

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 513

Pretoria, 31 March
Maart 2008

No. 30916

CONTENTS

*No.**Page
No. Gazette
 No.*

GENERAL NOTICE

Independent Communications Authority of South Africa

General Notice

398	Electronic Communications Act (36/2005): Regulations on Licensing Processes and Procedures.....	3	30916
-----	---	---	-------

GENERAL NOTICE

NOTICE 398 OF 2008

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

REGULATIONS REGARDING THE PROCESSES AND PROCEDURES FOR APPLICATIONS FOR AN INDIVIDUAL LICENCE TO PROVIDE ELECTRONIC COMMUNICATIONS NETWORK SERVICES, ELECTRONIC COMMUNICATIONS SERVICES AND BROADCASTING SERVICES, AND FOR TEMPORARY SPECIAL AUTHORISATIONS AND MATTERS PERTAINING THERETO.

The Independent Communications Authority of South Africa ("ICASA") in terms of section 5 (7) of the Electronic Communications Act, No 36 of 2005, ("the Act"), hereby publishes regulations on Licensing Processes and Procedures ("the Regulations") in the attached schedule.

**PARIS MASHILE
CHAIRPERSON**

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

Regulations on Processes and Procedures in respect of Applications, Amendments, Renewals, Surrender and Transfer of Individual 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 has the meaning assigned in the Electronic Communications Act, Act No 36 of 2005, unless otherwise specified -

“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;
- (b) to amend an individual licence ;
- (c) to renew an individual licence;
- (d) to transfer an individual licence; or
- (e) for a special temporary authorisation

“fees” means the applicable fees as may be prescribed and payable by an applicant;

“historically disadvantaged persons” means South African citizens who are Black people, women or people with disabilities and that Black people are defined to include Africans, Indians and Coloureds;

“licence” means an individual licence;

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

“these Regulations” includes any Schedule and Forms annexed to these Regulations;

“transfer” means assign, cede or transfer a licence from one person to another.

2. Purpose of these Regulations

- (1) The purpose of these Regulations is to regulate and prescribe –
 - (a) the process and procedures for amending, transferring, surrendering and renewing licences;
 - (b) the documentation to be submitted with an application;
 - (c) the process for applications of Special Temporary Authorisations; and
 - (c) other matters pertaining thereto, as contemplated in section 5 (7) (b) of the Act.
- (2) These Regulations do not regulate the –
 - (a) process and procedures in respect of applications for and the granting of radio frequency spectrum licences;
 - (b) licence fees payable by applicants.

3. Application of these Regulations

- (1) These Regulations apply to:
 - (a) All licences converted in terms of Chapter 15 of the Act; and
 - (b) All licences issued and to all applications for a special temporary authorisation for testing purposes, demonstrations and research and development, in terms of Chapter 3 of the Act.

4. The prescribed forms

- (1) The prescribed Forms in these Regulations are as follows:
 - (a) FORM C: Application to Amend an Individual licence (Reg 9).;
 - (b) FORM E: Application to Renew an Individual licence (Reg 10);
 - (c) FORM G: Application to Transfer an Individual licence (Reg 11);
 - (d) FORM I: Notice of Surrender of Individual licence (Reg 13); and
 - (e) FORM J: Application for a Special Temporary Authorisations (Reg 14).
- (2) Forms referred to in the regulation 4 (1) must be used for any application or

notice and may be:

- (b) downloaded from the Authority's website; or
- (c) obtained from the Authority at its offices;

5. Submission of applications and other documents in terms of these Regulations

- (1) Documents (including applications) and other submissions in terms of these Regulations must be submitted to the Authority in hard copy or as may be specified in an ITA.
- (2) Where any document is required in terms of these Regulations, it must be submitted to the Authority before 16h00 during working days.
- (3) Documents (including applications) and other submissions to the Authority must be signed by an authorised representative. The authorisation must be in writing.
- (4) Any fees in respect of an application or notice:-
 - (a) may be paid by way of an electronic transfer or via a direct deposit into the Authority's bank account;
 - (b) must be paid on or before the day when the application or notice is submitted to the Authority and documentary proof of payment must accompany such submission; and
 - (c) are non-refundable.
- (5) The Authority will not consider any application or notice where an applicant fails to pay the applicable fee.
- (6) The Authority will not consider any document where the applicant fails to comply with regulation 4 (1), (2) and (3).

6. Amendment of applications

- (1) Where information included in an application changes at any time after submission thereof but before the Authority makes a decision thereon, the applicant must notify the Authority and request to amend the application in writing

within fourteen (14) days of such change.

- (2) Where a request referred to in regulation 5 (1) is made the Authority may grant the request to amend the application where this will not:
- (a) unfairly prejudice other interested parties or
 - (b) impede the expeditious and proper consideration of the application; or
 - (c) materially change the application.
- (3) The Authority may, in the event that it grants the request for amendment, referred to in regulation 5 (1), publish a notice in the Gazette regarding the amendment and invite interested parties to submit written representations in relation to the amended application within the period mentioned in the notice;

7. Liability for costs of applications and notices

The Authority is not liable for any costs incurred by the applicant or person making a notice where applicable in compliance with these Regulations and the ITA. Any costs must be borne by the applicant or person making a notice where applicable, in terms of these Regulations and the ITA.

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

- (1) An application for a licence must be in the format as set out in the ITA. These regulations take precedence over provisions of any ITA with respect to matters regulated herein.
- (2) An application for a licence must be accompanied by the fee stipulated in the ITA.
- (3) Where an application for a licence does not comply with the requirements of the ITA, the Authority may –
- (a) reject the application;
 - (b) direct the applicant to furnish the required information within the specified period.

- (c) on good cause shown by the applicant, condone the late filing of an application.
- (4) Where the applicant fails to comply with regulation 7 (3) (b), the Authority may reject the application.

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

An application to amend a licence must be in the format as set out in Form C and it must be accompanied by the applicable fee.

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

- (1) An application to renew a licence must be in the format as set out in Form E and it must be accompanied by the applicable fee.
- (2) Subject to section 11(9) of the Act, an application to renew a licence must be submitted to the Authority no earlier than twelve (12) months and no later than six months prior to the expiry of the licence.
- (3) An application for the renewal of a 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, and
 - (b) any finding by a body recognised in terms of section 54 and 55 of the Act.

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

- (1) An application to transfer a licence must be -
 - (a) in the format as set out in Form G;
 - (b) accompanied by the applicable fee; and
 - (c) submitted by the prospective transferor.
- (2) Where in the opinion of the Authority, it is necessary as a matter of procedural

fairness, the Authority may take any or all of the following steps -

- (a) publish a notice in the *Gazette* of the application to transfer the licence;
- (b) invite interested persons to submit written representations in relation to the application within the period specified in the notice.;
- (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.

12. Restrictions on transfer and renewal of licences

- (1) The Authority may refuse to renew or transfer a licence if the Licensee has not complied with one or more of the following:
 - (a) Where the Licensee has been found guilty of a contravention by the Complaints and Compliance Committee ("the CCC") of the Authority and has not complied with the order by the Authority in terms of section 17 of ICASA Act; or
 - (b) Where the Licensee has not paid the licence fees due and payable at the date of the application; or
 - (c) Where the Transferee's ownership and control by historically disadvantaged persons is less than 30%.

13. Surrender of an individual licence (section 12 of the Act)

- (1) A licensee may surrender its licence by submitting a notice as set out in Form I.
- (2) The notice referred to in regulation 11 (1) must be submitted on no less than ninety (90) days or a lesser period on good cause, prior to the date determined by the licensee on which the surrender of its licence will take effect and on which it will cease to provide the licensed services.
- (3) A licensee that intends to surrender its licence must take appropriate steps to inform end-users of the cessation of the licensed services.
- (4) Upon receipt of a notice referred to in regulation 12 (1), the Authority may

stipulate the steps to be taken by the licensee in order to comply with its obligations in terms of regulation 12 (3).

- (5) A licensee whose licence is to be surrendered must pay to the Authority 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.
- (6) All amounts payable in terms of regulation 12 (5) must be paid to the Authority within one month of the date on which the services provided in terms of the licence are discontinued, except where the Authority, upon the request by the licensee, extends the time period in this regard.

14. Application for a special temporary authorisation for testing purposes, demonstrations and research and development (section 5 (7) (a) (iv))

- (1) Any person may apply to the Authority for a special temporary authorisation for testing purposes, demonstrations and research and development.
- (2) An application for a special temporary authorisation must be accompanied by the applicable fee and it must be in terms of regulation 11 (1), in the format as set out in Form J.

15. Commencement

These regulations will come into operation upon publication in the Gazette.

16. Repeal and Amendment of the Regulations

- (1) The regulations set out in Schedule 1 are hereby repealed to the extent specified therein.
- (2) The Authority may further amend or repeal these regulations by notice in the Gazette.

SCHEDULE 1**REPEALED REGULATIONS**

Regulations	Extent of repeal
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)
Public Regional Television Broadcasting Licence Fees Regulations, 2003 published under GN R1740 in GG 25783 of 23 November 1997	Regulations 3, 5 and 6
Subscription Broadcasting Services Regulations, 2006 published under GN 152 in GG 28452 of 31 January 2006	Regulations 4.1, 4.2, 4.3

FORM C**APPLICATION TO AMEND AN INDIVIDUAL LICENCE****(Regulation 9)****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 does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.*
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.*

1.	PARTICULARS OF LICENCE
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. The copy of the licence must be marked clearly as Appendix 1.3 of FORM C .

2.	PARTICULARS OF APPLICANT (LICENSEE)
2.1	Full name of applicant:
2.2	Designated 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	Applicant's Telephone number/s:	
2.7	Applicant's Telefax number/s:	
2.8	E-mail address of designated contact person:	

3. PROPOSED AMENDMENT TO THE LICENCE
3.1 Set out the proposed amendment/s.
3.2 Set out the reasons for the proposed amendment/s to the licence.
3.3 Explain the implications (if any) 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:

4. RADIO FREQUENCY SPECTRUM
4.1 Indicate whether the applicant holds a radio frequency spectrum licence. If so, provide details thereof and attach a copy of the radio frequency spectrum licence marked clearly as Appendix 4.1 of FORM C :

- 4.2 In the event that an amendment to the applicant's radio frequency spectrum licence is necessary, 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.

5. UNDERTAKINGS

- 5.1 Provide details of undertakings (if any) and other matters 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. The resolution must be marked clearly as **Appendix 5.2 of FORM C**.

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

I acknowledge that the Authority 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..

Signed

(APPLICANT)

I certify that this declaration was signed and sworn to before me aton 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 E**APPLICATION TO RENEW AN INDIVIDUAL 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 the Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.*
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.*

1.	PARTICULARS OF LICENCE	
1.1	Licence number:	
1.2	Nature of services authorised to be provided in terms of the licence:	
1.3	Expiry date of licence:	
1.4	Attach a copy of the licence that is the subject of this application. The copy of the licence must be marked clearly as Appendix 1.4 of FORM E .	

2.	PARTICULARS OF APPLICANT (LICENSEE)	
2.1	Full name of applicant:	
2.2	Designated 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	Applicant's telephone number/s:
2.7	Applicant's telefax number/s:
2.8	E-mail address of the designated 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, 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; and (ii) senior management.

4.	RADIO FREQUENCY SPECTRUM
4.1	Indicate whether the applicant holds a radio frequency spectrum licence. If so, provide details thereof and attach a copy of the radio frequency spectrum licence marked clearly as Appendix 4.1 of FORM E :
4.2	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.

5.	AMENDMENT TO THE LICENCE
6.1.	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 Processes and Procedures for INDIVIDUAL LICENCES Regulations, 2008 must be submitted in this regard.
6.	FAILURE TO COMPLY WITH REQUIREMENTS
6.1	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 and related legislation.

6.2	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.
6.3	Where the applicant is a broadcaster, provide details of any finding by a body recognised in terms of section 54 and 55 of the Act.

7. UNDERTAKINGS	
7.1	Specify any undertakings which the applicant is prepared to make in order to promote the objects of the Act, if its licence is renewed.

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 Processes and Procedures for INDIVIDUAL LICENCES Regulations, 2008:
8.2	Where this application is filed outside of this time period, set out the reasons for the late filing:

--

9.	GENERAL
9.1	Provide details of any matter which, in the applicant's view, the Authority should consider:
9.2	Attach a resolution authorising the person signing this application to sign this application, marked clearly as Appendix 9.2 of FORM E.

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

I acknowledge that the Authority 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.

Signed
(APPLICANT)

I certify that this declaration was signed and sworn to before me aton
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**APPLICATION TO TRANSFER 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 that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.*
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.*

1.	PARTICULARS OF LICENCE	
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. The copy of the licence must be marked clearly as Appendix 1.3 of FORM G.	

2.	PARTICULARS OF THE APPLICANT (LICENSEE)	
2.1	Full name of the applicant:	
2.2	Designated 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	Designated contact person's telephone number/s:	
2.7	Designated contact person's telefax number/s:	
2.8	E-mail address of designated contact person:	

3. PARTICULARS OF TRANSFeree		
3.1	Full name of transferee:	
3.2	Designated 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	E-mail address of the designated contact person:	

4. LEGAL FORM OF THE APPLICANT (LICENSEE)		
4.1	Indicate if the applicant is:	
	(i) a natural person	
	(ii) a partnership	
	(iii) a juristic person	
	(iv) other (specify)	
4.2	If the applicant is a natural person or a partnership:	
4.2.1	Provide the identity number of the applicant or each partner in the applicant:	

4.2.2	Attach a certified copy of the identity document of the applicant or certified copies of the identity document of each partner in the applicant marked clearly as Appendix 4.2.2 of FORM G , 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 applicant is a juristic person:	
4.3.1	Indicate the legal form of the applicant (e.g. private company incorporated in terms of the Companies Act, 1973):	
4.3.2	Registration number of applicant:	
4.3.3	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) marked clearly as Appendix 4.3.3 of FORM G , indicating the applicant's compliance with the requirements of section 5(8) (b) of the Act.	
4.4	Where the applicant has been liquidated or sequestrated, provide:	
4.4.1	Liquidator / Executor's postal address:	
4.4.2	Liquidator / Executor's telephone number/s:	
4.4.3	Liquidator / Executor's telefax number/s:	
4.4.4	Liquidator / Executor's E-mail address:	
4.4.5	Attach an affidavit deposed to by the liquidator or executor, indicating the consent to the transfer of the licence, marked clearly as Appendix 4.4.5 of FORM G .	

5.	LEGAL FORM OF TRANSFEREE
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 marked clearly as Appendix 5.2.2 of FORM G , 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 and/or other governing documents of the transferee (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as Appendix 5.3.3 of FORM G , 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 marked clearly as Appendix 5.4.1 of FORM G .
5.4.2	Indicate when and how the transferee will comply with section 5(8) (b) of the Act.

6.	OWNERSHIP AND MANAGEMENT OF APPLICANT
6.1	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 a 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.
6.2	Indicate whether the applicant 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 applicant, 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
6.5. 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:
6.6. 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:
6.7. Provide particulars of any interest held by the applicant 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 applicant's: (i) board of directors or similar body; and (ii) 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 historically disadvantaged persons.

--

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:
	(i) board of directors or similar body; and
	(ii) senior management.

8. SUITABILITY OF TRANSFEEE

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 submitted by the transferee for a licence in terms of the Act, which was rejected:
8.3	Provide particulars of any application 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 and related legislation:
8.5	Provide details of the transferee's business plan in respect of the licensed service:
8.6	Provide separately and mark clearly as Appendix 8.6 of FORM G , copies of the transferee's audited annual financial statements for the previous three years:

--

9. OWNERSHIP AND CONTROL BY HISTORICALLY DISADVANTAGED PERSONS

Indicate details of ownership and control by historically disadvantaged persons.
--

10. REASONS FOR PROPOSED TRANSFER
--

Provide the reasons for the proposed transfer indicating the reasons for the transfer:
--

--

11. APPLICANT'S LICENCE OBLIGATIONS
--

11.1	Indicate those obligations of the applicant 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 separately and mark clearly as Appendix 11.2 of FORM G , a written undertaking given by the transferee, through its duly authorised representative, that it will comply with the applicant's licence obligations in the event of the transfer application being approved by the Authority.
------	--

--

12. UNDERTAKINGS

- 12.1 Specify any undertakings which the transferee is prepared to make in order to promote the objects of the Act, if the licence is transferred.

13. COMPLIANCE WITH CHAPTER 9 OF THE ACT

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

- 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) newspaper's circulation figures
 - (ii) area in which the newspaper is distributed
 - (iii) newspaper's market share.

14. GENERAL

- 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 marked clearly as **Appendix 14.2 of FORM G.**

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

I, the applicant, acknowledge that the Authority 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.

Signed

(APPLICANT)

I certify that this declaration was signed and sworn to before me aton 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

(TRANSFEREE)

I certify that this declaration was signed and sworn to before me aton 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 I**NOTICE OF SURRENDER OF INDIVIDUAL LICENCE****(Regulation 13)****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 does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.*
- (c) Where any information in this Form does not apply to the licensee, the licensee must indicate that the relevant information is not applicable.*

1.	PARTICULARS OF LICENCE	
1.1	Licence number	
1.2	Nature of services authorised to be provided in terms of the licence:	
1.3	Expiry 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 marked clearly as Appendix 1.5 of FORM I .	

2.	PARTICULARS OF LICENSEE	
2.1	Full name of licensee:	
2.2	Designated 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. Licensee's telephone number/s:	
2.7. Licensee's telefax number/s:	
2.8. E-mail address of designated contact person:	

3. PARTICULARS OF OTHER LICENCES

- 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. 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

- 4.1. 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. GENERAL
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, marked clearly as Appendix 6.2 of FORM I .

Signed

(LICENSEE)

I certify that this declaration was signed and sworn to before me aton
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 J**APPLICATION FOR A SPECIAL TEMPORARY AUTHORISATION****(Regulation 14)****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 does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.*
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.*

1. PARTICULARS OF APPLICANT	
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 E-mail address of contact person:	

2. LEGAL FORM OF APPLICANT	
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 marked clearly as Appendix 2.2.2 of FORM J , 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) marked clearly as Appendix 2.3.3 of FORM J , 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 marked clearly as Appendix 2.4.1 of FORM J .
2.4.2	Indicate when and how the applicant will comply with section 5(8) (b) of the Act:
3. NATURE OF SERVICES TO BE AUTHORISED	
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. RADIO FREQUENCY SPECTRUM	
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 marked clearly as Appendix 4.1 of FORM J :
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

<p>application relates. If so, indicate the frequency band which is proposed to be utilised for the purpose of providing the service:</p>
<p>5. UNDERTAKING</p> <p>5.1. 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 or network.</p> <p>The applicant hereby confirms and binds itself in writing that....</p>
<p>6. GENERAL</p> <p>6.1. Provide details of any other matter of which, in the applicant's view, the Authority should be aware:</p>
<p>6.2. Attach a resolution authorising the person signing this application to sign this application, marked clearly as Appendix 6.2 of FORM J.</p>

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

I, the applicant, acknowledge that the Authority 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.

Signed

(APPLICANT)

I certify that this declaration was signed and sworn to before me aton
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.

COMMISSIONER OF OATHS

Name:

Address:

Capacity: