

14 April 2020

Dear members

Re: **ACCESS FEES DURING THE COVID-19 PERIOD TO ELECTRONIC COMMUNICATIONS NETWORK SERVICE PROVIDERS**

1. On 26 March 2020 the Minister of Communications and Digital Technologies published certain directions for the electronic communications, postal and broadcasting sectors, which guidelines were issued in terms of the regulations in force during the current state of disaster due to the COVID-19 pandemic.
2. The aim of these guidelines, amongst others, are to ensure that the service providers of electronic communications networks are able to ensure continued service provision to the population of the country, and to rapidly deploy temporary networks and services where necessary.
3. Paragraph 6.5 of these guidelines provides as follows:

“No access fee may be charged by property owners to electronic communications network service licensees for deploying electronic communications networks or facilities in cases where the electronic communications networks or facilities are not intrusive, such as buried or overhead cabling, that those not constitute a cost to the property owner, or deprive the property owner of its own use of the land.”

4. Paragraph 6.6 of these regulations provides as follows:

“Reasonable access fees may be charged in cases where more intrusive electronic communications networks or facilities, such as masts, are erected on property. In such cases any access fee must be reasonable in proportion to the disadvantage suffered and must not enrich the property owner or exploit the electronic communications networks service licensee.”

5. The foregoing means that, during the state of disaster, property owners are not entitled to charge access fees to the providers of electronic communications networks, such as cellular networks, fibre optic cable networks, and the like, where the equipment used for such network are not intrusive, does not incur any costs for the property owner, and/or if the property owner is not deprived of its use of the property. Where any of the foregoing conditions are met, a reasonable access fee may be charged by the property owner, provided that such access fee will be in relation to the amount of inconvenience suffered.
6. Property owners are therefore advised to provide reasonable assistance to the providers of electronic communications networks during this time, in order to comply with the foregoing guidelines. It is important to note that these guidelines remain in place for the whole disaster period, and not only during the more restrictive lockdown period.

Kind regards

N A GOPAL

Chief Executive Officer

SOUTH AFRICAN PROPERTY OWNERS ASSOCIATION – NPC – REG NO 1966/008959/08

Board of Directors: D Green (President), A König (President Elect), I Mkhari (Immediate Past President), N Gopal (Chief Executive Officer), P Levett, N Byrd, V Hako, M Kekana, Z Malinga, N Mashaba, K Matsau, M Hamman

National Councillors: D Green (President), N Gopal (Chief Executive Officer), S Ainsworth, L Barnard, R Bennet, N Byrd, Z Marinakos, M Meyer, L Mthembu, W Mulder, M Ngcobo, E Wilson, N Baumgarten, J Burger, M Bakker, S Nicks, P Altenroxel, B Khumalo, D Todd

Head Office: Gauteng – Hunt’s End Office Park • Paddock View Building • 36 Wierda Road West • Wierda Valley • Sandton

PO Box 78544 • Sandton • 2146 • Tel: +27 11 883 0679 • Fax: +27 11 883 0684 • Email: reception@sapoa.org.za • Website: www.sapoa.org.za

East London

10 Beacon Park
21 Pell Street
Beacon Bay 5241
Tel: 043 748 1156

KwaZulu Natal

PO Box 288
Hillcrest 3650
Call: 082 873 0090
Fax: 086 231 2068
sapoa.kzn@sapoa.org.za

Limpopo

30 Robusta Avenue
Acacia Estate
Bendor
Polokwane 0699
Cell: 072 282 0580
sapoa.limpopo@sapoa.org.za

Mpumalanga

Kiepersol Security Complex
55 Tuba Crescent Street
Nelspruit, Mpumalanga
Cell: 071 485 3836
Fax: 013 741 1305
lowveld@sapoa.org.za

Port Elizabeth

PO Box 1940
Govan Mbeki Avenue
Port Elizabeth, 6000
Cell: 082 341 3280
sapoa.pe@sapoa.org.za

Western Cape

6 Pieterse Close, Retreat
Sasmer Estate
Cape Town, 7945
Tel: 071 740 3732
Fax: 086 602 1095
wc.sapoa@sapoa.org.za