GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NOTICE 4163 OF 2026

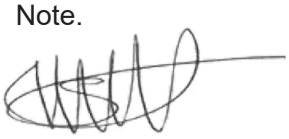
ELECTRONIC COMMUNICATIONS ACT, 2005

(ACT NO. 36 OF 2005)

POLICY ON HIGH DEMAND SPECTRUM

I, Mr Solly Malatsi, Minister of Communications and Digital Technologies, acting in terms of section 3(1) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) (the ECA), read with section 10(3) of the Interpretation Act, 1957 (Act No. 33 of 1957), and in terms of sections 3(2) and 3(7) of the ECA, in each case read with sections 3(3) and 3(5) of the ECA, hereby issue, with immediate effect -

the final amendment to the Policy on High Demand Spectrum and Policy Direction on the Licensing of a Wireless Open Access Network, published under Government Notice No. 1013 in *Government Gazette* No. 42597 of 26 July 2019 (the Policy), set out in Schedule A below (Final Amendment - Withdrawal of WOAN Reservation), that amendment being a matter already subjected to public consultation in 2022 as more fully explained in the Explanatory Note.



Mr Solly Malatsi, MP
Minister of Communications and Digital Technologies
14 September 2026

SCHEDULE A

FINAL AMENDMENT - WITHDRAWAL OF THE WOAN RESERVATION

(Issued in final form with immediate effect on publication in the Gazette, in terms of sections 3(1), 3(2) and 3(7) of the Electronic Communications Act, 2005. This Schedule gives effect to the withdrawal of the WOAN spectrum reservation, a proposal already published for public comment in 2022 as explained in paragraph 15 of the Explanatory Note).

1. Substitution of heading of the Schedule

The heading of the Schedule to Government Notice No. 1013 published in Government Gazette No. 42597 of 26 July 2019 is substituted by the following heading:

"**POLICY ON HIGH DEMAND SPECTRUM**".

2. Amendment of paragraph 1 of the Policy

Paragraph 1 of the Policy is amended -

(a) by the substitution for paragraph 1.1 of the following paragraph:

"1.1 Chapter Nine (9) of the National Integrated ICT Policy White Paper, 2016 (the White Paper) sets out the open access policy, spectrum policy and a policy framework to address the assignment of spectrum where there is insufficient spectrum to accommodate demand (hereinafter referred to as high demand spectrum).";

(b) by the deletion of paragraphs 1.2 to 1.5;

(c) by the insertion after paragraph 1.1 of the following paragraph:

"1.1A The White Paper's proposal to reserve high demand spectrum for prior assignment to a single wireless open access network (WOAN) has not resulted in the licensing of a WOAN in the more than seven years since this Policy was first issued, and the spectrum identified for that purpose has remained substantially unassigned. Having regard to that record, the domestic and international evidence summarised in the Explanatory Note, and the public interest in the timeous, efficient and productive use of a scarce national resource, the Minister has determined that the continued reservation of that spectrum for prior assignment to a WOAN is no longer justified and has accordingly withdrawn the reservation. The affected spectrum is therefore immediately available for licensing by the Authority, in the exercise of its statutory powers under sections 30 and 31 of the ECA, in a manner that gives effect to the objects of the ECA and the policy objectives set out in this Policy.";

(d) by the substitution in paragraph 1.6 for the words preceding paragraph (a) of the following words:

"The Minister consulted the Authority and interested persons as required by section 3(5) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) (ECA). The Minister duly considered and reviewed the Authority's views; representations

received from interested persons and the objects of the ECA. When reviewing the above, the Minister considered the public interest and policy objectives that include to -";

(e) by the substitution in paragraph 1.6 for subparagraph (a) of the following subparagraph:

"(a) ensure that high demand spectrum is licensed, so as to realise its socio-economic value;";

(f) by the substitution in paragraph 1.6 for subparagraph (e) of the following subparagraph:

"(e) promote competition within the ICT sector,";

(g) by the substitution for paragraph 1.7 of the following paragraph:

"1.7 Following the review of representations as described in paragraph 1.6 above, the following policy is issued.".

3. Amendment of paragraph 2 of the Policy

Paragraph 2 of the Policy is amended —

(a) by the substitution for paragraphs 2.1.1 and 2.1.2 of the following paragraphs:

"2.1.1 The Minister recognises that there are players that hold electronic communications network service licences but cannot access spectrum, due to its scarcity. This has an adverse effect on competition, contributes to the high cost to communicate and serves as a barrier to entry for new entrants and SMMEs. Government is committed to maximising the socio-economic benefits derived from the use of the spectrum, and to ensuring that high demand spectrum does not remain unassigned for a protracted period without good cause.

2.1.2 The reservation of high demand spectrum for prior assignment to a WOAN, which includes the spectrum in the 700 MHz, 800 MHz, 2600 MHz and 3500 MHz bands, is withdrawn. To the extent that the White Paper provides for high demand spectrum to be set aside for assignment to a WOAN, this Policy prevails as contemplated in paragraph 2.1.5. That spectrum is, with immediate effect, available for licensing by the Authority.

(b) by the deletion of paragraph 2.1.3;

(c) by the substitution for the words preceding sub-paragraph (a) of paragraph 2.1.4 of the following words:“ In the licensing of high demand spectrum referred to in paragraph 2.1.2 the Authority must ensure that the following policy objectives are achieved:”;

(d) by the substitution in paragraph 2.1.4 for subparagraph (a) of the following paragraph:

(a) leasing of electronic communications networks and electronic communications facilities and provision of wholesale capacity to other licensees. The Authority must perform strict regulatory oversight to ensure compliance with this network and facilities leasing requirement;

(e) by the deletion in paragraph 2.1.4 of subparagraph (b); and

(f) by the re-lettering of subparagraphs (c), (d) and (e) of paragraph 2.1.4 and subparagraphs (b), (c) and (d) respectively.

4. Deletion of paragraph 3 of the Policy

Paragraph 3 of the Policy is deleted.

5. Short title and commencement

This Policy Amendment is called the Policy Amendment on High Demand Spectrum, 2026, and takes effect on the date of publication of this notice in the Gazette.