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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 3992 OF 2026****NOTICE REGARDING LICENSING REQUIREMENTS TO OPERATE
SATELLITE SERVICES**

1. Recently, the Independent Communications Authority of South Africa ("Authority"/"ICASA") have received various requests from prospective satellite operators seeking clarity on the licensing requirements needed to provide services using a satellite constellation within South Africa.
2. Accordingly, the Authority intends to provide clarity through the publication of this Notice.
3. The licences required to provide services using a satellite constellation within South Africa are: (i) Individual Electronic Communications Service ("I-ECS") licence, (ii) Individual Electronic Communications Network Service ("I-ECNS") licence, and (iii) Radio Frequency Spectrum ("RFS") licence(s).

General background to service licenses (I-ECS and I-ECNS licences)

4. Section 5(6) of the Electronic Communications Act, 2005 (Act No.36 of 2005) as amended, (the "ECA") provides that:

"The Authority may only accept and consider applications for individual electronic communications network services licences in terms of a policy direction issued by the Minister in terms of section 3."

5. Accordingly, the licensing process for the granting of an I-ECNS licence commences when the Authority publishes an Invitation to Apply (“ITA”) in accordance with section 5(6) of the ECA, read with regulation 8(1) of the Licensing Processes and Procedures Regulations for Individual licences, 2010¹, as amended (“Processes and Procedures Regulations”), which provides that:

“An application for an [individual] licence must be in the format as set out in the ITA.”

6. However, an application for an I-ECS licence does not require a policy direction to be issued by the Minister and may be submitted following the publication of an ITA by the Authority, in the Government Gazette, in terms of regulation 8 (1) of the Processes and Procedures Regulations.
7. The ITA outlines the application process, including the application fee and the application submission deadline. The licensing process is usually competitive, and the successful applicant(s) will be issued with an I-ECNS and/or I-ECS licence.
8. It must be noted that on 22 August 2025, the Department of Communications and Digital Technologies issued a policy direction² to the Authority to establish an inquiry into the need for new I-ECNS licence applications. The Authority has commenced with this inquiry, and work is currently underway³.
9. However, an entity/person wishing to obtain an I-ECNS and/or I-ECS licence, in the absence of a policy directive and/or an ITA, may enter into commercial negotiations (of which the Authority is not party to) with an I-ECNS and/or I-ECS Licensee for the transfer of its licence(s).
10. A transfer application for an individual licence is lodged in terms of section 13 of the ECA, read with regulations 11(1) of the Processes and Procedures Regulations, and must be lodged by the Licensee. The administrative fees charged for the transfer of an individual licence are non-refundable and are contained in the notice published by the Authority annually. For the 2026/27 financial year, the administrative fees are published in Government Gazette No. 54379 of 20 March 2026.

¹ Published in Government Gazette No. 33293 (Notice No. 9308) on 14 June 2010.

² Published in Government Gazette No. 53215 (Notice No. 6542) on 22 August 2025.

³ Published in Government Gazette No. 53719 (Notice No. 3644) on 25 November 2025.

11. In accordance with section 6 of the ECA, entities might be exempted from requiring I-ECS or I-ECNS licences under certain conditions. The ICASA Licensing Exemption Regulation, 2008⁴ regulates these cases. Licence exemptions are lodged in terms of regulation 13 of the Licensing Processes and Procedures Regulations for Class licences, 2010⁵, as amended.
12. Entities intending to operate Private Electronic Communication Networks ("PECN") must apply to the Authority for a PECN exception to confirm their PECN status⁶.

General background to RFS Licences

13. Any entity that transmits a signal by radio or uses radio apparatus to receive any signal by radio requires an RFS-licence to do so as per section 31(1) of the ECA:

"Subject to subsections (5) and (6), no person may transmit any signal by radio or use radio apparatus to receive any signal by radio except under and in accordance with a radio frequency spectrum licence granted by the Authority to such person in terms of this Act."

14. Further, Section 31(2)(a) and (b) of the ECA further states that:

"(a) A radio frequency spectrum licence is required in addition to any service licence contemplated in Chapter 3, where the provision of such service entails the use of radio frequency spectrum,
(b) A service licence is required in addition to any radio frequency spectrum licence where the provision of such service entails the use of radio frequency spectrum."

15. Therefore, the holder of the RFS licences will thus also have to hold an ECNS as prescribed in section 31(2) (and an ECS licence in the event that services are provided to i.e., the public, sections of the public, or the State).

⁴ Published in Government Gazette No. 31289 (Notice 912 of 2008) on 29 July 2008.

⁵ Published in Government Gazette No. 33297 (Notice No. 9312) on 14 June 2010.

⁶ *Ibid* footnote 4.

16. The application fee for a RFS licence for satellite services is informed by section 7 of Annexure F of the Radio Frequency Spectrum Regulations, 2015⁷ ("RFSR").
17. Fees related to the usage of RFS for satellite services are payable annually and are informed by the Radio Frequency Spectrum Fees Regulation, 2010⁸, as amended.
18. In line with section 35(1) of the ECA,
"No person may use, supply, sell, offer for sale or lease or hire any type of electronic communications equipment or electronic communications facility, including radio apparatus, used or to be used in connection with the provision of electronic communications, unless such equipment, electronic communications facility or radio apparatus has, subject to subsection (2), been approved by the Authority."

Instances where a Licensee(s) intends to provide services within South Africa using a satellite constellation

19. Where a Licensee intends to provide services within South Africa using a satellite constellation, the following scenarios come to mind, which are not exhaustive:
 - 19.1. If a single entity intends to provide services using a satellite constellation, such an entity will require an I-ECS, I-ECNS and the relevant RFS licence(s).
 - 19.2. Alternatively, if a single entity intends to provide services on a wholesale basis to ECS licence holders, such an entity will require an I-ECNS and relevant RFS licence(s). Further, such an entity will be required to hold an I-ECS licence if it also intends to provide services directly to end users.
 - 19.3. Alternatively, if multiple entities intend to provide services using the same satellite constellation, such entities will operate independently from one another and will individually require an I-ECS, I-ECNS and relevant RFS licence(s), respectively.

⁷ Published in Government Gazette No. 38641 (Notice 279 of 2015) on 30 March 2015, as amended by Notices No. 386 of 2015, 781 of 2016, 585 of 2019 and 737 of 2021

⁸ Published in Government Gazette No. 33495 (Notice 754 of 2010) on 27 August 2010, as amended by Notices No. 385 of 2015 and 280 of 30 April 2015.

- 19.3.1. Licensees who intend to provide services using the same satellite constellation, and operating in the same frequency band, will be required to apply to the Authority for spectrum sharing on a coordinated basis in accordance with regulations 18 and 19 of the RFSR when submitting an RFS application.
- 19.3.2. Regulation 18(3) of the RFSR states that:
"Two or more persons may apply to the Authority for radio frequency spectrum licences for spectrum assignments on a shared basis in terms of Form D of Annexure A".
- 19.3.3. In terms of regulation 18 of the RFSR, a frequency spectrum sharing application requires that the entities submit a sharing agreement to the Authority for approval.
- 19.3.4. Further, Regulation 19(3) of the RFSR states that:
"The Authority may at its own discretion, for particular frequency bands, require that licensees, who have an assignment on a shared basis, collectively submit a spectrum sharing coordination agreement for approval".
- 19.3.5. In terms of regulation 19(3) of the RFSR, a spectrum sharing coordination agreement may need to be submitted.
- 19.3.6. Lastly, regulation 20 of the RFSR regulates the resolution of disputes that might arise from spectrum sharing agreements.
- 19.4. In another scenario, if an entity intends to resell services duly obtained from an ECS licensee, such an entity would need to apply for a licence exemption in accordance with regulation 13 of the Licensing Processes and Procedures Regulations for Class licences, 2010⁹, as amended.
20. In order for an entity to operate a Gateway Earth Station ("GES") within the territory of South Africa, an I-ECNS licence and the relevant RFS licence(s) are required. In

⁹ Published in Government Gazette No. 33297 (Notice No. 9312) on 14 June 2010.

the event that multiple GESs that connect to the same satellite constellation intend to be operated, these may be operated by different I-ECNS licence holders, and these licensees will operate independently from one another. In addition, the relevant RFS licence(s) will be required. In the event that these entities also intend on providing services to end-users, an I-ECS licence will be required.

21. GESs operated by a single entity, for the same satellite constellation, utilising the same RFS, at different locations, are not sharing the RFS but re-using it. However, GESs operated by different licensees, that use the same satellite constellation will be required to apply for spectrum sharing on a coordinated basis in accordance with regulations 18 and 19 of the RFSR when submitting an RFS application, as outlined in paragraph 19.3 above.
22. When applying for RFS licensing, licensees must apply for the full RFS range that the terminal will be operating on (i.e., the full RFS range used by the satellite constellation), since that is the RFS that will be used.
23. In a case where the GES associated with a satellite network is not located in South Africa, the applicant should demonstrate to the Authority how lawful interception will be done.



Mothibi G Ramusi

CHAIRPERSON

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