

GOVERNMENT NOTICE NO. 270 published on 9/9/2005

TANZANIA COMMUNICATIONS ACT, 1993
(No. 18 of 1993)

REGULATIONS

THE TANZANIA COMMUNICATIONS (RADIOCOMMUNICATION
AND FREQUENCY SPECTRUM) REGULATIONS 2005

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TANZANIA COMMUNICATIONS ACT, 1993
(No. 18 of 1993)

REGULATIONS

(Made under section 22)

THE TANZANIA COMMUNICATIONS (RADIOCOMMUNICATION
AND FREQUENCY SPECTRUM) REGULATIONS, 2005

PART I
PRELIMINARY PROVISIONS

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| Citation | 1. These Regulations may be cited as the Tanzania Communications (Radiocommunication and Frequency Spectrum) Regulations, 2005. |
| Applications | 2. These Regulations shall apply to licensees who are frequency spectrum users. |
| Interpretation | 3. In these Regulations, unless the context otherwise requires- |
| Acts Nos.
6 and 18
of 1993 | “Acts” means the Broadcasting Services Act, 1993 and the Tanzania Communications Act, 1993; |
| | “amateur service” means radio-communication service in which the transmissions are intended for the purpose of self-training, intercommunication and technical investigations; |
| | “amateur station” means a station in respect of which an amateur station licensee is authorised in the licence to use; |
| | “amateur” means an authorised person interested in radio techniques solely with a personal aim and without pecuniary interest; |
| | “authorised officer” means any person authorised by the Authority to act on its behalf; |
| Act No 12
of 2003 | “Authority” means the Tanzania Communications Regulatory Authority established under the of Tanzania Communications Regulatory Authority Act, 2003; |
| | “base station” means a land station in the land mobile service; |
| | “fixed station” means a station in the fixed service; |

- “fixed services” means a radio communication service between specified fixed points;
- “earth station” means a station located either on the earth’s surface and intended for communication with one or more stations of the same kind by means of one or more reflecting satellites or other objects in space;
- “land mobile service” means a mobile service between a base station and a land mobile station or between land mobile stations themselves;
- “land station” means a station in the mobile service not intended to be used while in motion;
- “licence” means any licence issued to frequency spectrum users under the provisions of the Acts;
- “licensee” means any person who holds a licence;
- “mobile service” means a radio communication service between mobile and land stations, or between mobile stations themselves;
- “mobile station” means a station in the mobile service intended to be used in motion or during halts at unspecified points;
- “network” means two or more stations operated by a person and used or intended to be used in communication with one another;
- “private network” means a network which exists to meet the exclusive internal communication needs of the licensee; by means of radio communication;
- “public fixed network” means a network which is accessible to any member of the public generally and which is used or intended to be used to provide fixed telecommunication services by means of radio communication;
- “public mobile network” means any public network that enables radio communication through the use of portable or mobile stations;
- “radio regulations” means the radio regulations annexed to the International Telecommunication Convention;
- “radio communication” means-
- (a) radio emission; or
 - (b) reception of radio emission for the purpose of communicating information between persons and persons, persons and things or things and things and reference to communicating information includes communicating information between a part of a thing and:
 - (i) another part of the same thing; or
 - (ii) the same part of that thing;
- “radio communications device” means-
- (a) a radio communications transmitter; or

- (b) a radio communications receiver.;
- “radio communication transmitter” means-
 - (a) a transmitter designed or intended for use for the purpose of radio communication; or
 - (b) anything whether artificial or natural that is designed or intended for use for the purpose of radio communication by means of the reflection of radio emissions;
- “radio communications receiver” means anything designed or intended for use for the purposes of radio communication by means of the reception of radio emission whether artificial or natural;
- “radio emission and transmitter” means any emission of electromagnetic energy of frequencies less than 300 Gigahertz without continuous artificial guide;
- “transmitter means” anything, irrespective of its use or function or the purpose of its design, that is capable of radio emission;
- “spectrum plan” means division of the entire radio frequency spectrum into frequency bands for the purpose of regulating radio communications and specify the general purpose or purposes for which each other band may be used;
- “station” means a transmitter, receiver, a combination of transmitters and receivers or any accessory thereto which is used or intended to be used for radio-communication;
- “user” means any person or body of persons who uses or operates radio communication services.

PART II GENERAL LICENSING CONDITIONS

Licence

4.-(1) No person shall possess, establish, install or use any station in any place or on board any local vessel or aircraft or in any vehicle, unless he has a valid licence granted by the Authority.

(2) Notwithstanding the grant of any license under the Act, in respect of any station, or network no person shall use any radio frequency channel to establish or operate any network unless he has a valid station and frequency user license granted by the Authority.

(3) No two or more companies or corporations operating in a joint venture shall apply for radio frequency channel from a single band planned for cellular or broadband services.

(4) The licensee shall not assign or lease part of frequency or transfer the licence without the prior written consent of the Authority.

Station records

5.-(1) A licensee of a network shall keep an up-to-date record of radio communication equipment and corresponding links comprised in the network; the record shall contain such information, to be kept in such a form, and be submitted to the Authority at such time or interval as the Authority may require.

(2) The licensee shall, at all reasonable times, permit an authorized officer to inspect station records and make copies of any entry in the records of a radio station.

(3) The licensee shall keep the station record in accordance with the format approved by the Authority.

Secrecy

6.-(1) No person shall intercept or acquaint himself with the contents of any radio communication other than those transmitted for general information or for the information of licensees belonging to the same licensed network.

(2) Except as otherwise provided in these Regulations or by terms and conditions of a station or network licence, every person having access to radio communication shall hold strictly secret all radio communication, other than those transmitted for general information, which may pass through his hands or come to his knowledge.

(3) Every person having access to Radiocommunication shall not, directly or indirectly, disclose the contents thereof except to a person entitled to become acquainted with the Radiocommunication, an authorized officer or to a court of law and shall not make other use of such Radiocommunication.

(4) No person having unauthorized access to radio-communication shall print or publish or cause to be printed or published in any newspaper, pamphlet, book or document, any Radiocommunication that may pass through his hands, or come to his knowledge whether such Radiocommunication is for private or general reception.

Station and network used for lawful purpose

7. No person shall operate or use any station or network for or in furtherance of any unlawful purpose.

Restrictions on transmission

8.-(1) Any person shall not test or do practical transmission in circumstances that will cause interference with any other station or network.

(2) All tests, unless prior approval from the Authority has been obtained,

shall be conducted on dummy load.

- (3) No person shall transmit -
 - (a) any message containing indecent, obscene or offensive language;
 - (b) any message for an improper or illegal purpose;
 - (c) any message which interferes with the operation of any authorized station or network;
 - (d) any message which, to his knowledge is false or misleading and likely to prejudice the efficiency of any life-service or endanger the safety of any person or of a place or premises, vessel, aircraft or vehicle; or
 - (e) any superfluous signal by any station or network.

Safe
operation of
station or
network

9.-(1) A licensee shall ensure that a station or network is operated in a manner which is safe and which does not impair or interfere with: -

- (a) communication system of any Armed Forces; or
- (b) the efficient and convenient working or maintenance of any other station or network, or telecommunication system or service licenced by the Authority;

(2) A licensee shall cease to operate his station or network and shall take any other immediate action when it has been informed by the Authority that the working of his station or network causes interference to radio-communication.

(3) The licensee shall, where so directed by the Authority in writing, cease to operate any or all of the equipment comprised in his station for such period of time as may be required by the Authority for the purpose of investigation of interference to radio-communication.

(4) The licensee shall screen or isolate all parts of the station or apparatus which may be dangerous so as to ensure safety of radio-communication operators.

Inspection,
examination
or test

10.-(1) For the purposes of ensuring that provisions of the Act, these Regulations and any conditions of a licence granted hereunder are complied with, an authorised officer shall be entitled, to enter any building, premises, compound or other place, vehicle, vessel or aircraft where a station or network is installed, or is being installed and may inspect, examine or test any equipment comprised therein.

(2) The owner or occupier of such building, premises, compound or other place, vehicle, vessel or aircraft shall allow the authorised officer to enter therein

and inspect such station or network or equipment.

Inspection of licence, search or seizure of radio-communication equipment

11.-(1) A duly authorised officer on his own or accompanied by an authorised police officer not below the rank of an inspector shall be entitled, upon production of proof by identity, to examine the licence of a station or network or, if it is not immediately available, require its production at the office of the Authority or a named police station within twenty four hours.

(2) A duly authorised officer accompanied by an authorised police officer not below the rank of an inspector may search and seize any radio communication equipment which is found by him in any place, vehicle, vessel or aircraft without a licence.

Licensee to comply with international telecommunications convention

12. A licensee shall comply with the provisions of the International Telecommunications Convention and any Regulations annexed thereto which the Government of Tanzania has ratified

Charges for frequency usage

13.-(1) In the case of radio frequency usage, the Authority may, where it considers it appropriate and in the interests of spectrum economy, charge frequency usage after taking note of the re-usability of the frequency, the area of coverage involved and the period of use of the assigned frequency.

(2) Multi-channel radio communication equipment used for transmitting or receiving in the radio communication network shall be in accordance with the bandwidth of frequencies assigned.

PART III CLASSES OF LICENCES

Aircraft station licence

14. An aircraft station licence shall be granted only in respect of a commercial or privately-owned aircraft registered in Tanzania.

Duty of licensee in respect of equipment

15.-(1) All equipment comprised in a station on board any aircraft shall be approved by the Director General of the Civil Aviation Authority of Tanzania and a certificate for such approval shall accompany the application for the license.

(2) The licensee of a station on board an aircraft shall observe the provisions of the Radio Regulations made under the International Convention

and any other local or international rules and regulations applicable to stations on board an aircraft.

Restrictions on
use of
aircraft station

16. No station fitted in an aircraft shall be operated or used while such aircraft is at rest on land or on water in Tanzania except-

- (a) where in time of emergency or distress;
- (b) where communication by means of telecommunication line system is not available, for communication in exceptional circumstances on matters relating to air navigation and services with the nearest aeronautical station;
- (c) where communication with such station is impracticable, with any other station; or
- (d) for the purpose of carrying out experimental tests, with the written consent of and subject to such conditions as may be determined by the Authority; or
- (e) for the purpose of carrying out functional tests to determine the serviceability of the station, provided that such tests shall not be carried out on international distress frequencies.

Amateur radio
licence and
station licence

17.-(1) The Authority may subject to sub-regulations (2) and (3) grant licence for amateur radio service to such qualified or approved person interested in the operation of radio communication equipment.

- (2) Licence granted under this regulation shall be classified as follows:
 - (a) General Class - for applicants aged twenty one years and above who are qualified to operate amateur radio equipment; and
 - (b) Restricted Class - for applicants aged between sixteen and twenty one years.
- (3) An amateur station licence shall only be granted to a natural person.

Conditions for
amateur
station
licence

18. An amateur station licensee shall observe and comply with the following conditions namely, to:

- (a) operate the station at locations approved by the Authority;
- (b) erect, fix, place and use the station and all equipment used or intended to be used by the licensee in a manner that do not interfere with the efficient and convenient working of other authorised stations;
- (c) identify himself by the transmission of the call sign assigned to him by the Authority at the beginning and at the end of each

- transmission being transmitted in short intervals;
- (d) ensure that any change in the approved location, equipment, mast or antenna system is approved by the Authority prior to the change being made;
- (e) obtain the approval of all relevant authorities before erecting any mast or antenna to be used in connection with the operation of the station; and
- (f) keep a running record of whole transmission periods showing the date and time of each period of transmission, the frequency and time of emission employed, and preserve the record of each entry made for one year and being required to make these record available for inspection at reasonable time by an authorised officer.

Age restriction

19.-(1) An amateur station licence shall not be granted to a person under the age of sixteen years.

(2) Any application for an amateur station licence by an applicant under the age of twenty one years shall be counter signed by the applicant's parent, guardian or any relative approved by the Authority.

(3) An amateur station licensee between the ages of sixteen and twenty one years may only operate or use any amateur station if supervised by a qualified person approved by the Authority and who has agreed to supervise the licensee, and that qualified person shall ensure that the licensee observes and complies with all duties and obligations specified in the licence and in these Regulations.

Qualifications

20.-(1) An applicant to qualify for an amateur station licence shall have to pass the Radio Amateur Examination set by the Authority or be in possession of an Amateur Radio Certificate acceptable to the Authority.

(2) The Authority shall set a fee payable for the Radio Amateur Examination which may be revised from time to time.

Prohibition on use of encryption devices

21.-(1) An amateur station licensee shall not make use of encryption devices or equipment in the operation or use in any station.

(2) The licensee shall not connect power amplifier to his amateur radio station.

Restrictions on transmissions

22.-(1) Messages transmitted through an amateur station shall be in plain language and relate solely to amateur services.

(2) An amateur station shall not be used for transmitting news,

advertisements, communications of a business nature or non experimental character, messages for monetary reward or messages for or on behalf of a third party.

(3) Except with the written permission of the Authority, no licensee of an amateur station shall call or transmit to any station other than an amateur station.

(4) Transmission shall not commence without listening in the frequency to be used in order to ascertain that no interference is likely to be caused to any other station which may be functioning.

Power of the authority to order transmission

23. The Authority may, in exceptional circumstance, by notice in writing require the licensee to transmit any message by means of his licensed amateur station.

Portable station

24. The Authority may approve an amateur station as a portable or mobile stations, subject to such conditions as the Authority may impose.

Experimental station licence

25.-(1) The Authority may grant an experimental licence to -

- (a) educational institutions, training establishments or qualified persons as the Authority may determine, for the purpose of conducting research and development activities, experiments or demonstrations in radio communication; or
- (b) licensed dealers in, or manufacturers or importers of, radio communication equipment for the purpose of testing, demonstration or conducting research and development in radio communication equipment.

(2) The Authority may limit the maximum power of a station in respect of which an Experimental Station Licence has been issued, having regard to the purpose for which the station has been authorised and the conditions under which it is to work.

Radio communication station licence

26.-(1) The Authority may grant a Radiocommunication Station Licence to the approved applicants for the purpose of enabling them to transmit, receive or transmit and receive messages by means of radio communication or using radio communication device.

Frequency user licence

27.- (1) The Authority may grant a frequency user licence to the licensee who has been granted network service provider licence by the Authority.

(2) The term of frequency user licence shall be the same as the duration specified in the service provider's licence.

(3) Notwithstanding the Provision of sub regulation (2) above, the validity of frequency user licence is subject to payment of annual frequency user licence fees.

Review of frequency assignment

28. The Authority shall review frequency assignments of all licensees after every ten years from the date of assignment where licensee does not use the frequency efficiently.

Sharing of frequency

29. The Authority may, in the interest of frequency spectrum economy or for any other reason, require a frequency user licence to share a frequency with other user, subject to any terms and conditions which the Authority may impose provided that the sharing of the frequency does not unduly prejudice the frequency user who was first licensed to use the frequency spectrum.

Conditions for devices and frequencies operating in different Frequency bands

30.-(1) Devices operating in VHF bands (136 – 174 MHz) shall operate using 12.5 MHz bandwidth on such date as may be determined by the Authority.

(2) UHF bands (430 - 470 MHz) shall be used for wireless access systems as primary services and for point to point link as secondary services.

(3) The Authority shall allocate frequency in 13, 15, 18 and 23GHz bands for short links and in the 6, 7 and 8 GHz bands for long distance links.

Spread spectrum devices operating in ISM band

31.-(1) The following arrangements shall be adhered for devices using spread spectrum in industrial scientific and medical band-

(a) devices operating in the band 915 – 928 MHz shall have equivalent Isotropically Radiated power limited to 1 Watt in order to provide adequate protection to services in adjacent bands in particularly GSM base stations below 915 MHz;

(b) devices operating in the band 2.4 – 2.4875 GHz and band 5.725 – 5.875 GHz shall operate with maximum peak transmitter output power of 1 Watt and with effective isotropic radiated power of 4 Watt;

(c) in all industrial scientific and medical bands technical

- conditions relating to out of band emissions, minimum bandwidth, power spectral and where appropriate frequency hopping rates and processing gains shall be imposed; and
- (d) Licensees operating on shared frequencies shall accept any interference that may result from the legitimate operation of stations, including the operation of industrial, scientific and medical equipment, functioning in the industrial, scientific and medical band;
- (2) All devices operating in industrial scientific and medical bands shall be registered by the Authority.

Localised radio communication licence

32. The Authority may grant a localised radiocommunication station licence to an approved applicant to use the following equipment-

- (a) remote control devices;
- (b) local area paging devices;
- (c) wireless microphones;
- (d) citizen band transceivers CB walkie talkies;
- (e) telemetry or alarm systems or both;
- (g) low range cordless telephones; or
- (h) any other radio-communication equipment as may be authorised by the Authority from time to time.

Satellite communication station

33.-(1) The Authority may grant the Satellite Communication Station Licence to enable the licensee to transmit and receive messages by means of satellite communication for such purposes as may be authorised by the Authority.

(2) The licence granted under this Regulation shall be categorized as follows-

- (a) Very Small Aperture Terminal licence;
- (b) Tracking, Telemetry and Command Earth Station licence;
- (c) Satellite Earth Station Licence
- (d) Transportable satellite receiver; and
- (e) Satellite terminals.

(3) A satellite communication station licensee shall seek the approval of the Authority for access to any space segment and shall comply with the

relevant rules, regulations and procedures imposed by the Satellite operator for station access, booking and fees.

(4) Unless exempted by the Authority, the licensee shall at all times comply with the provisions of the Radio Regulations annexed to the International Telecommunications Convention which the Government of Tanzania has ratified.

Ship Station
licence
conditions

34.-(1) A ship Station licence may be granted by the Authority if -

- (a) the ship has a valid internationally recognised safety radio certificate;
- (b) the station is operated by an appropriate number and category of radio operators holding a Certificate of Competency granted under the Radiocommunication (Certificates of Competency for Ship Station Operators) Regulations or by a competent local or foreign authority, except where the vessel is used solely or principally for pleasure purposes;
- (c) the ship has an accounting authority acceptable to the Authority; and
- (d) the ship complies with such other requirements as may be determined by the Authority from time to time.

Compliance
with radio
regulations

35.-(1) A ship station licensee shall provide on board a ship the following documents-

or
Authority's
requirements

- (a) a ship station licence;
- (b) radio operators certificate of competence; and
- (c) any other documents as the Authority may determine from time to time.

(2) A ship station licensee shall comply with the working procedures set out in the Radio Regulations and with such other requirements as the Authority may determine.

Restrictions on
use of
equipment
while in
territorial
waters

36.-(1) No station on board a ship shall be used while the ship is within the territorial waters of the United Republic.

(2) Notwithstanding sub-regulation (1), a station on board a ship, whether licensed by the Authority or by a foreign competent authority, may be used while the ship is within the territorial waters of the United Republic for the purposes of-

- (a) safety of navigation, life or property or for any other purpose as may be authorised by the Authority; and
- (b) communication on such frequency bands as may be specifically authorised by the Authority, subject to such conditions as may be determined by the Authority, provided that the use of such station shall not cause interference to the working of any other authorised station or network.

Network Radio
station licence

37. The Authority may grant the following classes of radio communication licences for telecommunication network:

- (a) radio communication station licence;
- (b) frequency user licence; and
- (d) any other type of radio communication licence that may be determined by the Authority from time to time.

PART IV INTERFERENCE WITH TELECOMMUNICATIONS EQUIPMENT, STATION NETWORK AND SYSTEMS

Control of
Interference
to radio-
communicati
on network

38.-(1) An owner, licensee or user of electrical, electronic or radio communication equipment causing or suspected of causing interference or disturbance to telecommunication equipment, stations, networks or systems shall be required to permit an authorised officer to inspect his equipment in order to determine whether the interference is in fact caused by his equipment.

(2) Where the Authority determines that interference or disturbance to telecommunication equipment, stations, networks or systems is caused by any particular electrical, electronic or radio communication equipment, it shall by notice in writing, direct the owner, licensee or user of that electrical, electronic or radio communication equipment to do, at his own expense, any one or more of the following-

- (a) take suitable measures to eliminate or reduce the interference disturbance; or
- (b) remedy a fault in or the improper operation of the equipment ;
- (c) modify or alter the equipment installation; or
- (d) disconnect the equipment.

(3) The Authority may require any action required to be taken under

sub-regulation (2), to be effected within such period of time as the Authority may determine having regard to the circumstances of each case.

(4) Where the owner, licensee or user fails to comply with the directions issued by the Authority under sub-regulation (2) or (3), the Authority may, by notice in writing, prohibit the installation or use of that equipment unless and until such directions are complied with.

(5) A person who fails to comply with directions issued under this regulation commits an offence and he shall on conviction be liable to a fine of not less than the equivalent in Tanzania shillings of United States dollars five hundred in case of a continuing commission of an offence, to a further fine of not less than the equivalent in Tanzanian shillings of United States dollars five hundred for every day or part thereof during which the offence continues.

Compoundin
g offences

39. An employee of the Authority duly authorised by name in that behalf by the Director General may, where any person admits in writing that has committed an offence against these Regulations, compound such offence by collecting from that person a sum of money not exceeding fifty percent of the maximum amount of fine.

Offences

40.-(1) Where the Authority carries out an investigation or inquiry and it is proved to its satisfaction that a user of radio frequency spectrum or licensee of a radio communication channel or frequency is-

- (a) utilizing the said radio communication channels or frequencies for purposes other than those originally permitted;
- (b) not utilizing the frequencies efficiently or effectively; or
- (c) misusing, abusing or hoarding the radio communication channels or frequencies;
- (d) engaging in practices intended to drive competitors out of business or deter any other licensee or user from establishing a competitive business in the country or in any specific area or location within the country;
- (e) carrying out acts intended or likely to hurt, injure, infringe, harm or interfere with the radio communication channels or frequencies of other users or licensees;
- (f) using or operating a radio communication channel or frequency without a licence issued by the Authority; and
- (g) contravening any other conditions in relations to the assigned frequencies.

(2) The Authority shall in writing notify the user or licensee of a radio

communication channel or frequency user the decision of the Authority and direct, him as to what he is to do in order to comply with that decision.

Procedure upon receiving complaints

41. After receiving a complaint from the user or licensee of a radio communication channel or frequency or by any other authority, the Authority shall by notice in writing notify any person intended or likely to be affected by the exercise, stating-

- (a) the measure that it proposes to institute; and
- (b) the time not exceeding twenty eight days within which any party affected or likely to be affected may make representations to the Authority.

Condition for preferring appeal

42.-(1) Upon receipt of a decision of the Authority on the representations made pursuant to regulation 40, the user or the licensee to whom the decision of the Authority relates shall not institute any suit in any court of law in relation to the said decision if he has not previously made any representations to the Authority.

(2) Where the user or the licensee prefer to institute a suit in the court of law, such suit shall be instituted in the High Court challenging procedural issues upon which the decision of the Authority was based or challenging grounds on which decision of the Authority was based.

Fixing amount of radio telecommunication channels

43. The Authority may fix or prescribe the minimum or maximum number or amount of radio communication channels or frequencies which any user or licensee may be granted.

Radio-communication channels and frequencies are national resource

44. In the exercise of any power, the performance of any duty or the discharge of any right, privilege or obligation by any person or the Authority pursuant of the provisions of this Act, regard shall always be had to the fact that all radio communication channels and frequencies are a national resource which is held in trust for the people by the Government, and maintained and controlled by the Authority for carrying out the purposes and provisions of these Regulations.

Revocation of
G.N. 318 of
2001

45. The Radio Communication Regulations, 2001 are hereby revoked.

Dar es Salaam
3rd September, 2005

MARK J. MWANDOSYA
Minister for Communications and Transport