

21.1. 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:	

<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):	
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#### 4. LEGAL FORM OF APPLICANT (LICENSEE)

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 Identity Document/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 Identity Document/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 (not applicable to Broadcasting Services)

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:

6.8.1. board of directors or similar body;

6.8.2. senior management.

**7. OWNERSHIP AND MANAGEMENT OF TRANSFEREE**

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.

7.2. Indicate whether the transferee is listed on any stock exchange, and

provide details of any such listing:
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:
7.4. Indicate the extent to which any ownership interest referred to above is held by a historically disadvantaged person or group.
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:
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:

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: 7.8.1. board of directors or similar body; 7.8.2. senior management.

<b>8. SUITABILITY OF TRANSFEE</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):

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**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**

<i>This section is only applicable where the licence to be transferred is in respect a broadcasting service.</i>	
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.	

<b>13. GENERAL</b>
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 <b>Appendix 13.2. of FORM H.</b>

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

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

22.1. The following Form of Schedule 1 is hereby substituted for Form K of