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GENERAL NOTICE

NOTICE 922 OF 2005



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA NOTICE OF AMENDED LICENCE CONDITIONS FOR SABC'S SOUND AND TELEVISION BROADCASTING SERVICES

The Independent Communications Authority of South Africa ("the Authority") hereby gives notice of the amended terms and conditions of the sound and television broadcasting licences of the South African Broadcasting Corporation Limited ("SABC"), which will take effect on 23 March 2006.

The SABC submitted an application for the amendment of its broadcasting licences, in terms of section 22 of the Broadcasting Act, Act 4 of 1999, to the Authority on 31 March 2004. **Section 22** of the Broadcasting Act empowers the Authority to impose on the SABC any appropriate licence conditions which are necessary to reflect the SABC's reorganisation into a public service division and a commercial service division as well as its related obligations in terms of the Broadcasting Act and the Independent Broadcasting Authority Act, Act 153 of 1993.

The Authority gave notice of the SABC's licence amendment application by means of notices published in the **Government Gazette** on 30 April 2004 and 19 May 2004. These notices invited interested parties to submit written representations on the SABC's amendment application to the Authority. The Authority also afforded the SABC an opportunity to respond in writing to those representations. The Authority conducted public hearings in respect of the SABC's application during September and October 2004. At these hearings, the SABC and a number of interested parties made oral submissions to the Authority in relation to the SABC's application.

Draft licence conditions were published for public comment in **Government Gazette** No. 27289, Notice No. 262 on 14 February 2005, which invited interested parties to submit written representations on the draft licence conditions, and which invited the SABC to respond in writing to such written representations. In **Government Gazette** No. 27550, Notice No. 684, published on 29 April 2005, the Authority invited interested parties to submit supplementary written submissions on the SABC's response, to the extent that it contained new material. The SABC was also afforded an opportunity to respond to such supplementary written submissions.

Having considered all the submissions made by the parties, the Authority has decided to impose the amended licence conditions, set out in the schedule to this notice, on the SABC in respect of its various sound and television broadcasting services.

MANDLA LANGA

CHAIRPERSON

SCHEDULE**PUBLIC TELEVISION BROADCASTING LICENCE**

LICENCE NUMBER : PBSTV 2/2004
LICENSEE SOUTH AFRICAN BROADCASTING CORPORATION LIMITED
DIVISION PUBLIC SERVICE DIVISION
NAME OF SERVICE : SABC 1
FREQUENCY BAND : SEE SCHEDULE 82
LICENCE AREA : REPUBLIC OF SOUTH AFRICA
COMMENCEMENT DATE OF LICENCE : 23 MARCH 2004
EXPIRY DATE OF LICENCE 22 MARCH 2012

THIS LICENCE AUTHORIZES THE LICENSEE TO PROVIDE A PUBLIC TELEVISION BROADCASTING SERVICE CONDITIONAL UPON COMPLIANCE WITH THE TERMS, CONDITIONS AND OBLIGATIONS SET OUT IN THE ATTACHED SCHEDULES, AND WITH EFFECT FROM 23 MARCH 2006 REPLACES THE LICENCE ISSUED TO THE LICENSEE ON 23 MARCH 2004.

SIGNED FOR AND ON BEHALF OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA AT SANDTON ON THIS __ DAY OF _____ 2005

CHAIRPERSON

CHIEF EXECUTIVE OFFICER

SCHEDULE A**GENERAL CONDITIONS****1. INTERPRETATION**

In this licence, any word, term or expression to which a meaning has been assigned in the IBA Act or the Broadcasting Act or in any regulations promulgated under those Acts shall have that meaning unless stated otherwise or inconsistent with the context, and the following words, terms and expressions shall have the meanings assigned to them below:

- 1.1 "Authority" means the Independent Communications Authority of South Africa, established by section 3 of the ICASA Act;
- 1.2 "Broadcasting Act" means the Broadcasting Act, Act 4 of 1999;
- 1.3 "broadcast period" means the 24-hour period from 00h00 until 24h00 every day;
- 1.4 "commercial broadcasting service" means any broadcasting service provided by the Licensee and falling within its commercial service division;
- 1.5 "consent" means approval in writing given by the Chairperson of Council, any member of Council, the Chief Executive Officer or any official of the Authority duly authorised by Council to act for and on behalf of the Authority in relation to the act in question;
- 1.6 "Constitution" means the Constitution of the Republic of South Africa, Act 108 of 1996;
- 1.7 "control" includes any instance of control as contemplated in section 1(2) of the IBA Act as read with Schedule 2 to the IBA Act;
- 1.8 "Council" means the Council of the Authority, as contemplated in sections 3(2) and 5 of the ICASA Act;
- 1.9 "effective date" means the date from and upon which the licence conditions set out in this licence become effective, being 23 March 2006;
- 1.10 "financial year" means the financial year of the Licensee;
- 1.11 "historically disadvantaged persons" means South African citizens who are black people, women or people with disabilities and the term "black people" shall include Africans, Indians and Coloureds;
- 1.12 "IBA Act" means the Independent Broadcasting Authority Act, Act 153 of 1993;
- 1.13 "ICASA Act" means the Independent Communications Authority of South Africa Act, Act 13 of 2000;
- 1.14 "licence" means the licence granted to the Licensee by the Authority, authorising it to provide a public television broadcasting service under the name and style of "SABC1", to which this Schedule A is attached, and includes this Schedule A and the other schedules attached to the licence;
- 1.15 "licence period" means the period of validity of the licence, as described in clause 4 of this Schedule A;