

#### 4. LEGISLATIVE FRAMEWORK

- 4.1. Section 4B(8)(a) of the ICASA Act provides that before the exercise and performance of any of its powers and duties in terms of this section, the Authority must consider whether or not, in terms of any concurrent jurisdiction agreement concluded between the Authority and the Commission, it would be appropriate to refer an inquiry to the Commission; and
- 4.2. Section 4B(8)(b) of the ICASA Act, subject to section 67 of the EC Act, provides that the terms and conditions of any concurrent jurisdiction agreement concluded between the Authority and the Commission, must bear in mind that the Commission has primary authority to detect and investigate past or current commissions of alleged prohibited practices within any industry or sector and to review mergers within any industry or sector in terms of the Competition Act;
- 4.3. Section 4B(8)(b) of the ICASA Act provides that the Commission shall exercise primary authority to detect and investigate past or current commissions of alleged prohibited practices, as defined in the Competition Act, within the communications sector and to review mergers within the ICT sector in terms of the Competition Act;
- 4.4. Section 4B(9) of the ICASA Act provides that subject to the terms and conditions of the concurrent jurisdiction agreement or unless otherwise agreed to by the Authority and the Commission, the Authority may not take any action where a matter has already been brought to the attention of and is being dealt with by the Commission.