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## GOVERNMENT NOTICES

No. R. 1577

21 November 1997

### INDEPENDENT BROADCASTING AUTHORITY

**REGULATIONS RELATING TO THE PAYMENT TO THE AUTHORITY OF CHARGES AND FEES IN RESPECT OF BROADCASTING SIGNAL DISTRIBUTION LICENCES INCLUDING THE APPLICATION FOR, ISSUE, AMENDMENT, RENEWAL, TRANSFER OR OTHER DISPOSAL OF SUCH LICENCES AND THE PERIODICAL MAINTENANCE OF THE FORCE AND EFFECT OF SUCH LICENCES.**

The Independent Broadcasting Authority has, under section 78(1)(bB) and (1A) of the Independent Broadcasting Authority Act (Act No 153 of 1993), as amended, made the regulations in the Schedule.

## SCHEDULE

### 1. Definitions

- 1.1 **"Category 1"** means a licence to an applicant to provide broadcasting signal distribution as a common carrier for broadcasting licensees, on their request on an equitable, reasonable, non-preferential and non-discriminatory basis, as contemplated in subparagraph (a) of section 33 (1), read with section 37(a), of the Act;
- 1.2 **"Category 2"** means a licence to an applicant to provide broadcasting signal distribution for broadcasting licensees, on a selective and preferential basis, as contemplated in subparagraph (ii) of paragraph (a) of section 33(1), read with section 37(a), of the Act;
- 1.3 **"Category 3"** means a licence to an applicant to provide broadcasting signal distribution wholly or partly for himself or herself as a broadcasting licensee and without providing the same for any other broadcasting licensee, as contemplated in subparagraph (iii) of paragraph (a) of section 33(1), read with section 37(a) of the Act;
- 1.4 **"Category 3 (private broadcasting)"** means a private broadcasting licensee as contemplated in sections 40(1)(a)(ii) and 40(1)(b)(ii) of the Act;
- 1.5 **"Category 3 (community broadcasting)"** means a community broadcasting licensee as contemplated in sections 40(1)(a)(iii) and 40(1)(b)(iii) of the Act;
- 1.6 **"Hour"** means any hour or part thereof during a hearing for a broadcasting signal distribution licence application;
- 1.7 **"Licence"** means a broadcasting signal distribution licence granted and issued in terms of the Act and licensee means the holder of such a licence;
- 1.8 **"The Act"** means the Independent Broadcasting Authority Act, 1993 (Act No 153 of 1993), as amended; and,
- 1.9 **"Turnover"** means the total amount invoiced after the deduction of Value Added Tax.

### 2. Application Fees

Applications for broadcasting signal distribution licences must be accompanied by the following fees:

- |     |             |                 |
|-----|-------------|-----------------|
| 2.1 | Category 1: | R2 000 per hour |
| 2.2 | Category 2: | R2 000 per hour |

2.3	Category 3 (private broadcasting)	R2 000 per hour
2.4	Category 3 (community broadcasting)	Nil

### 3. Annual licence fee

- 3.1 Every licensee must pay to the Authority a maximum annual licence fee determined as follows:
- 3.1.1 Where the licensee's annual turnover exceeds R200 000, and the licensee has access to some high sites, the licensee must pay 1% of such turnover;
- 3.1.2 Where the licensee's turnover does not exceed R200 000 and the licensee has some access to high sites, the licensee must pay 0,5% of such turnover; and,
- 3.1.3 Where the licensee's annual turnover is less than R200 000, and the licensee has access to no high sites, the licensee must pay 0,25% of such turnover.
- 3.2 The annual licence fee must be payable to the Authority within three months of the financial year-end of the licensee or such other period as the Authority may determine.
- 3.3 Where a licensee fails to pay the annual licence fee within the period specified in the above paragraph, the licensee shall be liable for the payment of interest calculated at prime plus 2% (two percent) per annum.

### 4. Other charges and fees

#### 4.1 Licence Issue

Category 1:	R500
Category 2:	R500
Category 3 (private broadcasting):	R500
Category 3 (community broadcasting):	Nil

#### 4.2 Amendment

Category 1:	R2 000 per hour
Category 2:	R2 000 per hour
Category 3 (private broadcasting):	R2 000 per hour
Category 3 (community broadcasting):	Nil

- 4.3 In respect of renewals, transfers and any other disposal of a licence for all categories, other than Category 3 (community broadcasting) for which no fee will be charged, the fee will be no less than a minimum of three hours at R2 000 per hour or such other amount as the Authority may determine in the circumstances.

**5. Non-refundable**

Fees paid in terms of regulations 2, 3 and 4 are not refundable.

**6. Hourly Rate**

6.1 The applicant must, at the time of lodging his/her application, pay to the Authority an amount equal to three hours or such additional amount as the Authority may determine.

6.2 Where the Authority determines a charge greater than three hours, the applicant must pay such additional amount immediately prior to the commencement of the hearing or at such other time as the Authority may determine in writing to the applicant.

**7. Method of payment**

Payment of all amounts due in terms of these regulations must be by way of a crossed bank guaranteed cheque payable to the Independent Broadcasting Authority or such other form of payment as may be acceptable and agreed to by the Authority in writing from time to time.

**8. Short Title**

These regulations may be cited as the Independent Broadcasting Authority Signal Distribution Fees Regulations 1997.

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No. R. 1578

21 November 1997

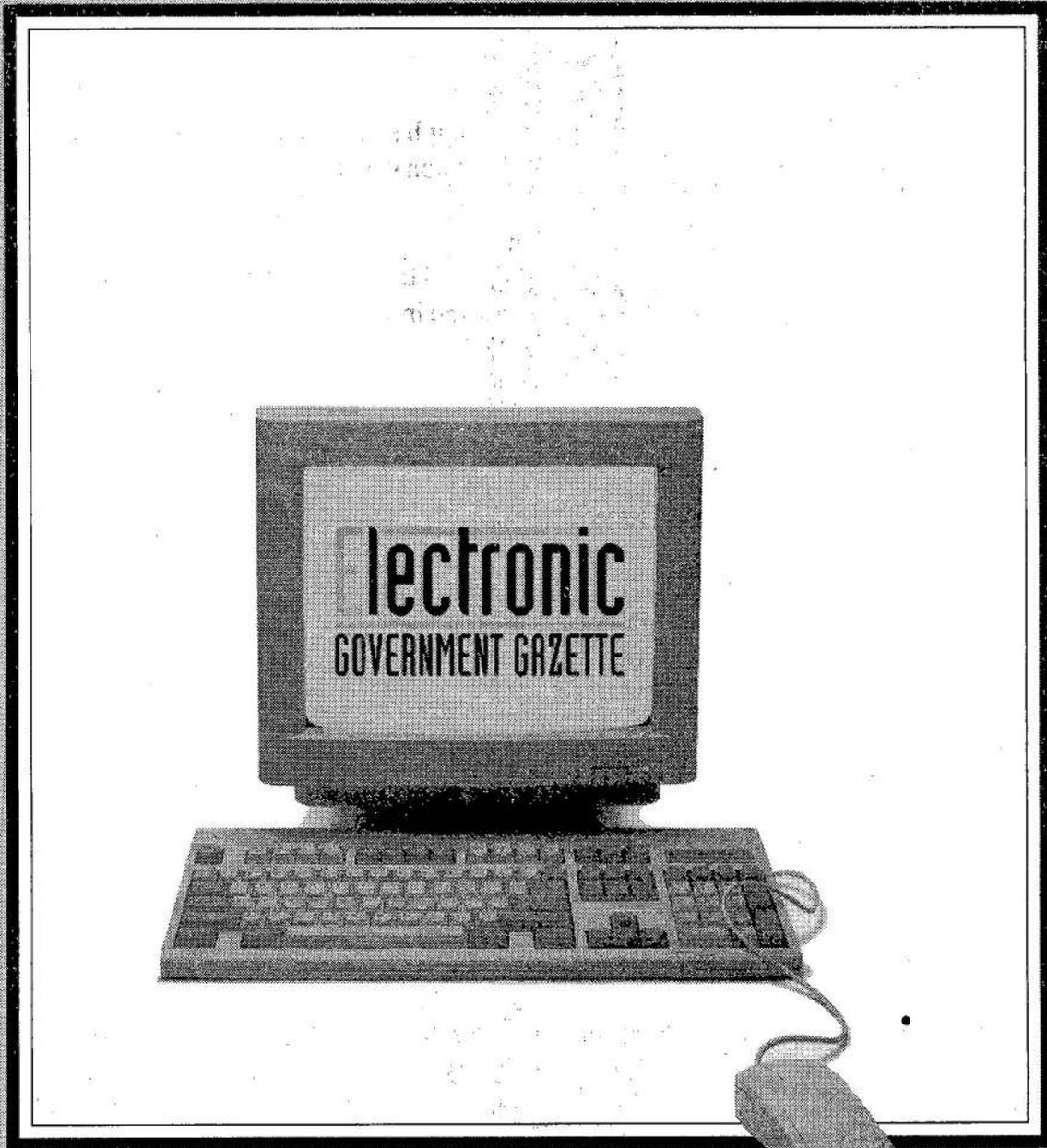
**INDEPENDENT BROADCASTING AUTHORITY****AMENDMENT OF REGULATIONS RELATING TO THE PROCEDURES IN RELATION TO APPLICATIONS FOR THE GRANTING, ISSUING, RENEWAL, AMENDMENT AND TRANSFER OF BROADCASTING SIGNAL DISTRIBUTION LICENCES**

The Independent Broadcasting Authority gives notice that the Regulations issued by Government Notice No. 1315 of 25 August 1995 is hereby amended as per the Schedule.

**SCHEDULE**

1. Insert the words "*for either a category 1 or 2 licence*" immediately after the words "the applicant" in regulation 3(1), and
2. Insert the following regulation after regulation 3(1) as regulation 3(1A):

**"3(1A)** *On receipt of an application for a category 3 licence by a licensed community broadcaster the Authority shall gazette a notice substantially in the form of schedule 1."*



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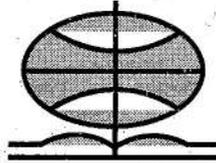
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