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GENERAL NOTICE

NOTICE 133 OF 2014



ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)

WITHDRAWAL OF APPLICATION FOR TRANSFER OF LICENCE FROM ON DIGITAL MEDIA PROPRIETARY LIMITED (“ODM”) TO STARTIMES MEDIA (SOUTH AFRICA) PROPRIETARY LIMITED

1. The Independent Communications Authority of South Africa (“the Authority”) hereby gives notice that it has received a letter from On Digital Media Proprietary Limited (“ODM”) for the withdrawal of its transfer application for Individual Electronic Communications Network Service (I-ECNS) Licence to StarTimes Media (South Africa) Proprietary Limited.
2. The application was lodged in terms of regulation 11 of the Processes and Procedures Regulations for Individual Licences and Special Temporary Authorisations of 2010 read with sections 13(1) and (2) of the Electronic Communications Act, No. 36 of 2005. The application was published for public representations under General Notice No. 1131 in Gazette 37051 of 19 November 2013.
3. ODM indicated that the reason for the withdrawal is that, Mr Peter van den Steen, as business rescue practitioners of ODM, is mandated to ensure that any conditions precedent set out in the business rescue plan are either fulfilled timeously, and with due diligence, or are waived by the party who is entitled to waive such conditions. ODM indicated that the transfer application needed to be considered on an urgent basis in light of the critical nature of ODM’s business rescue proceedings and that any delays to the implementation of the business rescue plan will be detrimental to the prospects of ODM’s continued survival. Further, ODM indicated that the I-ECNS licence will continue to be held by ODM.

4. The Authority is under a positive obligation to **duly** consider an application for transfer of a licence in terms of its prescribed processes and procedures once such an application is placed before it for consideration and approval.

5. The Authority has noted and granted the withdrawal of I-ECNS licence transfer application by ODM.



DR STEPHEN MNCUBE
CHAIRPERSON

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