio-communications devices on the assigned radio spectrum or a specified part of the spectrum for the operation of the specified radio-communications devices.

(2) Radio communication licences issued by the Commission shall be based on the classification of radio communications services according to usage as follows—

- (a) non-commercial spectrum uses for socially desirable services comprising of—

- (i) national defence and security requirements;
- (ii) government departments, ministries or agencies;
- (iii) emergency and disaster situations;
- (iv) public safety services;
- (v) amateur radio communications services;
- (vi) developmental and research services; and
- (b) commercial spectrum uses.

(3) Radio-communication services for non-commercial spectrum uses shall use such frequencies as may be assigned by the Commission.

(4) An application for a radio communications licence shall be in Form C set out in Schedule 2 to these Regulations and shall be accompanied by the prescribed fee.

(5) An application under subregulation (2) shall specify—

- (a) the character, financial, technical and other qualifications of the applicant to operate the station;
- (b) the ownership and location of the proposed station and of the stations, if any, with which the proposed station intends to communicate;
- (c) the frequencies and the power desired to be used;
- (d) the hours of the day or other periods of time during which it is proposed to operate the station;
- (e) the purposes for which the station is to be used; and
- (f) any other information that the Commission may require.

(6) The Commission may, at any time after the filing of an application under subregulation (3), require from the applicant further particulars to enable the Commission to determine whether the application should be granted or denied.

(7) A radio communications licence shall be granted to an applicant who—

- (a) obtains equipment authorisation for the equipment installed and commissioned under the Uganda Communications (Equipment Type Approval) Regulations, 2019; and
- (b) is issued with a construction or installation permit and completes the construction, installation and commissioning of the radio station as authorised.

(8) The Commission may, upon examination of the application and upon being satisfied that the applicant meets all the requirements, grant the licence.

(9) A licence granted under this regulation shall be valid for five years and may be renewed if the Commission determines that the public interest, convenience and necessity would be served by the renewal.

(10) A licence issued under this regulation shall contain, a statement containing the following conditions—

- (a) that the licence shall not vest in a licensee any right to operate a station or any right to use the frequencies designated in the licence except in the manner authorised by these Regulations;
- (b) that the licence or any right granted under it shall not be assigned or transferred in violation of the Act; and
- (c) that every licence issued under the Act shall be subject to the right of use or control by Government during a state of emergency.

(11) The Commission shall issue radio communication licences, distribute frequencies, hours of operation, and power among the regions and districts of Uganda in such a manner as to provide a fair,

38. Contents of radio communications licence.

(1) A radio communications licence shall specify—

- (a) the maximum permitted level of radio emission in parts of the spectrum outside a specified part that may be caused by operating radio-communications devices under the licence;
- (b) the area within which the operation of radio-communications devices is authorised under the licence;
- (c) the maximum permitted levels of radio emission outside an area that may be caused by the operation of radio-communications devices under the licence;
- (d) the period during which the operation of radio-communications devices is authorised under the licence; and
- (e) the requirement for the licensee to pay spectrum access charges.

(2) A radio communications licence shall authorise the operation of a radio frequency device only within the part of the spectrum that constitutes the capacity reserved for the device in the Uganda Table of Frequency Allocation.

(3) In addition to the requirements of subregulation (1), a licensee shall not operate or permit the operation of a transmitter for a purpose that is inconsistent with the purpose specified in the appropriate frequency band plan within the Uganda Table of Frequency Allocation except—

- (a) in accordance with conditions specified in a licence, relating to—

- (i) containment of interference or of the likelihood of interference to radio-communications; or
- (ii) transmission of an identification signal;
- (b) on a frequency or on a frequency channel and at a constancy specified in the licence; or
- (c) in a way that is not likely to cause any persons, justifiably in all the circumstances, to cause a breach of the peace or to endanger public safety.

39. Non-interference with Government radio communications.

(1) Where a Government and a private or commercial radio station on land operate in close proximity and interference with the work of the Government station cannot be avoided when they operate simultaneously, the private or commercial station that interferes with the transmission or reception of radio communications or signal of the Government station shall not use its transmitters during the time when the Government station is operational.

(2) The protection in subregulation (1) applies only to authorised Government radio stations where the interference is discovered after the Government and private radio station commence operations.

40. Experimental radio communications services.

(1) A station operating experimental radio communications services may apply for a licence to be permitted to conduct the following types of operations—

- (a) experimentations in scientific or technical radio research;
- (b) experimentations under contractual agreement with the Government;
- (c) communications essential to research projects;

- (d) technical demonstrations of new equipment or techniques;
- (e) field strength surveys by persons who are not eligible for authorisation in any other service;
- (f) demonstration of equipment to prospective purchasers by persons or institutions engaged in the business of selling radio equipment;
- (g) testing of equipment in connection with production or regulatory approval of the equipment;
- (h) development of radio techniques, equipment or engineering data, related to an existing or proposed service, including field or factory testing or calibration of equipment; and
- (i) development of radio techniques, equipment, operational data or engineering data related to existing or proposed radio communications services.

(2) An applicant who intends to operate experimental radio communications services shall apply to the Commission for a licence in Form D set out in Schedule 2 to these Regulations.

(3) Authorisation of a station for experimental radio communications services shall only be issued to a person qualified to conduct experimentation utilising radio waves for a scientific or technical operation directly related to the use of radio or for communications in research projects when existing communications facilities are inadequate.

(4) An applicant who is not eligible for a licence may be eligible for authorisation in an established service and where they seek to develop operational data or techniques directed toward the improvement or extension of that service, shall apply to the Commission and conduct any required projects under the developmental rules of the established service and conditions specified by the Commission.

(5) An applicant for an experimental licence to operate a radio station or an authorisation under subregulation (4) shall submit with the application—

- (a) a narrative statement describing in detail the program of research and experimentation proposed;
- (b) the specific objectives sought to be accomplished; and
- (c) how the program of experimentation shall contribute to the development, extension, expansion, or utilisation of the radio art.

(6) An application for station authorisation under subregulation (4) shall be specific and complete with regard to station location, proposed equipment, power, antenna height, operating frequency and any other information required by the Commission.

(7) A licence for experimental radio services shall be valid for up to one year, but an applicant who desires to apply for a longer period shall provide justification for it.

(8) The Commission may, as a condition of authorisation, request a licensee to submit to the Commission, periodic reports to enable the Commission to evaluate the progress of the experimental program.

(9) An applicant may request the Commission to withhold from the public, certain reports and associated material submitted to it and the Commission may do so unless the public interest requires otherwise.

(10) A person granted an authorisation under this regulation shall not, without the prior approval of the Commission, make any changes that are contrary to the technical conditions specified in the instrument of authorisation including the following antenna changes at a station at a fixed location—

- (a) any change that is likely to increase the height of a structure supporting the radiating portion of an antenna or to decrease the height of a lighted antenna structure; or

- (b) any re-location of an antenna which involves a change in the geographic co-ordinates of latitude or longitude by a second, or a change in street address.

(11) In case of permanent discontinuance of operation of the experimental radio service or of all transmitter units listed in the licence for the experimental radio service, a licensee shall, return the licence to the Commission.

(12) A licence for experimental radio services shall contain the following express conditions—

- (a) that the authority to use a frequency assigned is granted on an experimental basis, and does not confer any right to conduct an activity of a continuing nature;
- (b) that the grant is subject to change or cancellation by the Commission at any time if, in the discretion of the Commission, the need for change or cancellation arises;
- (c) that the recovery of the equipment shall be governed by the conditions agreed upon regarding the decommissioning and disposal of the equipment used in the experiment after the expiry of the licence;
- (d) that the Commission shall not be liable for the associated costs of the experiment or any compensation for the expenses or investment incurred; and
- (e) that the experiment shall not constitute a commercial operation or provision of services.

(13) Each frequency or band of frequencies available for assignment to a station in the experimental radio service may be assigned for the exclusive use of a sole applicant.

(14) Each frequency available for assignment shall be restricted to one or more specified geographical areas.

(15) The Commission may issue an authorisation to a school or to a student to present an experiment or technical demonstration for a school or an approved project that requires the use of radio for a specified period of time.

(16) The program of experimentation stated by an applicant in the application for a licence and a station instrument of authorisation shall be adhered to except where the licensee is authorised to do otherwise by the Commission.

(17) The station, and the record of a station in the experimental radio service shall be made available for inspection at any time during which the station is in operation or upon the reasonable request of an authorised representative of the Commission.

(18) A single applicant shall not be assigned the use of more than one frequency in a band of frequencies, except where the applicant demonstrates that the assignment of additional frequencies is essential to the proposed program of experimentation.

41. Temporary radio operations.

(1) The Commission may issue a temporary authorisation, for the operation of a station for a period not exceeding six months, where the need is shown for a stated purpose, in the public interest.

(2) The Commission may grant an extension of a temporary authorisation if an application is filed at least fifteen days before the expiration of the licensee's temporary authorisation.

(3) The operations of a licensee who has filed an application under subregulation (2) shall continue in accordance with the terms and conditions of the temporary authorisation, pending determination of the application under subregulation (2), except where the applicant is notified otherwise by the Commission.

(4) An application for a temporary authorisation shall contain the following information—

- (a) the name and address of the applicant;
- (b) a description of the purpose of the temporary authorisation;
- (c) a description of the operation to be conducted and its purpose;
- (d) the time and dates of the proposed operation;
- (e) the class of station and call sign of the station, if applicable;
- (f) a description of the location and geographical co-ordinates of the proposed operation;
- (g) the equipment to be used; including the name of the manufacturer, model and number of units;
- (h) the frequency desired;
- (i) the maximum effective radiated power;
- (j) the emission designator or description of the emission; and
- (k) the overall height of antenna structure above the ground.

42. Construction permit.

(1) An applicant for a radio communications licence who has been assigned spectrum under regulation 33 may apply to the Commission for a construction permit authorising the construction of a radio station.

(2) An application for a construction permit shall specify—

- (a) the character, financial reserve for liabilities, technical, and other ability of the applicant to construct and operate a station;
- (b) the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate;

- (c) the frequencies desired to be used;
- (d) the hours of the day or other periods of time during which the station is proposed to operate;
- (e) the purpose for which the station is to be used;
- (f) the type of transmitting apparatus to be used;
- (g) the power to be used;
- (h) the date on which the station is expected to be completed and commence operation; and
- (i) any other information as the Commission may require.

(3) The Commission may—

- (a) approve the location and manner of installation of any radio equipment required in the construction of the radio station;
- (b) approve installations, apparatus, and necessary spare parts for the radio station; and
- (c) prescribe any additional equipment that may be necessary to supplement the equipment specified in this regulation for the proper functioning of the radio station, and the proper conduct of radio communications in times of emergency or distress.

(4) The Commission shall—

- (a) prescribe the operating and technical conditions and characteristics including frequencies, emissions, power, communication capability and range of installations;
- (b) approve the location and manner of installation of the equipment required;
- (c) approve installations, apparatus and spare parts necessary to comply with this regulation; and

- (d) prescribe any additional equipment necessary to supplement the equipment specified in this regulation for the proper functioning of the radio installation, installed in accordance with this regulation or for the proper conduct of radio communications in times of emergency or distress.

(5) Where a radio installation requires a radio tower to support an antenna structure, the radio tower shall be painted and illuminated to prevent it from constituting a menace to air navigation and the painting and illumination shall be maintained.

(6) A permit for construction shall specify the date on which the actual operation of the station is expected to begin and shall provide that the permit shall automatically be forfeited if the station is not ready for operation at the time specified or at such later time as the Commission may allow.

(7) The Commission shall issue a radio communications service licence to the lawful holder of a permit for the operation of a radio station—

(a) upon the completion of construction of the radio station for which the permit was granted;

(b) where the Commission is satisfied that all the terms, conditions and obligations specified in the application and permit are complied with; and

(c) where the Commission is satisfied that the operation of the station is not against the public interest.

(8) The Commission or an officer authorised by the Commission may inspect the radio station as may be necessary to ensure compliance with the requirements of this regulation.

43. Approval of radio communications system and equipment.

(1) The Commission shall type approve all frequency radio-communications equipment, apparatus or devices forming part of, connected to, operated or used in a station or installation for the provision of radio-communications services in accordance with the Uganda Communications (Equipment Type Approval) Regulations, 2019.

(2) Without limiting the generality of subregulation (1), every radio communications licence shall require the licensee—

- (a) to seek the type approval of radio equipment from the Commission before any installation, connection, operation or use of any radio-communications equipment at a station, installation or service provision;
- (b) to comply with any requirements that the Commission may consider appropriate; including the requirement to satisfy another person with respect to any matter; and
- (c) to pay a fee to the Commission in respect of the carrying out of any test or other assessment for the approval of the radio-communications equipment, as the Commission may determine.

44. Distress messages.

(1) Every station licence shall give priority to radio-communications or signals relating to distress or emergency communications and shall cease communication on frequencies which are likely to interfere with the radio communications or signals of distress.

(2) Every station shall, except when engaged in answering or aiding a ship or aircraft in distress, refrain from sending any radio-communication or signal until there is assurance that no interference is likely to be caused with the radio-communication or signal relating to it and shall assist a station in distress, where possible, by complying with its instructions.

(3) A station which becomes aware that another station is in distress may transmit a distress message—

- (a) where the station in distress is not in a position to transmit the message;
- (b) where a rescuing station following a distress, believes that further help is necessary;
- (c) where it is directed to by the station in control of distress traffic; or
- (d) where it has reason to believe that the distress call it intercepted is not received by any station in position to render aid.

(4) A station which is notified to cease operation shall not resume operation on a frequency which may cause interference until it is notified by the station issuing the original notice that it does not interfere with the distress traffic routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

(5) An operator of a broadcasting station or other communications services may, during a period of emergency in which normal communication facilities are disrupted as a result of floods, earthquake, fires or similar disaster, utilise the station for emergency communication services to communicate in a manner other than that specified by the Commission.

(6) An operator shall, in a period of emergency—

- (a) as soon as possible after the beginning of the emergency use, send to the Commission a notice stating the nature of the emergency and the use to which the station is put;
- (b) discontinue the emergency use of a station as soon as normal communication facilities are available again;

- (c) immediately notify the Commission when emergency communications are terminated;
- (d) not engage in emergency transmission on a frequency other than, or with power in excess of, that specified in the authorisation of the Commission or as may be expressly provided by the Commission; and
- (e) terminate any emergency communication undertaken under this regulation, upon order of the Commission.

45. Prohibition of unauthorised radio communications.

(1) A person shall not use, directly or indirectly, a device required to be licensed for radio-communications services, for the purpose of overhearing or recording the private conversation of other parties, unless the use is authorised by all the parties engaging in the conversation.

(2) Subregulation (1) does not apply to the operations of any law enforcement or security agency conducted under lawful authority.

PART V—LICENSING AND REGULATION OF
POSTAL AND COURIER SERVICES

46. Application of Part.

(1) This Part applies to postal and courier services.

(2) For the purposes of these Regulations—

- (a) a postal article shall be taken to be in the course of transmission by post from the time it is posted at any post office, post office letter box or delivered to a courier service operator, to the time it is delivered to the addressee;
- (b) the delivery of a postal article of any description to a letter carrier or other person authorised to receive an article of that description for the post; or to a person engaged in the business of a postal or courier operator, to be dealt with in the course of that business, shall be a delivery to a post office or courier operator; and

- (c) the delivery of a postal article shall be a delivery to the addressee where it is delivered—
 - (i) at the premises to which it is addressed or redirected;
 - (ii) to a box or receptacle to which an occupier of premises agrees that postal articles addressed to persons at those premises may be delivered; or
 - (iii) to the addressee's agent or to any other person considered to be authorised to receive the article.

47. International postal rules and regulations.

An operator granted a postal service licence under the Act and these Regulations shall conform, in the conduct of its operations, to the international postal rules, regulations and practice applicable to that postal service.

48. Licence for postal services.

(1) A person shall not convey, deliver or distribute postal articles without a licence issued by the Commission.

(2) A person shall not require a licence to convey, deliver or distribute the following postal articles—

- (a) articles for delivery to another person or persons to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them; or
- (b) articles solely concerning goods or other property sent by land, water or air, and letters delivered with the goods or property to which the letters relate without hire, reward, profit or advantage for receiving them, and the articles are open to inspection and have subscribed on them the words "consignee's articles" or other words to that effect.

(3) The Commission shall grant an exclusive national postal operator's licence to Uganda Posts Limited ("UPL") for the provision of the following exclusive postal services—

- (a) reserved postal services specified in section 66 (2) of the Act; which shall be specified in the licence;
 - (b) mandatory postal services as shall be specified in the licence; and
 - (c) the production and issuance of postage stamps, pre-stamped envelopes, aerogramme and international reply coupons bearing the coat of arms or the words, "Republic of Uganda", "Uganda" or "Uganda Post".
- (4) Uganda Post Limited shall have exclusive rights to license the use of franking machines.
- (5) Uganda Post Limited shall provide the services under subregulation (3) at uniform prices and conditions.
- (6) The Commission may issue licences for the provision of other postal services in addition to the exclusive postal services referred to under subregulation (3), subject to such conditions as the Commission may determine.
- (7) The Commission shall, in accordance with the Act, issue licences for the provision of other postal services in addition to the exclusive postal services, to any person who, upon application to the Commission, satisfies the terms and conditions for the issue of the licences.
- (8) A person issued with a postal service licence shall provide or operate the postal services in accordance with the Act, those Regulations and the terms and conditions of the licence.
- 49. Application for postal services licence.**
- (1) An application for a postal service licence shall be in Form E set out in Schedule 2 to these Regulations.
- (2) An application for a postal service licence shall specify—

- (a) the name, address and particulars of the applicant;
- (b) the character, financial, technical and other qualifications of the applicant, demonstrating the applicant's eligibility and capacity to operate or provide the services for which the licence is sought;
- (c) the postal service or consumer to be provided or operated;
- (d) the geographical places where the service is to be provided and any plans for the expansion of the service;
- (e) the business plan and commercial viability of the postal service;
- (f) information indicating the public interest that shall be served by the postal service for which the licence is sought; and
- (g) in the case of a company or corporation, particulars of ownership and shareholding in the company or corporation.

(3) An application under this regulation shall be accompanied by the prescribed fee.

(4) The Commission may, at any time after the filing of an application for a postal licence, or during the term of a licence, require from the applicant or licensee, further particulars to enable the Commission to determine whether the application should be granted or denied.

50. Technical plan.

An applicant for a postal service licence shall submit, together with the application, a technical plan containing—

- (a) the physical address of the applicant's principal office and of the outlets where the business shall be carried out and which shall be accessible, secure and conducive for business;

- (b) information regarding warehousing facilities for the safe custody of mail in the operator's possession to ensure protection of mail from pilferage, damage or loss;
- (c) the transport facilities available to convey mail, and in cases where the applicant intends to use third parties to transport items, a copy of the agreement with the third parties;
- (d) a written recruitment policy explaining the roles and integrity of employees who will convey, receive, collect, sort or handle mail;
- (e) a capacity building plan highlighting activities to be undertaken by the licensee;
- (f) details of systems used to set, measure and record performance in achieving quality of service targets including delivery times and complaints handling cycle to record, analyse, respond and resolve customer's complaints;
- (g) a plan to handle incidents of mail loss, damage or pilferage with the proposed course of action;
- (h) a policy for compensation to customers in cases of pilferage, loss or damage to mail;
- (i) information for ensuring that the Commission can monitor market developments and the effect of new entrants on the market, their success and what effect they are having on the availability of services throughout the country; and
- (j) a plan indicating collection and delivery points in the first six months of operation, the means of mail conveyance and the target markets.

51. Inspection and other verification prior to issue of licence.

(1) The Commission shall, after the applicant has fulfilled all the financial and legal obligations to the Commission inspect the applicant's premises to verify the accessibility of services to the public and any other matter identified for verification.

(2) The technical assessment under subregulation (1) shall take not more than five working days from the date of inspection.

(3) Where the Commission is satisfied that the applicant has met the requirements of accessibility of premises and any other matter identified for verification, the application shall be granted.

52. Insurance.

A licensee shall undertake insurance cover approved by the Commission against damage or loss of postal articles within the possession of the licensee.

53. Liability of postal service operator.

(1) A licensee is liable for loss of or damage to a postal article in respect of which the operator accepts liability or which is due to any wrongful act, neglect or default of the licensee while performing or purporting to perform, in that capacity, the functions relating to the receipt, conveyance, delivery or other dealing with the postal article.

(2) A licensee who contravenes the Act or these Regulations or any obligation arising from a licence shall, to the extent that the law or obligation protects another party, be obliged to compensate that party for any damage arising from the contravention.

(3) A sender or an appointed agent, including an addressee, is entitled to compensation by a licensee, for any loss or damage suffered in respect of any article.

(4) The amount recoverable in relation to the loss or damage a postal article of any description shall not exceed—

- (a) the market value of the article at the time of dispatch;
- (b) the maximum amount payable under a scheme made for compensating any person aggrieved in respect of an article of that description; or
- (c) an amount provided for in the contract governing the service contracted or by the Universal Postal Union.

(5) The mark of a licensee or of a foreign postal administration of any sum on any postal article shall, unless the contrary is shown, be the amount of the liability for the article to the service operator.

(6) For the purposes of claiming damage or loss, it shall be presumed, unless the contrary is shown, that the loss of or damage to the article was due to conduct referred to in subregulation (1).

(7) A postal operator shall not intentionally delay the dispatch of or open a postal article in the course of its transmission by post.

(8) Subregulation (7) does not apply to the delay or the opening of a postal article—

- (a) in accordance with the Act or any other law or order under a warrant issued by a court; or
- (b) where the delay or opening of a postal packet is in accordance with terms and conditions applicable to its transmission by post.

(9) A postal service operator shall, at all times, ensure, during the provision of postal services that—

- (a) a postal article is not opened during transmission;
- (b) a postal article is delivered to the proper addressee; and
- (c) the contents of the postal article are disclosed only to the addressee.

(10) An operator who fails to comply with subregulation (9) shall make good any damage or loss that may arise from the operator's failure.

54. Operations beyond Uganda.

An applicant for a postal service licence shall declare to the Commission—

- (a) where the applicant intends to apply for a regional licence within the COMESA region or any other regional bloc as may be determined by the Commission, that fact; and shall submit to the Commission, evidence issued by the respective Authority, showing the applicant's intention to attain the licence; or
- (b) where the applicant is a representative of any international franchiser, the name and location of the international franchiser represented, the introductory letter by the franchiser confirming nomination of the applicant as franchisee and a copy of the terms of agreement with the franchiser.

55. Postal secrecy.

(1) Postal traffic, and in particular, the contents of postal items, shall be subject to postal secrecy.

(2) A licensee who provides postal services on a commercial basis or assists in the provision of those services, shall maintain postal secrecy.

(3) A licensee shall not procure for himself or herself or for any other party, any information regarding the contents of postal items or the detailed circumstances of postal traffic beyond that which is required for the provision of the postal services except where it is necessary—

- (a) to verify that reduced rate postal items meet the relevant pricing conditions;

- (b) to secure the contents of damaged postal items;
- (c) to establish the addressee or sender of an undeliverable postal item where this cannot be done by any other means; or
- (d) to avert physical danger to persons or property from a postal item or mail.

(4) A licensee for postal services on a commercial basis or who assists in the provision of postal services on a commercial basis may collect, process and use the data of natural and legal persons where necessary to operate the commercial postal services to—

- (a) establish and frame the contents of and modify a contractual relationship;
- (b) establish traffic data for contractual purposes;
- (c) duly deliver postal items; and
- (d) duly establish, perform accounting, evaluate and verify rates chargeable for commercial postal services.

(5) Commercial provision of postal services and their pricing shall not be contingent upon the indication of personal data which is not required for the provision or pricing of those services.

56. Prohibited items.

(1) A licensee shall respect all national and international regulations relating to prohibited items.

(2) Notwithstanding regulation 55, a postal article may be opened for—

- (a) customs inspection and verification; and
- (b) security screening for hazardous material.

(3) Where a postal article is opened under subregulation (2), a notice of the opening and purpose for the opening shall be clearly affixed on the opened postal article.

57. Postal articles subject to tax.

(1) Customs or excise duty shall apply to goods contained in postal articles which are brought into or sent out of Uganda by post as they apply to other goods, imported, exported or brought into or taken out of Uganda.

(2) A licensee engaged in the business of a postal operator may perform, for purposes of customs and excise duty, any of the duties of an importer, exporter or person removing the goods.

(3) Duties chargeable on imported goods or other charges payable in respect of postal articles may be recovered by a postal operator concerned, as a civil debt due and owing.

(4) In any proceedings for the recovery of any charges payable under subregulation (3), a certificate of the postal operator concerned of the amount of the charges shall be evidence of that fact.

58. Detention of postal articles.

(1) A postal operator may in relation to relevant goods—

- (a) detain any postal article where the operator suspects that the article may contain relevant goods;
- (b) forward the detained article to the Commission;
- (c) subject to any requirements as to additional postage or charges, return the article to its sender or forward it to its destination; or
- (d) with the approval of the Commission, destroy or otherwise dispose of the article.

(2) In this regulation “relevant goods” means any goods—

- (a) chargeable with any duty charged on imported goods which is not paid for or secured; or
- (b) in the course of importation, exportation or removal into or out of Uganda contrary to any prohibition or restriction under any law.

(3) Where a postal operator detains a postal article under this regulation, the operator shall document the particulars of the article and shall notify the Commission and any other relevant government within twenty four hours.

(4) A postal operator may return to sender, unclaimed postal articles or where this not practical, with the approval of the Commission—

- (a) destroy the postal articles; or
- (b) sell the postal articles by public auction and maintain a register of the postal articles destroyed or sold.

(5) A postal operator shall maintain a register of postal articles detained or destroyed under subregulation (1).

PART VI—LICENSING AND REGULATION OF
VIDEO, FILM AND CINEMA OPERATORS

59. No operation of cinematograph theatre without licence.

(1) A person shall not operate a cinematograph theatre, video hall or film library without a cinematograph licence granted by the Commission.

(2) A person who contravenes subregulation (1) commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or to imprisonment for a term not exceeding twelve months or both.

60. Exhibition in cinematograph theatre without licence.

(1) A person shall not exhibit a film or video in a cinematograph theatre or at any premises in respect of which a cinematograph theatre licence is required including—

- (a) the person responsible for or employed or in connection with the cinematograph exhibition; or
- (b) any other person who, knowing or having reasonable cause to suspect that such exhibition would be so provided at the premises—

- (i) allows the premises to be used for the film or video exhibition; or
- (ii) lets the premises or otherwise makes the premises available to any person by whom an offence in connection with the film or video exhibition is committed.

(2) A person who contravenes subregulation (1) commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or to imprisonment for a term not exceeding twelve months or both.

61. Application for cinematograph theatre licence.

(1) An application for the grant of a cinematograph theatre licence shall be made to the Commission in Form F set out in Schedule 2 to these Regulations and shall be accompanied by such information, documents, application fees and other materials as the Commission may, from time to time prescribe.

(2) An application submitted under subregulation (1) shall be advertised at the offices of the Chief Administrative Officer in the district where the applicant intends to establish a cinematograph theatre and the offices of the Commission for a period of at least 30 days.

62. Conditions for grant of cinematograph theatre licence.

(1) The Commission shall inspect the proposed premises and shall grant a cinematograph licence on being satisfied that—

- (a) an application for a licence has been made in the prescribed manner and contains all the information required by regulation 61(1);
- (b) that the premises are constructed and equipped to the standards required under the Act and any other applicable law;

- (c) the applicant is capable of complying with the conditions imposed by the Commission or attached to the licence;
- (d) the prescribed fees have been paid;
- (e) the applicant is an eligible person; and
- (f) it is in the public interest to grant the licence.

(2) The Commission may, subject to the Act and these Regulations—

- (a) refuse to grant a licence;
- (b) impose conditions on a licence as the Commission considers appropriate; or
- (c) at any time, transfer, suspend, revoke, modify or vary the terms and conditions of a licence.

(3) A cinematograph theatre licence shall be in such form as the Commission may determine.

63. Hiring of experts.

(1) The Commission may, where it deems it necessary, hire suitably qualified experts to advise it on the issuance of cinematograph theatre licences.

(2) The fee payable to an expert hired under subregulation (1) for the advice and inspection shall be payable by the applicant, whether the licence is granted or not.

64. Duration of cinematograph theatre licence.

A cinematograph theatre licence shall remain in force for one year or for such shorter period as the Commission may, on the grant of the licence determine, unless it is revoked under the Act and these Regulations.

65. Open air cinematograph theatres.

Regulation 62 applies with necessary modifications to the grant of an open air cinematograph theatre licence.

66. Conditions to be observed in erection, alteration or equipment of cinematograph theatres.

(1) Premises shall not be approved for operating a cinematograph theatre unless—

- (a) the Commission is satisfied that the safety, health and convenience of the persons attending the cinematograph exhibition are adequately provided for; and that the Public Health (Building) Rules are complied with;
- (b) the erected premises are provided with such means of escape in case of fire; are in good condition and free from obstruction;
- (c) the premises are provided with adequate means of extinguishing fire, having regard to the amount of inflammable materials in the premises;
- (d) the furniture and apparatus in the premises are so arranged as to afford free outlet to persons in the premises in the event of fire and the seating arrangement complies with the Public Health (Building) Rules, where applicable;
- (e) the fittings are, as far as is practicable, of non-flammable or fire-resisting materials;
- (f) there is posted in a conspicuous location, in large characters in the premises, full instructions as to the action to be taken in case of fire, and full directions as to the means of escape from the premises in case of fire;
- (g) the seating capacity authorised in the building occupation permit is not exceeded, and physical controls exist to control admission; and
- (h) there is provision of a place of convenience for persons attending the video or cinematograph exhibition.

67. Classification of cinematograph theatres.

(1) The categories of cinematograph theatres are—

- (a) cinemas located in urban areas with a high level of cinematograph theatre infrastructure and equipment; and
- (b) video halls with a basic level of cinematograph theatre infrastructure and equipment.

(2) The Commission shall determine the cinematograph theatre infrastructure suitable for the cinematograph theatre categories specified in subregulation (1).

68. Enclosures for apparatus.

(1) Cinematograph apparatus shall be placed in an enclosure of substantial construction made of or lined internally with fire-resisting material and of sufficient dimensions to allow the operator to work freely.

(2) The following provisions apply to all enclosures referred to in subregulation (1)—

- (a) the entrance to the enclosure shall be suitably placed and fitted with a self-closing and close-fitting door constructed of fire resisting material;
- (b) the openings through which the necessary pipes and cables pass into the enclosure shall be efficiently bushed;
- (c) the openings in the front face of the enclosure shall not be larger than is necessary for effective projection, and shall not exceed two for each lantern;
- (d) each opening referred to in paragraph (c) shall be fitted with a screen of fire-resisting material, which can be released both inside and outside the enclosure so that it automatically closes with a close-fitting joint;

- (e) the door of the enclosure and all openings, bushes and joints shall be so constructed and maintained as to prevent, so far as possible, the escape of any smoke into the auditorium and if means of ventilation are provided, they shall not be allowed to communicate directly with the auditorium;
- (f) if the enclosure is inside the auditorium, a suitable barrier shall be placed round the enclosure at a distance of not less than two feet from it, or other effectual means shall be taken to prevent the public from coming into contact with the enclosure;
- (g) no unauthorised person shall go into the enclosure or be allowed to be within the barrier;
- (h) smoking shall not, at any time, be permitted within the barrier or enclosure; and
- (i) no inflammable article shall be taken into or allowed to remain in the enclosure.

(3) In the case of buildings used regularly for cinematograph or other similar exhibitions, the enclosure shall be placed outside the auditorium.

(4) In the case of permanent buildings used regularly as provided under subregulation (3), the enclosure shall also be permanent.

(5) Where the Commission is of the opinion that compliance under subregulations (3) or (4) is impracticable or in the circumstances unnecessary for securing safety and has stated that opinion by express words in the licence, the requirement or requirements specified in subregulations (3) and (4) shall not apply.

69. Lanterns and film gates.

(1) Lanterns shall be placed on firm supports constructed of fire resisting material and shall be provided with a metal shutter which can be readily inserted between the source of light and the film gate.

(2) The film gate shall be of massive construction and shall be provided with ample heat-radiating surface.

(3) The passage for the film shall be sufficiently narrow to prevent flames travelling upwards or downwards from the light opening.

70. Projectors.

(1) Cinematograph projectors shall be fitted with two metal film boxes of substantial construction, and not more than fourteen inches in diameter, inside measurement, and the films shall be made to travel to and from the boxes.

(2) The film shall be made to close in such a manner and shall be fitted with a film slot so constructed as to prevent the passage of flames to the interior of the box.

71. Spools.

Spools shall be chain or gear driven, and films shall be wound upon spools so that the wound film shall not at any time reach or project beyond the edges of the flanges of the spool.

72. Storage of films.

All films, when not in use, shall be kept in closed metal boxes.

73. Lighting.

Where the general lighting of the auditorium and exits can be controlled from within the enclosure, there shall be also separate and independent means of control outside and away from the enclosure.

74. Electric light to be used.

No illuminant other than electric light shall be used within the lantern.

75. Cables, leads, connections and resistances.

(1) Within the enclosure, the insulating material of all electric cables, including "leads" to lamps, shall be covered with fire-resisting material.

(2) There shall be no unnecessary slack electric cable within the enclosure.

(3) The "leads" to the cinematograph lamp shall, unless conveyed within a metal pipe or other suitable casing, be kept well apart both within and without the enclosure and shall run so that the course of each may be readily traced.

(4) Cables for cinematograph lamps shall be taken as separate circuits from the source of supply and from the supply side of the main fuses in the general lighting circuit, and there shall be efficient switches and fuses inserted at the point where the supply is taken.

(5) An efficient double-pole or triple-pole switch shall be fitted in the cinematograph lamp circuit inside the enclosure.

(6) When the cinematograph lamp is working, the pressure of the current across the terminals of the double-pole or triple-pole switch inside the enclosure shall not exceed 415 volts.

(7) Resistances shall be made entirely of fire-resisting material, and shall be so constructed and maintained that no coil or other part shall at any time become unduly heated.

(8) All resistances, with the exception of a resistance for regulating purposes, shall be placed outside the enclosure and, if reasonably practicable, outside the auditorium and where inside the auditorium, they shall be adequately protected by a wire guard or other efficient means of preventing accidental contact.

(9) The operator shall satisfy himself or herself, before the commencement of each exhibition that all cables, leads, connections, and resistances are in proper working order.

(10) The resistances, if not under constant observation, shall be inspected at least once during each exhibition and where any fault is detected, current shall be immediately switched off and shall remain switched off until the fault has been remedied.

76. Display of cinematograph theatre licence.

A cinematograph theatre licence holder shall display the licence in a conspicuous place at the premises for which it is issued.

77. Endorsement of stage plays and public entertainments.

(1) The Commission may endorse a cinematograph theatre licence authorising licensed producers to use the theatre for stage plays and public entertainments.

(2) No fee shall be payable on an endorsement under subregulation (1).

78. Application of the Stage Plays and Public Entertainments Rules.

For the avoidance of doubt, the Stage Plays and Public Entertainments Rules, 2019 shall regulate individual exhibitions, displays and any other performances under the Stage Plays and Public Entertainments Act, shall continue to apply.

Licensing of Content Distributors.

79. Licensing of distributors.

(1) A person shall not carry on the business of distributing films or video works or other content for commercial display to the public without a licence granted by the Commission.

(2) An application to the Commission for a licence for the distribution of films or video works shall be in Form G set out in Schedule 2 to these Regulations and shall be accompanied by the prescribed fee.

(3) Subject to the Act and these Regulations, a licence authorising a person to carry on the business of distributing films or video works shall be limited to the distribution of registered films or video works as the Commission may from time to time approve.

(4) A person who contravenes this regulation commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or to imprisonment not exceeding twelve months or both.

80. Records to be kept by distributor

A licensed distributor of films or video works shall cause to be kept, at the premises at which the films or videos are delivered for distribution, a register containing—

- (a) the title and length of the films or video works;
- (b) information regarding origin of the films or video works;
- (c) the classification details of censorship and approval for the films or video works obtained from the Media Council; and
- (d) the respective dates on which or the period during which the films or video works have been distributed to the public at the premises.

81. Categories of distributors.

The four categories of distributors are—

- (a) national distributors, registered and licensed by the Commission to distribute films or video works nationally;
- (b) regional distributors, registered and licensed by the Commission to distribute films or video works within a specific region;
- (c) district distributors, registered and licensed by the Commission to distribute films and video works in a specific district; and
- (d) town and village distributors, registered and licensed by the Commission to distribute films and video works in a specific town or village.

82. Duration of distributor's licence.

Regulation 64 relating to duration of cinematograph licences applies to a distributor's licence.

**PART VII—LICENSING AND REGULATION OF
VALUE ADDED SERVICES**

83. Licensing powers of Commission in relation to value added services.

(1) The Commission shall in relation to licensing and regulating value added services—

- (a) classify a service operated on a communications platform as a regulated value added service;
- (b) licence, monitor, inspect, supervise, control and regulate value added services in the communications sector;
- (c) require an applicant for any licence to obtain a value added services licence;
- (d) exempt an applicant from the requirement to obtain a value added services licence;
- (e) prescribe standards and to monitor and enforce compliance relating to content carried by operators and other licensed providers of value added services to consumers;
- (f) promote collocation, infrastructure sharing and interoperability among operators in accordance with the Uganda Communications (Interconnection and Access) Regulations, 2019;
- (g) regulate pricing for value added services with a view to protecting consumers from excessive prices and to prevent unfair competitive services;
- (h) promote competition, including protection of operators from acts and practices of other operators that are damaging

to competition and to facilitate the entry into the market of new and modern systems and services;

- (i) receive, investigate and arbitrate complaints relating to value added services; and
- (j) promote and safeguard interests of consumers and operators in relation to the quality of communications services and equipment.

(2) The Commission may require a person undertaking any of the following activities to obtain authorisation from the Commission—

- (a) the provision of any financial services delivered through a communications network platform by an institution licensed and regulated by the Bank of Uganda;
- (b) the provision of any financial services through a communications network platforms as prescribed by the Micro Finance Deposit-Taking Institutions Act, 2003;
- (c) public information services delivering content to the public; and
- (d) any other content platforms providing services regulated by other government agencies under an Act of Parliament.

(3) For the purposes of subregulation (1), the Commission may issue guidelines to ensure general platform integrity, enforce quality of service parameters with regard to technical specifications, consumer protection, where applicable, and content regulation.

84. Classification of value added services.

(1) The Commission may, on application by an operator, a provider or subject to section 6 of the Act or on its own motion classify a service as a value added service for purposes of these Regulations.

(2) The Commission shall, at least once a year, publish the list of services classified as value added services under subregulation (1) in the Gazette, in a newspaper of national circulation and in any other relevant national media.

(3) Value added services include—

- (a) digital financial services including electronic financial non-banking services including—
 - (i) mobile value added services payment for value, including mobile money; and
 - (ii) transmission for value and receipt for value initiated and terminated on a platform owned by an operator;
- (b) any aggregation of the value added services referred to in paragraph (a), where the service is sold to a member of the public;
- (c) provision of communications channels to third party providers of electronic financial non-banking services including bill payments, purchase of goods and services;
- (d) providing any of the services under paragraph (c) to consumers of communication services, including the transfer of value from one stored value account to another; and
- (e) other services, including the sale of content, whether audio, visual, data and broadcast content.

85. Application for value added services licence.

(1) A person shall not offer to the public, services classified by the Commission as value added services without a licence issued by the Commission or an exemption, granted under regulation 83 (1) (d).

(2) An application for a value added service licence shall be in Form H set out in Schedule 2 to these Regulations.

- (3) An application for a value added services licence shall state—
- (a) the full description of services proposed to be offered by the applicant;
 - (b) the proposed interface between the financial institution, communications platform and the applicant's consumers, where applicable;
 - (c) in cases where a platform is operated by an operator; the proposed interface between the applicant's platform and the applicant's consumers and details of any proposed interconnection or access agreements where the applicant's services will be offered on the platform of another operator;
 - (d) in the case of postal services, the description of non-core value added services proposed to be sold on the operator's platform or at the operator's place of business;
 - (e) a framework for business continuity;
 - (f) evidence of prior experience and technical capacity in handling the proposed service in another comparable jurisdiction; and
 - (g) any other information as the Commission may deem necessary.
- (4) The application shall be accompanied by—
- (a) evidence of equipment type approval issued by the Commission with respect to communications apparatus used in the business;
 - (b) a settlement plan with respect to transactions involving mobile money;
 - (c) where applicable, an agreement between the financial institution and the operator or other provider and a letter of no objection or other similar document from the Bank of Uganda with the financial institution with whom the operator has made a settlement arrangement;

- (d) a schedule of proposed prices and charges for services proposed to be sold by the applicant which shall be uniform for all members of the public; and
- (e) the prescribed fee.

(5) The Commission may include in the licence, one or more of the conditions specified in Schedule 6 to the Act.

(6) The following categories of persons or entities are not eligible for a licence under this Part—

- (a) any person who is not an eligible person under section 2 of the Act;
- (b) persons convicted of criminal offences relating to financial crimes, fraud, computer misuse or any offence under the Act in the five years preceding the application;
- (c) applicants with insufficient capital or liquidity to cover the proposed transactions to be sold by the applicant;
- (d) applicants without adequate infrastructure to maintain continuity of service;
- (e) applicants who have failed to meet their contractual obligations under any interconnection or access agreement in respect of which the Commission has been notified prior to termination of the same;
- (f) applicants intending to sell prohibited content; and
- (g) persons or entities found to have committed serious and repeated breaches of the Act under any licensing regime managed by the Commission.

86. Persons who do not require licence.

A registered agent of an operator authorised to sell value added services under this Part may sell value added services without a licence where the person—

- (a) does not have an independent business; or
- (b) is an authorised person offering goods and services to members of the public in the name of a licensed operator.

Additional Powers of Commission

87. Power to issue operating guidelines.

(1) The Commission may issue operating guidelines to operators and other authorised persons selling value added services.

(2) Guidelines issued under subregulation (1) may provide for—

- (a) operating standards; including technology standards regulating communications between an operator and consumer telecommunications apparatus;
- (b) consumer and data privacy;
- (c) data integrity;
- (d) anti-fraud detection and monitoring methods;
- (e) quality of service measures;
- (f) consumer service requirements; including compensation for financial loss owing to operator error;
- (g) access requirements for persons with disabilities, where applicable;
- (h) refunds for unused balances on stored value accounts after a period of one year from the date of last use; and
- (i) any other matter necessary for the effective monitoring of the quality and efficiency of value added services offered by an operator.

(3) The Commission may prescribe reporting intervals for operators with respect to the guidelines issued under subregulation (1).

88. Monitoring apparatus used to deliver value added services.

(1) The Commission shall monitor communications apparatus used to deliver value added services and may install monitoring equipment at operator premises or other designated facilities in the execution of its oversight function as a regulator in accordance with the Uganda Communications (Intelligent Network Monitoring System) Regulations, 2019.

(2) An operator shall grant the Commission and its representatives unrestricted access to all apparatus of the operator used to provide value added services at all reasonable times.

(3) An operator shall provide the Commission with copies of any data acquired in relation to value added services.

(5) An operator shall give the Commission reasonable assistance in carrying out the monitoring of value added services.

Obligations of Licensees to Release Funds

89. Funds of deceased and missing persons.

(1) Where a consumer of value added services dies or is declared a missing person in accordance with the applicable law, the operator shall, upon request by the executor or administrator of the deceased's estate or such other person designated by court, issue a refund to the estate of any stored value kept in the wallet or stored value account of the deceased person.

(2) A person who claims for a refund under subregulation (1) shall provide the operator with a copy of the court order relating to the estate of the deceased or missing person.

90. Management of unclaimed funds.

(1) The operator shall declare to the Commission any funds that have not been claimed or in respect of which subscriber accounts have been inactive for a period of one year.

(2) The unclaimed funds shall be kept by the operator in a designated account with a licensed financial institution.

(3) The operator shall, annually, publish the names and telephone numbers of the account holders of unclaimed funds in a newspaper of national circulation.

(4) Where the funds and any interest earned remain unclaimed for a period of one year, the funds shall revert to the Commission and the funds shall be credited to the Universal Service and Access Fund.

91. Information keeping and disposal requirements.

(1) An operator or provider shall keep records relating to the value added services it provides.

(2) The Commission shall, from time to time, issue to licensees, information keeping and disposal guidelines governing the collection and disposal of consumer data.

(3) Every operator shall comply with the requirements prescribed in the guidelines issued by the Commission.

PART VIII—GENERAL

92. Exempted practices.

(1) The Commission may, by notice in the Gazette, specify practices—

- (a) that do not require a licence;
- (b) that do not require a licence so long as certain prescribed circumstances apply or any condition specified in the order is complied with; or

- (c) that require general authorisations.

(2) The Commission may specify the following in each authorisation—

- (a) notification requirements;
- (b) reporting requirements;
- (c) quality of service requirements;
- (d) consumer protection;
- (e) pricing regulation, where applicable; and
- (f) dispute resolution mechanisms between the authorised person and the operator providing access to the communications network or platform.

93. Licensing procedures.

(1) The Commission shall in considering an application for a licence under these Regulations, determine whether the public interest, convenience and necessity shall be served by granting the licence.

(2) A licence shall be issued based on the merit of an application and the Commission shall evaluate the application based on—

- (a) the applicant's commitment to developing and investing in Uganda's communications sector;
- (b) the applicant's ability to deliver the proposed service and infrastructure commitments; and
- (c) the applicant's commitment to quality of service standards.

(3) The Commission shall, in determining the merits of an application take into account—

- (a) the vision of the applicant;

- (b) the organisational structure and financial capability and strength of the applicant;
- (c) the applicant's competition strategies for the provision of services, the technical soundness of the applicant's plans and the technical capability to implement the plans;
- (d) the commitment of the applicant in fulfilling its vision and plans;
- (e) the benefits that will be brought by the applicant to the industry, users and the Ugandan economy as a whole, in terms of investment, enhancement of the communications infrastructure, capacity, capability and connectivity;
- (f) the level of technological and service innovation and responsiveness, the range and choice of products and service offerings, competitive pricing, the level of quality of service and level of customer service support; and
- (g) limitations of available resources.

(4) In addition to the matters specified in subregulations (1), (2) and (3), the Commission shall, in considering an application for a licence or an application for modification or renewal of a licence, take into account—

- (a) the eligibility of the applicant;
- (b) the technical and financial capability of the applicant;
- (c) the policy objectives under the Act;
- (d) the public interest to be served; and
- (e) the compliance and performance of the licensee in the previous licence term.

94. Grant of licences.

(1) Subject to the provisions of the Act and these Regulations, the Commission may, on an application duly made under these Regulations, grant a licence, on such terms and conditions as may be determined by the Commission.

(2) Except where expressly provided in these Regulations, a communications licence shall remain in force for a period of five years.

95. Provisional licence.

The Commission may grant a provisional licence with such conditions as it may deem fit, to be satisfied by the applicant prior to the grant of licence.

96. Special licence where applicant qualifies for more than one licence.

Where the Commission on reviewing an application under these Regulations determines that an applicant is eligible for more than one licence, the Commission may issue a special licence in respect of the application.

97. Terms and conditions of licences.

(1) A licence shall authorise a licensee to provide—

- (a) the communications services specified in the licence, to the places specified in the licence; and
- (b) a universal service obligation.

(2) The Commission may modify, renew, suspend or revoke a licence.

(3) A licensee shall not operate or permit the provision of services in a manner which is inconsistent with the terms and conditions of the licence, these Regulations or the Act.

(4) The Commission may include in a licence, all or any of the following conditions as applicable—

- (a) financial conditions;
- (b) technical conditions;
- (c) performance milestones;
- (d) restrictions on subcontracting;
- (e) conditions for the imposition by the Commission of a penalty, fine or sanction, where the licensee does not comply with specified technical or quality standards and general delivery of service;
- (f) the provision of services to rural or sparsely populated areas unserved or underserved or other specified areas;
- (g) the provision of services to persons with disabilities;
- (h) the payment to the Commission of sums of money calculated as a proportion of the rate of the annual turnover of the licensed system of an operator;
- (i) the payment by an operator of a contribution towards any loss incurred by another operator as a result of that other operator's obligation imposed by the Commission regarding the provision of uneconomic service, in pursuance of universal service obligation;
- (j) the interconnection of an operator's communications system with any other system and permitting the connection of communications apparatus to an operator's system;
- (k) prohibiting an operator from giving undue preference to, or from exercising undue discrimination against any particular person or class of persons;

- (l) requiring an operator to provide the Commission with documents, accounts, returns or other information required by the Commission for the performance of its functions under the Act and these Regulations;
- (m) requiring an operator to submit quarterly reports to the Commission on its operations and services;
- (n) requiring an operator to publish, in such a manner as may be specified in the licence, the charges and other terms and conditions that may be applicable to the facilities and services provided;
- (o) providing services on a priority basis to Government or specified organisations;
- (p) requiring an operator to ensure that an adequate and satisfactory information system; including billing, prices, directory information and directory enquiry services are provided to customers;
- (q) specifying the criteria for setting prices;
- (r) specifying a set of defined services that a licensee shall provide to all users;
- (s) setting targets for the supply-time and quality-of-service indicators that a licensee should meet;
- (t) payment of financial penalties imposed by the Commission as enforcement measures;
- (u) requiring an operator to comply with technical standards or requirements; including service performance standards as may be specified in the licence;
- (v) a statement that the licence is subject to revocation in accordance with section 41 of the Act;

- (w) specifying technical standards, service performance and criteria for setting prices; and
- (x) any other condition as the Commission may consider appropriate or expedient.

(5) An operator shall not engage in anti-competitive acts, or in acts in breach of fair competition and for that purpose, it shall be a condition in a licence for the operator to comply with the fair competition provisions in the Act and regulations made under the Act.

98. Compliance with terms and conditions of licence or authorisation.

A person granted a licence or authorisation under these Regulations shall—

- (a) be bound by all the terms, commitments, offers, presentations, proposals, plans and obligations stated in the application and licence or authorisation; and
- (b) ensure the accuracy of the information and representation submitted in the application.

99. Modification of conditions of licence by the Commission.

(1) The Commission may, upon reasonable grounds, modify the conditions attached to a licence granted under these Regulations where the Commission considers it necessary—

- (a) to achieve the objectives of the Act and these Regulations;
- (b) in the public interest;
- (c) in the justified interests of other operators; and
- (d) for the principles of fair competition and equality of treatment.

(2) The Commission shall, before modifying the conditions of a licence, give the operator notice, stating the reasons for the intended modification and giving the operator an opportunity to make any representations.

(3) A notice given under subregulation (2) shall state—

- (a) that the Commission proposes to make a modification to the licence;
- (b) the effect of the modification;
- (c) the reasons for the modification; and
- (d) a period of not less than sixty days from the date of publication of the notice, within which representations to the proposed modifications may be made.

(4) A notice under subregulation (2) shall be served on the licensee and published in the Gazette and in any other manner that the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of any person likely to be affected by it.

(5) The Commission may, before giving a notice of modification of a licence, investigate—

- (a) whether any matter relating to the provision of communications services which is authorised or required by a licence is against the public interest or is expected to do so; and
- (b) whether effects which are adverse to the public interest, relating to the provision of communications services may be remedied or prevented by modifying the conditions of the licence.

(6) The Commission shall, as soon as practicable after commencing an investigation under subregulation (5), issue a notice of initiation of the investigations and shall—

- (a) serve a copy of the notice on the operator; and
- (b) publish particulars of the investigation in the Gazette and in any other manner that may be appropriate for the purpose of bringing it to the attention of persons likely to be affected by it.

(7) The Commission shall make a report of an investigation under subregulation (6) and the report shall—

- (a) include definite conclusions on the matter investigated and a statement of its reasons for the conclusions as the Commission considers necessary to facilitate a proper understanding of the matter and conclusions made;
- (b) where it concludes that a matter investigated operates against the public interest or may be expected to do so, specify the effects which are adverse to the public interest which the matter has or may be expected to have; and
- (c) where it concludes that any adverse effects specified may be remedied or prevented by modification of the conditions of the licence, specify the modifications by which the effects may be remedied or prevented.

(8) The Commission shall modify the conditions of a licence that it considers necessary for the purpose of remedying or preventing the adverse effects specified in an investigation report, where the report—

- (a) includes conclusions that a matter operates against the public interest or may be expected to do so;
- (b) specifies effects adverse to the public interest which the matter has or may be expected to have;
- (c) includes conclusions that the effects may be remedied or prevented by modifications of the conditions of a licence; and
- (d) specifies modifications by which the effects may be remedied or prevented.

(9) As soon as practicable, after making any modification under this regulation, the Commission shall send a copy of the modification to the licensee.

(10) The operator shall comply with the modification of the licence within thirty days from the date of receipt of the modification under subregulation (9).

(11) An operator aggrieved by the decision of the Commission may appeal to the Uganda Communications Tribunal.

100. Modification of licence on application by the licensee.

(1) An operator may apply to the Commission for modification of the conditions of a licence where a clause or condition in the licence has become unduly onerous and is impacting negatively on the licensee's ability to fulfil its obligations under the licence.

(2) Where the Commission receives an application under subregulation (1), the Commission shall consider the application in accordance with regulation 99(6), (7), (8), (9), (10), and (11).

101. Renewal of licence.

(1) An application for renewal of a licence shall be made at least two months before the expiration of the licence.

(2) An application for renewal of a licence shall be in Form J set out in Schedule 2 to these Regulations and shall be accompanied by the prescribed fee.

(3) In considering an application for renewal of a licence, the Commission shall have regard to the performance of the licensee during the term of the licence.

(4) The Commission may renew a licence within thirty days from the date of receipt of a complete application.

(5) The Commission may renew a licence on such terms and conditions as it may deem fit.

(6) Where the Commission declines to renew a licence, it shall within fourteen days of the decision, provide a written explanation to the operator, giving reasons for the refusal.

102. *Transfer of licence.*

(1) A licence shall not be transferred *without the written consent* of the Commission.

(2) An application for the transfer of a licence by an operator shall be in Form K set out in Schedule 2 to these Regulations.

(3) An application under subregulation (2) shall be accompanied by the relevant application for grant of a licence by the person to whom the operator intends to transfer the licence, and the prescribed fee.

(4) The Commission shall, in considering an application for the transfer of a licence, have regard to the same terms and conditions as those that apply to the grant of a new licence, but the Commission may, in its discretion, refuse to grant the application under this regulation.

(5) The Commission shall, in considering an application to transfer a licence, conduct due diligence to determine whether the transferee meets the respective eligibility requirements which shall include but are not limited to the following—

- (a) evidence of the transferee's technical and financial capacity to operate the business of the licensee;
- (b) the transferee's experience in the business of the licensee;
- (c) the competence of the transferee's personnel in the provision of the services stipulated in the licence;
- (d) where the transferee has been operating in another jurisdiction, a letter of good standing from the relevant regulatory authority where the transferee is domiciled;
- (e) the profile of the transferee and particulars of all its directors; and
- (f) a detailed sale and purchase agreement.

(6) The Commission shall, in considering an application for transfer or change in shareholding of the licensee, assess the impact of the acquisition, transfer or change in shareholding on the level of competition in the relevant markets with particular regard to the following factors—

- (a) barriers to entry into the market;
- (b) level of concentration;
- (c) impact on overall market growth, innovation and product differentiation;
- (d) countervailing power in the market;
- (e) economies of scale;
- (f) substitutability; and
- (g) the level of vertical integration in the market.

(7) The Commission may, before granting consent for transfer of a licence, require the applicant to submit additional information and documentation to determine whether the transferee meets the appropriate eligibility requirements.

(8) An application for transfer of a licence shall only be considered by the Commission where the licence is operational.

(9) For the purposes of subregulation (8)—

- (a) a Public Infrastructure Provider Licence is operational where the licensee has installed infrastructure which is ready for communications service provision;
- (b) a Public Service Provider Licence is operational where there is evidence of services being provided to consumers

on a commercial basis; but provision of services on a trial basis or for test purposes shall not be construed as having operationalised the licence; and

- (c) any other licence or authorisation is operational once the terms and conditions set by the Commission are complied with.

(10) The Commission may, in evaluating an application for a transfer of licence or change of shareholding, undertake a technical inspection and audit of the communications to determine whether the system complies with all applicable technical and safety standards and other licence terms and conditions.

(11) Where a licence is transferred, the transferee shall assume all the obligations and liabilities of the transferor in the licence transferred and shall comply with the Act, these Regulations and other applicable laws at the time the assignment or change in shareholding is approved.

(12) For the avoidance of doubt, where a licence is transferred, the transferee shall only receive a licence term equal to that remaining on the original licence but is eligible to apply for renewal of the licence in accordance with the Act and these Regulations.

(13) For the purposes of this regulation—

- (a) “transfer of licence” includes the merger and acquisition of control of the licence holder;
- (b) “control” as used with respect to any person means the possession, directly or indirectly, of the power to direct or cause the direction of the management of that person, whether through the ownership of shares, voting, securities, partnership or other ownership interests, agreement or otherwise.

(14) The Commission shall consider the application for transfer of a licence and communicate its decision to the applicant within forty five days from the date of receipt of the complete application.

(15) Where consent is not granted for transfer of a licence under this regulation, the Commission shall, within fourteen days, provide a written explanation to the licensee, giving reasons for the refusal.

(16) A person who contravenes this regulation 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.

103. Register of licences, permits and authorisations.

(1) The Commission shall compile and maintain a register of licences, permits and authorisations issued by the Commission.

(2) The register compiled under subregulation (1) shall be kept at such premises and in such a form as the Commission may consider appropriate.

(3) Every entry in the register shall state the following—

- (a) the contents of the licence, permit or authorisation;
- (b) every modification, revocation or surrender of a licence, permit or authorisation;
- (c) the provisions of every direction or determination made or consent or approval given under a licence, permit or authorisation;
- (d) the terms of every order made and revocation of the order, if any; and
- (e) every penalty imposed on the holder of the licence, permit or authorisation.

(4) The Commission shall, in implementing this regulation comply with the provisions of the Access to Information Act, 2005 and, so far as is practicable, ensure the exclusion from the register of any matter relating to the affairs of a person where the Commission considers that its inclusion would or might seriously and prejudicially affect the person's interests, except where—

- (a) the person concerned consents to the matter being entered in the register; or
- (b) the Commission considers that entering the matter in the register is in the public interest.

(5) The Commission shall ensure that the contents of the register are available for inspection by the public during normal working hours, upon payment of the prescribed fee.

(6) The Commission shall, upon application by any interested person, supply a certified copy of the register or an extract from the register, subject to payment of the prescribed fee.

(7) An extract from a register maintained under this regulation authenticated by an authorised officer shall be conclusive evidence that the information exists on the register.

104. Suspension or revocation of licence.

(1) The Commission may, in accordance with the Act, these Regulations and the terms and conditions of a licence, suspend or revoke a licence on the following grounds—

- (a) serious or repeated breach of the terms and conditions of the licence;
- (b) fraud or intentional misrepresentation by a licensee in the application for a licence or in any statement of fact;

- (c) where the operator is engaged in or is supporting activities amounting to a treasonable offence under the Penal Code Act;
- (d) where the operator has ceased to be an eligible person;
- (e) where the Commission deems it appropriate in the public interest to revoke or suspend a license

(2) Without limiting the general effect of subregulation (1), the Commission shall revoke a licence—

- (a) for false statements knowingly made, either in an application for the licence or in any statement of fact;
- (b) for conditions brought to the attention of the Commission, which warrant refusal to grant the licence in an original application;
- (c) for wilful or repeated failure to operate in accordance with the licence;
- (d) for wilful or repeated failure to comply with the Act or regulations made under the Act; or
- (e) for violation of or failure to observe any cease and desist order issued by the Commission.

(3) The Commission may issue to an operator, a cease and desist order where the operator—

- (a) fails to operate substantially as provided in the licence; or
- (b) violates or fails to comply with the Act or regulations made under the Act.

(4) The Commission shall, before suspending or revoking a licence, give the operator written notice of not less than sixty days, specifying the reasons for the intended suspension or revocation, during which the operator may make representations to the Commission.

(5) The Commission shall, after consideration of any representations by the operator—

- (a) require the operator to remedy the offending act or conduct within thirty days from the date of the notice issued under subregulation (4); and
- (b) require the operator to pay a fine not exceeding the equivalent of ten percent of its gross annual revenue.

(6) Where the Commission is of the opinion that the measures taken by the operator under this regulation are not sufficient, the Commission may—

- (a) suspend the licence for a specified period; or
- (b) revoke the licence.

(7) The Commission may before revoking a licence or issuing a cease and desist order, serve upon an operator or person authorised by the operator, a notice requiring the operator or person authorised by the operator to appear before the Commission and show cause why an order of revocation or a cease and desist order should not be issued.

(8) The notice under subregulation (7) shall contain a statement of the matter with respect to which the Commission is inquiring and shall require the operator or person authorised by the operator, to appear before the Commission at a time and place stated in the order, to give evidence upon the matter specified in the order.

(9) The time given to appear before the Commission in subregulation (8) shall not be less than fifteen days after receipt of the notice, except where safety of life or property is involved.

(10) Where, after a hearing, under subregulation (8) the Commission determines that a cease and desist order should be issued, it shall—

- (a) issue the order; which shall include a statement of the findings of the Commission and the grounds and reasons for the findings;
- (b) specify the effective date of the order; and
- (c) cause the order to be served on the licensee.

(11) In this regulation—

- (a) “wilful”, when used in reference to the commission or omission of any act, means the conscious and deliberate commission or omission of the act, irrespective of any intent to violate any provision of the Act or these Regulations; and
- (b) “repeated”, when used in reference to the commission or omission of any act, means the commission or omission of the act more than once or, if the commission or omission is continuous, for more than one day.

105. Enforcement of licence.

(1) Where the Commission has reason to believe that an operator is contravening or has contravened the regulations made under the Act or any condition of a licence, the Commission shall commence an investigation for the purpose of securing compliance with the Act, regulations or conditions of the licence.

(2) Notwithstanding subregulation (1), the Commission may investigate any matter relating to a licence—

- (a) following a complaint by any person that there is a contravention of a term or condition of the licence;

- (b) arising from an inspection or investigation of any person as part of the performance of the Commissions duties; or
- (c) where the Commission obtains information by any other means suggesting that a contravention of a term or condition of a licence may have occurred or is occurring.

(3) In determining whether to proceed with investigating a complaint, the Commission shall give priority to matters where—

- (a) there appears to be an obvious disregard for the law;
- (b) there appears to be substantial damage arising from the breach;
- (c) there is likely to be significant harm to the public;
- (d) successful enforcement by litigation or other means would have a significant deterrent or educational effect; or
- (e) an important new issue is involved, including a matter arising from economic or technological change.

(4) Where the Commission determines that there is reason to believe that there is a contravention of any condition of a licence, the Commission shall subject to subregulation (6) issue an investigation notice to the operator.

(5) The Commission shall make the decision to issue an investigation notice after giving proper consideration to the merits of the case and deciding whether it has a reason to believe that an operator contravened a condition of the licence, the Act or regulations made under the Act.

(6) An investigation notice under subregulation (6) shall state—

- (a) that the Commission is investigating a possible breach of a condition of a licence;
- (b) the reasons for the belief of a contravention or breach, including any matter of fact or law which is relevant to the investigation;
- (c) further information required from an operator to complete the investigation; and
- (d) where appropriate, the steps to be taken to remedy the breach.

(7) In arriving at its decision on any matter concerning the breach of a condition of a licence, the Commission—

- (a) may provide an opportunity for public comment on the material issues, through public consultation;
- (b) shall, where there is public consultation, give full consideration to the public comments received;
- (c) shall be guided by technical opinions and the Act, where applicable;
- (d) shall act as expeditiously as proper consideration of the matter may allow, having regard to the need to carefully and quickly inquire into and investigate a dispute and all matters affecting the merits and fair settlement of the dispute; and
- (e) may inform itself of any matter relevant to the dispute in any way it considers appropriate.

(8) The decision and directions of the Commission shall be non-discriminatory and shall treat similarly situated persons in the same manner and on an equal basis.

(9) At any time during enforcement proceedings, the Commission may issue an interim order directing an operator to stop specified conduct, where the Commission is satisfied that—

- (a) there is prima facie evidence that the operator contravened the Act, the regulations or a condition of a licence;
- (b) continuation of the operator's conduct is likely to cause serious harm to other operators, consumers or the general public;
- (c) the potential harm in allowing an operator to continue the conduct outweighs the burden on the operator; or
- (d) the issuing of the order is in the public interest.

(10) Where the Commission determines that an operator has contravened any of the conditions of a licence, the Act or regulations made under the Act, the Commission shall take the following enforcement actions—

- (a) direct the operator to cease engaging in the conduct by issuing a cease and desist order;
- (b) direct the operator to take specific remedial action;
- (c) impose a financial penalty on the operator, not exceeding ten percent of the operator's annual turnover;
- (d) suspend the licence for a specified period; or
- (e) revoke the licence.

(11) In imposing a financial penalty, under subregulation (10) (c) the Commission shall consider any aggravating factors, including—

- (a) the gravity of the contravention;
- (b) the duration of the contravention;
- (c) whether the contravention resulted in injury to a person or property;

- (d) whether the operator acted knowingly, recklessly, or in a negligent manner;
- (e) whether the operator has a previous history of contravention; and
- (f) whether the operator made any effort to conceal the contravention.

(12) In imposing a financial penalty, the Commission may, in addition consider any mitigating factors including—

- (a) whether the contravention and its consequences are major or minor;
- (b) whether the operator voluntarily disclosed the contravention to the Commission;
- (c) whether the contravention was accidental; and
- (d) whether an operator took prompt action to correct the contravention.

(13) Where the Commission is satisfied that an operator is likely to again contravene any condition of a licence, the Act or the regulations made under the Act, the Commission may suspend or cancel the operator's licence.

(14) The Commission shall, in all cases of enforcement, impose sanctions that give a significant deterrent to impermissible conduct, but the sanction shall be proportionate to the severity of the contravention.

106. Liaison officers for regulatory affairs.

(1) All operators and other licensees shall appoint and notify the Commission in writing of personnel responsible for handling regulatory requirements, including furnishing information to the Commission.

(2) Where there is a change of personnel appointed under subregulation (1), the licensee shall notify the Commission of the new appointment immediately after the appointment.

(3) A liaison officer shall submit to the Commission, quarterly and annual returns highlighting—

- (a) any new products introduced by the licensee;
- (b) changes in the number of outlets;
- (c) the number of staff of the operator;
- (d) any trainings carried out by the operator; and
- (e) in relation to postal and courier operators, information on incidents and action taken by the operator.

107. Service provision schemes.

(1) An operator shall establish a service provision scheme for the services provided by the operator, to determine—

- (a) the charges to be imposed by the licensee for the services; and
- (b) the terms and conditions to be applicable to the services.

(2) The service provision scheme under this regulation shall, in particular—

- (a) adopt a system to determine the charges and other terms and conditions the communications operator may consider appropriate; and
- (b) specify the manner, time, place at which, and the person by whom the charges are to be paid.

(3) A provision shall not be made in any service provision scheme—

- (a) for limiting the liability of an operator for loss or damage; or
- (b) for amending the rules of law relating to evidence.

108. Liability of operators to compensate third parties.

A licensee who intentionally or negligently violates the Act or regulations made under the Act or who fails to perform any obligation arising from a licence shall, in addition to any penalty imposed under the Act and these Regulations, to the extent that the law or obligation aims to protect another party, be obliged to compensate that party for any damage arising from the violation or failure.

109. False documents.

A person who knowingly and fraudulently utters a false document and submits it to 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.

110. Offences.

Any person who knowingly uses the platform of a licensed operator to commit any of the following unlawful acts—

- (a) fraud upon the operator;
- (b) fraud upon a consumer;
- (c) stealing data;
- (d) breaching data;
- (e) publishing fake news; or
- (f) publishing any other prohibited content,

commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment for a term not exceeding twenty four months or both.

111. Inspection and entry.

(1) The Commission may enter the premises of an operator to investigate a complaint or alleged breach of the Act or non-compliance with the Act or these Regulations.

(2) An Inspector or authorised officer shall promptly identify himself or herself upon arrival at the premises of the operator with a copy of the notice of inspection.

(3) An operator shall permit entry to the inspector or authorised officer.

(4) Failure to permit entry under subregulation (3) may result in loss of eligibility to retain a licence or revocation of a licence issued under these Regulations.

112. Confiscation of apparatus and equipment.

(1) The Commission may, upon an investigation, confiscate from a licensed operator or agent of an operator or any person, any apparatus which is possessed, installed, connected or operated unlawfully.

(2) The owner of any apparatus confiscated by the Commission under subregulation (1) may appeal to the Uganda Communications Tribunal against the confiscation within 30 days.

113. Emergency enforcement powers.

The Commission may take immediate action in a state of emergency—

- (a) to direct any operator to operate a network in a specified manner to alleviate the state of emergency;
- (b) to take temporary possession of any communication station within Uganda, and any apparatus which may be installed and used in the station for a specified period not exceeding six months; and

- (c) to intercept communications, where such communications are likely to jeopardise public safety or national security.

114. Other orders of Commission.

The Executive Director may, by notice, order an operator or provider who is not complying with these Regulations to discontinue the use of apparatus used to operate a platform licensed under these Regulations.

115. Revocation of S. Is No. 20, 23 and 28 of 2005 and S.I 104-1.

The following are revoked—

- (a) the Telecommunications (Licensing) Regulations, 2005;
- (b) the Communications (Radio) Regulations, 2005;
- (c) the Communications (Postal Service) Regulations, 2005;
and
- (d) the Electronic Media (Cinematograph) Rules, Statutory Instrument 104-1.

SCHEDULE 1

Regulation 5.

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

FORMS

FORM A

Regulation 10(1)

To be filled in quadruplicate

APPLICATION FOR A TELECOMMUNICATIONS LICENCE

(Under section 38 of the Uganda Communications Act, 2013)

Application for a licence for *(tick as appropriate)*-

- (a) Facility-Based Licence
- (b) Service-Based Licence
- (c) Public Service Provider Licence
- (d) Public Infrastructure Licence
- (e) General Licence

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) Mobile Phone no. : _____
- (f) Fax: _____
- (g) E-mail: _____
- (h) TIN: _____
- (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 phone no.: _____
(g) E-mail: _____

1.3 Name and details of contact person

- (a) Name: _____
(b) Physical address: _____
(c) Postal address: _____
(d) Tel: _____
(e) Mobile phone no.: _____
(f) E-mail: _____

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, memorandum and articles of association, where applicable.)

2.2 List and particulars of directors:

<i>Name</i>	<i>Address</i>	<i>Nationality</i>	<i>Country of usual Residence</i>
1.			
2.			
3.			
4.			

3 FINANCIAL STATUS OF APPLICANT

3.1 Share capital of the 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)

(3) In Uganda

Name	Telephone	Fax	Address	Contact person

3.3 Other important referees on financial status of applicant

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

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

- (a) Share capital contribution (specify foreign or local)
- (b) Loan capital (specify source and provide evidence)
- (c) Others (specify)

3.7 Provide the business, financial and funding plans of proposed investment for the first five years of operation, including—

- (a) detailed business plans;
- (b) assumptions to be used, e.g. asset depreciation policies, subscriber projections and annual increases or decreases in operating expenditure;
- (c) financial ratios and the formula used in computing each ratio, including return on assets, return on equity, operating profit margins, net profit margins, current ratios, quick ratios and debt-equity ratios;

- (d) forecasts of the internal rate of return, net present value and payback period of the investment, computations of the net present value at ten percent, corresponding payback period and the hurdle rate or the rate of return normally required by the applicant for capital invested;
- (e) a detailed plan of the proposed capital expenditure and working capital requirements for the first five years of operation;
- (f) details of the proposed financing plan, including—
 - (i) the proposed sources of funds and the amount from each source;
 - (ii) the timing of funding initiatives and injection of funds;
 - (iii) the planned repayment terms and schedule for loans, loan stock and debentures;
 - (iv) the credit facilities available; and
 - (v) provisions for contingent sources of funds, where relevant, letters of intent, guarantor letters and other relevant documents, to substantiate the financing plan and loan or credit facilities;
- (g) a sensitivity analysis of the business plan, using the assumptions used to show the impact of changes on—
 - (i) the financial ratios, including return on assets, operating profit margin, net profit margin, current ratio, quick ratio and debt-equity ratio;
 - (ii) the internal rate of return, net present value and payback period for the investment;
 - (iii) the net present value at ten percent and the corresponding payback period;

(iv) the capital expenditure and working capital plans; and

(v) the financing and funding plans.

4.0 MAIN BUSINESS ACTIVITY OF APPLICANT

Please indicate what business activity the applicant is currently engaged in: _____

5.0 TECHNICAL CAPACITY AND EXPERIENCE

5.1 Technical and industrial competence of applicant

Please provide a detailed statement of applicant's technical and industrial competence and experience to undertake the proposed project. (Use additional sheets if necessary and attach signed CV's of proposed key staff, including all top management team)

Describe—

(a) Service technology to be applied by applicant; (Include any proposed *Interconnection Agreements*)

(b) Illustrated network description with facilities/infrastructure to be used from licensed providers; (Include any proposed *Interconnection Agreements*)

(a) Essential facilities requirements; (*Describe a facility which is essential for reaching a customer or conducting business, and which cannot be replicated by any reasonable means*) (Include any proposed *Interconnection Agreements*)

(b) Any interconnection interface arrangement/requirements; (Include any proposed *Interconnection Agreements*)

- (c) Quality of service levels and equipment standards;
- (d) Modes of protection of consumers for prepaid services;
- (e) Roll out plan;
- (f) Disaster recovery plan.

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)*

6.0 DESCRIPTION OF PROPOSED PROJECT

6.1 Outline vision for the business and detailed description of intended project, timing, competition strategies it will use to compete in Uganda's telecommunications market and how its operations will contribute to Uganda's vision of becoming part of the knowledge-based global economy. *(Use additional sheets or report as appropriate)*

6.2 Provide details—

- (a) of the track record of the consortium partners and other relevant parties; and

.....

- (b) on how *[the applicant]* intends to apply and leverage on any relevant experience and expertise from consortium partners or other relevant parties which *[the applicant]* commit to Uganda and highlight how these will give it a strategic or competitive advantage.

.....

6.3 (1) Provide information on—

- (a) network configuration; including the overall infrastructure and the components of the international and national networks to enable the provision of the telecommunications services and a description of the network management capabilities, routing plan, transmission plan, signalling plan and diversity plans;

.....

- (b) network facilities; including the planned locations and technical details of international frontier stations and gateways, local, tandem and trunk exchanges, land lines, cable ducts, radio base station sites and other equipment to be installed and frequency spectrum to be used;
.....
.....
- (c) network coverage capacity and improvement; including the planned geographical coverage of the network, and the network capacity expansion plans for the first five years of operation and commitments for improvements to infrastructure facilities for the next five years;
.....
.....
- (d) technical proposals for network interconnection with other operator's networks; including broadband networks, cellular mobile networks, public data network and directory enquiry systems operated by existing operators like signalling, transmission and synchronisation requirements covering the interconnection configuration, point of interconnection interface requirements and diversity arrangements;
.....
.....
- (e) network code of practice, security and protection; including network performance with an indication of the minimum standards and details of network security, information technology/system security and physical network protection; and
.....
.....
- (f) network technologies employed for the switching, transmission and local access systems to deliver basic, broadband and value-added services and the rationale for the choice of technologies selected;
.....
.....

- (g) broad network rollout plan and the strategy to implement the network rollout plan;
.....
.....

- (h) demonstration of technical experience and capability in the relevant technical areas and access to the technical expertise and experience, including managerial expertise.
.....
.....

6.4 Project site/utilities

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

6.5 Technical aspects/design of the project:
.....
.....

Indicate requirements for spectrum allocation if necessary:

6.6 Time plan for implementation of the project:
(*Attach giant chart of the implementation schedule*)
.....
.....

6.7 Land use at the project site (*Indicate the existing infrastructure*)
Indicate access roads (Attach map):
.....
.....

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

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

6.10 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 and Services:

(a) Domestic

(b) International

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

8.0 IMPACTS OF THE PROJECT

8.1 Impact on socio economics:

.....
.....

8.2 Impact on cultural heritage:

.....
.....

8.3 Impact on environment:

.....
.....

8.4 Impact on natural resources:

.....
.....

8.5 Impact on wildlife:

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

9.0 DECLARATION BY APPLICANT

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

Date _____

10. AUTHORISED SIGNATURE/S AND SEAL OF APPLICANT/S

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 Secretariat
.....
.....

7. Decision of Commission
.....
.....
8. Issue date of licence.....
9. Expiry date of licence
10. Other relevant information
.....
.....

FORM B*Regulation 16(1).***APPLICATION FOR BROADCASTING LICENCE***(Under sections 27 and 38 of the Uganda Communications Act, 2013)**(To be filled in quadruplicate)**(Sections 1 and 2 to be completed in blue or black ink and in block letters)***PART A- GENERAL** *(To be filled by all applicants)*

SECTION 1: CONTACT INFORMATION	
Names:
Public contact address:
Telephone: Office Cell phone/Mobile E-mail: Fax:
SECTION 2	SIGNAL DISTRIBUTOR LICENCE
Section applies to Self providers Multiplexer Other authorised providers	Platform type
SECTION 2B	BROADCAST DISTRIBUTOR ONLY
Section applies to Broadcast distributors only	<i>Indicate content proposed to be distributed and content service providers who have agreed to purchase content.</i>
	<i>Attach copies of title or distribution rights agreements authorising distribution of such content</i>

SECTION 3: BROADCAST LICENCE CATEGORY	
<i>(Tick the appropriate box for the type of service being applied for)</i>	
Public Broadcasting Services	<input type="checkbox"/>
(a) Commercial Broadcasting Services	<input type="checkbox"/>
Community Broadcasting Services	<input type="checkbox"/>
Internet Protocol Television (IPTV) Service	<input type="checkbox"/>
Cable Television Subscription Service	<input type="checkbox"/>
Terrestrial Subscription Broadcasting Service	<input type="checkbox"/>
(b) Satellite Subscription Television Broadcasting Service	<input type="checkbox"/>
(c) Satellite Broadcasting Service	<input type="checkbox"/>
Subscription Management Service (Authorisation only)	<input type="checkbox"/>
Digital Mobile Television Service	<input type="checkbox"/>
Landing Rights (Satellite Broadcasting, Cable, Etc.)	<input type="checkbox"/>
Other <i>(please specify)</i>	<input type="checkbox"/>
SECTION 3A: LICENCE CATEGORY	
<i>(Tick the appropriate box(es) for the licence category being applied for)</i>	
Public Broadcaster	<input type="checkbox"/>
Commercial Broadcaster	<input type="checkbox"/>
Free to Air Subscription	<input type="checkbox"/>
Non-commercial	<input type="checkbox"/>
Community (Non-commercial)	<input type="checkbox"/>
Subscription Management Service	<input type="checkbox"/>
Landing Rights (satellite broadcasting, cable, etc.)	<input type="checkbox"/>
SECTION 3B: BROADCASTING SERVICE CATEGORY	
<i>(Tick the appropriate box for the broadcasting service being applied for)</i>	
Radio <input type="checkbox"/>	Television <input type="checkbox"/>
SECTION 3C: PLATFORM CATEGORY	
<i>(Tick the appropriate box for the type of platform being applied for)</i>	

Terrestrial	<input type="checkbox"/>
Internet Protocol	<input type="checkbox"/>
Cable	<input type="checkbox"/>
Satellite	<input type="checkbox"/>
Digital Mobile	<input type="checkbox"/>

**SECTION 3D: REQUIREMENTS FOR AWARD OF SIGNAL DISTRIBUTOR/
CONTENT SERVICE PROVIDER'S LICENCE**

3.1 CORPORATE STATUS *(Provide original /certified photocopies of all documents)*

- (a) Cover letter, signed by the applicant, addressed to the Executive Director
- (b) Certified copy of Certificate of Incorporation or other charter documents
- (c) Memorandum and Articles of Association
- (d) Identification or passports of all directors and shareholders, as applicable.
- (e) NGO Constitution, Cooperative society Bylaws, Partnership Deed or Society Constitution, as applicable.
- (f) Current Income Tax Clearance Certificate, Tax clearance, TIN Number.

3.2: Profile of Applicant: Main Business activity; Other licences held.

3.3: Statement of capital: fully paid capital.

3.4: BANKERS AND FINANCIAL REFERENCES

Bankers

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

(a) In Uganda

Name	Address	Contact person
1.		
2.		
3.		
4.		

(b) Outside Uganda

Name	Address	Contact person
1.		
2.		
3.		
4.		

3.5 BUSINESS PLAN *(To be provided in the form of a Business Plan)*

3.5.1 Market information

- (a) Provide the population profile for the area in which the licence is being applied for;
- (b) Provide market study of the area in which the licence is being applied for;
- (c) Provide information on other broadcasting services in that area/locality;
- (d) For subscription services, provide the projected subscriber base for each subscribed broadcasting category;
- (e) For community services, provide evidence of local demand or support for the provision of a proposed community broadcasting service in that community.

3.5.2 Station management

- (a) Provide an organisation chart explaining duties and responsibilities of the team managing the broadcasting station;
- (b) Provide names, address, telephone numbers and attach CVs of key station management staff who shall include Chief Executive Officer; Finance/Credit Controller, Programme Coordinator/Manager; Technical Manager, Customer Manager etc.;
- (c) For community broadcasting services, provide information on how members of the target community will contribute to the sustenance of the community radio station and also participate in the operation and management of the service.
- (d) List of producers to comply with s. 30 of the Act
- (e) Copy of proposed Programme Guide.

3.5.3 Financing

(a) Sources of Financing

- (b) Provide cash flow projections showing realistic expected levels of costs and revenue over a period of the licence term, in particular with regard to:
 - (i) Costs for capital investment (equipment, building, offices, vehicles etc.)
 - (ii) Recurring costs (staff salaries, royalties, rent energy communications etc.)
 - (iii) Financial investments from the applicant(s)
- (c) Anticipated revenue from advertisements and sponsorships;
- (d) Are there any commitments from advertisers or sponsors? If so, show proof.
- (e) Give an accurate estimation of the jobs you anticipate to create from the broadcasting service—
 - (i) Full time
 - (ii) Part time
 - (iii) Freelance

- (f) For community broadcasting radio, please provide evidence of start-up capital and how the station will be sustained.
- (g) For subscription services—
- (i) attach a financial guarantee equivalent from a reputable financial institution;
 - (ii) provide information on subscription fees, installation fees, relocation fees, maintenance fees, deposits, receiving equipment rental or purchase fees, Subscription fees (for basic, premium packages) and how frequent the fee shall be levied (monthly, etc.)

SECTION 4: SPECIFIC FORMS TO BE FILLED FOR LICENCE CATEGORY

Attached **Form UCC-BD/CSP/13/002-1:** Content Programming
 Attached **Form UCC-BD/CSP/13/002-2:** Technical Information
 Attached **Form UCC-BD/CSP/13/002-3:** Subscription Services

PART B- COMMUNITY BROADCASTERS *(To be filled only by community broadcasters)*

SECTION1: CONTACT INFORMATION

Names
Public contact address:
Telephone: Office Cell Phone/Mobile Phone no: E-mail: Fax:
Section 2: Name of Group/community certificate of registration area of operation nature of programming Endorsement by CAO	

I declare that the information given in this application and any additional documentation associated with this application is, to the best of my knowledge, and belief correct.

.....
(Name)

.....
(Title)

.....
(Date)

If the requested information is in electronic format, it can be sent to: ucc@ucc.co.ug
If the information is in hard copy, please send or hand deliver it to the following address:

The Executive Director
Uganda Communications Commission
UCC House
Plot 42-44 Spring Road, Bugolobi
P.O. Box 7376
Kampala

**THE UGANDA COMMUNICATIONS (LICENSING)
REGULATIONS, 2019**

Regulations 32 (2) and 37(4)

FORM C

**APPLICATION FOR RADIO COMMUNICATIONS LICENCE OR
ADDITIONAL SPECTRUM**

*(Under sections 21 and 24 of the Uganda Communications Act, 2013)
(To be filled in quadruplicate)*

1.0 APPLICATION FOR A LICENCE FOR *(Tick as Appropriate)-*

- (a) Non-commercial spectrum uses for socially desirable services comprising of—
 - (i) national defence and security requirements;
 - (ii) governmental departments or ministries;
 - (iii) emergency and disaster situations;
 - (iv) public safety services;
 - (v) amateur radio communications services;
 - (vi) developmental and research services;
- (b) commercial spectrum uses;
- (c) Application for additional spectrum *(Fill in 2.0, 6.0, 7.0 and 8.0), Attach copies of current licence only).*

2.0 PARTICULARS OF INTENDED APPLICANT/S

2.1 Name, physical and postal address of applicant/s

- (a) Name:.....
- (b) Physical address:.....
- (c) Postal address:.....
- (d) Tel:.....
- (e) Fax:.....

- (f) Mobile Phone no:.....
- (g) E-mail:.....
- (h) TIN:.....
- (i) VAT Reg:.....

2.3 Name of proposed business if different from above

- (a) Name:
- (b) Location:
- (c) Postal address:
- (d) Tel:
- (e) Fax:
- (f) Mobile Phone no:
- (g) E-mail:

2.4 Name and details of contact person

- (a) Name:
- (b) Physical address:
- (c) Postal address:
- (d) Tel:
- (e) Mobile Phone no:
- (f) E-mail:

3 LEGAL STATUS OF APPLICANT/S

3.1 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, Memorandum and Articles of Association, where applicable)

3.2 List and particulars of directors:

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

4 FINANCIAL STATUS OF APPLICANT

4.1 Share capital of the applicant (*Fully paid*)

Loans

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

4.2 Bankers and financial references

Bankers

Name and address of bankers (including telephone and fax)

Name	Address	Contact Person/ Telephone/fax
1.		
2.		
3.		
4.		

(a) In Uganda

(b) Outside Uganda:

Name	Address	Contact Person Telephone/Fax
1.		
2.		
3.		
4.		

4.3 Other important referees on the applicant's financial status

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

4.4 Sources of funding for the proposed project (US \$.000)

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

• _____

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

Others (*specify*)

5.0 MAIN BUSINESS ACTIVITY OF APPLICANT

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

5.1 Ownership and location of proposed station and of the stations, if any, with which it is proposed to communicate:

6.0 TECHNICAL CAPACITY AND EXPERIENCE

6.1 Technical and industrial competence of applicant

Please provide detailed statement of applicant's technical and industrial competence and other qualifications and experience showing its eligibility and capacity to operate or provide the services for which a licence is sought: (*Use additional sheets if necessary and attach signed copies of CV's of proposed staff*)

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)*

6.2 DESCRIPTION OF PROPOSED RADIO SERVICE TO BE PROVIDED

- 6.2.1 Please provide specifications of the radio communications services to be provided, the hours of the day or other periods of time during which it is proposed to operate the station and the purpose for which the station is to be used:
(Use additional sheets or report as appropriate)
-
-

- 6.3 Project site/utilities and geographical places where services are to be provided and the spreading of the services:
Project site *(Attach relevant map and drawings and state whether access roads are required):*
-
-

- 6.3 Technical plan of the applicant: *(Attach relevant documents)*
-
-

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

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

6.6 State if there is need to access public and/or private land

6.7 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 or distribution area for radio services

☐ (a) Regional

☐ (b) National

7.2 State the regions (areas) where services are to be provided.

8.0 IMPACTS OF THE PROJECT

8.1 Impacts on socio economics

8.2 Impact on cultural heritage

8.3 Impact on environment:

8.4 Public interest to be served by the radio service for which a licence is sought:

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

9.0 DECLARATION BY THE APPLICANT:

The proposed project is not unlawful or contrary to public interest. 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

SEAL

10.1 Witnesses 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 Commission _____

7. Decision of Commission _____

8. Issue date of licence _____
9. Expiry date of licence _____
10. Other relevant information _____

THE UGANDA COMMUNICATIONS (LICENSING)
REGULATIONS, 2019APPLICATION FOR EXPERIMENTAL RADIO
COMMUNICATIONS SERVICES

(Under sections 21 and 24 of the Uganda Communications Act, 2013)
(To be filled in quadruplicate)

1.0 APPLICATION FOR A LICENCE FOR *(Tick as appropriate)*—

- (a) Non-commercial spectrum uses for experimental socially desirable services comprising of—
- (i) national defence and security requirements;
 - (ii) governmental departments or ministries;
 - (iii) emergency and disaster situations;
 - (iv) public safety services;
 - (v) amateur radio communications services;
 - (vi) developmental and research services;

2.0 PARTICULARS OF APPLICANT/S**2.1** Name, physical and postal address of applicant/s

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

3.10 Name of proposed business if different from above

- (a) Name: _____
- (b) Location: _____

- (c) Postal address: _____
- (d) Tel: _____
- (e) Fax: _____
- (f) Mobile Phone no: _____
- (g) E-mail: _____

3.11 Name and details of contact person

- (a) Name: _____
- (b) Physical address: _____
- (c) Postal address: _____
- (d) Tel: _____
- (e) Mobile Phone no: _____
- (f) E-mail: _____

4 LEGAL STATUS OF APPLICANT/S

4.1 Indicate legal status of applicant (*Tick relevant option*)

- ☐ (a) Government department
- ☐ (b) Local government
- ☐ (c) Limited liability company
- ☐ (d) Registered educational institution
- ☐ (e) Research institution or consortium
- ☐ (f) Other (*please specify*)

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

4.1 List and particulars of directors:

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

5 Attach recommendations from the following departments

- (a) Resident District Commissioner
- (b) National Council of Science and Technology
- (c) Ministry of Education and Sports
- (d) Ministry of ICT and National Guidance

6.0 Sources of funding for the proposed project (US \$.000)

- (a) Foreign or local grant

- (b) Copies of local grant

Others (specify)

7.0 MAIN BUSINESS ACTIVITY OF APPLICANT

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

7.1 Ownership and location of proposed station and of the stations, if any with which it is proposed to communicate

8.0 TECHNICAL CAPACITY AND EXPERIENCE

8.1 Technical and industrial competence of applicant

Please provide detailed statement of applicant's technical and industrial competence and other qualifications and experience showing its eligibility and capacity to operate or provide the services for which a licence is sought. *(Use additional sheets if necessary and attach signed copies of CV's of proposed staff)*

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)

8.2 DESCRIPTION OF PROPOSED RADIO SERVICE TO BE PROVIDED

- 8.2.1 Please provide specifications of the radio communications services to be provided, the hours of the day or other periods of time during which it is proposed to operate the station and the purpose for which the station is to be used:
(Use additional sheets or report as appropriate)

- 8.3 Project site/utilities and geographical places where services are to be provided and the spreading of the services
Project site *(Attach relevant map and drawings and state whether access roads are required):*

- 8.4 Technical plan of the applicant: *(Attach relevant documents)*

- 8.5 Time plan for implementation of the project: *(Attach gphant chart or implementation schedule)*

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

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

8.8 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

9.0 IMPACTS OF THE PROJECT

9.1 Impacts on socio economics:

9.2 Impact on cultural heritage:

9.3 Impact on environment:

9.4 Public interest to be served by the radio service for which a licence is sought:

9.5 Any other relevant information: *(Use additional sheets if appropriate)*

10.0 DECLARATION BY APPLICANT:

The proposed project is not unlawful or contrary to public interest.
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

SEAL

10.1 Witnesses 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 Commission _____

7. Decision of Commission _____

8. Issue date of licence _____

9. Expiry date of licence _____
10. Other relevant information _____

THE UGANDA COMMUNICATIONS (LICENSING)
REGULATIONS, 2019

Regulation 49 (1)

FORM E

APPLICATION FOR POSTAL SERVICES LICENCE
(Under section 33 of the Uganda Communications Act, 2013)

(To be filled in quadruplicate)

1.0 PARTICULARS OF APPLICANT/S

2.0 Name, physical and postal address of applicant/s

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

2.1 Name of proposed business if different from above

- (a) Name: _____
- (b) Location: _____
- (c) Postal address: _____
- (d) Tel: _____
- (e) Fax: _____
- (f) Mobile Phone no: _____
- (g) E-mail: _____

2.2 Name and details of contact person

- (a) Name: _____
- (b) Physical address: _____
- (c) Postal address: _____
- (d) Tel: _____
- (e) Mobile Phone no: _____
- (f) E-mail: _____

3.0 LEGAL STATUS OF APPLICANT/S

3.3 Indicate legal status of applicant *(Tick relevant option)*

- ☐ (a) Sole proprietorship
☐ (b) Partnership
☐ (c) Public Limited Liability Company
☐ (d) Private Limited Liability Company
☐ (e) Other *(Please specify)*

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

3.4 List and particulars of directors:

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

4.0 FINANCIAL STATUS OF APPLICANT

4.1 Share capital of the applicant *(Fully paid)*

Loans

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

4.2 Bankers and financial references

(e) Bankers

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

(f) In Uganda

Name	Address	Contact person telephone/fax
1.		
2.		
3.		
4.		

(g) Outside Uganda:

Name	Address	Contact person telephone/fax
1.		
2.		
3.		
4.		

4.3 Other important referees on the applicant's financial status

Name	Address	Contact person telephone/fax
1.		
2.		
3.		
4.		

4.4 Sources of funding for the proposed project (US \$.000)

- (a) Share capital contribution (specify foreign or local)
- (b) Loan capital (specify source and provide evidence)
- (c) Others (specify)

5.0 MAIN BUSINESS ACTIVITY OF APPLICANT

Please indicate what business activity the applicant is currently engaged in: _____

6.0 TECHNICAL CAPACITY AND EXPERIENCE

6.1 Technical and industrial competence of applicant:

Please provide detailed statement of applicant's technical and industrial competence and other qualifications and experience showing its eligibility and capacity to operate or provide services for which

a licence is sought. (Use additional sheets if necessary and attach signed copies CV's of proposed staff)

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)

7.0 DESCRIPTION OF PROPOSED POSTAL SERVICES TO BE PROVIDED

7.1 Please provide specifications of the postal services to be provided or operated.
(Use additional sheets or report as appropriate)

7.2 Project site/utilities and geographical places where services are to be provided and the spreading of the services.
Project site (Attach relevant map and drawings and state whether access roads are required):

7.3 Technical plan of the applicant. (Attach relevant documents)

7.4 Time plan for implementation of the project: (Attach gphant chart or the implementation schedule)

7.5 Warehouse facilities for safe custody of mail and correspondence

7.6 Transport facilities available to convey mail
Contact/consultations with local authorities, neighbours: (Attach relevant documents):

7.7 Plan indicating collection and delivery points in the first six months of operation, means of mail conveyance and targets markets (Attach relevant documents)

7.8 Policy of compensation to customers in cases of pilferage, loss or damage to mail (*Attach relevant documents*)

8.0 COMMERCIAL ASPECTS OF THE PROJECT

- 8.1 State intended market for postal services
- ☐ (a) Domestic
 - ☐ (b) Regional (EAC, Comesa Region)
 - ☐ (c) International

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

8.3 IMPACTS OF THE PROJECT

8.4 Public interest to be served by the postal service for which a licence is sought:

8.5 Any other relevant information (*Use additional sheets if appropriate*)

DECLARATION BY THE APPLICANT

The proposed project is not unlawful or contrary to public interests.
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____

AUTHORISED SIGNATURE/S AND SEAL OF APPLICANT/S

SEAL

Witnesses 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 Commission _____

7. Decision of Commission _____
8. Issue date of licence _____
9. Expiry date of licence _____
10. Other relevant information _____

THE UGANDA COMMUNICATIONS (LICENSING)
REGULATIONS, 2019

FORM F

Regulation 61 (1)

APPLICATION FOR CINEMATOGGRAPH THEATRE LICENCE

(To be filled in quadruplicate)

To: The Executive Director,
Uganda Communications Commission.

Location of premises:

Address:.....

Capacity (No. of seats)

Owner

Occupier

Applicant/status.....

Vicinity/neighbourhood of premises.....

No. /Type of fire extinguishers.....

No. of convenience places available.....

Particulars of apparatus and equipment at the premises.....

I/we confirm that the premises comply with the provisions of the Uganda Communications Act, 2013 and the Uganda Communications (Video and Cinema Operators) Regulations, 2015 in all material particulars and attach herewith information confirming compliance with safety requirements for the exhibition of films/video works, having regard to the seating capacity indicated herein.

.....
Signature of applicant

**Delete where not applicable.*

THE UGANDA COMMUNICATIONS (LICENSING)
REGULATIONS, 2019

FORM G

Regulation 79(2).

APPLICATION FOR FILM OR VIDEO WORKS DISTRIBUTOR
LICENCE.

(To be filled in quadruplicate)

To: The Executive Director,
Uganda Communications Commission.

I/we hereby apply for a licence as a distributor of films/video works.

1. Applicant:
(a) Name
- (b) Address.....
2. *Certificate of copyright ownership, assignment or licence (if applicable)
[] attached [] not attached or others [*Specify*].....
3. In what parts of Uganda will the films or video works be distributed?
4. Category of distributor's licence sought.....
5. Justification for the category of distributor's licence sought.....

.....
Signature of applicant

**Delete where not applicable.*

THE UGANDA COMMUNICATIONS (LICENSING)
REGULATIONS, 2019

Regulation 85 (2)

FORM H
APPLICATION FOR VALUE ADDED SERVICES LICENCE
(To be filled in quadruplicate)

1.0 PARTICULARS OF APPLICANT/S

1.1 Names, physical and postal address of applicant/s

- (a) Name: _____
- (b) Physical address: _____
- (c) Postal address: _____
- (d) Tel: _____
- (e) Fax: _____
- (f) Mobile Phone no: _____
- (g) E-mail: _____
- (h) TIN: _____
- (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 Phone no: _____
- (g) E-mail: _____

1.3 Name and details of contact person

- (a) Name: _____
- (b) Physical address: _____
- (c) Postal address: _____
- (d) Tel: _____
- (e) Mobile Phone no: _____
- (f) E-mail: _____

Attach copies of existing licence if any.

2.0 LEGAL STATUS OF APPLICANT/S**2.4 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, Memorandum and Articles of Association where applicable)

2.5 List and particulars of directors:

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

3.0 FINANCIAL STATUS OF APPLICANT**3.1 Share capital of the 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 telephone/fax
1.		
2.		
3.		
4.		

(b) Outside Uganda

Name	Address	Contact person telephone/fax
1.		
2.		
3.		
4.		

3.3 Other important referees on applicant's financial status

Name	Address	Contact person telephone/fax
1.		
2.		
3.		
4.		

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

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

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

(c) Others (specify)

4.0 MAIN BUSINESS ACTIVITY OF APPLICANT

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

5.0 TECHNICAL CAPACITY AND EXPERIENCE

5.1 Technical competence of applicant

Please provide detailed statement of applicant's technical competence and experience to undertake activities proposed to be licensed.

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

6.0 DESCRIPTION OF VALUE ADDED SERVICES PROPOSED TO BE LICENSED:

6.1 Full description of services proposed to be offered by the applicant
(Use additional sheets or report as appropriate)

6.2 Description of interface between applicant's platform and operator's platform and interface between applicant platform and the consumer:

6.3 Technical aspects/design of the project

6.4 Time Plan for Implementation of project

6.5 Description of infrastructure and equipment owned and operated by applicant

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

6.7 State if there is need to access public and/or private land

6.8 Specified consents/licences required from other public authorities to undertake project: and their status e.g. Bank of Uganda; National Lotteries Board (*Attach relevant documents*):

Consent required and from whom	Description of activity	Legal provisions

7.0 COMMERCIAL ASPECTS OF THE PROJECT

7.1 State intended area of operation

- ☐ (a) National
- ☐ (b) Regional

☐ If proposed operation is cross-border like mobile money, attach copies of application for operation, and or notices of authorisation by cross-border communications regulators.

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

8.0 IMPACTS OF THE PROJECT

8.1 Impact on Socio economics:

8.2 Impact on cultural heritage:

8.3 Impact on environment:

8.4 Impact on natural resources:

8.5 Impact on wildlife:

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

9.0 DECLARATION BY APPLICANT

The proposed project is not unlawful or contrary to public interest. 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

10.1 Witnesses

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 Commission _____

7. Decision of Commission _____
8. Issue date of licence _____
9. Expiry date of licence _____
10. Other relevant information _____

THE UGANDA COMMUNICATIONS (LICENSING)
REGULATIONS, 2019

FORM I

Regulation 100 (4)

NOTICE OF MODIFICATION OF LICENCE
(Under section 40 of the Uganda Communications Act, 2013)

FULL NAMES OF OPERATOR

LICENCE REFERENCE NUMBER

.....

Take notice that the following terms and conditions of your licence issued on *(Insert relevant particulars)* shall be modified as follows effective *(Insert date 60 days from date of letter)*

- a) Term or condition in paragraph of your licence agreement shall be modified to.....
(Insert proposed modification)

You have 14 days to make representations to the Commission as to why this modification should not be final on
(Insert date 60 days from date of letter).

.....
Executive Director
Uganda Communications Commission.

RECEIVED BY:

.....

DATE.....

THE UGANDA COMMUNICATIONS (LICENSING)

REGULATIONS, 2019

FORM J

Regulation 101 (2)

APPLICATION FOR RENEWAL OF LICENCE

(To be filled in triplicate)

1. Application for renewal of licence *(tick as appropriate)* *(Submit copy of expiring licence)*
 - ☐ Facilities Based Operator Licence
 - ☐ Service Based Operator Individual Licence
 - ☐ Service Based Operator Class Licence
 - ☐ Telecommunications Licence
 - ☐ Licence for Radio Communications
 - ☐ Postal Services Licence
 - ☐ Other
2. Contact information:
 - 2.1 Name of authorised representative _____
 - 2.2 Mailing address _____
 - 2.3 Physical address _____
 - 2.4 Telephone _____
 - 2.5 Fax _____
 - 2.6 E-mail address _____
3. Applicant's legal status
(Indicate current information only)
 - 3.1 Legal status of applicant *(tick as appropriate)*
 - ☐ Sole proprietorship

- o Partnership
- o Private Limited Liability Company
- o Public Limited Company
- o Cooperative Society or Cooperative Union
- o Non-Governmental Organisation
- o Community Based Organisation
- o Other *(please specify)*

(Attach certified copies of certificate of registration and memorandum and articles of association where applicable)

(Attach copies of annual returns filed as evidence of good standing of the applicant valid through date of the application)

3.2 Registered trade name(s) if any _____

4. Current governance and ownership structure

4.1 List and particulars of directors

Tax Identification Number	Name of director(s)	Address	Nationality	Country of usual residence

4.2 List of shareholders (holding 5% or more shares)

Tax Identification Number	Name of Shareholder(s)	Address	Nationality	Percentage of shareholding

5. Financial and tax information:

5.1. Fully paid up share capital _____

(Same share capital expected to be recorded in the books of the company and resolutions filed with the Registrar of Companies or other authority)

5.2 Authorised share capital _____

5.3 Bankers and financial references

Name of Financial Institution	Telephone	Fax	Branch address	Contact

5.4 Particulars of letters of credit with the Commission

Issuer	Amount	Current status	Drawdown (dates)	Balance

5.5 Financial references *(List largest five (5) vendors/suppliers) in the past 3 years*

Name of entity	Contact person	Entity type	Volume of business conducted in the past 3 years

5.6 Submit the following clearances:

- o National Social Security Fund clearance
- o Uganda Revenue Authority tax clearance for entity and for directors

Declaration by Applicant:

I/we _____ certify that the information supplied and details stated above are, to the best of my/our knowledge, true and correct.

Date: _____

Witnesses 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 Commission _____

7. Decision of Commission _____
8. Issue date of licence _____
9. Expiry date of licence _____
10. Other relevant information _____

THE UGANDA COMMUNICATIONS (LICENSING)

REGULATIONS, 2019

FORM K

Regulation 102 (2)

APPLICATION FOR TRANSFER OF LICENCE

(To be filled in quadruplicate)

PART A: CURRENT OPERATOR DETAILS:

1. Application for transfer of licence (*tick as appropriate*) (*submit original of licence proposed to be transferred*) and fill in details in table below:

- ☐ Facilities Based Operator Licence
- ☐ Service Based Operator Individual Licence
- ☐ Service Based Operator Class Licence
- ☐ Telecommunications Licence
- ☐ License for Radio Communications
- ☐ Postal Services Licence
- ☐ Other

Particulars of Licence

Licence number	Date of issue	Frequency allocation	Expiry date

2. Contact information:
- 2.1 Name of authorised representative _____
- 2.2 Mailing address _____

- 2.3 Physical Address _____
2.4 Telephone _____
2.5 Fax _____
2.6 E-mail address _____

PART B: PROPOSED TRANSFEREE: DETAILS

2. Contact information:

- 2.1 Name of authorised representative _____
2.2 Mailing address in Uganda _____
2.3 Mailing address outside Uganda _____
2.4 Physical address in Uganda _____
2.5 Telephone _____
2.6 Fax _____
2.7 E-mail address _____

3. Legal Status of transferee (*tick as appropriate*)

- ☐ Sole proprietorship
- ☐ Partnership
- ☐ Private Limited Liability Company
- ☐ Public Limited Company
- ☐ Cooperative Society or Cooperative Union
- ☐ Non-Governmental Organisation
- ☐ Community based Organisation
- ☐ Other (please specify)

(Attach certified copies of certificate of registration, memorandum and articles of association where applicable)

(Attach copies of annual returns filed as evidence of good standing of the applicant valid through date of the application)

3.1 Registered trade name(s) if any _____

4. Governance and Ownership Structure:

4.1 List and particulars of directors

Tax Identification Number	Names of director(s)	Address	Nationality	Country of usual residence

4.2 List of shareholders (holding 5% or more shares)

Tax Identification Number	Name of Shareholder(s)	Address	Nationality	Percentage of shareholding

5. Financial and tax information:

5.1. Fully paid up share capital

_____ (same share capital expected to be recorded in the books of the company and resolutions filed with the Registrar of Companies or other authority)

5.2 Authorised share capital _____

5.3 Bankers and financial references

Name of Financial Institution	Telephone	Fax	Branch address	Contact

5.4 Particulars of Letters of Credit with the Commission

Issuer	Amount	Current status	Drawdown (dates)	Balance

5.5 Financial references (*list 5 largest vendors/suppliers*) in the past 3 years

Name of entity	Contact person	Entity type	Volume of business conducted in the past 3 years

5.6 Submit the following clearances:

- o National Social Security Fund clearance
- o Uganda Revenue Authority clearance for entity and directors

Declaration by applicant:

I/we _____ hereby certify that the information supplied and details stated above are, to the best of my/our knowledge, true and correct.

Date: _____

Witnesses to above signatures

Name	Position	Signature

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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 Commission _____

7. Decision of Commission _____
8. Issue date of licence _____
9. Expiry date of licence _____
10. Other relevant information _____

SCHEDULE 3

Regulation 29(2)

NOMENCLATURE OF FREQUENCIES

Band No.	Frequency subdivision	Frequency range
4.....	VLf (very low frequency).	Below 30 kHz.
5.....	Lf (low frequency)	30 to 300 kHz.
6.....	Mf (medium frequency).	300 to 3000 kHz.
7.....	Hf (high frequency).....	3 to 30 MHz
8.....	Vhf (very high frequency).	30 to 300 MHz.
9.....	Uhf (ultra high frequency).	300 to 3000 MHz.
10.....	Shf (super high frequency).	3 to 30 GHz.
11.....	Ehf (extremely high frequency). 30 to	300 GHz 300 to 3000 GHz.

Cross References

Access to Information Act, 2005, Act 6 of 2005.
Capital Markets Authority Act, Cap 81.
Computer Misuse Act, 2011, Act 2 of 2011.
Financial Institutions Act, 2004, Act 2 of 2004.
Insolvency Act, 2011, Act 14 of 2011.
National Environment Act, 2019, Act 5 of 2019.
Non-Governmental Organisations Act, 2016, Act 5 of 2016.
Penal Code Act, Cap 120.
Public Entertainments and Stage Plays Act, Cap 49.
Tier 4 Microfinance Institutions and Money Lenders, Act, 2016, Act 18 of 2016.
Public Health (Building) Rules Statutory Instrument 281-1.
Radio Regulations of the International Telecommunications Radio Regulations Union, 2012
Uganda Communications (CERT) Regulations, 2019.
Uganda Communications (Competition) Regulations, 2019.
Uganda Communications (Consumer Protection) Regulations, 2019.
Uganda Communications (Content) Regulations, 2019.
Uganda Communications (Emergency Response) Regulations, 2019.
Uganda Communications (Equipment Type Approval) Regulations, 2019.
Uganda Communications (Fees and Fines) Regulations, 2019.
Uganda Communications (Interconnection and Access) Regulations, 2019.
Uganda Communications (Pricing and Accounting) Regulations, 2019.
The Public Entertainments and Stage Plays Rules, S-I-49-1.

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