

**LYNDAL ANDERSON**

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Overview

Lyndal Anderson is a partner in our Johannesburg office Dispute Resolution Department.

She specialises in contractual disputes involving JSE-listed companies and large private companies and has also acted for the Independent Communications Authority of South Africa (ICASA). Her expertise extends primarily across the energy, engineering, mining and retail sectors, the banking and financial services industry and the telecommunications and broadcasting sector. In addition to her court practice, Lyndal also has a successful private (local and international) arbitration practice.

She has BA and LLB degrees from the University of Cape Town.

Experience

Lyndal has acted for the Independent Communications Authority of South Africa (ICASA) in an urgent High Court application brought by MTN and Vodacom. The dispute related to the lawfulness of recent regulations promulgated by ICASA regarding call termination charges (which are the charges telecoms operators pay each other for carrying calls on each other's networks).

Although the High Court found that the regulations were unlawful, the court suspended the declaration of unlawfulness for six months. This meant that the lower rates set by ICASA would come into force for six months. During this period, ICASA will promulgate new regulations to set new call termination rates. This outcome was very satisfactory from ICASA's perspective as it meant that steps could be taken to immediately reduce call termination charges. The judgment has been reported.

Lyndal also acted for Link Africa in a High Court application launched by the City of Tshwane to stop Link Africa from installing fibre-optic cables for broadband in municipal sewers. On the basis of a 2012 judgment from the Supreme Court of Appeal (SCA), electronic communications network service licensees (such as Link Africa) are considered to have the power to roll-out network infrastructure without requiring consent from the relevant landowner. The City of Tshwane (and various other municipalities) have sought to stop licensees from exercising their powers in this regard. The judgment of the High Court in this matter reinforced the decision of the SCA and specifically indicated that municipalities and other state entities which own public land cannot block licensees that wish to install network infrastructure. This will be very important going forward for all major telecoms operators. The judgment has been reported.