GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No. 65 2011

The Information and Communication Technologies
Act, 2009

The Information and Communication Technologies
(Registration of Electronic Communication Apparatus)
Regulations, 2011

ARRANGEMENT OF REGULATIONS

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4. Prohibited dealing in electronic communications apparatus
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6. Maintenance of register
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11. Registration of devices
12. Register of SIM cards
13. Obligations of seller
14. Restriction on supply of SIM card

Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O. Box 30136, 10101 Lusaka, Price K6,000 each
15. Management of subscriber identification module (SIM) and international mobile equipment identity (IMEI) numbers
16. Establishment of Central Equipment Identification Register
17. Establishment of Information and De-activation Centre
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SCHEDULE
IN EXERCISE of the powers contained in section sixty-four of the Information and Communication Technologies Act, 2009, and in consultation with the Authority, the following Regulations are hereby made:

PART I
PRELIMINARY

1. These Regulations may be cited as the Information and Communication Technologies (Registration of Electronic Communication Apparatus) Regulations, 2011.

2. In these Regulations, unless the context otherwise requires
   "Authority" has the meaning assigned to it in the Act;
   "black list" means a list of apparatus stolen, lost or in respect of which the International Mobile Equipment Identity does not exist or has been changed;
   "Centre" means the Information and De-activation Centre established under regulation 17;
   "Central Equipment Identification Register" means a database of International Mobile Equipment Identity and other information maintained by the Authority or its appointed agent;
   "deal" includes the manufacture, import for sale, demonstrating, transmission, letting for hire, sale, or offering or possessing for sale, any equipment which is capable of being used for the purpose of providing an electronic communications service, and "dealer", or "dealing" shall be construed accordingly;
   "electronic communications apparatus" has the meaning assigned to it in the Act;
   "Equipment Identification Register" means a database containing International Mobile Equipment Identity and other information maintained by an electronic communications service provider;
   "grey list" means a list produced by an electronic communications service provider on electronic identity information of apparatus other than a white or black list;
   "harm" means a hazard to personnel, damage to electronic communications equipment, malfunction of electronic communication billing equipment, and degradation of
service to a person other than the user of the equipment or the user's calling or called party;

“identity document” means an identity document issued under the National Registration Act or a passport issued under the Passports Act, 2003;

“International Mobile Equipment Identity” means a number that uniquely identifies mobile communication equipment;

“licensee” has the meaning assigned to it in the Act;

“mobile cellular service provider” means an electronic communications service provider licensed to provide mobile telecommunications under the Act;

“Mobile Subscriber Integrated Service Digital Network” means a number uniquely identifying a subscription in a Global System for Mobile or Universal Mobile Telecommunication System mobile network;

“sale” includes every transaction of or in the nature of—
(a) barter or exchange;
(b) hire or hire purchase;
(c) pawning or hypothecating goods; or
(d) transfer of ownership or creation of an interest in goods;

“seller” means a person or an agent appointed or authorised by a mobile cellular service provider to sell SIM cards on the mobile cellular service provider's behalf;

“SIM card” means a Subscriber Identification Module (SIM) card inserted inside the mobile cellular phone or other device;

“subscriber” means an individual who, or company that, subscribes to the service of an electronic communications service provider;

“type approved apparatus” means an electronic communications apparatus approved for sale under the Information and Communication Technologies (Type Approval) Regulations, 2011; and

“white list” means a list produced by the Authority or a person appointed by the Authority, on electronic identity information of apparatus permitted to be supplied in the market.
PART II

DEALING IN ELECTRONIC COMMUNICATIONS APPARATUS

3. A person who intends to deal in any electronic communications apparatus shall deal in apparatus that has been type approved and authorised by the Authority in accordance with the Information and Communication Technologies Regulations, 2011.

4. (1) A person shall not knowingly or negligently deal in electronic communications apparatus which causes or is likely to cause harm.

(2) A person shall not deal in an unlawful manner in electronic communications apparatus which is capable of monitoring or intercepting the transmission of an electronic communications network or service.

(3) A person shall not, without lawful authority, have in that person's possession an electronic communications apparatus capable of being used to insert, duplicate, alter, delete or remove an identification code or number of an electronic communications apparatus.

(4) For the purposes of this regulation, "electronic communications apparatus" includes a SIM card.

(5) A person who contravenes sub-regulation (1), (2) or (3) commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

5. (1) A person shall not, without lawful authority, deal in any electronic communications apparatus which consists of—

(a) scanning receivers;

(b) military communication equipment;

(c) telephone voice changing equipment;

(d) automatic call diverters;

(e) radio communication equipment operating in frequency bands 890 915 MHz and 935 960 MHz or such other frequency bands as the Authority may specify, except cellular mobile devices or such other equipment approved by the Authority; and

(f) radio communication jamming devices.
(2) A person who deals in electronic communications apparatus shall—

(a) operate it in a manner which is safe and which does not impair or interfere with the efficient and convenient working or maintenance of any other electronic communications apparatus or service authorised by the Authority; and

(b) not knowingly permit the electronic communications apparatus in the person’s possession to be used for any unlawful purpose.

6. A dealer shall keep or cause to be kept a register of all third parties that the person deals with, which shall contain—

(a) the names and business addresses of the premises from which the third parties operate; and

(b) an inventory of all type-approved, type-accepted and exempted electronic communications apparatus belonging to the third party.

7. (1) A dealer in electronic communications apparatus shall not transmit or permit the transmission of superfluous signals.

(2) A dealer shall not test any transmission, or allow or conduct any demonstration or practical transmission, except in such circumstances as to preclude the possibility of interference with any other electronic communications apparatus.

(3) A dealer shall not, without the approval of the Authority, conduct any test transmission other than on a dummy load.

8. (1) A dealer in electronic communications apparatus who changes the business premises and any other particulars with regard to information that was supplied with a request for approval, shall, within seven days of the change, notify the Authority in writing.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units.

9. (1) The Authority may, at the request of any person intending to use any electronic communications apparatus or type of electronic communications apparatus for personal purposes, test the apparatus to verify that it is designed, constructed, installed, established, maintained or operated in accordance with such technical specifications as the Authority may determine.
(2) Sub-regulation (1) shall not apply to any radio communication equipment that does not require type approval.

10. The Authority may seize electronic communication apparatus if—

(a) the apparatus is imported without the approval of the Authority; or

(b) the apparatus does not meet the standards or specifications determined by the Authority.

PART III
REGISTRATION OF IDENTIFICATION NUMBERS

11. (1) A person who, before the commencement of these Regulations, is in possession of electronic communications apparatus that utilises a SIM card shall, within twelve months of the coming into operation of these Regulations, register with the electronic communications network or service provider, the details of the apparatus.

(2) A person who, after the commencement of these Regulations, acquires an electronic communications apparatus that utilises a SIM card shall register with the electronic communications network or service provider, the details of the apparatus.

12. An electronic communications network or service provider shall maintain an electronic register of individual subscriber information, including the—

(a) names and physical addresses of the subscribers;

(b) serial numbers of SIM cards; and

(c) mobile subscriber integrated service digital network (MSISDN) numbers.

13. (1) A seller shall, on the sale of a SIM card, ensure that the purchaser completes and submits to the seller, Form I set out in the Schedule.

(2) A seller shall, within seven days of the completion of the form referred to in sub-regulation (1), submit it to the electronic communications service provider.

(3) A seller who provides a SIM card to any person without collection of the information required under sub-regulation (1), or who fails to remit the information to the electronic communications service provider in accordance with sub-regulation (2), commits an offence and is liable, upon conviction
(a) to a fine not exceeding two thousand five hundred penalty units; and

(b) to a fine not exceeding two thousand five hundred penalty units in respect of each SIM card sold.

(4) A seller shall maintain records of information relating to the purchaser of any SIM card stating the—

(a) name of the electronic communications service provider;

(b) particulars of the dealer;

(c) particulars of the subscriber or guardian; and

(d) particulars of the SIM card.

14. (1) An electronic communications service provider shall not provide, sell, register or activate a SIM card in respect of which a person does not provide the valid identification documents required under these Regulations.

(2) A person who contravenes this regulation commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

15. (1) An electronic communications network or service provider shall—

(a) maintain three lists, to be known as the white list, grey list and black list, in order to facilitate the management of subscriber identification module and international mobile equipment identity numbers; and

(b) disable electronic communications apparatus that do not conform with the management requirements under these Regulations.

(2) A white list shall contain the subscriber identification module and international mobile equipment identification numbers of all apparatus that are authorised for use in the Republic.

(3) A grey list shall contain the subscriber identification module and international mobile equipment identification numbers of apparatus that are suspected to be cloned or to have changed electronic identity or are otherwise utilised without authorisation.

(4) A black list shall contain the subscriber identification module (SIM) and international mobile equipment identification (IMEI) numbers of apparatus that are disabled as a result of being stolen, cloned, utilised without authorisation or for which the electronic identity has changed.

(5) A person whose device is stolen or who otherwise loses possession of the apparatus may apply to the Authority to have the subscriber identification module and the international mobile equipment identity numbers of the apparatus entered on the black list and the device disabled upon providing proof of ownership and a police report.
An electronic communications network or service provider shall—

(a) cause to be updated in the Central Equipment Identification Register on a daily basis, the particulars of apparatus that appear in the grey list;

(b) enter on the Register referred to in paragraph (a) the full names, address, title, subscriber identification, communication information and date and place of use of the apparatus; and

(c) where apparatus is not on the white list, send a short message to the apparatus stating that the apparatus is not on the white list and requiring the person in possession of the apparatus to register the apparatus with the Authority, failure to which the apparatus shall be placed on the black list and de-activated.

16. The Authority shall keep and maintain a database to be known as the Central Equipment Identification Register in which Subscriber Identification Module (SIM) and International Mobile Equipment Identity numbers and other information shall be recorded.

17. (1) The Authority shall establish an Information and De-activation Centre for the recording of details of electronic communication apparatus with electronic identity information.

(2) The Authority shall utilise the details contained in the Centre for—

(a) the maintenance and management of subscriber and device information;

(b) the identification of SIM numbers that are not registered;

(c) de-activation of devices—

(i) utilising invalid SIM numbers;

(ii) that have been reported stolen or missing; and

(iii) whose International Mobile Equipment Identity (IMEI) numbers have been tampered with or otherwise rendered invalid;

(d) the preparation of the white list, grey list and black list of devices and SIM numbers; and

(e) the transmission of periodical blacklist reports to law enforcement officers for further action against persons using blacklisted devices.

18. (1) An electronic communications network or service provider shall keep, maintain and make available in the provider’s network an equipment identification register which shall contain—

(a) the International Mobile Equipment Identity numbers for devices used on the provider’s network;

(b) the address, title, full names and subscriber identity of devices which are not registered.
2. An electronic communications network or service provider shall—

(a) keep the equipment identification register in good working order and ensure uninterrupted communication with the Central Equipment Identification Register; and

(b) keep the information collected from registration for purposes of these Regulations for a period of three years after the last use of the device.

2. For the purposes of sub-regulation (1), an electronic communications apparatus is used on a network if it belongs to or is under the control of, a subscriber on the network.

19. (1) A person in possession of a SIM card who changes any particulars with regard to information that was supplied with a request for a SIM card, shall, within seven days of the change, notify the electronic communications network or service provider, in writing.

(2) An electronic communication service provider may deactivate a SIM card where a person does not provide the notification required under sub-section (1) or otherwise fails to comply with the provisions of these Regulations.

20. (1) An employee, agent or third party who has access to subscriber identification information of an electronic communications service provider shall keep confidential the information that comes into the employee’s, agent’s or third party’s possession relating to subscriber identification information.

(2) Without prejudice to the generality of subsection (1), an electronic communications service provider shall not, except where required to do so by an order of court or any other written law, disclose any information relating to subscriber identification information.

(3) A person who contravenes sub-section (1) commits an offence and is liable, upon conviction, to the penalty set out in the Act.

21. A person who contravenes or fails to comply with a provision of these Regulations for which a penalty is not provided commits an offence and is liable, upon conviction, for each such breach, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a period not exceeding two years, or to both.


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**SCHEDULE**
(Regulation 13)

**Form 1**
(Regulation 13)

(To be completed in triplicate)

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**ZICTA**
DANISH INFORMATION AND COMMUNICATION TECHNOLOGY AUTHORITY

**The Information and Communication Technologies Act, 2009**
(Act No. 15 of 2009)

The Information and Communication Technologies (Registration of Electronic Communication Apparatus) Regulations, 2011

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**SUBSCRIBER IDENTIFICATION INFORMATION**

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**DECLARATION**

I declare that all the particulars and information provided in this application are complete, correct and agree that in the event that any of the said particulars and information provided is found to be fraudulent, I may be prosecuted in accordance with the law.

Declared at this day of 20

**Applicant’s Name**

Date

Applicant’s Signature

FOR OFFICIAL USE ONLY

Received by: __________________________ Officer __________________________ STAMP

Date Received: __________________________

Subscriber identification code: __________________________

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**LISAKA**
4th July, 2011

[MC/64/1/1]

PROF. G. LUNGWANGWA,
Minister of communications
and Transport