
GENERAL NOTICES

NOTICE 2343 OF 2001

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE OF INTENTION TO MAKE REGULATIONS RELATING TO PROCEDURES FOR THE GRANTING OF AND OTHER MATTERS RELEVANT TO SPECIAL EVENT LICENCES

The Independent Communications Authority of South Africa (the Authority) hereby gives notice, in accordance with the provisions of section 47A(3) read with sections 28 and 13 of the Independent Broadcasting Authority Act, No. 153 of 1993 (the Act) as amended, that it intends making the regulations as per draft attached hereto.

Interested parties are invited to submit written representations in relation to the draft regulations and the attached application form and checklist to the Licensing Department of the Independent Broadcasting Authority at Block D, Pinmill Farm, 164 Katherine Street, Sandton, Johannesburg OR Private Bag X10002, Sandton 2146 OR by fax no: (011) 448-2186 within thirty days (30) days of the date of publication of this notice.

Persons who submit written representations in terms hereof shall, when submitting such representations, indicate whether they require an opportunity to make oral representations to the Authority.

DRAFT REGULATIONS RELATING TO PROCEDURES CONCERNING APPLICATIONS FOR THE GRANTING OF AND OTHER MATTERS RELEVANT TO SPECIAL EVENT LICENCES

The Independent Communications Authority of South Africa intends making the following regulations in accordance with the provisions of sections 47A (3) and 28 read with section and 13 of the Independent Broadcasting Authority Act, 153 of 1993 as amended.

These regulations amend and/or repeal certain sections of the "Independent Broadcasting Authority (Temporary Community Broadcasting Licences) Regulations, 1994" published in Government Gazette no. 15999 Regulation no. R.1675 of 30 September 1994 and the "Independent Broadcasting Authority (Temporary Community Licences: Criteria to measure community support) Regulations", published in Government Gazette no.15999 Regulation no. R.1674 of 30 September 1994.

1. Definitions

- 1.1 "The Act" means the Independent Broadcasting Authority Act, no.153 of 1993, as amended;
- 1.2 "The Authority" means the Independent Communications Authority of South Africa, established in terms of section 3 of the Independent Communications Authority of South Africa Act, no. 13 of 2000;
- 1.3 "commencement date" means the date on which an applicant proposes to commence its broadcasting activities;
- 1.4 "Special event" means an event of a cultural, religious, political, sporting or similar nature taking place within the applicant's community, which must take place irrespective of whether a licence has been granted or refused;
- 1.5 "Special event licence" means a temporary licence with a term of validity not exceeding 30 days, and may be in respect of either a sound or a television service.

2. Application fee

Every application for a special event licence shall be accompanied by an application fee of R500, 00 paid by means of a cheque in favour of the Authority.

3. Applications

- 3.1 Every application for a special event licence shall
 - 3.1.1 be substantially in the form contained in schedule 2 below;
 - 3.1.2 be accompanied by other documents required in the application form;
 - 3.1.3 be accompanied by a fully completed checklist contained in schedule 4 below;
 - 3.1.4 be submitted to the Authority not later than **60 days** and not earlier than **90 days** before the proposed commencement date;
 - 3.1.5 be legibly completed in any official language;
 - 3.1.6 be accompanied by 12 copies of the application form and all relevant documents, including any documents that may be requested by the Authority in the course of assessing the application;
- 3.2 The Authority has discretion –
 - 3.2.1 on whether to publish material particulars of special event licences;

3.2.2 on whether to hold a hearing in respect of all applications, including applications for special event licences.

4. Applicants

4.1 An applicant for a special event licence must-

4.1.1 be a legal entity;

4.1.2 be non-profit;

4.1.3 be controlled by a Board which must be democratically elected from members of the community to be served by the proposed broadcast service.

5. Programming

5.1 The programming –

5.1.1 must comply with the provisions stated in section 32(4) of the Broadcasting Act, no. 4 of 1999;

5.1.2 must be 60% or more related to the special event;

6. Support

In respect of special event licences, an applicant may provide support for the proposed broadcasting service by providing at least one of the four categories of documents mentioned in sub-regulation 3 of the Regulations on the Criteria to measure community support, stated above or results of a survey as contemplated in sub-regulation 4 of the said Regulations.

SCHEDULE 1

SCHEDULE OF AMENDED/REPEALED SECTIONS OF THE REGULATIONS AND THE EXTENT OF THE AMENDMENT OR REPEAL

Title of Regulation	Section number	Extent of amendment /repeal
Temporary Community Broadcasting Licences	1	Replaced definition of short-term licence with a definition of special event licence.
"	7	Repealed in whole.
"	8(1)(iii)	By allowing special event applicants to submit at least one of the four categories of documents mentioned therein.
Criteria to measure community support	3 (1)	By allowing special event applicants to submit at least one of the four categories of documents mentioned therein.

SCHEDULE 2

APPLICATION FORM FOR SPECIAL EVENT LICENCES

Name

1. What is the full name of the applicant (organisation/person applying for the licence)?
2. What will be the name of the radio or television station if it is licensed?

Contact Details

3. Please provide the Authority with the following contact details:
- 3.1 The full name of the organisation/body applying for the licence
 - 3.2 Street address
 - 3.3 Postal address
 - 3.4 Telephone numbers (for the applicant and key members of the applicant)
 - 3.5 Fax number
 - 3.6 E mail address

Legal Form of applicant

4. What is the legal form of the applicant? (Please tick the correct box)

Section 21 company	<input type="checkbox"/>
Trust	<input type="checkbox"/>
Voluntary Association	<input type="checkbox"/>
Non-Profit Organisation	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>
	<input type="checkbox"/>

5. Is the applicant a non-profit entity? If yes please give details of how any income made would be spent/distributed.

Nature of event

6. What is the event which will be covered by the station if a licence is granted? Please provide details including, the dates of the event, the nature of the event and a motivation for how a broadcasting licence will contribute towards the event
7. What dates is the licence required for? If these dates differ from those of the event please motivate why.

Community

8. Do you propose serving a community of interest (a specific group of people within a certain area) or a geographic community (everyone within the proposed area of broadcast)?
9. Please describe the proposed community (where is the community, what are the geographic boundaries of this community; if you propose to serve a community of interest, please describe fully the common interest).
10. Provide the demographic profile of the target community (i.e how many people live in the community, how many men and women, what is the average age of people in the community, what languages are spoken, what education levels, what are the unemployment figures etc).

Community Participation

11. How do you plan to involve members of your community in choosing and providing programming? (note that phone-ins alone are not sufficient)
12. How do you plan to make sure that all members of the community - including those who do not have telephones or access to the studio - will be able to participate in the station.

Management & Staff

13. Please give us the following information about all the members of the board of directors/governors/trustees and all members of the management team at the station. Please also attach their CV's:
- 13.1 Full name
 - 13.2 Identity number or Passport number
 - 13.3 Home Address

- 13.4 Business Address
 - 13.5 Nationality
 - 13.6 Sex
 - 13.7 Occupation
 - 13.8 Qualifications (if applicable) and
 - 13.9 Brief profile of community involvement (if any)
 - 13.10 Please indicate whether any members of the board or management are involved in any way with any other broadcasting service. If they are please give details of this involvement.
- 14. Please list and attach copies of any management agreements, consultancy agreements, network agreements, franchise agreements or any other agreements relating to the proposed service and its management.
 - 15. Please attach the organogram of the station, showing the different structures of the station, including, the board, management, staff, volunteers, any committees etc.
 - 16. How many people will be involved in the station? How many will be employed full-time, how many part-time, how many will be volunteers?
 - 17. How many of the staff members will be paid salaries?
 - 18. How many of the staff members are women, Black, people with disabilities, etc?
 - 19. How many of the board members are women, Black, people with disabilities, etc?
 - 20. Have any board or management members been found guilty of any offence in terms of the Independent Broadcasting Authority Act, no. 153 of 1993? If so, what are the details of the conviction?

Demand, Need & Support

- 21. How many listeners do you estimate will tune in to the television/radio station?
- 22. Please provide proof of your community's support for the proposed station.
- 23. What are the community's most important needs? How will the applicant fulfill these needs through programming or other needs – i. e types of programmes and objectives thereof.

Programming

- 24. How many hours a day will the station broadcast? Please specify the hours of the day if you plan to broadcast for less than 24 hours (for example, from 6am - 9pm)
- 25. Do you have any policies guiding programmes and presenters of programmes? Please attach them, if you have.
- 26. Will you be broadcasting any news? If so please specify how many minutes a day you will broadcast (including community news). Please also indicate how you plan to produce this news (do you have a contract with a news provider? Will you have a newsroom? etc)
- 27. Will you broadcast any current affairs/information programming? If so please give details of such programmes.
- 28. Will you be producing any children's or youth programmes? If so please give details of such programmes.
- 29. Please attach a copy of your programme schedule.
- 30. Please provide the Authority with a summary of your programming plans, indicating how you will produce programmes relevant to the event which you want to cover. Please also indicate which programmes would be focused on the special event you want to broadcast.
- 31. What is the proposed programming format, for example 50% music 50% talk.
- 32. What languages do you want to broadcast in? If you plan to use more than one language please indicate the percentages to be used for the different languages (for example, 50% TsiVenda, 50% isiZulu)
- 33. How much of the music which you plan to broadcast will be South African music? (note that the Authority has developed rules on SA content. Please refer to these).

Finance

34. How will the station be funded?
35. Please attach the financial projections – i.e proposed income and expenditure statement.
36. If the applicant has any long-term loans (12 months and above) please give details of these and provide the Authority with the repayment terms.
37. How does the applicant propose to spend its surplus, if any?
38. Give details of any sponsored programmes, and the terms thereof.

Technical

39. Give particulars of the licence area and the frequency which you are applying to use.
40. Please attach map of proposed coverage area.
41. Please indicate the physical address of the studio. How accessible is it to the community – i.e by bus, taxi, foot, etc.?
42. Who will be responsible for the maintenance and repair of the studio equipment?

Signal Distribution

43. Who would conduct the signal distribution? If the applicant intends to conduct its own signal distribution the application form attached as schedule 3 must also be completed.
44. Attach details of qualifications and/or relevant experience of the person who would be responsible for signal distribution.
45. If your signal distribution would be conducted by Sentech, or any other licensed signal distributor, please attach written confirmation of this from the distributor.

The applicant acknowledges that statements in this form and accompanying documents will be relied upon by the Authority and confirms that to the knowledge and belief of the applicant all such statements are true and correct.

Signed at:..... Date:.....

Full names of signatory:..... Signature:.....

For and on behalf of (the applicant):.....

SCHEDULE 3**APPLICATION FORM FOR A TEMPORARY BROADCASTING SIGNAL DISTRIBUTION LICENCE****Name**

1. What is the full name of the applicant (organisation/person applying for the licence)?

Contact Details

2. Please provide the Authority with the following contact details:
 - 2.1 The full name of the organisation/body applying for the licence
 - 2.2 Street address
 - 2.3 Postal address
 - 2.4 Telephone numbers (for the applicant and key members of the applicant)
 - 2.5 Fax number
 - 2.6 E mail address

Proposed licence area

3. Describe the geographical limits of the area

Technical Matters

4. Give particulars with make and model names of each proposed transmitter item of equipment to be used in broadcasting
5. Preferred frequency band on which it is intended to broadcast
6. Proposed effective radiated power (ERP)
7. Proposed power output
8. Proposed antenna polarisation
9. Proposed horizontal broadcasting pattern
10. Proposed type of transmission apparatus
11. Physical address or deeds registry description of location of proposed transmitter
12. Geographical co-ordinates of transmitter's position
13. Site height as above sea level
14. Mid-antenna height as above sight level
15. Proposed service area
16. Full particulars of the precautions to be taken against interference with other broadcasting services
17. Full particulars of the person/s who will be in charge of the power, transmission and technical matters
18. Attach a pattern of the radiation if available

Compliance with laws

19. Confirm whether consents, permissions or other authorisation is required in terms of laws relating to the environment, town planning, occupational health and safety or copyright
20. If so, whether all such consents, permission or authorisations have been or are being obtained

The applicant acknowledges that statements in this form and accompanying documents will be relied upon by the Authority and confirms that to the knowledge and belief of the applicant all such statements are true and correct.

Signed at:.....

Date:.....

Full names of signatory:.....

Signature:.....

For and on behalf of (the applicant):.....

SCHEDULE 4

CHECKLIST FOR SPECIAL EVENT LICENCES

All applicants for special event licences must complete the following checklist. This will assist both you and the Authority in making sure all the necessary documents have been included in the application. If an applicant does not complete this checklist and hands in a partially completed application form, it will take longer for the Authority to process and decide whether or not to grant the licence.

	Tick
1. Did you enclose a cheque of R500, 00 for the application fee?	
2. Did you make 12 copies of the application and any supporting documents to hand in to the Authority?	
3. Is the application form signed?	
4. Did you attach a resolution giving the person who signed the application a mandate to make this application on behalf of the applicant?	
5. Did you include all the documents which support your application?	
6. Did you include copies of your founding documents which established the organisation applying for a licence? Please tick which of the following founding documents apply to your organisation:	
6.1 Memorandum & Articles of Association,	
6.2 Constitution,	
6.3 Trust Deed	
7. Have you attached your proposed programme schedule?	
8. Have you attached your projected income and expenditure statements?	
9. Have you attached an organogram for the applicant?	
10. Have you included the CVs of everyone on the Board of the applicant?	
11. Have you included the CVs of the members of management of the applicant?	
12. Have you included evidence of support from your community for the proposed broadcasting station?	
13. Have you included copies of any contracts which you might have with any other organisations/companies/people?	
14. Have you included copies of all the policies you have adopted that relate to the proposed broadcasting service?	
15. Have you attached a map of the proposed coverage area?	
16. Are you applying to do your own signal distribution?	
17. If you answered yes to number 16 then you must complete the following questions. If another licensed signal distributor is doing your signal distribution you do not need to fill this in.	
17.1 Have you filled in the separate application form for signal distribution?	
17.2 Have you attached the CV of the person who would be conducting your signal distribution?	
17.3 Have you attached the radiation pattern?	
17.4 Have you attached a resolution authorising the signatory to sign on behalf of the applicant for a signal distribution licence?	
18. If Sentech or any other licensed signal distributor will be responsible for your transmission, have you included a letter or an agreement to that effect.	