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FINAL DRAFT

RADIO FREQUENCY SPECTRUM REGULATIONS 2019

**NATIONAL TELECOMMUNICATIONS COMMISSION
(NATCOM)**

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In exercise of the powers conferred upon it by Section 82 of the Telecommunications Act 2006 (as amended) of the Republic of Sierra Leone, the National Telecommunications Commission (NATCOM) hereby makes the following Regulations as statutory instrument:

PART 1: PRELIMINARY PROVISIONS

Title

1. These Regulations may be cited as the **Radio Frequency Spectrum Regulations of 2019**.

Definitions

2. The terms and expressions used in these Regulations, which are defined in the Act, shall have the same meaning unless the context requires otherwise.

“Act”		means the National Telecommunication Act of 2006 as amended;
“Amateur”		means a person or entity that operates a radio networks solely for personal reasons and not for financial gain;
“Amateur Station”	Radio	means radio station that is operated by an amateur;
“Applicant”		means a person or entity that submits an application for use of spectrum resources pursuant to these Regulations;
“Assignment”		means the authorisation given by the Commission for the use of a radio frequency channel under specified conditions;
"Digital"		means any type of information that can be output, transmitted and interpreted as individual bits of binary information (the use of the numbers 0 and 1), using electrical or electromagnetic signals that can be modulated to convey their specific content;
“FM”		means frequency modulation;
“Gateway”		any mechanism for providing access to another network;
“GHz”		means radio frequency value designated in Gigahertz;

“HF”		means High Frequency;
“ITU”		means International Telecommunications Union;
“KHz”		means radio frequency value designated in Kilohertz;
“License”		means a written authorisation granted by the Commission to utilise radio frequency spectrum;
“licensee”		means the holder of a licence issued under the Act;
“MHz”		means radio frequency value designated in Megahertz;
“Radio communication”		means: (a) radio emission; or (b) reception of radio emission for the purpose of communicating information between persons and persons, persons and things or things and things and reference to communicating information includes communicating information between a part of a thing and: (i) another part of the same thing; or (ii) the same part of that thing by means of radio waves.
“Radio Communications Device”		means: (a) a radio communications transmitter; or (b) a radio communications receiver; (c) “radio communication transmitter” means: (d) a transmitter designed or intended for use for the purpose of radio communications; or (e) anything whether artificial or natural that is designed or intended for use for the purpose of radio communications by means of the reflection of radio emissions; (f) “radio communications receiver” means anything designed or intended for use for the purposes of radio communication by means of the reception of radio emission whether artificial or natural;
“Radio spectrum”	frequency	means range of radio frequencies within the radio frequency band;
“Radio spectrum plan”	frequency	means division of the entire radio frequency spectrum into frequency bands for the purpose of regulating radio communications and specify the general purpose for which each other band may be used;
“Spectrum”		means part of the electromagnetic spectrum with frequencies from 30 Hertz to 300 GHz;
“Station”		means a transmitter, receiver, a combination of transmitters

and receivers, or any accessory thereto, which is used or intended to be used for radio communications;

“Transfer”	means to transfer, cede or transfer a spectrum license from one person or entity to another;
“UHF”	means Ultra-High Frequency;
“VHF”	means Very High Frequency;
“Wireless Systems”	Access means end-user radio connections to private or public core networks;

Scope of Application

3. These Regulations shall apply to:
 - i. applicants for or holders of individual and class communications business licenses, who require or utilise radio frequencies for their business operations;
 - ii. applicants for or assignees of FM/Amateur radio frequencies for the operation of their radio stations; or
 - iii. other persons or bodies that require the use of radio frequency spectrum for their private utilisation.

Objectives of Radio Frequency Spectrum Regulations

4. The objectives of these Regulations are to:
 - (a) establish the framework through which the Commission may allocate and assign radio frequency spectrum under the National Radio Frequency plan;
 - (b) establish standard terms and conditions which will be applicable to all frequency bands and applications as well as radio frequency spectrum licenses;
 - (c) establish transparent, fair and efficient procedures and processes for radio frequency spectrum licence applications;
 - (d) provide for circumstances in which the use or possession of radio apparatus does not require a radio frequency spectrum licence;
 - (e) provide procedures and criteria for awarding radio frequency spectrum licence for competing applications or instances whereby there is insufficient spectrum available to accommodate demand;

- (f) set out the procedures for application and permission to assign, cede or transfer ownership and control of a radio frequency spectrum licence;
- (g) set out the principles and procedures for frequency coordination for unlicensed radio frequencies utilised by multiple persons or bodies;
- (h) provide dispute resolution mechanisms with regard to shared or unlicensed spectrum;
- (i) provide a framework for the radio frequency applications fees, radio frequency examination and certificate fees; and
- (j) prescribe relevant applications forms.

PART 2: RADIO FREQUENCY SPECTRUM PLANNING

Radio Frequency Spectrum Planning

5. The Commission shall develop a National Radio Frequency Spectrum Assignment Plan, which shall be published to promote transparency in the administration of the national spectrum resources, and to ensure equal opportunities in the application for such resources.
6. The National Spectrum Committee shall approve the National Radio Frequency Spectrum Assignment Plan.
7. The National Radio Frequency Spectrum Plan shall include the following sets of information:
 - (a) the types of services provided for various frequency bands, in line with the prescribed allocation guidelines of the ITU;
 - (b) describe specific terms and conditions for use of all of the frequency bands;
 - (c) the apportionment of the relevant frequency bands in the radio frequency plan for exclusive or shared assignment;
 - (d) indicate qualification criteria to meet by an applicant for spectrum resources to be licensed for its exclusive use;
 - (e) describe the procedures and timelines to be followed for assignment and licensing of radio frequencies, where applicable;
 - (f) publish detailed frequency channelling arrangements; and
 - (g) any other requirement that the Commission may deem necessary in accordance with the provisions of the Act.

8. The National Radio Frequency Spectrum Assignment Plan may require assignment to be issued for the whole or part of a radio frequency spectrum or a specific geographic area.
9. The National Radio Frequency Spectrum Assignment Plan will indicate the specific cases in which spectrum licences will be assigned on a first-come, first-served basis or, where there is deemed to be insufficient spectrum to accommodate demand, on a competitive basis.
10. The Commission may grant a radio frequency spectrum assignment to person either on an exclusive usage basis or on a shared basis.

Exemptions from Frequency Spectrum License

11. The Commission from time to time shall publish the list of radio appliances and installations that are exempt from license requirements.

PART 3: SPECTRUM LICENSING AND ADMINISTRATION

Application for Assignment of Exclusive Use of Licensed Radio Frequency Spectrum

12. The relevant application form for radio spectrum resources must be completed and submitted to the Commission in the format stipulated in Schedule 3 of these Regulations. All required details must be provided, and the prescribed application fees paid.
13. The Commission shall acknowledge the application within seven (7) working days from the date of submission. Where the application is deemed incomplete or lacking the quality of information required, the Commission shall inform the applicant accordingly.
14. Incomplete application for radio frequency spectrum shall not be considered for evaluation or assignment.
15. The Commission shall review the merits of the request and advise the National Spectrum Committee on the following conditions that:
 - (a) the requests in the application are reasonable in terms of the amount of spectrum resources required, the proposed utilisation and type of services to be delivered; and
 - (b) the spectrum resources should be granted as requested or modified.
16. In reviewing an application for exclusive use of radio frequency spectrum, the Spectrum Committee may, at its discretion, require an applicant to provide further

information or to comply with additional terms and conditions issued for the assignment of the frequencies.

17. The applicant shall be informed of the decision of the Commission within a maximum of forty-five (45) working days from the date of application.

Application for Assignment of Shared Use of Unlicensed Radio Frequency Spectrum

18. The list of uses for which this procedure applies is provided in Schedule 2 to these Regulations.
19. The relevant Application Form must be completed and submitted in the format stipulated by the Commission. All required details must be provided, and the prescribed application fees paid.
20. The Commission shall acknowledge the application within seven (7) working days from the date of submission. Where the application is deemed incomplete or lacking the quality of information required, the Commission shall inform the applicant accordingly.
21. Incomplete application for radio frequency spectrum sharing shall not be considered for evaluation or assignment.
22. Applications for use of unlicensed frequencies shall not be referred to the National Spectrum Committee.
23. The applicant shall be informed of the decision of the Commission within a maximum of twenty-one (21) working days from the date of application.

Competitive Bidding for Licensed Frequencies

24. The Commission may issue a radio frequency spectrum license, which will be awarded/granted on a competitive basis, where it determines that there is insufficient spectrum available to accommodate demand in line with Section 67 of the National Telecommunications Act.
25. Subject to Section 67 Sub Section (1) of the Act, the Commission will launch an 'Invitation to Bid' for radio frequency spectrums; and such invitations shall at all times grant existing licensees the right to participate.
26. In the implementation of Section 24 of these Regulations, the Commission's decision shall be based on a determination of whether the level of effective demand among existing operators is sufficient to achieve maximum benefits from the assignment of

the spectrum, or whether it is expedient to open up the bidding process to potential new entrants into the market.

27. The information that will accompany an 'Invitation to Bid' for spectrum assignment shall include the following:

- (a) the objectives of the offer and invitation to bid;
- (b) the submission format for the applications;
- (c) the application fees;
- (d) any qualification criteria that is applicable to determine eligibility of bidders;
- (e) the terms and conditions relating to the application;
- (f) the proposed license terms and conditions for the assignment of the spectrum;
- (g) the deadline for the submission of the application;
- (h) conditions and procedures for the amendment of an application;
- (i) conditions and procedures for the submission of supplementary information;
- (j) conditions for the disqualification of an applicant from the application process;
- (k) the evaluation criteria;
- (l) the process for selecting the successful bidder; and
- (m) any other information or requirement that the Commission may deem necessary.

28. An applicant shall be disqualified from the process where such applicant:

- (a) is proven to be an affiliate of another applicant or has an ownership or financial interest in another applicant within the same application process;
- (b) has been granted a radio frequency spectrum license by the Commission within the designated range, unless the license has less than the maximum bandwidth made available in line with these Regulations, in which case they will only be allowed to re-apply for additional spectrum which results in total assignment not exceeding the maximum bandwidth made available;
- (c) has submitted more than one (1) application to the Commission to grant a radio spectrum license within the designated range;
- (d) has submitted an application which contains misleading information;
- (e) is colluding or has attempted to collude with another applicant with the intention to distort or manipulate information;
- (f) has obtained or acquired confidential information relating to the tender process or relating to another applicant;
- (g) has failed to comply with the terms and conditions of the application as set out in the tender documents; and/or
- (h) has failed to comply with the terms of these Regulations.

Procedure to Amend a Radio Frequency Spectrum License

29. An application for an amendment to a radio frequency spectrum license or assignment must be submitted to the Commission, which shall include the following:

- (a) a copy of the radio frequency spectrum license and information regarding the condition imposed on the license;
 - (b) the planned dates after which the proposed amendment shall become valid;
 - (c) details of all the proposed amendments and the reasons for the planned revision; and
 - (d) proof of payment of the prescribed application fee.
30. If an amendment in terms of Section 29 of these Regulations has an effect on the spectrum fees payable to the Commission, the Commission will issue an invoice in respect of the license advising the applicant to settle the pro rata outstanding balance for the remainder of the license year.
31. The Commission may engage in a public consultation process when an application for an amendment pertains to a radio frequency spectrum licence that potentially have substantial impact on long-term public interests.

Renewal of Radio Frequency Spectrum Licence

32. The renewal of a multi-year radio frequency spectrum licence shall be performed prior to the expiry of such a licence in the last year of the licence term by payment of the prescribed licence fee on or before the due date.
33. The renewal of a radio frequency spectrum licence is to be performed on an annual basis by payment of the prescribed licence fee on or before the due date.
34. After the receipt of a renewal invoice from the Commission, the licensee must indicate their intention to renew the radio frequency spectrum licence by payment of the prescribed licence fee on or before the due date of the applicable licence year.
35. The obligation to renew a radio frequency spectrum licence rests with the licensee and is not dependent on receipt of a renewal invoice from the Commission in line with Section 34 of these Regulations.
36. If the prescribed licence fee is not paid by the due date, then the radio frequency spectrum licence will expire immediately on the last valid date of the current license year.
37. A licensee not wishing to renew his or her radio frequency spectrum licence must submit an application for notice of surrender to the Commission on or before the last day of the current licence year and comply with the applicable terms for surrendering of a licence.

Failure to Renew a Licence

38. If a licensee has not renewed his or her radio frequency spectrum license as described in Sections 33 and 35, and continues to utilize the radio frequency spectrum after the last day of the current license year, the Commission shall initiate the following process:

- (a) Issue a notice to the person or body in question advising him or her:
 - i. of the unlawful activity of utilising national spectrum resources without paying applicable fees;
 - ii. to make payment of applicable fees within fifteen (15) working days after receipt of the notice; and
 - iii. that they have fourteen (14) working days to respond to the notice of the Commission should they wish to do so.
- (b) Should the Commission receive a response in terms of Section 38 (a) (iii), the Commission will inform the licensee of its decision and reasons for their decision.
- (c) If the decision of the Commission, after considering any response in terms of Section 38 (a) (iii) of these Regulations, the person or body in question is unlawfully making use of the radio frequency spectrum, then such person must:
 - i. within twenty-one (21) working days of receipt of the decision, cease making use of the radio frequency spectrum; and
 - ii. within seven (7) working days of receipt of the decision inform his or her end-users and/or subscribers, if any, of the date he or she will cease to provide the services in question.
- (d) Failure by the affected party to comply with Section 38 (a) and (c) will result in the Commission seizing or sealing the radio apparatus or equipment, issuing penalties and instituting criminal proceedings against the affected party.

Procedure to Transfer a Radio Frequency Spectrum Licence

39. A licensee shall not transfer any assigned radio frequency spectrum license without the prior written approval of the Commission.

40. An application to transfer a spectrum license must be:

- (a) in the format to be defined by the Commission;
- (b) accompanied by the prescribed fee; and
- (c) submitted by the prospective transferor to the Commission.

41. The transferee wishing to transfer a radio frequency spectrum that is subject to a licence for exclusive use may be required to submit additional information to the Commission.
42. The Commission shall take the following steps with regard to an application for transfer of a radio frequency spectrum licence that was or would have been subject to an extended application procedure:
 - (a) publish a notice in the Gazette or its website, on the application to transfer the licence;
 - (b) request any relevant information regarding the transaction to enable the consideration of the application;
 - (c) allow the applicant an opportunity to submit written responses to information received in relation to the application for transfer within the period specified by the Commission; and
 - (d) the Commission may conduct a public hearing in relation to the application, where the transferee of the license potentially have substantial impact on long-term public interests.
43. Where a radio frequency spectrum licence has been granted for a frequency as envisaged in Section 42, any amount paid by the transferee to the transferor must not exceed the value paid by the original licence holder adjusted on a pro rata basis for the remaining duration of the licence.
44. A radio frequency spectrum licence transfer application will be evaluated on the basis of the following:
 - (a) technical efficiency;
 - (b) functional efficiency;
 - (c) economic efficiency; and
 - (d) promotion of competition and in the interests of consumers.

Procedure to Surrender a Radio Frequency Spectrum Licence

45. A licensee may seek to surrender its radio frequency spectrum license in the event that he or she decides the spectrum is no longer required for its business.
46. A licensee seeking to surrender his or her licence must in writing submit the following to the Commission:
 - (a) a completed application form in the format to be described by the Commission;
 - (b) the original of the frequency spectrum license;
 - (c) a service migration plan for any consumer that may be affected and an analysis of the impact on consumers as well as a communications plan to consumers;

- (d) where the surrender of spectrum may lead to decommissioning of radio apparatus, an inventory of all radio apparatus to be decommissioned and a disposal plan; and
 - (e) the proposed date from which the radio frequency spectrum licence shall become void, which will in any case not be any earlier than sixty (60) days from the receipt of the application to surrender the licence.
47. After receipt of the application for notice of surrender, the Commission may:
- (a) request further information from the applicants; and
 - (b) impose conditions on the licence with respect to protecting the interests of the end users of the licensee's services before the Commission can approve the notice of surrender.
48. If a licensee has a license to deliver communications services, the surrender of the radio frequency spectrum licence does not absolve the licensee from its obligations under the business licence.
49. A licensee seeking to surrender his or her radio frequency spectrum must inform their end-user customers, if any, of the decision no later than sixty (60) working days, before the expiry of the radio frequency spectrum licence.

Procedure to Withdraw a Radio Frequency Spectrum License

50. Subject to Section 71 of the National Telecommunications Act and Section 40 of these Regulations, the following rules in Sections 51 and 52 shall apply for withdrawal of a radio frequency spectrum license, in case of committing an offence relating to the use of spectrum resources.
51. The withdrawal of a radio frequency spectrum license shall not prejudice or affect the right of the Commission to recover any money or obtain any legal remedy arising from or in relation to any breach of a license condition or failure to comply with the Act.
52. The Commission may initially suspend a radio frequency spectrum license for not more than twelve (12) months, where after the Commission may withdraw the license in any of the following circumstances:
- (a) where the licensee is placed in liquidation/administration;
 - (b) where the licensee's business license has been revoked by the Commission or cancelled; or
 - (c) upon failure to use the assigned radio frequencies within one (1) year of the lifting of the suspension of the radio frequency spectrum license.

Issuance of Temporary Frequency Spectrum for Trials and Demonstration of Radio Systems

53. Any person or body can apply to the Commission for frequency spectrum for a trial, experimental or demonstration of system, and such license may be granted on a temporary basis under certain criteria and for a limited time.
54. All applications for frequency for trials shall be accompanied by a covering letter and relevant supporting documents including:
 - (a) trial objectives;
 - (b) geographical location of the trial;
 - (c) equipment technical specifications to be used in the trial;
 - (d) network configurations to be deployed for the trial;
 - (e) trial schedule and timelines;
 - (f) sampling size and category (for commercial trials); and
 - (g) data collection method (for commercial trials).

Criteria for issuance of License for Trial and Experimental or Demonstration of System

55. A frequency spectrum license for a trial for the testing of an experiment system or the demonstration of a system could be considered for each of the following purposes:
 - (a) for the benefit of the public interest;
 - (b) for strategic business decision and implementation;
 - (c) for research and development into the use of new technologies or new ways that existing technology might be used; and
 - (d) for research and development into new or different ways of using the radio frequency spectrum.
56. A similar task or activity shall not be implemented within the same geographical area that has an existing system of the same nature, unless there are criteria and strategic reasons to support the subsequent application(s). Each application for a trial will need to specify the criteria as listed Section 55 and its justification.

Duration of Trial

57. The issuance of short-term trial radio frequency spectrum licenses shall be limited to a maximum of three (3) months and may be extended for good reason (s) given for an additional period, which shall not exceed three (3) months.
58. The issuance of long-term trial radio frequency spectrum licenses shall be for eight (8) months and may be extended for good reason (s) given for an additional period which shall not exceed four (4) months.
59. For trial purposes, the duration may be based on an applicant's requirements.

60. For demonstration purposes, the assignment period may be chosen by the Commission based on timing suitability with other activities of the Commission.

PART 4: STANDARD CONDITIONS OF RADIO FREQUENCY SPECTRUM USE

License Durations

61. The issuance of a radio frequency spectrum license, except where described in the license as being for exclusive use of the assigned frequencies, must not be construed as conferring upon the holder a monopoly for the use of or a right perpetual continued tenure of the radio frequency spectrum.
62. Unless otherwise specified, a radio frequency spectrum license shall run parallel to and not exceed the duration of the business license contemplated in Section 25 of the Act and the subsidiary Licensing Regulations of 2019 issued to that effect, and in respect of which the radio frequency spectrum license was assigned.
63. The duration of a radio frequency spectrum license, without a corresponding business license contemplated in Section 25 of the Act, is one year (from 1st January to 31st December) and such a license will expire on the due date of the current license year.
64. Where a radio frequency spectrum license is issued for the FM Radio broadcasting, Amateur Radio, Aeronautical and Marine bands, the license shall remain valid from 1st January of the year in which it was issued and is thereafter renewable by payment of the prescribed license fee on or before the 31st December of that same year.
65. All payments relating to the usage of radio frequency spectrum are payable annually on or before the due date.

Condition of Radio Apparatus and Compliance with Requirements of the Commission

66. A licensee is obliged to maintain all radio apparatus in a good technical condition and to ensure that at all times it satisfies the requirements of the Commission and does not cause harmful interference.
67. The antenna system must comply with all the requirements of the Commission or any other Department or Agency of Government that issues permits for construction of radio communication towers and antenna systems.

Transmitter Power Output of an FM/Amateur Radio Station

68. The maximum power output of the radio transmitter, as measured at the antenna port, must not exceed the level specified in the national radio frequency plan for the relevant licence classes and the linearity must be maintained.
69. The coupling between the antenna and the transmitter shall be such that no direct potential danger to life exists at a power supply on or at the antenna.
70. The antenna system must furthermore comply with the requirements of the Commission or any other Department or Agency of Government that issues permits for construction of radio communication towers and antenna systems.

Spectrum Sharing

71. Radio frequency spectrum sharing is where two or more licensees have been granted radio frequency spectrum license for all or part of the same frequency assignment.
72. The Commission may require a licensee to share an assigned frequency with other licensees.
73. All radio frequency spectrum sharing agreement are subject to approval by the Commission.

Spectrum Coordination

74. Two or more persons or bodies may apply to the Commission for assignment of radio frequency spectrum on a coordinated basis.
75. Licensees are required to make every effort to reach an agreement over the use of shared spectrum before declaring a dispute.
76. The Commission 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.
77. The Commission may, at its own discretion, specify the coordination procedure to the licensees of shared spectrum assignment.
78. Licensees may request the Commission to assist with coordinating the use of spectrum resources.

Spectrum Dispute Resolution

79. A dispute between licensees regarding any matter pertaining to radio frequency spectrum shall first attempt to resolve it by the parties.
80. If an undertaking provided by any one party has been registered with the Commission, the parties may then adopt the condition of the undertaking in resolving the dispute.
81. Both parties should make every attempt in good faith to reach a solution using, Alternative Dispute Resolution (ADR) mechanisms before approaching the Commission, including:
- (a) negotiation - bilateral discussions between the parties involved; and
 - (b) mediation and arbitration - negotiation supported by a neutral party.
 - i. In this case the parties may approach the Commission to assist in the appointment of a mediator who is acceptable to all parties; and
 - ii. The recommendations from the mediation and arbitration process need to be mutually accepted by the disputing parties.
82. The parties may seek a resolution of the dispute by the Commission; if:
- (a) they cannot or have otherwise failed to reach an agreement in dispute, and no relevant undertaking has been registered;
 - (b) one of the parties to the dispute does not wish to adopt the condition of the undertaking with the Commission; or
 - (c) the Act expressly provides that the Commission shall be involved in such resolution.
83. The Commission, may at its own discretion, reject any dispute application where there has not been any clear and documented attempt to adopt ADR before referring the dispute to the Commission, except in the instance referred to in Section 82 (c) of these Regulations.
84. Where licensees are unable to reach an agreement following the ADR process, either one of the licensees may declare a dispute by informing the Commission in writing, indicating the subject matter of the dispute.
85. In resolving the dispute, the Commission may decide as follows:
- (a) direct the removal of radio apparatus;
 - (b) impose penalties on one or more of the licensees should it be ascertained that the said licensees are in contravention of their license conditions, contained in these Regulations or the Act;

- (c) suspend or cancel a radio frequency spectrum license in accordance with the provisions of these Regulations and depending on the severity of the infringement; or
- (d) impose other terms and condition as required.

Application to Investigate Frequency Interference

- 86. A licensee may apply to the Commission to investigate interference from the radio apparatus of another licensee; such applications shall be submitted, and payment of applicable fees made.
- 87. Any application fee payable in respect of these Regulations is non-refundable.
- 88. The Commission shall investigate the claims and reach a determination on whether the claims are valid; and in which case shall communicate to the party causing the interference with a compliance order to rectify the problem.

Assignment and Display of Call Sign

- 89. Where the Commission assigns a call sign to a ship radio station, the said call sign must be transmitted at least once during each separate transmission.
- 90. Where a radio frequency spectrum license is issued for ship radio station and call sign, the license shall remain valid from 1st January of the year in which it was issued and is thereafter renewable by payment of the prescribed license fee on or before the 31st December of that same year

Operation of Radio Apparatus on Board Ship while it is in Harbour

- 91. The master or captain of a ship must ensure that the radio installation on board is not used for radio communication while the ship is berthed or anchored in a harbour in the Republic of Sierra Leone, except for the purposes of type F3 transmissions in the VHF maritime mobile band to communicate with:
 - (a) the port operations service; and
 - (b) a vessel on its way to the harbour or berth provided the communication is limited to navigational safety.

- 92. The restriction shall not apply to the apparatus used on board a ship for establishing communication via any satellite of the IMMARSAT organization.

Transmittal of Distress Signals

- 93. No person shall transmit a distress signal without justifiable reason (s).

Change of Contact Details

94. A licensee must inform the Commission of the change of any contact details provided to the Commission in an application or previous change notification within fourteen (14) working days of the change occurring.

PART 5: OFFENCES AND PENALTIES

Offence

95. No person shall be in possession of a radio reception-blocking device, also known as a radio-jamming device.
96. The provision of Section 95 of these Regulations does not apply to any member of the national security services for the execution of his or her function only where it is possessed and used in line with a formal understanding between the Commission and the security services.

Penalties

97. Any person who contravenes the provisions of these Regulations is liable to a fine not exceeding **Le 50 million Leones**.
98. Any person who contravenes the provisions of Section 40 of these Regulations commits an offence, is subject to conviction, and shall be liable to pay a fine of **Le 20 million Leones** plus interest on outstanding amounts compounded daily using the Treasury Bill Rates published by the Bank of Sierra Leone.
99. Any person who contravenes the provisions of Section 41 of these Regulations commits an offence, is subject to conviction, and shall be liable to pay a fine of **Le 50 million Leones**.
100. Any person who contravenes the provisions of Section 70 of these Regulations commits an offence, is subject to conviction, and shall be liable to pay a fine of **Le 10 million Leones**.
101. Any person who contravenes the provisions of Section 95 of these Regulations commits an offence, is subject to conviction, and shall be liable to pay a fine of **Le 50 million Leones** or prison sentence of three (3) months or both.

PART 6: MISCELLANEOUS

Reviews and Amendments

102. (a) The Commission shall amend and modify these Regulations or any part thereof, at any time, if the Commission deems it necessary.

(b) Amendments to these Regulations shall be made in accordance with:

- i. the needs and changes in national priorities and Government policies including international treaties, commitments, standards or laws;
- ii. emerging issues of national security;
- iii. changes and advancement in technology; and
- iv. the determination of the Commission to vary or repeal any portion of these Regulations.

SCHEDULES

Schedule 1: Schedule of Fees for Radio Spectrum Resources

No.	Service	Description	Application Fees in Leones (One-off)	Annual Fees in Leones per Frequency
AERONAUTICAL				
1	Aeronautical HF Fixed and Mobile Stations Licence	A licence to establish and operate a radio station for carrying HF radio communication with aircraft station	1,000,000.00	1,000,000.00 per station
2	Aeronautical VHF Fixed and Mobile Stations Licence	A licence to establish and operate a radio station for carrying VHF radio communication with aircraft station	1,000,000.00	1,000,000.00 per station
3	Aeronautical Station - Commercial	A licence to establish and operate a radio station for carrying radio communication with aircraft station	5,000,000.00	40,000,000.00 per station
4	Aeronautical Ground to Air Station (Glider, Hang Glider and Balloon)	A licence to establish and operate a radio station for carrying radio communication with aircraft station	3,000,000.00	20,000,000.00 per station
5	Aeronautical Ground Station (Airlines)	A licence to establish and operate a radio station for carrying radio communication with aircraft station	5,000,000.00	25,000,000.00 per station
6	Radio Licence - Aircraft (take-off weight more than 3200 kg.)	A licence to establish and operate a radio station for carrying radio communication on aircraft	3,000,000.00	10,000,000.00

7	Radio Licence - Aircraft (more than 3200 kg./less than 14000 kg.)	A licence to establish and operate a radio station for carrying radio communication on aircraft	3,000,000.00	20,000,000.00
8	Radio Licence - Aircraft (take-off weight more than 14000 kg.)	A licence to establish and operate a radio station for carrying radio communication on aircraft	3,000,000.00	25,000,000.00
9	Radio Licence for Aircraft (Glider, Hang Glider and Balloon)	A licence to establish and operate a radio station for carrying radio communication on aircraft	3,000,000.00	5,000,000.00
10	Aeronautical Navigational Aid & Radar (Private Aerodrome)	A licence to establish and operate a radio station for carrying radio communication on aircraft	1,000,000.00	5,000,000.00
11	Inmarsat Terminal (Terrestrial)	A licence to establish and operate a terrestrial radio terminal for aircraft communication	1,000,000.00	20,000,000.00
		MARITIME		
12	Marine HF Fixed and Mobile Stations	A licence to install and use HF fixed and mobile radio apparatus on board vessels or ships.	1,000,000.00	1,000,000.00 per station
13	Marine VHF Fixed and Mobile Stations	A licence to install and use VHF fixed and mobile radio apparatus on board vessels or ships.	1,000,000.00	1,000,000.00 per station
14	Maritime Mobile Service Identity (MMSI)	A unique identification number assigned to maritime vessels registered in Sierra Leone.	N/A	1,000,000.00
15	Limited Coast Station	A licence to establish a station on land for carrying on a radio communication service with ship stations.	1,000,000.00	1,600,000.00
		FIXED & LAND MOBILE		
16	HF Fixed and Land mobile Stations	A licence to install and operate HF fixed and mobile radio stations	500,000.00	1,000,000.00 per station
17	VHF Fixed and Land mobile Stations	A licence to install and operate VHF fixed and mobile radio stations	500,000.00	1,000,000.00 per station
18	UHF/SHF Fixed and Land mobile Stations	A licence to install and operate UHF/SHF fixed and mobile radio stations	500,000.00	1,000,000.00 per station
19	VHF Repeater Stations	A licence to install and operate VHF Repeater stations	500,000.00	2,000,000.00 per station
20	Radio Amateur Licence	A licence to install and operate an amateur radio station.	500,000.00	1,000,000.00 per station
21	Citizen Band Radio Licence	A licence to operate a low power radio apparatus operating in the frequency bands 26925 KHz to 27403 KHz.	500,000.00	1,000,000.00 per station
		VERY SMALL APERTURE TERMINAL (VSAT)		
22	Very Small Aperture Terminal (VSAT) for Corporate Institutions	A license to provide and operate installation of VSAT for corporate institutions per site	5,000,000.00	40,000,000.00

23	Very Small Aperture Terminal (VSAT) for network of Corporate Institutions	A license to provide and operate a network of three (3) VSATs or more for corporate institutions	5,000,000.00	125,000,000.00
24	Very Small Aperture Terminal (VSAT) for Hotels outside western area	A license to provide and operate a VSAT installation for hotels outside Western Area	2,000,000.00	15,000,000.00
25	Very Small Aperture Terminal (VSAT) for Hotels in Freetown	A license to provide and operate a VSAT installation for hotels in Freetown	3,000,000.00	20,000,000.00
26	Very Small Aperture Terminal (VSAT) for SMEs outside western area	A license to provide and operate a VSAT installation for Small and Medium Enterprises (SMEs) outside Western Area	1,000,000.00	10,000,000.00
27	Very Small Aperture Terminal (VSAT) for SMEs in the Western Area	A license to provide and operate a VSAT installation for Small and Medium Enterprises (SMEs) in the Western Area	2,000,000.00	12,500,000.00
28	Very Small Aperture Terminal (VSAT) for INGOs in Freetown	A license to provide and operate a VSAT installation for International Non-Governmental Organizations (INGOs) in Freetown on site basis	3,000,000.00	15,000,000.00
29	Very Small Aperture Terminal (VSAT) for INGOs in district headquarter towns	A license to provide and operate a VSAT installation for International Non-Governmental Organizations (INGOs) in all district headquarters towns with exception of Bo, Kenema, Makeni and Koidu on site basis	3,000,000.00	10,000,000.00
30	Very Small Aperture Terminal (VSAT) for INGOs in other parts of the country	A license to provide and operate a VSAT installation for International Non-Governmental Organizations (INGOs) in other parts of the country per site	3,000,000.00	5,000,000.00
31	Very Small Aperture Terminal (VSAT) for network of INGOs in other parts of the country	A license to provide and operate a network of three (3) VSATs or more for International Non-Governmental Organizations (INGOs) in other parts of the country	3,000,000.00	40,000,000.00
32	Very Small Aperture Terminal (VSAT) for local NGOs in Freetown	A license to provide and operate a VSAT installation for local Non-Governmental Organizations (NGOs) in Freetown on site basis	1,000,000.00	10,000,000.00
33	Very Small Aperture Terminal (VSAT) for local NGOs in Kenema, Bo, Makeni and Koidu	A license to provide and operate a VSAT installation for local Non-Governmental Organizations (NGOs) in Kenema, Bo, Makeni and Koidu per site	1,000,000.00	7,500,000.00
34	Very Small Aperture Terminal (VSAT) for local NGOs in district headquarters towns	A license to provide and operate a VSAT installation for local Non-Governmental Organizations (NGOs) in district headquarters towns per site	1,000,000.00	5,000,000.00
35	Very Small Aperture Terminal (VSAT) for local NGOs in other parts of the country	A license to provide and operate a VSATs installation for local Non-Governmental Organizations (NGOs) in other parts of the country per site	1,000,000.00	3,000,000.00
36	Very Small Aperture Terminal (VSAT) for local NGOs in other parts of the country	A license to provide and operate a network of three (3) VSATs or more for local Non-Governmental Organizations (NGOs) in other parts of the country	1,000,000.00	25,000,000.00
		BROADCASTING		

36	Commercial/ Religious Frequency Modulation (FM) Station in Freetown	A license to install and operate a Commercial/Religious FM Radio Station in Freetown	1,000,000.00	7,500,000.00
37	Commercial/ Religious Frequency Modulation (FM) Station in Bo, Kenema & Makeni	A license to install and operate a Commercial/Religious FM Radio Station in Bo, Kenema & Makeni	1,000,000.00	6,000,000.00
38	Commercial/ Religious Frequency Modulation (FM) Station in District headquarters towns	A license to install and operate a Commercial/Religious FM Radio Station in District headquarters towns	1,000,000.00	5,500,000.00
39	Commercial/ Religious Frequency Modulation (FM) Station in parts of the country	A license to install and operate a Commercial/Religious FM Radio Station in parts of the country	1,000,000.00	5,000,000.00
40	Community Frequency Modulation (FM) Station in the Country with ERP not exceeding 50 watts	A license to install and operate a Community FM Radio Station in the Country with ERP not exceeding 50 watts	1,000,000.00	3,000,000.00
41	UHF Fixed / Mobile STL/OB Links for Radio Broadcasting	A license to establish and operate a STL/OB link for Radio broadcasting	500,000.00	1,000,000.00
42	Satellite Studio Transmitter Link (STL)	A license to establish and operate a STL link for satellite broadcasting	1,000,000.00	3,000,000.00
43	Analogue Terrestrial Television Station	A license to install and operate an Analogue terrestrial TV station	10,000,000.00	20,000,000.00 per channel
44	Digital Terrestrial Television Station	A license to install and operate an Digital terrestrial TV station	10,000,000.00	20,000,000.00 per channel
45	Amplitude Modulation (AM) Radio Station	A license to install and operate an Amplitude Modulation (AM) Radio Station	1,000,000.00	5,000,000.00
46	Short Wave (SW) Radio Station	A license to install and operate a Short Wave (SW) Radio Station	1,000,000.00	5,000,000.00
47	Direct - To - Home (DTH) TV (pay TV)	A license to install and operate Direct - To - Home (DTH) TV (pay TV)	10,000,000.00	50,000,000.00
48	Direct - To - Home (DTH) TV (e.g. DSTV)	A license to install and operate Direct - To - Home (DTH) TV (DSTV)	10,000,000.00	50,000,000.00
49	TV Outside Broadcast (OB)	A license to establish and operate TV OB	500,000.00	1,000,000.00
50	Direct - To - Home (DTH) TV (Free to Air)	A license to install and operate Direct - To - Home (DTH) TV (Free to Air)	N/A	N/A
		OTHER SERVICES		
51	Mobile Satellite Service (MSS) / GMPCS e.g. Iridium, Inmarsat, Thuraya	A license to install and operate mobile satellite service or GMPCS	20,000,000.00	100,000,000.00
52	Trunk Radio Network	A license to install and operate trunk radio network	30,000,000.00	50,000,000.00

53. Mobile Radio Access Frequencies Resources

The annual frequency fee payable for mobile radio access frequency or carrier is calculated based on the formula outlined below where the unit fee, band factor and frequency bandwidth assigned are taken into account.

$$\text{Spectrum Fee} = \text{Unit price} \times \text{Bandwidth (MHz)} \times \text{Band Factor}$$

Where Unit Price = Le. 250,000,000.00

Technology	Band Factor
GSM 900	1.4
GSM 1800	1.2
CDMA 450	1.2
CDMA 850	1.2
3G/IMT 2000	1.2
4G/LTE	1.2
4G/LTE (TDD)	1.0

	Bandwidth Assignments
Bandwidth (MHz)	5
	10
	7.5
	12.5
	15

54. Microwave Radio Transmission Frequency Resources

The annual frequency fee payable for microwave radio transmission frequency or carrier is calculated based on the formula outlined below where the unit price, band factor and total bandwidth assigned are taken into account.

Spectrum Fee = Unit Price X Total Bandwidth Assigned (MHz) X Band Factor

Where Unit Price = Le. 25,000,000.00

Microwave Radio Frequency Band	Band Factor
1 - 4 GHz	1.4
6GHz	1.2
7 - 12 GHz	1.0
12/13 GHz	0.8
15 - 18 GHz	0.7
19 - 25 GHz	0.5
>25GHz	0.1

Schedule 2: List of Uses for Unlicensed Radio Frequency Spectrum

Schedule 3: Standard Radio Frequency Spectrum Application Forms

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