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GENERAL NOTICE

NOTICE 531 OF 2005



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

AMENDMENT OF REGULATIONS

**REGULATIONS RELATING TO APPLICATIONS FOR SPECIAL EVENT
LICENCES FOR COMMUNITY BROADCASTING SERVICES**

The Independent Communications Authority of South Africa ("the Authority") hereby gives notice of its ~~intention~~ to amend Regulations 1.5, 2, 3.1, 3.2.1, 3.2.2, 5.1.2, and 6 of the Regulations Relating to Applications for Special Event Licences for Community Broadcasting Services, 2002. The Authority also intends to insert Regulation 1.6.

The Authority hereby ~~invites~~ interested parties to ~~comment on the~~ proposed amendments by 16h00 on 13 May 2005. Submissions ~~will~~ be public documents and must be provided to the Authority in both electronic and hard copy formats. Electronic copies ~~will facilitate~~ the ~~poeting~~ of the submissions on ~~the~~ Authority's website (<http://www.icasa.org.za>).

Representations ~~should~~ be sent to:

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The Independent Communications Authority of South Africa ("the Authority"), in accordance with the provisions of section 47A(3), section 28, and section 13 of the Independent Broadcasting Authority Act, No. 163 of 1993 ("the IBA Act") intends to make amendments to the regulations in the Schedule.

GENERAL EXPLANATORY NOTE

[] Words in bold type in square brackets indicate deletions of *existing* words.

 Underlined words indicate Insertions.

It is proposed that the title of the Regulations be amended as follows:

REGULATIONS RELATING TO THE APPLICATIONS FOR SPECIAL EVENT ~~[S]~~
COMMUNITY SOUND BROADCASTING LICENCES [FOR] OR
TEMPORARY/LIMITED PERIOD COMMUNITY TELEVISION BROADCASTING
LICENCES [SERVICES]

1. Definitions

It is proposed that Regulation 1.5 be amended by the insertion of the words sound broadcasting and the deletion of the words [and may be in respect of either a sound or a television service]. Regulation 1.5 should read as follows:

1.5 "Special event sound broadcasting licence" means a temporary sound broadcasting licence with a term of validity not exceeding 30 days.

It is proposed that Regulation 1.6 be inserted to read as follows:

- 1.6 "Temporary / limited period community television broadcasting licence" means a non-renewable temporary television broadcasting licence with a term of validity not exceeding 12 months.

2. Application Fee

It is proposed that the paragraph under Regulation 2 be deleted and Regulations 2.1 and 2.2 be inserted as follows:

- 2.1 Every application for a special event community sound broadcasting licence ~~shall~~ be accompanied by an application fee of R500, 00 paid by means of a cheque in favour of the Authority;
- 2.2 Every application for a temporary / limited period community television broadcasting licence shall be accompanied by an application fee of R1000.00 paid by means of a cheque in favour of the Authority.

3, Applications

It is proposed that Regulation 3.1 be amended by the insertion of the words pound broadcasting or temporary / limited period community television broadcasting licence.

Regulation 3.1 should read as follows:

- 3.1 Every application for a special event community sound broadcasting licence or temporary / limited period community television broadcasting licence shall:

It is proposed that Regulations 3.2.1 and 3.2.2 be amended by the Insertion of the words community sound broadcasting or temporary / limited period community television.

Regulation 3.2.1 and 3.2.2 should read as follows:

3.2.1 on whether to, publish material particulars of special event community sound broadcasting or temporary / limited period community television broadcasting licences;

3.2.2 on whether to hold hearings in respect of applications for special event community sound broadcasting or temporary / limited period community television broadcasting licences;

5. Programming

It is proposed that Regulation 5.1.2 be amended by the insertion of the words in the case of a special event community sound broadcasting licence

Regulation 6.1.2 should read as follows:

5.1.2 must, in the case of a special event community sound broadcasting licence, be 60% or more related to the special event.

6. Support

It is proposed that Regulation 6 be amended by the Insertion of the words community sound broadcasting or temporary / limited Period community television broadcasting.

Regulation 8 should read as follows:

In respect of special event community sound broadcasting or temporary community / limited period television broadcasting 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, ~~α~~ results of a survey as contemplated in sub-regulation 4 of the ~~said~~ Regulations.

**MEMORANDUM OF THE OBJECTS OF THE AMENDMENT OF THE
REGULATIONS RELATING TO APPLICATIONS FOR SPECIAL EVENT
L FOR ' BROADCASTING SERV 2002.**

SUMMARY

1. The Authority published a Position Paper on Community Television Broadcasting Services on 30 November 2004, The Authority stated that there are no community television frequencies in metropolitan areas such as Johannesburg, Pretoria, Cape Town, Durban, and Port Elizabeth, though it is envisaged that once South Africa has migrated to a digital platform frequencies will be freed up in these areas for use by community television broadcasting services. The Authority stated that it would propose the re-categorisation of the spare commercial television frequencies in Johannesburg, Durban and Port Elizabeth, and the spare public television frequency in Durban North for community television use. It was also stated that there are no spare public or commercial television frequencies in Cape Town. "There is, however, one spare frequency available for digital terrestrial television service use. The Authority will, therefore, consider Issuing proposed amendments to the regulations on special events licences to allow community television broadcasting licensees, in Gases where there are unallocated frequencies and demand can be shown to exceed 30 days, to apply for a non-renewable temporary community television broadcasting licence for a period not exceeding 12 months. Such broadcasting licensees would be allowed to broadcast on frequencies reserved for use during migration from analogue to digital broadcasting".

¹ Independent Communications Authority of South Africa - Position Paper on Community Television Broadcasting Services, 30 November 2004, at page 13.

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2. **The proposed amendment of Regulations 1.5, 2, 3.1, 3.2.1, 3.2.2, 5.1.2, and 6 would distinguish special event community sound broadcasting licences from temporary / limited period community television broadcasting licences.**
 3. **The proposed Regulation 1.6 would deal with the introduction of temporary / limited period community television broadcasting services for a period not exceeding 12 months.**
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