

**GOVERNMENT NOTICE**



**THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

**END-USER AND SUBSCRIBER SERVICE CHARTER AMENDMENT  
REGULATIONS IN TERMS OF SECTION 4 READ WITH SECTION 69(3) OF  
THE ELECTRONIC COMMUNICATIONS ACT NO. 36 OF 2005, AS AMENDED**

I, Rubben Mohlaloga, Chairperson of the Independent Communications Authority of South Africa ("the Authority"), hereby publish the End-user and Subscriber Service Charter Amendment Regulations, 2018.

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**Rubben Mohlaloga**  
**Chairperson**

## SCHEDULE

### 1. Definitions

In these Regulations "the Regulations" means the End-User and Subscriber Service Charter Amendment Regulations as published under Government Notice No. 39898 of 1 April 2016.

### 2. Amendment of regulation 1 of the Regulations

2.1 Regulation 1 of the Regulations is hereby amended-

- (a) by the insertion after the definition of "Alternative Dispute Resolution" of the following definition: "**Authority**" means the Independent Communications Authority of South Africa established by section 3 of the ICASA Act 13 of 2000;"
- (b) by the insertion after the definition of "Complainant" of the following definition: "**Data bundle**" means a set amount of data for a set price;"
- (c) by the insertion after the definition of "Fixed Service" of the following definition: "**Hybrid plans**" means a service in terms of which an end-user pays monthly subscription that includes allocation of voice minutes, SMS and data services and allows an end-user to purchase additional voice minutes, SMS and data services."
- (d) by the insertion after the definition of "Mobile Services" of the following definition: "**Out-of-bundle**" means a rate that an end-user is charged upon depletion of the allocated bundle;"

- (e) by the insertion after the definition of "Point of Sale" of the following definition: "**Post-paid plans**" means a service in which an end-user pays monthly subscription and usage charges at the end of each month for the allocation of voice minutes, SMS and data services;" and
- (f) by the insertion after the definition of "Speech Quality" the following definition: "**Unstructured Supplementary Service Data (or USSD)**" means a Global System for Mobile communication technology that is used to send text between a mobile phone and an application program in the network;"

2.2 Regulation 1 of the Regulations is hereby amended by the deletion of the definitions "Quality of Service Measurements", "Service Activation" and "Service Activation Time".

### **3. Amendment of regulation 4 of the Regulations**

3.1 Regulation 4 of the Regulations is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) A licensee must conduct random checks on points of sale and service outlets to monitor compliance with the requirement to provide information to end-users as contained in sub-regulation (1)."

3.2 Regulation 4 of the Regulations is hereby amended by the addition of the following sub-regulation (4):

"(4) Reports in terms of sub-regulation (3) must be submitted to the Authority in February and in August of every year."

#### **4. Amendment of regulation 5 of the Regulations**

Regulation 5 of the Regulations is hereby amended by the addition of the following sub-regulation (4):

“(4) Reports in terms of sub-regulation (3) must be submitted to the Authority in February and in August of every year.”

#### **5. Amendment of regulation 8 of the Regulations**

Regulation 8 of the Regulations is hereby amended by the deletion of sub-regulation (7).

#### **6. Insertion of regulations 8A, 8B and 8C respectively in the Regulations**

The following regulations are hereby inserted in the Regulations, after regulation 8:

##### **“8A. VOICE AND SMS SERVICES**

- (1) A Licensee must send usage depletion notifications via SMS, push notification or any applicable means to end-users when their usage reaches 50%, 80% and 100% depletion.
- (2) A Licensee must provide end-users who are on post-paid plans with an option to buy additional voice services or SMS services at any time.
- (3) Where an end-user who is on a post-paid or hybrid tariff plan and whose voice and SMS services are depleted does not buy additional voice services or SMS services, a licensee must provide such end-user with an option not to access the relevant depleted services and allow such end-user access to emergency services, customer care services, and incoming voice calls, incoming SMSs and any other free services.

## **8B. DATA SERVICES**

### **Out of bundle billing practices:**

- (1) A Licensee must ensure that an end-user is:
  - (a) sent data usage depletion notifications via SMS, push notification or any other applicable means when usage reaches 50%, 80% and 100% depletion of data bundles;
  - (b) provided with an option to buy additional data bundles via the USSD platform, push notification, or any other applicable means at any time;
  - (c) not defaulted onto out-of-bundle data charges upon depletion of data bundles; and
  - (d) provided an option via SMS, push notification, USSD or any other applicable means at any time to opt-in to out-of-bundle usage charge.
- (2) Where an end-user does not opt-in to out-of-bundle data charge as per regulation 8B(1)(d) above, a Licensee must not permit any out-of-bundle data usage by an end-user until such time that an end-user purchases new data bundles or consents to be charged out-of-bundle data rates via USSD, SMS, push notification or any other applicable means.

### **Roll over of unused data and transfer of data**

- (3) A Licensee must provide end-users with an option to roll over unused data before expiry date. In the event of unused data being rolled over, a Licensee shall in the first instance apply data usage against the rolled over data until that data is fully depleted, and thereafter against the newly allocated data.

- (4) A Licensee must provide end-users with an option to transfer data to other end-users on the same network.

## **8C. CONSUMER EDUCATION AND AWARENESS**

- (1) A Licensee must conduct educational awareness campaigns aimed at:
  - (a) educating end-users on the use of smart phones;
  - (b) educating end-users on how to use data; and
  - (c) educating end-users on a broad range of products and services offered.
- (2) A Licensee must conduct at least four (4) educational awareness campaigns per annum."

## **7. Amendment of regulation 13 of the Regulations**

Regulation 13 of the Regulations is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

- "(1) A complaint may be referred to the Authority's alternative dispute resolution should a licensee not be able to resolve the complaint in terms of regulation 12."

## **8. Short Title and Commencement**

These Regulations are called the End-User and Subscriber Service Charter Amendment Regulations 2018 and will come into force one (1) month after publication in the *Gazette*.