

**SCHEDULE 1****CLASS BROADCASTING LICENCES****1. DEFINITIONS**

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

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

**“Authority”** means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

**“BS”** means a broadcasting service as defined in section 1 of the Electronic Communications Act 2005 (Act No. 36 of 2005);

**“Effective date”** means the date on which the Licence is issued;

**“Public Service Announcement”** means an announcement broadcast by a broadcasting service licensee aimed at imparting knowledge or information concerning a disaster or immediate grave danger to the public or in the interests of public welfare;

**“Licence”** means the Class Broadcasting Service licence issued to the Licensee in the form contained in Annexure A of these regulations;

**“Licensee”** means a person named in the licence and issued with a licence to provide services in terms of Chapter 3 of the Act.

**2. NOTIFICATION OF CHANGE IN LICENSEE DETAILS AND INFORMATION**

(1) A Licensee must submit written notice to the Authority within seven (7) days of the occurrence of the following changes in its licence:-

(a) the name of the Licensee;

(b) board of directors;

(c) shareholders; and

(d) contact details.

(2) Any change or transfers of shares undertaken in terms of 2(1)(c) above must comply with all licence terms and conditions and the Act.

### 3. LICENCE AREA

- (1) The Licence area for a Community Sound Broadcasting Service is the maximum possible area covered by the frequency/ies 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, No 117 of 1998. The specific licence area will be as defined by the Licence issued to a Licensee.
- (2) The Licence area for a Community Television Broadcasting Service is the maximum possible area covered by the frequency/ies and power level allocated to a Licensee, which area may not exceed a Province as defined in the Constitution of the Republic of South Africa, Act 108 of 1996,
- (3) The specific licence area will be defined by the licence issued to a licensee.

### 4. 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; or
  - (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 maximum period not exceeding 45 days for Community Sound Broadcasting and Low Power Services.

### 5. COMMENCEMENT OF OPERATIONS

A Licensee must commence operation of the BS specified in the Licence within six (6) months from the effective date, unless the Authority grants, on good cause shown, an extended commencement period on written application, prior to the expiry of the six (6) months period.

### 6. HOURS OF OPERATIONS

- (1) A Licensee must provide broadcast services for twenty four (24) hours per day unless the Authority has been notified of a shorter schedule of daily broadcast operations.

- (2) Where a Licensee cannot provide the licensed service due to circumstances beyond its control, for a continuous period of twelve (12) hours or longer, the licensee must notify the Authority in writing of such circumstances within twenty four (24) hours.

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

A Licensee must in terms of these regulations provide one of the following BS:

- (a) Community Sound BS;
- (b) Community Television BS;
- (c) Community Low Power Sound BS; or
- (d) Special Event Community Sound BS;
- (e) Commercial Low Power Sound BS;
- (f) Any other Low Power Service.

#### **8. SAFETY MEASURES**

The Licensee must, in respect of all apparatus, equipment and installations that it owns, leases or uses, take reasonable and necessary safety measures as may be prescribed and in any event such safety measures to safeguard life or property, and to limit exposure to electromagnetic emission, radiation and related risks.

#### **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, compliance with licence conditions and other requirements of the Act and related legislation;
  - (b) facilitate the efficient use of scarce resources; and
  - (c) collect and compile information to be used for the purposes of sectoral analysis, planning, reporting and conducting inquiries.
- (2) In respect of each information request referred to in sub-clause(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 may be addressed.
- (3) The licensee must provide the information in accordance with such format as may be prescribed by the Authority.

#### 10. 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.

#### 11. CONTRAVENTIONS AND PENALTIES

- (1) Upon a determination of non-compliance by the Complaint and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:
  - (a) One Hundred Thousand Rands (R100000) for contravention of regulations 3(1),3(2) 4, 5(, 6, 7,8 9, and 10; ),
  - (b) Fifty Thousand Rands (R50000) for contravention of all the regulations not specified in the regulation 11(1)(a); and
  - (c) Additional One Hundred Thousand Rands (R100000) for repeated contravention of the regulations.

#### 12. SHORT TITLE AND COMMENCEMENT

These regulations are called the Standard Terms and Conditions for Class Broadcasting Services Regulations, and will come into operation by notice in the gazette.

#### 13. REPEAL OF REGULATIONS

These regulations repeal **Government Gazette No. 30512** containing the Standard Terms and Conditions for Class licences published 30 November 2007.