

IN EXERCISE of the powers conferred by sections 27, 38, 66 and 83R of the Kenya Information and Communications Act, 1998, the Minister for Information and Communications, in consultation with the Communications Commission of Kenya, makes the following Regulations:—

## **THE KENYA INFORMATION AND COMMUNICATIONS (NUMBERING) REGULATIONS, 2010**

### 1. Citation.

These Regulations may be cited as the Kenya Information and Communications (Numbering) Regulations, 2010.

### 2. Interpretation.

In these Regulations, unless the context otherwise requires-

“communications addresses” means an address determined by the Commission from time to time, for use in communication;

“communication number” means the number, sign or other mark that a licensee uses for identification of communications systems when its delivering communication services in order to connect between the place of transmission and the place of reception, or for the identification of the type of content of transmission the communications system is to deliver;

“licensee” means a person licensed under the Act;

“Maritime Mobile Service Identity” means a number used for the purpose of identification while using Global Maritime Distress Service System search and rescue facilities on board ships;

“National Communication Numbering and Addressing Plan” means the plan for electronic communications numbers and addresses, postal codes and national addressing system established by the Commission under regulation 4;

“Numbering Scheme” means the procedures and criteria for the reservation, assignment, and reclamation of numbering resources.

### 3. Object and purpose.

The object and purpose of these Regulations is to provide a regulatory framework for the control, planning, administration and management of the numbering and

addressing of network services, national plan and applications services.

#### 4. Establishment of a National Communication and Numbering Plan.

The Commission shall establish a National Communication Numbering and Address Plan and control all communication numbers and addresses to ensure fairness and efficiency by—

- (a) undertaking planning, allocations and monitoring;
- (b) maintaining the national communication numbering and address register for all licensees in respect of resources which have been assigned;
- (c) facilitating maintenance of the national electronic address and users register;
- (d) managing postal codes and national addressing systems;
- (e) assigning call signs to all amateur radio operators in the country; and
- (f) issuing maritime mobile service identity numbers for maritime vessels registered in Kenya.

#### 5. Administration and planning of numbering and communication addresses.

(1) The Commission shall control, plan, administer and manage the numbering and addressing of communications systems and services.

(2) The Commission shall develop a numbering, and addressing plan for the communications systems and services taking into account the numbering plan subsisting immediately prior to the commencement of these Regulations.

(3) In the discharge of its functions under these Regulations, the Commission shall liaise with the relevant international organizations dealing with numbering and electronic addresses.

(4) Prior to the assignment and publication of any numbering plan, the Commission shall ensure that the numbering plan—

- (a) provides for allocation of numbers to licensees in sufficient quantities in the manner determined by the Commission;
- (b) allows for numbers to be allocated without undue delay;

(c) allows for the inclusion of as few digits as is practicable;

(d) does not confer an undue advantage on any licensee; and

(e) minimizes any inconvenience and costs that may be caused by the implementation of the numbering plan to a licensee and to persons using the communication systems.

(5) The numbering scheme of each licensee shall comply with the Commission's guidelines relating to the implementation of the national numbering plan.

(6) The numbering and addressing plan may set out rules which may include—

(a) the use of different numbers and addresses for different kinds of services;

(b) the assignment of numbers and addresses;

(c) the transfer of assigned numbers and addresses;

(d) the use of assigned numbers and addresses;

(e) the portability of assigned numbers and addresses;

(f) the requirements that licensees maintain a plan for assigning and re-assigning numbers and addresses;

(g) the fees for the assignment and transfer of numbers and addresses which may be determined by the Commission; and

(h) any other matters that the Commission may, from time to time, prescribe in the Gazette.

(7) The Commission may when assigning or allocating numbers to licensees charge the prescribed fees for the allocation or assignment.

(8) The Commission shall permit any person, upon paying the prescribed fee, to inspect the numbering and addressing plan during working hours.

(9) Notwithstanding paragraph (8), any person authorized by the Commission, in

writing, may inspect the numbering plan without paying the prescribed fee.

#### 6. Compliance with numbering and address plans.

(1) A licensee shall apply and abide by the numbering plan prescribed by the Commission.

(2) The Commission may, before developing a numbering plan, consult with licensees in respect of—

(a) arrangements for the allocation and re-allocation of numbers within the initial numbering plan; and

(b) additions to, or replacement of the initial numbering plan.

(3) The Commission shall, at least six months before prescribing a new numbering plan give notice to licensees and the general public in the Gazette and any other media that the Commission considers appropriate.

#### 7. Obligations of licensees.

(1) All licensees shall use the communication numbers and addresses assigned by the Commission in accordance with the National Communication Numbering and Address Plan and ensure that the resources are—

(a) utilized efficiently;

(b) limited to provision of communication services;

(c) utilized in a manner that ensures that communications systems and services are identified;

(d) utilized and paid for as prescribed by the Commission; and

(e) not transferred without the prior written consent of the Commission.

#### 8. Communications numbering and electronic address plan.

(1) The National Communication Numbering and Address Plan shall include communication numbers and addresses used to identify-

(a) electronic communications networks;

- (b) different carries;
- (c) terminal facilities for cellular phones;
- (d) signaling transmission equipment;
- (e) emergency and inquiry calls;
- (f) terminal transmission line facilities for data communication services;
- (g) electronic mail communications networks;
- (h) types or content of information and communication technologies;
- (i) terminal transmission line facilities for paging services;
- (j) geographical postal points of delivery;
- (k) maritime mobile service identity numbers;
- (l) radio call signs; and
- (m) such other systems and services as the commission may from time to time prescribe in the Gazette.

#### 9. Assignment of communications numbers.

Where an application for communication numbers or addresses is submitted to the Commission, the Commission shall, after taking into account the National Communication Numbering and Address Plan and availability of the numbers and addresses, assign and issue a certificate of assignment together with the conditions attached to the use of the communication numbers the numbers required for the communication numbers or addresses, upon payment of the prescribed fee.

#### 10. Cancellation of assignment.

(1) Where a licensee fails to use the number or address assigned by the Commission within the prescribed period, fails to pay any prescribed fees or uses the number in a manner contrary to the Regulations, the licensee shall be required to submit to the Commission the reasons for such failure, after which the Commission may take such measures as it deems fit including, among others, cancellation of the assignment.

(2) A licensee who fails to utilize a number or address assigned to it by the Commission within the period prescribed in the assignment may apply, in writing, to the Commission for the extension of the time within which the licensee ought to utilize the number or address.

(3) An application for extension of time under paragraph (2) shall include the reasons for the failure to utilize the number within the time prescribed.

11. Prohibition of generation and use of fictitious numbers and addresses.  
A person shall not regenerate or use fictitious numbers or addresses.

12. Delegation of Responsibility.

(1) The Commission may appoint a person or an organization to manage or maintain an integrated public number or address database.

(2) The Commission, or a person or an organization appointed under paragraph (1) shall provide non-discriminatory commercial access to the database on terms and conditions similar to those it offers itself.

(3) The Commission may prescribe, in the Gazette, the manner in which obligations under this regulation may be undertaken.

13. Offence and penalty.

A licensee who uses numbers or addresses contrary to these Regulations, commits an offence and is liable, upon conviction, to a fine of not exceeding one million shillings or to imprisonment for a term not exceeding five years or both.

14. Revocation of Part IX of LN 68 of 2001

Part IX of the Kenya Communications Regulations, 2001, is revoked.

Dated the 14th April, 2010

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