

### **Interest and Penalties in respect of Payment of Licence Fees**

8. (1) If a licensee fails to pay its annual licence fee or submit its annual audited (or signed and sworn) financial statements on or before the due date, the licensee must also pay interest on the overdue amount from the due date to the date of payment (or the dates of submission of its annual audited (or signed and sworn) financial statements), at the rate of three percent above the then current overdraft interest rate being charged by the Authority's bankers.

(2) If a licensee fails to pay its annual licence fee or submit its annual audited (or signed and sworn) financial statements within 45 days after the due date, the licensee must, in addition to paying interest as set out above, also pay a late payment penalty of 25 percent of the overdue amount.

(3) If a licensee fails to pay its annual licence fee or submit its annual audited (or signed and sworn) financial statements within 120 days after the due date, the licensee must, in addition to paying the interest set out above, must either -

- (a) also pay a late payment penalty of 100 percent of the overdue amount; or
- (b) surrender its licence or licences to the Authority.

(4) If a licensee fails to pay its annual licence fee or submit its annual audited (or signed and sworn) financial statements and fails to pay interest and the late payment penalty set out above, within six months after the due date, the Authority declare the licence (and related spectrum use or other licences) forfeited and/or impose a fine of up to N\$10 000 000.

### **Exemptions in respect of Payment of Licence Fees**

9. If, in any year, a licensee is legally considered a small enterprise, in accordance with the turnover threshold in terms of any relevant legislation, the licensee may apply to the Authority, in the manner and format as set forth by the Authority, requesting to be exempted from paying the annual licence fee.

**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

### **COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 395

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### **REGULATIONS REGARDING LICENCE EXEMPT SPECTRUM**

The Board of the Communications Regulatory Authority of Namibia hereby publishes these Regulations Regarding Licence Exempt Spectrum Use, in terms of section 101(16), read with section 129 of the Communications Act, 2009 (Act. No. 8 of 2009), which regulations amend the Radio Regulations, No. R.2862 of 28 December 1979, insofar as they are inconsistent with these new regulations.

### **Definitions**

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and -

“Act” means the Communications Act, 2009 (Act No. 8 of 2009).

### **Purpose**

2. These regulations provide that the use and possession of certain categories of radio apparatus do not require a spectrum use licence in the certain circumstances set out herein.

### **Licence Exempt Spectrum Use**

3. The use and possession of the categories of radio apparatus set out in Annexure B of the Radio Frequency Spectrum Regulations, promulgated by the Independent Communications Authority of South Africa, for South Africa, set out in Notice 184 of 2011 and published in Government Gazette 34172 dated 31 March 2011, do not require a spectrum use licence in Namibia, provided that the conditions of licence exempt use are abided by.

### **Conditions of Licence Exempt Spectrum Use**

4. (1) The use and possession of the categories of radio apparatus set out in column B of the table included in Annexure B referred to above, must be in accordance with the frequencies, limitations, specifications and standards set out in columns A, C, D, and E of the table.

(2) Prior to use and possession of radio apparatus without a spectrum use licence in Namibia, the radio apparatus must be type approved by the Authority, or the Independent Communications Authority of South Africa or, upon request to the Authority, by any other regulatory authority in a country other than Namibia or South Africa.

(3) The use and possession of radio apparatus without a spectrum use licence in Namibia, may not cause interference to any person operating radio apparatus or otherwise using spectrum in accordance with a licence issued or deemed to have been issued by the Authority.

(4) The use and possession of radio apparatus without a spectrum use licence in Namibia, must accept interference from any person operating radio apparatus or otherwise using spectrum in accordance with a licence issued or deemed to have been issued by the Authority or in accordance with these regulations.

**L.N. JACOBS**

**CHAIRPERSON OF THE BOARD**

**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

### Annexure B - Apparatus exempt from radio frequency spectrum licenses

The use or possession of the RADIO APPARATUS listed in Column B below, in accordance with all specifications listed in Columns, A, C, D and E of the Table below shall not require a radio frequency spectrum licence:

**Table of Radio Frequency Spectrum Licenc Exemptions**

<b>Column A</b> <b>Frequency Bands</b> <b>K=KHz M=MHz</b> <b>G=GHz</b>	<b>Column B</b> <b>Type of Device</b>	<b>Column C</b> <b>Maximum Radiated Power of Field Strength Limits &amp; Channel spacing</b>	<b>Column D</b> <b>Relevant Standard</b>	<b>Column E</b> <b>Additional Requirements</b>
9-59.75K	Inductive Loop System.	72 dB $\mu$ A/m @ 10m.  No duty cycle restriction.  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
59.75-60.25K	Inductive Loop System.	42 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	N 300 330  EN 301 489-1,3  EN 60950  ISO/ IEC 18047-2	CEPT/ERC/REC 70-03  ASK, FSK, & PSK
60.25-70K	inductive Loop System.	72 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
70-119K	Inductive Loop System.	42 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301489-1,3  EN 60950  ISO/ IEC 18047-2	CEPT/ERC/REC 70-03  ASK FSK, & PSK

119-135K	Inductive Loop System X	72 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1.3  EN 60950  ISO/ IEC 18047-2	CEPT/ERC/REC 70-03  ASK, FSK, & PSK
740-8800K	Inductive Loop System	9 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
6.765-6.795M	Inductive Loop System	42 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301489-1.3  EN 60950	CEPT/EAC/REC 70-03
13.553-13.567M	Inductive Loop System	42 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301489-1,3  EN 60950	CEPT/ERC/REC 70-03  ASK, FSK, & PSK
26.957-27.283M	Inductive Loop System	42 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301489-1,3  EN 60950	CEPT/EAC/REC 70-03
26.957-27.283M	Non-specific SRD.	10mW erp  No restrictions on duty cycle.  No channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
26.995; 27.045; 27.095; 27,145; 27.195M	Surface Model Control.	100 mW erp.  No restrictions on duty cycle.  10 kHz channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03

35.00 - 25.25M	Aircraft Model Control.	100 mW erp. No restrictions on duty cycle. 10 kHz channel spacing.	EN 300 220 EN 301489-1,3 EN 60950	CEPT/EAC/REC 70-03
36.65 - 36.75M	Wireless Microphones.	100 mW erp. 100% duty cycle. No channel spacing.	EN 300 422 EN 301489-9 EN 60950	CEPT/ERC/REC 70-03
40.65- 40.70M	Wireless Microphones.	100 mW erp 100%duty cycle No channel spacing.	EN 300 422 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
40.665, 40.675, 40.685, 40.695	Surface Model Control.	100mW erp. No restriction on duty cycle. 10 kHz channel spacing.	EN 300 220 EN 301489-1,3 EN 60950	CEPT/EAC/REC 70-03
40.66- 40.7M	Non-specific SRD.	10 mW erp. No duty cycle restriction. No channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
46.61 - 46.97M 49.67 - 49.97M	CTO Cordless Phones.	10 mW eirp	The Authority TE-013	Government Gazette 22443 of 4th July 2001
53-54M	Wireless Microphones.	50 MW erp for class 1 equipment 100 mW erp 100% duty cycle No channel spacing	EN 300 422 EN 301 489-1,9 EN 609W	CEPT/ERC/REC 70-03
54.4500; 54.4625; 54.4750; 54.4875;  54.500;  54.5125; 54.5250; 54.5375; 54.5500M	Model Control.	5W erp 12.5kHz channel spacing	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03

141 - 142M	Remote Control Industrial Apparatus.	100mW erp	EN 300 220 EN 301 489-1,3 EN 60950	
148- 152M	Wildlife telemetry Tracking.	25mW erp	EN 300 220 EN 301 489-1,3 EN 60950	The use of this band is restricted to National game Parks
169.4- 169.475M	Meter Reading	500mW erp 50kHz channel spacing < 10% duty cycle	EN 300 220 EN 301489-1,3 EN 60950	CEPT/ERC/REC 70-03 ECC/DEC (05)02
173.2125-173.2375M	Non-specific GRID - telecommand only.	10 mW erp 25 kHz channel spacing	EN 300 220 EN 301 489-1,3 EN 60950	
173.2375-173.2875M	Non-specific SRD.	10 mW erp. 25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	
173.965-174.015M	Wireless Microphones and assistive listening devices.	2 mW eirp. 100% duty cycle. No channel spacing.	EN 300 220 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
402- 405M	Medical Implants.	25 $\mu$ W erp. No duty cycle restriction for devices with LBT, otherwise $\leq$ 1%. 25 kHz channel spacing.	EN 300 839 EN 301 489-1,3 EN 60950	ITU-R RS. 1346 CEPT/ERC/DEC (01)17
402-406M	Doppler shift movement detectors, wireless microphones, garage door openers and motor car alarm systems.	10 mW erp. No channel spacing. 100% duty cycle.	EN 300422 EN 300 220 EN 301 489-1,3 EN 60950	

433.05-434.79M	Non specific SRD	1 SRDW erp. No channel spacing. 100% duty cycle	EN 300 220 EN 301489-1,3 EN 60950 ISO/IEC 18047-7	CEPT/ERC/REC 70-03 ASK, FSK, PSK, & FHSS
433.05-434.79M	Non specific SRD	10mW erp duty cycle < 10% No channel spacing	EN 300 220 EN 301 489-1,3 EN 60950 ISO/IEC 18047-7	CEPT/EAC/REC 70-03 ASK, FSK, PSK, & FHSS
433.05-434.79M	Non specific SRD	10 mW erp 100% duty cycle Up to 2skHz channel spacing.	EN 300 220 EN 301489-3 EN 60950 ISO/IEC 18047-7	CEPT/ERC/REC 70-03
446 - 446.1 M includes the following eight channels.  446.00625M; 446.01875M; 446.03125M; 446.04375M;  446.05625M;  446.06875M;  446.08125M;  446.09375M;	Public Mobile Radio (PMR).	500mnW. 12,5 kHz channel spacing	EN 300 296 EN 301 489-5 EN 60950	
464.5375M	Security systems	1W 25 kHz channel spacing.	EN 300 296 EN 301 489-5 EN 60950	
464.500-464.5875	Non-specific SRD	100mW No channel spacing	EN 300 220 EN 301 489-3 EN 60950 ISO/IEC 18047-7	

463.975M; 484.125M; 464.175M; 464.325M; 464.375M;	Low Power Radio.	500mW.  12,5 kHz channel spacing	EN 300 296 EN 301 489-5 EN 60950	CEPT/ERC/REC 70-03
863 - 865M	Wireless Audio Systems.	10 mW erp.  100% duty cycle.  No channel spacing.	EN 300 357 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03  CEPT/EAC/DEC (01)18
863 - 865M	Wireless Microphones	10 mW erp.  100% duty cycle.  No channel spacing.	EN 300 422 EN 301 489-9 EN 60950	CEPT/ERC/REC 70-03
864.1 - 868.1M	CT2 cordless telephones	10 mW eirp.	EN 301 797  EN 301489-1,10  The Authority  TE-012	CEPT/EAC/REC 70-03
868 - 868.6M	Non specific SRD	25 mW erp.  < 1% duty cycle or LBT.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03  CEPT/ERC/DEC (01) 04
868.6 -868.7M	Alarms.	10mW erp.  < 1% duty cycle.  25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03  CEPT/ERC/REC (01) 09
888.7- 869.2M	Non specific SRD	25 mW erp.  < 0.1% duty cycle or LBT.  No channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03  CEPT/EAC/REC (01) 04
869.25- 869.3M	Alarms.	10 mW erp.  < 0.1 % duty cycle.  25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03



869.4 - 869.65M	Non-specific SRD.	500mW erp.  < 10% duty cycle or LBT.  25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/EAC/REC 70-03
869.65 - 869.7M	Alarms	25 mW erp.  10% duty cycle.  25 kHz channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
869.7- 870.0M	Non-specific SRD.	5 mW erp.  100% duty cycle.  No channel spacing.	EN 300 220 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
1880 - 1900M	DECT cordless phones.	250 mW eirp (peak).  1.728 MHz channel spacing.	EN 300 406 EN 301489-1,6 EN 60950  The Authority  TE 001	
2400- 2483.5M	Non-specific SRD	10 MW erp. No duty cycle.  No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
2400 - 2483.5M	Wideband Wireless Systems  WLAN  Wideband Data Transmission Applications (WBDTS)  Model Control	100 mW eirp.  No duty Cycle.  No channel spacing.	EN 300 328 EN 301 489 - 1,3 EN 60950	CEPT/ERC/REC 70-03
2400 - 2483.5M	FDDA	25 mW erp.  No duty cycle.  No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03

2400- 2483.5M	Low power Video Surveillance	100 mW eirp. No duty cycle. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
5150 - 5350M	Wireless Access Systems / Radio Local Access Network WAS & RLAN) indoor use only.	200 MW eirp. Dynamic Frequency Selection (DFS) & Transmitter Power Control Obligatory.	EN 300 893 EN 301 489-1,17 EN 60950	ITU-RM.1625
5470-5725M	Wireless Access Systems / Radio Local Access Network (WAS & RLAN): indoor use only.	1 W eirp. Dynamic Frequency Selection (DFS) & Transmitter Power Control Obligatory.	EN 300 893 EN 301 489-1,17 EN 60950	ITU-R M.1625
5725 - 5875M		1 watt peak eirp Any modulation		
5725 - 5875M		4 watt peak eirp Frequency hopping or digital modulation only		
5795- 5805M	RTTT data	2 W eirp. No duty cycle restriction. No channel spacing.	EN 300 674 EN 301 489-1,3 EN 60950	ITU-R M,1 453 CEPT/ERC/DEC (92)02
5805- 5815M	RTTT data.	2W eirp. No duty cycle restriction. No channel spacing.	EN 300 674 EN 301 489-1,3 EN 60950	ITU-R M.1453 CEPT/ERC/DEC (92)02
9200- 9500M	FDDA.	25 mW eirp. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/EAC/REC 70-03

9500- 9975M	FDDA.	25 mW eirp. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
10.5 -10.6G	FDDA.	500 MW eirp. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
13.4 -14G	FODA.	25 mW eirp. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1.3 EN 60950	CEPT/ERC/REC 70-03
17.1 -17.3G	Wireless Access Systems / Radio Local Access Network (WAS & RLAN).	100 mW eirp.	EN 300 440 EN 301489-1,3 EN 60950	CEPT/ERC/REC 70-03
24.00- 24.25G	Non-specific SRD.	100 MW eirp. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
24.05 - 24.25G	FDDA.	100 mW eirp. No duty cycle restriction. No channel spacing.	EN 300 4.40 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
76-77G	RTTT radar	55dBm peak No duty cycle restriction No channel spacing	EN 300 091 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03

Use and possession of all radio apparatus exempt in terms of the above table must comply with the following:

- (a) All radio apparatus must be type-approved by the Authority in accordance with section 35 of the Act;
- (b) The frequencies, transmitting power and external high-gain antenna of the radio apparatus must not be altered without a new type approval certificate being issued by the Authority;

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- (c) The RADIO APPARATUS must be operated within, and not exceed, the technical parameters set out in each of the applicable columns C and D of the Table with respect to the frequency band; maximum radiated power or field strength limits and channel spacing; relevant standard; and duty cycles and antennas to be used as contained in Column E.
  - (d) The antenna of the RADIO APPARATUS must not be higher or above average ground level than the lowest point of the place where the RADIO APPARATUS operates effectively.
  - (e) The RADIO APPARATUS must not cause Interference to any person issued with a radio frequency spectrum licence by the Authority.
  - (f) The user of the RADIO APPARATUS in the licence-exempt frequency spectrum operates on non-Interference and zero protection bases from interference.
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