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GOVERNMENT NOTICE

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**No. 1432****9 October 2003****REGULATIONS RELATING TO REVIEW PROCEDURES TO BE FOLLOWED
IN THE EVENT OF A REVIEW APPLICATION BEING BROUGHT TO THE
BROADCASTING MONITORING AND COMPLAINTS COMMITTEE.**

**The Independent Communications Authority has, under section 78 (1) of
the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993),
made the regulations in the Schedule**

SCHEDULE**1. PREAMBLE**

In an agreement signed in 1995 between the IBA and the BCCSA it was agreed that a complainant shall have the right to approach the IBA if he or she is of the opinion that the BCCSA has not applied the principles of natural justice and its procedure in a legally acceptable manner, whereupon the IBA shall, if it finds in favour of the complainant refer the matter back to the BCCSA for re-hearing. These powers of the IBA have now been transferred to the Independent Communications Authority (the Authority) which is the current regulator of both the broadcasting and telecommunications sector in South Africa.

2. DEFINITIONS

In these regulations any word to which a meaning has been assigned in the Independent Broadcasting Authority Act (Act 153 of 1993) and the Broadcasting Act (No.4 of 1999) shall have that meaning unless the context indicates otherwise.

2.1 "MCU" refer to the Monitoring and Complaints unit of ICASA

- 2.2 **"day"** means ordinary days, from Monday to Sunday inclusive but shall not include public holidays. In the calculation of days the first day shall be excluded and the last included.

3. GROUNDS OF REVIEW

The grounds upon which the proceedings of the BCCSA may be brought under review before the BMCC are:

- 3.1 Absence of jurisdiction on the part of the BCCSA;
- 3.2 Bias, malice or corruption on the part of the BCCSA;
- 3.3 Gross irregularity in the proceedings;
- 3.4 Failure to comply with rules of natural justice;

4. REVIEW PROCEDURE

In the event of a matter being referred to the BMCC for review the procedure is as follows:

- 4.1 An Application for Review of a decision made by the BCCSA must be brought within a reasonable time after the decision has come to the notice of the complainant, but in any event not later than 30 days after the BCCSA hearing.