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## GENERAL NOTICE

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### NOTICE 397 OF 2008

## INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

### REGULATIONS REGARDING THE PROCESSES AND PROCEDURES FOR:

**A. REGISTRATION, AMENDMENT, RENEWAL, TRANSFER  
AND SURRENDER OF A CLASS LICENCE AND MATTERS  
PERTAINING THERETO; AND**

**B. LICENCE EXEMPTIONS (limited to ECS and ECNS).**

The Independent Communications Authority of South Africa ("ICASA") in terms of section 5 (7) of the Electronic Communications Act, 2005 (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 the Processes and Procedures to be followed in respect of Registration, Amendment, Renewal, Surrender and Transfer of Class licences, and licence Exemptions 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 for amendment, surrender or transfer of a licence;

**“application”** means an application for amendment, surrender or transfer of a licence;

**“fees”** means the applicable fees as may be prescribed and payable by a registrant or 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 a class licence;

**“notice”** means a written notice in terms of the Act or these Regulations;

**“registrant”** means a person who has submitted a notice for registration.

**“registration”** means a registration for a class licence in terms of sections 16 and 17 of the Act;

**“these Regulations”** includes the Schedules 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) process and procedures for registration, amendment, transfer, surrender and renewal of a licence as contemplated in section 5(7)(a)(i) read with sections 16(1) and 17(1) of the Act;
  - (b) documentation to be submitted with a notice for registration or renewal and applications for surrender or transfer of a licence as contemplated in section 5 (7) (a) (ii) of the Act;
  - (c) process and procedures applicable to licence exempt ECS and ECNS; and
  - (d) other matters pertaining thereto, as contemplated in section 5 (7) (b) of the Act.
- (2) These Regulations do not regulate –
  - (a) process and procedures in respect of applications for and the granting of radio frequency spectrum licenses;
  - (b) licence fees payable by licensees.

## **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 or exempt in terms of Chapter 3 of the Act.

#### **4. The prescribed Forms**

- (1) The prescribed Forms in these Regulations are as follows:
  - (a) FORM A: Registration for a Class licence (Reg 7 (1));
  - (b) FORM B: Registration for a Class licence to provide a Community Broadcasting Service (Reg 7 (2));
  - (c) FORM D: Application to Amend a Class licence (Reg 8 (1));
  - (d) FORM F: Notice to Renew A Class Licence (Reg 9 (1));
  - (e) FORM H: Application to Transfer a Class licence (Reg 10(1));
  - (f) FORM K: Notice of Surrender of a Class licence (Reg 11 A);
  - (g) FORM L: Notice of Change of information in respect of a Class licence (Reg 11 (B)); and
  - (h) FORM M: Licence Exemption (Reg 12).
- (2) Forms referred to in regulation 4 (1) must be used for any registration, notice or application and may be:
  - (a) downloaded from the Authority's website or
  - (b) obtained from the Authority at its offices.

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

- (1) Documents (including applications and registrations) must be submitted to the Authority in hard copy or as may be prescribed otherwise.
- (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, registrations and notices) and other submissions to the Authority must be signed by an authorised representative. The authorisation must be in writing.

- (4) Any fee in respect of an application or registration 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, notice or registration is submitted to the Authority and proof of payment must accompany such submission; and
  - (c) is non-refundable.
- (5) The Authority will not consider any application, notice or registration where an applicant or registrant fails to pay the applicable fee.
- (6) The Authority will not consider any document where the applicant or registrant fails to comply with regulation 4 (1) and (3).

#### **6. Liability for costs of applications, notices and registrations**

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

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

- (1) Notice of a registration for a licence in terms of sections 16(2) and 17(1) of the Act, must be in the format as set out in Form A. Community broadcasting service registrant must not complete Form A.
- (2) Notice of registration for a licence to provide a community broadcasting service in terms of sections 16(2) and 17(1) of the Act, must be in the format as set out in Form B.

**8. Application to amend a class licence**

- (1) An application to amend a licence must be in the format as set out in Form D.
- (2) An application to amend a 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, such services are authorised by the licence.
- (3) 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 licence, the Authority will direct the licensee to submit an application to amend its licence in terms of this regulation.
- (4) Where a direction is made to a licensee in terms of regulation 7 (3), 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.

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

- (1) A notice to renew a license must be in the format as set out in Form F.
- (2) A notice to renew a license 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 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.

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

- (1) An application to transfer a licence must be-
  - (a) in the format as set out in Form H;
  - (b) accompanied by the applicable fee; and
  - (c) submitted by the Licensee.

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

##### **A. Surrender of a Class licence**

- (1) A licensee that elects to surrender its licence must submit a notice in the format as set out in Form K.
- (2) The notice referred to in regulation 10 (1) must be submitted no less than ninety (90) days 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 services in respect of which the licence was granted.
- (3) A licensee that intends to surrender its licence must take appropriate steps to inform end-users, of the cessation of the service in advance.
- (4) Upon receipt of a notice referred to in regulation 10 (1), the Authority may stipulate the steps to be taken by the licensee in order to comply with its obligations in terms of regulation 10 (3).
- (5) A licensee that surrenders its 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 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 regulation 10 (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 request by the licensee, extends the time period.

#### **B. Notice of change of information**

- (1) A notice of change of information in a licence must be submitted in the format as set out in Form L.
- (2) A licensee must submit the notice within thirty (30) days of the change occurring where -
  - (a) name or contact details of the licensee changes; or
  - (b) nature of the service/s provided in terms of the licence change.

#### **12. Licence exempt services and networks**

- (1) Any person may apply to the Authority for a licence exemption.
- (2) The notice to exempt either an ECS or ECNS licence must be in the format as set out in Form M.

### 13. Holding of hearings

- (1) Where in the opinion of the Authority, it is necessary as a matter of procedural fairness and transparency, the Authority may take any or all of the following steps -
  - (a) publish a notice in the *Gazette* of the application or registration;
  - (b) invite interested persons to submit written representations in relation to the application or registration within twenty (20) working days;
  - (c) allow the applicant or registrant an opportunity to submit written responses to representations received in relation to the application or registration within the period specified by the Authority; and
  - (d) conduct a public hearing in relation to the application.
- (2) The Authority will publish its decision on the application or registration following the hearings in the *Gazette*.

### 14. Commencement

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

### 15. 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**

<b>Regulations</b>	<b>Extent of repeal</b>
Community Sound Broadcasting Services Fees Regulations published under GN R1053 in <i>GG</i> 18187 of 1 August 1997	Regulations 2, 3, 5 and 6
Low Power Sound Broadcasting Regulations, 2003 published under GN 3162 in <i>GG</i> 25631 of 24 October 2003, as amended by GN 1861 in <i>GG</i> 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 <i>GG</i> 25783 of 23 November 1997	Regulations 3, 5 and 6
Guidelines to Apply for Low Power Sound Broadcasting Licences published under GN 296 in <i>GG</i> 27308 of 18 February 2005	Regulations 9, 11, 13 and 15
Community Sound Broadcasting Regulations, 2006 published under GN 755 in <i>GG</i> 28919 of 6 June 2006	Regulations 4.2, 4.3, 8.1, 8.2 and 8.4

**FORM A**  
**REGISTRATION FOR A CLASS LICENCE**  
**(Regulation 7 (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 does not fit into the space provided may be contained 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 registrant, the registrant must indicate that the relevant information in the Form is not applicable.*

<b>1. PARTICULARS OF REGISTRANT</b>	
1.1 Full name of registrant:	
1.2 Designated 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. Registrant's telephone number/s:	

1.7. Registrant's telefax number/s:	
1.8. E-mail address of designated 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 marked clearly as <b>Appendix 2.2.2 of FORM A</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) marked clearly as <b>Appendix 2.3.3 of FORM A</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. The undertaking must be marked clearly as <b>Appendix 2.4.1 of FORM A</b> .	
2.4.2 Indicate when and how the registrant will comply with section 5(8)(b) of the Act.	

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**3. NATURE OF SERVICES TO BE LICENSED**

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:

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3.4. Indicate whether 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.

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#### 4. FINANCES

4.1. Provide details of the manner in which the proposed service is to be funded:

4.2. Provide details of the registrant's anticipated capital expenditure necessary for the commencement of the provision of services; and operating expenditure during the registrant's first year of operation.

## 5. OWNERSHIP AND MANAGEMENT

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.

5.2. Indicate whether the registrant is listed on any stock exchange, and provide details of any such listing:

5.3. In respect of each holder of any ownership interest in any person holding an interest in 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.
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:
<p>5.8. Provide details (including name, nationality, identification or passport number, position and address) of each member of the registrant's:</p> <p>(i) board of directors or similar body;</p> <p>(ii) senior management.</p>

<b>6. RADIO FREQUENCY SPECTRUM</b>
<p>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. The registrant must indicate from the frequencies provided by the Authority which frequency band it seeks to utilise to provide the service.</p>

<b>7. COMMERCIAL LOW POWER</b>
<p><i>This section is only applicable where the service to be provided is a commercial broadcasting service.</i></p>
<p>7.1. Indicate whether the registrant is a member of the Advertising Standards Authority or intends</p>

	to become a member:	
7.2	Indicate whether the registrant is a member of a body contemplated in section 54(3) of the Act or intends to become a member:	
7.3.	Indicate whether the registrant is a party movement, organisation, body or alliance which is of a party-political nature.	

<b>8. GENERAL</b>
8.1 Provide details of undertakings ( if any) and other matters which, in the registrant's view the Authority should consider:
8.2. Attach a resolution authorising the person signing this registration notice. The resolution must be marked clearly as <b>Appendix 8.2 of FORM A.</b>

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

I acknowledge that the Authority 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..

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****REGISTRATION FOR A CLASS LICENCE TO PROVIDE A COMMUNITY  
BROADCASTING SERVICE****(Regulation 7 (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 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 registrant, the registrant must indicate that the relevant information is not applicable.*

<b>1. PARTICULARS OF REGISTRANT</b>	
1.1 Full name of registrant:	
1.2 Designated 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	Registrant's telephone number/s:	
1.7	Registrant's telefax number/s:	
1.8	E-mail address of designated contact person:	

<b>2. LEGAL FORM OF REGISTRANT</b>	
2.1	Indicate if the registrant is :
(i)	natural person
(ii)	partnership
(iii)	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 marked clearly as <b>Appendix 2.2.2 of FORM B</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) marked clearly as **Appendix 2.3.3 of FORM 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 marked clearly as **Appendix 2.4.1 of FORM B**.

2.4.2 Indicate when and how the registrant will comply with section 5(8) (b) of the Act.

### 3. NON-PROFIT STATUS OF REGISTRANT

Provide details of the registrant's non-profit status and confirmation that the registration is sought for a non-profit purpose:

### 4. COMMUNITY

4.1 Indicate whether the community to be served by the proposed broadcasting service is:

4.1.1 geographically founded community; or

4.1.2 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:

(i) whether the community is urban, peri-urban or rural

(ii) the number of people in the community

(iii) gender, language, income and demographic statistics in relation to the

community.

- 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:
- (i) the nature of the common interest;
  - (ii) the size of the community in the geographic area in which the service is proposed to be provided; and
  - (iii) gender, language, income and demographic statistics in relation to the community.

**5. NATURE OF SERVICES TO BE LICENSED**

- 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 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 marked clearly as <b>Appendix 5.4 of FORM B</b> .

<b>6. SERVING THE COMMUNITY'S INTERESTS</b>	
6.1	Provide proof of how the registrant proposes to serve the community's interests:
6.2	Provide proof of how the registrant proposes to encourage members of the community it serves, 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:

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**7. SUPPORT**

- 7.1 Provide proof 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:

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**8. FINANCES**

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

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- 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.

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8.3 Provide details of the registrant's business plan:

**9. OWNERSHIP AND MANAGEMENT**

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:

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

**10. RADIO FREQUENCY SPECTRUM**

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. The registrant must indicate, from the frequencies provided by the Authority, which frequency band it seeks to utilise to provide the service

**11. GENERAL**

11.1 Indicate whether the registrant is a member of the Advertising Standards Authority or intends to become a member:

11.2 Indicate whether the registrant is a member of a body contemplated in section 54(3) of the Act or intends to become a member:

11.3 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:

11.3.1 Advertising

11.3.2 Sponsorships

11.3.3 Subscriptions

11.3.4 Donations

11.3.5 Grants

11.3.6 Membership fees

11.4 Indicate whether the registrant is a party, movement, organisation, body or alliance which is of a party-political nature.

11.5 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.	
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11.6	Provide details of other matters or undertakings which, in the registrant's view, the Authority should be consider:
11.7	Attach a resolution authorising the person signing this registration. The resolution must be marked clearly as <b>Appendix 11.7 of FORM B.</b>

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

I acknowledge that the Authority 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.

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.

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM D**  
**APPLICATION TO AMEND A CLASS LICENCE**  
**(Regulation 8 (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 contained 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 in the Form 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 marked clearly as <b>Appendix 1.3. of FORM D.</b>

<b>2.</b>	<b>PARTICULARS OF APPLICANT (LICENSEE)</b>
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 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 the amendment/s:

--

3.3. Explain the potential implications of the proposed amendment/s:

--

**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 D**.

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.

**5. GENERAL**

5.1. Provide details of any other matter and undertaking which, in the applicant's view, the Authority should consider:

5.2. Attach a resolution authorising the person signing this application marked clearly as **Appendix 5.2 of FORM D**.

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 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 F**  
**NOTICE TO RENEW A CLASS 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 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 contained 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 in the Form 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 marked clearly as <b>Appendix 1.4 of FORM F.</b>

<b>2</b>	<b>PARTICULARS OF APPLICANT (LICENSEE)</b>
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 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 a historically disadvantaged person or group .

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. RADIO FREQUENCY SPECTRUM

4.1. Indicate if 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 F**.

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

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 Processes and Procedures Registrations, Amendment, Renewal, Transfer and Surrender of **CLASS 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 applicant, as well as details of the sanction imposed by the Authority, if any.

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

## **7. LATE FILING OF APPLICATION**

7.1. Indicate if this application is filed with the Authority within the time period specified in the ICASA Licensing Processes and Procedures

Registrations, Amendment, Renewal, Transfer and Surrender of <b>CLASS LICENCES</b> Regulations, 2008:	
7.2. Where this application is filed outside of this time period, set out the reasons for the late filing:	

<b>8. GENERAL</b>
8.1. Provide details of any matter and undertakings which, in the applicant's view, the Authority should consider:
8.2. Attach a resolution authorising the person signing this application. The resolution must be marked clearly as <b>Appendix 8.2. of FORM F.</b>

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 renewed pursuant to this application set aside should any material statement made herein, at any time.

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 H**  
**APPLICATION TO TRANSFER 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 does not fit into the space provided may be contained 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 in the Form 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 marked clearly as <b>Appendix 1.3</b> of FORM H.	

<b>2 PARTICULARS OF THE APPLICANT (LICENSEE)</b>	
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:	

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

<b>4. LEGAL FORM OF APPLICANT (LICENSEE)</b>		
4.1.	Indicate if the applicant is:	

(i)	natural person	
(ii)	partnership	
(iii)	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 <b>Appendix 4.2.2 of FORM H</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 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 <b>Appendix 4.3.3 of FORM H</b> , 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, indicating the liquidator's consent to the transfer of the licence, marked clearly as <b>Appendix 4.4.5 of FORM H</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 marked clearly as <b>Appendix 5.2.2 of FORM H</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) marked clearly as <b>Appendix 5.3.3 of FORM H</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 marked clearly as <b>Appendix 5.4.1 of FORM H</b> .
5.4.2. Indicate when and how the transferee will comply with section 5(8)(b) of the Act.

<b>6. OWNERSHIP AND MANAGEMENT OF APPLICANT</b>
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 historically disadvantaged person or group.
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:

6.4. 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:

6.5. Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:

6.6. 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.

## **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 a historically disadvantaged person or group
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;
- (ii) senior management.

## **8. SUITABILITY OF TRANSFEREE**

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 separately and mark clearly as <b>Appendix 8.6</b> of <b>FORM H</b> , copies of the transferee's audited annual financial statements for the last three years:

**9. OWNERSHIP AND CONTROL BY HISTORICALLY DISADVANTAGED PERSONS**

Indicate details of ownership and control by historically disadvantaged persons.

**10. MOTIVATION FOR PROPOSED TRANSFER**

10.1. Provide the motivation 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 marked clearly as **Appendix 11.2 of FORM H**, 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. COMPLIANCE WITH CHAPTER 9 OF THE ACT**

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

<i>broadcasting service.</i>	
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.

<b>13. GENERAL</b>
13.1. Provide details of any matter or undertaking which, in the applicants' view, the Authority should consider:
13.2. Attach a resolution authorising the persons signing this application. The resolution must be marked clearly as <b>Appendix 13.2.of FORM H.</b>

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

I acknowledge that the Authority 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.

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.

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.

---

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity

**FORM K**  
**NOTICE OF SURRENDER OF CLASS LICENCE**  
**(Regulation 11 A)**

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 does not fit into the space provided may be contained 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 in the Form 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 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 marked clearly as <b>Appendix 1.4. of FORM K.</b>	

<b>2. PARTICULARS OF LICENSEE</b>	
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 LICENSES**

Indicate if the licensee holds any other licenses issued in terms of the Act and whether the licensee intends also to surrender any such licenses. Separate notices of surrender in respect of such licenses 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 end-users of the 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 matter and undertakings which, in the licensee's view, the Authority should consider:

--

6.2. Attach a resolution authorising the person signing this notice to sign this notice, marked clearly as <b>Appendix 6.2.of FORM K.</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.

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

Name:

Address:

Capacity:

**FORM L**

**NOTICE OF CHANGE OF INFORMATION IN RESPECT OF A CLASS LICENCE  
(Regulation 11 B)**

**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 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.*

<b>1</b>	<b>PARTICULARS OF LICENCE</b>
1.1	Licence number: <input type="text"/>
1.2	Attach a copy of the licence that is the subject of this notice, marked clearly as <b>Appendix 1.2.of FORM L.</b>

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

<b>3</b>	<b>PARTICULARS OF LICENSEE</b>
<i>Licensee must provide the information requested in this section even where no change has occurred in relation to the licensee's particulars.</i>	
<input type="text"/>	<input type="text"/>
Indicate with X where the information in question has changed.	

3.1	Full name of licensee:		
3.2	Designated 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	Licensee's telephone number/s:		
3.7	Licensee's telefax number/s:		
3.8	E-mail address of designated contact person:		

<b>4</b>	<b>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</b>	<b>GENERAL</b>
5.1	Provide details of any matter which, in the licensee's view, the Authority should consider:

5.2 Attach a resolution authorising the person signing this notice. The resolution must be clearly as **Appendix 5.2** of **FORM L**.

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

I acknowledge that the Authority 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.

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.

---

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM M**  
**LICENCE EXEMPTIONS (Regulation 12)**

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.*

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

1.9. E-mail address of designated contact person:	
---	--

<b>2. LEGAL FORM OF APPLICANT</b>	
2.1. Indicate if the applicant is:	
(i) natural person	
(ii) partnership	
(iii) 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 <b>Appendix 2.2.2 of FORM M</b> , indicating that he or she is a citizen of the Republic, as required by section 6 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 and governing documents of the applicant (e.g. memorandum and articles of association, association agreement, and constitution) marked clearly as <b>Appendix 2.3.3 of FORM M</b> , indicating the applicant's compliance with the requirements of section 6 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 M**.

2.4.2 Indicate when and how the applicant will comply with section 6 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

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:

<b>4.</b>	<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 marked clearly as <b>Appendix 4.1 of FORM M</b> :
4.2	Indicate if the applicant has submitted or intends to submit an application for a 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:
<b>5.</b>	<b>UNDERTAKING</b>
5.1.	A service which is provided in terms of a licence exemption must not be sold or otherwise be made available or provided on a commercial basis, and must not be made available or provided as an incident of a service provided commercially in terms of an exempted service.  The applicant hereby confirms and binds itself in writing that....
<b>6.</b>	<b>GENERAL</b>
6.1.	Provide details of any matter and undertaking which, in the applicant's view, the Authority should consider:

6.2. Attach a resolution authorising the person signing this application to sign and mark it clearly as **Appendix 6.2 of FORM M.**

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 authorisation issued 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 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.

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity: