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**GENERAL NOTICE**

**Independent Communications Authority of South Africa**

*General Notice*

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# GENERAL NOTICE

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## NOTICE 1273 OF 2007

### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

#### NOTICE OF INTENTION TO MAKE REGULATIONS REGARDING THE PROCESSES AND PROCEDURES FOR APPLYING FOR LICENCES TO PROVIDE ELECTRONIC COMMUNICATIONS NETWORK SERVICES, ELECTRONIC COMMUNICATIONS SERVICES AND BROADCASTING SERVICES, AND MATTERS PERTAINING THERETO

The Independent Communications Authority of South Africa ("ICASA") hereby declares its intention, in terms of section 4(4) (a) of the Electronic Communications Act, 2005 (Act No 36 of 2005) ("the Act"), to make the regulations published herewith ("the draft regulations").

ICASA hereby gives notice that it is inviting interested parties, in terms of section 4(4) (b) of the Act, to make written representations on the draft regulations.

A copy of the proposed draft Regulations will be made available on the Authority's website at: [www.icasa.org.za](http://www.icasa.org.za) and in the Library at Block D between 10h00 and 16h00 Monday to Friday.

Interested parties who wish to make written representations on the draft regulations are required to submit such representations to ICASA by no later than **16h00 on Friday, 23 November 2007**. Written representations must be marked for the **attention of Amos Hlabioa** and may be submitted by post, by hand or by telefax transmission or e-mail to:

ICASA	or	ICASA
Private Bag X10002		Block C, Pin Mill Farm
MARLBORO		164 Katherine Street
2063		SANDTON

Telefax number: (011) 448-2171

E-mail: [ahlabioa@icasa.org.za](mailto:ahlabioa@icasa.org.za)

Further enquiries regarding the submission of written representations on the draft regulations may be directed to Amos Hlabioa at (011) 321-8257 and or at [ahlabioa@icasa.org.za](mailto:ahlabioa@icasa.org.za)

**PARIS MASHILE**  
**CHAIRPERSON**

## DRAFT REGULATIONS IN TERMS OF SECTION 5(7) OF THE ELECTRONIC COMMUNICATIONS ACT, 2005

### Regulations on the Processes and Procedures to be followed and Fees payable in respect of Applications and Registrations for licences and applications for the Amendment, Renewal and Transfer of licences and applications for Special Temporary Authorisations in terms of the Electronic Communications Act, 2005

#### 1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act has that meaning, unless the context requires otherwise, and the following terms have the meaning assigned to them below -

**“the Act”** means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

**“applicant”** means a person who has submitted an application in terms of the Act;

**“application”** means an application –

- (a) for an individual licence in terms of regulation 7 of these Regulations, as read with section 9 of the Act;
- (b) to amend an individual licence in terms of regulation 9 of these Regulations, as read with section 10 of the Act, or to amend a class licence in terms of regulation 10 of these Regulations, as the case may be;
- (c) to renew a licence in terms of regulation 11 or regulation 12 of these Regulations, as read with section 11 or 19 of the Act, as the case may be; or
- (d) to transfer a licence in terms of regulation 13 or regulation 14 of these Regulations, as read with section 13 or 16(6) of the Act, as the case may be;
- (e) for a special temporary authorisation in terms of regulation 15 of these Regulations, as read with section 5(7) (a) (iv) of the Act;

**“fees”** means the fees payable by applicants and registrants in respect of applications and registrations, as the case may be, as set out in Schedule 1;

**“historically disadvantaged persons”** means

- (a) South African citizens who are Black people, women or people with disabilities and that Black people are defined to include Africans, Indians and Coloureds;

(b) an association or juristic person whose members are natural persons referred to in regulation (a) above;

“**licence**” means an individual licence or a class licence;

“**ITA**” means an invitation to apply for an individual licence issued by the Authority in terms of section 9(1) of the Act;

“**registrant**” means a person who has submitted an application for registration in terms of the Act;

“**registration**” means a registration for a class licence in terms of regulation 8 of these Regulations read with sections 16 and 17 of the Act;

“**these Regulations**” includes the Schedules and Forms annexed to these Regulations;

“**transfer**” means alienate, assign, cede, dispose of, sell, in whole or in part, whether or not for value, any interest in a licence or a licensee from one person to a different person.

## 2. **Purpose of these Regulations**

- (1) The purpose of these Regulations is to regulate and prescribe –
  - (a) the process and procedures for applying for or registering, amending, transferring and renewing licences as contemplated in section 5(7)(a)(i) read with sections 9(1), 13(2), 16(1) and 17(1) of the Act;
  - (b) the documentation to be submitted with an application or registration as contemplated in section 5 (7) (a) (ii) of the Act;
  - (c) the fees payable in respect of an application or registration for the grant of a licence and in respect of an application for the amendment, transfer or renewal of a licence as contemplated in sections 4 (1) (c) (iv), 4(1) (c) (v) and 5 (7) (a) (iii) of the Act; and
  - (d) other matters pertaining thereto, as contemplated in section 5 (7) (b) of the Act.
  
- (2) These Regulations do not regulate –
  - (a) the process and procedures in respect of applications for and the granting of radio frequency spectrum licences;

- (b) the annual licence fees payable by successful applicants and registrants.

### 3. **Obtaining relevant forms**

Forms referred to in these Regulations which are to be used for the purpose of an application or registration may be downloaded in electronic format from the Authority's website or may be obtained from the Authority at its offices.

### 4. **Submission of applications, registrations and other documents in terms of these Regulations**

- (1) Applications, registrations and other submissions in terms of these Regulations may be submitted to the Authority in hard copy or as may be specified in an ITA.
- (2) Where an application, registration or any other document required in terms of these Regulations must be submitted on or before a particular date as provided for in these Regulations or an ITA, such application, registration or other document must be submitted to the Authority before 16h30 on the date in question.
- (3) Applications, registrations and other submissions to the Authority in terms of these Regulations must be signed by a duly authorised representative of the applicant or registrant namely -
  - (a) the applicant or registrant, where the applicant or registrant is a natural person;
  - (b) each of the partners of the applicant or registrant, where the applicant or registrant is a partnership;
  - (c) a member, director or representative of the applicant or registrant, as the case may be, duly authorised thereto, where the applicant or registrant is a juristic person.
- (4) In addition to the requirements set out in sub-regulation (3), an application for the transfer of an individual licence in terms of regulation 13 and an application for the transfer of a class licence in terms of regulation 14 must also be signed on behalf of the prospective transferee of the licence to which the application relates by the duly authorised representative, as provided in sub-regulations (3)(a), (b) and (c), of the prospective transferee.

- (5) Any fees in respect of an application or registration which are payable in terms of these Regulations –
- (a) may be paid by way of an electronic transfer of funds to the Authority; and
  - (b) must be paid on or before the day specified in the relevant ITA, where applicable; or
  - (c) must be paid on or before the day when the application or registration is submitted to the Authority, and documentary proof of payment must accompany such submission.
- (6) The Authority will not consider any application or registration where an applicant or registrant fails to pay the applicable application or registration fee timeously and in accordance with sub-regulation (5).
- (7) The Authority will not consider any application or registration where the applicant or registrant fails to comply with sub-regulation 4 (2) of these regulations.

## **5. Amendment of applications or registrations**

- (1) Where information included in an application or registration ceases to be accurate, correct or complete at any time after submission thereof but before the Authority makes a decision thereon, the applicant or registrant must notify the Authority and request to amend the application or registration, in writing within fourteen (14) days of any such change.
- (2) Where a request referred to in sub-regulation (1) relates to an application for, or for the amendment, renewal or transfer of, an individual licence, to which the provisions of sections 9(2) to (6) of the Act are applicable, and such request is made:
- (a) prior to the publication of the notice referred to in section 9(2) of the Act, the Authority may grant the request to amend the application where this will not unfairly prejudice other interested parties or impede the expeditious and proper consideration of the application;
  - (b) subsequent to the publication of the notice referred to in section 9(2) of the Act but prior to the expiry of the period for the submission of written representations referred to in section 9(2)(a) of the Act, the Authority –
    - (i) may grant the request to amend the application where this will not

- unfairly prejudice other interested parties or impede the expeditious and proper consideration of the application; and, where the Authority grants such request,
- (ii) must give notice of the amended application in the *Gazette* and invite interested parties to submit written representations in relation to the amended application within the period mentioned in the notice;
- (c) subsequent to the expiry of the period for the submission of written representations referred to in section 9(2)(a) of the Act –
- (i) the applicant must give notice of the proposed amendment to the application to all interested parties who submitted such written representations, which notice must be given at the same time as the notice referred to in sub-regulation (1);
  - (ii) the applicant must provide documentary proof to the Authority that it has so given notice to such interested parties;
  - (iii) interested parties may, within 5 working days of receipt of the notice referred to in sub-regulation (3)(c)(i), make representations to the Authority with regard to whether the request to amend the application referred to in sub-regulation (2) should be granted;
  - (iv) after considering any written representations from interested parties in relation to the proposed amendment to the application, the Authority may grant the request referred to in sub-regulation (2) where this will not unfairly prejudice other interested parties or impede the expeditious and proper consideration of the application, or where the Authority otherwise considers that granting the request would be in the interest of the proper consideration of the application;
  - (v) where the Authority grants the request to amend the application referred to in sub-regulation (2), the Authority must give notice of the amended application in the *Gazette* and invite interested parties to submit written representations in relation to the amended application within the period mentioned in the notice.
- (4) Where a request referred to in sub-regulation (2) relates to a registration or to an application for the amendment, renewal or transfer of a class licence, the Authority may grant the request where this will not unfairly prejudice other

interested parties or impede the expeditious and proper consideration of the application, or where the Authority otherwise considers it appropriate to grant such request.

**6. Liability of Authority as to cost of applications and registrations**

The Authority is not liable for any costs incurred by an applicant or registrant in complying with these Regulations.

**7. Application for an individual licence (section 9 of the Act)**

- (1) An application for an individual licence in terms of section 9(1) of the Act must be made in writing in the manner and form set out in the ITA published by the Authority in relation to the individual licence concerned, and must include all the information and documents required by the ITA.
- (2) An application for an individual licence must be accompanied by the fee stipulated in the ITA published by the Authority in relation to an individual licence, and the provisions of regulation 4(5) apply to the payment of such fee.
- (3) Where an application for an individual licence submitted to the Authority is incomplete in that it does not contain all the information stipulated in the ITA published by the Authority in relation to the individual licence concerned, or where such an application otherwise fails to comply with the requirements of the ITA, the Authority may –
  - (a) reject the application; or
  - (b) direct the applicant to furnish the Authority within the period specified by the Authority with such further information as is necessary to complete the application, or to comply otherwise with the requirements of the ITA, and failing compliance by the applicant with such direction, the Authority may reject the application.
- (4) If an application for an individual licence is not submitted to the Authority before the deadline for submission specified in the ITA concerned, the Authority must refuse to accept and consider that application.
- (5) The ITA in respect of applications for a particular individual licence may contain



provisions, not inconsistent with the Act or these Regulations, relating to the procedure to be adopted by the Authority in dealing with such applications.

- (6) An application for an individual licence must include -
- (a) in the case of an application by a natural person, a certified copy of the applicant's identity document indicating that he or she is a citizen of the Republic, as required by section 5(8)(a) of the Act;
  - (b) in the case of an application by a juristic person -
    - (i) where the applicant has been registered under the laws of the Republic, a certified copy of the applicant's certificate of incorporation and memorandum and articles of association or other constitutive documents indicating the applicant's compliance with the requirements of section 5(8)(b) of the Act;
    - (ii) where the applicant has not been so registered, a written undertaking, given by a duly authorized representative of the applicant, that the applicant will comply with the requirements of section 5(8)(b) of the Act and will provide the Authority with documentary proof of such compliance within a period specified in that undertaking.

**8. Registration for a class licence (section 17 of the Act)**

- (1) Notice of a registration for a class licence in terms of sections 16(2) and 17(1) of the Act, other than a class licence to provide a community broadcasting service, must be in writing in the form set out in Form A and must include all the information and documents required in terms of Form A.
- (2) Notice of a registration for a class licence to provide a community broadcasting service in terms of sections 16(2), 17(1) and 50 of the Act must be in writing in the form set out in Form B and must include all the information and documents required in terms of Form B.
- (3) A registration notice contemplated in sub-regulations (1) and (2) must be accompanied by the fee stipulated in Schedule 1 in respect of such a registration.

**9. Application to amend an individual licence (section 10 of the Act)**

- (1) An application to amend a licensee's individual licence in terms of section 10(1) (c) of the Act must be made in writing in the form set out in Form C and must include all the information and documents required in terms of Form C, including the proposed amended formulation of the provision sought to be amended and the applicant's motivation for such proposed amendment.
- (2) An application to amend an individual licence must be accompanied by the fee stipulated in Schedule 1 in respect of such an application.

#### 10. **Application to amend a class licence**

- (1) An application to amend a licensee's class licence must be made in writing in the form set out in Form D and must include all the information and documents required in terms of Form D.
- (2) An application to amend a class licence must be accompanied by the fee stipulated in Schedule 1 in respect of such an application.
- (3) An application to amend a licensee's class licence will not be required in relation to the matters referred to in section 17(6) (b), read with sections 16(5) (a) and (b) of the Act, provided that, where a change notified to the Authority in terms of those sections is made in relation to the nature of the services provided in terms of the licensee's class licence, such services are authorised by that licence.
- (4) Where a licensee submits a notice to the Authority in terms of section 17(6) (b) of the Act and where, in the opinion of the Authority, the nature of the services described in that notice are not authorised in terms of the licensee's class licence, the Authority must direct the licensee to submit an application to amend its licence in terms of this regulation 10.
- (5) Where a direction is made to a licensee in terms of sub-regulation (4), the licensee may not commence with the provision of the relevant services for which an amendment to the class licence is required unless and until the Authority grants the licensee's application to amend its class licence in the manner proposed.

**11. Application to renew an individual licence (section 11 of the Act)**

- (1) An application to renew an individual licence must be made in writing in the form set out in Form E and must include all the information and documents required in terms of Form E.
- (2) An application to renew an individual licence must be accompanied by the fee stipulated in Schedule 1 in respect of such an application.
- (3) Subject to section 11(9) of the Act, an application to renew an individual licence must be submitted to the Authority no earlier than twelve months and no later than six months prior to the expiry of the individual licence to which the application relates.
- (4) An application for the renewal of an individual licence must set out full particulars of any prior failure by the licensee to comply with the terms and conditions of the licence, the provisions of the Act or the related legislation, or any regulation made by the Authority.
- (5) An application for the renewal of an individual licence must further set out full particulars of –
  - (a) any finding by the Complaints and Compliance Committee against the applicant, as well as details of the sanction imposed by the Authority, if any; and
  - (b) any finding by a body recognised in terms of section 54 and 55 of the Act.
- (6) If the Authority, upon receipt of an application for the renewal of an individual licence, intends to amend the terms and conditions attaching to that licence if it were to be renewed, as contemplated in section 11(6) of the Act, the Authority must –
  - (a) when giving notice of the renewal application in terms of section 9(2) read with section 11(3) of the Act, also give notice of the proposed amendments to terms and conditions of the licence concerned; and
  - (b) afford the applicant and other interested parties a fair opportunity to

make written representations to the Authority in respect of such proposed amendments.

**12. Notice to renew a class licence (section 19(2) of the Act)**

- (1) A notice to renew a class license must be made in writing in the form set out in Form F and must include all the information and documents required in terms of Form F.
- (2) A notice to renew must be accompanied by the fee stipulated in Schedule 1 in respect of such a notice.
- (3) A notice to renew a class license must be submitted to the Authority no earlier than twelve months and no later than six months prior to the expiry of the licence to which the notice relates.
- (4) The notice must further set out full particulars of –
  - (a) any finding by the Complaints and Compliance Committee against the applicant, as well as details of the sanction imposed by the Authority, if any; and
  - (b) any finding by a body recognised in terms of section 54 and 55 of the Act.

**13. Application to transfer an individual licence (section 13(2) of the Act)**

- (1) An application to transfer an individual licence must be made in writing in the form set out in Form G and must include the information and documents required in terms of Form G.
- (2) An application to transfer an individual licence must be accompanied by the fee stipulated in Schedule 1 in respect of such an application.
- (3) An application to transfer an individual licence must, subject to the requirements of regulation 4(4), be submitted by the prospective transferor.
- (4) Where, in the opinion of the Authority, it is necessary as a matter of procedural fairness to do so, the Authority may take any or all of the following steps -
  - (a) give notice of an application to transfer an individual licence in the *Gazette*;

- (b) invite interested persons to submit written representations in relation to the application within the period specified in the notice referred to in sub-regulation 13(4) (i);
  - (c) allow the applicant an opportunity to submit written responses to representations received in relation to the application within the period specified by the Authority; and
  - (d) conduct a public hearing in relation to the application.
- (5) Interested persons who submitted written representations in response to an invitation from the Authority to do so may request an opportunity to make representations at any public hearing conducted in relation to an application for the transfer of an individual licence and the Authority must grant such a request where, in the opinion of the Authority, it is necessary as a matter of procedural fairness to do so.
- (6) Nothing in these Regulations constitutes a requirement that the Authority conduct a public hearing in relation to an application for the transfer of an individual licence.

**14. Application to transfer a class licence (section 16(6) of the Act)**

- (1) An application to transfer a class licence must be made in writing in the form set out in Form H and must include the information and documents required in terms of Form H.
- (2) An application to transfer a class licence must be accompanied by the fee stipulated in Schedule 1 in relation to such an application.

**15. Application for a special temporary authorisation for testing purposes, demonstrations and research and development**

- (1) Any person may make application to the Authority for a special temporary authorisation to provide an electronic communications network service or an electronic communications service or a broadcasting service for testing purposes, demonstrations and/or research and development.

- (2) A service which is provided in terms of a special temporary authorisation may not be sold or otherwise be made available or provided on a commercial basis, and may not be made available or provided as an incident of a service provided commercially in terms of an individual or class licence or as an exempted service.
- (3) Where the provision of the electronic communications network service or electronic communications service or broadcasting service, as the case may be, in terms of a special temporary authorisation referred to in sub-regulation (1) requires the transmission of any signal by radio or the use of radio apparatus to receive any signal by radio, the applicant must apply for a special temporary authorisation in respect of the use of the radio frequency spectrum to be used in addition to the special temporary authorisation provided for in these Regulations.
- (3) An application for a special temporary authorisation in terms of sub-regulation (1) must be made in the form set out in Form I and must include the information and documents required in terms of Form I.

#### **16. Surrender of an individual licence (section 12 of the Act)**

- (1) A licensee may surrender its individual licence to the Authority in terms of section 12 of the Act at any time during the applicable licence term by submitting a notice in writing in the form set out in Form J to the Authority and providing the information and documents required in terms of Form J.
- (2) The notice referred to in sub-regulation (1) must be submitted no less than ninety (90) days prior to the date determined by the licensee on which the surrender of its individual licence will take effect and on which it will cease to provide the services in respect of which the licence was granted.
- (3) A licensee that intends to surrender its individual licence to the Authority must take appropriate steps to inform subscribers and end-users of the cessation of the services in respect of which the licence was granted prior to the cessation of those services.
- (4) Upon receipt of a notice referred to in sub-regulation (1), the Authority may

stipulate the steps to be taken by the licensee in order to comply with its obligations in terms of sub-regulation (3).

- (5) A licensee that surrenders its individual licence must pay to the Authority –
- (a) any outstanding fees and contributions which may be due and payable by the date on which the surrender of the licence is to take effect; and
  - (b) the proportion of any annual fees and contributions payable at a date subsequent to the date on which the surrender of the licence will take effect, which amount must be calculated in relation to the number of months in the year which will have elapsed by the date on which the licensee ceases to provide the services.
- (6) All amounts payable in terms of sub-regulation (5) must be paid to the Authority within one month of the date on which the services provided in terms of the individual licence are discontinued, except where the Authority, upon the request of the licensee, extends the time period in this regard.

**17. Surrender of class licence and notice of changes in respect of the class licence (section 17(6) of the Act)**

- (1) A licensee that elects to surrender its class licence in terms of the Act at any time during the applicable licence term must submit a notice in the form set out in Form K to the Authority and provide the information and documents required in terms of Form K.
- (2) The notice referred to in sub-regulation (1) must be submitted no less than thirty days prior to the date determined by the licensee on which the surrender of its class licence will take effect and on which it will cease to provide the services in respect of which the licence was granted.
- (3) A licensee that intends to surrender its class licence must take appropriate steps to inform subscribers and end-users of the cessation of the services in respect of which the licence was granted prior to the cessation of those services.
- (4) Upon receipt of a notice referred to in sub-regulation (1), the Authority may

stipulate the steps to be taken by the licensee in order to comply with its obligations in terms of sub-regulation (3).

- (5) A licensee that surrenders its class licence must pay to the Authority –
- (a) any outstanding fees and contributions which may be due and payable by the date on which the surrender of the licence is to take effect; and
  - (b) that proportion of any annual fees and contributions payable at a date subsequent to the date on which the surrender of the licence will take effect, which amount must be calculated in relation to the number of months in the year which will have elapsed by the date on which the licensee ceases to provide the services.
- (6) All amounts payable in terms of sub-regulation (5) must be paid to the Authority within one month of the date on which the services provided in terms of the class licence are discontinued, except where the Authority, upon the request of the licensee, extends the time period in this regard.
- (7) A licensee must submit a notice to the Authority in writing in the form of Form L within thirty (30) days of the change occurring where -
- (a) the name or contact details of the licensee change; or
  - (b) the nature of the services provided in terms of the licence change.

#### 18. **Short title**

These regulations may be cited as the ECA Licensing Application Processes and Procedures Regulations, 2007.

#### 19. **Repeal of regulations**

The regulations set out in column 1 of Schedule 2 are hereby repealed to the extent specified in column 2 of Schedule 2.



**SCHEDULE 1**

*(Schedule to be finalized by licensee fee regulations. Current regulations remain in force  
i.t.o. sec 95 (2) of Act (Act No. 36 of 2005)*

**APPLICATION AND REGISTRATION FEES**

The fees payable by applicants and registrants, as the case may be, in respect of applications and registrations respectively are set out below.

**Individual licences**

Initial applications for licences:

Electronic communications network services:	As specified in ITA
Electronic communications services:	As specified in ITA
Broadcasting services:	As specified in ITA

Applications for amendment of licences:

Electronic communications network services:	R _____
Electronic communications services:	R _____
Broadcasting services:	R _____

Applications for renewal of licences:

Electronic communications network services:	R _____
Electronic communications services:	R _____
Broadcasting services:	R _____

Applications for transfer of licences:

Electronic communications network services:	R _____
Electronic communications services:	R _____
Broadcasting services:	R _____

**Class licences**

## Initial registrations:

Electronic communications network services: R \_\_\_\_\_  
Electronic communications services: R \_\_\_\_\_  
Community broadcasting services: R \_\_\_\_\_

## Applications for amendment of licences:

Electronic communications network services: R \_\_\_\_\_  
Electronic communications services: R \_\_\_\_\_  
Community broadcasting services: R \_\_\_\_\_

## Notices of renewal of licences:

Electronic communications network services: R \_\_\_\_\_  
Electronic communications services: R \_\_\_\_\_  
Community broadcasting services: R \_\_\_\_\_

## Applications for transfer of licences:

Electronic communications network services: R \_\_\_\_\_  
Electronic communications services: R \_\_\_\_\_  
Broadcasting services: R \_\_\_\_\_

**Special temporary authorisations**

Applications: R \_\_\_\_\_

The fees set out above shall apply until 31 December 2008.

With effect from 1 January 2009, the fees set out above will, annually from 1 January every year, be increased by 10% or such other percentage as the Authority may periodically determine by way of notice published in the *Gazette*.

**SCHEDULE 2****REPEALED REGULATIONS**

<b>Regulations</b>	<b>Extent of repeal</b>
Temporary Community Broadcasting Licences Regulations, 1994 published under GN R1675 in GG 15999 of 30 September 1994	The whole
Temporary Community Licences: Criteria to Measure Support Regulations, 1994 published under GN R1674 in GG 15999 of 30 September 1994	The whole
Private Television Broadcasting Service Licence Fees Regulations, 1997 published under GN 1318 in GG 18271 of 5 September 1997	Regulations 2 and 4
Independent Broadcasting Authority Administrative Procedures Regulations, 1997 published under GN 1540 in GG 18392 of 24 October 1997	Regulations 2 and 4(1) (to the extent that reference is made to repealed statutory provisions)
Community Sound Broadcasting Services Fees Regulations published under GN R1053 in GG 18187 of 1 August 1997	Regulations 2, 3, 5 and 6
Applications for Special Event Licences for Community Broadcasting Services Regulations, 2002 published under GN R485 in GG 23332 of 16 April 2002	The whole
Regulations on Manner in which Applications for Certain Telecommunications Service Licences are to be Made, 2002 published under GN 1334 in GG 23685 of 29 July 2002	The whole
Regulations on Applications for Transfer of Telecommunication Service Licences, 2003 published under GN R1242 in GG 25409 of 28 August 2003	The whole
Regulations on Manner in which Applications for Private Telecommunication Network (PTN) Licences are to be Made,	The whole

published under GN R1385 in GG 25519 of 1 October 2003	
Low Power Sound Broadcasting Regulations, 2003 published under GN 3162 in GG 25631 of 24 October 2003, as amended by GN 1861 in GG 28118 of 10 October 2005	Regulations 6.1, 6.3, 6.5, 6.6, 6.7, 6.8, 6.9 and 6.10
Public Regional Television Broadcasting Licence Fees Regulations, 2003 published under GN R1740 in GG 25783 of 23 November 1997	Regulations 3, 5 and 6
Applications for Special Event Community Sound Broadcasting Licences or Temporary Community Television Broadcasting Licences Regulations, 2005 published under GN 1642 in GG 27973 of 26 August 2005	The whole
Guidelines to Apply for Low Power Sound Broadcasting Licences published under GN 296 in GG 27308 of 18 February 2005	Regulations 9, 11, 13 and 15
Regulations for Value-Added Network Services, 2005 published under GN R490 in GG 27608 of 20 May 2005	The whole
Subscription Broadcasting Services Regulations, 2006 published under GN 152 in GG 28452 of 31 January 2006	Regulations 4.1, 4.2, 4.3
Community Sound Broadcasting Regulations, 2006 published under GN 755 in GG 28919 of 6 June 2006	Regulations 4.2, 4.3, 8.1, 8.2 and 8.4

**FORM A**  
**FORM OF REGISTRATION FOR A CLASS LICENCE**  
**(Regulation 8(1))**

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

- Note: (a) Registrants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) and any regulations published under that Act with regard to the requirements to be fulfilled by registrants.*
- (b) Information required in terms of this Form which cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the registrant, the registrant must indicate that the relevant question is not applicable.*

<b>1. PARTICULARS OF REGISTRANT</b>	
1.1	Full name of registrant:
1.2	Contact person:
1.3	Registrant's street address:
1.4	Registrant's principal place of business (if different from street address):
1.5	Registrant's postal address:
1.6	Telephone number/s:

1.7	Telefax number/s:	
1.8	Email address of contact person:	

<b>2. LEGAL FORM OF REGISTRANT</b>	
2.1	Indicate if the registrant is:
	(i) a natural person
	(ii) a partnership
	(iii) a juristic person
	(iv) other (specify)
2.2	If the registrant is a natural person or a partnership:
2.2.1	Provide the identity number of registrant or each partner in the registrant:
2.2.2	Attach a certified copy of the identity document of the registrant or certified copies of the identity document of each partner in the registrant as <b>Appendix 2.2.2</b> indicating that he or she is a citizen of the Republic, as required by section 5(8)(a) of the Act.
2.3	If the registrant is a juristic person:
2.3.1	Indicate the legal form of registrant (e.g. private company incorporated in terms of the Companies Act, 1973):
2.3.2	Registration number of registrant:
2.3.3	Attach certified copies of the registrant's certificate of incorporation and memorandum and articles of association or other founding documents of the registrant (e.g. memorandum and articles of association, association agreement, constitution) as <b>Appendix 2.3.3</b> indicating the applicant's compliance with the requirements of section 5(8)(b) of the Act.
2.4	If the registrant is not a juristic person but intends to operate as one if the licence that is the subject of this registration is granted:
2.4.1	Provide a written undertaking that the registrant will comply with section 5(8)(b) of the Act as <b>Appendix 2.4.1</b> .
2.4.2	Indicate when and how the registrant will comply with section 5(8)(b) of the Act.

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<b>3. NATURE OF SERVICES TO BE LICENSED</b>	
3.1 Indicate if the service to be provided is:	
(i) an electronic communications network service	
(ii) an electronic communications service	
(iii) a broadcasting service	
3.2 Provide a description of the service to be provided:	
3.3 Indicate the geographic area in which the service is to be provided:	
3.4 Indicate whether the service is to be provided on a commercial basis. To the extent that the service is to be provided on a commercial basis provide a description of the persons (including resellers, subscribers and end-users) to whom the service will be provided and the manner in which the service is to be provided to them.	

<b>4. FINANCES</b>	
4.1 Provide details of the manner in which the proposed service is to be funded:	

<p>4.2 Provide details of the registrant's anticipated:</p> <ul style="list-style-type: none"><li>(i) capital expenditure necessary for the commencement of the provision of services; and</li><li>(ii) operating expenditure during the registrant's first year of operation.</li></ul>
<p>4.3 Indicate, and provide relevant details, if the registrant is registered for the payment of:</p> <ul style="list-style-type: none"><li>(i) tax in terms of the Income Tax Act, 1962; and</li><li>(ii) value-added tax in terms of the Value-Added Tax Act, 1991</li></ul>

<p><b>5. OWNERSHIP AND MANAGEMENT</b></p>
<p>5.1 Provide details of all ownership interests in the registrant and the identity and address of each holder of an ownership interest in the registrant. Where a registrant is a juristic person only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the registrant are relevant.</p>
<p>5.2 Indicate whether the registrant is listed on any stock exchange, and provide details of any such listing:</p>



5.3	In respect of each holder of any ownership interest in any person holding an ownership interest in the registrant, provide the details required in 5.1 in respect of each such holder:
5.4	Indicate the extent to which any ownership interest referred to above is held by an historically disadvantaged person or group (including black people, as defined in the Broad-based Black Economic Empowerment Act, 2003, women and disabled persons) or youth organisation.
5.5	Indicate whether the holder of any ownership interest in the registrant is a foreign citizen or an entity registered or incorporated in any country other than South Africa:
5.6	Indicate whether any person holding an ownership interest in the registrant 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 notice relates:
5.7	Provide particulars of any interest held by the registrant in another licensee licensed in terms of the Act:

5.8	Provide details (including name, nationality, identification or passport number, position and address) of each member of the registrant's: (i) board of directors or similar body; (ii) senior management.

<b>6. BLACK ECONOMIC EMPOWERMENT</b>	
6.1	Attach a copy of any scorecard completed in relation to the registrant in terms of the Codes of Good Practice on Black Economic Empowerment published under the Broad-based Black Economic Empowerment Act, 2003, as <b>Appendix 6.1</b> .
6.2	Indicate if the registrant is an Exempted Micro-Enterprise in terms of the Broad-based Black Economic Empowerment Act, 2003:
6.3	Indicate whether the registrant undertakes that the ownership interests held by historically disadvantaged persons, as specified in 5.3 will remain unchanged for a specified period or will be increased within a specified period. If so, specify the nature of the undertaking given by the registrant.

<b>7. RADIO FREQUENCY SPECTRUM</b>	
7.1	Indicate if the registrant has submitted or intends to submit an application for a radio frequency spectrum licence for the provision of the services to which this registration relates. If so, indicate the frequency band which is proposed to be utilised for the purpose of providing the service:

<b>8. COMPLIANCE WITH CHAPTER 9 OF THE ACT</b>	
<i>This section is only applicable where the service to be provided is a broadcasting service.</i>	
8.1	Indicate whether the registrant is a member of the Advertising Standards Authority or intends to become a member:
8.2	Indicate whether the registrant is a member of a body contemplated in section 54(3) of the Act or intends to become a member:
8.3	Where the registrant proposes to provide a subscription broadcasting service, indicate the percentage of its annual revenue which is proposed to be drawn from:
8.3.1	Advertising
8.3.2	Sponsorships
8.3.3	Subscriptions
8.4	Indicate whether the registrant is a party, movement, organisation, body or alliance which is of a party-political nature.

<b>9. CONCLUSION</b>	
9.1	Provide details of any other matter of which, in the registrant's view, the Authority should be aware:
9.2	Attach a resolution authorising the person signing this registration notice to sign this registration notice as <b>Appendix 9.2</b> .

The person signing the registration on behalf of the registrant must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa reserves the right to have any licence issued pursuant to this registration set aside should any material statement made herein, at any time, be found to be false where the registrant was aware that such statement was false.

Signed .....

(REGISTRANT)

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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM B****FORM OF REGISTRATION FOR A CLASS LICENCE TO PROVIDE A COMMUNITY  
BROADCASTING SERVICE****(Regulation 8(2))****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

- Note: (a) Registrants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by registrants. Registrants are referred, in particular, to the Community Sound Broadcasting Regulations, 2006 (published under GN755 in Government Gazette 28919 of 6 June 2006) and the Community Sound Broadcasting Licence: Criteria to Measure Community Support Regulations, 1997 (published under GN R1388 in Government Gazette 18380 of 17 October 1997).*
- (b) Information required in terms of this Form which cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the registrant, the registrant must indicate that the relevant question is not applicable.*

<b>1. PARTICULARS OF REGISTRANT</b>	
1.1	Full name of registrant:
1.2	Contact person:
1.3	Registrant's street address:
1.4	Registrant's principal place of business (if different from street address):
1.5	Registrant's postal address:

1.6	Telephone number/s:	
1.7	Telefax number/s:	
1.8	Email address of contact person:	

<b>2. LEGAL FORM OF REGISTRANT</b>	
2.1	Indicate if the registrant is:
	(i) a natural person
	(ii) a partnership
	(iii) a juristic person
	(iv) other (specify)
2.2	If the registrant is a natural person or a partnership:
2.2.1	Provide the identity number of the registrant or each partner in the registrant:
2.2.2	Attach a certified copy of the identity document of the registrant or certified copies of the identity document of each partner in the registrant as <b>Appendix 2.2.2</b> indicating that he or she is a citizen of the Republic, as required by section 5(8)(a) of the Act.
2.3	If the registrant is a juristic person:
2.3.1	Indicate the legal form of the registrant (e.g. private company incorporated in terms of the Companies Act, 1973):
2.3.2	Registration number of the registrant:
2.3.3	Attach certified copies of the registrant's certificate of incorporation and memorandum and articles of association or other constitutive documents of the registrant (e.g. memorandum and articles of association, association agreement, constitution) as <b>Appendix 2.3.3</b> indicating the applicant's compliance with the requirements of section 5(8)(b) of the Act.
2.4	If the registrant is not a juristic person but intends to operate as one if the licence that is the subject of this registration is granted:
2.4.1	Provide a written undertaking that the registrant will comply with section 5(8)(b) of the Act as <b>Appendix 2.4.1</b> .
2.4.2	Indicate when and how the registrant will comply with section 5(8)(b) of the Act.

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<b>3. NON-PROFIT STATUS OF REGISTRANT</b>	
3.1	Provide details of the registrant's non-profit status and confirmation that that registrant is carried on for a non-profit purpose:

<b>4. COMMUNITY</b>	
4.1	Indicate whether the community to be served by the proposed broadcasting service is:
4.1.1	a geographically founded community; or
4.1.2	a group of persons or sector of the public with a specific, ascertainable common interest.
4.2	Where the community to be served by the registrant is a geographically founded community, provide details of the community to be served, including: <ul style="list-style-type: none"> <li>(i) whether the community is urban, peri-urban or rural</li> <li>(ii) the number of people in the community</li> <li>(iii) gender, language, income and demographic statistics in relation to the community.</li> </ul>
4.3	Where the community to be served by the registrant is a community of common interest, provide details of the community to be served, including: <ul style="list-style-type: none"> <li>(i) the nature of the common interest</li> <li>(ii) the size of the community in the geographic area in which the service is proposed to be provided</li> <li>(iii) gender, language, income and demographic statistics in relation to the community.</li> </ul>

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<b>5. NATURE OF SERVICES TO BE LICENSED</b>
5.1 Provide a description of the service to be provided:
5.2 Indicate the geographic area in which the service is to be provided:
5.3 Provide details of the languages in which the broadcasting service is proposed to be provided. Where it is proposed that the service will be provided in more than one language, provide a breakdown of the number of hours of programming which will be broadcast in each language.
5.4 Provide the registrant's proposed programming schedule as <b>Appendix 5.4</b> .

<b>6. SERVING THE COMMUNITY'S INTERESTS</b>
6.1 Provide evidence of the manner in which the registrant proposes to serve the



community's interests:

- 6.2 Provide evidence of the manner in which the registrant proposes to encourage members of the community served by it, or persons associated with the promotion of the community's interests, to participate in the selection and production of programming to be provided by the registrant:

**7. SUPPORT**

- 7.1 Provide evidence of support by members of the registrant's community or of persons associated with the registrant's community or of persons who promote the interests of the registrant's community:

**8. FINANCES**

- 8.1 Provide details of the manner in which the proposed service is to be funded:

- 8.2 Provide details of the registrant's anticipated:

(i) capital expenditure necessary for the commencement of the provision of services;

and

(ii) operating expenditure during the registrant's first year of operation.

8.3 Indicate, and provide relevant details, if the registrant is registered for the payment of:

(i) tax in terms of the Income Tax Act, 1962; and

(ii) value-added tax in terms of the Value-Added Tax Act, 1991

8.4 Provide details of the registrant's business plan:

9. **OWNERSHIP AND MANAGEMENT (9.1 – 9.7 not applicable to community broadcasting services registered as licenses)**

9.1 Provide details of all ownership interests in the registrant and the identity of each holder of an ownership interest in the registrant. Where a registrant is a juristic person, only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the registrant are relevant.

9.2	In respect of each holder of any ownership interest in any person holding an ownership interest in the registrant, provide the details required in 9.1 in respect of each such holder:
9.3	Indicate the extent to which any ownership interest referred to above is held by an historically disadvantaged person or group (including black people, as defined in the Broad-based Black Economic Empowerment Act, 2003, women and disabled persons) or youth organisation:
9.4	Indicate whether the holder of any ownership interest in the registrant is a foreign citizen or an entity registered or incorporated in any country other than South Africa:
9.5	Indicate whether any person holding an ownership interest in the registrant 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 notice relates:
9.6	Provide particulars of any interest held by the registrant in another licensee licensed in terms of the Act:

9.7	Provide details (including name, nationality, identification or passport number, position and address) of each member of the registrant's: <ul style="list-style-type: none"> <li>(i) board of directors or similar body;</li> <li>(ii) senior management.</li> </ul>

10.	<b>BLACK ECONOMIC EMPOWERMENT</b> ( <i>Not applicable to community broadcasting services registered as class licenses</i> )
10.1	Attach a copy of any scorecard completed in relation to the registrant in terms of the Codes of Good Practice on Black Economic Empowerment published under the Broad-based Black Economic Empowerment Act, 2003, as <b>Appendix 10.1</b> .
10.2	Indicate if the registrant is an Exempted Micro-Enterprise in terms of the Broad-based Black Economic Empowerment Act, 2003:
10.3	Indicate whether the registrant undertakes that the ownership interests held by historically disadvantaged persons, as specified in 9.3, will remain unchanged for a specified period or will be increased within a specified period. If so, specify the nature of the undertaking given by the registrant.

11.	<b>RADIO FREQUENCY SPECTRUM</b>
11.1	Indicate if the registrant has submitted or intends to submit an application for a radio frequency spectrum licence for the provision of the services to which this registration relates. If so, indicate the frequency band which is proposed to be utilised for the purpose of providing the service:.

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<b>12. OTHER</b>	
12.1	Indicate whether the registrant is a member of the Advertising Standards Authority or intends to become a member:
12.2	Indicate whether the registrant is a member of a body contemplated in section 54(3) of the Act or intends to become a member:
12.3	Where the registrant proposes to provide a subscription community broadcasting service, indicate the percentage of its annual revenue which is proposed to be drawn from:
12.3.1	advertising
12.3.2	sponsorships
12.3.3	subscriptions
12.3.4	donations
12.3.5	grants
12.3.6	membership fees
12.4	Indicate whether the registrant is a party, movement, organisation, body or alliance which is of a party-political nature.
12.5	Indicate whether the registrant has ever been convicted of an offence in terms of the Act or the related legislation, as defined in the Act. If so, provide details of such conviction.

<b>13. CONCLUSION</b>	
13.1	Provide details of any other matter of which, in the registrant's view, the Authority should be aware:

13.2 Attach a resolution authorising the person signing this registration notice to sign this registration notice as **Appendix 11.2.**

The person signing the registration on behalf of the registrant must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa reserves the right to have any licence issued pursuant to this registration set aside should any material statement made herein, at any time, be found to be false where the registrant was aware that such statement was false.

Signed .....

(REGISTRANT)

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:

- 4. knows and understands the contents hereof;
- 5. has no objection to taking the prescribed oath or affirmation; and
- 6. considers this oath or affirmation to be truthful and binding on his/her conscience.

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

.....  
.....  
.....

**FORM C**

**FORM OF APPLICATION TO AMEND AN INDIVIDUAL LICENCE  
(Regulation 9(1))**

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 that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the applicant, the applicant must indicate that the relevant question is not applicable.*

<b>1.</b>	<b>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 as <b>Appendix 1.3</b> .

<b>2.</b>	<b>PARTICULARS OF APPLICANT (LICENSEE)</b>
2.1	Full name of applicant:
2.2	Contact person:
2.3	Applicant's street address:
2.4	Applicant's principal place of business (if different from street address):
2.5	Applicant's postal address:
2.6	Telephone number/s:

2.7	Telefax number/s:	
2.8	Email address of contact person:	

<b>3. PROPOSED AMENDMENT TO THE LICENCE</b>	
3.1	Set out the proposed amendment/s (with reference to existing clauses in the licence) to the licence which is the subject of this application:
3.2	Set out the applicant's motivation for the proposed amendment/s to the licence, indicating the reasons for such amendment/s:
3.3	Explain the potential implications of the proposed amendment/s, with specific reference <i>inter alia</i> to the provisions of section 10(1)(a), (b), (c), (d) and (f) of the Act:

<b>4. RADIO FREQUENCY SPECTRUM</b>	
4.1	Indicate whether the applicant holds a radio frequency spectrum licence in terms of the Act for the provision of the services in terms of the licence to which this application relates. If so, provide details thereof and attach a copy of the radio frequency spectrum licence as <b>Appendix 4.1</b> :



4.2 To the extent that an amendment to the applicant's radio frequency spectrum licence would be necessitated if the amendment in respect of the licence that is the subject of this application is approved, provide details of such an amendment. A separate application to amend the applicant's radio frequency spectrum licence must be submitted to the Authority in this regard at the same time as this application.

<b>5.</b>	<b>CONCLUSION</b>
5.1	Provide details of Promises of performance (if any) and any other matter of which, in the applicant's view, the Authority may need to take into consideration:
5.2	Attach a resolution authorising the person signing this application to sign this application as <b>Appendix 5.2</b> .

The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa reserves the right to have any licence amended pursuant to this application set aside should any material statement made herein, at any time, be found to be false where the applicant was aware that such statement was 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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM D**  
**FORM OF APPLICATION TO AMEND A CLASS LICENCE**  
**(Regulation 10(1))**

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 that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the applicant, the applicant must indicate that the relevant question 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 as <b>Appendix 1.3</b> .

<b>2. PARTICULARS OF APPLICANT (LICENSEE)</b>	
2.1	Full name of applicant:
2.2	Contact person:
2.3	Applicant's street address:
2.4	Applicant's principal place of business (if different from street address):
2.5	Applicant's postal address:
2.6	Telephone number/s:

2.7	Telefax number/s:	
2.8	Email address of contact person:	

<b>3. PROPOSED AMENDMENT TO THE LICENCE</b>	
3.1	Set out the amendment/s (with reference to existing clauses in the licence) to the licence which is/are the subject of this application:
3.2	Set out the applicant's motivation for the proposed amendment/s to the licence indicating the reasons for such amendment/s:
3.3	Explain the potential implications of the proposed amendment/s:

<b>4. RADIO FREQUENCY SPECTRUM</b>	
4.1	Indicate if the applicant holds a radio frequency spectrum licence in terms of the Act for the provision of the services in terms of the licence to which this application relates. If so, provide details thereof and attach a copy of the radio frequency spectrum licence as <b>Appendix 4.1</b> :
4.2	To the extent that an amendment to the applicant's radio frequency spectrum licence would be necessitated if the amendment in respect of the licence that is the subject of

this application is approved, provide details of such an amendment. A separate application to amend the applicant's radio frequency spectrum licence must be submitted to the Authority in this regard at the same time as this application.

<b>5. CONCLUSION</b>
5.1 Provide details of any other matter of which, in the applicant's view, the Authority should be aware:
5.2 Attach a resolution authorising the person signing this application to sign this application as <b>Appendix 5.2</b> .

The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa reserves the right to have any licence amended pursuant to this application set aside should any material statement made herein, at any time, be found to be false where the applicant was aware that such statement was 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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM E****FORM OF APPLICATION TO RENEW AN INDIVIDUAL LICENCE****(Regulation 11(1))**

## 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 cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the applicant, the applicant must indicate that the relevant question is not applicable.*

<b>1.</b>	<b>PARTICULARS OF LICENCE</b>
1.1	Licence number:
1.2	Nature of services authorised to be provided in terms of the licence:
1.3	Expiration date of licence:
1.4	Attach a copy of the licence that is the subject of this application as <b>Appendix 1.3</b> .

<b>2.</b>	<b>PARTICULARS OF APPLICANT (LICENSEE)</b>
2.1	Full name of applicant:
2.2	Contact person:
2.3	Applicant's street address:
2.4	Applicant's principal place of business (if different from street address):
2.5	Applicant's postal address:
2.6	Telephone number/s:

2.7 Telefax number/s:	
2.8 Email address of contact person:	

### 3. OWNERSHIP AND MANAGEMENT

3.1 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.

3.2 Indicate whether the applicant is listed on any stock exchange, and provide details of any such listing:

3.3 In respect of each holder of any ownership interest in any person holding an ownership interest in the applicant, provide the details required in 3.1 in respect of each such holder:

3.4 Indicate the extent to which any ownership interest referred to above is held by an historically disadvantaged person or group (including black people, as defined in the Broad-based Black Economic Empowerment Act, 2003, women and disabled persons) or youth organisation.



3.5	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:
3.6	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:
3.7	Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:
3.8	Provide details (including name, nationality, identification or passport number, position and address) of each member of the applicant's: (i) board of directors or similar body; (ii) senior management.

**4. BLACK ECONOMIC EMPOWERMENT**

- 4.1 Attach a copy of any scorecard completed in relation to the registrant in terms of the Codes of Good Practice on Black Economic Empowerment published under the Broad-based Black Economic Empowerment Act, 2003, as **Appendix 4.1**.

4.2 Indicate if the registrant is an Exempted Micro-Enterprise in terms of the Broad-based Black Economic Empowerment Act, 2003:	
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<b>5. RADIO FREQUENCY SPECTRUM</b>
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5.1 Indicate if the applicant holds a radio frequency spectrum licence in terms of the Act for the provision of the services in terms of the licence to which this application relates. If so, provide details thereof and attach a copy of the radio frequency spectrum licence as <b>Appendix 5.1</b> :
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5.2 Indicate the date on which the applicant's radio frequency spectrum licence expires. A separate application to renew the applicant's radio frequency spectrum licence must be submitted to the Authority prior to the expiry of that licence in terms of the applicable regulations.
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<b>6. AMENDMENT TO THE LICENCE</b>
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Indicate whether the applicant seeks any amendment to the licence in terms of section 10(1)(c) of the Act, if this application to renew the licence is granted. If so, a separate application for the amendment of the licence in terms of the ICASA Licensing Applications Process and Procedures Regulations, 2007 must be submitted in this regard.
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<b>7. FAILURE TO COMPLY WITH REQUIREMENTS</b>
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7.1 Provide details of any action taken in relation to the applicant by the Authority or any other person due to a breach or alleged breach by the licensee of the Act, any
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regulations published under the Act or any terms and conditions applicable to any licence issued in terms of the Act. State, in particular, whether there has been any failure by the applicant to comply with the terms and conditions of the licence sought to be renewed, the provisions of the Act or the related legislation (as defined in the Act) or any regulations made by the Authority :

7.2 Where there has been such a failure to comply, state whether, in the applicant's opinion, there has been a material and repeated failure to comply, as contemplated in section 11(7) of the Act:

7.3 Provide details of any finding by the Complaints and Compliance Committee against the applicant, as well as details of the sanction imposed by the Authority, if any.

7.4 Provide details of any finding by a body recognised in terms of section 54 and 55 of the Act.

## 8. UNDERTAKINGS

8.1 Specify any undertakings which the applicant is prepared to give, if its licence is renewed, in relation to the manner in which it will comply with the requirements and promote the achievement of the objectives set out in section 2 of the Act.

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<b>9. LATE FILING OF APPLICATION</b>	
9.1	Indicate if this application is filed with the Authority within the time period specified in the ICASA Licensing Applications Process and Procedures Regulations, 2007:
9.2	Where this application is filed outside of this time period, set out the reasons for the late filing:

<b>10. CONCLUSION</b>	
10.1	Provide details of any other matter of which, in the applicant's view, the Authority should be aware:
10.2	Attach a resolution authorising the person signing this application to sign this application, as <b>Appendix 9.2</b> .

The person signing the registration on behalf of the applicant must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa reserves the right to have any licence renewed pursuant to this application set aside should any material statement made herein, at any time, be found to be false where the applicant was aware that such statement was 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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM F**  
**FORM OF NOTICE TO RENEW A CLASS LICENCE**  
**(Regulation 12(1))**

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 cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the applicant, the applicant must indicate that the relevant question is not applicable.*

<b>1.</b>	<b>PARTICULARS OF LICENCE</b>	
1.1	Licence number:	
1.2	Nature of services authorised to be provided in terms of the licence:	
1.3	Expiration date of licence:	
1.4	Attach a copy of the licence that is the subject of this application as <b>Appendix 1.3</b> .	

<b>2.</b>	<b>PARTICULARS OF APPLICANT (LICENSEE)</b>	
2.1	Full name of applicant:	
2.2	Contact person:	
2.3	Applicant's street address:	
2.4	Applicant's principal place of business (if different from street address):	
2.5	Applicant's postal address:	
2.6	Telephone number/s:	

2.7	Telefax number/s:	
2.8	Email address of contact person:	

**3. OWNERSHIP AND MANAGEMENT**

3.1 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.

3.2 Indicate whether the applicant is listed on any stock exchange, and provide details of any such listing:

3.3 In respect of each holder of any ownership interest in any person holding an ownership interest in the applicant, provide the details required in 3.1 in respect of each such holder:

3.4 Indicate the extent to which any ownership interest referred to above is held by an historically disadvantaged person or group (including black people, as defined in the Broad-based Black Economic Empowerment Act, 2003, women and disabled persons) or youth organisation:

3.5	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:
3.6	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:
3.7	Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:
3.8	Provide details (including name, nationality, identification or passport number, position and address) of each member of the applicant's: (iii) board of directors or similar body; (iv) senior management.
4.	<b>BLACK ECONOMIC EMPOWERMENT</b>
4.1	Attach a copy of any scorecard completed in relation to the applicant in terms of the Codes of Good Practice on Black Economic Empowerment published under the Broad-based Black Economic Empowerment Act, 2003, as <b>Appendix 4.1</b> .



4.2 Indicate if the applicant is an Exempted Micro-Enterprise in terms of the Broad-based Black Economic Empowerment Act, 2003:	
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<b>5. RADIO FREQUENCY SPECTRUM</b>	
5.1 Indicate if the applicant holds a radio frequency spectrum licence in terms of the Act for the provision of the services in terms of the licence to which this application relates. If so, provide details thereof and attach a copy of the radio frequency spectrum licence as <b>Appendix 5.1</b> :	
5.2 Indicate the date on which the applicant's radio frequency spectrum licence expires. A separate application to renew the applicant's radio frequency spectrum licence must be submitted to the Authority prior to the expiry of that licence in terms of the applicable regulations.	

<b>6. AMENDMENT TO THE LICENCE</b>	
Indicate whether the applicant seeks any amendment to the licence if this application to renew the licence is granted. If so, a separate application for the amendment of the licence in terms of the ICASA Licensing Applications Process and Procedures Regulations, 2007 must be submitted in this regard.	

<b>7. FAILURE TO COMPLY WITH REQUIREMENTS</b>	
7.1 Provide details of any action taken in relation to the applicant 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. State, in particular, whether there has been any failure by the applicant to comply with the terms and conditions of the licence sought to be renewed, the provisions of the Act or the related legislation (as defined in the Act) or any regulations made by the Authority

7.2 Provide details of any finding by the Complaints and Compliance Committee against the applicant, as well as details of the sanction imposed by the Authority, if any.

7.3 Provide details of any finding by a body recognised in terms of section 54 or 55 of the Act.

#### 8. LATE FILING OF APPLICATION

8.1 Indicate if this application is filed with the Authority within the time period specified in the ICASA Licensing Applications Process and Procedures Regulations, 2007:

8.2 Where this application is filed outside of this time period, set out the reasons for the late filing:

#### 9. CONCLUSION

9.1 Provide details of any other matter of which, in the applicant's view, the Authority should

be aware:
9.2 Attach a resolution authorising the person signing this application to sign this application, as <b>Appendix 9.2</b> .

The person signing the registration on behalf of the applicant must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa reserves the right to have any licence renewed pursuant to this application set aside should any material statement made herein, at any time, be found to be false where the applicant was aware that such statement was 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.

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name: .  
Address:  
Capacity: .

**FORM G****FORM OF APPLICATION TO TRANSFER AN INDIVIDUAL LICENCE  
(Regulation 13(1))****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 that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the applicant, the applicant must indicate that the relevant question 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 as <b>Appendix 1.3</b> .

<b>2. PARTICULARS OF TRANSFEROR (LICENSEE)</b>	
2.1	Full name of transferor:
2.2	Contact person:
2.3	Transferor's street address:
2.4	Transferor's principal place of business (if different from street address):
2.5	Transferor's postal address:
2.6	Contact person's telephone number/s:

2.7	Contact person's telefax number/s:	
2.8	Email address of contact person:	

<b>3. PARTICULARS OF TRANSFEREE</b>		
3.1	Full name of transferee:	
3.2	Contact person:	
3.3	Transferee's street address:	
3.4	Transferee's principal place of business (if different from street address):	
3.5	Transferee's postal address:	
3.6	Telephone number/s:	
3.7	Telefax number/s:	
3.8	Email address of contact person:	

<b>4. LEGAL FORM OF TRANSFEROR (LICENSEE)</b>		
4.1	Indicate if the transferor is:	
	(i) a natural person	
	(ii) a partnership	
	(iii) a juristic person	
	(iv) other (specify)	
4.2	If the transferor is a natural person or a partnership:	
4.2.1	Provide the identity number of the transferor or each partner in the transferor:	
4.2.2	Attach a certified copy of the identity document of the transferor or certified copies of the identity document of each partner in the transferor as <b>Appendix 4.2.2</b> indicating that he or she is a citizen of the Republic, as required by section 5(B)(a) of the Act.	
4.3	If the transferor is a juristic person:	

4.3.1	Indicate the legal form of the transferor (e.g. private company incorporated in terms of the Companies Act, 1973):	
4.3.2	Registration number of transferor:	
4.3.3	Attach certified copies of the transferor's certificate of incorporation and memorandum and articles of association or other constitutive documents of the transferor (e.g. memorandum and articles of association, association agreement, constitution) as <b>Appendix 2.3.3</b> indicating the transferor's compliance with the requirements of section 5(8)(b) of the Act.	
4.4	Where the transferor has been liquidated, provide:	
4.4.1	Liquidator's postal address:	
4.4.2	Liquidator's telephone number/s:	
4.4.3	Liquidator's telefax number/s:	
4.4.4	Liquidator's email address:	
4.4.5	Attach an affidavit deposed to by the liquidator, indicating the liquidator's consent to the transfer of the licence, as <b>Appendix 4.4.5</b> .	

5.	<b>LEGAL FORM OF TRANSFEREE</b>	
5.1	Indicate if the transferee is:	
	(i) a natural person	
	(ii) a partnership	
	(iii) a juristic person	
	(iv) other (specify)	
5.2	If the transferee is a natural person or a partnership:	
5.2.1	Provide the identity number of the transferee or each partner in the transferee:	
5.2.2	Attach a certified copy of the identity document of the transferee or certified copies of the identity document of each partner in the transferee as <b>Appendix 5.2.2</b> indicating that he or she is a citizen of the Republic, as required by section 5(8)(a) of the Act.	
5.3	If the transferee is a juristic person:	
5.3.1	Indicate the legal form of the transferee (e.g. private company incorporated in terms of the Companies Act, 1973):	
5.3.2	Registration number of transferee:	
5.3.3	Attach certified copies of the transferee'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) as <b>Appendix 5.3.3</b> indicating the transferee's compliance with the requirements of section	

	5(8)(b) of the Act.
5.4	If the transferee is not a juristic person but intends to operate as one if this application is granted:
5.4.1	Provide a written undertaking that the transferee will comply with section 5(8)(b) of the Act as <b>Appendix 5.4.1</b> .
5.4.2	Indicate when and how the transferee will comply with section 5(8)(b) of the Act.

<b>6.</b>	<b>OWNERSHIP AND MANAGEMENT OF TRANSFEROR</b>
6.1	Provide details of all ownership interests in the transferor and the identity and address of each holder of an ownership interest in the transferor. Where a transferor is a juristic person, only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the transferor are relevant.
6.2	Indicate whether the transferor 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 transferor, 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 an historically disadvantaged person or group (including black people, as defined in the Broad-based Black Economic Empowerment Act, 2003, women and disabled persons) or youth organisation.

6.5	Indicate whether the holder of any ownership interest in the transferor 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 transferor 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 transferor 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 transferor's: (v) board of directors or similar body; (vi) 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 an historically disadvantaged person or group (including black people, as defined in the Broad-based Black Economic Empowerment Act, 2003, women and disabled persons) or youth organisation.

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: (vii) board of directors or similar body; (viii) senior management.

<b>8.</b>	<b>SUITABILITY OF TRANSFEREE</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:

8.6 Provide as **Appendix 8.6** copies of the transferee's audited annual financial statements for the last three years:

<b>9. BLACK ECONOMIC EMPOWERMENT</b>	
9.1	Attach a copy of any scorecard completed in relation to the transferee in terms of the Codes of Good Practice on Black Economic Empowerment published under the Broad-based Black Economic Empowerment Act, 2003, as <b>Appendix 9.1</b> .
9.2	Indicate if the transferee is an Exempted Micro-Enterprise in terms of the Broad-based Black Economic Empowerment Act, 2003:

<b>10. MOTIVATION FOR PROPOSED TRANSFER</b>	
10.1	Provide the motivation for the proposed transfer indicating the reasons for the transfer:

<b>11. TRANSFEROR'S LICENCE OBLIGATIONS</b>	
11.1	Indicate those obligations of the transferor in terms of the licence which have been discharged and those which will assumed by the transferee, should this application be granted:
11.2	Provide as <b>Appendix 11.2</b> a written undertaking given by the transferee, through its duly authorised representative, that it will comply with the transferor's licence obligations in the event of the transfer application being approved by the Authority.

<b>12. UNDERTAKINGS</b>
12.1 Specify any undertakings which the transferee is prepared to give, if the licence were to be transferred, in relation to the manner in which it will comply with the requirements and promote the achievement of the objectives set out in section 2 of the Act.

<b>13. COMPLIANCE WITH CHAPTER 9 OF THE ACT</b>
<i>This section is only applicable where the licence to be transferred is in respect a broadcasting service.</i>
13.1 Indicate whether the transferee is a member of the Advertising Standards Authority or intends to become a member:
13.2 Indicate whether the transferee is a member of a body contemplated in section 54(3) of the Act or intends to become a member:
13.3 Indicate whether the transferee is a party, movement, organisation, body or alliance which is of a party-political nature.
13.4 Indicate whether the transferee controls a newspaper, and, if so, provide details of: (i) the newspaper's circulation figures (ii) the area in which the newspaper is distributed (iii) the newspaper's market share.

<b>14. CONCLUSION</b>
14.1 Provide details of any other matter of which, in the applicants' view, the Authority should be aware:

14.2 Attach a resolution authorising the persons signing this application to sign this application as **Appendix 13.2**.

The persons signing the application on behalf of the transferor and the transferee must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa 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 where the transferor or transferee or both were aware that such statement was false.

Signed .....  
(TRANSFEROR)

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:

Signed .....  
(TRANSFEEE)

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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM H**

**FORM OF APPLICATION TO TRANSFER A CLASS LICENCE  
(Regulation 14(1))**

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 that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the applicant, the applicant must indicate that the relevant question is not applicable.*

<b>1.</b>	<b>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 as <b>Appendix 1.3</b> .

<b>2.</b>	<b>PARTICULARS OF TRANSFEROR (LICENSEE)</b>
2.1	Full name of transferor:
2.2	Contact person:
2.3	Transferor's street address:
2.4	Transferor's principal place of business (if different from street address):
2.5	Transferor's postal address:
2.6	Contact person's telephone number/s:



2.7	Contact person's telefax number/s:	
2.8	Email address of contact person:	

<b>3. PARTICULARS OF TRANSFEREE</b>		
3.1	Full name of transferee:	
3.2	Contact person:	
3.3	Transferee's street address:	
3.4	Transferee's principal place of business (if different from street address):	
3.5	Transferee's postal address:	
3.6	Telephone number/s:	
3.7	Telefax number/s:	
3.8	Email address of contact person:	

<b>4. LEGAL FORM OF TRANSFEROR (LICENSEE)</b>		
4.1	Indicate if the transferor is:	
	(i) a natural person	
	(ii) a partnership	
	(iii) a juristic person	
	(iv) other (specify)	
4.2	If the transferor is a natural person or a partnership:	
4.2.1	Provide the identity number of the transferor or each partner in the transferor:	
4.2.2	Attach a certified copy of the identity document of the transferor or certified copies of the identity document of each partner in the transferor as <b>Appendix 4.2.2</b> indicating that he or she is a citizen of the Republic, as required by section 5(8)(a) of the Act.	
4.3	If the transferor is a juristic person:	

4.3.1 Indicate the legal form of the transferor (e.g. private company incorporated in terms of the Companies Act, 1973):	
4.3.2 Registration number of transferor:	
4.3.3 Attach certified copies of the transferor's certificate of incorporation and memorandum and articles of association or other constitutive documents of the transferor (e.g. memorandum and articles of association, association agreement, constitution) as <b>Appendix 2.3.3</b> indicating the transferor's compliance with the requirements of section 5(8)(b) of the Act.	
4.4 Where the transferor has been liquidated, provide:	
4.4.1 Liquidator's postal address:	
4.4.2 Liquidator's telephone number/s:	
4.4.3 Liquidator's telefax number/s:	
4.4.4 Liquidator's email address:	
4.4.5 Attach an affidavit deposed to by the liquidator, indicating the liquidator's consent to the transfer of the licence, as <b>Appendix 4.4.5</b> .	

<b>5. LEGAL FORM OF TRANSFEREE</b>	
5.1 Indicate if the transferee is:	
(i) a natural person	
(ii) a partnership	
(iii) a juristic person	
(iv) other (specify)	
5.2 If the transferee is a natural person or a partnership:	
5.2.1 Provide the identity number of the transferee or each partner in the transferee:	
5.2.2 Attach a certified copy of the identity document of the transferee or certified copies of the identity document of each partner in the transferee as <b>Appendix 5.2.2</b> indicating that he or she is a citizen of the Republic, as required by section 5(8)(a) of the Act.	
5.3 If the transferee is a juristic person:	
5.3.1 Indicate the legal form of the transferee (e.g. private company incorporated in terms of the Companies Act, 1973):	
5.3.2 Registration number of the transferee:	
5.3.3 Attach certified copies of the transferee'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) as <b>Appendix 5.3.3</b> indicating the transferee's compliance with the requirements of section	

	5(8)(b) of the Act.
5.4	If the transferee is not a juristic person but intends to operate as one if this application is granted:
5.4.1	Provide a written undertaking that the transferee will comply with section 5(8)(b) of the Act as <b>Appendix 5.4.1</b> .
5.4.2	Indicate when and how the transferee will comply with section 5(8)(b) of the Act.

<b>6.</b>	<b>OWNERSHIP AND MANAGEMENT OF TRANSFEROR</b>
6.1	Provide details of all ownership interests in the transferor and the identity and address of each holder of an ownership interest in the transferor. Where a transferor is a juristic person, only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the transferor are relevant.
6.2	Indicate whether the transferor 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 transferor, 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 an historically disadvantaged person or group (including black people, as defined in the Broad-based Black Economic Empowerment Act, 2003, women and disabled persons) or youth organisation.

6.5 Indicate whether the holder of any ownership interest in the transferor 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 transferor 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 transferor 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 transferor's:

- (ix) board of directors or similar body;
- (x) senior management.

<b>7. OWNERSHIP AND MANAGEMENT OF TRANSFEREE</b>
<b>7.1</b> 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.
<b>7.2</b> Indicate whether the transferee is listed on any stock exchange, and provide details of any such listing:
<b>7.3</b> 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:
Indicate the extent to which any ownership interest referred to above is held by an historically disadvantaged person or group (including black people, as defined in the Broad-based Black Economic Empowerment Act, 2003, women and disabled persons) or youth organisation.
<b>7.5</b> 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: (xi) board of directors or similar body; (xii) senior management.

<b>8.</b>	<b>SUITABILITY OF TRANSFEREE</b>
	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:
8.6	Provide as <b>Appendix 8.6</b> copies of the transferee's audited annual financial statements for the last three years:

**9. BLACK ECONOMIC EMPOWERMENT**

9.1 Attach a copy of any scorecard completed in relation to the transferee in terms of the

Codes of Good Practice on Black Economic Empowerment published under the Broad-based Black Economic Empowerment Act, 2003, as **Appendix 9.1**.

9.2 Indicate if the transferee is an Exempted Micro-Enterprise in terms of the Broad-based Black Economic Empowerment Act, 2003:

#### 10. MOTIVATION FOR PROPOSED TRANSFER

10.1 Provide the motivation for the proposed transfer indicating the reasons for the transfer:

#### 11. TRANSFEROR'S LICENCE OBLIGATIONS

11.1 Indicate those obligations of the transferor in terms of the licence which have been discharged and those which will assumed by the transferee, should this application be granted:

11.2 Provide as **Appendix 11.2** a written undertaking given by the transferee, through its duly authorised representative, that it will comply with the transferor's licence obligations in the event of the transfer application being approved by the Authority.

#### 12. COMPLIANCE WITH CHAPTER 9 OF THE ACT

*This section is only applicable where the licence to be transferred is in respect a broadcasting service.*

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.	

13. <b>CONCLUSION</b>	
13.1 Provide details of any other matter of which, in the applicants' view, the Authority should be aware:	
13.2 Attach a resolution authorising the persons signing this application to sign this application as <b>Appendix 13.2</b> .	

The persons signing the application on behalf of the transferor and the transferee must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa 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 where the transferor or transferee or both were aware that such statement was false.

Signed .....

(TRANSFEROR)

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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM I****FORM OF APPLICATION FOR A SPECIAL TEMPORARY AUTHORISATION****(Regulation 15(4))****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 cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the applicant, the applicant must indicate that the relevant question is not applicable.*

<b>1. PARTICULARS OF APPLICANT</b>	
1.1 Full name of applicant:	
1.2 Contact person:	
1.3 Applicant's street address:	
1.4 Applicant's principal place of business (if different from street address):	
1.5 Applicant's postal address:	
1.6 Telephone number/s:	
1.7 Telefax number/s:	
1.8 Email address of contact person:	

<b>2. LEGAL FORM OF APPLICANT</b>	
2.1	Indicate if the applicant is:
	(i) a natural person
	(ii) a partnership
	(iii) a juristic person
	(iv) other (specify)
2.2	If the applicant is a natural person or a partnership:
2.2.1	Provide the identity number of the applicant or each partner in the applicant:
2.2.2	Attach a certified copy of the identity document of the applicant or certified copies of the identity document of each partner in the applicant as <b>Appendix 2.2.2</b> indicating that he or she is a citizen of the Republic, as required by section 5(8)(a) of the Act.
2.3	If the applicant is a juristic person:
2.3.1	Indicate the legal form of the applicant (e.g. private company incorporated in terms of the Companies Act, 1973):
2.3.2	Registration number of applicant:
2.3.3	Attach certified copies of the applicant's certificate of incorporation and memorandum and articles of association or other constitutive documents of the applicant (e.g. memorandum and articles of association, association agreement, constitution) as <b>Appendix 2.3.3</b> indicating the applicant's compliance with the requirements of section 5(8)(b) of the Act.
2.4	If the applicant is not a juristic person but intends to operate as one if the authorisation that is the subject of this application is granted:
2.4.1	Provide a written undertaking that the applicant will comply with section 5(8)(b) of the Act as <b>Appendix 2.4.1</b> .
2.4.2	Indicate when and how the applicant will comply with section 5(8)(b) of the Act:

<b>3. NATURE OF SERVICES TO BE AUTHORISED</b>	
3.1	Indicate if the service to be provided is:
	(i) an electronic communications network service
	(ii) an electronic communications service

(iii) a broadcasting service	
3.2 Provide a description of the service and the manner in which it is to be provided and provide a detailed explanation of the purpose for which the service is to be provided (i.e. for testing, demonstration, and/or research and development purposes):	
3.3 Indicate the geographic area in which the service is to be provided:	
3.4 Indicate the time period for which authorisation to provide the service is requested, together with an explanation for such requested time period:	

4. <b>RADIO FREQUENCY SPECTRUM</b>
4.1 Indicate if the applicant holds any radio frequency spectrum licence in respect of radio frequency spectrum to be utilised for the purpose of providing the services for which authorisation is sought in terms of this application. Attach a copy of any such radio frequency spectrum licence as <b>Appendix 4.1</b> :
4.2 Indicate if the applicant has submitted or intends to submit an application for a temporary radio frequency spectrum licence for the provision of the services to which this application relates. If so, indicate the frequency band which is proposed to be utilised for the purpose of providing the service:

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<b>5.</b>	<b>CONCLUSION</b>
5.1	Provide details of any other matter of which, in the applicant's view, the Authority should be aware:
5.2	Attach a resolution authorising the person signing this application to sign this application, as <b>Appendix 5.2</b> .

The person signing the registration on behalf of the applicant must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa reserves the right to have any authorisation issued pursuant to this application set aside should any material statement made herein, at any time, be found to be false where the applicant was aware that such statement was 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 understood 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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM J****FORM OF NOTICE OF SURRENDER OF INDIVIDUAL LICENCE  
(Regulation 16)****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

- Note: (a) Licensees must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by licensees.*
- (b) Information required in terms of this Form which cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the licensee, the licensee must indicate that the relevant question is not applicable.*

<b>1.</b>	<b>PARTICULARS OF LICENCE</b>	
1.1	Licence number	
1.2	Nature of services authorised to be provided in terms of the licence:	
1.3	Expiration date of licence:	
1.4	Date on which surrender of licence is to take effect:	
1.5	Attach a copy of the licence that is the subject of this notice as <b>Appendix 1.5</b> .	

<b>2.</b>	<b>PARTICULARS OF LICENSEE</b>	
2.1	Full name of licensee:	
2.2	Contact person:	
2.3	Licensee's street address:	
2.4	Licensee's principal place of business (if different from street address):	



2.5	Licensee's postal address:	
2.6	Telephone number/s:	
2.7	Telefax number/s:	
2.8	Email address of contact person:	

### 3. PARTICULARS OF OTHER LICENCES

Indicate if the licensee holds any other licences issued in terms of the Act and whether the licensee intends also to surrender any such licences. If so, separate notices of surrender in respect of such licences must be submitted in this regard.

### 4. STEPS TO INFORM SUBSCRIBERS AND END-USERS

Provide details of the steps the licensee proposes to take to inform subscribers and end-users of the proposed cessation of the services in respect of which the licence was granted.

### 5. FEES PAYABLE

5.1 Indicate those fees and contributions which will be due and payable by the date on which the surrender of the licence is to take effect and, where possible, the amount of such fees and contributions.

5.2	Specify the number of months which will have elapsed from the date on which the licence was issued or from the last anniversary of the date on which the licence was issued, as the case may be:
5.3	Indicate those annual fees and contributions payable at a date subsequent to the date on which the surrender of the licence will take effect, and the proportionate amount which must be paid to the Authority, where this can be calculated as at the date of this notice.

6.	<b>CONCLUSION</b>
6.1	Provide details of any other matter of which, in the licensee's view, the Authority should be aware:
6.2	Attach a resolution authorising the person signing this notice to sign this notice, as <b>Appendix 6.2.</b>

Signed .....

(LICENSEE)

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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM K**  
**FORM OF NOTICE OF SURRENDER OF CLASS LICENCE**  
**(Regulation 17(1))**

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

- Note: (a) Licensees must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by licensees.*
- (b) Information required in terms of this Form which cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the licensee, the licensee must indicate that the relevant question is not applicable.*

<b>1.</b>	<b>PARTICULARS OF LICENCE</b>	
1.1	Licence number:	
1.2	Nature of services authorised to be provided in terms of the licence:	
1.3	Expiration date of licence:	
1.4	Date on which surrender of licence is to take effect:	
1.5	Attach a copy of the licence that is the subject of this notice as <b>Appendix 1.5</b> .	

<b>2.</b>	<b>PARTICULARS OF LICENSEE</b>	
2.1	Full name of licensee:	
2.2	Contact person:	
2.3	Licensee's street address:	
2.4	Licensee's principal place of business (if different from street address):	

2.5 Licensee's postal address:	
2.6 Telephone number/s:	
2.7 Telefax number/s:	
2.8 Email address of contact person:	

<b>3. PARTICULARS OF OTHER LICENCES</b>
3.1 Indicate if the licensee holds any other licences issued in terms of the Act and whether the licensee intends also to surrender any such licences. Separate notices of surrender in respect of such licences must be submitted in this regard.

<b>4. STEPS TO INFORM SUBSCRIBERS AND END-USERS</b>
Provide details of the steps the licensee proposes to take to inform subscribers and end-users of the cessation of the services in respect of which the licence was granted.

<b>5. FEES PAYABLE</b>
5.1 Indicate those fees and contributions which will be due and payable by the date on which the surrender of the licence is to take effect and, where possible, the amount of such fees and contributions.

5.2 Specify the number of months which will have elapsed from the date on which the licence was issued or from the last anniversary of the date on which the licence was issued, as the case may be:

5.3 Indicate those annual fees and contributions payable at a date subsequent to the date on which the surrender of the licence will take effect, and the proportionate amount which must be paid to the Authority, where this can be calculated as at the date of this notice.

**6. CONCLUSION**

6.1 Provide details of any other matter of which, in the licensee's view, the Authority should be aware:

6.2 Attach a resolution authorising the person signing this notice to sign this notice, as **Appendix 6.2.**

Signed .....

(LICENSEE)

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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM L****FORM OF NOTICE OF CHANGE TO INFORMATION IN RESPECT OF A CLASS LICENCE  
(Regulation 17(7))****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

- Note: (a) Licensees must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by licensees.*
- (b) Information required in terms of this Form which cannot be fitted into the space provided may be contained in an appendix attached to the Form. Each such appendix must be numbered with reference to the relevant question.*
- (c) Where any question posed in this Form does not apply to the licensee, the licensee must indicate that the relevant question is not applicable.*

<b>1. PARTICULARS OF LICENCE</b>
1.1 Licence number:
1.2 Attach a copy of the licence that is the subject of this notice as <b>Appendix 1.5</b> .

<b>2. CHANGE TO INFORMATION CONTAINED IN THE REGISTER</b>
2.1 Indicate whether the updated information relates to:
2.1.1 the name and contact details of the licensee; and/or
2.1.2 the nature of the service provided by the licensee.

<b>3. PARTICULARS OF LICENSEE</b>	
<i>Licensees must provide the information requested in this section even where no change has occurred in relation to the licensee's particulars.</i>	
	<i>Indicate with X where the information in question has changed.</i>
3.1 Full name of licensee:	
3.2 Contact person:	



3.3	Licensee's street address:		
3.4	Licensee's principal place of business (if different from street address):		
3.5	Licensee's postal address:		
3.6	Telephone number/s:		
3.7	Telefax number/s:		
3.8	Email address of contact person:		

<b>4. NATURE OF THE SERVICES PROVIDED BY THE LICENSEE</b>
Where the nature of the services provided by the licensee in terms of the licence has changed, provide updated information on the nature of the service provided:

<b>5. CONCLUSION</b>
Provide details of any other matter of which, in the licensee's view, the Authority should be aware:
5.2 Attach a resolution authorising the person signing this notice to sign this notice, as <b>Appendix 5.2.</b>

The person signing the application on behalf of the licensee must acknowledge as follows:

I acknowledge that the Independent Communications Authority of South Africa reserves the right to have any licence amended pursuant to this notice set aside should any material statement made herein, at any time, be found to be false where the licensee was aware that such statement was false.

Signed .....

(LICENSEE)

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.

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**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

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