

# MEDIA AND COMMUNICATION

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This section combines the laws previously indexed under BROADCASTING, CENSORSHIP, FILMS, POSTS AND TELECOMMUNICATIONS and PRESS AND PRINTING, to reflect the increasing integration of these modes of communication and their legal regulation.

***Newspaper and Imprint Registration Act 63 of 1971***, as amended in South Africa to March 1978  

**Summary:** This Act ([RSA GG 3159](#)) provides for the registration of newspapers and printer's imprints and requires that the printer of all printed matter be identified. It was brought into force in South Africa and South West Africa on 1 April 1972 by RSA Proc. R. 80/1972 ([RSA GG 3441](#)), pursuant to section 14 of the Act.

**Applicability to SWA:** Section 1 defines "Republic" to include "the territory of South West Africa". Section 14(1) states that "this Act and any amendment thereof shall also apply in the territory of South West Africa, including the Eastern Caprivi Zipfel".

**Transfer of administration to SWA:** The administration of this Act was transferred to SWA by the Executive Powers (Interior) Transfer Proclamation (AG 17/1978), dated **30 March 1978**. The only amendment to the Act in South Africa after the date of transfer and prior to Namibian independence – the *Registration of Newspapers Amendment Act 98 of 1982* ([RSA GG 8280](#)) – was not made expressly applicable to SWA. (There were no South African amendments to the Act prior to the date of transfer.)

Section 3(2)(c) of the transfer proclamation excluded section 8 of the Act from the operation of section 3(1)(c) of the General Proclamation, which concerns the interpretation of the term "Republic". Section 8 requires that the editor of a newspaper published in the Republic must reside in the Republic; "Republic" in this section retained the meaning it was given in the definition section of the Act (South Africa and SWA).

**Regulations:** Regulations are authorised by section 13 of the Act. Pre-independence regulations have not yet been researched. No post-independence regulations have been promulgated.

***Indecent or Obscene Photographic Matter Act 37 of 1967***, as amended in South Africa to November 1979

**Summary:** This Act ([RSA GG 1689](#)) makes it an offence to possess indecent or obscene photographic matter. Although still technically on Namibia's law books, it has no force, because the High Court of Namibia declared section 2(1) of the Act unconstitutional and found that the remainder of the Act was not severable. Therefore, this law is effectively defunct. It is not included in the database of annotated statutes as it has been earmarked for repeal as an obsolete law by the Law Reform and Development Commission.<sup>120</sup>

**Applicability to SWA:** Section 4A states "This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel."

**Transfer of administration to SWA:** The administration of this Act was transferred to SWA by the Executive Powers (Justice) Transfer Proclamation (AG 33/1979), dated **12 November 1979**, as

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<sup>120</sup> Law Reform and Development Commission, *Report on Repeal of Obsolete Laws: Phase 2* (LRDC 42), March 2021, pages 38-ff.

amended. The only amendment to the Act in South Africa after that date and prior to Namibian independence – the *Indecent or Obscene Photographic Matter Amendment Act 72 of 1983* – is duplicated by the SWA Indecent or Obscene Photographic Matter Amendment Act 4 of 1985.

**Amendments:** The following pre-independence South African amendments were applicable to SWA –

- *General Law Amendment Act 101 of 1969* ([RSA GG 2464](#))
- *Publications Act 42 of 1974* ([RSA GG 4426](#)).

Act 4/1985 ([OG 5093](#)) amends the Act to extend the meaning of “cinematograph film”.

**Regulations:** Regulations have not been researched given the inoperable status of the Act in Namibia.

**Cases:** *Fantasy Enterprises CC t/a Hustler The Shop v Minister of Home Affairs & Another; Nasilowski & Another v Minister of Justice & Others* 1998 NR 96 (HC) (section 2(1) declared unconstitutional; remainder of Act not severable from the unconstitutional section).

### ***Publications Act 42 of 1974***, as amended in South Africa prior to Namibian independence

**Summary:** This Act ([RSA GG 4426](#)) establishes a Directorate of Publications and provides for the control of certain publications, objects, films and public entertainments. It was brought into force in South Africa and South West Africa as follows pursuant to section 46 of the Act):

- sections 1- 14, 16-24, 26-27, 29-32 and 34-53 were brought into force on 1 April 1975 by RSA Proc. R.74/1975 ([RSA GG 4617](#));
- sections 15 and 33 were brought into force on 1 September 1975 by RSA Proc. R.187/1975 ([RSA GG 4815](#));
- sections 25 and 28 were brought into force on 1 October 1975 by RSA Proc. 229/1975 ([RSA GG 4855](#)).

**Applicability to SWA:** Section 46 states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.” Section 47 defines “Republic” to include “the territory of South West Africa”.

**Transfer of administration to SWA:** The Act was under the authority of “the Minister to whom the administration of this Act is from time to time assigned” rather than under any particular government department (section 47). Section 3(2) of the Executive Powers (Interior) Transfer Proclamation (AG 17/1978) specifically exempted the Act from the operation of section 3(1) of the General Proclamation, meaning that the administration of the Act was not transferred to SWA by that transfer proclamation.

Certain powers under the Act were transferred to the Administrator-General by the Publications Proclamation (AG 43/1978) ([OG 3776](#)). However, this Proclamation did not seem to function as a transfer proclamation. Under section 2 of AG 43/1978, the Administrator-General was given the power to amend, set aside or substitute any decision made by any committee referred to in the principal Act, by the Publications Appeal Board, or by the Directorate of Publications. However, these bodies were still in a position to make decisions which were applicable to South West Africa if the Administrator-General did not intervene.

**Amendments:** The following pre-independence South African amendments were applicable to SWA –

- *Publications Amendment Act 79 of 1977* ([RSA GG 5594](#))
- *Publications Amendment Act 109 of 1978* ([RSA GG 6101](#))
- *Publications Amendment Act 44 of 1979* ([RSA GG 6433](#))
- *Divorce Act 70 of 1979* ([RSA GG 6506](#))

- *Registration of Newspapers Amendment Act 98 of 1982*, section 3(b) ([RSA GG 8280](#)), brought into force in part on 1 May 1983 by RSA Proc. 64/1983 ([RSA GG 8688](#))
- *Publications Amendment Act 60 of 1986* ([RSA GG 10306](#)).

The First Law Amendment (Abolition of Discriminatory or Restrictive Laws for the Purposes of Free and Fair Election) Proclamation (AG 14/1989) ([OG 5726](#)) amends the definition of “undesirable” in section 48 of the Act.

The Customs and Excise Act 20 of 1998 ([GG 1900](#)), brought into force on 1 August 1998 (GN 186/1998, [GG 1918](#)), repeals section 49.

**Regulations:** Regulations are authorised by section 44 of the Act. Pre-independence regulations have not yet been researched. No post-independence regulations have been promulgated.

**Application of law:** The Publications Proclamation (AG 43/1978) ([OG 3776](#)) supplements the Act, without actually amending it, to give the Administrator-General the power to overrule the Publications Appeal Board or any of the other committees or persons referred to in the Act.

**Commentary:** Law Reform and Development Commission, *Report on Publications*, LRDC 16, 2010.

## Namibian Broadcasting Act 9 of 1991

**Summary:** This Act ([GG 223](#)) provides for the establishment of a broadcasting corporation for Namibia and sets forth its objectives, powers, duties and functions. It repeals the *Broadcasting Act 73 of 1976*.

**Amendments:** Sections 1 and 6 are amended by section 1 of the General Law Amendment Act 18 of 2000 ([GG 2422](#)), which was brought into force on 2 February 2001 by GN 25/2001 ([GG 2483](#)). The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 6, 8 and 13. The Schedule to the Act is amended by the Communications Act 8 of 2009 ([GG 4378](#)), brought into force in relevant part on 18 May 2011 by GN 64/2011 ([GG 4714](#)).

**Regulations:** Regulations made under the repealed Act survive pursuant to section 34(2)(c)(ii) of this Act. However, pre-independence regulations have not yet been researched.

Regulations regarding television licences are contained in GN 118/1993 ([GG 726](#)). License fees are increased to N\$132 by General Notice 245/1995 ([GG 1128](#)), which does not technically amend the regulations. Regulation 6 and the Annexure on television licence fees are substituted by General Notice 95/1999 ([GG 2113](#)), which also raises the standard television licence fee from N\$132 to N\$180. General Notice 245/1995 states that it is amending the Annexure, but it appears to substitute the Annexure in its entirety.) The Annexure is again substituted in its entirety by Government Notice 220/2001 ([GG 2637](#)), which is substituted in turn by GN 235/2004 ([GG 3313](#)).

**Notices:** Pursuant to section 93(1) of the Communications Act 8 of 2009, GN 327/2020 ([GG 7431](#)) sets 31 December 2020 as the date from which Chapter VI of that Act (on promotion of competition) applies to the Namibian Broadcasting Corporation.

**Appointments:** The initial board was appointed by GN 88/1990 ([GG 120](#)), with the appointments of new board members being announced in GN 93/1995 ([GG 1062](#)) and GN 175/2000 ([GG 2374](#)).

### Cases:

*Kruger & Others v Namibian Broadcasting Corporation* 2006 (1) NR 233 (LC), *Namibian Broadcasting Corporation v Kruger & Others* 2009 (1) NR 196 (SC) (voluntary retrenchment of employees)

*Factcrown Ltd v Namibia Broadcasting Corporation* 2014 (2) NR 447 (SC) (position of Namibian Broadcasting Organisation as parastatal and powers of CEO and board discussed in appeal against grant of absolution of the instance).

## New Era Publication Corporation Act 1 of 1992

**Summary:** This Act ([GG 377](#)) establishes a publication corporation for Namibia and sets forth its powers, duties and functions.

**Amendments:** Sections 1 and 5 are amended by section 2 of the General Law Amendment Act 18 of 2000 ([GG 2422](#)), which is deemed by GN 25/2001 to have come into force on 29 November 2000 ([GG 2483](#)). The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 5, 6 and 10.

**Regulations:** The Act makes no provision for regulations.

**Appointments:** The appointment of a Board of Directors is announced in GN 26/2001 ([GG 2483](#)) and GN 60/2004 ([GG 3181](#)).

## Namibia Press Agency Act 3 of 1992

**Summary:** This Act ([GG 382](#)) establishes a news agency for Namibia (commonly known by its acronym NAMPA) and sets forth its powers, duties and functions.

**Amendments:** Sections 1 and 6 are amended by section 3 of the General Law Amendment Act 18 of 2000 ([GG 2422](#)), which is deemed to have come into force on 29 November 2000 (GN 25/2001, [GG 2483](#)).

Act 13/2004 ([GG 3283](#)) amends sections 4, 5, 6, 11, and 14.

The State-owned Enterprises Governance Act 2 of 2006, which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 6, 7, 11 and 13.

**Regulations:** The Act makes no provision for regulations.

**Application of law:** The application of the Act is affected by the State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006.

**Appointments:** The appointment of Boards of Directors is announced in GN 114/1992 ([GG 468](#)), GN 197/1998 ([GG 1927](#)) and GN 27/2001 ([GG 2483](#)).

## Posts and Telecommunications Companies Establishment Act 17 of 1992

**Summary:** This Act ([GG 447](#)) provides for the incorporation of a postal company, a telecommunications company and a holding company, and for the transfer of Namibia's postal and telecommunications enterprises to the postal and telecommunications companies. It also provides for

the conditions of service of persons transferred to or employed by the postal or telecommunications companies, and for the control of the Post Office Savings Bank by the postal company.

Section 10 of the Act provided that the Act, with the exception of Chapter I, would come into force on a date to be determined by the Minister in the *Government Gazette*. The entire Act actually came into force at the same time: Chapter I came into force on 31 July 1992, the date of publication of the Act, and the remainder of the Act was brought into force on 31 July 1992 by virtue of GN 88/1992 ([GG 446](#)).

**Amendments:** The Customs and Excise Act 20 of 1998 ([GG 1900](#)), which was brought into force on 1 August 1998 by GN 186/1998 ([GG 1918](#)), repeals the amendments to the Customs and Excise Act 91 of 1964 set forth in the Schedule to this Act.

Act 20/2000 ([GG 2425](#)) amends section 2 of the Act with respect to the number of company directors, but the amendment actually re-iterates the original Act – and it was in any event never brought into force.

The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends section 2.

The Schedule to the Act is amended by the Communications Act 8 of 2009 ([GG 4378](#)), brought into force in relevant part on 18 May 2011 (GN 64/2011, [GG 4714](#)).

Act 7/2020 ([GG 7305](#)) provides for the dissolution of the holding company, but has not yet been brought into force.

**Regulations:** The Act makes no provision for regulations.

**Notices:** A transfer date in terms of the Act was determined in GN 89/1992 ([GG 446](#)).

See also General Notice 279/2002 ([GG 2823](#)) with respect to the application to Telecom Namibia of amendments to the Value-Added Tax Act 10 of 2000.

**Cases:** Purpose of Telecom discussed in *Mweb Namibia (Pty) Ltd v Telecom Namibia Ltd & Others* 2011 (2) NR 670 (SC).

## Posts and Telecommunications Act 19 of 1992

**Summary:** This Act ([GG 464](#)) provides for the regulation and control of postal and telecommunications services. It also sets forth the powers, duties and functions of Namibia Post Limited and Telecom Namibia Limited, replacing the *Post Office Act 44 of 1958*. Section 55 of the Act provides that the Act is deemed to have come into force on 1 August 1992, *with the exception of* section 2 (prohibition of conduct of a postal service or a telecommunications service), which was deemed to have come into force on 15 February 1995 (GN 126/2000, [GG 2340](#)).

**Amendments:** Act 20/1995 ([GG 1223](#)) adds section 18A, which enables Namibian Post Ltd. to prescribe and levy service fees.

The Communications Act 8 of 2009 ([GG 4378](#)), brought into force in relevant part on 18 May 2011 by GN 64/2011 ([GG 4714](#)), repeals Chapters II and IV and section 45.

**Savings:** Section 54 of the Act states: “Notwithstanding the repeal of the Post Office Act, 1958 by section 10 of the Posts and Telecommunications Establishment Act, 1992 [which seems to refer to the Posts and Telecommunications Companies Establishment Act 17 of 1992] any regulation made or



anything done under any provision of the Post Office Act, 1958 or any contract concluded in connection with the postal enterprise or the telecommunications enterprise, as defined in section 1 of the Posts and Telecommunications Establishment Act, 1992 [which seems to refer to the Posts and Telecommunications Companies Establishment Act 17 of 1992], shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made by the postal company or the telecommunications company, as the case may be, under the corresponding provision of this Act.”

**Regulations:** Pre-independence regulations have not been researched.

After independence, **Post Office Savings Bank Regulations** are promulgated in General Notice 113/1996 ([GG 1322](#)), as amended by General Notice 276/1997 ([GG 1684](#)) and General Notice 64/1998 ([GG 1829](#)). These replace the “Savings Bank Regulations” which were “promulgated under Government Notice No. 16 of 14th February 1961, as amended”.

**Application of law:** The application of this law is affected by the Financial Intelligence Act 13 of 2012 ([GG 5096](#)), which places certain duties on Namibia Post Limited. The Financial Intelligence Act 13 of 2012 ([GG 5096](#)) also gives certain powers to officers of the post office.

**Notices:** GN 34/2011 ([GG 4679](#)), issued in terms of section 2(3) of the Banking Institutions Act 2 of 1998, removes the Post Office Savings Bank from the coverage of section 2(2) of the Banking Institutions Act 2 of 1998 with effect from 1 April 2011. Section 2(2) contains a list of institutions that the Banking Institutions Act 2 of 1998 does *not* apply to; thus, the removal of the Post Office Savings Bank from the coverage of section 2(2) means that the Banking Institutions Act 2 of 1998 *does* apply to the Post Office Savings Bank.<sup>121</sup>

**Fees and tariffs:** Tariffs set in terms of the Act are set and amended periodically and have not been recorded here. Notices setting service fees in respect of Post Office Savings Bank transactions have not been recorded here.

**Cases:**

*Mweb Namibia (Pty) Ltd v Telecom Namibia Ltd & Others* 2011 (2) NR 670 (SC) (constitutionality of section 2(2) upheld)

*Municipal Council of Windhoek v Telecom Namibia Ltd* 2015 (3) NR 629 (SC) (interpretation of section 24, which is now repealed; constitutionality of section 24 upheld)

*Negonga v Nampost Ltd* 2018 (3) NR 704 (HC) (relationship between Post Office Savings Bank and its customers).

**\*Namibia Film Commission Act 6 of 2000**  

**Summary:** This Act ([GG 2322](#)) establishes a Namibia Film Commission to encourage film production in Namibia, as well as a Film and Video Development Fund. It also regulates activities relating to film production, and provides for the encouragement and promotion of a film industry in Namibia. The Act will be brought into force on a date set by the minister responsible for information and broadcasting by notice in the *Government Gazette*.

**Amendments:** Act 11/2001([GG 2620](#)) amends sections 1 and 5.

**Regulations:** Regulations are authorised by section 28 of the Act, but none have yet been promulgated.

**Appointments:** Members of the Namibia Film Commission are appointed in GN 220/2002 ([GG 2879](#)) and GN 69/2003 ([GG 2946](#)).

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<sup>121</sup> See *Negonga v Nampost Ltd* 2018 (3) NR 704 (HC), para 16.

## Communications Act 8 of 2009

**Summary:** This Act ([GG 4378](#)) provides for the regulation of telecommunications services and networks, broadcasting, postal services and the use and allocation of the radio spectrum. It establishes an independent Communications Regulatory Authority of Namibia (CRAN) and an association to manage the internet domain “.na”. It also provides for the interception of telecommunications.

The Act repeals the *Radio Act 3 of 1952* and the Namibian Communications Commission Act 4 of 1992, and some sections of the Posts and Telecommunications Act 19 of 1992.

It was brought into force, *with the exception of* Parts 4 and 6 of Chapter V (universal service and interception of telecommunications) and Chapter IX (establishment and incorporation of .na domain name association), on 18 May 2011 by GN 64/2011 ([GG 4714](#)).

Part 4 of Chapter V (universal service) was brought into force on 1 December 2016 by GN 285/2016 ([GG 6188](#)).

Note that GN 285/2016 is correctly numbered in the Contents section of GG 6188, but the actual Government Notice is misnumbered as GN 286/2016.

**Amendments:** Act 6/2020 ([GG 7274](#)) amends sections 1 and 22, substitutes section 23 and amends sections 54, 56 and 75.

**Regulations:** Pursuant to section 135(1), any regulation or notice issued under a repealed law survives if it could have been made under any provision of the Act. Pre-independence regulations have not yet been comprehensively researched.

The following regulations were made in terms of the **Radio Act 3 of 1952**:

**Radio Regulations** were issued in RSA GN R.2862/1979 (RSA GG 6794), as amended prior to independence by AG GN 51/1982 (OG 4615), AG GN 153/1982 (OG 4703) and GN 122/1987 (OG 5407). They have been amended since independence by GN 71/1990 ([GG 102](#)), GN 76/1992 ([GG 427](#)), General Notice 286/1993 ([GG 760](#)), GN 250/1997 ([GG 1741](#)), GN 52/1999 ([GG 2057](#)), GN 147/2001 ([GG 2579](#)) and GN 245/2001 ([GG 2663](#)). GN 250/2004 ([GG 3326](#)) further amends the regulations and repeals GN 147/2001, GN 245/2001 and GN 6/2006 ([GG 3573](#)). The regulations are also amended by GN 6/2006 ([GG 3573](#)), GN 213/2007 ([GG 3942](#)) (as amended by General Notice 311/2012 in [GG 5037](#)) and General Notice 395/2011 ([GG 4839](#)). Chapter 5 of the regulations is repealed by General Notice 74/2013 ([GG 5148](#)).

Note that the regulations regarding the licence exempt spectrum in General Notice 395/2011 ([GG 4839](#)) amend the Radio Regulations contained in RSA GN R.2862 of 28 December 1979, insofar as they are inconsistent with the new regulations.

The regulations regarding administrative and licence fees for service licences in General Notice 311/2012 ([GG 5037](#)) amend the regulations in GN 213/2007 ([GG 3942](#)) (which amend these regulations) insofar as they are inconsistent with the new regulations.

The following regulations were made in terms of the **Namibian Communications Commission Act 4 of 1992**:

Regulations relating to **broadcasting licences** are contained in GN 25/1994 ([GG 802](#)), as amended by GN 251/2004 ([GG 3326](#)), GN 6/2006 ([GG 3573](#)), and GN 212/2007 ([GG 3942](#)).

Note that the regulations regarding administrative and licence fees for service licences in General Notice 311/2012 ([GG 5037](#)) amend the regulations in GN 212/2007 insofar as they are inconsistent with the new regulations.

Regulations pertaining to **VSAT (very small aperture terminal) telecommunications licences** are contained in GN 108/2007 ([GG 3858](#)).

Note that the regulations regarding administrative and licence fees for service licences in General Notice 311/2012 ([GG 5037](#)) amend the regulations in GN 108/2007 insofar as they are inconsistent with the new regulations.

The following regulations have been made in terms of **the current Act**:

- **Rule-making procedures** – General Notice 334/2010 ([GG 4630](#)), as amended by General Notice 554/2021 ([GG 7659](#))
- **Broadcasting and telecommunications service licence categories**-General Notice 124/2011 ([GG 4714](#)), as amended by General Notice 74/2013 ([GG 5148](#)) and General Notice 387/2015 ([GG 5805](#)).
- **Transitional procedures for holders of telecommunications and broadcasting service licences and spectrum use licences** – initially contained in General Notice 125/2011 ([GG 4714](#)), effective from the date the Act came into force, then replaced by General Notice 171/2011 ([GG 4737](#)), which applies retrospectively from the date the Act came into force  
**Notes:** Forms relating to the initial regulations were published in General Notice 130/2011 ([GG 4714](#)). They appear to continue to apply in respect of the replacement regulations on the same topic.
- **Submission of interconnection agreements and tariffs** – General Notice 126/2011 ([GG 4714](#))  
**Notes:** (1) Note that the Table of Contents of [GG 6588](#) indicates that these regulations are withdrawn by General Notice 175/2018. This is an error. GN 175/2018 is actually a notice of the submission of some specific tariffs in terms of the regulations.  
(2) Guidelines relating to these regulations are contained in General Notice 455/2018 ([GG 6668](#)).
- **Licensing procedures for telecommunications and broadcasting service licences -**  
These regulations were initially contained in General Notice 127/2011 ([GG 4714](#)), which is repealed by General Notice 170/2011 ([GG 4737](#)), replaced in turn by General Notice 272/2011 ([GG 4785](#)), as amended by General Notice 330/2013 ([GG 5269](#)), General Notice 182/2016 ([GG 6035](#)) and General Notice 104/2019 ([GG 6888](#)) (which amends the title of the regulations by deleting the words “and Spectrum Use Licences”). All three successive sets of regulations state that they apply retrospectively from the date the Act came into force.  
**Notes:** Forms **CRAN 1-11** which accompany these regulations are contained in the separate Regulations prescribing Forms for Applications, contained in General Notice 328/2013 ([GG 5269](#)), which repeals General Notice 131/2011 ([GG 4714](#)) and which is amended by General Notice 18/2016 ([GG 5947](#)). (Note that General Notice 328/2013 states that General Notice 272/2011 is amended by GN 74/2013 ([GG 5148](#)), but this is incorrect; GN 74/2013 amends the Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories published in General Notice 124/2011.) Form **CRAN 15** is appended to these regulations by General Notice 182/2016 ([GG 6035](#)). (Forms **CRAN 12-14** are appended to the Regulations prescribing the National Numbering Plan for Use in the Provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Licences General Notice 97 of 2016 ([GG 5983](#)).
- **Confidential information and confidential communications with CRAN** – General Notice 307/2012 ([GG 5037](#))
- **Licence conditions for telecommunications services licences** – General Notice 308/2012 ([GG 5037](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)) and by General Notice 24/2021 ([GG 7445](#))
- **Licence conditions for broadcasting service licences** – General Notice 309/2012 ([GG 5037](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)) and by General Notice 24/2021 ([GG 7445](#))
- **Hearings** – General Notice 310/2012 ([GG 5037](#))
- **Frequency channelling plan for digital terrestrial television** – General Notice 166/2013 ([GG 5201](#))



- **Regulations prescribing forms for applications** – General Notice 328/2013 ([GG 5269](#)), as amended by General Notice 18/2016 ([GG 5947](#))  
General Notice 328/2013 ([GG 5269](#)) repeals General Notice 131/2011 ([GG 4714](#)).
- **Licence conditions for class comprehensive multiplex and signal distribution licences** – General Notice 329/2013 ([GG 5269](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#))
- **Minimum technical standards for set-top box decoders** – General Notice 475/2013 ([GG 5357](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#))
- **Type approval and technical standards for telecommunications equipment** – General Notice 22/2015 ([GG 5659](#)), as amended by General Notice 361/2019 ([GG 6992](#)) and by the regulations in General Notice 159/2020 ([GG 7197](#))  
**Notes:** (1) General Notice 265/2015 ([GG 5765](#)) states that it “amends the Regulations in respect of Type Approval and Technical Standards for Telecommunications Equipment published in General Notice No. 22 of 30 January 2015 by substituting the preamble thereof”. In fact, there is no Preamble. What is substituted is the text of the General Notice which promulgated the regulations. The substituted text contains transitional provisions which apply until 30 November 2015. General Notice 269/2016 ([GG 6074](#)) similarly substitutes the text of the General Notice which promulgated the regulations to provide for a transitional period up to 31 October 2016.  
(2) See also General Notice 177/2018 ([GG 6588](#)) which contains a definition of “Telecommunications Equipment” for purposes of type approval. Schedule 1 of this notice lists equipment which will not require type approval from the date of publication of the notice (8 May 2018).
- **Quality of service standards applicable to service licensees** – General Notice 152/2015 ([GG 5713](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)) and by General Notice 24/2021 ([GG 7445](#))
- **National numbering plan for use in the provision of telecommunications services in the Republic of Namibia, numbering licence fees and procedures for number licences equipment** – General Notice 97/2016 ([GG 5983](#)), as amended by General Notice 500/2018 ([GG 6692](#)) (number portability), General Notice 150/2020 ([GG 7196](#)) (timeframe for implementation of number portability), regulation 11 read with Annexure A of the regulations in General Notice 159/2020 ([GG 7197](#)) and General Notice 445/2021 ([GG 7613](#))  
**Notes:** (1) Reasons for the initial amendment of these regulations are contained in General Notice 63/2019 ([GG 6863](#)).  
(2) See decision in respect of application for reconsideration of number portability in General Notice 500/2018, published in General Notice 380/2019 ([GG 7005](#)).  
(3) Note that another *Government Gazette* incorrectly numbered as GG 6692 was issued and subsequently withdrawn. Note also that the *Government Gazette* containing General Notice 500/2018 was issued at one stage as GG 6693, but this incorrectly-numbered version was withdrawn.  
(4) General Notice 150/2020 ([GG 7196](#)) erroneously refers to a previous amendment of these regulations by “*Government Notice No. 500 of 30 August 2018*”; the amendment referred to was contained in *General Notice 150/2020*.  
(5) General Notice 445/2021 ([GG 7613](#)) erroneously refers to the publication of the National Numbering Plan in “*General Notice 18 of 1 April 2021*”; the correct reference is General Notice 97 of 1 April 2016.  
(6) Reasons for the amendment of the numbering fees are contained in Annexure E, which is inserted in the regulations by General Notice 445/2021 ([GG 7613](#)).
- **Sharing of infrastructure** – General Notice 400/2016 ([GG 6141](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#))
- **Frequency Channeling Plan for the spectrum bands 694-790 Mhz and 790-862 Mhz** – General Notice 424/2016 ([GG 6160](#))
- **Procedures for the adjudication of disputes** – General Notice 468/2017 ([GG 6466](#)), as amended by General Notice 105/2019 ([GG 6889](#)), by the regulations in General Notice 159/2020 ([GG 7197](#)) and by General Notice 24/2021 ([GG 7445](#)); see also the **Guidelines for mediation proceedings** set out in General Notice 43/2020 ([GG 7108](#))  
**Notes:** The regulations in General Notice 468/2017 ([GG 6466](#)) *repeal* the following regulations:  
\* Regulations regarding consumer complaints – General Notice 128/2011 ([GG 4714](#))  
\* Regulations regarding licensee disputes – General Notice 148/2013 ([GG 5194](#)).

Forms were published pursuant to the repealed Regulations regarding Consumer Complaints in General Notice 129/2011 ([GG 4714](#)). The General Notice containing these forms has not been repealed or withdrawn, but they have no current relevance. The replacement regulations contained in General Notice 468/2017 ([GG 6466](#)) contain their own forms.

- **Provision of universal service by telecommunications service licensees** - General Notice 178/2018 ([GG 6589](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)); see also the **Universal Service Obligations Guidelines** - General Notice 103/2019 ([GG 6886](#))
- **Fair competition in the telecommunications sector** - General Notice 179/2018 ([GG 6593](#)) as amended by the regulations in General Notice 159/2020 ([GG 7197](#))

**Notes:** Although the regulations refer to “Form A hereto”, no such form is included in the *Government Gazette*.

- **Spectrum licences** - General Notice 104/2019 ([GG 6888](#)), as amended by General Notice 152/2020 ([GG 7196](#)), by the regulations in General Notice 159/2020 ([GG 7197](#)) and General Notice 446/2021 ([GG 7613](#))

**Notes:**

(1) General Notice 104/2019 ([GG 6888](#)) *repeals* the following regulations:

\* Regulations regarding Licence Exempt Spectrum Use - General Notice 395/2011 ([GG 4839](#))

\* Regulations setting out License Conditions for Spectrum Use Licenses -General Notice 469/2013 ([GG 5354](#)).

(2) General Notice 152/2020 ([GG 7196](#)) contains a Schedule setting out the reasons for the amendments:

The purpose of the amendment of the Regulations Prescribing Procedures Regarding Application for, and Amendment, Renewal, Transfer and Cancellation of Spectrum Licences is to conform the list of Radio Apparatus Exempt from Spectrum License to the International Telecommunications (ITU) standards.

(3) General Notice 446/2021 ([GG 7613](#)) repeals the amendments to these regulations contained in General Notice 152/2020 ([GG 7196](#)) (which affected only Annexure B).

- **License Categories and Licensing Procedures for Postal Service Licensees** – General Notice 506/2019 ([GG 7072](#)), as amended by General Notice 238/2021 ([GG 7559](#))

- **Penalty Regulations** – General Notice 159/2020 ([GG 7197](#))

**Notes:** These regulations made amendments to many other sets of regulations. Throughout the list of amendments, the references to “Government Notice” should be “General Notice”.

- **Fees for spectrum licences, certificates and examinations**-General Notice 417/2020 ([GG 7359](#)) which replaced General Notice 155/2017 ([GG 6322](#)) as of 1 January 2021.

- **Reporting Obligations for Licensees**-General Notice 24/2021 ([GG 7445](#)) which repeals the **Cost accounting procedures and reporting requirements** in General Notice 474/2013 ([GG 5357](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)). (The amendment to these regulations is not repealed but would have no independent effect.)

General Notice 24/2021 also amends several previous sets of regulations and the Broadcasting Code:

- **Regulations Regarding Licence conditions for telecommunications services licences** – General Notice 308/2012 ([GG 5037](#));

- **Regulations Regarding Licence conditions for broadcasting service licences** in General Notice 309/2012 ([GG 5037](#));

- **Regulations Prescribing Quality of Service Standards applicable to Service Licensees** in General Notice 152/2015 ([GG 5713](#));

- **Regulations Regarding Procedures for the Adjudication of Disputes** in General Notice 468/2017 ([GG 6466](#));

- **Broadcasting Code for Broadcasting Licensees** in General Notice 602/2018 ([GG 6750](#)).

- **Regulations in terms of Part 6 of Chapter V** were issued in terms of section 77 of the Act in GN 40/2021 ([GG 7481](#)) dated 15 March 2021.

**Notes:** (1) The Government Notice which publishes these regulations states that they were made after consultation with CRAN, the Director-General of the Namibia Central Intelligence Service and “all providers of telecommunications services who may be affected by the regulations”.

(2) Part 6, Chapter V of the Act had not been brought into force at the time when the regulations were issued.<sup>122</sup>

(3) See also **Imposition of further conditions on Telecommunications Service Licensees in terms of section 72(4) of the Act relating to matters prescribed by the Minister responsible for communications by virtue of the regulations in terms of Part 6 of Chapter V of the Act** - General Notice 180/2022 ([GG 7797](#)) (covering SIM card registration, security and confidentiality of telecommunications and forms of assistance and compensation).

- **Regulations prescribing licence fees and regulatory levies** under section 129 are contained in General Notice 238/2021 ([GG 7559](#)).<sup>123</sup>
- **Functions of carriers in respect of installation and maintenance of telecommunications facilities**-General Notice 447/2021 ([GG 7614](#)).
- **Regulations setting out the Frequency Band Plan for Namibia**-General Notice 448/2021 ([GG 7617](#)).

**Notes:** Regulations setting out a Frequency Band Plan were initially contained in General Notice 191/2013 ([GG 5214](#)), but these were replaced by a Frequency Band Plan contained in General Notice 424/2016 ([GG 6160](#)) which was not in the form of regulations. This Plan was repealed by General Notice 448/2021.

**Note:** “Regulations relating to the issuing of licences, categories and licencing procedures for broadcasting service licences” were published in General Notice 67/2022 ([GG 7750](#)). However, General Notice 67/2022 was withdrawn by General Notice 88/2022 ([GG 7758](#)) on the basis that it had been published erroneously. A notice of intention to publish regulations on this topic was published in General Notice 90/2022 ([GG 7762](#)).

Similarly, “Regulations prescribing licence categories and licensing procedures for telecommunications service licences” were published in General Notice 68/2022 ([GG 7750](#)). However, General Notice 68/2022 was also withdrawn by General Notice 88/2022 ([GG 7758](#)) on the basis that it had been published erroneously. A notice of intention to publish regulations on this topic was published in General Notice 91/2022 ([GG 7762](#)).

**Notices:** Notices of general interest or applicability are as follows:

- **“Reasons Document”** explaining certain decisions made in respect of the various draft regulations: 1) Regulations Setting out Broadcasting and Telecommunications Service Licence

<sup>122</sup> Note that it appears to be competent for the Ministry to publish regulations as preparation for bringing this portion of the law into force, but the regulations published in this way may *not* come into force before the relevant portion of the Act is brought into force. See section 12(3) of the Interpretation of Laws Proclamation 37 of 1920:

(3) *Where a law confers a power -*

...

(b) *to make, grant, or issue any... regulations...*

...

*that power may, unless the contrary intention appears, be exercised at any time after the passing of the law so far as may be necessary for the purpose of bringing the law into operation at the commencement thereof, subject to this restriction that any ... regulations... made... under the power shall not, unless the contrary intention appears in the law or the contrary is necessary for bringing the law into operation, come into operation until the law comes into operation.*

A similar issue is discussed in *Minister of Health and Social Services & Others v Medical Association of Namibia Ltd & Another* 2012 (2) NR 566 (SC) at paras 63-69.

<sup>123</sup> These regulations repeal the regulations on administrative and licence fees for service licences contained in General Notice 311/2012 ([GG 5037](#)), as amended by General Notice 331/2013 ([GG 5269](#)) and General Notice 181/2016 ([GG 6035](#)). (General Notice 238/2021 repeals General Notice 311/2012 and General Notice 331/2013, but does not repeal General Notice 181/2016.)

Note that the repealed regulations amended the regulations in GN 212/2007 ([GG 3942](#)), GN 213/2007 ([GG 3942](#)) and GN 108/2007 ([GG 3858](#)) insofar as they were inconsistent with the regulations in General Notice 311/2012.

The case *Communications Regulatory Authority of Namibia v Telecom Namibia Ltd & Others* 2018 NASC (11 June 2018), struck down item 6 of these repealed regulations with effect from 11 June 2018, and held that this item, during its period of validity, could not be applied retrospectively to anything which occurred before the date on which the regulations came into force (13 September 2012).

Categories; 2) Regulations Regarding Transitional Procedures for Telecommunications and Broadcasting; Service Licences and Spectrum Use Licences; 3) Regulations Regarding the Submission of Interconnection Agreements and Tariffs; 4) Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences; and 5) Regulations Regarding Consumer Complaints – General Notice 123/2011 ([GG 4714](#)).

- Discussion document entitled “**Telecommunications Market Study and Dominance**”, published as a prelude to a public hearing on dominance in the telecommunications and broadcasting markets – General Notice 62/2012 ([GG 4905](#)).
- **Clarification on the 2012 High Court judgement, *Mobile Telecommunications Ltd (MTC) v Namibia Communications Commission* [the predecessor to CRAN], *Telecom Namibia Ltd & Powercom (Pty) Ltd t/a Leo* [2012 (2) NR 421 (HC)]** – General Notice 335/2012 ([GG 5044](#)).
- **Universal Access and Service Policy for Information and Communications Technologies** – GN 82/2013 ([GG 5169](#))
- **Determination of dominant position in the telecommunications market in Namibia** (in terms of section 78) – General Notice 167/2013 ([GG 5201](#))
- **Digital Terrestrial Television Policy Guidelines** – GN 316/2013 ([GG 5346](#)).
- **Study to establish the feasibility of the usage of TV white space technologies for telecommunications services on a secondary basis in the 470 MHz to 694 MHz spectrum band allocated to broadcasting services** – a notice of intention to conduct a study of this topic, and the reasons and purpose for the proposed study was published in General Notice 150/2014 ([GG 5480](#)), and the study was published in General Notice 293/2014 ([GG 5535](#))
- **Report on the outcomes of the infrastructure sharing study** – General Notice 192/2014 ([GG 5505](#))
- **Reduction in fixed and mobile termination rates** – a notice of new rates, including the background to the decision to reduce these rates, is contained in General Notice 401/2016 ([GG 6141](#))
- **Frequency Channeling Plan for the Spectrum Bands 694-790 Mhz** – General Notice 444/2021 ([GG 7613](#)) which repeals 423/2016 ([GG 6160](#))
- **Guidelines on the general interpretation and applicability of enforcement, hearing and penalty provisions in the Act** - General Notice 191/2018 ([GG 6602](#))
- **Guidelines on the on the interpretation and application of section 53 of the Act and the Regulations Regarding the Submission of Interconnection Agreements and Tariffs** - General Notice 455/2018 ([GG 6668](#))
- **Broadcasting Code for Broadcasting Licensees** - General Notice 602/2018 ([GG 6750](#)), as amended by General Notice 134/2019 ([GG 6915](#)) and by General Notice 24/2021 ([GG 7445](#))
- **Spectrum Assignment Strategy** - General Notice 673/2018 ([GG 6776](#))
- **Imposition of a moratorium on applications for spectrum use licenses in the frequency band 87.5-108 MHz for analogue FM radio broadcasting and broadcasting service licenses for analogue FM radio services** - General Notice 5/2018 ([GG 6826](#))
- **Universal Service Obligations Guidelines** - General Notice 103/2019 ([GG 6886](#))
- **Frequency Channelling Plan, Digital Sound Broadcasting** - General Notice 320/2020 ([GG 7300](#))

Note that the title of this Government Notice refers to a “proposed” Frequency Channelling Plan, but the text states that it “prescribes” the Frequency Channelling Plan set out in the Schedule of the Government Notice.

- **Frequency Channelling Plan, Analogue Frequency Modulation Radio Broadcasting** - General Notice 321/2020 ([GG 7300](#))
- **National Broadband Policy** - GN 189/2020 ([GG 7308](#))
- **Determination of dominant position in the telecommunications sector in Namibia** (in terms of section 78(1)), including a study document on this topic - General Notice 40/2021 ([GG 7447](#))
- **Issue of Public Broadcasting Service License to the Namibian Broadcasting Corporation (NBC)** (noted here due to public interest in the national broadcaster)-General Notice 361/2021 ([GG 7584](#))
- **Imposition of further conditions on Telecommunications Service Licensees in terms of**



**section 72(4) of the Act relating to matters prescribed by the Minister responsible for communications by virtue of the regulations in terms of Part 6 of Chapter V of the Act - General Notice 180/2022 ([GG 7797](#))** (covering SIM card registration, security and confidentiality of telecommunications and forms of assistance and compensation).

This notice states that it imposes conditions pursuant to the regulations made in terms of Part 6 of Chapter V of the Act in GN 40/2021 ([GG 7481](#)); however, note that Part 6 of Chapter V of the Act (which contains section 72(4)) – and by extension the regulations in GN 40/2021 (made in terms of section 77 which is also contained in Part 6 of Chapter V of the Act – were not yet in force at the time when the conditions relating to them in General Notice 180/2022 were published. Paragraph 11 of the conditions published in General Notice 180/2022 states that the conditions will “enter into force with effect from the date communicated by the Authority by written notice to all service providers”.

Licences issued under the repealed laws had to be reviewed for compliance with this Act, but remained valid until so reviewed.

Notices pertaining to specific licences under the repealed laws and under this Act have not been recorded here.

Notices pertaining to specific licensees, applications, transfers, tariffs, etc have been omitted, as well as all notices dealing with administrative matters such as hearings.

A memorandum of agreement between the Namibian Competition Commission and the Communications Regulatory Authority of Namibia (CRAN), made pursuant to section 67 of the Competition Act 2 of 2003, is published in General Notice 17/2012 ([GG 4868](#)).

GN 257/2019 ([GG 6983](#)) sets 30 August 2019 as the date on which Namibia Post Limited will require a licence authorising the rendering of postal services, under section 95(2) of the Act.

**Proposed regulations, plans and policies**, some of which contain useful background information, have been published under this Act as follows:

- broadcasting and telecommunications service licence categories-General Notice 14/2011 ([GG 4647](#))
- licensing procedures for broadcasting and telecommunications service licences and spectrum use licences-General Notice 15/2011 ([GG 4647](#)); General Notice 150/2013 ([GG 5194](#))
- submission of interconnection agreements and tariffs-General Notice 16/2011 ([GG 4647](#))
- transitional procedures for telecommunications and broadcasting service licences-General Notice 17/2011 ([GG 4647](#))
- consumer complaints-General Notice 18/2011 ([GG 4647](#))
- frequency band plan-General Notice 322/2011 ([GG 4807](#))
- broadcasting service licence conditions-General Notice 331/2011 ([GG 4814](#))
- application and licence fees for service licences-General Notice 394/2011 ([GG 4839](#))
- licence conditions for telecommunications services licences-General Notice 110/2012 ([GG 4938](#))
- hearings-General Notice 148/2012 ([GG 4962](#))
- confidential information and confidential communications with CRAN-General Notice 149/2012 ([GG 4962](#))
- frequency channelling plan for digital terrestrial television-General Notice 334/2012 ([GG 5044](#)); General Notice 410/2012 ([GG 5078](#))  
The text of the second General Notice is the same as the previous one, but the Table of Frequency Allocations in Regulation 3 is different.
- licensee disputes-General Notice 432/2012 ([GG 5092](#))
- amendments to the regulations on broadcasting and telecommunications service licence categories-General Notice 433/2012 ([GG 5092](#))
- amendments to the regulations on administrative and licence fees for service licences-General Notice 110/2013 ([GG 5179](#))
- minimal technical standards for set-top box decoders-General Notice 111/2013 ([GG 5179](#))
- cost accounting procedures-General Notice 116/2013 ([GG 5180](#))
- licence conditions for class comprehensive multiplex and signal distribution service licences, multiplex licences and signal distribution service licences-General Notice 149/2013 ([GG 5194](#))



- forms for applications-General Notice 155/2013 ([GG 5197](#))
- licence conditions for spectrum use licences-General Notice 165/2013 ([GG 5201](#))
- telecommunications equipment requiring type approval-General Notice 192/2013 ([GG 5214](#))
- minimum quality of service standards applicable to service licences-General Notice 406/2013 ([GG 5313](#))
- amendments to the regulations regarding the submission of interconnection agreements and tariffs-General Notice 473/2013 ([GG 5356](#))
- national numbering plan for provision of telecommunications services-General Notice 46/2014 ([GG 5414](#))
- quality of service standards applicable to service licensees-General Notice 83/2014 ([GG 5443](#))
- national numbering plan for use in the provision of telecommunications services, numbering licence fees and procedures for number licences-General Notice 352/2014 ([GG 5571](#))
- amendments to the regulations on type, approval and technical standards for telecommunications equipment-General Notice 122/2015 ([GG 5692](#))
- amendments to the regulations setting out broadcasting and telecommunications service licence categories-General Notice 162/2015 ([GG 5725](#))
- universal service levy on telecommunications service providers-General Notice 235/2015 ([GG 5755](#))
- universal services levy by telecommunications service licensees-General Notice 236/2015 ([GG 5755](#))
- amendments to the regulations on administrative and licence fees for service licences-General Notice 384/2015 ([GG 5805](#))
- regulations regarding sharing of infrastructure-General Notice 446/2015 ([GG 5836](#))
- provision of roaming services for telecommunications service licences-General Notice 453/2015 ([GG 5849](#)), withdrawn by General Notice 466/2017 ([GG 6464](#))
- amendments to the regulations regarding licensing procedures for telecommunications and broadcasting service licences and spectrum use licences-General Notice 19/2016 ([GG 5947](#))
- sharing of infrastructure-General Notice 177/2016 ([GG 6032](#))
- spectrum band plan of Namibia-General Notice 179/2016 ([GG 6033](#))
- frequency channeling plan for the spectrum band 694-790 MHz and 790-862 MHz-General Notice 213/2016 ([GG 6054](#))
- price caps for dominant operators for leased lines and all other pre-arranged connectivity-General Notice 267/2016 ([GG 6074](#))
- code of conduct for broadcasting service licensees-General Notice 343/2016 ([GG 6097](#))
- fees for spectrum licences, certificates and examinations-General Notice 393/2016 ([GG 6141](#))
- price cap regulations-General Notice 156/2017 ([GG 6322](#)), withdrawn by GN 18/2018 ([GG 6514](#))
- procedures for the adjudication of disputes-General Notice 157/2017 ([GG 6322](#))
- amendments to the regulations prescribing the national numbering plan-General Notice 250/2017 ([GG 6350](#))
- code of conduct for broadcasting service licensees-General Notice 251/2017 ([GG 6350](#))
- fair competition in the telecommunications sector-General Notice 467/2017 ([GG 6465](#))
- guidelines on the general interpretation and applicability of enforcement, hearings and penalty provisions-General Notice 471/2017 ([GG 6469](#))
- guidelines on the general interpretation and the applicability of section 53 and the regulations regarding the submission of interconnection agreements and tariffs-General Notice 487/2017 ([GG 6479](#))
- spectrum assignment strategy-General Notice 188/2018 ([GG 6596](#))
- broadcasting code-General Notice 192/2018 ([GG 6603](#))
- license categories and procedures for postal service licensees-General Notice 374/2018 ([GG 6651](#))
- amendments to the regulations on type approval and technical standards for telecommunications equipment-General Notice 603/2018 ([GG 6750](#))
- license categories and licensing procedures for postal service licensees-General Notice 672/2018 ([GG 6773](#))
- moratorium on the issue of spectrum use licenses in the frequency band 87.5-108 MHz, for the provision of analogue FM radio broadcasting; and the issue of broadcasting service licenses for analogue FM radio services which entail the use of radio waves-General Notice 674/2018 ([GG 6777](#))
- amendments to the regulations regarding procedures for the adjudication of disputes-General Notice 688/2018 ([GG 6798](#))
- amendments to the regulations regarding type approval and technical standards for telecommunications equipment-General Notice 689/2018 ([GG 6798](#))
- license categories and licensing procedures for postal service licensees-General Notice 692/2018 ([GG 6798](#))

- guidelines on universal service obligations-General Notice 694/2018 ([GG 6800](#))
- procedures regarding application for and amendment, renewal or transfer of spectrum licences-General Notice 695/2018 ([GG 6802](#))
- procedures regarding application for and amendment, renewal or transfer of spectrum licences-General Notice 3/2019 ([GG 6826](#))
- guidelines for mediation proceedings-General Notice 102/2019 ([GG 6885](#))
- penalties under section 129(2) of the Act-General Notice 379/2019 ([GG 7004](#))
- amendments to the regulations on the national numbering plan for telecommunications services, numbering licence fees and procedures for number licences-General Notice 504/2019 ([GG 7071](#))
- amendments to the regulations on spectrum licences-General Notice 26/2020 ([GG 7098](#))
- Frequency Band Plan, Digital Sound Broadcasting-General Notice 72/2020 ([GG 7123](#))
- Frequency Band Plan, Analogue Frequency Modulation Broadcasting-General Notice 73/2020 ([GG 7123](#))
- Determination of Dominant Position in the Telecommunications Sector-General Notice 105/2020 ([GG 7156](#))
- reporting obligations for licensees-General Notice 106/2020 ([GG 7162](#))
- fees for spectrum licenses, certificates and examinations-General Notice 187/2020 ([GG 7216](#))
- reporting obligations for licensees-General Notice 296/2020 ([GG 7289](#))
- amendments to the regulations on spectrum licences-General Notice 402/2020 ([GG 7344](#))
- Frequency Band Plan of Namibia-General Notice 409/2020 ([GG 7350](#))
- functions of carriers in respect of installation and maintenance of telecommunications facilities-General Notice 410/2020 ([GG 7354](#))
- licence fees and regulatory levies-General Notice 416/2020 ([GG 7356](#))
- determination of dominant position in the telecommunications sector (including a draft market study)-General Notice 441/2020 ([GG 7368](#))
- amendments to the regulations regarding rule-making procedures-General Notice 457/2020 ([GG 7376](#))
- functions of carriers in respect of installation and maintenance of telecommunications facilities- General Notice 104/2021 ([GG 7492](#))
- regulations on the functions of carriers in respect of installation and maintenance of telecommunications facilities-General Notice 135/2021 ([GG 7503](#))
- intention to issue a Public Broadcasting Service License to the Namibian Broadcasting Corporation, with proposed conditions (noted here due to public interest in the national broadcaster)-General Notice 147/2021 ([GG 7510](#))
- amendments to the regulations on the national numbering plan for telecommunications services, numbering licence fees and procedures for number licences-General Notice 154/2021 ([GG 7518](#))
- Frequency Channeling Plan for the Spectrum Bands 694-790 Mhz-General Notice 194/2021 ([GG 7539](#))
- amendments to the regulations on rule-making procedures-General Notice 223/2021 ([GG 7548](#))
- regulations relating to the issuing of licences, categories and licencing procedures for broadcasting service licences-General Notice 90/2022 ([GG 7762](#))
- regulations prescribing licence categories and licencing procedures for telecommunications service licences-General Notice 91/2022 ([GG 7762](#)).

**Application of law:** The application of this Act with respect to the Communications Regulatory Authority of Namibia is affected by the State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006.

Pursuant to section 93(1) of the Act, GN 327/2020 ([GG 7431](#)) sets 31 December 2020 as the date from which Chapter VI of the Act (on promotion of competition) applies to the Namibian Broadcasting Corporation.

**Appointments:** GN 131/2010 ([GG 4514](#)) announces the appointment of members of the Board of the Communications Regulatory Authority of Namibia.

Certain inspectors for the Communication Regulatory Authority of Namibia are appointed as Ex-officio Commissioners of Oaths, with effect from 15 February 2016, in terms of the *Justices of the Peace and Commissioners of Oaths Act 16 of 1963*, by GN 48/2016 ([GG 5971](#)).

Appointments of inspectors pursuant to section 123(1) of the Act were announced in General Notice 444/2015 ([GG 5836](#)), but revocations of these appointments were announced in General Notice 686/2018 ([GG 6798](#)), which also announced the appointment of *ex officio* inspectors in terms of section 123(1).

Appointments of inspectors pursuant to section 123(1) of the Act with effect from 19 November 2020 are announced in General Notice 474/2020 ([GG 7393](#)).

Appointments of an inspector and a special investigator pursuant to sections 123(1) and 124 of the Act are announced in General Notice 218/2021 ([GG 7547](#)). The appointment of the special investigator is extended in General Notice 496/2021 ([GG 7627](#)).

#### **Cases:**

*Mobile Telecommunications Ltd v Namibia Communications Commission & Others* 2012 (2) NR 421 (HC) (regulatory decision on tariffs which can be charged by mobile telephone operators generally upheld on review; certain portions of decision excised on grounds that they had not served before NCC)

Note: The court judgment refers to “the decision taken by the NCC as published in *Government Gazette* 36 of 2011”. There is no such *Government Gazette*. It appears that the case intended to refer to General Notice 56 of 2011 ([GG 4669](#)), which contains “Amendment of tariffs of mobile operators” (reporting a decision of the NCC taken on 9 February 2011). See discussion of case by CRAN in General Notice 335/2012 ([GG 5044](#)).

*Municipal Council of Windhoek v Telecom Namibia Ltd* 2015 (3) NR 629 (SC) (in interpreting and upholding constitutionality of section 24 of Posts and Telecommunications Act 19 of 1992, now repealed, Court notes at para 1 that section 60 of this Act is similar)

*Communications Regulatory Authority of Namibia v Telecom Namibia Ltd & Others* 2018 (3) NR 663 (SC) (striking down section 23(2)(a) of the Act on constitutional grounds, with effect from 11 June 2018, as an uncircumscribed discretionary power; also striking down regulation 6 in the “Administrative and licence fees for service licences”, General Notice 311/2012 ([GG 5037](#)), which was made in terms of that provision, with effect from 11 June 2018; holding further that this regulation, during its period of validity, may not be applied retrospectively to anything which occurred before the date on which the regulation came into force (13 September 2012)). Section 23 of the Act was subsequently substituted in its entirety by Act 6/2020 ([GG 7274](#)). The affected regulations were subsequently repealed by General Notice 239/2021 ([GG 7559](#)).

#### **CRAN decisions with general applicability:**

“Notice of decision pertaining to the “usage of the word “unlimited” in the advertisements for telecommunications services by all telecommunications service licensees providing services within the borders of Namibia or any part thereof”, General Notice 92/2019 ([GG 6883](#))

“Notice of the following decision which is applicable to all telecommunications service licensees from date of publication of this notice in the *Gazette*”, General Notice 93/2019 ([GG 6883](#)) (concerning extensions and lapses of customer subscription agreements and packages)

“Notice of the following decision which is applicable to all telecommunications service licensees from date of publication of this notice in the *Gazette*”, General Notice 152/2019 ([GG 6931](#)) (concerning automatic renewal of contracts).

## **COMMENTARY**

*SADC Media Law: A Handbook for Media Practitioners, Volume 1, A comparative overview of the laws and practice in Malawi, Namibia, South Africa and Zimbabwe*, Johannesburg: Konrad Adenauer Foundation, 2003, available [here](#)

Daniel Motinga, “Liberalising the Telecommunications Sector in Namibia: Better Regulation is the Key”, Institute for Public Policy Research, 2003, available [here](#)

Frederico Links, “Spying on Speech”, Institute for Public Policy Research, 2019, available [here](#).

## **INTERNATIONAL LAW**

***\*African Union Convention on Cyber Security and Personal Data Protection, 2014***

***Agreement relating to the International Telecommunications Satellite Organisation (INTELSAT), 1971***

*Amendment of Article XVII(f) of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 1995*

*Amendments of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 2000*

*Amendment of Article XII(c)(ii) of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 2007*

***Constitution and Convention of the African Telecommunications Union, 1999, revised 2014***

***Constitution and Convention of the International Telecommunication Union (ITU), 1992***

***\*\*Instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992), Kyoto 1994***

***\*\*Instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), Minneapolis 1998***

***\*\*Instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998) and by the Plenipotentiary Conference (Marrakesh, 2002), Antalya 2006***

***\*\*Instrument amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998), by the Plenipotentiary Conference (Marrakesh, 2002) and by the Plenipotentiary Conference (Antalya, 2006), Guadalajara 2010***

*International Telecommunication Regulations, 1988*

*International Telecommunication Regulations, 2012*

*†Radio Regulations, 1979*

*Radio Regulations, 1995*

***\*\*Regional Agreement GE06, adopted by RRC-06, relating to the planning of the digital terrestrial broadcasting service in Region 1 (parts of Region 1 situated to the west of meridian 170° E and to the north of parallel 40° S, except the territory of Mongolia) and in the Islamic Republic of Iran, in the frequency bands 174-230 MHz and 470-862 MHz, 2006***

***Constitution of the Universal Postal Union (UPU), 1964***

***Convention of the Pan-African Postal Union (PAPU), 1980***

***SADC Protocol on Transport, Communications and Meteorology, 1996***

See also Child Care and Protection Act 3 of 2015 (prohibits any information relating to the proceedings of a children's court which reveals or may reveal the name or identity of a child who is or was a party or a witness in the proceedings, without the permission of the children's commissioner) (**CHILDREN**).

See also General Law Amendment Ordinance 22 of 1958, section 1 (offence to publish details of any person under 18 years old who is a party to civil proceedings) (**COURTS**).

See also *Criminal Procedure Act 51 of 1977*, section 154 (prohibits the publication of any information which may reveal the identity of an accused or a witness in criminal proceedings who is under the age of 18, as well as the publication of information about any criminal proceedings held in closed court) (**CRIMINAL LAW AND PROCEDURE**).

See also Racial Discrimination Prohibition Act 26 of 1991 (prohibits certain advertisements and language) (**CRIMINAL LAW AND PROCEDURE**).

See also *Protection of Information Act 84 of 1982* (prohibits disclosure of security-related information) (**DEFENCE**).

See also Combating of Domestic Violence Act 4 of 2003 (prohibits publication of any information concerning legal proceedings under the Act which reveals or might reveal the identity of an applicant, a complainant or any child or other person involved in such proceedings, without the court's authorisation) (**DOMESTIC VIOLENCE**).