

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

# Government Gazette Staatskoerant

Vol. 383

PRETORIA, 2 MAY  
MEI 1997

No. 17977

## GENERAL NOTICES

### NOTICE 757 OF 1997

#### INDEPENDENT BROADCASTING AUTHORITY

#### PRIVATE TELEVISION BROADCASTING LICENCES

#### INVITATION TO APPLY

The Independent Broadcasting Authority, acting in terms of Section 41 (1), (2), (3) and Section 78(1) of the Independent Broadcasting Authority Act, No 153 of 1993, hereby invites applications for a broadcasting licence to provide a television broadcasting service in accordance with the particulars contained in the Schedule.

#### *Take notice that:*

1. Applications, together with 25 certified copies thereof, will only be considered if lodged with Authority in the manner specified hereunder not later than 14:00 on **31 July 1997** to provide the broadcasting service specified in the Schedule.

2. All applications must be:
- 2.1 accompanied by an application fee of R300 000;
  - 2.2 completed substantially in accordance with the information contained and the particulars requested in the Position Paper on Private Television and prescribed form obtainable from the Authority and
  - 2.3 lodged with Mr J van der Merwe, Head : Licensing Department at Khasho House, 26 Baker Street, Rosebank, Johannesburg.

### SCHEDULE

Area Reference	Frequency (MHz)	Frequency Band	Offset	ERP (Maximum) (kW)	Province	Main towns
Aliwal North	759.25	UHF	20P	500	Eastern Cape	Aliwal North
						Burgersdorp
Beaufort West	599.25	UHF	0	500	Western Cape	Beaufort West
Bedford	519.25	UHF	20M	500	Eastern Cape	Bedford
						Cookhouse
						Adelaid
Bethlehem	775.25	UHF	20M	500	Free State	Bethlehem
						Harrismith
						Kestell

Area Reference	Frequency (MHz)	Frequency Band	Offset	ERP (Maximum) (kW)	Province	Main towns
Bloemfontein	687.25	UHF	20P	500	Free State	Bloemfontein
						Botshebello
						Thaba Nchu
Blouberg	695.25	UHF	0	2	Northern Province	Blouberg
						Ga-Mabelebele
Boesmanskop	551.25	UHF	20P	500	Free State	Boesmanskop
						Wepener
						Zastron
Butterworth	to be confirmed	UHF			Eastern Cape	Butterworth
						Idutywa
						Nqamakwe
Calvinia	543.25	UHF	20P	500	Northern Cape	Calvinia
Cape Town	767.25	UHF	0	500	Western Cape	Cape Town
Carnavon	655.25	UHF	0	500	Northern Cape	Carnavon
						Vanwyksvlei
Carolina	671.25	UHF	20P	500	Mpumalanga	Carolina
						Badplaas
						Eerstehoek
Ceres	to be confirmed	UHF	20M	500	Western Cape	Ceres
						Tulbach
						Wolseley
Christiana	735.25	UHF	20P	500	North West	Christiana
						Taung
						JanKempdorp
						Warrenton
Cradock	655.25	UHF	20M	500	Eastern Cape	Cradock
						Marlow
Davel	575.25	UHF	20P	500	Mpumalanga	Davel
						Ermelo
						Bethal
De Aar	207.25	VHF	20P	200	Eastern Cape	De Aar
						Britstown
						Phillipstown
Despatch	575.25	UHF	20M	0.2	Eastern Cape	Despatch
						Uitenhage
Donnybrook	247.43	VHF	20P	500	Kwazulu Natal	Donnybrook
						Creighton
Douglas	727.25	UHF	20M	500	Northern Cape	Douglas
						Griekwastad
Dullstroom	to be confirmed	UHF	20P	500	Mpumalanga	Dullstroom
						Belfast
						Machadodorp

Area Reference	Frequency (MHz)	Frequency Band	Offset	ERP (Maximum) (kW)	Province	Main towns
Durban	607.25	UHF	20M	500	Kwazulu Natal	Durban
East London	735.25	UHF	20P	500	Eastern Cape	East London
Enzelsberg	to be confirmed	UHF	20M	2	North West	Mdantsane Zeerust
Eshowe	559.25	UHF	20P	500	Kwazulu Natal	Pella Eshowe
Franschhoek	to be confirmed	UHF	0	1	Western Cape	Empangheni Richards Bay Franschhoek
Garies	231.25	VHF	20P	200	Northern Cape	Garies
George	783.25	UHF	20P	500	Western Cape	Leliefontein Kamieskroon George
Glencoe	583.25	UHF	20M	500	Kwazulu Natal	Blanco Wildernis Glencoe
Graaf-Reinet	to be confirmed	VHF	20P	200	Eastern Cape	Dundee Graaf-Reinet
Grabouw/ Somerset	to be confirmed	UHF	20P	0.5	Western Cape	Somerset West
Grahamstown	647.25	UHF	20M	500	Eastern Cape	Grahamstown
Greytown	759.25	UHF	20M	500	Kwazulu Natal	Peddie Greytown
Helderkrui	to be confirmed	UHF	0	0.75	Gauteng	Kranskop Roodepoort
Hermanus	559.25	UHF	20M	0.6	Western Cape	Krugerdsorp Hermanus
Hexrivier	519.25	UHF	0	0.1	Western Cape	De Doorns
Hoedspruit	711.25	UHF	20P	500	Northern Province	Hoedspruit
Hout Bay	687.25	UHF	20M	4	Western Cape	Gamaotole Hout Bay
Johannesburg	711.25	UHF	0	500	Gauteng	Johannesburg
Kareedouw	535.25	UHF	20M	500	Eastern Cape	Spring Kempton Park Benoni Kareedouw

Area Reference	Frequency (MHz)	Frequency Band	Offset	ERP (Maximum) (kW)	Province	Main towns
Kimberley	559.25	UHF	20P	500	Northern Cape	Kimberley
King William's Town	to be confirmed	UHF	20M	500	Eastern Cape	King William's Town
Kleinmond	775.25	UHF	20P	0.6	Western Cape	Kleinmond
Klerksdorp	559.25	UHF	0	500	North West	Klerksdorp Potchefstroom
Knysna	543.25	UHF	0	0.5	Western Cape	Knysna
Kokstad	to be confirmed	UHF		0.5	Kwazulu Natal	Kokstad
Kroonstad	727.25	UHF	0	500	Free State	Kroonstad Koppies Parys
Kuruman Hills	183.25	VHF	20M	500	Northern Cape	Kuruman Sishen Kathu
Ladismith	511.25	UHF	0	500	Western Cape	Ladismith
Ladybrand	to be confirmed	UHF	20P	500	Free State	Ladybrand Clocolan
Ladysmith	to be confirmed	UHF	20P	1	Kwazulu Natal	Ladysmith
Louis Trichardt	479.25	UHF	0	500	Northern Province	Louis Trichardt
Matatiele	719.25	UHF	0	500	Kwazulu Natal	Matatiele
Matjiesfontein	647.25	UHF	20M	500	Western Cape	Matjiesfontein
Middelburg	to be confirmed	UHF			Mpumalanga	Middelburg Witbank
Mondeor	511.25	UHF	0	0.1	Gauteng	Mondeor
Moorivier	to be confirmed	UHF	20M	500	Kwazulu Natal	Moorivier
Mount Ayliff	to be confirmed	UHF		10	Eastern Cape	Mount Ayliff Nottingham Road
Napier	247.43	VHF	20P	200	Western Cape	Napier



Area Reference	Frequency (MHz)	Frequency Band	Offset	ERP (Maximum) (kW)	Province	Main towns
Nelspruit	to be confirmed	UHF			Mpumalanga	Nelspruit
						Witrivier
Newcastle	to be confirmed	UHF			Kwazulu Natal	Newcastle
Nongoma	735.25	UHF	20P	500	Kwazulu Natal	Nongoma
Noupoort	767.25	UHF	20M	500	Eastern Cape	Middelberg
						Noupoort
						Hanover
Nylstroom	839.25	UHF	20P	1	Northern Province	Nylstroom
Ngangelizwe	to be confirmed	UHF		0.1	Eastern Cape	Ngangelizwe
Oudtshoorn	655.25	UHF	20P	500	Western Cape	Oudtshoorn
						Calitzdorp
Overport	527.25	UHF	20M	1.3	Kwazulu Natal	Overport
Paarl	615.25	UHF	0	2	Western Cape	Paarl
						Wellington
Petrus Steyn	527.25	UHF	20M	500	Free State	Petrus Steyn
						Reitz
						Frankfort
Piet Plessis	to be confirmed	UHF	20P	500	North West	Piet Plessis
						Tlhakgameng
						Stella
Piet Retief	207.25	VHF	20M	200	Mpumalanga	Piet Retief
Pietermaritzburg	655.25	UHF	20P	1	Kwazulu Natal	Pietermaritzburg
Piketberg	519.25	UHF	20M	500	Western Cape	Piketberg
						Citrusdal
						Porterville
						Moorreesburg
Plettenberg Bay	583.25	UHF	0	0.2	Western Cape	Plettenberg Bay
Pofadder	to be confirmed	VHF	20M	200	Northern Cape	Pofadder
						Aggeneys
Pomfret	247.43	UHF	20P	200	North West	Pomfret
						Tosca
						Terra Firma
Pongola	479.25	UHF	0	0.2		

Area Reference	Frequency (MHz)	Frequency Band	Offset	ERP (Maximum) (kW)	Province	Main towns
Port Elizabeth	631.25	UHF	20M	500	Eastern Cape	Port Elizabeth Despatch Uitenhage
Port Elizabeth City	615.25	UHF	0	2	Eastern Cape	Port Elizabeth city
Port Shepstone	535.25	UHF	20P	100	Kwazulu Natal	Port Shepstone Zingolweni Margate Hibberdene
Port St Johns	to be confirmed	UHF		10	Eastern Cape	Port St Johns
Potgietersrus	655.25	UHF	20P	500	Northern Province	Potgietersrus Pietersburg
Pretoria	535.25	UHF	20P	500	Gauteng	Pretoria Ga-Rankuwa
Pretoria North	599.25	UHF	20P	0.1	Gauteng	Pretoria Noord Wonderboom
Prieska	215.25	VHF	0	200	Northern Cape	Prieska Niekerkshoop
Queenstown	575.25	UHF	20P	100	Eastern Cape	Queenstown Thornhill
Riversdale	to be confirmed	UHF	20P	80	Western Cape	Riversdale Albertinia Heidelberg
Rustenburg	847.25	UHF	0	500	North West	Rustenburg Phokeng Koster
Sabie	to be confirmed	UHF	0	0.1	Mpumalanga	Sabie
Schweizer Reneke	535.25	UHF	0	500	North West	Schweizer Reneke
Sea Point	775.25	UHF	20P	0.4	Western Cape	Sea Point
Senekal	671.25	UHF	0	500	Free State	Senekal Rosendal Marquard
Springbok	247.43	VHF	20P	500	Northern Cape	Springbok Nababeep
Springfontein	663.25	UHF	20P	500	Free State	Springfontein Trompsburg Bethulie
Standerton	to be confirmed	UHF	0	0.1	Mpumalanga	Standerton

Area Reference	Frequency (MHz)	Frequency Band	Offset	ERP (Maximum) (kW)	Province	Main towns
Stellenbosch	687.25	UHF	20M	0.5	Western Cape	Stellenbosch
Sunnyside (Pretoria)	to be confirmed	UHF	0	1	Gauteng	Sunnyside
Suurberg	to be confirmed	UHF	20M	500	Eastern Cape	Groenkloof Kirkwood
Swartruggens	591.25	UHF	20M	0.5	North West	Swartruggens
Table Mountain	559.25	UHF	0	0.5	Western Cape	Cape Town
Thabazimbi	247.43	VHF	20P	200	Northern Province	Thabazimbi
The Bluff	647.25	UHF	0	5	Kwazulu Natal	Durban
Theunissen	511.25	UHF	0	500	Free State	Theunissen Welkom Virginia Odendaalsrus
Tygerberg	to be confirmed	UHF	20M	2	Western Cape	Cape Town Belville
Tzaneen	847.25	UHF	20P	500	Northern Province	Tzaneen Nkowakowa
Ubombo	631.25	UHF	0	500	Kwazulu Natal	Ubombo Mkuze Hluhluwe Jozini
Ugie	559.25	UHF	0	0.5	Eastern Cape	Ugie
Umtata	to be confirmed	UHF		10	Eastern Cape	Umtata
Uniondale	527.25	UHF	20P	2.5	Western Cape	Uniondale
Upington	to be confirmed	VHF	20P	200	Northern Cape	Upington Keimoes
Van Rhynsdorp	199.25	VHF	0	200	Western Cape	Vanrhynsdorp Vredendal
Victoria West	175.25	VHF	20P	500	Northern Cape	Victoria West
Villiersdorp	759.25	UHF	20M	500	Western Cape	Villiersdorp Worcester
Volksrus	247.43	VHF	20M	200	Mpumalanga	Volksrus Wakkerstroom



Area Reference	Frequency (MHz)	Frequency Band	Offset	ERP (Maximum) (kW)	Province	Main towns
Vryheid	to be confirmed	UHF	20M	10	Kwazulu Natal	Vryheid
						eMondlo
Welverdiend	519.25	UHF	0	500	Gauteng	Carltonville
						Fochville
						Khutsong
Williston	to be confirmed	UHF	20P	500	Northern Cape	Williston
Willowmore	to be confirmed	UHF	20M	500	Eastern Cape	Willowmore
Witsieshoek	559.25	UHF	0	.25	Free State	Witsieshoek
Zeerust	687.25	UHF	0	500	North West	Zeerust

### Explanatory notes on the Frequency Plan.

The Effective Radiated Power (ERP) specified in the attached frequency plan are the maximum levels at which any frequency can be operated. The applicants can apply to implement the frequencies at lower levels. The frequencies specified for different areas should be used to obtain 75% population coverage in the Republic of South Africa. Service contours as specified in section 1.28 should be used to determine the percentage coverage. Not all gap filler station frequencies have been included in the plan and applicants can suggest areas where such stations will be necessary. The successful applicant and the IBA will after consultation determine the frequencies and associated technical parameters for areas where frequencies have to be confirmed. The plan contain all the main towns or suburbs to which the transmitter should provide a service. The Authority will together with the successful applicant negotiate frequencies with certain self-help stations.

The plan contain 120 frequencies of which 104 are UHF and 16 are VHF. The breakdown of the frequencies on a provincial location basis is as follow:

Eastern Cape	22(19)
Free State	10(9)
Gauteng Province	7(4)
KwazuluNatal	17(14)
Mpumalanga	9(7)
Northern Cape	12(12)
Northern Province	7(7)
North West Province	9(8)
Western Cape	26(16)

(brackets indicate the number of high power (ERP > 1 kilowatt) transmitters)

A breakdown of population coverage figures must be provided on a provincial and national basis. All information sources need to be specified.

**NOTICE 758 OF 1997****INDEPENDENT BROADCASTING AUTHORITY****PROPOSED AMENDMENT OF BROADCASTING LICENCE :  
ELECTRONIC MEDIA NETWORK LIMITED (M-NET)**

The Independent Broadcasting Authority, acting in terms of Section 52 (2) of the Independent Broadcasting Authority Act, No 153 of 1993, hereby gives notice that it is considering amending the television broadcasting licence of Electronic Media Network Limited (M-Net) as set out in the Schedule. A discussion paper on the proposed *Amendments to M-Net's Licence* is obtainable from the Authority.

Attention is drawn to the fact that the Schedule as well as the discussion paper contain proposals on which interested persons are invited to submit written representations to the Authority at Khasho House, 26 Baker Street, Rosebank, Johannesburg **OR** Private Bag X31, Parklands, 2121 **OR** by fax No (011) 441-1401 within **21 days of the date of publication of this notice.**

Persons who lodge representations in terms of this notice shall, at the time of lodgement, indicate whether they require an opportunity to make oral representations at the forthcoming public hearings and at the same time furnish proof to the satisfaction of the Authority that he or she has sent by registered post or delivered a copy of such representations to Ms Trish Downing, Director Corporate Communications, Electronic Media Network (M-Net), P O Box 4950, RANDBURG **OR** 137 Hendrik Verwoerd Drive, RANDBURG.

**SCHEDULE****REPUBLIC OF SOUTH AFRICA****INDEPENDENT BROADCASTING AUTHORITY****PRIVATE TELEVISION BROADCASTING LICENCE CONDITIONS****1. DEFINITIONS**

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

1.1 "advertisement" means a spot commercial inserted during breaks in programmes and between programmes and which promotes the supply of goods or services or the provision of facilities by way of trade and includes advertisements other than those for specific products which are placed in the course of trade by or on behalf of any trader;

1.2 "amendment" means an amendment as contemplated in section 52 of the Act;

- 1.3 "Community Services Network Channel" means the broadcasting service provided by M-Net on the frequencies as set out in **Schedule 2**;
- 1.4 "consent" means approval in writing by any Councillor or member of a committee of Council, the Chief Executive Officer or any staff member duly authorised by the Council to act for and on behalf of the Authority;
- 1.5 "control" includes any instance of control as contemplated in section 1(2) of the Act and as read with Schedule 2 to the Act;
- 1.6 "effective date" means 1 February 1999;
- 1.7 "M-Net" means the Electronic Media Network Limited, duly incorporated in terms of the Companies Act, Registration No. 85/02853/06;
- 1.8 "M-Net Channel" means the broadcasting service provided by M-Net on the frequencies as set out in **Schedule 3**;
- 1.9 "Open Time" means the period between 17h00 and 19h00 each day during which time the broadcast signal on the M-Net Channel is unencoded;
- 1.10 "records" means:
- a) for the purposes of South African Drama, records as contemplated in the Regulations on South African Television Content;
  - b) for the purposes of advertising, records as contemplated in the Television Licensees Records Regulations;
- 1.11 "South African content" shall have the same meaning as contemplated in the Regulations on SA Television Content.
- 1.12 "South African Drama" means drama as contemplated in the Regulations on South African Television Content;
- 1.13 "South African Television Performance Period" means the period between 05h00 and 23h00 every day.
- 1.14 "subscriber" means someone who pays a fee per month or otherwise in order to receive the M-Net service. In the case where a contract is concluded for the reception and redirection of the M-Net service to a number of households, joined together in a collective unit such as a block of flats or a hotel, each individual residential unit is regarded as a "subscriber". In cases where it is practically difficult or impossible to identify the number of individual residential units, the total contract amount per collective unit will be divided by the fee fixed by M-Net for the individual subscriber in order to determine the number of subscribers;
- 1.15 "the Act" means the Independent Broadcasting Authority Act No. 153 of 1993, as amended, and regulations made from time to time under section 78 thereof;

- 1.16 "working day" means any day other than Saturday, Sunday or a public holiday;
- 1.17 "year" means a calendar year from 1 January to 31 December.

## 2. PREAMBLE

- 2.1 M-Net has been providing a national pay-television broadcasting service in South Africa since 1985. Its licence was granted under the former government prior to 1994 and before the Act came into effect.
- 2.2 These conditions, made under section 52(1)(d) of the Act, constitute an amendment to M-Net's licence conditions described as *Consolidated Licence Conditions of M-Net : Radio Act, 1952* which came into effect on 1 January 1991.
- 2.3 These conditions are binding on M-Net as of the effective date or such earlier date as may be agreed to by the licensee.
- 2.4 This licence is issued with due regard to:
- 2.4.1 The objectives of broadcasting in South Africa as set out in the Act and in the Triple Inquiry Report of the Authority, as approved by Parliament, on the viability and protection of public broadcasting services, cross media control, South African music and local television content.
- 2.4.2 The precepts of section 2 of the Act, which require that the Authority, *inter alia*:
- 2.4.2.1 "promote the most efficient use of the broadcasting services frequency bands;
- 2.4.2.2 encourage investment in the broadcasting industry;
- 2.4.2.3 promote the stability of the broadcasting industry; and,
- 2.4.2.4 ensure fair competition between broadcasting licensees".

## 3. INTRODUCTION

- 3.1 This is a licence to provide a private pay-television broadcasting service and is conditional on compliance by the licensee with the provisions of the Act, the regulations prescribed or to be prescribed thereunder and all the terms, conditions and obligations set out in this licence.
- 3.2 This licence grants to the licensee the right to the provision of the two distinct and separate services, described below, namely:
- 3.2.1 the service described by the licensee as the M-Net Channel and as set out in paragraph 1.8 above and

3.2.2 the service described by the licensee as the Community Service Network and as set out in paragraph 1.3 above.

3.3 The licensee may televise its programmes in encoded form only, for reception by persons who subscribe to its service, subject to the provisions of 3.4.

3.4 The licensee may broadcast an unencoded signal only on its M-Net Channel during the period 17h00 to 19h00 each day.

3.5 The licensee is licensed to broadcast 24 hours per day and no change to the broadcasting hours may be effected.

#### **4. NAME**

4.1 This licence is granted to the Electronic Media Network Limited, as described in paragraph 1.7 above.

4.2 The station identifications of the services broadcast by the licensee are "M-Net" and "Community Services Network (CSN)".

4.3 The licensee may not change its name or station identifications.

#### **5. PERIOD OF THE LICENCE**

5.1 This licence is valid until 30 March 2002.

#### **6. STATION IDENTIFICATION**

6.1 The licensee must clearly identify itself at hourly intervals during the broadcast period.

#### **7. OWNERSHIP AND CONTROL**

7.1 The material features of the shareholding and control structures of the licensee are as set out below:

Omni Media Corporation Ltd.	24.16%
MIH	20%
Naspers	20.1%
Public	18.31%
Phuthuma	10%
Perskorporasie van SA Bpk	6.17%
The Natal Witness (Pty) Ltd	1.26%

7.2 The licensee may not alter the shareholding structure or transfer the control of this licensee or of the broadcasting service unless:



- 7.2.1 Permission for such alteration of shareholding structure or transfer of control has been obtained after an application by the licensee for an amendment to the relevant provision in this licence; or,
- 7.2.2 The Authority waives the holding of a licence amendment hearing and grants the licensee an amendment, in writing, on such terms and conditions as it deems necessary in the circumstances.

## 8. FINANCES

- 8.1 The licensee must supply to the Authority for every completed year of this licence, an audited statement of income and expenditure compiled in accordance with GAAP, and any further supporting vouchers and documentation as may be required by the Authority after receipt of the annual audited statement.

## 9. FEES

- 9.1 The licensee must pay to the Authority an annual licence fee of 2% of turnover less agency fees and other deductions to a maximum of 20% of the 2%.
- 9.2 The licence fees are payable to the Authority within three months of the licensee's financial year-end.
- 9.3 In the event of the licensee applying to amend any of the terms and conditions of this licence, the licensee must pay to the Authority with the application a non-refundable *licence amendment fee* of R200 000 or such fee as may be prescribed by the Authority from time to time.
- 9.4 An application for renewal of this licence in terms of section 44, or of a transfer in terms of Section 74, must be accompanied by a non-refundable *licence renewal fee* of R300 000 or such fee as may be prescribed by the Authority from time to time.

## 10. PROGRAMMING

- 10.1 The licensee is licensed to provide an entertainment service including, *inter alia*, feature films, sports events, magazine programmes and documentary features.
- 10.2 The licensee must allocate an average of 20% of Open Time per week to South African Drama. This average must be achieved over the period of a year.
- 10.3 During any one year, the licensee must allocate on each of its channels a weekly average of 5% of the South African Television Performance Period in encoded time to local television content.

## 11. ADVERTISEMENTS

- 11.1 The licensee must use no more than an average of five minutes per hour of encoded broadcasting time for the televising of advertisements subject to the

provisions of 11.2. This average will be measured over the period of a year.

11.2 Advertising must not exceed a maximum of six minutes in any one hour of encoded time.

11.3 The licensee must use no more than an average of 10 minutes per hour of Open Time for the televising of advertisements subject to the provisions of 11.4. This average will be measured over the period of a year.

11.4 Advertising must not exceed a maximum of 12 minutes in any one hour of Open Time.

## 12. COVERAGE AREA

12.1 The licensee's coverage area shall be confined to those areas for which it has been previously licensed. A summary of the technical specifications is attached as Schedules 2 and 3.

## 13. COMPLAINTS

13.1 The station manager or any other person designated by the station and in the station's full time employ must deal with complaints concerning the station from any source whatsoever and liaise with the Authority in regard to all complaints in relation to the licensee.

13.2 The Authority must be notified in writing within seven days of receipt of these licence conditions of the name and contact numbers of this person. Should the licensee propose to replace the person so appointed, the Authority must immediately be advised in writing of the name and contact numbers of the new appointee.

13.3 The licensee must ensure that it regularly broadcasts information to the public on how to lodge complaints about its programming.

13.4 The licensee must adopt procedures acceptable to the Authority for handling complaints received from the public in respect of programmes broadcast under this licence. Such procedures shall, *inter alia*, include a requirement that members of the public who complain to the licensee about such programmes are informed in writing that they have the right to refer the complaint to the Authority or to a body acknowledged by the Authority in writing in terms of section 56(2) of the Act.

13.5 Where the Broadcasting Monitoring and Complaints Committee (the Committee) retains jurisdiction over any complaint against or investigation into the licensee, the licensee must comply with the procedures of the Committee in its adjudication of such complaint or investigation.

- 13.6 The licensee must submit to the Authority, on a quarterly basis, a written report on complaints received by the licensee. Such report must include information on how the complaints were dealt with by the licensee.

#### **14. INFORMATION TO BE FURNISHED TO THE AUTHORITY**

- 14.1 The licensee must inform the Authority of the name, nationality, residential and business addresses, or any changes thereto, of:
- 14.1.1 any person appointed as director, trustee or board member of the licensee, and of any director, trustee or board member of the licensee who resigns;
  - 14.1.2 any person in a position to exercise direct or indirect control over the selection or provision of a significant proportion of the programmes of the licensee, together with particulars of the nature of the programming concerned, and the hours during which it will be broadcast;
  - 14.1.3 any person in a position to exercise direct or indirect control over a significant proportion of the operations of the licensee in providing the broadcasting service under this licence;
  - 14.1.4 any person in a position to veto any action taken by the board of the licensee or any delegate of that board;
  - 14.1.5 any person in a position to appoint, or secure or veto the appointment of any director, trustee or member of the board of the licensee;
  - 14.1.6 any person who is in a position to give or exercise directly or indirectly any restraint or direction in any manner over any substantial issue affecting the management of affairs of the licensee; and
  - 14.1.7 any person to whom the licensee is indebted, whether by virtue of a loan account or in any other manner.
- 14.2 The licensee must provide the Authority with the information contemplated in 14.1 in writing within thirty days of the effective date of this licence and thereafter within fourteen days of any change;
- 14.3 The licensee must inform the Authority, in writing, within fourteen days of any judgment awarded in a court of law against it or any person whose adverse financial position or misconduct could have any prejudicial effect on the service of the licensee.
- 14.4 The licensee must provide to the Authority the following documents:
- 14.4.1 any shareholders agreement and memorandum/articles of association of the licensee;

14.4.2 any management agreement relating to the licensee, including any service agreement relating to the overall operations or affairs of the licensee or a significant proportion thereof;

14.4.3 any other agreement which is likely to affect the ownership, control, management, programming or operation of the service.

14.5 The licensee must provide to the Authority the documents contemplated in condition 14.4 within fourteen days of the date on which the documents were signed.

14.6 This licence or any right/s conferred in terms hereof shall not be ceded, transferred, assigned, pledged or otherwise disposed of by the licensee unless in compliance with prescribed procedures.

## 15. RECORDS

15.1 The licensee must submit to the Authority, on a quarterly basis, records of local television content, including South African Drama, broadcast in both Open Time and encoded time during the previous quarter.

15.2 The licensee must retain, as required by the Act, recordings of programmes in a form acceptable to and compatible with the equipment used by the Authority.

15.3 The licensee must comply with the Code of Conduct for Broadcasting Services in the Act or a code of conduct which is administered by a body which the Authority has acknowledged in writing in terms of section 56(2) of the Act.

15.4 The licensee must submit to the Authority, on a quarterly basis, records of advertisements broadcast every hour during the previous quarter.

15.5 The licensee shall, in accordance with section 57(1) of the Act, comply with the Code of Advertising Practice of the Advertising Standards Authority of South Africa.

## 16. NOTICES AND ADDRESSES

16.1 Any notice or certification given by the Authority must be in writing and:

16.1.1 if delivered by hand to the licensee's address supplied under 15.3 it shall be deemed, until the contrary is proved by the licensee, that it has been received by the licensee at the time of delivery and

16.1.2 if posted by pre-paid registered post from an address within the Republic of South Africa to the licensee at the address supplied by the licensee under 15.3, shall be deemed, until the contrary is proved by the licensee, to have been received by the licensee on the 14th day after the date of posting, and

- 16.1.3 if sent by facsimile transmission an acknowledgement of receipt of such communication must be sent to the Authority in writing within two working days of receipt thereof or such lesser period as may be determined by the Authority.
- 16.2 Any notice or communication given by the licensee to the Authority must be in writing and:
- 16.2.1 if delivered by hand to the Authority's address it shall be deemed, until the contrary is proved by the Authority, that it has been received by the Authority at the time of delivery;
- 16.2.2 if posted by pre-paid registered post from an address within the Republic of South Africa to the Authority at the address supplied by the Authority, shall be deemed, until the contrary is proved by the Authority, to have been received by the Authority on the 14th day after the date of posting;
- 16.2.3 if sent by facsimile transmission an acknowledgement of receipt of such communication must be sent to the licensee in writing within 2 working days of receipt thereof;
- 16.2.4 marked for the attention of such official as the Authority may designate from time to time in regard to the matter or type of matter, or failing such notification, the Chief Executive Officer.
- 16.3 The licensee shall provide the Authority with an address where it will accept formal service of letters, documents and legal process in this regard as well as a fax and telephone number on which it can be contacted. The licensee must further notify the Authority in writing of any change in the such address, fax and telephone numbers prior to the changes being effected.

## 17. PUBLIC ANNOUNCEMENTS

- 17.1 When requested by the National or a Provincial Commissioner of Police, the licensee must, without charge, broadcast any information or other matter concerning a disaster or immediate grave danger which the Commissioner may and on reasonable grounds request to be broadcast. Such request should be confirmed in writing within twenty-four hours.
- 17.2 When requested by the Authority the licensee must, without charge, broadcast such particulars at such intervals as the Authority may reasonably request for the purpose of publicising any applications, inquiries or hearings concerning the licensee.

## 18. GENERAL

- 18.1 Should any provision of this licence be invalid or unenforceable the remaining provisions shall nevertheless remain of full force and effect.



- 18.2 To the extent that these licence conditions conflict with any regulation gazetted by the Authority, such regulation shall take precedence.

## **19. INTERPRETATION CLAUSE**

- 19.1 The licensee acknowledges that compliance with these licence conditions includes any ruling by the Authority on the interpretation of any provision contained herein and that such ruling shall be final and binding on the licensee.
- 19.2 In determining an interpretation of any provision contained in these licence conditions, the licensee may make submissions which the Authority may take into account at its discretion.

# Keep South Africa Clean



**Throw trash where it belongs**

# Hou Suid-Afrika Skoon



**Gooi rommel waar dit hoort**

## Save a drop — and save a million

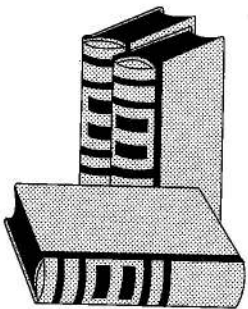
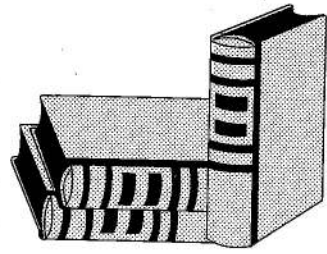
**W**ater conservation is very important to the community and industry to ensure their survival. So save water!



## Spaar 'n druppel — en vul die dam

**I**ndien almal van ons besparingsbewus optree, besnoei ons nie slegs uitgawes nie maar wen ook ten opsigte van ons kosbare water- en elektrisiteitsvoorraad

*Where is the largest amount of meteorological information in the whole of South Africa available?*



*Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?*

Department of Environmental Affairs and Tourism  
Departement van Omgewingsake en Toerisme



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