

MINISTERIAL ORDER N° 6/DC/04 OF 07/06/2004 ON REQUESTS FOR INSTALLATION OF TELECOMMUNICATIONS FACILITIES AND TERMINAL EQUIPMENT ON PUBLIC AND PRIVATE PROPERTY

The Minister of Infrastructure,

Given the Constitution of the Republic of Rwanda of 04 June 2003, especially in its Articles 120 paragraph one and 121 paragraph one-2°;

Given Law n° 44/2001 of 30 November 2001 governing Telecommunications, especially in its Article 47 paragraph 6 ;

Given Law n° 39/2001 of 13 September 2001 establishing an Agency for Regulation of certain public utilities, especially in its Article one;

After consideration and approval by Cabinet, meeting in its session of 28 January 2004;

ORDERS :

CHAPTER ONE : GENERAL PROVISIONS

Article one : Definitions

In this Order, the terms below shall have the following meanings :

Agency	The Rwanda Utilities Regulatory Agency created by Law n° 39/2001
Board	The Board of Directors of the Agency
Operator	An individual or organisation operating a telecommunications network, whether public or non-public
Terminal Equipment	Any device, installation or group of installations, designed for direct or indirect connection to a network termination point with a view to the transmission, processing or receipt of information, and certified by the Board in accordance with the rules in force
Telecommunications facilities	Any part of a telecommunications network legitimately constructed and operated, other than Terminal Equipment
Public Installation Request	Request to install Telecommunications Facilities and/or Terminal Equipment on, over or under public land, including land which is rented and land upon which no structure has yet been erected
Installation Request	A Public Installation Request or a Private Installation Request
Private Installation Request	Request to install Telecommunications Infrastructure and/or Terminal Equipment on, over or under private land
Law n° 39/2001	Law n° 39/2001 of 13 September 2001 establishing an Agency for the Regulation of certain public utilities
Law n° 44/2001	Law n° 44/2001 of 30 November 2001 governing Telecommunications
Minister	Minister responsible for telecommunications

In respect of other terms, and except where provided otherwise hereinafter, the definitions set forth in Law n° 39/2001 and Law n° 44/ 2001 shall, where applicable, apply to this Order.

Article 2 : Scope

The purpose of this Order is to define the items to be provided in the scope of a Public or Private Installation Request made by an Operator (hereafter, the "Applicant") to the Board.

In application of Article 47 paragraph 2 of the Law n° 44/2001, this Order shall be without prejudice to other measures to be taken by telecommunications operators wishing to install telecommunications facilities or terminal equipment on, over or under public land, pursuant to any other applicable legislative or regulatory text.

CHAPTER II : PROCEDURE

Article 3 : Filing of requests

In application of Article 47, paragraph 7 of Law n° 44/2001, all Installation Requests shall be filed with the Board, in two original copies, in Kinyarwanda, English or French.

Article 4 : Contents of request

Every Installation Request shall specify, at least :

- (i) the identity of the Applicant including its name and address, and where appropriate its registered address and registration number ;
- (ii) a description of the Telecommunications Infrastructure and/or Terminal Equipment concerned, as well as a description of the telecommunications network to which Telecommunications Facilities and/or Terminal Equipment will be connected ;
- (iii) the purpose for which the Applicant intends to undertake the installation ;
- (iv) the precise manner in which the Applicant intends to undertake the installation ;
- (v) any telecommunications or radiocommunications licenses which the Applicant holds, any declarations which the Applicant has made, and any Telecommunications Infrastructure and/or Terminal Equipment installation authorisation that the Applicant has received, under Law n° 44/2001 or its enabling texts ;
- (vi) in the event of a Private Installation Request, evidence of the title deed held by each landowner concerned, as well as evidence of such landowners' consent to the planned installation.

Installation Requests shall be signed by the Applicant or by his/her proxy. They must be sent in one original and three copies.

For each Installation Request received, the Board shall issue a written acknowledgement of receipt to the Applicant.

Article 5 : Requests to be full and complete

The Board may, within one (1) month of receipt of the Installation Request, require that such request be supplemented, within a period not less than two (2) weeks, by any information not supplied or insufficiently supplied. In respect of Private Installation Requests, the concerned landowner(s) shall be given a copy of any request for information pursuant to this provision as well as of any reply which may be made to it.

Where the Board does not communicate such a requirement to the Applicant within the aforementioned one (1) month period, the Installation Request shall be deemed to be full and complete.

Where the Board does communicate such a request to the Applicant within the aforementioned one (1) month period, and where the Applicant fails to submit a duly revised Installation Request within the period stipulated by the Board, such Request shall be considered null and void.

CHAPTER III : MISCELLANEOUS PROVISIONS

Article 6 : Form of communication

Unless the context requires otherwise, all notifications and communications required or possible under this Order shall be :

- (i) sent to the recipient by registered post with return receipt requested ; or
- (ii) hand delivered to the recipient, and a duly signed delivery receipt obtained. Where the recipient is an organisation, the delivery receipt shall also be duly stamped.

Article 7 : Previous and contrary provisions

All prior provisions contrary to this Order are hereby repealed.

Article 8 : Entry into force

This Order shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 07/06/ 2004

The Minister of Infrastructure
Dr. NTAWUKULIRYAYO Jean Damascène
(sé)

Seen and sealed with the Seal of the Republic :
The Minister of Justice
MUKABAGWIZA Edda
(sé)