

S.I. 104 of 2021

LICENCES ACT

(Cap 113)

**Licences (Broadcasting and Telecommunication)
Regulations, 2021**

Arrangement of Regulations

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S.I. 104 of 2021

LICENCES ACT

*(Cap 113)***Licences (Broadcasting and Telecommunication)
Regulations, 2021**

In exercise of the powers conferred by sections 28 and 20(4) of the Licences Act, read with sections 3, 4 and 5 of the Broadcasting and Telecommunication Act, 2000, the Minister responsible for Finance makes the following regulations —

Citation

1. These regulations may be cited as the Licences (Broadcasting and Telecommunication) Regulations, 2021.

Interpretation

2. In these regulations unless the context otherwise requires —

“Act” means the Broadcasting and Telecommunication Act, 2000;

“Authority” means the Seychelles Licensing Authority established under section 3 of the Licences Act;

“Broadcasting or Telecommunication Jamming Equipment” means a radio communication equipment used with the intention to prevent the reception and transmission of radio frequency signals relevant to broadcasting or telecommunication;

“commercial sound broadcasting services” means sound broadcasting services which provide programmes —

- (a) received by commonly available equipment;
- (b) made available free to the general public; and
- (c) funded by advertising revenue and operated for profit;

“commercial television broadcasting services” means television broadcasting services which provide programmes —

- (a) received by commonly available equipment;
- (b) made available free to the general public; and
- (c) funded by advertising revenue and operated for profit;

“Direct-to-Home satellite broadcasting service” means a broadcasting service rendered to the public on payment of a subscription fee, where television signals are transmitted by satellites for direct reception by the general public via receive-only dish antennas and decoders provided by the service provider;

“international submarine cable system” means a set of equipment composed of terminal equipment and submersible equipment to interconnect two or more terminal stations.

“internet access service provider” means a licence holder who provides subscribers with internet access including fixed internet access through a public land mobile network;

“internet resale service provider” means a licence holder who obtains internet access from an internet access service provider, through lease or other commercial arrangement and thereafter resells the internet access to the public;

“Public Access Mobile Radio” means a Public Mobile Radio system, operated by a private operator to provide a radio service to a closed user group or a number of closed user groups.

“Public Land Mobile Network” means mobile cellular networks in the following technologies —

- (a) Global System for Mobile;

- (b) Third Generation Networks based on a standard within the IMT-2000 system; and
- (c) any other similar technology;

“Private Mobile Radio” means a self provided, self used or closed user group mobile radio communication system;

“Public Radio Paging Service” means a mobile Service restricted to one-way non-voice selective communication.

“Public Switched Telephone Network” means a telecommunication network which includes switching and transmission equipment and other infrastructure intended for interconnection to telecommunication networks used in whole or in part to provide telecommunication services to the public, between fixed network connecting points.

“Radio communication” means the transmission or reception of signals by means of radio waves;

“Radio communication equipment” means equipment which is used or intended to be used for emitting or receiving radio communication other than a domestic sound broadcasting receiver and a domestic television broadcasting receiver;

“Radio Regulations” means the International Telecommunication Union Radio Regulations;

“Subscription television broadcasting services” means television broadcasting services provided to the general public on payment of subscription fees;

“Voice Over Internet Protocol” also referred to as Internet Protocol telephony, means the partial or whole transmission of voice over packet switched networks comprising of Public Internet and managed-Internet Protocol based networks.

Application

3.(1) A person who requires a licence in terms of section 3, 4 or 5 of the Act must lodge an application to obtain a licence in the specific category into which the licence is further divided in Schedule I.

(2) An application for a licence under section 3, 4 and 5 of the Act shall be made to the Authority in the form set out in Schedule II.

(3) Before a licence is granted in terms of the Act, the Authority shall consult the following persons —

- (a) the Minister responsible for Broadcasting and Telecommunication;
- (b) the Minister responsible for Defence; and
- (c) in case of a licence for broadcasting or telecommunication jamming equipment, the Minister of Home Affairs.

(4) The Authority may upon evaluation of the application —

- (a) grant the application; or
- (b) refuse the application.

(5) The Authority may request, from the applicant, details or documents necessary for evaluating the application.

(6) Where the Authority refuses an application, it shall forthwith notify the applicant of its decision giving reasons for the refusal.

(7) An applicant aggrieved by the decision of the Authority for refusing to grant a licence, may within one month of the receipt of the decision, file an appeal in accordance with section 17 of the Licences Act.

(8) A licence granted under these regulations shall be valid for the period specified in the licence which period shall not exceed 15 years.

Fees

4.(1) Fees required for licences issued under the Act shall be payable in accordance with Schedule I and paid before a licence is granted or before they become due.

(2) Where a person holds a licence to establish a broadcasting service, the Authority shall not levy on that person a fee for a licence required for the installation and operation of a radio communication equipment or radio communication network in relation to that broadcasting service.

(3) Where a person holds a licence to establish a telecommunication service, the Authority shall not levy on that person a licence fee for a licence required to install and operate a radio communication equipment or radio communication network in relation to the telecommunication service.

(4) If a licence fee is not paid, in accordance with Schedule I, at the time payment becomes due, a surcharge of 10% of the licence fee shall be payable by the licence holder for each month or part thereof during which the licence fee remains unpaid.

Effect of licence for broadcasting services

5.(1) A licence to establish a broadcasting service shall, subject to the provisions of the Act also authorise the licence holder to install and operate a radio communication equipment or radio communication network in relation to the broadcasting service for which a licence has been issued.

(2) A licence to establish a broadcasting service shall, subject to the provisions of the Act, also authorise the licence holder to operate a telecommunication facility or transmission facility in relation to the broadcasting service for which a licence has been issued.

Effect of licence for telecommunication services

6.(1) A licence to establish a telecommunication service shall, subject to the provisions of the Act, also authorise the licence holder to install and operate a radio communication equipment or radio communication network in relation to the telecommunication service for which a licence has been issued.

(2) A licence to establish a telecommunication service shall, subject to the provisions of the Act, also authorise the licence holder to operate a telecommunication facility or transmission facility in relation to the telecommunication service for which a licence has been issued.

Licence for experimental purpose

7. Where the Authority issues a person with a licence for experimental purposes in terms of section 6, it shall not levy a licence fee on that person for such licence.

Obligations of a licence holder or a person authorised by the licence holder

8.(1) The licence holder or a person authorised by the licence holder to operate or use radio communication equipment or radio communication network shall, when using such equipment or network —

- (a) adjust the broadcasting or radio communication equipment or radio communication network to operate on the radio frequency specified in the licence;
- (b) not intercept a message which the radio communication equipment or radio communication network is not authorised to receive;
- (c) where there is an accidental reception of a message referred to in paragraph (b), he or she does not reproduce, communicate to any person or otherwise use the information received or divulge the existence of such message for any purpose whatsoever except when required to do so in accordance with paragraph (d), the Act or any other written law;
- (d) note and report instances of interferences with any telecommunication service to the Minister responsible for Broadcasting and Telecommunication;
- (e) ensure that the radio communication equipment or radio communication network and the licence are at all reasonable times available for inspection by a public officer so authorised under section 14 of the Act; and

- (f) comply with any further condition stated in the licence.

Requirements for specific licences

9.(1) A person, before being issued a licence to operate amateur radio communication equipment, must satisfy the Authority that he or she holds the relevant radio operator's certificate showing that the operational and technical requirements as per Article 25 of the Radio Regulations have been met.

(2) A person, before being issued a licence to operate aeronautical radiotelephone radio communication equipment including those on aircrafts, must satisfy the Authority that he or she holds the relevant radio operator's certificate issued in accordance with the requirements under Article 37 of the Radio Regulations.

(3) A person, before being issued a licence to operate maritime radiotelephone radio communication equipment including land based equipment, must satisfy the Authority that he or she holds the relevant radio operator's certificate issued as per the requirements of Article 47 of the International Telecommunication Union Radio Regulations.

(4) An application for the variation or revocation of a term, condition or restriction of a licence under section 9 of the Act may be made to the Authority in the form prescribed under Schedule 3.

Non-renewal of licence

10. A licence holder who does not intend to renew a licence shall, in writing, inform the Authority of his or her decision not to renew the licence, specifying what he or she intends to do with the radio communication equipment.

Repeal and saving

11.(1) The Licences (Broadcasting and Telecommunication) Regulations, 1988 is hereby repealed.

- (2) Notwithstanding the repeal under subregulation (1) —

- (a) a licence granted under the repealed regulation and in force on the coming into operation of these regulations shall, unless earlier revoked, continue to be in force for the period for which the licence was granted; and
- (b) every licence holder providing a service referred to in Schedule I shall obtain a licence expressly allowing the provision of such services if the existing licence does not expressly provide for such services.

SCHEDULE I

(Regulations 3, 4, 5 and 6)

Broadcasting service		Licence Fee (SCR)
(i)	Sound Broadcasting Service	SR100,000
	(a) Commercial Sound Broadcasting Service	
	(b) Short-Term Sound Broadcasting Services	SR2,000 per day or per event for a period not exceeding 30 days; or SR 60,000 for a period exceeding 30 days but not more than 180 days
(ii)	Television Broadcasting Service	
	(a) Commercial Television Broadcasting Service	SR 250,000 or 0.005% of the annual gross receipts of the service, whichever amount is greater
	(b) Direct-To-Home Satellite television broadcasting	SR125,000 or 0.005% of the annual gross receipts of the service, whichever amount is greater
	(c) Subscription Television Broadcasting Service	SR 800,000 or 0.008% of the annual gross receipts of the service, whichever amount is greater

	(d)	Short-Term Television Broadcasting Services	SR5,000 per day or per event for a period not exceeding 30 days of duration; or SR150,000 for a period exceeding 30 days but not more than 180 days
(2)	Telecommunication Service		
	(i)	International submarine cable system	The annual licence fee shall be SR500,000 or 2% of the annual gross receipts of the service provider derived from the provision of the service, whichever amount is greater.
	(ii)	Internet access service provider	SR40,000 per year or 2% of the annual gross receipts of the service provider derived from the provision of the service, whichever amount is greater.
	(iii)	Internet resale service provider	SR250 per year.
	(iv)	Public Access Mobile Radio (PAMR)	SR5,000 per year or 5% of the annual gross receipt of the service provider derived from the provision of the service whichever amount is greater
	(v)	Public Land Mobile Network (PLMN)	The annual licence fee shall be 10% of the annual gross receipts of the service provider derived from the provision of the service.
	(vi)	Public Switched Telephone Network (PSTN)	The annual licence fee shall be 10% of the annual gross receipts of the service provider derived from the provision of the service.

	(vii)	Public Radio Paging Service	SR2,000 per year or 1% of the annual gross receipt of the service provider derived from the provision of the service whichever amount is greater.
	(viii)	Voice over Internet Protocol (VoIP)	The annual licence fee shall be 10% of the annual gross receipts of the service provider derived from the provision of the service.
(3)	<u>Radio Communication Equipment or Radio Communication Network</u>		Licence fees (SCR)
	1.	Aeronautical Mobile	SR300 per radio communication equipment per year
	2.	Aircraft Station	SR300 per aeronautical mobile onboard aircraft per year.
	3.	Amateur or Amateur Radio Repeater	SR1,000 per year; or
			SR500 for periods not exceeding 3 months
	4.	Broadcasting or Telecommunication Jamming Equipment (Jammer)	SR1,000 per meter, per year, per jammer, based on the maximum operational interference range or radius of the jammer
	5.	Broadcasting Transmitters (all frequency bands)	SR250,000 per year for all transmitters
	6.	Citizens Band Radio	SR300 per radio communication equipment per year
	7.	Fixed Link	SR300 per radio communication equipment per year for frequency bands below 1GHz with any bandwidth; or
			SR35,000 per frequency pair per year for frequency bands of 1GHz and above with any bandwidth

8.	Land Mobile	SR300 per radio communication equipment per year
9.	Maritime Mobile (All Frequency Bands)	SR300 per radio communication equipment per year which are land based; or SR300 per radio communication equipment per year for use of common channels. SR500 per radio communication equipment per year up to 10 radio communication equipment for use of private channels; and SR300 per radio communication equipment per year for each communication equipment in excess of 10 radio communication equipment for use of private channels.
10.	Meteorological Aid	SR300 per radio communication equipment per year
11.	Private Mobile Radio (PMR) Network (including associated base stations and land mobile stations)	SR30,000 per frequency pair, per base station per year
12.	Private Radio Paging system	SR500 per base station per year
13.	Satellite Broadcasting receiver	SR0 where the satellite broadcasting receiver is intended for residential use and the diameter of the receiver is equal to or less than 2.4m.

		SR2,000 per radio communication equipment per year for purposes other than residential use where the satellite broadcasting receiver's diameter equals to or is less than 2.4m
		SR 5,000 per radio communication equipment per year for purposes other than residential use where the satellite broadcasting receiver's diameter is more than 2.4m
14.	Satellite Fixed Service (Earth Stations including Very Small Aperture Terminal (VSAT))	SR5,000 per radio communication equipment per year
15.	Satellite Land Mobile	SR500 per radio communication equipment per year
16.	Satellite Maritime Mobile	SR500 per radio communication equipment per year
17.	Satellite Meteorological	SR 300 per radio communication equipment per year
18.	Short term licences for the following radio communication equipment — (a) Satellite Land Mobile (b) Satellite Maritime Mobile (c) Aeronautical Mobile (d) Maritime Mobile (e) Land Mobile (f) Citizens Band Radio	SR200 per radio communication equipment for periods not exceeding 3 months

19.	Space Research	SR300 per radio communication equipment per year
20.	Ship Station	SR 1,500 per year for all radio communication equipment (excluding Satellite Maritime Mobile) on commercial ocean going vessel less than 500 gross tonnage; or
		SR1,800 per year for all radio communication equipment (excluding Satellite Maritime Mobile) on commercial ocean going vessel greater than 500 gross tonnage
		SR 900 per year for all radio communication equipment (excluding Satellite Maritime Mobile) on yachts
21.	Wireless Access Network (for private use)	SR5,000 per frequency band, per year

SCHEDULE II

(Regulations 6)

APPLICATION FORM

APPLICATION FOR A LICENCE TO CARRY OUT ACTIVITIES UNDER SECTIONS 3, 4 AND 5 OF THE BROADCASTING AND TELECOMMUNICATION ACT, 2000 AND IN ACCORDANCE WITH THE LICENCE (BROADCASTING AND TELECOMMUNICATION) REGULATIONS, 2021

DETAILS OF APPLICANT

1. Name (Dr/Mr/Mrs/Miss):.....
2. National Identity Number (N.I.N) (if individual):.....
3. Nationality:

Note (1) If applicant is a Seychellois, please attach a copy of the National Identity Card; and

(2) If applicant is a Foreigner, please attach a copy of the passport.

4. Address:

5. Telephone number: 6. Telefax number:

7. E-mail:

8. Applicant category: (i) Individual:

(ii) Company/Entity:

.....
(iii) Other (please specify):

9. Organisations name:

10. Business registration number:

11. Registered Address:

12. Telephone number: 13. Telefax number:

14. E-mail:

TYPE OF LICENCE APPLYING FOR

1. Broadcasting service
2. Telecommunication service
3. Transmission facility
4. Telecommunication facility
5. Radio communication

CATEGORIES OF LICENCE

Land Mobile

Maritime Mobile

Aircraft Station

Land Based

Fixed Link

Citizen Band Radio

Satellite Broadcasting Receiver

Satellite Land Mobile

Aeronautical Mobile

Amateur

Ship Station

Broadcasting Transmitters

Meteorological Aid

Private Radio Paging System

Satellite Fixed Service

Satellite Maritime Mobile

Satellite Meteorological	Wireless Access Network
Private Mobile Radio (PMR) Network	
Broadcasting or Telecommunication	Jamming Equipment (Jammer)
Public Access Mobile Radio (PAMR)	Public Land Mobile Network
Public Radio Paging Service	
Public Switched Telephone Network (PSTN)	Voice Over Internet Protocol (VOIP)
Internet Access Service Provider	Internet Resale Service Provider
International Submarine Cable System	Commercial Sound Broadcasting Services
Short-Term Sound Broadcasting Service	Commercial Television Broadcasting Service
Direct-To-Home Satellite television broadcasting	Amateur Radio Club
Subscription Television Broadcasting Service	Amateur Radio Repeater
Short-Term Television Broadcasting Service	
Other (please specify):	

REQUIREMENTS FOR CERTIFICATE

A relevant radio operators certificate is required for the licence categories: Amateur, Aeronautical Mobile, Maritime Mobile, Land Based, Aircraft Station. (Please attach copy of the certificate)

DETAILS REQUIRED FOR RADIO COMMUNICATION LICENCE APPLICATION

1. Purpose of communication:
2. Please include a brief narrative describing the nature of the communication and the spectrum of utilisation:
3. Period of use of radio communication equipment:
 - i. Short term (period not exceeding 3 months):
 - ii. Long term (period exceeding 3 months):
4. i. Type of radio communication equipment:

- a) Transmitter
 - b) Transceiver
 - c) Receiver
 - d) Other (please specify):
- ii. Make and model:
 - iii. Quantity:.....
5. Frequency range of operation:
 6. Specific frequency/frequencies required (if any):.....
 7. Bandwidth of operation (KHz, MHz):
 8. Type of emission (Voice, Telegraphy, Data, Paging):
 9. Type of modulation:
 10. Class of emission:.....
 11. Designation of emission:
 12. Geographical area of operation:.....
 13. Maximum output power of transmitter:.....
 14. Location of transmitter(s):.....
 15. Location of receiver(s):.....
 16. Make and model of antenna(s):.....
 17. Antenna(s) gain:.....
 18. Location of antenna(s) if different from transmitter and or receiver site: ..
 19. Height of antenna(s) above ground in metres:
 20. Location of receiving points:
 21. Call sign required (specify yes or no):
 22. MMSI number required (specify yes or no):
 23. Gross tonnage (if commercial ocean-going vessels):
 24. Applicants may be required to provide:
 - i. Diagram of proposed operation

- i. Equipment specification(s)
- ii. Type approval certificates for the equipment
- iii. Certificates showing adherence to Electromagnetic Compatibility (EMC)

DECLARATION

I declare that the foregoing facts are true and accurate and that material facts have not been concealed.

I agree that in case any information given by me is found to be false at a later date, the licence, if granted will be cancelled. I have carefully read and understood the regulations contained in the Licences (Broadcasting and Telecommunication) Regulations, 2020 and undertake to abide by them and observe the conditions of the licence.

Name in capitals letters

Signature of applicant.....

Position of applicant

Date.....

FOR OFFICIAL USE

Licence fee SCR.....

Receipt number..... Cash..... Cheque number

Paid on

Signature of cashier.....

Date

COMMENTS OF CONSULTING DEPARTMENT

.....

.....

.....

Hold/Approved/Not Approved

Date:.....

SCHEDULE III*(Regulation 8(4))***APPLICATION FORM FOR AMENDMENT OF A LICENCE****DETAILS OF LICENSEE**

1. Name (Dr/Mr/Mrs/Miss):
2. National Identity Number (N.I.N) (if individual):
3. Nationality:
4. Address:
5. Telephone number:
6. E-mail:
7. Licensee category: (i) Individual:
(ii) Company/Entity:
(iii) Other (please specify):
8. Organisation's name:
9. Business registration number:
10. Registered Address:
11. Telephone Number:

DETAILS OF EXISTING LICENCE

1. Date Expiry of Licence:
2. Licence Number:
3. Licensee Number:

TYPES OF LICENCE GRANTED

- 1. Broadcasting service
- 2. Telecommunication service
- 3. Transmission facility
- 4. Telecommunication facility
- 5. Radio communication

AMENDMENT

Set out a complete accurate and concise statement of the proposed amendment.

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.....

.....

REASONS FOR PROPOSED AMENDMENT

Set out a complete accurate and concise statement of the reasons of the proposed amendment.

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.....

ANY OTHER INFORMATION

Provide any other information you believe might be relevant to the authority in considering this application.

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DECLARATION

I declare that the foregoing facts are true and accurate and that material facts have not been concealed.

I agree that in case any information given by me is found to be false at a later date, the licence, if granted will be cancelled. I have carefully read and understood the regulations contained in the Licences (Broadcasting and Telecommunication) Regulations, 2020 and undertake to abide by them and observe the conditions of the licence.

Name in capitals letters:

Signature of applicant:

Position of applicant:

Date:

MADE this 24th day of December, 2021.

**NAADIR HASSAN
MINISTER OF FINANCE, ECONOMIC
PLANNING AND TRADE**
