



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

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## GENERAL NOTICE

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### NOTICE 1220 OF 2005



### **Independent Communications Authority of South Africa**

Pinmill Farm, 164 Katherine Street, Sandton  
Private Bag X10002, Sandton, 2146

### **ICASA SOUTH AFRICAN TELEVISION CONTENT REGULATIONS, 2002**

The Independent Communications Authority of South Africa ("the Authority") hereby gives notice of its intention to amend the ICASA South African Television Content Regulations, 2002 for public comment.

These Regulations came into effect on 22 August 2003 and the proposed amendments reflect the policy intentions outlined in the Position Paper on Subscription Broadcasting published on 1 June 2005.

The Authority invites interested parties to comment on the proposed amendments by **16h00** on **09 December** 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 posting of the submissions on the Authority's website (<http://www.icasa.org.za>).

Representations should be sent to:

**Lebogang Mofokeng**

**Admin Assistant: Projects Unit**

**e-mail: [lmofokeng@icasa.org.za](mailto:lmofokeng@icasa.org.za)**

**Fax: (011) 448 - 2414**

**Tel: (011) 321 - 8282**

Representations should be confined to technical amendments.

**P Mashile, (Chairperson), N Buibulia, T Cohen, ZR Masiza, M Mohlala, L Mtimde, M Zokwe (Councillors)  
JB Manche (Chief Executive Officer)**

### General Explanatory Note:

] Words in bold type in square brackets indicate omissions from existing regulations.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing regulations.

### 1. Definitions

It is proposed that Regulation 2 should be amended by the deletion of Regulation 2.36 and that Regulations 2.4 to 2.41 should be renumbered to reflect the insertion of the following definitions:

“Bouquet” means a collection of video and / or audio channels marketed as a single package, often transmitted in a single data stream, or a thematic environment where channels are devoted to a specific programming genre;

Terrestrial subscription television broadcasting means a television service transmitted from a transmitter situated on the earth's surface;

“Satellite subscription television broadcasting” means a service which is broadcast by transmitters situated on a satellite.

### 5. Subscription Television Service Providers

It is proposed that Regulation 5 be substituted for by the following Regulation. Regulation 5 should now read as follows:

#### Subscription Television Broadcasting Licensees

5.1 A terrestrial subscription television broadcasting licensee must ensure that a minimum weekly average of 10% measured over the period of a year of its programming, on a single channel or spread across a bouquet of channels: during the South African television performance period consists of South African television content.

5.2 In complying with its obligation in terms of Regulation 5.1 above, a terrestrial subscription television broadcasting licensee must ensure that a minimum of 2% of its South African television content programming must consist of South African drama programming and the rest must be spread reasonably evenly between other types of South African programming, including but not limited to South African arts programming, South African documentaries, South African informal knowledge-building, South African children and educational programming.

- 5.3 The Authority may, in lieu of the obligations on the terrestrial subscription television broadcastina licensee in terms of reaulation 5.1 direct that the licensee must annually spend a specified sum of money, subject to a reasonable yearly escalation or alternativelv. a **specified minimum percentage** of the licensees' gross revenue on proaramming which has a South African content.
- 5.4 A satellite subscription television broadcastincl licensee must ensure that a minimum of 10% of their channel **acquisition** budaet is spent on channels with South African content that are compiled and **uplinked** from South Africa.
- 5.5 The broadcastina by a satellite subscription television broadcasting licensee of licensed free-to-air public television broadcastina services or free-to-air commercial television broadcastina services will not count towards compliance with reaulation 5.4.
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