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Act

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PARISHES

Kamwokya II
Bukesa
Kagugube
Kisenyi I
Kisenyi II
Kisenyi III
Mengo

Issued at Kampala this 27th day of January, 2010.

RUTH KIJJAMBU (Mrs.)
Ag. Town Clerk.

General Notice No. 65 of 2010.

CITY COUNCIL OF KAMPALA
OFFICE OF THE TOWN CLERK
P.O. Box 7010, KAMPALA, UGANDA

PUBLIC NOTICE

The Local Governments Rating Act, 2005
Section 12, 13 and 14

DEPOSIT OF SUPPLEMENTARY VALUATION LIST FOR 2009 FOR CENTRAL DIVISION RATING AREA K.2

IN EXERCISE of the powers conferred upon the City Council of Kampala by the above mentioned Rating Act, the Public is hereby notified that the Supplementary Valuation List for Central Rating Zone K.2 has been completed and was accordingly laid before the Council.

The List will be available for inspection at City Council Headquarters and at Central Division Offices between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday for 30 days with effect from 26th February, 2010.

Any person shall be entitled to inspect the said list and take copies or extract therefrom.

During these 30 days any aggrieved person shall be entitled to lodge an objection in writing (Forms are available at the above mentioned offices) stating the grounds on which the objection is made.

No person shall be entitled to be heard by the Valuation Court unless he/she has lodged a Notice of Objection within the stipulated time, in accordance with Section 15 of the Act.

Central Division Rating Zone K.2 covers the following:

ZONES

Nakasero
Nkrumah, Railway and Industrial Area
Kololo
Old Kampala/Part of CBD

General Notice No. 66 of 2010

PARLIAMENTARY ELECTIONS ACT

ACT No. 17 OF 2005

Section 59(1)

NOTICE

PUBLICATION OF BY-ELECTION RESULTS FOR MBALE MUNICIPALITY CONSTITUENCY, MBALE DISTRICT

NOTICE IS HEREBY GIVEN by the Electoral Commission that the results in the Schedule to this Notice is hereby published in accordance with Section 59(1) of the Parliamentary Elections Act, No. 17 of 2005.

SCHEDULE

PARLIAMENTARY BY-ELECTION RESULTS FOR MBALE MUNICIPALITY CONSTITUENCY, MBALE DISTRICT

No.	Name of Candidate	Party/Independent	Votes Obtained
1.	Magomu Musa	Independent	60
2.	Mutende Shinyabulo J. A.	Independent	1,199
3.	Siranda Blacks Gerald	DP	36
4.	Walycmira Amos David	UPC	131
5.	Wamanga Wamai Jack	FDC	4,776
6.	Wambuya Sam	Independent	65
7.	Wekesa Wambogo John	NRM	3,875
8.	Woniala Kasola Wilson	FIL	26

ISSUED at Kampala, this 18th day of February, 2010.

ENG. DR. BADRU M. KIGGUNDU,
Chairperson, Electoral Commission.

General Notice No. 67 of 2010.



**UGANDA
COMMUNICATIONS
COMMISSION**

GUIDELINES ON RADIO SPECTRUM HOARDING

(In relation to the planning, monitoring, allocation and the use of radio frequency spectrum pursuant to S.27(1) of the Uganda Communications Act, Cap 106)

Radio spectrum is a finite public natural resource which must be properly managed and used efficiently in the public interest. Where there is a high demand for radio spectrum, the government regulatory institution should take deliberate measures to ensure that this resource is used within certain defined licence conditions and time frames for the provision of communication services to the public.

In certain situations, the licensed operators may deliberately delay to put to use the radio spectrum in order to monopolise the telecommunications market and deny entry to new competitors. Such operator's behaviour translates into radio spectrum hoarding.

In line with its mandate as regulator of the communication sector, a bid to discourage radio spectrum hoarding, and ensure use as stipulated in their licence and frequency licensing conditions. The Uganda Communications Commission has put in place the following Guidelines on Radio Spectrum Hoarding that shall be applicable to both new entrants and the existing operators/users in the telecommunications market in Uganda.

New Operators in the Telecommunications Market

New operators in the telecommunications market are given a time frame of two hundred and forty (240) days from the time of submitting the application for a Public Infrastructure Licence (PIP Licence) to finalisation of the application requirements (this includes application review and processing, signing of the licence, submission of frequency network plans, securing Letter of Credit and payment of frequency fees) and additional One hundred and eighty (180) days within which to complete installation of the infrastructure/utilisation of the assigned frequencies and operationalise the Licence.

The following Spectrum hoarding Guidelines are geared towards discouraging Radio Spectrum Hoarding for New Operators/entrants:

- (a) The Licensee shall be required to pay a penalty of 1% of the advised frequency fees/bill for every month for a period of three months during which they are not utilising the frequency. If the frequency

fees plus the penalty fee are not paid after this period, frequency reservation shall automatically revert to the Commission. By cancelling the reservation, the Commission provides an opportunity to other operators/applicants to access that radio spectrum.

- (b) If the PIP Licensee does not finalise installation of the infrastructure/frequency utilisation, the conditions provided under Section 5 (ii) b shall automatically apply.
- (c) Since the PIP Licence will still be valid, the Licensee can use any other resources such as optic fibre to install the infrastructure. The Licensee will only access the withdrawn radio spectrum through fresh application where the Licensee will compete along with other applicants. Policy Guideline No. 4 as in The Uganda Gazette of 20th February 2009 in Vol. CII No. 8 in General Notice No. 51 of 2009 provides that accessing radio spectrum by the applicants is based on First-Come First-serve principle.
- (d) Re-Allocation of radio spectrum that will have reverted to the Commission either through cancellation of radio spectrum reservation and/or through cancellation of frequency assignments shall follow market based approaches. This will be inline with the Commission's radio Spectrum Policy Guideline No. 4 contained in Vol. CII No. 8 in General Notice No. 51 of 2009.

Existing Operators /Users of the Radio Spectrum

All frequencies assigned to operators/users shall be brought into operation within the stipulated time and shall be paid for annually. The authorisations shall be valid for a period of five years and reviewed thereafter to establish how effectively the radio spectrum is used by the Licensee.

In a situation where the existing operators/users request for additional radio spectrum, the Commission shall, among other conditions for use of that spectrum and based on the nature of service and rollout of the network, stipulate the timeframe within which that resource shall be utilised.

In case the Commission is not satisfied with the level of the utilisation of the assigned radio spectrum or the operator/user does not bring the service within the allowed time frame, the Commission reserves the right to withdraw that radio spectrum. In such a case, the Commission shall give a notice of intention to withdraw the assigned radio spectrum to the concerned operator within a period of 30 days, after which the radio spectrum shall be withdrawn and reverted to the Commission for use by other operators.

MANAGEMENT

General Notice No. 68 of 2010.



**UGANDA
COMMUNICATIONS
COMMISSION**

GUIDELINES FOR TRANSFER AND/OR CHANGE OF CONTROL OF LICENCE

(Pursuant to S. 37 of the Uganda Communications Act, Cap 106)

Mandate

In fulfilling its mandate to foster the orderly development of communications in Uganda and in order to bring into effect the provisions of S. 37 and S. 57.2 (C) which prohibits anti competitive changes in the market structure and in particular anti competitive mergers and acquisitions in the communications sector, the Uganda Communications Commission hereby issues guidelines for the Transfer of Licences issued under the Act.

Application

These Guidelines shall apply to all Licences issued by the Uganda Communications Commission in relation to Communications services.

Under Section 37 of the Uganda Communications Act provides that;

- (i) *A Licence shall not be transferred without the written consent of the Commission.*
- (ii) *An Operator may apply to the Commission in a prescribed form and manner for the transfer of a Licence.*
- (iii) *The application under subsection (ii) shall be accompanied by an application, by the person to whom the operator intends to transfer the Licence.*
- (iv) *The Commission shall in considering an application for the transfer of the Licence have regard to the same terms and conditions as in considering a grant of a new Licence, but the Commission may in its absolute discretion refuse to grant the application under this section.*

The transferee will only receive a Licence term equal to that remaining on the original Licence but will be eligible for the same Licence renewal provisions granted to the original Licence.

- (v) For purposes of this section—

"transfer of licence - includes the acquisition of control of the licence holder."

"control - as used with respect to any person shall mean the possession, directly or indirectly, of the power to direct or cause the direction of the management of that person, whether through

- *the ownership of shares,*
- *voting,*
- *securities,*
- *partnership or other ownership interests,*
- *agreement or otherwise."*

4. Licence Transfer Guidelines

In considering a request for transfer and/or change in control of the Licensee, the following Guidelines shall apply;

1. Any assignment or transfer or any change in control, without the Commission's prior written consent shall be considered as a breach of the licence.
2. The Commission will examine each request in accordance with all relevant rules and procedures within a period of not more than 60 working days.
3. In examination of the request, the Commission may conduct a due diligence to determine whether the transferee meets the respective eligibility requirements which shall include but are not limited to the following;
 - (i) Evidence of capacity of the transferee to operate the business of the licensee. (Technical and financial Capacity).
 - (ii) Experience of the transferee in the business of the licensee. In this regard, the transferee shall be required to provide evidence on the competence of its personnel in the provision of the services stipulated in the licence.
 - (iii) In case the transferee has been operating, a letter of good standing from the relevant regulatory authority where the transferee is domiciled.
 - (iv) Profile of the transferee and particulars of all its Directors.
 - (v) A detailed Sales Purchase Agreement

All the above documents should be authenticated by a Notary Public.

4. The Commission shall in considering an application for transfer/change in shareholding of the Licensee assess the impact of the acquisition/merger/transfer on the level of competition in the relevant markets with particular regard to the following factors;
 - (i) barriers to entry into the market,
 - (ii) level of concentration,
 - (iii) impact on overall market growth, innovation and product differentiation,
 - (iv) countervailing power in the market,
 - (v) economies of scale,
 - (vi) substitutability, and
 - (vii) the level of vertical integration in the market.
5. The Commission shall grant approval only if it is certain that the proposed new owner shall demonstrate its ability to comply with all Terms and Conditions of the Licence throughout the remainder of the Licence Period.