



P O Box 412363  
Craighall 2024  
South Africa  
Tel: (011) 325-5741  
Fax: (011) 325-5743  
e-mail: lois@nabsa.co.za

Mr. Ashwald Nchabeleng  
The Independent Communications Authority of South Africa  
Block D  
Pinmill Farm  
164 Katherine Street  
Sandton  
Fax: 011 566 3662  
e-mail: dncnabeleng@icasa.org.za

24 August 2009

**Amendment of the Regulations: Standard Terms and Conditions of Class Licences,  
Government Gazette No 30512 of 2007**

1. On 13 July 2009, the Authority published in government gazette number 32402 a notice of its intention to amend its:
  - 1.1. Standard Terms and Conditions Regulations for Individual Licences (draft Individual T&C amendments);
  - 1.2. Standard Terms and Conditions Regulations for Class Licences (draft Class T&C amendments);
  - 1.3. Processes and Procedures for Individual Licences and Processes (draft P&P amendments) and;
  - 1.4. Procedures for Class Licences (draft P&P amendments).
2. These draft regulations amendments seek to amend:
  - 2.1. Standard Terms and Conditions Regulations for Individual Licences (Individual T&C amendments) published in government gazette 30530 of 2007;
  - 2.2. Standard Terms and Conditions Regulations for Class Licences (Class T&C amendments) published in government gazette 30512 of 2007;
  - 2.3. Processes and Procedures for Individual Licences and Processes (P&P amendments) published in government gazette 30916 of 2008 and;
  - 2.4. Procedures for Class Licences (P&P amendments) published in government gazette 30914 of 2008.

3. The NAB welcomes the opportunity to make its written representation and would like to be afforded the opportunity to participate in oral representations should these take place.
4. In making its submission, the NAB will only focus its attention on the draft Class T&C amendments.
5. Upon its perusal of the draft Class T&C amendments, the NAB has realised that the provisions of amendment regulation 3A of the draft Class T&C amendments place onerous obligations on the class broadcasting service licencees.
6. In terms of the definitions clause contained in Chapter 1 of the Electronic Communications Act 35 of 2005 (the EC Act), a community broadcasting service is a broadcasting service which is fully controlled by a non-profit entity and carried on for non-profit purposes. Furthermore, a community sound broadcasting service is owned and controlled by the particular community it serves.
7. Consequently, the ownership and control limitations as contained in chapter 9 of the EC Act apply only to commercial broadcasting services and not to community sound broadcasting services.
8. As such, the NAB is of the view that amendment regulation 3A has been misplaced in the draft Class T&C amendments, as it imposes ownership and control limitations on community broadcasting services, which are exonerated from the application of control and ownership limitations. The NAB therefore recommends that amendment regulation 3A be deleted from the draft Class T&C amendments.
9. The NAB thanks the Authority for the opportunity of making its written submission, and believes that the Authority will consider its inputs when arriving at the final amendment regulations.

Kind regards,

**Dimakatso Qocha**  
**Deputy Executive Director**

