

**SUBORDINATE LEGISLATION IN TERMS OF THE REGULATION  
OF INTERCEPTION OF COMMUNICATIONS AND PROVISION  
OF COMMUNICATION-RELATED INFORMATION ACT, 2002  
(ACT 70 OF 2002)**

**(a) Section 41(4)(a): Directives relating to the reporting of lost, stolen or destroyed cellular phones or SIM-cards**

“I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, hereby in terms of section 41(4) of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act 70 of 2002), and in consultation with the Cabinet member responsible for policing, issue the directives in the Schedule.

**SCHEDULE**

**ARRANGEMENT OF CONTENT**

1. Definitions
2. Application
3. Form and manner in which report must be made
4. Information to be contained in report
5. Form and manner in which records of report must be kept
6. Capturing of information on central database

**1. Definitions**

In these directives, unless the context otherwise indicates –

“Act” means the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act 70 of 2002).

**2. Application**

These directives regulate the reporting of the loss, theft or destruction of a cellular phone or SIM-card by any person who was in possession, or had control, thereof when it was

lost, stolen or destroyed, to a police official at any police station, as contemplated in section 41 of the Act.

**3. Form and manner in which report must be made**

3.1 The loss, theft or destruction of a cellular phone or SIM-card must be reported by

–

- (a) the owner of the cellular phone or SIM-card; or
- (b) any other person who was in possession, or had control thereof, when it was lost, stolen or destroyed -

- (a) in person; or
  - (b) through a person authorised thereto by him or her,
- to a police official at any police station.

3.2 The report contemplated in paragraph 3.1 may either be made –

- (a) personally; or
- (b) telephonically,

to a police official at any police station.

3.3 On receipt of a report contemplated in paragraph 3.1, the police official must complete Form A of the Annexure.

3.4 The police official who completed Form A must, in the event where the person who reports the loss, theft or destruction of a cellular phone or SIM-card is present at the police station, -

- (a) furnish the person who reported the loss, theft or destruction of a cellular phone or SIM-card with written proof that the report has been made; and
- (b) after having furnished the written proof that the report has been made, complete Part L of Form A of the Annexure.

3.5 The police official who completed Form A must, in the event of a telephonic report,-

- (a) furnish the person who reported the loss, theft or destruction of a cellular phone or SIM-card with the official reference number of the report; and
- (b) after having furnished the reference number, complete Part M of Form A of the Annexure.

**4. Information to be contained in report**

- 4.1 The information to be contained in the report must correspond substantially with Form A of the Annexure.
- 4.2 Each report received must be given an official reference number.

**5. Form and manner in which records of a report must be kept**

- 5.1 A completed Form A must be kept at the police station where the report was made.
- 5.2 A completed Form A must be filed according to the official reference number.
- 5.3 A filing register, which corresponds substantially with Form B of the Annexure, must be opened for each calendar year.
- 5.4 The filing register must be updated after receipt of a report.

**6. Capturing of information on central database**

A report made under section 41 of the Act must be captured on a central database.

**ANNEXURE**

**FORM A**

**Form to be completed in respect of the reporting of the loss, theft or destruction of a  
cellular phone or SIM-card**

**(Section 41 of the Regulation of Interception of Communications and Provision of  
Communication-related Information Act, 2002 (Act 70 of 2002))**

**Police station: ..... /Reference Number: .....**

**Date: .....**

**Time: .....**

**A. PARTICULARS OF OWNER OF CELLULAR PHONE OR SIM-CARD:**

Full names and surname of person: .....

.....

.....

Identity number: .....

Passport number: ..... Country where issued: .....

Residential address:

.....

.....

..... Postal code: .....

Work address: .....

.....

..... Postal code: .....

Telephone number: .....

**B. PARTICULARS OF PERSON, OTHER THEN THE OWNER, WHO WAS IN  
POSSESSION OF CELLULAR PHONE OR SIM-CARD WHEN IT WAS LOST,  
STOLEN OR DESTROYED:**

Full names and surname of person: .....

.....

.....

Identity number: .....

Passport number: ..... Country where issued: .....

Residential address:

.....  
.....  
..... Postal code: .....

Work address: .....

.....  
..... Postal code: .....

Telephone number: .....

C. PARTICULARS OF PERSON WHO IS AUTHORISED, BY OWNER OR THE PERSON WHO WAS IN POSSESSION OR HAD CONTROL OF CELLULAR PHONE OR SIM-CARD, TO MAKE THE REPORT:

Full names and surname of person making the report: .....

.....  
.....

Identity number: .....

Passport number: ..... Country where issued: .....

Residential address:

.....  
.....  
..... Postal code: .....

Work address: .....

.....  
..... Postal code: .....

Telephone number: .....

D. PARTICULARS RELATING TO THE LOSS, THEFT OR DESTRUCTION OF CELLULAR PHONE:

(i) Cellular phone was –

Lost	
Stolen	
Destroyed	

(mark applicable space with an X)

(ii) Date when the above occurrence took place: .....

(iii) Place where it occurred: .....

(iv) Circumstances under which the incident took place: .....

.....

.....

.....

.....

.....

**E. PARTICULARS OF CELLULAR PHONE:**

(i) Make: .....

(ii) Model: .....

(iii) Handset number (IMEI-Number) : .....

(iv) Cellular phone number (MSISD-number): .....

(v) Manner how cellular phone was acquired: .....

(vi) Particulars of business/person from which/whom cellular phone was acquired:

.....

.....

.....

.....

**F. PARTICULARS RELATING TO THE LOSS, THEFT OR DESTRUCTION OF SIM-CARD:**

(i) SIM-card was –

Lost	
Stolen	
Destroyed	

(mark applicable space with an X)

(ii) Date when the above occurrence took place: .....

(iii) Place where it occurred: .....

(iv) Circumstances under which the incident took place:.....

.....

.....

.....

**G. PARTICULARS OF SIM-CARD:**

(i) SIM-card number (IMSI-Number): .....

(ii) Service provider: .....

(iii) Nature of service:

Pre-paid	
Contract	

(mark applicable space with an X)

(iv) Contract number: .....

**H. HAS A CRIMINAL CASE BEEN OPENED:**

(i) Case number: .....

(ii) Police station where charge was laid: .....

**I. IS SIM-CARD BLOCKED AT SERVICE PROVIDER:**

yes	
no	

Reference number: .....

**J. IS CELLULAR PHONE BLACKLISTED AT SERVICE PROVIDER:**

yes	
no	

Reference number: .....

**K. OFFICE USE:**

(i) Date of report: .....

(ii) Time of report: .....

(iii) Rank, name, surname and persal number of police official taking down report:  
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**(b) Section 44(1)(a): Listed equipment published in Government Notice No. R. 1263 of 29 December 2005 (Government Gazette No. 28371)**

**NOTICE IN TERMS OF SECTION 44(1)(a) OF THE REGULATION OF INTERCEPTION OF COMMUNICATIONS AND PROVISION OF COMMUNICATION-RELATED INFORMATION ACT, 2002 (ACT 70 OF 2002)**

“I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 44(1)(a) of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No.70 of 2002), hereby declare the instruments, devices and equipment mentioned in Column 1 of the Schedule, under the conditions or circumstances specified in Column 2 of the Schedule, to be listed equipment.

**B. S. MABANDLA**  
**Minister for Justice and Constitutional Development**

## SCHEDULE

Column 1	Column 2
<p>(1) Any instrument, device or equipment which is capable of being used to access, record, monitor or retrieve communications from a computer, without the permission of the author of the communication, including but not limited to -</p> <p>(a) keystroke recorders; and</p> <p>(b) software that can be installed on a computer and which has the ability to retrieve and/or store information so as to make it available to another person without the consent of the author of the communication .</p>	<p>(1) To manufacture, assemble, possess, sell, purchase or advertise any of these instruments, devices or equipment, with the intention to use it, whether by itself or in combination with any other instrument, device, equipment or apparatus for the purposes of unlawful interception of communications in contravention of section 49 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No.70 of 2002).</p> <p>(2) Subject to paragraph (1), above, any instrument, device or equipment or any component thereof -</p> <p>(a) which is furnished to a customer by a telecommunication service provider in the ordinary course of his or her business and which is used by the customer in the ordinary course of his or her business;</p> <p>(b) which is furnished by such customer for connection to the facilities of such telecommunication service provider and which is used in the ordinary course of his or her business; or</p> <p>(c) which is used by a telecommunication service provider in the ordinary course of his or her business,</p> <p>is excluded from the operation of section 44(1)(a).”</p>
<p>(2) Any instrument, device or equipment which is capable of being used to record, monitor or listen to a communication, including but not limited to –</p> <p>(a) telephone wiretaps;</p> <p>(b) long range electronic audio amplified microphones;</p> <p>(c) miniature laser audio transmitters;</p> <p>(d) miniature radio frequency audio transmitters;</p> <p>(e) cellular phone intercepting devices; and</p> <p>(f) miniature sound recording devices.</p>	
<p>(3) Any instrument, device or equipment which is capable of being used to visually record, monitor or observe a communication, including but not limited to –</p> <p>(a) miniature video cameras;</p> <p>(b) miniature cameras; and</p>	

(c) night vision apparatus.	
(4) Any instrument, device or equipment which is capable of being used to determine or monitor the geographical location of a person, vehicle or object.	