
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 1600 OF 2023****Independent Communications Authority of South Africa**

350 Witch-Hazel Avenue, Eco Point Office Park

Eco Park, Centurion

Private Bag X10, Highveld Park 0169

GENERAL NOTICE – SUBMISSION OF ANNUAL FORECAST OF LICENCE FEES AND UNIVERSAL SERVICE AND ACCESS FUND CONTRIBUTIONS FOR 2022/2023 BY BROADCASTING SERVICES (BS), ELECTRONIC COMMUNICATIONS SERVICES (ECS) AND ELECTRONIC COMMUNICATIONS NETWORK SERVICES (ECNS) LICENSEES

1. The Independent Communications Authority of South Africa (“Authority”) has a mandate in terms of the Independent Communications Authority of South Africa Act (Act No 13 of 2000) (“ICASA Act”), as amended, and the Electronic Communications Act (Act No 36 of 2005) (“ECA”), as amended, to regulate Broadcasting Services (“BS”), Electronic Communications Services (“ECS”) and Electronic Communications Network Services (“ECNS”), in the public interest.
2. Section 4(3)(g) of the ICASA Act, provides that *“the Authority may, by notice in writing, direct the holder of a licence in terms of the underlying statutes to produce or furnish to the Authority, at a time and place specified in the notice, any documents and information specified in such notice and relating to any matter in respect of which a duty or obligation is imposed on such a licensee by this Act or the underlying statutes”*.
3. Schedule 3, regulation (3) the ICASA General Licence Fees Regulations, 2012 (“GLF Regulations”) as published in *Government Gazette* No 36323, dated 28 March 2013, as amended, requires BS / ECS / ECNS Licensees to submit an annual forecast of licence fees for the year under review, using the format in Schedule 3(1), of the GLF Regulations, on or before the end of April every year.

Dr. C Lewis (Acting Chairperson), T Faye, Y Kedama, Adv. LS Mkumatela, C Mushi, N Nontombana, N Sithole, P Zimri (Councillors), T Maluleka-Disemelo (CEO)

4. Therefore, the Authority hereby calls upon affected BS / ECS / ECNS Licensees, to submit an annual forecast of the licence fees and the Universal Service and Access Fund contribution, in line with the Annual Turnover definition as set out in the Universal Service and Access Fund Regulations, published in *Government Gazette* No 34010 on 10 February 2011.
5. Only Broadcasting service licensees pay a certain portion to the Media Development and Diversity Agency ("MDDA"). Therefore, in their respective submissions every Broadcasting service Licensee must specify a portion of the amount each will pay to the MDDA.
6. In addition, every BS / ECS / ECNS licensee must submit either a trial balance or detailed management accounts and reconciliations of the trial balance; and a calculation of the forecast of the licence fees and Universal Service and Access Fund contribution.
7. Note: JSE-listed companies who are under closed period as per the JSE rules from the date of issue of this notice to 30 April 2023 may submit Agreed Upon Procedure reports for ALF and USAF (with calculations confirmed by their respective External Auditors).
8. For a Licensee that may not yet be in operation:
 - 7.1 Regulation 5 (4) and (5) of the Regulations on Amendment Standard Terms and Conditions for Individual Licences, 2015, as published in *Government Gazette* No 39875, dated 30 March 2016, provide as follows:

"(4) Where a Licensee has not commenced operations, it must provide the Authority with a letter from external auditors confirming that it has not generated any revenue from the licensed service.

(5) Where a Licensee is not legally required to have audited financial statements, it must submit a letter from an independent accounting officer and must submit a clearance certificate from the South African Revenue Services as proof that it did not generate any revenue from the licensed service."

7.2. Except for a Class Broadcasting Service Licence holder, the Authority hereby refers Class ECS and ECNS Licensees to regulations 5 (4) and (5) of both schedules 2 and 3 of the Regulations on Amendment Standard Terms and Conditions Regulations for Class Licences, published in *Government Gazette* No 44328, dated 25 March 2021. The clauses in the said Regulations provide as follows:

"(4) Where a Licensee has not commenced operations, it must provide the Authority with a letter from external auditors confirming that it did not generate any revenue from the licensed service.

(5) Where a Licensee is not legally required to have audited financial statements ("AFS"), it must submit a letter from an Independent Accounting Officer and must submit a clearance certificate from South African Revenue Services ("SARS") as proof that it did not generate any revenue from the licensed service."

9. The notice refers to Licensees with financial years ending in October 2022, November 2022, December 2022, January 2023, February 2023, and March 2023, to submit their annual forecast of the licence fees they are likely to pay in the 2023/2024 financial year.

10. Therefore, BS / ECS / ECNS licensees referred to in paragraph 8 above, **must submit on or before 30 April 2023**, the information referred to in this notice to the contact persons, as provided below:

For Broadcasting

ATTENTION: Ms Busisiwe Mashigo
Manager: Broadcasting Compliance
By e-mail: BMashigo@icasa.org.za

For ECS/ECNS

ATTENTION: Ms Keitumetse Setshedi
Manager: ECS/ECNS Compliance
By e-mail: Ecsecns.compliance@icasa.org.za

11. Any Licensee that may fail to submit the required information by the deadline referred to above, will be in contravention of section 4(3)(g) of the ICASA Act and schedule 3 of the ICASA General Licence Fees Regulations, 2012. If found guilty of contravening the legislative and regulatory obligations set out herein, a Licensee may be liable to pay a fine of up to R1 000 000 (one million rands).



Dr Charles Lewis
Acting Chairperson
2023/02/01