

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 317 OF 2020**



350 Witch-Hazel Avenue, Eco Point Office Park
Eco Park, Centurion
Private Bag X10, Highveld Park 0169

**DRAFT CODE FOR PERSONS WITH DISABILITIES REGULATIONS FOR
FURTHER PUBLIC COMMENTS**

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice in terms of sections 4(3)(j) of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act"), read with sections 4(1), 4(4) and 70 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) "(ECA)", regarding its intention to prescribe a Code for Persons with Disabilities Regulations ("draft Regulations") contained in the schedule attached herewith.
2. A copy of the draft Regulations is also available on the Authority's website at <http://www.icasa.org.za> and in the Authority's Library at Block C, 350 Witch-Hazel Avenue, Eco Point Office Park, Eco Park, Centurion during the Authority's normal office hours.
3. Interested persons are invited to submit written representations on the draft Regulations within thirty (30) working days of the date of publication of this notice by either courier service, facsimile transmission or electronically (in Microsoft Word) for the attention of Ms Nditsheni Hangwani, Code for Persons with Disability Project Leader at: ICASA, Block B, 350 Witch-Hazel Avenue, Eco Point Office Park ,Eco Park, Centurion, or Fax:(012) 568 3418 or E-mail: nhangwani@icasa.org.za and CodeforPwDsCommittee@icasa.org.za .
4. All written representations submitted to the Authority pursuant to this notice will be made available for inspection by interested persons at the Authority's library and copies of such representations will be obtainable on payment of the prescribed fee.

5. When a person submits information 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, 2000 (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) thereof.
6. The Authority may determine that such representations or any portion thereof is to be treated as confidential in terms of section 4D of the ICASA Act. 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.
7. Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral presentations.



DR KEABETSWE MODIMOENG
ACTING CHAIRPERSON
DATE 03/JUNE/2020

SCHEDULE

DRAFT REGULATIONS ON THE CODE FOR PERSONS WITH DISABILITIES

1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been assigned in the Act, has the meaning so assigned, unless the context indicates otherwise:

“**Act**” means the Electronic Communications Act, 2005 (Act No. 36 of 2005) as amended;

“**Accessibility**” means the ability by persons with Disabilities to equally access and benefit from broadcasting and electronic communications services;

“**Accessibility Services**” means a service such as Audio Description, Closed Captioning, Subtitles, or any other similar service;

“**Applicable Channels**” means all television channels broadcast by a television broadcasting licensee except a third-party channel(s) consisting predominantly of live programming content such as news, reality or sports;

“**Audio Description**” means oral commentary that gives a viewer who is blind or partially sighted a verbal description of what is happening on the television screen at any given moment. It is provided as an aid to the understanding and enjoyment of the programme. The technique uses a second sound track that gives a description of the scene and the on-screen action;

“**Closed Captioning**” means a process of converting the audio content of television broadcast or other production into text and displaying the text on a screen or monitor;

“**Disability**” For the purpose of these regulations, Disability refers to a long-term or recurring hearing and visual impairment;

“**National Relay System**” means phone services operated by interpreters that enable persons who are deaf or hard of hearing or who have a speech impairment, to

communicate by phone through an interpreter with a person who can hear in a manner that is "functionally equivalent" to the ability of an individual without a disability;

"Performance Period" the period of 126 hours in one week measured between 05h00 and 23h00 each day;

"Photosensitive" is when seizures are triggered by flashing lights or contrasting light and dark patterns;

"Sign language" means the South African Sign Language that uses a system of manual, facial, and other body movements as a means of communication;

"Subtitles" means a service by which both the audio dialogue and sound representations of a video programme, are made visible by the user via on-screen text that is synchronized with the audio content;

"Universally Designed" means the design of products, environments, programmes and services usable by all people, to the greatest extent possible, without the need for adaptation or specialised design;

"Year 1" means the twelve-month period commencing on the date on which these Regulations come into operation in accordance with regulation 14 of these Regulations.

2. PURPOSE AND SCOPE OF THE REGULATIONS

The purpose of these Regulations is to prescribe a Code for Persons with Disabilities, to be adhered to by Electronic Communications Service ("ECS") licensees and broadcasting service licensees, aimed at ensuring that persons with Disabilities have access to services.

3. BASIC STANDARDS FOR BROADCASTING SERVICE LICENSEES

Accessibility Services

(1) A television broadcasting service licensee must implement the following Accessibility Services on Applicable Channels: -

- (a) Audio Description;
- (b) Sign Language;

- (c) Subtitles; and
- (d) Closed Captioning.

Audio Description

- (2) The objective of Audio Description is to aid the understanding and enjoyment of a television programme.
- (3) A broadcasting service licensee must maintain quality access to Audio Description, which is essential for ensuring that audiences using broadcasting services benefit from them.

Sign Language

- (4) A television broadcasting service licensee must:
 - (a) ensure that the viewer can see not only the hands but also, where applicable, the facial expressions of the interpreter;
 - (b) monitor the effectiveness of the service through annual consultations with organisations representing hearing impaired persons; and
 - (c) ensure that sign language interpreters employed have a recognised sign language qualification from an accredited institution.

Subtitles

- (5) A television broadcasting service licensee which provides Subtitles must:
 - (a) provide Subtitles as near synchronous to speech as is practicable;
 - (b) reflect the spoken word with the same meaning;
 - (c) construct Subtitles which contain easily read sentences, and commonly used sentences in a tidy and sensible format; and
 - (d) give proper contrast between foreground and background colours.

4. GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PERSONS WITH DISABILITIES FOR BROADCASTING SERVICE LICENSEES

Provision for Breaking News