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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA  
NOTICE 160 OF 2020****DRAFT AMENDMENT OF THE LICENSING PROCESSES AND PROCEDURES  
REGULATIONS FOR CLASS LICENCES, 2010 AND AMENDMENT  
REGULATIONS, 2016**

- (1) The Independent Communications Authority of South Africa ("the Authority") hereby declares its intention to amend the Licensing Processes and Procedures Regulations for Class Licences, 2010<sup>1</sup> (Notice No. R526 of 2010) as amended by Government Notice No. R 157 of 30 March 2016 and invites interested persons to submit written representations on these Draft Amendment Regulations to the extent reflected in the Schedule.
- (2) A copy of the Draft Regulations will be made available on the Authority's website<sup>2</sup> and the Authority's Library at No. 350 Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion, (Ground Floor at Block C), between 09h00 and 16h00, Monday to Friday.
- (3) Interested persons are invited to make written representations regarding the Draft Regulations and must be submitted to the Authority by no later than 16h00 on **17 April 2020** by post, hand delivery or electronically (in Microsoft Word) and marked specifically for attention: Mr Peter Mailula/ Ms Fikile Hlongwane. Delivery address: Block B, 350 Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion. Where possible, written representations should also be emailed to: [PMailula@icasa.org.za](mailto:PMailula@icasa.org.za) or [FHlongwane@icasa.org.za](mailto:FHlongwane@icasa.org.za). Enquiries should be directed to 012 568 -3657

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<sup>1</sup> Licensing Processes and Procedures Amendment Regulations, 2010 (as amended): for registration, amendment, renewal, transfer and surrender of a class licence and matters pertaining thereto and applicable to licence exemptions (limited to ECNS and ECS) published in Government Gazette No.33297 Notice No. R526 of 14 June 2010.

<sup>2</sup> <http://www.icasa.org.za>

or 012 568 3197 between 09h30 and 16h00, Monday to Friday.

- (4) Written representation(s) received by the Authority pursuant to this notice, will be made available for inspection by interested persons at the Authority's library and such copies will be obtainable upon payment of the prescribed fee.
- (5) When a person makes submissions to the Authority, such person may request that specific information be treated as confidential information in terms of section 4D of the Independent Communications Authority of South Africa Act No 13 of 2000 ("ICASA Act"). The request for confidentiality must be accompanied by a written statement explaining why the specific information should be treated as confidential in terms of section 4D(4)(a) to (e) of the ICASA Act. The Authority may determine that such representations or any portion thereof is to be treated as confidential. Where the request for confidentiality is refused, the person who made the request will be granted an opportunity to withdraw such representations or portion(s) thereof. Persons requesting confidentiality are thus urged to acquaint themselves with the ICASA Guidelines for Confidentiality Request<sup>3</sup>.
- (6) Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral presentations to the Authority.



**DR KEABETSWE MODIMOENG**

**ACTING CHAIRPERSON**

**DATE:** 21 / 02 / 2020

<sup>3</sup> ICASA Guidelines for Confidentiality Request published in Government Notice No: 849, Government Gazette No. 41839 of 17 August 2019

## SCHEDULE

### 1. Definitions

In these Regulations "the Regulations" means the Regulations published under Government Notice No. R. 526 of 14 June 2010, as amended by Government Notice No. R. 157 of 30 March 2016.

### 2. Amendment of regulation 1 of the Regulations

- 2.1 Regulation 1 of the Regulations is hereby amended by the substitution for the definition of "Applicant" of the following definition:

"**'Applicant'** means a person who has submitted an application for the amendment, renewal, transfer, or surrender of a licence;"

- 2.2 Regulation 1 of the Regulations is hereby amended by the substitution for the definition of "Application" of the following definition:

"**'Application'** means an application for amendment, renewal, transfer or surrender of a licence;"

- 2.3 Regulation 1 of the Regulations is hereby amended by the insertion after the definition of "Application" of the following definition:

"**'Community of interest'** means a community which has a specific definable common interest, for example religion or culture;"

- 2.4 Regulation 1 of the Regulations is hereby amended by the insertion after the definition of "Fees" of the following definition:

"**'Geographically founded community'** means a community whose communality is determined principally by residing in a particular geographical area;"

- 2.5 Regulation 1 of the Regulations is hereby amended by the substitution for the definition of "Historically Disadvantaged Persons" of the following definition:

"**'HDP'** – means black persons, women, and persons with disabilities and youth, who before the Constitution of the Republic of South Africa, 1996 came into operation, were disadvantaged by unfair

discrimination on the basis of race, gender, disability, sexual orientation or religion;”

2.6 Regulation 1 of the Regulations is hereby amended by the substitution for the definition of “Licence” of the following definition:

“ **‘Licence’** means a class licence issued in terms of section 5(4) of the Act;”

2.7 Regulation 1 of the Regulations is hereby amended by the insertion after the definition of “Licence”, of the following definitions:

“ **‘Low Power Commercial Sound Broadcasting Services’** means services operating from and broadcasting to shopping malls/centers, sports grounds, show grounds, and drive-in movie theatres, or any other similar commercial places;”

“ **‘Low Power Community Sound Broadcasting Service’** means a community low power sound broadcasting service operating from and broadcasting to, for instance, old age homes, and links between old age homes and places of worship, or between places of worship, or any other similar communal places;”

2.8 Regulation 1 of the Regulations is hereby amended by the substitution for the definition of “Registrant” of the following definition:

“ **‘Registrant’** means a person who has submitted a notice for the registration of a licence;”

2.9 Regulation 1 of the Regulations is hereby amended by the insertion after the definition of “Registration” of the following definitions:

“ **‘Special Event’** means an event of a cultural, religious, political, sporting, commercial or of a similar nature, taking place within the applicant’s community or coverage area, which must take place irrespective of whether a Licence has been granted or refused;

“ **‘Special Event Community Sound Broadcasting Service Licence’** means a temporary sound broadcasting Licence with a term of validity not exceeding forty-five (45) days;”

2.10 Regulation 1 of the Regulations is hereby amended by the insertion, after the definition of “transfer” of the following definitions:

“ **‘Temporary Community Television Broadcasting Service Licence’** means a non-renewable temporary television broadcasting services licence with a term of validity not exceeding twelve (12) months.”

### **3. Amendment of regulation 2 of the Regulations**

Regulation 2 of the Regulations is hereby amended by the substitution for paragraph (b) of sub-regulation (1) of the following paragraph:

“(b) documentation to be submitted with a notice for registration and applications”.

### **4. Amendment of regulation 3 of the Regulations**

The following regulation is hereby substituted for regulation 3 of the Regulations:

#### **“3. Application of these regulations**

These Regulations apply to all licences issued in terms of section 5 (4) of the Act.”

### **5. Amendment of regulation 4 of the Regulations**

Regulation 4 of the Regulations is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) The prescribed forms in these Regulations are as follows:

- (a) **Form A:** Registration of a licence to provide electronic communications network service and electronic communications service;
- (b) **Form B:** Registration of a licence to provide a Community Broadcasting Service or a Special Event Community Sound Broadcasting service or a Temporary Community Television Broadcasting service or Low Power Community Sound Broadcasting service;

- (c) **Form D:** Application to amend a Licence (Regulation 8(1));
- (d) **Form F:** Application to renew a Licence (Regulation 9(1));
- (e) **Form H:** Application to transfer a Licence (Regulation 10);
- (f) **Form K:** Application for surrender of a Licence (Regulation 11);
- (g) **Form L:** Notice of change of information in respect of a Licence (Regulation 12);
- (h) **Form M:** Licence exemption services and networks (Regulation 13);
- (i) **Form N:** Application for a Low Power Commercial Sound Broadcasting Service Licence; and
- (j) **Form P:** Application for Broadcasting Spectrum licence."

## **6. Amendment of regulation 5 of the Regulations**

### **6.1 The following regulation is hereby substituted for regulation 5 of the Regulations:**

#### **"5. Submission of applications, registrations, notices and other documents".**

- (1) Documents (including applications, notices and registrations) must be submitted to the Authority in hard copy or as may be prescribed otherwise.
- (1A) Registrants/Applicants must submit two (2) hard copies (including an original) of the application as well as a soft copy of the application on a USB or a disc.
- (2) Where any document is required in terms of these Regulations, it must be submitted to the Authority before 16h30 during working days. Further, if a Registration/Application is submitted after 16h30, the Registrations/Application will be considered to have been received on the next day."
- (5) The Authority will not consider any application or registration where an applicant or registrant:
  - (a) fails to pay the applicable fee;
  - (b) is not compliant with sub-regulation (1), (3) and (4); and

(c) is in arrears with respect to any fees and/or is not compliant to the Compliance Procedure Manual Regulations forms prescribed by the Authority or legislated in terms of the Act.

## **7. Amendment of regulation 7 of the Regulations**

The following regulation is hereby substituted for regulation 7 of the Regulations:

### **"7. Registration for a licence (section 16 and 17 of the Act)**

- (1) Notice of a registration for a licence to provide electronic communications network service and electronic communications service in terms of sections 16(2) and 17(1) of the Act, must be in the format as set out in **Form A**.
- (2) Notice of registration for a licence to provide a Community Broadcasting Service or a Special Event Community Sound Broadcasting Service or a Temporary Community Television Broadcasting service or Low Power Community Sound Broadcasting Service in terms of sections 16(2) and 17(1) of the Act, must be in the format as set out in **Form B**.
- (3) The notice of registration (**Form A**) must be accompanied by the founding documents of the registrant, i.e. the registration certificate, including Memorandum of Incorporation (MoI) and any other related information in respect of electronic communications service and electronic communications network services.
- (4) The Authority will make a determination and publish a notice on the Provinces/areas in which it will invite registrations for Community Broadcasting Services Licences.
- (5) Incomplete registration forms will be rejected within sixty (60) days of failure by the registrant to submit outstanding information."

## **8. Amendment of regulation 8 of the Regulations**

- 8.1 The following heading is hereby substituted for the heading to regulation 8 of the regulations:

**"8. Application to Amend a Licence"**

8.2 Regulation 8 of the Regulations is hereby amended by the deletion of sub-regulations (5) and (6).

**9. Amendment of regulation 9 of the Regulations**

9.1 The following heading is hereby substituted for the heading to regulation 9 of the regulations:

**"9. Application to renew a Licence (section 19(2) of the Act)"**

9.2 Regulation 9 of the Regulations is hereby amended by the deletion of sub-regulations (3) and (4).

**10. Amendment of regulation 10 of the Regulations**

10.1 The following heading is hereby substituted for the heading to regulation 10 of the regulations:

**"10. Application to transfer a Licence (section 16(6) of the Act)"**

10.2 Regulation 10 of the Regulations is hereby amended by the deletion of paragraph (d) of regulation 10.

**11. Amendment of regulation 11 of the Regulations**

11.1 The following regulation is hereby substituted for regulation 11 of the Regulations:

**"11. Surrender of a Licence**

- (1) A licensee that elects to surrender its licence must submit a notice in the format as set out in Form K.
- (2) The application referred to in regulation 11(1) must be submitted in no less than ninety (90) days prior to the date determined by the licensee on which the surrender of its licence will take effect and on which it will cease to provide the services in respect of which the licence was granted.



- (2A) A licensee may not cease providing services prior to having submitted an application for the surrender of its licence to the Authority.
- (3) A licensee that intends to surrender its licence must take appropriate steps to inform its end-users/listeners/viewers of its intention to cease providing its services two (2) months prior to the cessation of such services.
- (3A) Prior to submitting the application for surrender of the licence, a licensee must have informed its end-users/listeners/viewers of its intention to cease providing services.
- (5) All amounts due and payable to the Authority must be paid within twenty-two (22) days of the date on which the service provided in terms of the licence is discontinued, except where the Authority, upon the request by the licensee and on good cause shown, extends the said time in this regard."

## **12. Amendment of Regulation 12 of the Regulations**

12.1 The following heading is hereby substituted for the heading to regulation 12 of the regulations:

### **"12. Notice of change of information in respect of a Licence"**

12.2 Regulation 12 of the Regulations is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) A licensee must submit the notice within fourteen (14) days of the change occurring where:

(a) name, principal place of business and/or contact details of the licensee changes."

(b) type of the service being provided."

12.3 Regulation 12 of the Regulations is hereby amended by the insertion after sub-regulation 2 of the following sub-regulation:

“(3) The notice of change of information in respect of the licence must be accompanied by an applicable fee, as prescribed.”

### **13. Amendment of regulation 13 of the Regulations**

The following regulation is hereby substituted for regulation 13 of the Regulations:

#### **“13. Licence exempt services and networks**

- (1) A person intending to operate, construct or maintain a Private Electronic Communications Network (PECN) licence exemption services must apply to the Authority in the format as set out in Form M.
- (2) A person intending to provide Electronic Communications Service (ECS) licence exemption services in terms of section 6 of the ECA must apply to the Authority in the format as set out in Form M.”

### **14. Amendment of regulation 13A of the Regulations**

The following regulation is hereby substituted for regulation 13A of the Regulations:

#### **“13A Registration for a licence to provide a Special Event Community Sound Broadcasting Service and Temporary Community Television Broadcasting Service**

A person intending to provide a Special Event Community Broadcasting Sound service or Temporary Community Television Broadcasting Service must apply to the Authority in the format as set out in Form B, accompanied by the applicable fee.”

### **15. Amendment of regulation 14 of the Regulations**

15.1 Regulation 14 of the Regulations is hereby amended by the substitution for sub-regulations (1) and (2) of the following sub-regulations:

“(1) Where in the opinion of the Authority, it is necessary as a matter of procedural fairness and transparency, the Authority may take any or all of the following steps:

- (a) publish a notice in the Government Gazette of the application or registration;
- (b) invite interested persons to submit written representations in relation to the application, notice or registration within twenty (20) working days;
- (c) allow the applicant or registrant an opportunity to submit written responses to representations received in relation to the application, notice or registration within the period specified by the Authority; and
- (d) conduct a public hearing in relation to the application, notice or registration.

(2) The Authority will publish its decision in the Government Gazette on an application or registration following the hearings.”

#### **16. Amendment of regulation 14A of the Regulations**

The following regulation is hereby substituted for regulation 14A of the Regulations:

“Failure to comply with the Regulations, will amongst others result in the Authority not considering the registration or application.”

#### **17. Short Title and Commencement**

These Regulations are called the **Draft** Class Licensing Processes and Procedures Amendment Regulations, 2020 and will come into operation upon publication in the Government Gazette.

**18. Substitution of Form A of the Regulations**

The following Form of Schedule 1 is hereby substituted for Form A of the Regulations:

**"FORM A**

**REGISTRATION OF A LICENCE TO PROVIDE ELECTRONIC COMMUNICATIONS  
NETWORK SERVICE AND ELECTRONIC COMMUNICATIONS SERVICE**

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

- Note: (a) Registrants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) and any regulations published under the Act with regard to the requirements to be fulfilled by registrants.*
- (b) Information required in terms of this Form which does not fit into the space provided must be attached to the Form as an appendix. Each appendix must be numbered with reference to the relevant part of the Form.*
- (c) Where any information in this Form does not apply to the registrant, the registrant must indicate that the relevant information in the Form is not applicable.*

| <b>1. PARTICULARS OF THE REGISTRANT</b>          |  |
|--|--|
| 1.1 Full name of registrant:                     |  |
| 1.2 Designated contact persons (maximum of two): |  |
| 1.3 Registrant's principal place of business:    |  |
| 1.4 Registrant's postal address:                 |  |

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|-----|---|--|
| 1.5 | Registrant's telephone number/s (including mobile numbers):   |  |
| 1.6 | Registrant's telefax number/s:                                |  |
| 1.7 | E-mail address of designated contact person (maximum of two): |  |

|                                    |  |
|------------------------------------|--|
| <b>2. LEGAL FORM OF REGISTRANT</b> |  |
| 2.1.                               | Indicate the legal form of registrant (e.g. Natural person or private company incorporated in terms of the Companies Act, 2008):   |
| 2.2.                               | ID Number or Registration number of registrant:  |
| 2.3.                               | Attach certified copies of the certificate of registration and memorandum and articles of association or other founding documents of the registrant (e.g. memorandum and articles of association, association agreement or constitution) marked clearly as <b>Appendix 2.3.3</b> of <b>FORM A</b> , indicating the applicant's compliance with the requirements of section 5(8)(b) of the Act. |

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| <b>3. NATURE OF SERVICES TO BE LICENSED</b> |  |
| 3.1.  | Indicate if the service to be provided is:           |
|   | 1. an electronic communications network service      |
|   | 2. an electronic communications service              |
| 3.2.  | Provide a description of the service to be provided: |
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| 3.3. Indicate the geographic area (local or district municipality) in which the service is to be provided:   |
|  |
| 3.4. Provide a description of the persons (including resellers, subscribers and end-users) to whom the service will be provided and the way the service is to be provided to them: |
|  |

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| <b>4. FINANCES</b>  |
| 4.1. Provide details of the way the proposed service is to be funded:   |
|   |
| 4.2. Provide details of the registrant's anticipated capital expenditure (CAPEX) necessary for the commencement of the provision of services; and operating expenditure (OPEX) during the registrant's first year of operation. |

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**5. OWNERSHIP AND MANAGEMENT**

5.1. Provide details of all ownership interests in the registrant (percentage of shareholding) and the identity and address of each shareholder in the registrant.

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5.2. Indicate the extent to which any ownership interest referred to above is held by an historically disadvantaged person.

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5.3. Indicate whether the holder of any ownership interest in the registrant is a foreign citizen or an entity registered or incorporated in any country other than South Africa.

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5.4. Indicate whether the registrant is listed on any stock exchange and provide

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| details of any such listing.   |
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| 5.5. Indicate whether any person holding an ownership interest in the registrant holds a licence issued in terms of the Act or holds an ownership interest in any other licensee licensed to provide a service similar to that to which this registration relates.   |
|  |
| 5.6. Provide details (including name, nationality, identification or passport number, position and address) of each member of the registrant's:<br>(i) board of directors or similar body;<br>(ii) senior management.  |
|  |
| <b>6. RADIO FREQUENCY SPECTRUM</b>   |
| Indicate if the registrant has submitted or intends to apply for a radio frequency spectrum licence for the provision of the services to which this registration relates. The registrant must indicate from the frequencies provided by the Authority which frequency band it seeks to utilise to provide the service. |
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| <b>7. GENERAL</b>  |
| 7.1. Provide details of undertakings (if any) and other matters which, in the registrant's view, the Authority should consider:  |
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| 7.2. Attach a resolution authorising the designated contact person signing this registration notice. The resolution must be marked clearly as <b>Appendix 8.2</b> of <b>FORM A</b> . |

The person signing the registration on behalf of the registrant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence issued pursuant to this registration set aside should any material statement made herein, at any time, be found to be false.

Signed .....

(REGISTRANT)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

..." end of substitution

**19. Substitution of Form B of the Regulations**

The following Form of Schedule 1 is hereby substituted for Form B of the Regulations:

**"FORM B**

REGISTRATION OF A LICENCE TO PROVIDE A COMMUNITY BROADCASTING SERVICE / SPECIAL EVENT COMMUNITY SOUND BROADCASTING SERVICE / TEMPORARY COMMUNITY TELEVISION BROADCASTING SERVICE / LOW POWER COMMUNITY SOUND BROADCASTING SERVICE

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA***Note:*

- (a) Registrants must refer to the *Electronic Communications Act, 2005 (Act No. 36 of 2005)* ("the Act") and any regulations published under the Act with regard to the requirements to be fulfilled by registrants. Registrants are referred, in particular, to the *Community Sound Broadcasting Regulations, 2019 (published under GN439 in Government Gazette 42323 of 22 March 2019)* and the *Community Sound Broadcasting Licence: Criteria to Measure Community Support Regulations, 1997 (published under GN R1388 in Government Gazette 18380 of 17 October 1997)*.
- (b) Information required in terms of this Form which does not fit into the space provided must be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.
- (c) Where any information in this Form does not apply to the registrant, the registrant must indicate that the relevant information is not applicable.

**1. PARTICULARS OF THE REGISTRANT**

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| <b>1. PARTICULARS OF THE REGISTRANT</b> |  |
| 1.1. Full name of registrant:           |  |

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| 1.2. Designated contact persons (maximum of two):                  |  |
| 1.3. Registrant's principal place of business:                     |  |
| 1.4. Registrant's postal address:                                  |  |
| 1.5. Registrant's telephone number/s (including mobile numbers):   |  |
| 1.6. Registrant's telefax number/s:                                |  |
| 1.7. E-mail address of designated contact person (maximum of two): |  |

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| <b>2. LEGAL FORM OF REGISTRANT</b>  |  |
| 2.1. Indicate the legal form of the registrant (e.g. Non-Profit entity incorporated in terms of the Companies Act, 2008 ):  |  |
| 2.2. Registration number of the registrant:   |  |
| 2.3 The following documents must be submitted with the registration: the certificate of registration accompanied by either an approved memorandum of incorporation, a constitution which has been signed by the founding members/Board. The founding documents must have provision for the following: minimum of 51% quorum for the annual general meeting, provision for membership and an appeals mechanism in case of rejection upon application and clear separation of powers between management and |  |

board of directors. Should the registrant fail to submit these documents, the registration will not be considered. Attach as **Appendix 2.1.3 of Form B.**

### 3. NON-PROFIT STATUS OF REGISTRANT

Provide details of the registrant's non-profit status. Please provide a certified certificate of registration as a Non-Profit Entity or provide a deed of trust and Letter of Authority from the Master's Office in respect of a Community Trust.

### 4. COMMUNITY

4.1 Indicate whether the community to be served by the proposed broadcasting service is:

4.1.1 geographically founded community; *or*

4.1.2 group of persons or sector of the public with a specific, ascertainable common interest.

4.2 Where the community to be served by the registrant is a geographically founded community, provide details of the community to be served, including:

- (i) whether the community is urban, peri-urban or rural
- (ii) the number of people in the community

(iii) gender, language, income and demographic statistics in relation to the community. **(Attach as Appendix 4.2)**

4.3 Where the community to be served by the registrant is a community of common interest, provide details of the community to be served, including:

- (i) the nature of the common interest;
- (ii) the size of the community in the geographic area in which the service is proposed to be provided; and
- (iii) gender, language, income and demographic statistics in relation to the community. **(Attach as Appendix 4.3)**

## 5. NATURE OF SERVICES TO BE LICENSED

5.1 Provide a description of the service to be provided: **Attach as Appendix 5.1**

5.2 Nature of Events (Only for special event and community tv):

5.2.1 What is the event which will be covered by the station if a licence is granted?  
Please provide details including the dates of events, the nature of the event and a motivation for how a broadcasting licence will contribute towards in the event.

5.3 What dates is the licence required for? If these dates differ from those of the event, please motivate why:

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| 5.4 Indicate the geographic area in which the service is to be provided:  |
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| 5.5 Provide details of the languages in which the broadcasting service is to be provided. Where it is proposed that the service will be provided in more than one language, provide a breakdown of the number of hours of programming which will be broadcast in each language.   |
|   |
| 5.6 Provide the registrant's proposed programming schedule. Further provide the proposed programming format and content to be provided, and indicate when your peak time will be, the extent to which output would be locally originated and extent to which it will be externally sourced. Further indicate the proposed minutes of news to be broadcast on a daily basis and provide a percentage split in terms of local, national and international news content. Indicate the duration and scheduling of current affairs programme/s and provide the percentage split in terms of local, national and international content and indicate source as well. The ICASA South African Music Content Regulations, 2016 require class community sound broadcast licences to broadcast the prescribed percentage of local music. Indicate your proposed percentage of local music to be broadcast. |
| 5.7 In the case of a special event community sound broadcasting licence,  |

60% of broadcast content must be related to the special event.

**Attach as Appendix 5.7 of FORM B.**

## **6. SERVING THE COMMUNITY'S INTERESTS**

6.1 Provide proof of how the registrant proposes to serve the community's interests:

6.2 Provide proof of how the registrant proposes to encourage members of the community it serves, or persons associated with the promotion of the community's interests, to participate in the selection and production of programming to be provided by the registrant:

## **7. SUPPORT**

Provide proof of support by members of the registrant's community or of persons associated with the registrant's community or of persons who promote the interests of the registrant's community. Kindly submit letters of support from NGOs, business and so forth and signatures of support from members of the community/prospective listeners etc. **Attach as Appendix 7**

**8. FINANCES**

8.1 Submit commitment of funding, which includes the amount from financial institutions or any other entity for start-up costs and provide details of the way the proposed service is to be funded (e.g. sponsorship, donations etc.)

**Attach as Appendix 8.1**

8.2 Provide details of the registrant's anticipated:

- i. capital expenditure necessary for the commencement of the provision of services; and
- ii. operating expenditure during the registrant's first year of operation.

**Attach as Appendix 8.2**

8.3 Provide details of the registrant's business plan: **Attach as Appendix 8.3**

**9. CONTROL AND MANAGEMENT**

9.1 Provide details (including name, nationality, identification or passport number, position and address) of each member of the registrant. Confirm if the individuals below reside within the proposed coverage area **Attach as Appendix 9.1**

- i. board of directors or similar body
- ii. senior management

9.2 **Attach the proposed organogram as Appendix 9.2:**

9.3 Provide details of all ownership interests in the registrant: **Attach as Appendix 9.3. of Form B.**

9.3.1 Provide details of any persons in a position of control of the registrant who is a foreign citizen, or an entity registered or incorporated in any country other than South Africa: Indicate whether any member of the Board of the registrant is a foreign citizen or an entity registered or incorporated in any country other than South Africa. Please provide details below.



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|                                     |   |
| 9.4                                 | Indicate whether any member of the Board of the registrant is also a member of the Board of another licensee issued in terms of the Act. Please provide details below.  |
|                                     |   |
| <b>10. RADIO FREQUENCY SPECTRUM</b> |   |
| 10.1                                | Indicate if the registrant has submitted or intends to apply for a radio frequency spectrum licence for the provision of the services to which this registration relates. The registrant must complete form P contained in these regulations. |
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| <b>11. GENERAL</b> |   |
| 11.1               | Indicate whether the registrant is a member of an entity recognised in terms of section 54 and 55 of the Act. |
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| 11.2 Indicate whether the registrant is a party, movement, organisation, body or alliance which is of a party-political nature.   |  |
| 11.3 Indicate whether the registrant has ever been convicted of an offence in terms of the Act or related legislation, as defined in the Act. If so, provide details of such conviction.  |  |
| 11.4 Provide details of other matters or undertakings which, in the registrant's view, the Authority should consider:   |  |
|   |  |
| 11.5 Attach a resolution authorising the person (s) not more than two signing this registration and liaising with the Authority during the registration process. The resolution must be marked clearly as <b>Appendix 11.9 of FORM B.</b> |  |

The person signing the registration on behalf of the registrant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence issued pursuant to this registration set aside should any material statement made herein, at any time, be found to be false.

Signed .....

(REGISTRANT)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

---

**COMMISSIONER OF OATHS**

Name:

Address:

..." end of substitution

**20. Substitution of Form D of the Regulations**

The following Form of Schedule 1 is hereby substituted for Form D of the Regulations:

**"FORM D****APPLICATION TO AMEND A LICENCE****(Regulation 8 (1))****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA***Note:*

- (a) Applicants must refer to the *Electronic Communications Act, 2005* (Act No. 36 of 2005) ("the Act") and any regulations published under the Act with regard to the requirements to be fulfilled by applicants.
- (b) Information required in terms of this Form which does not fit into the space provided must be contained in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information in the Form is not applicable.

|  |  |
|--|--|
| <b>1. PARTICULARS OF THE LICENCE</b>   |  |
| 1.1. Licence number:   |  |
| 1.2. Nature of services authorised to be provided in terms of the licence:   |  |
| 1.3. Attach a copy of the licence that is the subject of this application marked clearly as <b>Appendix 1.3.</b> of <b>FORM D.</b> |  |

| <b>2. PARTICULARS OF THE APPLICANT (LICENSEE)</b>                  |  |
|--|--|
| 2.1. Full name of applicant:                                       |  |
| 2.2. Designated contact persons (maximum of two):                  |  |
| 2.3. Applicant's principal place of business:                      |  |
| 2.4 Applicant's postal address:                                    |  |
| 2.5. Applicant's telephone number/s (include mobile numbers):      |  |
| 2.6. Applicant's telefax number/s:                                 |  |
| 2.7 E-mail address of designated contact persons (maximum of two): |  |

| <b>3. PROPOSED AMENDMENT TO THE LICENCE</b>   |
|---|
| 3.1. Set out the amendment/s (with reference to existing clauses in the licence) to the licence which is/are the subject of this application: |
|   |

|  |
|--|
|  |
| 3.2. Set out the applicant's motivation for the proposed amendment/s to the licence, indicating the reasons for the amendment/s:   |
|  |
| 3.3. Indicate what has since changed from the original offering. <b>Attach evidence to support the amendment as Appendix 3.3 of FORM D.</b>  |
| 3.4. Attach minutes and attendance register of the AGM/special meeting as outlined in the founding documents where a resolution was taken to amend the conditions of the licence (in case of class broadcasting service) as <b>Appendix 3.4 of FORM D.</b> |
| 3.6. Explain the potential implications of the proposed amendment/s:   |
|  |

|   |
|---|
| <b>4. RADIO FREQUENCY SPECTRUM</b>  |
| 4.1. Indicate whether the applicant holds a radio frequency spectrum licence. If so, provide details thereof and attach a copy of the radio frequency spectrum licence marked clearly as <b>Appendix 4.1 of FORM D.</b> |
|   |
| 4.2. To the extent that an amendment to the applicant's radio frequency spectrum licence would be necessitated if the amendment in respect of   |

the licence that is the subject of this application is approved, provide details of such an amendment. A separate application to amend the applicant's radio frequency spectrum licence must be submitted to the Authority in this regard at the same time as this application.

## 5. GENERAL

5.1. Provide details of any other matter and undertaking which, in the applicant's view, the Authority should consider:

5.2. Attach a resolution signed by the majority of the members of the board of directors or trustees authorising the person signing this application marked clearly as **Appendix 5.2** of **FORM D**.

The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence amended pursuant to this application set aside should any material statement made herein, at any time, be found to be false.

Signed .....  
(APPLICANT)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

---

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

..." end of substitution



## 21. Substitution of Form F of the Regulations

The following Form of Schedule 1 is hereby substituted for Form F of the Regulations:

**"FORM F**  
APPLICATION TO RENEW A LICENCE

**(Regulation 9 (1))**

### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

*Note:*

- (a) *Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under the Act with regard to the requirements to be fulfilled by applicants.*
- (b) *Information required in terms of this Form which does not fit into the space provided must be attached to the Form as an appendix. Each appendix must be numbered with reference to the relevant part of the Form.*
- (c) *Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information in the Form is not applicable.*

|   |  |
|---|--|
| <b>1 PARTICULARS OF LICENCE</b>   |  |
| 1.1 Licence number:   |  |
| 1.2 Nature of services authorised to be provided in terms of the licence:   |  |
| 1.3 Expiration date of licence:   |  |
| 1.4 Attach a copy of the licence that is the subject of this application marked clearly as <b>Appendix 1.4</b> of <b>FORM F</b> . |  |

| <b>2 PARTICULARS OF APPLICANT (LICENSEE)</b>  |  |
|---|--|
| 2.1 Full name of applicant:   |  |
| 2.2 Designated contact person:  |  |
| 2.3 Applicant's principal place of business   |  |
| 2.4 Applicant's postal address:   |  |
| 2.5 Applicant's telephone number/s (include mobile numbers):  |  |
| 2.6 Applicant's telefax number/s:   |  |
| 2.7 E-mail address of designated contact person (maximum of two):   |  |
| 2.8. Include legal form of Applicant (e.g. private company incorporated in terms of the Companies Act, 2008): |  |
|   |  |

**3 OWNERSHIP OR CONTROL AND MANAGEMENT**

3.1 Provide details of all ownership interests in the applicant (percentage of shareholding) and the identity and address of each shareholder in the applicant. *Not applicable to community sound and television.*

3.2 Indicate whether the applicant is listed on any stock exchange, and provide details of any such listing: *Not applicable to community sound and television*

3.3 In respect of each holder of any ownership interest/person in the position of control or any person holding an ownership interest in the applicant, provide the details required in 3.1 in respect of each such shareholder.

3.4 Indicate the extent to which any ownership interest referred to above is held by a historically disadvantaged person or group.

3.5 Indicate whether the holder of any ownership interest/person in the position of control in the applicant is a foreign citizen or an entity registered

or incorporated in any country other than South Africa. For class community sound and television, please indicate if there is an individual in the controlling structure who is a foreign citizen.

3.6 Indicate whether any person holding an ownership interest/control in the applicant holds a licence issued in terms of the Act or holds an ownership interest/control in any other licensee licensed to provide a service similar to that to which this application relates: For class community sound and television please indicate if there is individual in the controlling structure who holds a position of control in another licensed entity licensed by ICASA.

3.7 Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:

3.8 Provide details (including name, nationality, identification or passport number, position and address) of each member of the applicant. Confirm if individuals below reside within the coverage area:

- (i) board of directors or similar body;
- (ii) senior management.

3.9. Provide the licensee's current organogram:

#### 4. RADIO FREQUENCY SPECTRUM

4.1. Indicate if the applicant holds a radio frequency spectrum licence. If so, provide details thereof and attach a copy of the radio frequency spectrum licence marked clearly as **Appendix 4.1 of FORM F**.

4.2. Indicate the date on which the applicant's radio frequency spectrum licence expires. A separate application to renew the applicant's radio frequency spectrum licence must be submitted to the Authority prior to the expiry of that licence in terms of the applicable regulations.

#### 5. AMENDMENT TO THE LICENCE

5.1. Indicate whether the applicant seeks any amendment to the licence if this application to renew the licence is granted. If so, a separate application for the amendment of the licence in terms of these regulations, must be submitted in this regard.

|  |
|--|
| <b>6. FAILURE TO COMPLY WITH REQUIREMENTS</b>  |
| 6.1. Provide details of any action taken in relation to the applicant by the Authority or any other person due to a breach or alleged breach by the licensee of the Act and related legislation. |
|  |
| 6.2. Provide details of any finding by the Complaints and Compliance Committee against the applicant, as well as details of the sanction imposed by the Authority, if any.                       |
|  |
| 6.3. Provide details of any finding by a body recognised in terms of section 54 or 55 of the Act.  |
|  |

|  |
|--|
| <b>8. GENERAL</b>  |
| 8.1. Provide details of any matter and undertakings which, in the applicant's view, the Authority should consider: |

8.2. Attach a resolution signed by a majority of the members of the board of directors or trustees authorising the person signing this application. The resolution must be marked clearly as **Appendix 8.2. of FORM F.**

The person signing the registration on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right, to have any licence renewed pursuant to this application set aside should any material statement made herein, at any time.

Signed .....

(APPLICANT)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

---

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

..." end of substitution



## 22. Substitution of Form H of the Regulations

The following Form of Schedule 1 is hereby substituted for Form H of the Regulations:

### "FORM H

#### APPLICATION TO TRANSFER A LICENCE

#### (Regulation 10)

### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

#### Note

(a) Applicants must refer to the *Electronic Communications Act, 2005 (Act No. 36 of 2005)* ("the Act") and any regulations published under the Act with regard to the requirements to be fulfilled by applicants.

(b) Information required in terms of this Form which does not fit into the space provided must be attached to the Form as appendix. Each appendix must be numbered with reference to the relevant part of the Form.

(c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information in the Form is not applicable.

| <b>1 PARTICULARS OF LICENCE</b>  |  |
|--|--|
| 1.1. Licence number:   |  |
| 1.2. Nature of services authorised to be provided in terms of the licence:   |  |
| 1.3. Attach a copy of the licence that is the subject of this application marked clearly as <b>Appendix 1.3.</b> of <b>FORM H.</b> |  |

| <b>2. PARTICULARS OF THE APPLICANT (LICENSEE)</b> |  |
|---|--|
| 2.1. Full name of the applicant:                  |  |

|   |  |
|---|--|
|   |  |
| 2.2. Designated contact person:   |  |
| 2.3. Applicant's principal place of business:                           |  |
| 2.4. Applicant's postal address:  |  |
| 2.5. Designated contact person's telephone number/s (including mobile): |  |
| 2.6. Designated contact person's telefax number/s:                      |  |
| 2.7. E-mail address of designated contact person:                       |  |

### 3. PARTICULARS OF TRANSFEREE

|   |  |
|---|--|
| <b>3. PARTICULARS OF TRANSFEREE</b>               |  |
| 3.1. Full name of transferee:                     |  |
| 3.2. Transferee's principal place of business     |  |
| 3.3. Transferee's postal address:                 |  |
| 3.4. Telephone number/s (include mobile numbers): |  |

|  |  |
|--|--|
| 3.5. Telefax number/s:   |  |
| 3.6. E-mail address of designated contact person (maximum of two): |  |

|   |  |
|---|--|
| <b>4. LEGAL FORM OF APPLICANT (LICENSEE)</b>  |  |
| 4.1.1. Indicate the legal form of the applicant (e.g. Natural person or private company incorporated in terms of the Companies Act, 2008):  |  |
| 4.1.2. ID Number or Registration number of applicant:   |  |
| 4.1.3. Attach certified copies of the applicant's certificate of registration and memorandum and articles of association or other constitutive documents of the applicant (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as <b>Appendix 4.1.3 of FORM H</b> , indicating the applicant's compliance with the requirements of section 5(8)(b) of the Act. |  |
| 4.2. Where the applicant has been liquidated or sequestrated, provide:  |  |
| 4.2.1 Liquidator/ Executor's principal place of business:   |  |
| 4.2.2. Liquidator/Executor's telephone number/s (include mobile numbers):   |  |
| 4.2.3. Liquidator/Executor's telefax number/s:  |  |
| 4.2.4. Liquidator'/Executor's E-mail address (maximum of two):  |  |

4.2.5. Attach an affidavit deposed to by the liquidator, indicating the liquidator's consent to the transfer of the licence, marked clearly as **Appendix 4.2.5 of FORM H,**

#### 5. LEGAL FORM OF TRANSFEREE

5.1. Indicate the legal form of the transferee (e.g. private company incorporated in terms of the Companies Act, 2008):

5.2. Registration number of the transferee:

5.3. Attach certified copies of the transferee's certificate of incorporation and memorandum and articles of association or other constitutive documents of the transferee (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as **Appendix 5.3. of FORM H.**

#### 6. OWNERSHIP AND MANAGEMENT OF APPLICANT

6.1. Provide details of all ownership interests in the applicant and the identity and address of each holder of an ownership interest in the applicant. Where an applicant is a juristic person, only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the applicant are relevant.

6.2. Indicate whether the applicant is listed on any stock exchange, and

|  |
|--|
| provide details of any such listing:   |
|  |
| 6.3. In respect of each holder of any ownership interest in any person holding an ownership interest in the applicant, provide the details required in 6.1 in respect of each such holder:   |
|  |
| 6.4. Indicate the extent to which any ownership interest referred to above is held by historically disadvantaged persons or group.   |
|  |
| 6.5. Indicate whether the holder of any ownership interest in the applicant is a foreign citizen or an entity registered or incorporated in any country other than South Africa:   |
|  |
| 6.6. Indicate whether any person holding an ownership interest in the applicant holds a licence issued in terms of the Act or holds an ownership interest in any other licensee licensed to provide a service similar to that to which this application relates: |
|  |

|   |
|---|
|   |
| 6.7. Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:  |
|   |
| 6.8. Provide details (including name, nationality, identification or passport number, position and address) of each member of the applicant's:<br>6.8.1. board of directors or similar body;<br>6.8.2. senior management. |
|   |

|  |
|--|
| <b>7. OWNERSHIP AND MANAGEMENT OF TRANSFEREE</b>   |
| 7.1. Provide details of all ownership interests in the transferee and the identity and address of each holder of an ownership interest in the transferee. Where a transferee is a juristic person, only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the transferee are relevant. |
|  |

|  |
|--|
| <p>7.2. Indicate whether the transferee is listed on any stock exchange, and provide details of any such listing:</p>  |
|  |
| <p>7.3. In respect of each holder of any ownership interest in any person holding an ownership interest in the transferee, provide the details required in 7.1 in respect of each such holder:</p>   |
|  |
| <p>7.4. Indicate the extent to which any ownership interest referred to above is held by a historically disadvantaged person or group.</p>   |
|  |
| <p>7.5. Indicate whether the holder of any ownership interest in the transferee is a foreign citizen or an entity registered or incorporated in any country other than South Africa:</p>   |
|  |
| <p>7.6. Indicate whether any person holding an ownership interest in the transferee holds a licence issued in terms of the Act or holds an ownership interest in any other licensee licensed to provide a service similar to that to which this application relates:</p> |

|  |
|--|
|  |
| 7.7. Provide particulars of any interest held by the transferee in another licensee licensed in terms of the Act:  |
|  |
| 7.8. Provide details (including name, nationality, identification or passport number, position and address) of each member of the transferee's:<br>7.8.1. board of directors or similar body;<br>7.8.2. senior management. |
|  |

|  |
|--|
| <b>8. SUITABILITY OF TRANSFEREE</b>  |
| 8.1. Provide particulars of any licence held by the transferee in terms of the Act which has been revoked: |
|  |
| 8.2. Provide particulars of any application or registration submitted by the                               |



|   |
|---|
| transferee for a licence in terms of the Act, which was rejected:   |
|   |
| 8.3. Provide particulars of any application or registration submitted by the transferee for a licence in terms of the Act which is pending before the Authority:  |
|   |
| 8.4. Provide details of any action taken in relation to the transferee by the Authority or any other person due to a breach of the Act, any regulations published under the Act or any terms and conditions applicable to any licence issued in terms of the Act: |
|   |
| 8.5. Provide details of the transferee's business plan in respect of the licensed service Attach as <b>Appendix 8.5 of FORM H</b>   |
|   |
| 8.6. Provide separately and mark clearly as <b>Appendix 8.6 of FORM H</b> , copies of the transferee's audited annual financial statements for the last three years (where applicable):   |
|   |

|  |
|--|
|  |
|--|

**9. OWNERSHIP AND CONTROL BY HISTORICALLY DISADVANTAGED PERSONS**

Indicate details of ownership and control by historically disadvantaged persons.  
**Attach as Appendix 9 of FORM H**

**10. MOTIVATION FOR PROPOSED TRANSFER**

Provide the motivation for the proposed transfer indicating the reasons for the transfer: **Attach as Appendix 10 of FORM H**

**11. APPLICANT'S LICENCE OBLIGATIONS**

11.1. Indicate those obligations of the applicant in terms of the licence which have been discharged and those which will assumed by the transferee, should this application be granted: **Attach as Appendix 11.1 of FORM H**

11.2. Provide marked clearly as **Appendix 11.2 of FORM H**, a written undertaking given by the transferee, through its duly authorised representative, that it will comply with the applicant's licence obligations in the event of the transfer application being approved by the Authority.

11.3. Provide minutes of AGM or Special GM where the transfer was approved, together with attendance register thereof. Attach as **Appendix 11.3 of FORM H**

**12. COMPLIANCE WITH CHAPTER 9 OF THE ACT**

*This section is only applicable where the licence to be transferred is in respect a broadcasting service.*

12.1. Indicate whether the transferee is a member of the Advertising Standards Authority or intends to become a member:

12.2. Indicate whether the transferee is a member of a body contemplated in section 54(3) of the Act or intends to become a member:

12.3. Indicate whether the transferee is a party, movement, organisation, body or alliance which is of a party-political nature.

**13. GENERAL**

13.1. Provide details of any matter or undertaking which, in the applicants' view, the Authority should consider:

13.2. Attach a resolution signed by a majority of the members of the board or trust authorising the persons signing this application. The resolution must be marked clearly as **Appendix 13.2. of FORM H.**

The persons signing the application on behalf of the applicant and the transferee must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence transferred pursuant to this application set aside should any material statement made herein, at any time, be found to be false.

Signed .....

(APPLICANT)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- 1. knows and understands the contents hereof;
- 2. has no objection to taking the prescribed oath or affirmation; and
- 3. considers this oath or affirmation to be truthful and binding on his/her conscience.

Signed .....

(TRANSFEREE)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- 1. knows and understands the contents hereof;
- 2. has no objection to taking the prescribed oath or affirmation; and
- 3. considers this oath or affirmation to be truthful and binding on his/her conscience.

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

...” end of substitution

**23. Substitution of Form K of the Regulations**

The following Form of Schedule 1 is hereby substituted for Form K of the Regulations:

**"FORM K****APPLICATION FOR SURRENDER OF A LICENCE**

(Regulation 11)

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

Note: (a) Licensees must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under the Act with regard to the requirements to be fulfilled by licensees.

(b) Information required in terms of this Form which does not fit into the space provided must be attached as appendix to the Form. Each appendix must be numbered with reference to the relevant part of the Form.

(c) Where any information in this Form does not apply to the licensee, the licensee must indicate that the relevant information in the Form is not applicable.

| <b>1. PARTICULARS OF LICENCE</b>  |  |
|---|--|
| 1.1 Licence number:   |  |
| 1.2 Nature of services authorised to be provided in terms of the licence:   |  |
| 1.3 Expiration date of licence:   |  |
| 1.4 Date on which surrender of licence is to take effect:   |  |
| 1.5 Attach a copy of the licence that is the subject of this application marked clearly as <b>Appendix 1.4</b> of <b>FORM K</b> . |  |

| <b>2. PARTICULARS OF LICENSEE</b>                                  |  |
|--|--|
| 2.1. Full name of licensee:  |  |
| 2.2. Designated contact person:                                    |  |
| 2.3. Licensee's principal place of business:                       |  |
| 2.4. Licensee's postal address:                                    |  |
| 2.5. Licensee's telephone number/s (include mobile numbers):       |  |
| 2.6. Licensee's telefax number/s:                                  |  |
| 2.7. E-mail address of designated contact person (maximum of two): |  |

### **3. PARTICULARS OF OTHER LICENCES**

Indicate if the licensee holds any other licences issued in terms of the Act and whether the licensee intends also to surrender any such licences. Separate applications of surrender in respect of such licences must be submitted in this regard.

|  |
|--|
|  |
|--|

### **4. STEPS TO INFORM SUBSCRIBERS AND END-USERS/listeners**

4.1. Provide details of the steps the licensee proposes to take to inform end-users/listeners of the cessation of the services in respect of which the licence was granted.

4.2. Provide details and supporting documentation on the steps that the licensee has taken to inform end-users/listeners of the cessation of the services in respect of which the licence was granted.

|  |
|--|
|  |
|--|

|  |
|--|
|  |
|  |

**5. FEES PAYABLE**

5.1. Indicate those fees and contributions which will be due and payable by the date on which the surrender of the licence is to take effect and, where possible, the amount of such fees and contributions.

5.2. Specify the number of months which will have elapsed from the date on which the licence was issued or from the last anniversary of the date on which the licence was issued, as the case may be:

5.3. Indicate those annual fees and contributions payable at a date subsequent to the date on which the surrender of the licence will take effect, and the proportionate amount which must be paid to the Authority, where this can be calculated as at the date of this application.

**6. GENERAL**

6.1. Provide details of any matter and undertakings which, in the licensee's view, the Authority should consider:

|  |
|--|
|  |
| 6.2. Attach a resolution signed by a majority of the members of the board or trustees authorising the person signing this application to sign this application, marked clearly as <b>Appendix 6.2 of FORM K.</b> |
|  |

Signed .....  
 (APPLICANT)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

---

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

*..." end of substitution*



## 24. Substitution of Form L of the Regulations

The following Form of Schedule 1 is hereby substituted for Form L of the Regulations:

### "FORM L

#### NOTICE OF CHANGE OF INFORMATION IN RESPECT OF A LICENCE

#### (Regulation 12)

#### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

*Note:*

*(a) Licensees must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under the Act with regard to the requirements to be fulfilled by licensees.*

*(b) Information required in terms of this Form which does not fit into the space provided must be attached to the Form as an appendix. Each appendix must be numbered with reference to the relevant part of the Form.*

*(c) Where any information in this Form does not apply to the licensee, the licensee must indicate that the relevant information is not applicable.*

|  |
|--|
| <b>1 PARTICULARS OF LICENCE</b>  |
| 1.1 Licence number:  |
| 1.2 Attach a copy of the licence that is the subject of this notice, marked clearly as <b>Appendix 1.2. of FORM L.</b> |

|  |
|--|
| <b>2 CHANGE TO INFORMATION PROVIDED IN THE REGISTER</b>  |
| 2.1 Indicate whether the updated information relates to: |

|   |  |
|---|--|
| 2.1.1. Name and contact details of the licensee; and/or |  |
| 2.1.2. Nature of the service provided by the licensee.  |  |

### 3 PARTICULARS OF LICENSEE

Licensee must provide the information requested in this section even where no change has occurred in relation to the licensee's particulars.

|   |  | <i>Indicate with X where the information in question has changed.</i> |
|---|--|---|
| 3.1 Full name of licensee:                                  |  |   |
| 3.2 Designated contact persons:                             |  |   |
| 3.3 Licensee's principal place of business:                 |  |   |
| 3.4 Licensee's postal address:                              |  |   |
| 3.5 Licensee's telephone number/s (include mobile numbers): |  |   |
| 3.6 Licensee's Fax number/s:                                |  |   |
| 3.7 Licensee's email address: (maximum of two)              |  |   |
|   |  |   |

#### 4. GENERAL

4.1. Provide details of any matter which, in the licensee's view, the Authority should consider (e.g. shareholding by HDI/HDG/HDP; women; youth; people with disabilities).

4.2. Attach a resolution authorising the person signing this notice. The resolution must be signed off by the contact person as per the licensee. The resolution must be clearly marked as **Appendix 5.2. of FORM L**

4.3. The notification for change of name must be accompanied by CIPC Registration Documents clearly marked as **Appendix 5.3 of Form L**

The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence amended pursuant to this application set aside should any material statement made herein, at any time, be found to be false.

Signed .....

(APPLICANT)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- 5. knows and understands the contents hereof;
- 6. has no objection to taking the prescribed oath or affirmation; and
- 7. considers this oath or affirmation to be truthful and binding on his/her conscience.

---

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

...” end of substitution

**25. Substitution of Form M of the Regulations**

The following Form of Schedule 1 is hereby substituted for Form M of the Regulations:

**"FORM M****LICENCE EXEMPTION SERVICES AND NETWORKS****(Regulation 13)****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA***Note*

- (a) Registrant must refer to the *Electronic Communications Act, 2005 (Act No. 36 of 2005)* ("the Act") and any regulations published under the Act with regard to the requirements to be fulfilled by applicants.
- (b) Information required in terms of this Form which does not fit into the space provided must be attached to the Form as an appendix. Each appendix must be numbered with reference to the relevant part of the Form.
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information in the Form is not applicable.

| <b>1. PARTICULARS OF REGISTRANT</b>           |  |
|---|--|
| 1.1. Full name of the applicant:              |  |
| 1.2. Designated contact person:               |  |
| 1.3. Applicant's principal place of business: |  |
| 1.4. Applicant's postal address:              |  |

|   |  |
|---|--|
| 1.5. Applicant's telephone number/s:<br>(including mobile):           |  |
| 1.6. Applicant's telefax number/s:                                    |  |
| 1.7. E-mail address of designated<br>contact person (maximum of two): |  |

|   |  |
|---|--|
| <b>2. LEGAL FORM OF THE REGISTRANT</b>  |  |
| 2.1. Indicate the legal form of registrant (e.g. private company incorporated in terms of the Companies Act, 2008):   |  |
| 2.2. Registration number of registrant:   |  |
| 2.3. Attach certified copies of the certificate of registration and memorandum and articles of association or other founding documents of the registrant (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as <b>Appendix 2.3.</b> of <b>FORM M</b> , indicating the applicant's compliance with the requirements of section 5(8)(b) of the Act.: |  |

|  |  |
|--|--|
| <b>3. NATURE OF SERVICES TO BE AUTHORISED</b>  |  |
| 3.1. Indicate if the service to be provided is:<br>(i) an electronic communications network service<br>(ii) an electronic communications service                                 |  |
|  |  |
|  |  |
| 3.2. Indicate the form of licence exemption being sought with reference to the categories of licence exemption as set out in the Licence Exempt Regulations.                     |  |
|  |  |
|  |  |
| 3.3. Provide the description of the service, the manner in which it is to be provided and provide a detailed explanation of the purpose for which the service is to be provided. |  |

**3.4.** Indicate the geographic area in which the service is to be provided

#### **4. RADIO FREQUENCY SPECTRUM**

4.1. Indicate if the registrant holds any radio frequency spectrum licence in respect of radio frequency spectrum to be utilised for the purpose of providing the services for which authorisation is sought in terms of this registration. Attach a copy of any such radio frequency spectrum licence marked clearly as Appendix 4.1 of **FORM M**.

4.2. Indicate if the registrant has submitted or intends to apply for a radio frequency spectrum licence for the provision of the services to which this registration relates. Furthermore, indicate the frequency band which is proposed to be utilised for the purpose of providing the service.

#### **5. GENERAL**

Attach a resolution authorising the person signing this registration to sign and mark it clearly as **Appendix 5** of **FORM M**.

The persons signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence transferred pursuant to this application set aside should any material statement made herein, at any time, be found to be false.

Signed .....

(APPLICANT)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- 1. knows and understands the contents hereof;
- 2. has no objection to taking the prescribed oath or affirmation; and
- 3. considers this oath or affirmation to be truthful and binding on his/her conscience.

**OATHS**

\_\_\_\_\_  
**COMMISSIONER OF**

Name:  
Address:  
Capacity:

...” end of substitution



**26. Substitution of Form N of the Regulations**

The following Form of Schedule 1 is hereby substituted for Form N of the Regulations:

**"FORM N****APPLICATION FOR A LOW POWER COMMERCIAL BROADCASTING SERVICE****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA***Note:*

- (a) Registrants must refer to the *Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act")* and any regulations published under the Act with regard to the requirements to be fulfilled by registrants.
- (b) Information required in terms of this Form which does not fit into the space provided must be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.
- (c) Where any information in this Form does not apply to the registrant, the registrant must indicate that the relevant information is not applicable.

| <b>1. PARTICULARS OF REGISTRANT</b>               |  |
|---|--|
| 1.1. Full name of registrant:                     |  |
| 1.2. Designated contact persons (maximum of two): |  |
| 1.3. Registrant's principal place of business:    |  |

|  |  |
|--|--|
| 1.4. Registrant's postal address:                                  |  |
| 1.5. Registrant's telephone number/s (including mobile numbers):   |  |
| 1.6. Registrant's telefax number/s:                                |  |
| 1.7. E-mail address of designated contact person (maximum of two): |  |

## 2. LEGAL FORM OF REGISTRANT

2.1. Indicate the legal form of the registrant (e.g. Natural person or incorporated in terms of the Companies Act, 2008 ):

2.2. ID Number or Registration number of the registrant:

2.3. Attach certified copies of the certificate of registration and memorandum and articles of association or other founding documents of the registrant (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as **Appendix 2.3. of FORM N**, indicating the applicant's compliance with the requirements of section 5(8)(b) of the Act.

## 3. COMMUNITY

3.1. Indicate whether the community to be served by the proposed

|   |  |
|---|--|
| broadcasting service is:  |  |
| 3.2. geographically founded community; <b>or</b>  |  |
| 3.3. group of persons or sector of the public with a specific, ascertainable common interest.   |  |
| 3.4. Where the community to be served by the registrant is a geographically founded community, provide details of the community to be served, including: <ul style="list-style-type: none"> <li>(i) whether the community is urban, peri-urban or rural</li> <li>(ii) the number of people in the community</li> <li>(iii) gender, language, income and demographic statistics in relation to the community. <b>(Attach as Appendix 4.4 of Form N)</b></li> </ul>   |  |
| 3.5. Where the community to be served by the registrant is a community of common interest, provide details of the community to be served, including: <ul style="list-style-type: none"> <li>(i) the nature of the common interest;</li> <li>(ii) the size of the community in the geographic area in which the service is proposed to be provided; and</li> <li>(iv) gender, language, income and demographic statistics in relation to the community. <b>(Attach as Appendix 4.5 of Form N)</b></li> </ul> |  |

|   |
|---|
| <b>4. NATURE OF SERVICES TO BE LICENSED</b>   |
| 4.1. Provide a description of the service to be provided: <b>Attach as Appendix 5.1 of Form N</b> |
| 4.2. Indicate the geographic area in which the service is to be provided:                         |
|   |

4.3. Provide details of the languages in which the broadcasting service is to be provided. Where it is proposed that the service will be provided in more than one language, provide a breakdown of the number of hours of programming which will be broadcast in each language.

4.4. Provide the registrant's proposed programming schedule. Further provide the proposed programming format and content to be provided, and also indicate when your peak time will be. In line with provisions regarding Low power sound is not required to provide for news and current affairs programming. Indicate your proposed percentage of local music to be broadcast in alignment with the South African Local Music Regulations on local content. **Attach as Appendix 5.4 of Form N.**

## 5. SUPPORT

Provide proof of support by members of the registrant's community or of persons associated with the registrant's community or of persons who promote the interests of the registrant's community. Kindly submit letters of support from business and so forth and signatures of support from members of the community/prospective listeners etc. **Attach as Appendix 6 of Form N**

## 6. FINANCES

6.1. Submit commitment of funding, which includes the amount from financial institutions or any other entity for start-up costs and provide details of the manner in which the proposed service is to be funded (e.g. sponsorship,

donations etc.) **Attach as Appendix 7.1 of Form N**

6.2. Provide details of the registrant's anticipated:

- i. capital expenditure necessary for the commencement of the provision of services; and
- ii. operating expenditure during the registrant's first year of operation.

**Attach as Appendix 7.2 of Form N**

6.3. Provide details of the registrant's business plan: **Attach as Appendix 7.3 of Form N**

## **7. CONTROL AND MANAGEMENT**

7.1. Provide details (including name, nationality, identification or passport number, position and address) of each member of the registrant. Confirm if the individuals below reside within the proposed coverage area **Attach as Appendix 8.1 of Form N.**

- i. board of directors or similar body; and
- ii. senior management.

7.2. Attach the proposed organogram: **Attach as Appendix 8.2 of Form N**

7.3. Provide details of all ownership interests in the registrant: **Attach as Appendix 8.3. of Form N.**

7.3.1. Provide details of any persons in a position of control of the registrant who is a foreign citizen, or an entity registered or incorporated in any country other than South Africa: Indicate whether any member of the Board of the registrant is a foreign citizen or an entity registered or incorporated in any country other than South Africa. Please provide details below. (Please note no foreign ownership is allowable)

|   |
|---|
|   |
| 7.3.2. Indicate whether any member of the Board of the registrant is also a member of the Board of another licensee issued in terms of the Act. Please provide details below. |
|   |

|  |
|--|
| <b>8. RADIO FREQUENCY SPECTRUM</b>   |
| 8.1. Indicate if the registrant has submitted or intends to apply for a radio frequency spectrum licence for the provision of the services to which this registration relates. The registrant must complete form P contained in these regulations. |
|  |

|   |  |
|---|--|
| <b>9. GENERAL</b>   |  |
| 9.1. Indicate whether the registrant is a member of an entity recognised in terms of section 54 and 55 of the Act.              |  |
| 9.2. Indicate whether the registrant is a party, movement, organisation, body or alliance which is of a party-political nature. |  |
| 9.3. Indicate whether the registrant has ever been convicted of an offence in terms of the Act or related                       |  |

|   |  |
|---|--|
| legislation, as defined in the Act. If so, provide details of such conviction.  |  |
| 9.4. Provide details of other matters or undertakings which, in the registrant's view, the Authority should consider:   |  |
|   |  |
| 9.5. Attach a resolution authorising the person (s) not more than two signing this registration and liaising with the Authority during the registration process. The resolution must be marked clearly as <b>Appendix 10.5 of FORM N.</b> |  |

The person signing the registration on behalf of the registrant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence issued pursuant to this registration set aside should any material statement made herein, at any time, be found to be false.

Signed .....

(REGISTRANT)

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- 4. knows and understands the contents hereof;
- 5. has no objection to taking the prescribed oath or affirmation; and
- 6. considers this oath or affirmation to be truthful and binding on his/her conscience.

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name:

Address:

...” end of substitution



**27. Substitution of Form P of the Regulations**

The following Form of Schedule 1 is hereby substituted for Form P of the Regulations:

**"FORM P****APPLICATION FOR BROADCASTING SPECTRUM LICENCE****(Regulation 15)****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

*Note:*

*(a) Application must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under the Act with regard to the requirements to be fulfilled by the applicant. Applications are referred, in particular, to the Community Sound Broadcasting Regulations, 2006 (published under GN755 in Government Gazette 28919 of 6 June 2006) and the Community Sound Broadcasting Licence: Criteria to Measure Community Support Regulations, 1997 (published under GN R1388 in Government Gazette 18380 of 17 October 1997).*

*(b) Information required in terms of this Form which does not fit into the space provided must be attached to the Form as an appendix. Each appendix must be numbered with reference to the relevant part of the Form.*

*(c) Where any information in this Form does not apply to the registrant, the registrant must indicate that the relevant information is not applicable.*

| <b>1. PARTICULARS OF APPLICANT</b>  |  |
|-------------------------------------|--|
| 1.1 Application/Radio Station Name: |  |
| 1.2 Designated contact person/s:    |  |

|   |  |
|---|--|
| 1.3 Applicant's principal place of business:                      |  |
| 1.4 Applicant's postal address:                                   |  |
| 1.5 Applicant's telephone number/s (include mobile numbers):      |  |
| 1.6 Applicant's telefax number/s:                                 |  |
| 1.7 E-mail address of designated contact person (maximum of two): |  |
| 1.8 Applicant's Service Licence No:                               |  |

|                                       |  |                   |
|---------------------------------------|--|-------------------|
| <b>2. TECHNICAL INFORMATION</b>       |  |                   |
| 2.1 Transmitter Site*                 |  |                   |
| 2.2 Signal Distributor*               |  |                   |
| 2.3 Frequency Applied For*            |  | MHz               |
| 2.4 Geographic Co-Ordinates*          |  |                   |
| 2.5 Physical Address                  |  |                   |
| 2.6 Site Height*                      |  | m above sea level |
| 2.7 Mid-Antenna Height*               |  | m above site      |
| 2.8 Maximum Effective Antenna Height* |  | m above terrain   |
| 2.9 Designation of Emission*          |  |                   |

|  |  |        |
|--|--|--------|
| 2.10 Frequency Stability*  |  | kHz    |
| 2.11 Spurious Emission Level*  |  | dB/1mW |
| 2.12 Maximum Deviation*  |  | kHz    |
| 2.13 Maximum Effective Radiated Power (ERP)*   |  | kW     |
| 2.14 Antenna Horizontal Radiated Pattern*  |  |        |
| 2.15 Antenna Polarisation*   |  |        |
| 2.16 Programme Source*   |  |        |
| 2.17 RDS Service   |  |        |
| 2.18 SST Service   |  |        |
| 2.19 Period**  |  |        |
| <p><u>Legend:</u></p> <p>(*) mandatory fields</p> <p>(**) applies to short term licence applications</p> |  |        |

Signature .....

I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- 5. knows and understands the contents hereof;
- 6. has no objection to taking the prescribed oath or affirmation; and
- 7. considers this oath or affirmation to be truthful and binding on his/her conscience.

---

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

*...” end of substitution*



## Independent Communications Authority of South Africa

350 Witch-Hazel Avenue, Eco Point Office Park

Eco Park, Centurion.

Private Bag X10, Highveld Park 0169

Telephone number: (012) 568 3000/1

### **EXPLANATORY MEMORANDUM ON THE AMENDMENT OF THE "LICENSING PROCESSES AND PROCEDURES REGULATIONS FOR CLASS LICENCES, 2010 AND AMENDMENT REGULATIONS, 2016"**

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#### **1. BACKGROUND AND CURRENT REGULATORY FRAMEWORK**

- 1.1. The Independent Communications Authority of South Africa ("ICASA"/ "Authority") is enjoined in terms of section 2 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act"), amongst others, to regulate electronic communications services, broadcasting and postal services in the public interest.
- 1.2. The Authority is empowered in terms of section 4 (1) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("ECA") "to make Regulations with regard to any matter which in terms of this Act or the related legislation must or may be prescribed, governed or determined by regulation".
- 1.3. On 14 June 2010, the Authority published the Licensing Processes and Procedures Amendment Regulations 2010 in Government Gazette Number:33297 for registration, amendment, renewal, transfer and surrender of class licences and matters pertaining and applicable to licence exemptions (limited to ECNS and ECS) ("2010 Regulations").
- 1.4. On 30 March 2016, the Authority published the Licensing Processes and Procedures Amendment Regulations 2016 in Government Gazette Number: 39874 for registration, amendment, renewal, transfer and surrender of

class licences and matters pertaining and applicable to licence exemptions (limited to ECNS and ECS) ("2016 Regulations").

- 1.5. The Authority is amending the 2010 and 2016 Regulations to provide clarity on the Authority's process with respect to the licensing of Broadcasting, Electronic Communications and Electronic Communications Network Services for Class Licences, enhance compliance with the Regulations; streamline the process for submitting documents to the Authority and to provide stakeholder effective service to minimise the regulatory burden on both the Authority and licensees.

## **2. AMENDMENTS TO THE 2010 REGULATIONS AND THE 2016 REGULATIONS**

### **2.1. DEFINITIONS**

These Draft Amendment Regulations propose the insertion of the following definitions:

***"Low Power Commercial Sound Broadcasting Services"; "Low Power Community Sound Broadcasting Service"; "Special Event Sound Broadcasting Service Licence"; "Special Event"; "Temporary Community Television Broadcasting Service Licence"; of "Community of interest;" and "Geographically-Founded Community".***

The Licensing Processes and Procedures Regulations for Class Licences are the primary Regulations that prescribe the processes and procedures for the various class Electronic Communications Service ("ECS"), Electronic Communications Network Service ("ECNS"), and Broadcasting Service licences issued by the Authority in terms of Chapter 3 of the ECA. As such, the Authority deemed it proper to incorporate all other provisions or definitions that relate to processes and procedures applicable to class

licences into this current amendment of the 2010 Regulations to streamline the processes and procedures.

The Draft Amendment Regulations also propose the amendment of the definition "***Historically Disadvantaged Persons***".

This proposed amended definition is in line with the Draft Historically Disadvantaged Persons and -Broad Based Black Economic Empowerment Regulations.

## 2.2. **AMENDMENT OF REGULATION 3 OF THE 2010 REGULATIONS**

The Draft Amendment Regulations propose the amendment of Regulation 3 with the following substitution:

**"3. *Application of these Regulations*** *"These Regulations apply to all class licences."*

The revised text is intended to simplify Regulation 3 of the 2010 Regulations and clarify the scope of the Regulations. As a result, all further references to the term "class licence", with the exception of the annexed forms, in the 2010 and 2016 Regulations have been amended and replaced with the term "licence".

## 2.3. **AMENDMENT OF REGULATION 4 OF THE 2010 REGULATIONS: THE PRESCRIBED FORMS**

The Draft Amendment Regulations propose the amendment of Regulation 4 with the following substitution:

**(a) Regulation 4(1) of the 2010 Regulations**

- i. The proposed amendment of Regulation 4(1)(a) (**Form A**) is to provide a clear distinction between registration for ECS or ECNS versus Broadcasting Services.
- ii. The proposed amendment of Regulation 4(1)(b) (**Form B**) has made inclusion of Special Event Community Sound Broadcasting Services, Temporary Community Television Broadcasting Services and Low Power Community Sound Broadcasting Services as part of the scope of form B. This is in order to streamline the application process for community broadcasting services.
- iii. The proposed amendment of Regulation 4(1)(i) (Form N) introduces a new Form N and incorporates it into the Regulations to accommodate Low Power Commercial Sound Broadcasting Services ("LPCS"). LPCS' are a form of hybrid service in terms of the class licensing framework. The services fall within both the prescript of a class licence (with geographic limitations due to the maximum prescribed broadcast of 1 watt as well as providing commercial broadcasting services.

As a result of the above, the application requirements would be different from those specified in Form B.

- iv. The proposed insertion of Regulation 4 (1) (j) (Form P) to the Regulations, "*Form P: Application for a Broadcasting Spectrum licence*".



## 2.4. AMENDMENT OF REGULATION 5 OF THE 2010 REGULATIONS (REGULATION 3 OF THE 2016 REGULATIONS): SUBMISSION OF APPLICATIONS, REGISTRATIONS, AND OTHER DOCUMENTS

### (a) Regulation 3 (1A) of the 2016 amendment Regulations:

Regulation 3 (1A) of the 2016 Regulations requires registrants to submit at least five (5) hard copies when filing/submitting a registration notice (including amendment, renewal, licence transfer and surrender) and must further provide one (1) electronic copy of the documents submitted.”

The proposed amendment of Regulation 3 (1A) now requires that *“Registrants/Applicants submit two (2) hard copies (including an original) of the application as well as a soft copy of the application on a USB or a disc.”*

This revised requirement has been aligned with the Position Paper on Unreserved Postal Services<sup>1</sup> and will reduce the number of copies required by the Authority for applications.

### (b) Regulation 5 (2) of the 2010 Regulations:

Regulation 5 (2) of the 2010 Regulations stated that *“Where any document is required in terms of these Regulations, it must be submitted to the Authority before 16h00 hours during working days.”*

The proposed amendment of Regulation 5 (2) is as follows:

*“Where any documentation is required in terms of these Regulations, it must be submitted to the Authority before 16h30 during working days. If the Registration/Application is submitted after 16h30, the Registration/Application will be considered to have*

<sup>1</sup> Position Paper on Unreserved Postal Services published in GN: 438, GG:42323 on 22 March 2019

*been received the next day*". This is in line with the Authority's operating hours to ensure proper acknowledgment and receipt of documentation.

**(c) Regulation 5 (5) of the 2010 Regulations:**

*Regulation 5 (5) of the 2010 Regulations states that "The Authority will not consider any application, notice or registration where an applicant or registrant fails to pay the applicable fee."*

The Amended Regulation now reads as Regulation 5 (6) as follows: *"The Authority will not consider any application, notice or registration where an applicant or registrant:*

- (a) fails to pay the applicable fee;*
- (b) is not compliant with sub regulation (1), (3) and (4); and*
- (c) is in arrears with respect to any fees and/or is not compliant to the Compliance Procedure Manual Regulations."*

The Authority introduced the Compliance Procedure Manual Regulations Forms as a prerequisite to ensure that Applicants/Registrant are in overall compliance with relevant Regulations as well as to streamline the requirements for Applicants/Registrant.

**2.5. AMENDMENT OF REGULATION 7 OF THE 2016 REGULATIONS: REGISTRATION FOR A CLASS LICENCE (SECTION 16 AND 17 OF THE ACT)**

**(a) Regulation 7 (1) and (2) of the 2016 Regulations**

*Regulations 7(1); (2); (5) and (8) of the 2016 Regulations are deleted. The provisions of the deleted subregulations are covered*

extensively in the Community Broadcasting Services Regulations of 2019<sup>2</sup>.

Regulation 7(1) of the 2016 Regulations is replaced with the amendment of Regulation 7(3) of the 2016 Regulations which stated that *"Notice of a registration for a licence in terms of sections 16(2) and 17(1) of the Act, must be in the format as set out in Form A. Community broadcasting service registrant must not complete Form A."*

The proposed amendment of Regulation 7 (1) is as follows:

*"Notice of a registration for a licence in terms of sections 16(2) and 17(1) of the Act, must be in the format as set out in Form A."*

While Regulation 7(2) of the 2016 Regulations is replaced with the amendment of Regulation 7(4) which stated as follows:

*"Notice of registration for a licence to provide a Community Broadcasting Services in terms of sections 16(2) and 17(1) of the Act, must be in the format as set out in Form B."*

The proposed amendment of Regulation 7(2) is as follows:

*"Notice of registration for a licence to provide a Community Broadcasting Service or a Special Event Community Sound Broadcasting Service or a Temporary Community Television Broadcasting Service or Low Power Community Sound Broadcasting Service in terms of sections 16(2) and 17(1) of the Act, must be in the format as set out in **Form B.**"*

---

<sup>2</sup> Community Broadcasting Services Regulations of GN: 439, GG: 42323 of 2019

The earlier proposed amendments of regulation 5(1) stipulated the scope of each annexed form in that Form A is for the exclusive use for class ECS and ECNS. The proposed amendments of Regulation 5(1) further extended the scope of Form B to include community broadcasting services and its stipulated variations.

**(b) Regulation 7 (6) of the 2016 Regulations**

Regulation 7(6) of the 2016 Regulations reads as follows:

*"The registration application must be accompanied by the founding documents of the applicant, the certificate, including the Constitution and Memorandum of Incorporation (MOI) and any other related information."* is amended to read as Regulation 7(3) with the text: *"The notice of registration (Form A) must be accompanied by the founding documents of the registrant, i.e. the registration certificate, including MOI and any other related information in respect of electronic communications services and electronic communications network services."*

As a result of the proposed deletions, Regulation 7 (4) will read as follows: *"The Authority will make a determination and publish a notice on the provinces/areas in which it invites registrations for community broadcasting services licences."*

**2.6. AMENDMENT OF REGULATION 8 OF THE 2016 REGULATIONS:  
APPLICATION TO AMEND A CLASS LICENCE**

**(a) Regulation 8(5) and (6) of the 2016 Regulations**

Regulation 8(5) of the 2016 Regulations reads as follows:

*"Incomplete registration forms will be rejected and returned to the prospective registrant."* Regulation 8(6) of the 2016 Regulations reads as follows: *"The Authority will not consider an application or*

*registration if the licensee or registrant is in arrears with respect to any fees prescribed by the Authority or legislated in terms of the Act."*

These provisions are deleted because their content is covered in the proposed amendment and insertion of Regulation 5(5).

## **2.7. AMENDMENT OF REGULATION 9 OF THE 2016 REGULATIONS:**

Regulation 9(4) and Regulation 10(d) of the 2016 Regulations read as follows: *"The Authority will not consider any application if the licensee or registrant is in arrears with respect to any fees prescribed by the Authority or legislated in terms of the Act."*

The provisions of Regulation 9(4) and Regulation 10(d) are included in the proposed amendments and insertion of Regulation 5(5)(c) which reads as follows: *"The Authority will not consider any application if the licensee or registrant is in arrears with respect to any fees prescribed by the Authority or legislated in terms of the Act."*

Regulation 9(4) and Regulation 10(d) of the 2016 Regulations are therefore deleted.

## **2.8. AMENDMENT OF REGULATION 11 OF THE 2010 REGULATIONS: SURRENDER OF A CLASS LICENCE**

### **(a) Regulation 11 (3) of the 2010 Regulations**

Regulation 11(3) of the 2010 Regulations reads as follows:

*"A licensee that intends to surrender its licence must take appropriate steps to inform end-users, of the cessation of the service in advance."*

The proposed amendment of regulation 11(3) will read: *"A Licensee may not cease providing services prior to notification of the surrender of its licence to the Authority."*

**(b) Regulation 11(4) of the 2010 Regulations**

Regulation 11(4) of the 2010 Regulation reads as follows:

*"Upon receipt of an application referred to in regulation 10, the Authority may stipulate the steps to be taken by the licensee in order to comply with its obligations in terms of regulation 11(3).*

The proposed amendment of Regulation 11(4) will read:

*"The Licensee that intends to surrender its licence must take appropriate steps to inform its customers/listeners/viewers of its intention to cease its services two (2) months prior to the cessation."*

The reason for the proposed amendment is to protect *customers/listeners/viewers* and provide timelines within which the licensee should inform its customers/listeners/viewers of its intention to cease services.

**(c) Regulation 11 (6) of the 2010 Regulations**

The amendment of Regulation 11(6) of the 2010 Regulations will read:

*"All amounts due and payable to the Authority must be paid within one calendar month of the date on which the service provided in terms of the licence is discontinued, except where the Authority, upon the request by the licensee and on good cause shown, extends the time in this regard."* The rationale is premised on how debtors are aged.

## 2.9. AMENDMENT OF REGULATION 12 OF THE 2010 REGULATIONS: NOTICE OF CHANGE OF INFORMATION IN RESPECT OF A LICENCE

The amendment of Regulation 12 of the Regulations will read:

12.2 (2) *"A licensee must submit the notice within fourteen (14) days of the change occurring"* to allow licensees ample time to notify the Authority.

12.2. (2) (a) *"Name and contact details of the Licensee changes"* has been substituted with *"Name, principal place of business and/or contact details of the licensee changes."* The reason for the substitution is because mostly the physical address provided by stakeholders is not necessarily a principal place of business. The term principal place of business is in accordance with section 5(8)(b) of the ECA and essential for compliance monitoring.

12.2. (2) (b) *"Nature of service/s provided in terms of the licence change"* has been amended to the *"Type of the service being provided"*, The rationale is for the Authority to be aware of the services provided by the licensees and for consumer protection purposes.

## 2.10. AMENDMENT OF REGULATION 13 OF THE REGULATIONS

The amendment of Regulation 13 is to cater for Electronic Communications Service (ECS) licence exemption services and to provide the distinction and regulatory certainty between the two types of services.

## 2.11. AMENDMENT OF 13A OF THE REGULATIONS

The amendment of Regulation 13A is to consolidate the Standard Terms and Conditions for Low Power Sound Broadcasting Regulations, 2003 and the Regulations relating to application for Special Events Community Sound

Broadcasting licence or Temporary Television Broadcasting licences, 2005 with the Class Broadcasting services.

#### **2.12. AMENDMENT OF REGULATION 14 OF THE REGULATIONS**

The rationale for the amendment of the Regulation 14 is to align the application process to the Community Broadcasting Services Regulations which requires the Authority to publish the notice in the Government Gazette to invite interested parties during the registration phase.

#### **2.13. AMENDMENT OF REGULATION 14A OF THE REGULATIONS**

The rationale for the amendment of Regulation 14A is to relieve the Authority of the administrative burden associated with incomplete applications.

#### **2.15. ANNEXURES: PRESCRIBED FORMS**

##### **(a) Form A: REGISTRATION FOR A CLASS LICENCE (REGULATION 7(1))**

###### **(i) Contact Persons**

The proposed amendment and insertion of the requirement to provide a maximum of two designated contact persons i.e. a primary and secondary contact person to effectively locate applicants and licensees.

###### **(ii) Street Address**

The proposed deletion and replacement of Registrants' street addresses is to provide Registrants' principal places of business. This amendment has arisen due to applicants confusing this requirement with personal residential address. In order to avoid this the physical address for the principal place of business is now required as opposed to the street address.



**(iii) Contact Details**

The proposed inclusion of the mobile numbers of the Registrant's designated contact persons as well the inclusion of the requirement is to provide the Registrant's designated contact persons' e-mail addresses.

**(b) FORM B: REGISTRATION OF A CLASS LICENCE TO PROVIDE A COMMUNITY BROADCASTING SERVICE (Regulation 7(2))**

The proposed amendment of the heading to "REGISTRATION OF A LICENCE TO PROVIDE A COMMUNITY BROADCASTING SERVICE/SPECIAL EVENT COMMUNITY SOUND BROADCASTING SERVICES/TEMPORARY COMMUNITY TELEVISION / LOW POWER COMMUNITY SOUND BROADCASTING SERVICE".

This amendment is as earlier discussed in the amendment of Regulation 5(1) in which the scope of Form B has been revised.

**(i) Nature of Events**

The proposed inclusion of: "*Nature of Events (Only for special event community sound broadcasting services and temporary community television broadcasting services), the event which will be covered by the station if a licence is granted, details including the dates of events, the nature of the event and a motivation for how a broadcasting licence will positively contribute towards the event, dates the licence required*" under the heading "NATURE OF SERVICES TO BE LICENSED"

The proposed insertion of the wording "5.7. *In the case of a special event community sound broadcasting licence, the programming content must be 60% or more related to the special event.*"

**(ii) Control and Management**

The proposed insertion of the wording "9.2. ***Attach the proposed organogram***" under the section "**BOARD AND MANAGEMENT**".

Proposal to amend clause 9.2.1 of Form B with the insertion of the following wording: "9.2.1 *Provide details of any persons in a position of control of the registrant who is a foreign citizen, or an entity registered or incorporated in any country other than South Africa: indicate whether any member of the Board of the registrant is a foreign citizen or an entity registered or incorporated in any country other than South Africa. Please provide details below.*"