

In the Name of Allah, the Gracious, the Merciful

The Telecommunications and Post (Organization) Act, 2018

Chapter I.

Preliminary Provisions

Title and Commencement

1. This Act may be cited as the, "Telecommunication and Post (Organization) Act, 2018", and shall come into force, as of the date of signature.

Repeal and Saving

2. The Post and Telegraphs Act, 1910, and the Communications Act, 2001, shall be repealed; provided that the regulations, rules, orders and measures, made thereunder, shall remain in force, until revoked, or amended in accordance with the provisions of this Act.

Interpretation

3. In this Act, unless the context otherwise requires:-

"Telecommunications" mean transmission and receipt of signals, sounds, images or data by telecommunication devices; and shall include information technology and frequency devices of the audio visual broadcasting transmission;

"Telecommunications sets",

mean any transmission equipages, or any sets, equipment, other materials or whatever may or can be used, for telecommunications, or for any process connected with telecommunications;

| | |
|--------------------------------|--|
| "Transmission devices", | mean the devices necessary for transmitting sound, image or both of them, or data, for the purpose of synchronous reception on part of the public; |
| "Domain names", | mean the registered names which are used on the internet, for identifying a particular body and indicating the classification, or geographical affiliation thereof; |
| "Secretary General", | means the Secretary General of the Universal Service Fund established under the provisions of Section 52(1); and appointed under the provisions of Section 61; |
| "Transmission", | means transmitting the sound, or image or both of them, or data for the purpose of synchronous reception thereof, on part of the public; |
| "Post", | means the system of conveyance and distribution of dispatches, materials or services from a certain site and delivery thereof to a person at a certain site; |
| "Postal dispatches", | mean messages, postal cards, printed materials, Braille-written messages, postal packages and parcels, as to such weights, as the regulations may fix; and postal transmits; and otherwise of such as may be conveyed and distributed through the post, as the Telecommunications and Post (Organization) Organ, established under |

- the provisions of Section 5(1), may specify;
- "Licensing",** means the license issued by the Telecommunication and Post (Organization) Organ, established under the provisions of Section 5(1), for carrying out any of the telecommunications or postal activities, or services;
- "Frequencies",** mean the electromagnetic vibrations which are used in the telecommunications and broadcasting sets;
- "Digiting",** means the system laid down by the Telecommunications and Post (Organization) Organ, established under the provisions of Section 5(1), for a group consisting of natural figures, symbols, letters or directions, which are used in the interconnection between the various networks and identifying the users;
- "Infra-structures sharing",** means the sharing by various infra-structures levels of a telecommunications network and the resources thereof, between two, or more operators;
- "Applications",** mean programmes for rendering services, or discharging tasks via internet through telecommunications networks;

| | |
|---|--|
| "Organ", | means the Telecommunications and Post Organization Organ, established under the provisions of Section 5(1); |
| "Frequency bands", | mean bands of frequencies of a particular width which are allocated to perform particular transmission tasks; |
| "Frequency range", | means the frequency range which is allocated for a particular capacity of electromagnetic waves; |
| "Universal Telecommunications Services", | mean availing telecommunications services to remote areas, or for bridging the digital gap; |
| "Postal Services", | mean dispatching, receiving, clearance, sorting out, distribution and delivery of postal messages, and the issue and marketing of postal stamps and otherwise means of the clearance of postal messages, and postal financial services and any other services, as the Organ may admit; |
| "Universal postal services", | mean the service of ordinary messages and Braille-written messages, as to such weights, as the regulations may fix, and any other postal services, as the Organ may specify; |
| "Universal service", | means the universal telecommunications services, or Universal postal services; |
| "Interconnection", | means connecting two licensed telecommunications and information networks, to enable users of any of them |

to communicate with the users of the other network;

"Telecommunications network",

means an array of devices, equipment and means, through which telecommunication services and applications may be passed and be transmitted;

"Private Telecommunications network",

means a telecommunications network which renders service to a particular person, or a particular group of persons;

"Public Telecommunications network",

means a telecommunications network which renders a public service to the public;

"Fund",

means the Universal Service Fund, established under the provisions of Section 52(1);

"Postage Stamp",

means a distinguished sign, or printed poster of a pre-determined value, prepared for the use of postal dispatches clearance purpose, or for use by philatelists;

"Frequency Spectrum",

means the frequencies used in the fields of telecommunications and broadcasting and contain frequency bundles for rendering various services;

"Reference Interconnection**Offer",**

means a document or a standard form of an agreement containing conditions in accordance with which a public telecommunications network operator provides access to a particular telecommunications services, or applications;

"Postal addresses",

mean the system laid down by the Organ consisting of a group of natural numbers, symbols, letters, or instructions allocated for residential, or service locations to enable postal and non-postal communication;

"Board",

means the Organ Board of Directors, established under the provisions of Section 8(1);

"Board of Trustees",

means the Fund Board of Trustees, established under the provisions of Section 55(1);

"Broadcasting Station",

means the device, or devices, equipment and accessories which perform the broadcasting tasks;

"Wireless Station",

means any transmitter, or receiver, or a set of transmitters, or receivers and their accessories which are necessary for wireless telecommunications;

"Director General",

means the Organ Director General, appointed under the provisions of Section 14(1);

"Licensee",

means the person holding a written license issued by the Organ, in

| | |
|--------------------------|---|
| | accordance with the provisions of this Act; |
| "User", | means the person who uses, or benefits from the telecommunications, or postal services; |
| "Operator", | means any person who manages, or operates devices, or public, or private Telecommunications networks; |
| "Private post operator", | means the person who is licensed to render specific postal services; |
| "Public post operator", | means the person who is licensed to provide universal and other postal services; |
| "Minister", | means the Minister of Finance and Economic Planning; |
| "Competent Minister", | means the Minister of Telecommunications and Information Technology. |

Conditions conciliated

4. Every licensee shall conciliate his conditions, in accordance with the provisions of this Act, within a period, not exceeding one year of the date of coming into force thereof; and the Organ shall give due regard to the licensing agreements concluded with the licensees, and compensate them in the case of occurrence of any damage, resulting from conciliating the conditions during such period.

Chapter II

The Organ

Establishment, quarters and supervision of the Organ

- 5.(1) There shall be established an organ, to be known as the, "Telecommunications and Post Organization Organ", having corporate personality, a common seal and the right to litigate in its own name.
- (2) The Organ headquarters shall be in the national capital, and may establish branches in the states.
- (3) The Organ shall be subject to the supervision of the Competent Minister.

Objects of the Organ

6. The Organ shall have the following objects, to:-
 - (a) organize and promote telecommunications and post to run abreast development in both fields;
 - (b) encourage and protect investment in the field of telecommunications and post services and applications, organize free competition and provide a suitable environment for growth of the sector, strategic by deeming the same as a national strategic affair;
 - (c) secure availing the Interconnection and mutual operation among licensed networks;
 - (d) promote human capacities, raise awareness and strengthen trust in the field of telecommunications and Post;
 - (e) strengthen the role of the Sudan in the field of telecommunications and post at both the international and regional levels;
 - (f) strive for reaching of the telecommunications and postal services to all areas of residential expansion and economic activity; and urban, rural and remote areas all over the Sudan, and likewise the outside world;

- (g) ensure the ideal use of the frequency spectrum, digitizing, postal addresses and any other rare sources having connection and achieve the maximum limit of the utilization thereof;
- (h) ensure abidance by the classes of the regional and international agreements, which are ratified by the Sudan and relating to telecommunications or post;
- (i) ensure the safety of international gateways and marine cables;
- (j) protect the national security and higher interests of the Sudan in the field of telecommunications, post and information technology.

Functions and powers of the Organ

- 7.(1) The Organ shall have the functions and powers necessary to achieve the objectives thereof, provided for in Section (6).
- (2) Notwithstanding the generality of the foregoing, the Organ shall have the following functions and powers, to:-
 - (a) protect the State obligations and requirements in the field of security and national defense, and national, regional and international policies, in co-ordination with the competent authorities and licensees;
 - (b) lay down the directives, plans, programmes and systems of the provision of telecommunications and post services at the national level, the same being subject to balanced development and serving the national and social objectives and implementing the State policies, relating to telecommunications and post;
 - (c) lay down systems for planning, management allocation, licensing, control the use of Frequency Spectrum and operation and use of wireless systems and broadcasting stations, subject to the security aspects relating thereto, in coordination with the bodies having connection;

- (d) specify the specifications for systems, devices and materials used in the field of telecommunications and post services, and lay down the styles of metrology, conformity and the necessary control thereof, in co-ordination with the bodies having connection;**
- (e) lay down the national digiting plan and organize and manage the same;**
- (f) lay down the Postal Addresses and regulation system and organize and manage the same;**
- (g) ensure accessibility of Telecommunications and Post services to all areas of residential expansion, economic activity, urban, rural and remote areas at easy prices, accompanying technologies and high quality;**
- (h) ensure protection and confidentiality of the Post;**
- (i) ensure the organization and benefiting by the data resulting from the movement of subscribers communications, as the regulations may specify;**
- (j) ensure abidance by transparency, and justice among licensees;**
- (k) take the necessary arrangements and measures, to limit the uncompetitive behavior of licensees, as the regulations may specify;**
- (l) inflict a financial sanction, in the case of contravention, by the licensee, of the provisions of this Act, the same being as the regulation may specify;**
- (m) organize the Domains Names in the Sudan, and lay down the systems, pertaining to the uses of the Internet and applications thereof, protect the secrecy of information and limit the uses which are inconsistent with beliefs, values, morals and heritages;**
- (n) co-ordinate with the competent bodies with respect to the import, assembly and manufacture of devices, equipment, materials, and systems of Telecommunications, and grant typical approvals and validate of such devices, equipment and materials;**

- (o) establish the centres and units which are necessary for the achievement of the objects thereof;
- (p) represent the State in the regional and international telecommunications and post forums;
- (q) technically inspect, measure, control, monitor, and supervise all Telecommunications and Post services activities, as to such bases and standards, as the regulations may specify;
- (r) issue the safeguards and directives to ensure the environmental and health standards in everything relating to Telecommunications and Post, including the electronic refuses, electromagnetic radiations and emissions of noxious gases, in coordination with the bodies having connection;
- (s) pass the designs and specifications of Postal Stamps and approve the issue thereof;
- (t) acquire real estates and movables, and dispose thereof, in accordance with the provisions of the Law;
- (u) conclude contracts and agreements having connection with the functions and powers as to such laws and regulations, as may organize the same;
- (v) employ whoever they may deem their employment necessary, to be able to coup up with the tasks thereof, in accordance with the provisions of the laws having connection.

Chapter III

Management of the Organ

Establishment, Constitution, session, and remuneration of the Board

- 8.(1) There shall be established a board for management of the Organ to execute such functions and exercise such powers as may enable them to achieve the objects thereof.
- (2) The Board shall be constituted by a decision of the Council of Ministers upon recommendation of the Competent Minister of a part-

time president and ten members; provided that they shall be from the bodies having connection and competence, and from those possessed of experience, competence and specialization in the field of Telecommunications, or Post; provided further that the Director General shall be a member and rapporteur.

- (3) The Board membership term shall be four years, subject to renewal once only.
- (4) The remuneration of the president and members of the Board shall be fixed by a decision of the Council of Ministers, upon recommendation of the Competent Minister.

Functions and powers of the Board

- 9.(1) The Board shall be competent to lay down the general policy of the Organ, and control the business, endeavor to achieve their objects, and execute the functions and exercise the powers provided for in this Act.
- (2) Without prejudice, to the generality of the foregoing, the Board shall have the following functions and powers, to:
 - (a) approve the plans necessary for improvement and promotion of the Telecommunications and Post services;
 - (b) approve the systems of the cost and pricing the Telecommunications and Post services;
 - (c) license practice of work in the various fields of Telecommunications and Post;
 - (d) recommend to the Competent Minister, the organizational chart and scale of posts of the Organ, and the terms of service employees thereof, in accordance with the provisions of the laws having connection and the followed safeguard, and procedure;
 - (e) lay down the basis and safeguards of the participations and training abroad, in accordance with the regulations;

- (f) approve conclusion of the contracts and agreements, on behalf of the Organ, in accordance with the provisions of the laws having connection;
 - (g) validate the draft annual budget of the Organ and submit the same to the competent bodies for approval thereof;
 - (h) constitute the technical committees necessary for assisting them in the execution functions and exercising of the powers thereof;
 - (i) determine complaints in the field of the Telecommunications and Post, from any licensee against the decisions of the Organ, in accordance with this the provisions of this Act and the regulations made thereunder;
 - (j) make conduct of business and meetings internal regulations;
 - (k) have other functions, or powers as may be necessary for achievement of the Organ objects;
- (3) Save for the powers provided for in Sub- Section (2), in paragraphs (d), (g) and (j), the Board may delegate any of the powers thereof to the Director general , or any committee to be constituted thereby from among the members thereof, as to such terms and safeguards, as they may deem fit.

Terms of membership

10. There shall be required, of the president and member of the Board, that they shall:-

- (a) to be
 - (i) Sudanese ;
 - (ii) of good behavior and conduct ;
 - (iii) enjoyed legal capacity;
 - (iv) in possession of a university certification, or the equivalent thereof from a recognized university;
- (b) not have been convicted of an offence affecting honor, or honesty.

Vacancy and filling the office

- 11.(1) The office of the president, or member of the Board shall fall vacant by a decision of the Board, for any of the following grounds:
- (a) loss of any of the membership terms provided for in Section 10;
 - (b) absence from attending more than three consecutive meetings with neither permission, nor an acceptable excuse;
 - (c) acceptance of resignation;
 - (d) breach of the provisions of Section 12;
 - (e) death.
- (2) The office of the president or member of the Board, upon falling vacant, in accordance with the provisions of Sub-Section (1), shall be filled up by the same manner provided for in Section 8 (2).

Interest disclosed

12. Each of the president and members of the Board where they have direct or indirect interest in any subject submitted before the Board for consideration, shall disclose, to the Board, the nature of such interest, and shall neither attend any deliberation, nor participate in taking any decision passed by the Board with respect to such subject.

Meetings and decisions of the Board

- 13.(1) The Board shall annually convene four times at least; and may hold an emergent meeting, in accordance with the conduct of business and meetings internal regulations made thereby;
- (2) The Board may seek the help of whoever he may deem fit to attend the meetings thereof, without having the right to vote.
- (3) The quorum for meetings of the Board shall be constituted by attendance of half the members thereof, and shall adopt the decisions thereof by the majority of the members present.

Appointment of the Director General

- 14.(1) The Organ shall have a Director General, to be appointed by a decision of the Council of Ministers, upon recommendation of the Competent

Minster, and the decision shall fix the emoluments and privileges thereof.

- (2) The Director General shall be from those possessed of experience and competence in the field of Telecommunications, or Post, and shall have sufficient know how, in the field of business administration and economics.

Functions and powers of the Director General

- 15.(1) The Director General shall be the chief executive accountable before the Board, and shall assume the technical, financial and administrative activity of the Organ, as to such policies, as may be laid down by the Board, and the directives be issued thereby.
- (2) Without prejudice, to the generality of the foregoing, the Director General shall have the following functions and powers, to: -
- (a) prepare the annual report and periodical reports on the progress of the Organ work and submit the same to the Competent Minster, or to the Board, as the case may be;
 - (b) prepare the Organ annual budget proposals, and submit the same to the Board;
 - (c) lay down such plans and programmes as he may deem essential, for the improvement and promotion of the Telecommunications and Post services, as well as management of the Organ and the styles of the work thereof, and submit the same to the Board;
 - (d) lay down the cost and pricing systems of the Telecommunications and Post services, and submit the same to the Board;
 - (e) prepare the tender instruments and announce the same;
 - (f) study licensing applications for practice of work in the field of Telecommunications and Post services, and recommend with respect to the same;
 - (g) accept tenders and conduct negotiations with respect thereto, in accordance with the provisions of the laws having connection;
 - (h) spend funds in accordance with the approved budget, and the provisions of the laws having connection.

- (i) supervise closing the Organ final account, within a period not exceeding three months, of the end of the financial year, and submit the same to the National Audit Chambers and competent organs;
 - (j) sign contracts and agreements on behalf of the Organ;
 - (k) approve the Telecommunications and Post service tariffs, as to such cost and pricing systems, as the Board may approve;
 - (l) take the necessary measures in the case of force majeure to ensure provision of the Telecommunications and Post services and continuity thereof;
 - (m) supervise, all the Telecommunications and Post services activities, and revise, inspect and control the sites thereof;
 - (n) represent the Organ locally and internationally, in the tasks relating to the objects thereof;
 - (o) recommend appointment of occupants of the posts from grade four and below, and nominate occupants of the post from grade three and above, in accordance with the provisions of the laws having connection, and submit the same to the Competent Minister.
 - (p) propose the organizational chart and scale of posts, and terms of services of employees of the Organ, and submit the same to the Board;
 - (q) receive complaints in the field of Telecommunications and Post from any person against any licensee, and determine the same, in accordance with the provisions of this Act and the regulations made thereunder;
 - (r) lay down the directives and tenders advice to the competent bodies, with respect to promotion of the Telecommunications and Post ;
 - (s) collect the technical information relating to Telecommunications and Post and publish the same to raise the level of public awareness;
 - (t) form the necessary teams to secure the public networks and respond to the computer accidents.
- (3) The Director General may delegate any of the powers thereof, to whoever he may deem fit of the organ employees, or any committee constituted thereby, as to such terms and safeguard, as he may deem

fit, to the exclusion of the powers provided for in paragraphs (g), (k), (p), (q), (r) and (t), of Sub-Section (2).

Chapter IV

Licensing

Services and activities subject to licensing

Types and terms of licensing

16. The Regulations shall prescribe the services and activities subject to licensing, the types thereof and the terms as follows:
- (a) types of the services and activities subject to licensing, and terms of licensing the same;
 - (b) types of licenses and terms of granting, the period of validity and renewal thereof,
 - (c) such licensing granted, as may be by an agreement;
 - (d) the manner of presenting licensing applications;
 - (e) the basis, standards, financial, administrative and technical terms and the requirements necessary for examining the applications and offers and the study and assessment of the same.

Licensing the establishment of Telecommunications Network possession and operation thereof

- 17.(1) No person shall establish, a public, or a private Telecommunications Network, possess, operate or manage the same, save under a license issued by the Board, in accordance with the provisions of this Act, and the regulations made thereunder.
- (2) The licensee may establish and install any equipages and extend lines and cables to operate the network thereof, within the scope of the approved work plan, in accordance with the provisions of the regulations.

- (3) Notwithstanding the provisions of Sub-section (1), the licensee shall obtain the necessary permits from the authorities concerned.
- (4) The following networks shall be excluded from the provisions of Sub-section (1): -
- (a) the Telecommunications Networks of the Sudanese Armed Forces, Police Forces and the National security and Intelligence Organ within the limits of the Frequency range specified therefor;
 - (b) the wire communications network pertaining to connection between the parties of the same building;
 - (c) any other special network of any body, as the Organ may prescribe.
- (5) No one of the bodies excluded under the provisions of Sub-section (4), shall render Telecommunications services on commercial basis through such networks save under a license, in accordance with the provisions of Sub-section (1).

Transmission Stations and devices and Wireless

Stations and devices

- 18.(1) The regulations shall specify the types of Wireless Stations and devices subject to licensing.
- (2) No person shall possess a wireless station, or devices, install, use, operate or manage the same, inside the Sudan territories, the air spaces, or territorial waters thereof, or on a previously registered, or licensed vessel, or aircraft in the Sudan, unless he obtains a license therefor from the Board.
- (3) Co-ordination shall be made with the competent bodies to specify the transmission stations and devices and the sites thereof.

Assembly of Telecommunications and transmission devices
manufacture, import, export and trading therein

- 19.(1) No assembly of telecommunications, or transmission devices, manufacture, import, export or trade therein shall be made, save after obtaining a license therefor from the Board and the competent bodies.
- (2) The customs Authorities shall seize the imported telecommunications and transmissions devices, and not release them save after obtaining a permit for release from the Organ and the competent bodies.
- (3) There shall be excluded, for the provisions of Sub-section (2), the fixed and mobile telephone sets and fax sets and the accessories thereof for personal use, as the regulations may specify.
- (4) There shall be excluded from the provisions of Sub-section (1), the internal trade into the fixed and mobile telephone sets and fax sets and the accessories thereof, as the regulations may specify.

Rendering Postal Services licensed

20. No person shall render Postal services save under a license from the Board.

License revoked

- 21.(1) The Board shall revoke the license, at any of the following cases:-
 - (a) non-payment, by the licensee, of the fees prescribed for licensing, or renewal thereof at the fixed date;
 - (b) the liquidation by the licensee of the business thereof, declaration of his bankruptcy or loss of his capacity;
 - (c) any other grounds, as the Board may deem that they affect the State security.
- (2) The Board, upon request by the licensee, shall revoke the license, as to such terms and safeguards, as they may deem fit.
- (3) The Board may revoke the license for a particular service, or area, in any of the following cases:-

- (a) contravention, by the Licensee, of the provisions of this Act, or the regulations made thereunder;
 - (b) contravention, by the licensee, of the terms included into the license, or causing injury to others;
 - (c) failure, by the licensee, in rendering the services at the required standard, and presenting a complaint against him, and the Board ascertaining the veracity thereof;
 - (d) warning, the licensee twice, within a period of six consecutive months.
- (4) Subject to the international and regional agreements, relating to Post, the Organ shall warn the licensee in writing, to rectify the conditions thereof, or remove the injury, within thirty days, in the case of commission thereby, of any of the contraventions provided for in paragraphs (a), (b), and (c) of Sub-section (3).

Obligations of the licensee upon revocation of the license

22. Every person, the license of whom has been revoked, under the provisions of Section (21), or (86), shall:-
- (a) notify the users of the revocation of the license, by the available mass media;
 - (b) not receive any fees, or new subscriptions, forthwith being notified of revocation of the license, save upon the Organ written approval;
 - (c) not dispose of any devices, or networks, belonging thereto, save upon the Organ written approval;
 - (d) not apply to obtain any other license, before the lapse of three years, of the revocation of his license;
 - (e) refund any deposit funds, collected from the users and due therefor;
 - (f) satisfy such obligations, as may be accrued towards the State;
 - (g) not receive, accept, transfer, or distribute any Postal dispatches, save upon the Organ approval;

- (h) notify the Organ of the quantity stored of telecommunication devices, equipment and materials;
- (i) not dispose of Telecommunications devices, or Networks belonging thereto, or the mechanisms of manufacture, or assembly, save upon the Organ approval;
- (j) notify the Organ of the list of the Postal dispatches, under his charge and complete the procedure of distribute thereof, within the period of thirty days, the receipt thereby of the license revocation decision;
- (k) grant licensee such period, as may be sufficient for satisfaction of any Postal obligations, in accordance with the international agreements;

License delivered

23. A licensee or in whose possession, or supervision the licence may be thereof, shall deliver the licence, to the Organ, forthwith termination of the period of the license, or revocation thereof.

Fees rebate claimed

- 24.(1) A licensee, the license of whom has been revoked, in accordance with the provisions of Section 21, or 86, shall not have the right to claim the rebate of any fees paid to the Organ, for obtaining the license, renewal thereof, or for any other reason.
- (2) Notwithstanding the provisions of Sub-section (1), the license revocation decision, shall not preclude of those aggrieved the right to claim compensation from the licensee.

Chapter V

Obligations of the licensee, and the public

and private Postal operators

Obligations of the licensee

25.(1) The licensee shall abide by the following:-

- (a) the licensing terms, as the regulations may specify;
- (b) not to totally or partially waive the license, save upon the Organ approval;
- (c) comply with the regional and international agreements, relating to the Telecommunications and Post which have been ratified by the Sudan;
- (d) the local, regional and international standards and specifications, aiming at preservation and protection of the environment, and the use of such devices, as may not harm the health of the human being and other living organisms, as the regulations may specify;
- (e) regulations of the World Telecommunications Union and International Post Union;
- (f) render the services as to such standards of service quality, as the regulations may specify;
- (g) provide such suitable aids and instruments as may scrutinize the data resulting from the movement of the subscribers telecommunications; and supply the Organ with these data in such way, as may not be inconsistent with the national security;
- (h) execute the work, in accordance with the time programme agreed upon, in the licensing and plans agreement approved by the Organ, and notify the same with any impediments, as may prevent the implementation, at any stage;
- (i) not practice any in-competitive conduct, as the regulations may specify;
- (j) allow the virtual network operator, to render his services through the network thereof, by a trade agreement and enable him to

interconnect with the other networks, as the regulations may specify;

- (k) submit periodical reports, which are required by the Organ, shown therein, the technical, administrative and financial aspects, and any other information, or data at such time, as the Organ may fix;
 - (l) disclose the international Telecommunications movement and the financial returns and obligations thereof, and the world Interconnection Agreements;
 - (m) such regulations, orders and instructions, as the Organ may make;
 - (n) perform postal services through outlets, or network belonging thereto;
 - (o) establish a special section to receive the users applications and complaints and determine the same, within such period, as the regulations may specify;
 - (p) submit copies of the annually audited final accounts, in accordance with the validated accountancy systems at such dates, as the Organ may fix;
 - (q) devote the network and devices thereof, to render services in the case of emergency, as the regulations may specify;
 - (r) strive to devote the network and devices thereof, to render services to disabled persons, as the regulations may specify;
 - (s) render the services thereof, in transparency and without discrimination;
 - (t) enable the Organ to enter into the sites, network and equipages thereof, and install such devices, as may be necessary, for measurement and control of the performance thereof.
- (2) For the purposes of Sub-section (1)(j), a virtual Network Operator means a provider of telecommunications services, for whom no frequency spectrum has been allocated, and does not own the infra-structure of a public telecommunications network.
- (3) Notwithstanding the provisions of Sub-section (1)(n), any postal services licensee may benefit by the outlets of any other licensee, by an

agreement between the two parties, to be passed and approved by the Organ.

Obligations of the Public Post Operator
and the Private Post Operator

26.(1) In addition to the obligations provided for in Section 25, the public postal operator shall abide by the following:-

- (a) rendering the universal postal service, as the regulations may specify;
- (b) the standards specified by the World Postal Union, with respect to performing the service, the quality and the type thereof, which are validated by the Organ;
- (c) the World Post Agreement and such international and regional agreements relating to the post, as the Sudan may have ratified;
- (d) compensating beneficiaries, in the case of loss of a postal dispatch, or the total, or partial damage thereof, or loss of part of the contents thereof, in accordance with the clauses of the international and regional agreements organizing the same, and such as the regulations may specify;
- (e) the World Postal Union Regulations;
- (f) any other obligations, as the Organ may specify.

(2) In addition to the obligations provided for in Section 25, the Private Postal Operator shall abide by the following:-

- (a) rendering such postal service, as may be specified by the regulations provisions;
- (b) such standards pertaining to the quality and type of the service, as the Organ may specify, in accordance with the provisions of the regulations;
- (c) compensating beneficiaries, in the case of loss of a postal dispatch, or the total, or partial damage thereof, or loss of part of the contents thereof, in accordance with the regulations provisions;

- (d) any other obligations, as the Organ may specify.

Chapter VI

Interconnection and Infra-structure sharing

Networks and equipment connected

- 27.(1) A Public Telecommunications network licensee shall connect the network thereof with the other telecommunications networks, as to such safeguards, as the Organ may approve.
- (2) A Public Telecommunications network licensee may connect the network thereof, with any licensed equipment, as to such safeguards, as the Organ may approve.

The Interconnection Agreement

- 28.(1) Agreement shall be made between the two parties to the interconnection, within a period not exceeding two months, of commencement of negotiation thereabout.
- (2) In the case of not reaching an agreement with the fixed period, everyone of the parties shall notify the Organ, to determine the matter; and the Organ decision shall be final.
- (3) The agreement shall fix such date, as at which, the interconnection may be made.
- (4) The Interconnection Agreement, before signature of both parties thereto, shall be deposited with the Organ, to approve the same.

Interconnection safeguards

29. A Public Telecommunications network licensee shall render the interconnection service, to the other licensees, in accordance with the following safeguards:-
- (a) follow-up such directives and rules, as the Organ may pass, in accordance with the provisions of this Act, and the regulations made thereunder;
- (b) non discrimination between the operators and licensees;

- (c) enabling the other operators to identify the potentials of his current network, his plans for extension, and the future modernization; and the same shall include the technical specifications and necessary data for the interconnection;
- (d) response to any interconnection application, of any licensee, as the regulations may specify;
- (e) that the interconnection shall be:-
 - (i) at any of the points in the network, as may technically effect connection;
 - (ii) in accordance with the reference offer of the interconnection approved on part of the Organ;
 - (iii) at prices in accordance with the actual cost and the wholesale price.

Withdrawal or suspension of the interconnection service

- 30.(1) No Public Telecommunications network Licensee shall withdraw, or suspend the interconnection service from another licensee, save where a judicial decree has been passed therefor, or the Organ has decided that the other licensee has:-
- (a) caused material damage to the Public Telecommunications network concerned;
 - (b) breached the interconnection agreement.
- (2) Notwithstanding the provisions of paragraphs (a) and (b) of Sub-section (1)(inclusive), the Organ shall in writing be notified thirty days before the withdrawal, or supervision of the Interconnection service, together with explaining the reasons, supported by the confirming documents, for determination thereof, or part of the Organ.
- (3) The provisions above mentioned shall apply to the local movement.
- (4) There shall be excluded the World Movement Agreements between the operators, from application of the provisions of this

section, and shall be in accordance with the agreements concluded between them and deposited with the Organ.

- (5) The Organ shall have the right to intervene in the case of occurrence of dispute between the operators, in applying the concluded Interconnection Agreements, and the decision thereof shall be final.

Infra-structure sharing

- 31.(1) The Organ may bind the operators to share the intra-structures on trade bases in achievement of the public interest.
- (2) The regulations shall specify the types of infra-structures sharing, in addition to the terms relating to every type.
- (3) The organ shall intervene upon the occurrence of a dispute, or refusal by the operator to share the infra structures thereof; and the Organ decision shall be final.

Chapter VII

Frequency Spectrum

Allocation of Frequency Spectrum, management and control thereof

- 32.(1) The Organ shall prepare the tables, sketches and registers necessary for control of the use and allocation of frequencies and frequency bands, for all the purposes inside the Sudan, in co-ordination with the bodies having connection.
- (2) The Organ shall assume the establishment and management of stations and the means and fixed and movable equipages for supervision of the use of the frequency spectrum, at the country level and to take the immediate measures for cessation of the harmful, or unlicensed use.
- (3) The Organn shall have the right to revise the plan of allocation of frequencies, or frequency bands and amendment and reallocation

thereof, in co-ordination with the competent bodies, whenever necessity so requires.

Allocation and licensing of frequencies or frequency bands and renewal of the same

- 33.(1) No person, or body shall use frequencies, or frequency bands, for the purpose of Telecommunications, or transmission, save after obtaining a license from the Organ, in accordance with the provisions of the regulations.
- (2) No frequencies, or frequency bands shall be allocated for the purposes of transmission, save after approval of the competent bodies.
- (3) The allocation and licensing of frequencies, or frequency bands shall have the validity according to the license granted to the licensee.
- (4) A licensee, in accordance with the license, shall present an application for renewal of the frequencies license.
- (5) The Organ, in co-ordination with the competent bodies, may re-allocate, plan and license frequencies, and frequency bands, whenever necessity so requires.

Allocation and licensing of frequencies revoked

- 34.(1) The Organ may revoke the allocation and licensing frequencies, or frequency bands, in any of the following cases:-
 - (a) non-payment of the prescribed fees, within one month of the date of payment becoming due;
 - (b) failure to use the frequencies, or frequency bands, within three months;
 - (c) contravention of the allocation; or licensing terms;
 - (d) liquidation of the licensee business, declaration of bankruptcy or loss of capacity thereof;

- (e) use of frequencies, or frequency bands, for purposes which are prejudicial to the State security;
 - (f) jamming a public, or private telecommunications network;
 - (g) revocation of the public, or private telecommunications network license.
- (2) Notwithstanding the provisions of Sub-section (1), the Organ shall warn the licensed body in writing, to rectify the conditions thereof, within three months, of the date of warning; and in the case of non-response thereof, the license shall be revoked; and there shall be excluded therefrom, the cases provided for in paragraphs (d) and (g) of Sub-section (1).

Evacuation of frequencies and frequency range

- 35.(1) The Organ may issue an order to the licensee to evacuate any frequency, or frequency range, in any of the following cases:-
- (a) contravention; as to use of frequencies;
 - (b) non-use of the frequency, for the period of three months;
 - (c) re-planning.
- (2) A licensee shall be granted a period of one year, to implement the order provided for in Sub-section (1); and failure to evacuate the frequency, or the range concerned, shall lead to revocation of the allocation and licensing of the frequencies, or frequency bands;
- (3) Notwithstanding the provision of Sub-section (1), co-ordination shall be made with the competent bodies, as to evacuation of the frequencies, or frequency range of transmission stations.

Harmful Operation

36. Where there entails the operation of any telecommunications network, wireless device, wireless station, transmission station or any electrical device failure of networks, other devices or other stations, or affecting jamming of any one of them, or causing injury to any of telecommunication services, the Organ shall notify the operator of the network, or station , or the device which

causes such failure, jamming, or injury to conduct the necessary treatments and immediately remove the injury; and in the case of failure there shall apply thereto the provisions of Section 86(3).

Chapter VIII

Tariff, fees and pricing

Tariff

- 37.(1) The Director General shall annually assume the study and approval of the public telecommunications and postal services tariff, as to such systems, as the Board may approve, after submission thereof, by the licensees.
- (2) The regulations shall specify the manner of preparing the public telecommunications and postal services tariff, and the procedure of approval thereof.

Basis and standards of laying down the public telecommunications and postal services Tariff

- 38.(1) A licensee, upon laying down the Public Telecommunications and Postal services tariff proposals, shall abide by the following basis and standards, that they:-
- (a) depend upon the actual cost;
 - (b) be just, without discrimination between the users;
 - (c) not contain discounts targeting restriction of competition;
 - (d) be from any other basis, or standards, as the regulations may specify.
- (2) The Director General, upon approval of the Public telecommunications and postal services tariff, shall give due regard to the basis and standards, provided for in Sub-section(1).

**Application of the approved public
Telecommunications and Postal services tariff**

- 39.(1) The public Telecommunications and Postal Services Tariff shall apply after being approved and declared, in accordance with the regulations.
- (2) A licensee shall fully abide by applying the Public Telecommunications and Postal Services Tariff, as of the date of declaration thereof.

**The Public Telecommunications
and Postal services tariff amended**

- 40.(1) No licensee shall amend the approved Public Telecommunications and Postal Services Tariff, save after the organ approval.
- (2) The Organ, after consultation with the licensee, may re-consider and revise the approved services tariff, after the lapse of three months application thereof, either of his own motion, where the matter requires the same, or upon request of the licensee.

Licensing fees and exemption therefrom

- 41.(1) Every agreement for licensing a Public Telecommunications network, or Postal Services, concluded between the Organ and the licensee, shall include the licensing fees due for payment and the annual licensing fees, in accordance with the schedule hereto.
- (2) The Organ shall fix the rates and fees of allocation and licensing of the frequencies, or frequency bands, in accordance with the schedule hereto; and they shall not be amended, save after approval by the Minister and the National Assembly.
- (3) The Organ, in accordance with the schedule hereto shall collect the fees of:-
- (a) licensing and the annual licensing fee of the licensed services, by a licensing certificate;

- (b) allocation of frequencies and use of the wireless devices;
 - (c) allocation of the digital initials and use of postal addresses.
- (4) The schedule hereto shall fix the private Networks licensing fees and the license of import, manufacture, assembly and marketing of the telecommunications devices, equipment and materials; and shall not be amended, save upon approval by the Minister and National Assembly.
- (5) The diplomatic corps and missions shall be treated, in accordance with the principle of reciprocity.
- (6) There shall be exempted from the fees prescribed for licensing, every body the exemption of whom is passed by a decision of the Minister, upon recommendation of the competent Minister; provided that the same shall be made, as to such plain and declared bases, as the regulations may specify.

Basis and standards

of pricing the interconnection services

42. The interconnection services pricing shall be in accordance with the following basis and standards, that they shall be by:-
- (a) direct negotiation between the licensees to reach an agreement within the framework of such safeguards and directives, as the Organ may pass;
 - (b) the actual cost thereof;
 - (c) any other basis, or standards, as the regulations may specify.

Release permit fees and exemption therefrom

- 43.(1) The schedule hereto, upon approval by the Minister and National Assembly, shall fix the rates of release permit fees of the telecommunications devices, equipment and materials.

- (2) The regulations shall specify the bodies, devices, equipment and materials relating to the telecommunications which are exempted from fees, and shall be deposited with the National Assembly.

Chapter IX

Control, Inspection, complaints and appeal

Control and inspection of the sites of networks, devices, systems and services of telecommunications and post

- 44.(1) The Organ shall assume control and inspection of the sites of Networks, devices, systems and services of telecommunications and the sites of rendering postal services on the Sudan territories, on all vessels in the territorial waters and all aircrafts in the Sudanese Aerodromes, for the purpose of:-
- (a) ascertaining abidance by the licensee of the license terms;
 - (b) verifying the safety of use of the licensed services and safety of operation of the devices, wireless stations and transmission stations;
 - (c) subjection of the devices for examination at and outside the site concerned;
 - (d) detection of contraventions relating to the unlicensed devices, systems, services, frequencies and stations, and any other contravention of the provisions of this Act and the regulations made thereunder;
 - (e) examination of licenses, documents and invoicing systems;
 - (f) revising the standard of the rendered services, type and quality thereof.
- (2) Notwithstanding the provisions of Sub-section (1), no entry and search shall be made into private dwellings, save upon a warrant from the Competent Prosecution Attorney, or Magistrate.

- (3) The regulations shall specify the procedure of detection, seizure of the devices, equipment and materials which are subject of contravention.
- (4) The Organ may authorize any of the employees thereof, from those possessed of competence to conduct inspection and detection of contraventions, in accordance with the provisions of this Act.
- (5) The organ shall issue an identity card for the employee authorized to inspect, control and detect contraventions, to produce the same to anybody which he inspects.
- (6) The employee authorized to inspect, control and detect contraventions, during the discharge of his duties, may request the assistance of the police forces, or any person who is present at the place.
- (7) No person shall obstruct the employee authorized to inspect, control and detect contraventions, or prevent or impede him from the exercise of his powers.

Monitoring and surveillance of wireless waves

- 45.(1) The Organ shall have the right to monitor and surveil any wireless waves to verify the licensing and safety of use thereof; and the same shall not be deemed violation of privacy, or contravention of the provisions of any law.
- (2) Notwithstanding the provisions of Sub-section (1), the Organ, or any of the employees thereof, shall not publish, or spread the data of the waves which have been monitored.

Complaints and appeal

- 46.(1) The Board, or the Director General, as the case may be, shall receive complaints from any person against any licensee, from the licensees among themselves, or from the licensee against the Organ; and the same shall be determined, as the regulations may specify.

- (2) There shall be appealed the decisions determining the complaints, provided for in Sub-section (1), which are passed by:-
 - (a) the Director-general before the Board;
 - (b) the Board before the Competent Minister, whose decision shall be final.
- (3) An appeal against any decision shall be raised within fifteen days, of the date of receipt of such decision.
- (4) Reply to the raised appeal shall be made, within a period, not exceeding thirty days, of the date of raising the same.

Chapter X

Financial Provisions

Financial resources of the Organ and the use thereof

- 47.(1) The financial resources of the Organ shall consist of the following, such:-
 - (a) appropriations, as the state may allocate thereto;
 - (b) as may vest therein, under the provisions of Section 83(1);
 - (c) fees, as they may collect upon the Minister approval, as the regulations may specify;
 - (d) return of the investments thereof, as may be earned;
 - (e) loans, gifts and grants, as the Minister may approve;
 - (f) other funds, as the Minister may approve, upon recommendation of the Board, through the Competent Minister.
- (2) The Organ financial resources shall be used to achieve the objects thereof, re-payment of the financial obligations for management of the business thereof and implementation of the same, together with subsidizing the state revenues.
- (3) The Organ shall keep a regular register of the fixed and movable assets and evaluate the same every five years.

- (4) The Organ, under the Minister approval and upon recommendation of the Board, may keep a general reserve fund.

The Annual budget

48. The Organ shall have an independent annual budget, to be prepared in accordance with the sound financial and accountancy basis.

Accounts, books, records and deposit of funds

- 49.(1) The Organ shall keep accurate and comprehensive accounts of the revenues and expenditure, in accordance with the sound financial and accountancy basis; likewise they shall keep the books and records relating thereto.
- (2) The Organ, upon approval of the Minister, shall deposit the funds thereof in current accounts with the Central Bank of Sudan, with one of the government banks or in investment accounts; and current accounts, upon approval of the Minister, may be opened in local, or foreign exchange, inside and outside the Sudan; provided that dealing in such accounts and withdrawal therefrom shall be in accordance with the sound financial and accountancy basis.

Audit

- 50.(1) The Organ shall establish an internal audit unit, to internally audit the accounts monthly, in accordance with the provisions of the law and regulations organizing the same.
- (2) The National Audit Chambers, or whoever they may authorize, shall audit the Organ accounts, at the end of every financial year.

The annual report and final account

- 51.(1) The Board shall submit to the Competent Minister, after the end of the financial year, the following reports:-
- (a) statement of the final account;

- (b) the National Auditor reports;
- (c) a report showing the progress of work at the Organ, the financial performance and future programmes and plans of the Organ;
- (d) reports of the final accounts, and the financial position of the Organ; the same being within the first half of the financial year.

Chapter XI

The Fund

Establishment, headquarters and supervision of the Fund

- 52.(1) There shall be established a fund, to be known as the, "Universal Service Fund", having corporate personality, a common seal and the right to litigate in its own name.
- (2) The Fund headquarters shall be in the National Capital, and may establish branches in the states.
- (3) The Fund shall be subject to the supervision of the Competent Minister.

Objects of the Fund

53. The Fund shall have the following objects, to:-
- (a) achieve spreading of Telecommunications and provision of postal services in the remote and rural areas;
 - (b) enhance and promote accessibility to modern technologies and systems in the field of Telecommunications and post;
 - (c) enhance and promote the field of the electronic applications and services, in the remote, rural and urban areas;
 - (d) encourage research innovation and development in the field of Telecommunications and Post;

- (e) realize any other objects, as may aim at the promotion and development of capacity building and scientific research, in the field of Telecommunications and Post.

Functions and powers of the Fund

- 54.(1) The Fund shall have the functions and powers necessary for achievement of the objects thereof provided for in Section 53.
- (2) Without prejudice, to the generality of the foregoing, the Fund shall have the following functions and powers, to:-
- (a) apply the State policies, in the field of provision of the universal service;
 - (b) lay down the rules and systems pertaining to the universal service;
 - (c) lay down the plans, programmes organizational regulations and directives to bridge up the digital gap and electronic services in the field of Telecommunications and post;
 - (d) acquire fixed and movable assets, and dispose thereof, in accordance with the provisions of the law;
 - (e) have any other functions, or powers, as may be necessary for achievement of the objects thereof.

Establishment, constitution and responsibility of the Board of Trustees

- 55.(1) There shall be established a board for management of the Fund, to be known as the, "Fund Board of Trustees", to execute such functions and exercise such powers, as may enable them to achieve the objects thereof.
- (2) The Board of Trustees shall be constituted by a decision of the Council of Ministers, upon recommendation of the Competent Minister, of a part-time president and nine members from the bodies having connection and competence and from those possessed of experience, efficiency and specialization; in the

field of telecommunications or post; provided that the Secretary General shall be a member and rapporteur.

- (3) The Board of Trustees term shall be four years, subject to renewal once only.
- (4) The remuneration of the president and members of the Board of Trustee shall be fixed, by a decision of the Council of Ministers, upon recommendation of the Competent Minister.

Functions and powers of the Board of Trustees

- 56. The Board of Trustees shall have competence to lay down the Fund general policies, plans and programmes, and validate the projects and supervise the implementation thereof, and endeavour to achieve the Fund objects; and without prejudice, to the generality of the foregoing, they shall have the following functions and powers, to:-
 - (a) pass the Fund annual budget and submit the same to the Competent Minister, for submission thereof to the legally competent bodies for its approval;
 - (b) propose the Fund organizational chart and scale of posts and the terms of service of the employees thereof, and submit the same through the Competent Minister, to the Council of Ministers, for approval thereof;
 - (c) validate the Fund final account;
 - (d) approve the conclusion of contracts and agreements;
 - (e) invest the Fund finances in such way, as may achieve the objects thereof;
 - (f) constitute the necessary committees to assist them in the accomplishment of the business thereof, and recommend the remuneration of the same to the Competent Minister;
 - (g) make the conduct of business and meetings internal regulations thereof;
 - (h) conclude contracts;

- (i) lay down the necessary policies to rally resources for the Fund;
- (j) have any other functions, or powers, as may be necessary for performance of the business thereof.

The Board of Trustees terms of membership

57. There shall be required, of the president and member of the Board of Trustees, that he shall:-

- (a) to be
 - (i) Sudanese;
 - (ii) of good conduct and behaviour;
 - (iii) enjoyed the legal capacity;
 - (iv) in possession of a university certificate from a recognized university, or the equivalent thereof;
- (b) not have been convicted of an offence in breach of honour, or honesty.

Vacancy and filling of office of the president or member of Board to Trustees

58. The office of the Board of Trustees president, or any of the members thereof shall fall vacant for any of the following reasons:-

- (a) loss of any of the membership terms provided for in Section 57;
- (b) his relief by the body he represents, or loss of his representative capacity;
- (c) breach of the provisions of Section 60;
- (d) passing a decision from the Council of Ministers relieving him, or acceptance of the resignation thereof;
- (e) his absence from attending three consecutive meetings with neither permission, nor for an acceptable execute;
- (f) his death.

- (2) An office, in the case of vacancy thereof, for any of the reasons provided for in Sub-section (1), shall be filled by the same manner, provided for in Section 55(2).

The Board of Trustees meetings

- 59.(1) The Board of Trustees shall hold at least four meetings every year; and may hold an emergent meeting, in accordance with the conduct of business and meetings Internal regulations made thereby.
- (2) The Board of Trustees may seek the help of whoever they may deem fit to attend the meetings thereof, without having the right to vote.
- (3) The Board of Trustees quorum shall be constituted by attendance of half the members thereof; and shall adopt the decisions thereof by majority of the members present.

Disclosure of interest by the Board of Trustees president and members

60. Everyone of the Board of Trustees president and members, where he has a direct, or indirect interest in any subject submitted before the Board of Trustees for consideration, shall disclose, to the Board of Trustees, the nature of such interest and shall not attend any deliberation, or participate adopting any decision passed by the Board with respect to such subject.

Functions and powers of the Secretary General

- 61.(1) The Director General shall be the Secretary general of the Fund; and shall be the chief executive of the Board of Trustees, and assume the charge of the technical, financial and administrative activity of the Fund, as to such policies and directives, the Board of Trustees, may approve.

(2) Without prejudice, to the generality of the foregoing, the Secretary General shall have the following functions and powers, to:-

- (a) prepare the Fund organizational chart and scale of posts, and submit the same to the Board of Trustees;**
- (b) lay down such policies, plans and programmes, as may achieve the Funds objects and submit the same to the Board of Trustees;**
- (c) lay down the Fund general budget proposals and submit the same to the Board of trustees;**
- (d) submit an annual report of the Fund performance and submit the same to the Board of Trustees;**
- (e) implement and follow-up the Board of Trustees decisions and directives;**
- (f) manage the Fund financial under supervision of the Board of Trustees, in accordance with the appropriation the approved in the budget;**
- (g) recommend the appointment of whoever he may deem necessary to appoint of employees, supervise their performance, apply the terms of service thereof, train, discipline and strive to raise the efficiency thereof, in accordance with the provisions of the laws and regulations organizing the same;**
- (h) sign contracts and agreements on behalf of the Fund, after being passed by the Board of Trustees;**
- (i) contact the regional and international institutions having competence of the universal service, to co-ordinate the programmes and rally subsidy;**
- (j) have any other functions, or powers as the Board of Trustees may assign thereto.**

The Fund financial resources

62. The Fund financial resources shall consist of the following, such:-
- (a) fees, as the Fund may levy upon the Minister approval and in accordance with the schedule hereto, from the licensees to achieve the objects thereof;
 - (b) other funds, as they may obtain, under the Minister approval, and upon recommendation of the Board of Trustees, through the Competent Minister.

The Fund budget

63. The Fund shall have an independent budget, to be prepared in accordance with the sound financial and accountancy basis, and passed by the Board of Trustees, who shall submit the same to the Competent Minister, for submission before the legally competent bodies within sufficient time before the end of every financial year; and shown therein the annual estimates of revenues and expenditure of the coming financial year, for approval thereof.

Use of the Fund financial resources

64. The Fund financial resources shall be used to achieve the objects thereof provided for in Section 53 and their functions provided for in Section 54; and without prejudice, to the generality of the foregoing, such resources shall be used in the following, to:-
- (a) finance the Telecommunications and Post Universal service projects;
 - (b) proceed the Fund business;
 - (c) pay the remuneration of the Board of Trustees president and members, and committees members.

**Keeping accounts books and records,
and deposit of the Fund finances**

- 65.(1) The Fund shall keep accurate and comprehensive accounts of the business thereof, in accordance with sound financial and accountancy basis, keep the financial books and records relating thereto and they shall not be destroyed, save in accordance with the provisions of the law.
- (2) The Fund shall deposit the finances thereof with the Central Bank of Sudan, or with such banks, as the Board of Trustees may specify, upon approval of the Minister, in current, or deposits accounts; provided that dealing in such accounts and the withdrawal therefrom shall be as to such manner, as the Board of Trustees may specify.

Audit of the Fund accounts

66. The National Audit Chambers, or whoever they may authorize, shall audit the Fund accounts, after the end of every financial year.

**The Fund statement of final account and the
National Audit Chambers report**

67. The Board of Trustees shall annually submit to the Competent Minister, within a period not exceeding three months of the end of the financial year, the following statements and reports:-
- (a) the Fund statement of final account and the profits and losses account;
 - (b) the National Audit chambers report;
 - (c) a report showing the progress of work at the Fund, during the ending financial year.

Liquidation of the Fund

68. The Fund shall not be liquidated, save by law.

Exemption of the Fund finances

69. The Fund and the finances thereof, upon approval of the Minister, shall be exempted from all types of taxes and fees.

Chapter XII

General Provisions

Digiting, Domain Names and Postal Addresses

- 70.(1) The Organ shall prepare a national plan for digiting and domain names, wherein they shall abide by the directives of the World Telecommunications Union; and they may amend such plan from time to time, whenever necessity requires the same.
- (2) The Organ shall allocate the digital range and domain names for all Telecommunications services with justice and sufficiency, to cover the current and future capacities, in accordance with the validated plans.
- (3) No licensee shall transfer the allocated digital range, or domain names without the Organ approval.
- (4) The Organ shall prepare a national system for postal addresses and implement the same together with abidance by the directives of the World Postal Union; and they may amend the same from time to time, whenever necessity requires the same.
- (5) The Organ shall avail postal addresses to all those licensed to render postal services and government and private organs, as to such safeguards, as they may issue.
- (6) The licensees and bodies benefiting by postal services shall abide by such standards, safeguards and basis of use, as the Organ may specify by regulations.
- (7) The Organ shall assume management and control of the postal addresses use, at the country level, and take the immediate measures for ceasure of the uses in contravention of the law provisions, or the unlicensed ones.

The analogical standards and specifications

71. The Organ, in co-ordination with the bodies having connection shall perform the following, to:-
- (a) lay down and validate the analogical standards and specifications, for:-
 - (i) all the devices, equipment, materials, systems, modern technologies and applications relating to telecommunications, to ensure the non-prejudice by telecommunications networks, or services, of health, public safety or environment;
 - (ii) evaluation, measurement, control and follow-up of the performance of the Universal Postal Services and the other postal services and the used systems and equipment;
 - (b) publish the analogical standards and specifications, provided for in paragraph (a), and provide the same for whoever desires to peruse the same;
 - (c) test all the devices, equipment, materials, systems, modern technologies and applications relating to telecommunications and post, to ensure compatibility thereby with the approved analogical specifications, as the laws and regulations may specify.

Typical approval

- 72.(1) Upon the import of telecommunication devices, equipment or materials, or the assembly, manufacture or marketing thereof they shall be as to such types, as the Organ may approve the typical approval pertaining thereto.
- (2) Without prejudice to the provisions of Sub-section (1), the Organ, as far as essential, may revoke the approved typical approval.
 - (3) The licensees desirous of the import of telecommunications devices, equipment or materials, or the assembly, manufacture or marketing thereof, the analogical specifications and typical

approval pertaining to which have not been declared, may present to the Organ, an application supported by the necessary documents, to obtain the prior typical approval in this respect.

Protection and security

- 73.(1) The Organ and licensees shall assume the protection of telecommunications and postal networks against violation, such uses as may be inconsistent with public morals and morality and the laws in force.
- (2) The Organ and licensees shall adopt all the technological and administrative measures, which prevent the inception by any materials, as may constitute violation of the safety of children and persons or of deficient capacity, their abuse in any form.
- (3) Licensee shall abide by provision of protection, safety and technical security of his telecommunications networks equipages, equipment and devices, to ensure the efficiency thereof.
- (4) For the purposes of Sub-sections (1) and (2), the Organ shall establish the necessary equipages in co-ordination with the licensees.

Secrecy and Eavesdropping

74. No person shall:-
- (a) reveal, publish or distribute the contents, or data of any postal dispatch, or dispose thereof, to the exclusion of such cases, as the laws in force may provide therefor;
 - (b) intercept the communications, or eavesdrop, or detect the same, save by a decision of the Competent Prosecution Attorney, or Magistrate.

Security, safety and protection of postal dispatches

75. A licensee shall abide by the following, to:-
- (a) provide safety and security of postal dispatches;

- (b) provide the necessary protection of the equipages, equipment and devices of his post networks, to ensure the efficiency thereof.

Secrecy of Postal dispatches

- 76.(1) No licensee shall open any postal dispatch, cause the opening thereof or allow the same, or willfully seize or delay the same, save by a written order, from the bodies legally authorized so to do.
- (2) No licensee shall tamper with the contents of any postal dispatch, or cause the loss of all, or part of the contents thereof.
- (3) Notwithstanding the provisions of Sub-sections (1), and (2), and as the case may be, there shall be prohibited for every licensee to strive to send, or distribute any postal dispatches, which they transpire to him to contain any materials;
 - (a) the possession or circulation of which is prohibited under the laws, regulations or the world agreements having connection, which are ratified by the Sudan, or has a reservation thereto, in the International Post Agreement;
 - (b) which are radioactive, dangerous, explosive or inflammable;
 - (c) which affect religions, violate morality, or inconsistent with morals;
 - (d) which by nature, prejudice postal dispatches, damage or pollute the same, or prejudice the work mechanisms therewith.
- (4) Notwithstanding the provisions of Sub-sections (1), (2) and (3), there may be seized, or examined all, or part of the postal dispatches for public interest, as the regulations may specify.
- (5) The regulations shall explain the manner of dealing with any neglected dispatch, or classified as provided for in Sub-section (3).

- (6) A licensee shall not be responsible, in the case of loss of parcels, or the total, or partial damage thereof, which the licensee proves that they have been seized by the Customs authorities, or by reason of production by the user of unreal declaration of the parcel contents, or does not present an information application within the period fixed in the regulations.

**Wireless devices and stations,
and transmission stations shutdown**

77. The Organ may temporarily, or permanently, shutdown any wireless device, or station or transmission station in co-ordination with the competent bodies, where it transpires that the same operates in contravention of the provisions of this Act and the regulations made thereunder.

Wireless devices and stations operation certificate

78. Save as otherwise expressly provided for in any law, no person shall be entrusted with operating a wireless device, or station inside the Sudan, on a vessel, or aircraft registered in the Sudan, unless he is in possession of a certificate, to be granted in accordance with the provisions of this Act, and the regulations made thereunder.

**The wireless Communications Licenses Committee
constitution and functions**

79. The Board shall constitute a committee, to recommend granting wireless communications licenses, in which there shall be represented the Organ, the Military Intelligence, the National Intelligence Service, the Signals Corps and Ministry of Interior; and the regulations shall regulate the manner of organizing the business and meetings of the committee.

Postage Stamps

- 80.(1) A postage stamp shall be deemed as manifestation of the Sudan sovereignty, bearing the name thereof and used in the form of ordinary, or memorial issues.
- (2) The Organ alone shall have competence, to approve the design and validation of the issue of every postage stamp.
- (3) The regulations shall specify the procedure, basis and standards, to be followed upon the design and issue of every postage stamp.

Agreements

- 81.(1) A licensee shall deposit with the Organ, within fifteen days, of the date of signature, every agreement relating to telecommunications, or post concluded thereby with another party.
- (2) No State Organ shall sign an agreement, relating to Telecommunications, or post, save after the Organ approval.

Disputes determined

- 82.(1) The licensing agreements, concluded between the Organ and licensees, shall provide for the manner of determining such disputes, as may arise between the Organ and any of the licensees.
- (2) The Organ may intervene to determine the disputes among the licensees themselves, or between a licensee and any person as the regulations may specify.

Vesting of rights, property, debts and obligations

- 83.(1) There shall vest into the Organ, all the rights, property, debts and obligations of the Telecommunications Public Corporation.
- (2) Such rights, property, debts and obligations, as may have vested into the Organ, under the provisions of Sub-section (1), shall be estimated; and there shall be entered into the books thereof, amounts equal to the net value of the same.

Employees to continue

84. The employees, who have been in the service of the Telecommunications Public Corporation, at the date of coming into force of this Act shall continue in the Organ service, and they shall be assimilated into the chart thereof; provided that no employee shall be prejudiced as a result of such assimilation.

Employees to disclose interest

85. Everyone of the employees, where he has a direct, or indirect interest in any subject, submitted before the Organ, or Fund for consideration, shall disclose the nature of such interest; and shall not attend any deliberation, or participate in the adoption of any decision passed by the Organ, or the Fund with respect to such subject.

Contraventions and Sanctions

- 86.(1) The Organ, in the case of contravention by the licensee of the provisions of this Act, or the regulations and orders made thereunder, shall warn him to rectify the contravention, within a period not exceeding thirty days, of the date of warning.
- (2) Subject to provisions of Section 26(1)(d), where the contravention, provided for in Sub-section (1), causes any injury to any person, the licensee shall abide by the removal of such injury.
- (3) The Board, upon failure by the licensee, to rectify the contravention, within the period, provided for in Sub-section (1), shall inflict thereon any of the following sanctions:-
- (a) suspension of the license wholly or partially;
 - (b) reduction of the license period;
 - (c) revocation of the license;
 - (d) payment of such financial sanction, as the regulations may fix.

Offences and penalties

87. There shall be deemed, to have committed an offence, whoever commits any of the following acts, to:-
- (a) publish, spread or transmit any information which affects the State security through the telecommunications means, or post;
 - (b) sabotage or abet the sabotage of the Telecommunications, or post facilities, or cause injury thereto;
 - (c) sabotage, or abet the sabotage of any equipages of telecommunications or post, as may be allocated for public service;
 - (d) use, or assist in the use of any unlawful means to conduct communications;
 - (e) render such telecommunications services, as may be inconsistent with the beliefs, or public morals or assist in rendering the same;
 - (f) contravene the provisions of Sections 44(7), 74, or 76(1) and (2) (inclusive);
 - (g) address, without affecting any other law, a threat, or abuse message, or messages inconsistent with morals, or transfer fabricated news, with intend to spread terror and chaos;
 - (h) intercept any wireless waves allocated to others, jam or wilfully cut down the same;
 - (i) publish, or spread the waves data, which have been monitored, in accordance with the provisions of Section 45;
 - (j) introduce Telecommunications devices, or equipment, in contravention of the provisions of this Act;
 - (k) keep, or operate a wireless station in contravention of the provisions of this Act;
 - (l) counterfeit, or sell counterfeited postage stamps, circulate or reuse used postage stamps;

- (m) commit any act, as may require licensing, in accordance with the provisions of this Act, without obtaining the necessary license.
- (2) Without prejudice, to any severer penalty in any other law, there shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both, whoever commits any of the offences, provided for in Sub-section (1); and the competent court, upon conviction; may order confiscation of the devices, equipment and materials, subject of the offence, for the interest of the Organ, or take any measure in respect of any of the licensed contravening bodies.

Power to make regulations, rules and orders

- 88.(1) The Board, upon assent of the Competent Minister, may make such regulations, rules or orders, as may be necessary for implementation of the provisions of this Act, which shall be deposited with the National Assembly.
- (2) The financial regulations shall be subject to the Minister assent, and deposited with the National Assembly.
- (3) The Minister, upon recommendation of the Competent Minister and assent of the National Assembly, may amend any fees rates in the schedule hereto, or levy new fees on any innovated services.