



# **Supplement No. 1 to Gazette No. 41 of 28th July, 2006**

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## ACT NO. 4 OF 2006

**Lesotho Telecommunications Authority (Amendment) Act 2006****An Act to amend the Lesotho Telecommunications Authority Act 2000<sup>1</sup>****Enacted by the Parliament of Lesotho****Short title and commencement**

1. (1) This act may be cited as the Info-Communications Authority (Amendment) Act 2006 and shall come into operation on the date of its publication in the Gazette.

(2) The Lesotho Telecommunications Authority Act 2000 (in this Act referred to as “the principal law”) is amended by deleting the title “Lesotho Telecommunications Authority Act 2000” and substituting “Info-Communications Authority Act 2000”.

**2. General amendment**

The principal law is amended-

- (a) by deleting the words “appointing authority” wherever they appear in the Act and substituting the word “Minister”;
- (b) by deleting the word “telecommunication” wherever it appears in the Act and substituting the word “info-communication”.

**Interpretation**

3. The principal law is amended in section 2 -

- (a) by deleting the interpretation of “appointing authority”;
- (b) by deleting the word “telecommunication” and substituting the word “info-communication” and placing it in its proper alphabetical order.

4. The principal law is amended by deleting section 3 and substituting the following:

**“Policies and directives**

3. The Minister -

- (a) shall determine Government policies for info-communications sector;
- (b) shall coordinate the info-communications sector;
- (c) shall notify the Authority of general policies of the Government that are to apply to the Authority and to ensure that the policies are carried out;
- (d) may, after consultation with the Authority, give directives to the Authority in relation to the performance of its duties and the exercise of its powers in regard to-
  - (i) the conditions to be included in the licenses to be granted to applicants;
  - (ii) the general guidelines for determination of tariffs by respective operators;
  - (iii) the determination of technical standards about network matters; and
  - (iv) any other general policy matter within the powers of the Authority.”.

**Establishment of the Authority**

5. The principal law is amended in section 4 by deleting the words “an autonomous and independent Lesotho Telecommunications” which appear between the words “established” and “Authority” and substituting the words “a regulatory authority to be known as the Info-Communications”.

## **The Board**

6. The principal law is amended in section 5 by deleting subsections (1) and (2) and substituting the following:

- “(1) There shall be a Board of the Authority which shall be responsible for the exercise of the powers and performance of the duties of the Authority.
- (2) The Board shall consist of 7 members including the Chief Executive all of whom shall be appointed by the Minister.”.

## **Chief Executive**

7. The principal law is amended in section 13 (1) by deleting the words “pursuant to section 5 (1)”.

## **General duties of the Authority**

8. The principal law is amended in section 15 -

- (a) by deleting the semi colon at the end of paragraph (i) and substituting a full stop;
- (b) by deleting paragraph (j).

## **General powers of the Authority**

9. The principal law is amended in section 16 (1) -

- (a) by inserting the words “and any other procedures and directives” between the words “rules” and “as are necessary to”;
- (b) by deleting the word “grant” in paragraph (e) and substituting the word “issue”.

**Amendment of section 17**

10. The principal law is amended by deleting section 17.

**Meetings of the Board**

11. The principal law is amended in section 23 -
- (a) by deleting the figure "3" at the beginning of subsection (5) and substituting the figure "4";
  - (b) by deleting the word "Authority" in subsections (9) and (12) and substituting the word "Board".

**Licensing of providers**

12. The principal law is amended in section 27 by deleting subsection (2) and substituting the following:

"(2) The Authority shall, upon approval by the Minister, issue licences to private and public info-communication service providers as market conditions and the public interest may warrant."

**Delisting of licenses**

13. The principal law is amended in section 28(1) -
- (a) by deleting the words "The Authority may," at the beginning of the subsection and substituting the words "The Authority shall, upon the approval by the Minister,";
  - (b) by deleting the word "Authority" at the end of the subsection and substituting the word "Minister";

**Rules governing licencing**

14. The principal law is amended in section 30 -
- (a) by inserting the figure "(1)" immediately after the figure "30";

- (b) by adding the following subsection:

“(2) A licensee who fails to comply with the conditions of a licence may be subject to the following penalties:

- (a) revocation of the licence;
- (b) suspension of the licence; or
- (c) any other penalty that may be appropriate in the circumstances.”.

### **Grant of licenses**

15. The principal law is amended in section 52 by deleting subsection (2) and substituting the following:

“(2) The Authority shall, upon approval by the Minister, issue licences to utilize radio frequencies in accordance with the national frequency allocation table and the spectrum management plan.”.

### **Powers of enforcement**

16. The principal law is amended in section 60 -

- (a) in subsection (1), by deleting the words “of a Magistrates Court of First Class of record”;
- (b) in subsection (2), by deleting the word “appellate” appearing between the words ‘deferred on’ and “review”;
- (c) by adding the following subsection:

“(3) An application for review by the High Court shall be submitted within 21 days from the date of the decision of the Authority.”.

### **NOTE**

1. Act No. 5 of 2000

