

---

**CONTENTS • INHOUD**

No.

Page  
No.      Gazette  
            No.

**GENERAL NOTICE**

**Independent Communications Authority of South Africa**

*General Notice*

978	Electronic Communications Act (36/2005): Regulations: Amendment of Standard Terms and Conditions and Process and Procedures of Class and Individual licences: For written comments or written representations .....	3	32402
-----	---	---	-------

---

---

## GENERAL NOTICE

---

**NOTICE 978 OF 2009**  
**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**  
**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005):**  
**REGULATIONS**

The Independent Communications Authority of South Africa hereby intends to amend the following regulations in the schedules:

1. Standard Terms and Conditions – Individual Licence, Government Gazette No. 30530 of 2007.
2. Standard Terms and Conditions – Class Licence, Government Gazette No. 30512 of 2007.
3. Process and Procedures - Individual Licence, Government Gazette No. 398 of 2008.
4. Process and Procedures – Class Licence, Government Gazette No. 397 of 2008.

A copy of the regulations is available on the Authority's website ([www.icasa.org.za](http://www.icasa.org.za)) and in the ICASA Library at 164 Katherine Street, Pin Mill Farm, First Floor, Block D between 10h00 and 16h30, Monday to Friday.

Interested persons are hereby invited to submit written comments or written representations with regard to the proposed regulations, to be received **by no later than 16h30 on 24 August 2009** by post, hand delivery or facsimile transmission for the attention of:

Ashwald Nchabeleng  
Independent Communications Authority of South Africa,  
Private Bag X10002  
SANDTON  
2146  
Or  
Block D, Pin Mill Farm  
164 Katherine Street  
SANDTON  
2146

Tel: (011) 566 3661  
Fax: (011) 566 3662  
E-mail: [anchabeleng@icasa.org.za](mailto:anchabeleng@icasa.org.za)



**PARIS MASHILE**  
**CHAIRPERSON**  
**ICASA**

**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)****REGULATIONS****Amendment of the regulations:**

**Standard Terms and Conditions – Individual Licence, Government Gazette  
No. 30530 of 2007.**

The Independent Communications Authority of South Africa has, under section 8 read with section 4 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) made the regulations in the schedule.

**SCHEDULE 1****1. Definitions**

In these regulations “the Regulations” means the regulations published by Government Gazette No. 30530 of 2007.

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

Regulation 1 of the Regulations is hereby amended by the insertion for the definition “public service announcement” after the definition “licensee” of the following definition:

“Public service announcement” means a visual and/or audio announcement transmitted by a broadcaster and aimed at imparting knowledge or information the dissemination of which is in the public interest and/or which attempts to solicit support for, or create awareness of, any non-profit organisation or any other organisation which conducts activities in the public interest.

**3. Substitution of regulation 3 of the Regulations**

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

### 3. NOTIFICATION OF LICENSEE DETAILS AND INFORMATION

(1) A licensee must submit written notice to the Authority within seven (7) days of the occurrence of changes in respect of:

- (a) the board of directors of the Licensee;
- (b) the name of the Licensee; and
- (c) shareholding (except for those listed on the stock exchange)

(2) No fee is payable in respect of notifications in terms of these regulations.

### 4. Substitution of regulation 6 of the Regulations

The following regulation is hereby substituted for regulation 6 of the Regulations:

#### 6. COMMENCEMENT OF OPERATIONS

A licensee must commence operation of the BS specified in the Licence within:

- (a) Six (6) months from the effective date in respect of free to air sound BS;
- (b) Twelve (12) months from the effective date in respect of free to air television BS; or
- (c) Twelve (12) months from the effective date in respect of subscription BS.

Unless the Authority grants, on good cause shown, an extended commencement period on written application, prior to the expiry of the period referred in paragraphs (a), (b) and (c).

### 5. Substitution of regulation 9 of the Regulations

The following regulation is hereby substituted for regulation 9 of the Regulations:

#### 9. SAFETY MEASURES

- (1) A licensee must, in respect of all apparatus, equipment and installations that it owns, leases or uses, take such safety measures as may be prescribed and in any event such reasonable and necessary safety measures to safeguard life or property, and limit exposure to electromagnetic emission, radiation and related risks.
- (2) A licensee must adhere to regulatory broadcast standards in respect of frequency, power outputs and type approval.

### 6. Amendment of regulation 10 of the Regulations

Regulation 10 of the Regulations is hereby amended by the substitution for subregulations (1) and (2) of the following subregulations:

(1) The Authority may, in the course of carrying out its obligations under the Act, require a Licensee to provide information, so as to enable it to:

- (a) Monitor and enforce consumer protection, quality of service, competition, safety measures, regulatory broadcast standards and other requirements of the Act and related legislation;
- (b) Allow for the assessment and allocation of applicable fees and related requirements;
- (c) Facilitate the efficient use of scarce resources; and
- (d) Collect and compile Information to be used for the purposes of sectoral planning and reporting.

(2) In respect of each information request referred to in subregulation (1), except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries will be addressed.

#### **7. Deletion of regulation 11 of the Regulations**

Regulation 11 of the Regulations is hereby repealed.

#### **8. Substitution of regulation 12 of the Regulations**

The following regulation is hereby substituted for regulation 12 of the Regulations:

##### **12. PUBLIC SERVICE ANNOUNCEMENTS**

- (1) The Licensee must broadcast public service announcements in the public interest as may be requested by the Authority in writing.
- (2) The Licensee may broadcast public service announcements in the public interest as may be requested by a Public Service Institution in writing.

#### **9. Substitution of regulation 14 of the Regulations**

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

##### **14. SPECIFIC TERMS AND CONDITIONS**

The Authority may impose specific terms and conditions upon a Licensee in terms of section 9(7) of the Act, and the related legislation. These specific terms and conditions are contained in the schedule and include but are not limited to:

- (a) Geographic coverage area of the licensed BS setting out the scope of coverage (regional or national) and universal service and access targets, if any;
- (b) Language(s) to be used by the BS Licensee;
- (c) Format of the licensed BS, including but not limited to the content and presentation type of the sound and/or television BS e.g. full service, adult contemporary, talk radio, etc;
- (d) Local content obligations of the licensed BS in addition to those prescribed by the Authority;
- (e) Other general programming obligations of the licensed BS including without limitation, obligations in respect of news, actuality programming, political issues of public interest, educational programming and programming to meet the needs of the children, the youth, women and disabled persons, etc;
- (f) Ownership and control structures of the Licensee;
- (g) Obligations in respect of ownership and control by persons from historically disadvantaged groups in respect of the Licensee, in addition to those prescribed by the Authority;
- (h) Industry human resources training and skills development requirements of the licensed BS;
- (i) Community-related obligations of the licensed BS;
- (j) Broadcast hours of the licensed BS if fewer than twenty four (24) hours per day; and
- (k) In relation to the South African Broadcasting Corporation:
  - (i) Its obligations in respect of publicising the Television Licence fee;
  - (ii) Cross-subsidisation issues as between its public commercial and public services; and
  - (iii) The provision of audited financial statements to the Authority.

#### 10. Substitution of regulation 16 of the Regulations

The following regulation is hereby substituted for regulation 16 of the regulations:

#### 16. CONTRAVENTION AND PENALTIES

Upon determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:

- (a) One Million Rands (R1 000 000, 00) for contravention of regulations 3(1), 4, 6, 7, 9, 10(1) and 12(1).
- (b) One Million Rands (R1 000 000, 00) for repeated contraventions of these regulations.
- (c) One Hundred Thousand Rands (R100 000, 00) for contravention of any regulation not specified in paragraph (a).

**SCHEDULE 2****11. Substitution of regulation 3 of the Regulations**

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

**3. NOTIFICATION OF LICENSEE DETAILS AND INFORMATION**

- (1) A licensee must submit written notice to the Authority within seven (7) days of the occurrence of changes in respect of:
  - (a) the board of directors of the Licensee;
  - (b) the name of the Licensee; and
  - (c) shareholding (except for those listed on the stock exchange).
- (2) No fee is payable in respect of notifications in terms of these regulations.

**12. Repeal of regulation 7 of the regulations**

Regulation 7 of the Regulations is hereby repealed.

**13. Substitution of regulation 8 of the Regulations**

The following regulation is hereby substituted for regulation 8 of the Regulations:

**8. SAFETY MEASURES**

- (1) A licensee must, in respect of all apparatus, equipment and installations that it owns, leases or uses, take such safety measures as may be prescribed and in any event such reasonable and necessary safety measures to safeguard life or property, and limit exposure to electromagnetic emission, radiation and related risks.
- (2) A licensee must adhere to regulatory broadcast standards in respect of frequency, power outputs and type approval.

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

Regulation 9 of the Regulations is hereby amended by the substitution for subregulations (1) and (2) of the following subregulations:

- (1) The Authority may, in the course of carrying out its obligations under the Act, require a Licensee to provide information, so as to enable it to:

- (a) Monitor and enforce consumer protection, quality of service, competition, safety measures, regulatory broadcast standards and other requirements of the Act and related legislation;
- (b) Allow for the assessment and allocation of applicable fees and related requirements;
- (c) Facilitate the efficient use of scarce resources; and
- (d) Collect and compile information to be used for the purposes of sectoral planning and reporting.

(2) In respect of each information request referred to in subregulation (1), except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries will be addressed.

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

Regulation 10 of the Regulations is hereby amended by the substitution for paragraphs (a) and (b) of subregulation 1 of the following paragraphs:

- (a) Have been made known to the end-user by-
  - (i) Making such prices and terms and conditions available for inspection at its offices during business hours;
  - (ii) Providing such details to anyone who requests same at no charge; and
  - (iii) Providing such details on its website, if any.
- (b) Have been filed with the Authority at least twenty one (21) days prior to the provision of the said service. In making such a filing, a Licensee must utilise a format approved by the Authority in writing.

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

Regulation 11 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

- (2) A Licensee must provide a detailed and accurate invoice and/or statement of services rendered to any end-user at no charge except where the end-user obtains services exclusively on a prepaid basis and the prices and terms of such prepaid service have been disclosed at the time of purchase.

#### **17. Substitution of regulation 14 of the Regulations**

The following regulation is hereby substituted for regulation 14 of the regulations:



**14. CONTRAVENTION AND PENALTIES**

Upon determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:

- (a) One Million Rands (R1 000 000, 00) for contravention of regulations 3(1), 4, 6, 7, 9 and 10(1).
- (b) One Million Rands (R1 000 000, 00) for repeated contraventions of these regulations.
- (c) One Hundred Thousand Rands (R100 000, 00) for contravention of any regulation not specified in paragraph (a).

**SCHEDULE 3****18. Substitution of regulation 3 of the Regulations**

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

**3. NOTIFICATION OF LICENSEE DETAILS AND INFORMATION**

- (1) A licensee must submit written notice to the Authority within seven (7) days of the occurrence of changes in respect of:
  - (a) the board of directors of the Licensee;
  - (b) the name of the Licensee; and
  - (c) shareholding (except for those listed on the stock exchange)

- (2) No fee is payable in respect of notifications in terms of these regulations.

**19. Substitution of regulation 5 of the Regulations**

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

**5. DURATION OF THE LICENCE**

The licence is valid for twenty (20) years from the effective date.

**20. Repeal of regulation 7 of the regulations**

Regulation 7 of the Regulations is hereby repealed.

**21. Substitution of regulation 8 of the Regulations**

The following regulation is hereby substituted for regulation 8 of the Regulations:

## 8. SAFETY MEASURES

- (1) A licensee must, in respect of all apparatus, equipment and installations that it owns, leases or uses, take such safety measures as may be prescribed and in any event such reasonable and necessary safety measures to safeguard life or property, and limit exposure to electromagnetic emission, radiation and related risks.
- (2) A licensee must adhere to regulatory broadcast standards in respect of frequency, power outputs and type approval.

## 22. Amendment of regulation 9 of the Regulations

Regulation 9 of the Regulations is hereby amended by the substitution for subregulations (1) and (2) of the following subregulations:

- (1) The Authority may, in the course of carrying out its obligations under the Act, require a Licensee to provide information, so as to enable it to:
  - (a) Monitor and enforce consumer protection, quality of service, competition, safety measures, regulatory broadcast standards and other requirements of the Act and related legislation;
  - (b) Allow for the assessment and allocation of applicable fees and related requirements;
  - (c) Facilitate the efficient use of scarce resources; and
  - (d) Collect and compile information to be used for the purposes of sectoral planning and reporting.
- (2) In respect of each information request referred to in subregulation (1), except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries will be addressed.

## 23. Amendment of regulation 10 of the Regulations

Regulation 10 of the Regulations is hereby amended by the substitution for paragraphs (a) and (b) of subregulation 1 of the following paragraphs:

- (a) Have been made known to the end-user by-
  - (i) Making such prices and terms and conditions available for inspection at its offices during business hours;
  - (ii) Providing such details to anyone who requests same at no charge; and
  - (iii) Providing such details on its website, if any.

- (b) Have been filed with the Authority at least fourteen (14) days prior to the provision of the said service. In making such a filing, a Licensee must utilise a format approved by the Authority in writing.

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

Regulation 11 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

- (2) A Licensee must provide a detailed and accurate invoice and/or statement of services rendered to any end-user at no charge except where the end-user obtains services exclusively on a prepaid basis and the prices and terms of such prepaid service have been disclosed at the time of purchase.

#### **25. Substitution of regulation 14 of the Regulations**

The following regulation is hereby substituted for regulation 14 of the regulations:

##### **14. CONTRAVENTION AND PENALTIES**

Upon determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:

- (a) One Million Rands (R1 000 000, 00) for contravention of regulations 3(1), 4, 6, 7, 9 and 10(1).
- (b) One Million Rands (R1 000 000, 00) for repeated contraventions of these regulations.
- (c) One Hundred Thousand Rands (R100 000, 00) for contravention of any regulation not specified in paragraph (a).

#### **26. Commencement**

These regulations will come into force upon publication in the Government Gazette.

**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)****REGULATIONS****Amendment of the regulations:**

**Standard Terms and Conditions – Class Licence, Government Gazette No. 30512 of 2007.**

The Independent Communications Authority of South Africa has, under section 8 read with section 4 of the Electronic Communications Act, 2005 (Act No. 36 of 2005), made the regulations in the schedules.

**SCHEDULE 1****1. Definitions**

In these regulations “the Regulations” means the regulations published by Government Gazette No. 30512 of 2007.

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

Regulation 1 of the Regulations is hereby amended by the insertion for the definition “public service announcement” after the definition “licensee” of the following definition:

“Public service announcement” means a visual and/or audio announcement transmitted by a broadcaster and aimed at imparting knowledge or information the dissemination of which is in the public interest and/or which attempts to solicit support for, or create awareness of, any non-profit organisation or any other organisation which conducts activities in the public interest.

**3. Insertion of regulation 3A of the Regulations**

The following regulation is hereby inserted in the Regulations, after regulation 3:

**3A. OWNERSHIP AND CONTROL**

### 3A. OWNERSHIP AND CONTROL

- (1) A Licensee must submit a written notice to the Authority for prior approval of any intended transfer of the licence, direct or indirect change of control and/or ownership of the licensee.
- (2) A Licensee must submit written notice to the Authority within seven (7) days of the occurrence of the following changes-
  - (a) the board of directors of the Licensee; and
  - (b) the name or contact information of the Licensee,
  - (c) shareholding (except for those listed on the stock exchange)
- (3) No fee is payable in respect of Notifications in terms of these regulations.

### 4. Substitution of regulation 4 of the Regulations

The following regulation is hereby substituted for regulation 4 of the Regulations:

#### 4. LICENCE AREA

- (1) The specific licence area will be as defined by the licence issued to a Licensee.
- (2) The licence area for a Community Sound Broadcasting Service is the maximum possible area covered by the frequency and power-level allocated to a licensee in terms of the Radio Frequency Spectrum Licence, which area may not exceed a District Municipality as defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998), including communities with ascertainable common interests that are restricted to the area concerned. The specific licence area will be as defined by the licence issued to a Licensee.
- (3) The licence area for a Community Television Broadcasting Service is the maximum possible area covered by the frequency and power-level allocated to a Licensee in terms of the Radio Frequency Spectrum Licence, which area may not exceed a Province, including communities with ascertainable common interests that are restricted to the area concerned.

### 5. Substitution of regulation 5 of the Regulations

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

## 5. DURATION OF THE LICENCE

- (1) The following licences are valid for five (5) years from the effective date:
  - (a) Community Sound BS;
  - (b) Community Low Power Sound BS;
  - (c) Commercial Low Power Sound BS; and
  - (d) any other Low Power Service.
- (2) The licence for Community Television BS is valid for seven (7) years from the effective date.
- (3) Special Event Licences are valid for a period not exceeding:
  - (a) Forty five (45) days for Community Sound Broadcasting and Low Power Services; and
  - (b) Twelve (12) months for Community Television Broadcasting Services.

## 6. Substitution of regulation 9 of the Regulations

The following regulation is hereby substituted for regulation 9 of the Regulations:

### 9. SAFETY MEASURES

- (1) A licensee must, in respect of all apparatus, equipment and installations that it owns, leases or uses, take such safety measures as may be prescribed and in any event such reasonable and necessary safety measures to safeguard life or property, and limit exposure to electromagnetic emission, radiation and related risks.
- (2) A licensee must adhere to regulatory broadcast standards in respect of frequency, power outputs and type approval.

## 7. Substitution of regulation 10 of the Regulations

The following regulation is hereby substituted for regulation 10 of the Regulations:

### 10. PROVISION OF INFORMATION

- (1) The Authority may, in the course of carrying out its obligations under the Act, require a licensee to provide information, so as to enable it to:
  - (a) Monitor and enforce consumer protection, quality of service, competition, safety measures, regulatory broadcast standards and other requirements of the Act and related legislation;
  - (b) Allow for the assessment and allocation of applicable fees and related requirements;
  - (c) Facilitate the efficient use of scarce resources; and

- (d) Collect and compile information to be used for the purposes of sectoral planning and reporting.
- (2) In respect of each information request referred to in subregulation (1), except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries will be addressed.
- (3) A Class Community Sound Broadcasting Service Licensee and a Class Community Television Broadcasting Service Licensee must provide the following information at the specified timeframes:
  - (a) Music log sheets per week; and
  - (b) Advertising log sheets per month.
- (4) In respect of each information request referred to in subregulation (3), except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries will be addressed.

#### **8. Substitution of regulation 12 of the Regulations**

The following regulation is hereby substituted for regulation 12 of the Regulations:

##### **12. PUBLIC SERVICE ANNOUNCEMENTS**

- (1) The Licensee must broadcast public service announcements in the public interest as may be requested by the Authority in writing.
- (2) The Licensee may broadcast public service announcements in the public interest as may be requested by a Public Service Institution in writing.

#### **9. Substitution of regulation 15 of the Regulations**

The following regulation is hereby substituted for regulation 15 of the Regulations:

##### **15. CONTRAVENTION AND PENALTIES**

Upon determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:

- (a) One Million Rands (R1 000 000, 00) for contravention of regulations 3A(1), 4, 6, 7, 9, 10(1) and 12(1).
- (b) One Million Rands (R1 000 000, 00) for repeated contraventions of these regulations.
- (c) One Hundred Thousand Rands (R100 000, 00) for contravention of any regulation not specified in paragraph (a).

**SCHEDULE 2****10. Insertion of regulation 3A of the Regulations**

The following regulation is hereby inserted in the Regulations, after regulation 3:

**3A. OWNERSHIP AND CONTROL**

- (1) A Licensee must submit a written notice to the Authority for prior approval of any intended transfer of the licence, including direct or indirect change of control and/or ownership of the licensee.
- (2) A Licensee must submit written notice to the Authority within seven (7) days of the occurrence of the following changes-
  - (a) the board of directors of the Licensee; and
  - (b) the name or contact information of the Licensee.
- (3) No fee is payable in respect of Notifications in terms of these regulations.

**11. Substitution of regulation 9 of the Regulations**

The following regulation is hereby substituted for regulation 9 of the Regulations:

**9. PROVISION OF INFORMATION**

- (1) The Authority may, in the course of carrying out its obligations under the Act, require a Licensee to provide information, so as to enable it to:
  - (a) Monitor and enforce consumer protection, quality of service, competition, safety measures, regulatory broadcast standards and other requirements of the Act and related legislation;
  - (b) Allow for the assessment and allocation of applicable fees and related requirements;
  - (c) Facilitate the efficient use of scarce resources; and
  - (d) Collect and compile information to be used for the purposes of sectoral planning and reporting.
- (2) In respect of each information request referred to in subregulation (1), except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries will be addressed.



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

Regulation 11 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

- (2) A Licensee must provide a detailed and accurate invoice and/or statement of services rendered to any end-user at no charge except where the end-user obtains services exclusively on a prepaid basis and the prices and terms of such prepaid service have been disclosed at the time of purchase.

**13. Substitution of subregulation 13 in the Regulations**

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

**13. CONTRAVENTION AND PENALTIES**

Upon determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:

- (a) One Million Rands (R1 000 000, 00) for contravention of regulations 3A(1), 4, 6, 7, 9 and 10(1).
- (b) One Million Rands (R1 000 000, 00) for repeated contraventions of these regulations.
- (c) One Hundred Thousand Rands (R100 000, 00) for contravention of any regulation not specified in paragraph (a).

**SCHEDULE 3****14. Insertion of regulation 3A of the Regulations**

The following regulation is hereby inserted in the Regulations, after regulation 3:

**3A. OWNERSHIP AND CONTROL**

- (1) A Licensee must submit a written notice to the Authority for prior approval of any intended transfer of the licence, including direct or indirect change of control and/or ownership of the licensee.
- (2) A Licensee must submit written notice to the Authority within seven (7) days of the occurrence of the following changes-
  - (a) the board of directors of the Licensee; and
  - (b) the name or contact information of the Licensee.
- (3) No fee is payable in respect of Notifications in terms of these regulations.

**15. Substitution of regulation 7 of the Regulations**

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

**7. SERVICES TO BE PROVIDED BY THE LICENSEE**

The Licensee must provide ECS by means of an ECN operated by an ECNS Licensee.

**16. Substitution of regulation 9 of the Regulations**

The following regulation is hereby substituted for regulation 9 of the Regulations:

**9. PROVISION OF INFORMATION**

- (1) The Authority may, in the course of carrying out its obligations under the Act, require a Licensee to provide information, so as to enable it to:
  - (a) Monitor and enforce consumer protection, quality of service, competition, safety measures, regulatory broadcast standards and other requirements of the Act and related legislation;
  - (b) Allow for the assessment and allocation of applicable fees and related requirements;
  - (c) Facilitate the efficient use of scarce resources; and

(d) Collect and compile information to be used for the purposes of sectoral planning and reporting.

(2) In respect of each information request referred to in subregulation (1), except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries will be addressed.

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

Regulation 11 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

(2) A Licensee must provide a detailed and accurate invoice and/or statement of services rendered to any end-user at no charge except where the end-user obtains services exclusively on a prepaid basis and the prices and terms of such prepaid service have been disclosed at the time of purchase.

#### **18. Substitution of subregulation 13 in the Regulations**

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

##### **13. CONTRAVENTION AND PENALTIES**

Upon determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:

- (a) One Million Rands (R1 000 000, 00) for contravention of regulations 3A(1), 4, 6, 7, 9 and 10(1).
- (b) One Million Rands (R1 000 000, 00) for repeated contraventions of these regulations.
- (c) One Hundred Thousand Rands (R100 000, 00) for contravention of any regulation not specified in paragraph (a).

#### **19. Commencement**

These regulations will come into force upon publication in the Government Gazette.

**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)****REGULATIONS****Amendment of regulations:**

**Process and Procedures - Individual Licence, Government Gazette No. 398 of 2008.**

The Independent Communications Authority of South Africa has, under section 5(7) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), made the regulations in the schedule.

**SCHEDULE****1. Definitions**

In these regulations "the Regulations" means the regulations published by Government Gazette No. 398 of 2008.

**2. Amendment of regulation 5 of the Regulations**

Regulation 5 of the Regulations is hereby amended by the substitution for subregulations (5) and (6) of the following subregulations:

- (5) The Authority will not consider any application or notice where an applicant fails to pay the applicable fee. No fee is payable in respect of Notifications.
- (6) The Authority will not consider any document where the applicant fails to comply with regulation 5(1), (2) and (3).

**3. Amendment of regulation 6 of the Regulations**

Regulation 6 of the Regulations is hereby amended by the substitution for subregulations (2) and (3) of the following subregulations:

- (2) Where a request referred to in regulation 6(1) is made, the Authority may grant the request to amend the application where this will not:
  - (a) Unfairly prejudice other interested parties;
  - (b) Impede the expeditious and proper consideration of the application; or
  - (c) Materially change the application.

- (3) The Authority may, in the event that it grants the request for amendment, referred to in regulation 6(1), publish a notice in the Gazette regarding the amendment and invite interested parties to submit written representations in relation to the amended application within the period mentioned in the notice.

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

Regulation 8 of the Regulations is hereby amended by the substitution for subregulation 4 of the following subregulation:

- (4) Where the applicant fails to comply with regulation 8(3) (b), the Authority may reject the application.

**5. Substitution of regulation 9 of the Regulations**

The following regulation is hereby substituted for regulation 9 of the Regulations:

**9. APPLICATION TO AMEND AN INDIVIDUAL LICENCE**

An application to amend a licence must be in the format as set out in Form C and must be accompanied by the applicable fee.

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

Regulation 10 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

- (1) An application to renew a licence must be in the format as set out in Form E and must be accompanied by the applicable fee.

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

Regulation 13 of the Regulations is hereby amended by the substitution for subregulations (2), (4) and (6) of the following subregulations:

- (2) The notice referred to in regulation 13(1) must be submitted not 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.

(4) Upon receipt of a notice referred to in regulation 13(1), the Authority may stipulate the steps to be taken by the licensee in order to comply with its obligations in terms of regulation 13(3).

(6) All amounts payable in terms of regulation 13(5) must be paid to the Authority within one month of the date on which the services provided in terms of the licence are discontinued, except where the Authority, upon request by the licensee, extends the time period in this regard.

#### 8. Amendment of regulation 14 of the Regulations

Regulation 14 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

(2) An application for a special temporary authorisation in terms of regulation 14(1) must be accompanied by the applicable fee and must be in the format as set out in Form J.

#### 9. Substitution of Schedule 1 of the Regulations

The following schedule is hereby substituted for schedule 1 of the Regulations:

#### REPEALED REGULATIONS

Regulations	Extent of repeal
Private Television Broadcasting Service Licence Fees Regulations, 1997 published under GN 1318 in GG 18271 of 5 September 1997	The whole
Independent Broadcasting Authority Administrative Procedures Regulations, 1997 published under GN 1540 in GG 18392 of 24 October 1997	The whole.
Public Regional Television Broadcasting Licence Fees Regulations, 2003 published under GN R1740 in GG 25783 of 23 November 1997	The whole.
Subscription Broadcasting Services Regulations, 2006 published under GN 152 in GG 28452 of 31 January 2006	Regulations 4.1, 4.2, 4.3

#### 10. Commencement

These regulations will come into force upon publication in the Government Gazette.

**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)****REGULATIONS****Amendment of Regulations:**

Process and Procedures – Class Licence, Government Gazette No. 397 of 2008.

The Independent Communications Authority of South Africa has, under section 5(7) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), made the regulations in the schedule.

**SCHEDULE****1. Definitions**

In these regulations “the Regulations” means the regulations published by Government Gazette No. 397 of 2008.

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

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

“Fees” means the applicable fees as may be prescribed and payable by an applicant.

**3. Amendment of regulation 4(1) of the Regulations**

Regulation 4(1) of the Regulations is hereby amended by the addition of the following paragraph:

- (i) Form N: Special Event and Temporary Community Television Broadcasting Services (Reg 13).

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

Regulation 5 of the Regulations is hereby amended by the substitution for subregulation (6) of the following subregulation:

- (6) The Authority will not consider any document where the applicant or registrant fails to comply with regulation 5(1), (2) and (3).

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

Regulation 5 of the Regulations is hereby amended by the addition of the following subregulation:

- (7) No fee is payable in respect of notifications in terms of these regulations.

**6. Insertion of subregulation 5(1A) in the Regulations**

The following subregulation is hereby inserted in the Regulations, after regulation 5(1):

- (1A) registrants must submit at least five (5) hard copies when filing/submitting an application or registration notice, and must further provide an electronic copy of the documents submitted.

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

Regulation 8 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

- (1) An application to amend a licence must be in the format as set out in Form D and must be accompanied by the applicable fee.

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

Regulation 9 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

- (1) A notice to renew a licence must be in the format as set out in Form F and must be accompanied by the applicable fee.



**9. Substitution of regulation 12 of the Regulations**

The following regulation is hereby substituted for regulation 12 of the Regulations:

**12. LICENCE EXEMPT SERVICES AND NETWORKS**

- (1) A person intending to provide a licence exempt service must notify the Authority in the format as set out in Form M.
- (2) A person intending to operate, construct or maintain a PECN must notify the Authority in the format as set out in Form M.
- (3) The notice to exempt a PECN must be in the format as set out in Form M.

**10. Insertion of regulation 12A in the Regulations**

The following regulation is hereby inserted in the Regulations, after regulation 12:

**12A. SPECIAL EVENT AND TEMPORARY COMMUNITY BROADCASTING SERVICE LICENCE**

- (1) A person intending to provide a Special Event or Temporary Community Television Broadcasting Service must notify the Authority.
- (2) An application for a Special Event or Temporary Community Television Broadcasting Service licence must be accompanied by the applicable fee and must be in the form as set out in Form N.

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

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

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

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 that Act with regard to the requirements to be fulfilled by registrants. Registrants 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 may 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 person:	
1.3 Street address:	

1.4	Principal place of business (if different from street address):	
1.5	Postal address:	
1.6	Telephone number/s:	
1.7	Telefax number/s:	
1.8	E-mail address of designated contact person:	

<b>2.</b>	<b>LEGAL FORM OF REGISTRANT</b>	
2.1	Indicate if the registrant is a:	
	(i) natural person	
	(ii) juristic person	
	(iii) other (specify)	
2.2	If the registrant is a natural person or a partnership:	
2.2.1.	Provide the identity number of the registrant or each partner in the registrant:	
2.2.2.	Attach a certified copy of the identity document of the registrant or certified copies of the identity document of each partner in the registrant marked clearly as <b>Appendix 2.2.2 of FORM B</b> , indicating that he or she is a citizen of the Republic, as required by section 5(8) (a) of the Act.	
2.3	If the registrant is a juristic person:	
2.3.1	Indicate the legal form of the registrant (e.g. private company incorporated in terms of the Companies Act, 1973):	
2.3.2	Registration number of the registrant:	
2.3.3	Attach certified copies of the registrant's certificate of incorporation and memorandum and articles of association or other constitutive documents of the registrant (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as <b>Appendix 2.3.3 of FORM B</b> , indicating the applicant's compliance with the requirements of section 5(8) (b) of the Act.	
2.4	If the registrant is not a juristic person but intends to operate as one if the licence that is the subject of this registration is granted:	

2.4.1	Provide a written undertaking that the registrant will comply with section 5(8) (b) of the Act marked clearly as <b>Appendix 2.4.1</b> of <b>FORM B</b> .
2.4.2	Indicate when and how the registrant will comply with section 5(8) (b) of the Act.

<b>3.</b>	<b>NON-PROFIT STATUS OF REGISTRANT</b>
Provide details of the registrant's non-profit status and confirmation that the registration is sought for a non-profit purpose:	

<b>4.</b>	<b>COMMUNITY</b>
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: <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.</li> </ul>
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: <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>(iii) gender, language, income and demographic statistics in relation to the community.</li> </ul>

--

<b>5. NATURE OF SERVICES TO BE LICENSED</b>
5.1 Provide a description of the service to be provided:
5.2 Indicate the geographic area in which the service is to be provided:
5.3 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 in terms of percentage of programming which will be broadcast in each language.
5.4 Provide the registrant's proposed programming schedule marked clearly as <b>Appendix 5.4 of FORM B.</b>
5.5 Provide the proposed programming format and content to be provided, and also indicate when your peak time will be, the extent to which output would be locally-originated or part of a wider, externally-sourced service
5.6 Describe for each programme sequence, airtime devoted to music and speech. Indicate the duration and scheduling of any local/regional and/or national/international news output. These should be consistent with responses to other questions in this section of the application. <b>ATTACH AS APPENDIX 5.6</b>
5.7 Give details of how the proposed service will comply with the Authority's South African Music Regulations applicable to community sound broadcasting services.  <b>ATTACH AS APPENDIX 5.7</b>

<b>6. SERVING THE COMMUNITY'S INTERESTS</b>
6.1 Provide proof of how the registrant's proposed Broadcasting Service will 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 (either in the establishment of programming committees, listenership clubs, etc):
<b>7. SUPPORT</b>
7.1 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 (Letters of support, signatures, etc):
<b>8. FINANCES</b>
8.1 Provide details of the manner in which the proposed service is to be funded (sponsorships, donations, etc):
8.2 Provide details of the registrant's anticipated: (i) capital expenditure necessary for the commencement of the provision of services; and (ii) operating income and expenditure during the registrant's first three years of operation.

8.3	Provide details of the registrant's business plan:
<b>9. CONTROL AND MANAGEMENT</b>	
9.1	Provide details of the Control structure of the proposed service:
9.2	Provide details (including name, nationality, gender, identification or passport number, position and address) of each member of the registrant's: (i) board of directors or similar body; (ii) senior management.
9.3	Provide the proposed staffing information indicating how many employees will be appointed on a full-time, part-time or freelance basis. <b>ATTACH AS APPENDIX 9.3</b>

<b>10. RADIO FREQUENCY SPECTRUM</b>	
The registrant must indicate, from the frequencies provided by the Authority, which frequency it seeks to utilise to provide the service	

<b>11. GENERAL</b>	
11.1	Indicate whether the registrant is a member of the Advertising Standards Authority or intends to become a member:
11.2	Indicate whether the registrant is a member of a body contemplated in section 54(3) of the Act or intends to become a member:
11.3	Where the registrant proposes to provide a subscription community broadcasting service, indicate the percentage of its annual revenue which is proposed to be drawn from:

11.3.1 Advertising	
11.3.2 Sponsorships	
11.3.3 Subscriptions	
11.3.4 Donations	
11.3.5 Grants	
11.3.6 Membership fees	
11.4 Indicate whether the registrant is a party, movement, organisation, body or alliance which is of a party-political nature.	
11.5 Indicate whether the registrant has ever been convicted of an offence in terms of the Act or the related legislation, as defined in the Act. If so, provide details of such conviction.	

11.6 Provide details of other matters or undertakings which, in the registrant's view, the Authority should be consider:	
11.7 Attach a resolution authorising the person signing this registration. The resolution must be marked clearly as <b>Appendix 11.7 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:

Capacity:

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

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

**FORM M**  
**LICENCE EXEMPTIONS (Regulation 12)**

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 may 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 applicant, the applicant must indicate that the relevant information is not applicable.*

<b>1. PARTICULARS OF APPLICANT</b>	
1.2. Full name of applicant:	
1.3. Designated contact person:	
1.4. Applicant's street address:	
1.5. Applicant's principal place of business (if different from street address):	
1.6. Applicant's postal address:	
1.7. Applicant's telephone number/s:	
1.8. Applicant's telefax number/s:	
1.9. E-mail address of designated contact person:	

<b>2. LEGAL FORM OF APPLICANT</b>	
2.1. Indicate if the applicant is:	
(i) natural person	
(ii) partnership	
(iii) juristic person	
(iv) other (specify)	
2.2 If the applicant is a natural person or a partnership:	
2.2.1 Provide the identity number of the applicant or each partner in the applicant:	
2.2.2. Attach a certified copy of the identity document of the applicant or certified copies of the identity document of each partner in the applicant marked clearly as <b>Appendix 2.2.2 of FORM M</b> , indicating that he or she is a citizen of the Republic, as required by section 6 of the Act.	
2.3 If the applicant is a juristic person:	
2.3.1 Indicate the legal form of the applicant (e.g. private company incorporated in terms of the Companies Act, 1973):	
2.3.2 Registration number of applicant:	
2.3.3 Attach certified copies of the applicant's certificate of incorporation and memorandum and articles of association or other constitutive and governing documents of the applicant (e.g. memorandum and articles of association, association agreement, and constitution) marked clearly as <b>Appendix 2.3.3 of FORM M</b>	
2.3.4 If the applicant is not a juristic person but intends to operate as one if the authorisation that is the subject of this application is granted:	
2.3.5 Provide a certificate of incorporation	

<b>3 NATURE OF SERVICES TO BE AUTHORISED</b>	
3.2 Indicate if the service to be provided is:	
(i) an electronic communications network service	
(ii) an electronic communications service	

3.3	Provide a description of the service and 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 (i.e. for testing, demonstration, and/or research and development purposes):
3.4	Indicate the geographic area in which the service is to be provided:
3.5.	Indicate the time period for which authorisation to provide the service is requested, together with an explanation for such requested time period:

<b>4 RADIO FREQUENCY SPECTRUM</b>	
4.2	Indicate if the applicant 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 application. Attach a copy of any such radio frequency spectrum licence marked clearly as <b>Appendix 4.1</b> of <b>FORM M</b> :
4.3	Indicate if the applicant has submitted or intends to submit an application for a radio frequency spectrum licence for the provision of the services to which this application relates. If so, indicate the frequency band which is proposed to be utilised for the purpose of providing the service:
<b>5 UNDERTAKING (Applicable only to non-profit ECS Licence Exempt Service providers)</b>	
5	A service which is provided in terms of a licence exemption must not be sold or otherwise be made available or provided on a commercial basis, and must not be made available or provided as an incident of a service provided commercially in terms of an exempted service.  The applicant hereby confirms and binds itself in writing that....

<b>6. GENERAL</b>
6.1. Provide details of any matter and undertaking which, in the applicant's view, the Authority should consider:
6.2. Attach a resolution authorising the person signing this application to sign and mark it clearly as <b>Appendix 6.2 of FORM M.</b>

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 authorisation issued 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 understood 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:

**13. Insertion of Form N in the Regulations**

The following Form is hereby inserted in the Regulations, after Form M:

**FORM N**

**REGISTRATION FOR A CLASS LICENCE TO PROVIDE A SPECIAL EVENT  
COMMUNITY BROADCASTING AND TEMPORARY COMMUNITY BROADCASTING  
SERVICES  
(Regulation13)**

**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 that 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 may 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 person:	
1.3 Street address:	
1.4 Principal place of business (if different from street address):	
1.5 Postal address:	

1.6	Telephone number/s:	
1.7	Telefax number/s:	
1.8	E-mail address of designated contact person:	

<b>2. LEGAL FORM OF REGISTRANT</b>	
2.1	Indicate if the registrant is a:
	(i) natural person
	(ii) juristic person
	(iii) other (specify)
2.2	If the registrant is a natural person or a partnership:
2.2.1	
2.2.2	Attach a certified copy of the identity document of the registrant or certified copies of the identity document of each partner in the registrant marked clearly as <b>Appendix 2.2.2 of FORM N</b> , indicating that he or she is a citizen of the Republic, as required by section 5(8) (a) of the Act.
2.3	If the registrant is a juristic person:
2.3.3	Indicate the legal form of the registrant (e.g. private company incorporated in terms of the Companies Act, 1973):
2.3.4	Registration number of the registrant:
2.3.5	Attach certified copies of the registrant's certificate of incorporation and memorandum and articles of association or other constitutive documents of the registrant (e.g. memorandum and articles of association, association agreement, constitution), marked clearly as <b>Appendix 2.3.5 of FORM N</b> , indicating the applicant's compliance with the requirements of section 5(8) (b) of the Act.
2.4	If the registrant is not a juristic person but intends to operate as one if the licence that is the subject of this registration is granted:
2.4.1	Provide a written undertaking that the registrant will comply with section 5(8) (b) of the Act marked clearly as <b>Appendix 2.4.1 of FORM N</b> .
2.4.2	Indicate when and how the registrant will comply with section 5(8) (b) of the Act.

<b>3. NON-PROFIT STATUS OF REGISTRANT</b>
Provide details of the registrant's non-profit status and confirmation that the registration is sought for a non-profit purpose:

<b>4. COMMUNITY</b>
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: <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.</li> </ul>
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; <ul style="list-style-type: none"> <li>(ii) the size of the community in the geographic area in which the service is proposed to be provided; and</li> <li>(iii) gender, language, income and demographic statistics in relation to the community.</li> </ul>



<b>5.</b>	<b>NATURE OF SERVICES TO BE LICENSED</b>
5.1	Provide a description of the service to be provided:
5.2	Indicate the geographic area in which the service is to be provided:
5.3	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 minutes of programming which will be broadcast in each language.
5.4	Provide the registrant's proposed programming schedule marked clearly as <b>Appendix 5.4 of FORM N</b> .
5.5	Provide the proposed programming format and content to be provided, and also indicate when your peak time will be, the extent to which output would be locally-originated or part of a wider, externally-sourced service
5.6	Describe for each programme sequence, airtime devoted to music and speech. Indicate the duration and scheduling of any local/regional and/or national/international news output. These should be consistent with responses to other questions in this section of the application. <b>ATTACH AS APPENDIX 5.6 of FORM N</b>
5.7	Give details of how the proposed service will comply with the Authority's South African Music Regulations applicable to community sound broadcasting services.  <b>ATTACH AS APPENDIX 5.7 of FORM N</b>
5.8	Provide details of the total daily time proposed for local, provincial, national and international news output, and the sources of news in each category.  <b>ATTACH AS APPENDIX 5.8 of FORM N</b>

5.9 Provide details of the total daily time proposed for the current affairs show and the languages in which the current affairs show will be broadcast.

**ATTACH AS 5.9 of FORM N**

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

6.1 Provide proof of how the registrant's proposed Broadcasting Service will serve the community's interests: Briefly describe the challenges facing the community (e.g. health problems, crime etc.) ATTACH AS APPENDIX 6.1 of FORM N.

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 (either in the establishment of programming committees, listenership clubs, etc): Indicate the manner in which community participation will be enhanced by the establishment of these structures. ATTACH AS APPENDIX 6.2 of FORM N

**7. SUPPORT**

7.1 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 (Letters of support, signatures, etc): ATTACH AS APPENDIX 7.1 of FORM N.

<b>8. FINANCES</b>
8.1 Provide details of the manner in which the proposed service is to be funded (sponsorships, donations, etc): ATTACH AS APPENDIX 8.1 of FORM N.
8.2 Provide details of the registrant's anticipated: <ul style="list-style-type: none"> <li>(i) capital expenditure necessary for the commencement of the provision of services; and</li> <li>(ii) operating income and expenditure during the registrant's first three years of operation.</li> </ul>
8.3 Provide details of the registrant's business plan: ATTACH AS APPENDIX 8.3 of FORM N.

<b>9. CONTROL AND MANAGEMENT</b>
9.1 Provide details of the Control structure of the proposed service:
9.2 Provide details (including name, nationality, gender, identification or passport number, position and address) of each member of the registrant's: <ul style="list-style-type: none"> <li>(i) board of directors or similar body;</li> <li>(ii) senior management.</li> </ul>
9.3 Provide the proposed staffing information indicating how many employees will be appointed on a full-time, part-time or freelance basis. ATTACH AS APPENDIX 9.3 of FORM N.

<b>10. RADIO FREQUENCY SPECTRUM</b>
Indicate if the registrant has submitted or intends to submit an application 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

<b>11. GENERAL</b>	
11.1 Indicate whether the registrant is a member of the Advertising Standards Authority or intends to become a member:	
11.2 Indicate whether the registrant is a member of a body contemplated in section 54(3) of the Act or intends to become a member:	
11.3 Where the registrant proposes to provide a subscription community broadcasting service, indicate the percentage of its annual revenue which is proposed to be drawn from:	
11.3.1 Advertising	
11.3.2 Sponsorships	
11.3.3 Subscriptions	
11.3.4 Donations	
11.3.5 Grants	
11.3.6 Membership fees	
11.4 Indicate whether the registrant is a party, movement, organisation, body or alliance which is of a party-political nature.	
11.5 Indicate whether the registrant has ever been convicted of an offence in terms of the Act or the related legislation, as defined in the Act. If so, provide details of such conviction.	
11.6 Provide details of other matters or undertakings which, in the registrant's view, the	

Authority should be consider:
<b>11.7 Attach a resolution authorising the person signing this registration. The resolution must be marked clearly as Appendix 11.7 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:

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:

**14. Commencement**

These regulations will come into force upon publication in the Government Gazette.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Publications: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504  
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737  
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001  
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504  
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737  
Kaapstad-tak: Tel: (021) 465-7531