



**Independent Communications Authority of South Africa**

350 Witch-Hazel Avenue,  
Eco-Point Office Park  
Centurion

**COUNCIL DECISIONS– 17 MARCH 2021**

<b>ITEM NO.</b>	<b>AGENDA ITEM</b>	<b>DECISION</b>
1.	<p><b>Amendment Regulations and Reasons document: Licensing Standard Terms and Conditions (STC) Regulations for class Licences, 2010 and 2016 as amended.</b></p> <p>The purpose of the submission was to request Council to approve the Amendment Regulations and the Reasons Document on the Licensing Standard Terms and Conditions (STC) Regulations for Class Licences, 2010 and 2016 for publication in the Government Gazette.</p> <p>1.1. Council has established a (Council Committee) to amend the Standard Terms and Conditions Regulations for Class Licences, 2010 and 2016 as amended.</p> <p>1.2. The rationale for the amendment of the above-mentioned Regulations was to streamline the submission of documents to the Authority by Broadcasting, Electronic Communications Services and Electronic Communications Network Services Class Licences and to enhance compliance with the licence terms and conditions.</p> <p>1.3. On 05 March 2020, the Authority published the draft Amendment Standard Terms and Conditions</p>	<p><b>The recommendation was approved by Council.</b></p>

	<p>Regulations for class licences in the Government Gazette for public comment.</p> <p>1.4. The Authority received written representations on the draft amendment regulations from the following stakeholders:</p> <p>1.4.1 Internet Service Providers Association (ISPA);</p> <p>1.4.2 Wireless Access Providers Association (WAPA); and</p> <p>1.4.3 South African Communications Forum (SACF).</p> <p>1.5. On 2 November 2020, the Authority published a notice in Government Gazette advising interested parties that it would convene public hearings on 6 November 2020.</p> <p>1.6. In developing the Reasons Document, the Authority had considered the written submissions which were put before it as well as oral submissions made during the public hearing.</p> <p>1.7. The Authority is charged with the obligation to formulate regulations independently and in the public interest.</p> <p>1.8. Council requested that there be an alignment between the Standard Terms &amp; Conditions Committee and the Advertising Committee, so that the committee documents do not contain any contradictions.</p>	
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	<p>1.9. Council inquired about clause 9.3, which indicated that “no person may occupy a position of management unless the person was from the same licensee”.</p> <p>1.10. Council further inquired about the use of the word “must not” and proposed “may not” under clause 10.</p> <p>1.11. The Executive Assured Council that the comments raised would be addressed and if needs be, would also be incorporated in the regulations.</p> <p><b>Council approved the Amendment Regulations and Reasons Document, for publication in the Government Gazette</b></p>	
<p>2.</p>	<p><b>Request for approving of Code for Persons with Disabilities Draft Regulations.</b></p> <p>The purpose of the submission was to request that Council approves the Code for Persons with Disabilities Regulations.</p> <p>2.1. The purpose of the Regulations was to prescribe a Code for Persons with Disabilities, to be adhered to by Electronic Communications Service (ECS) licensees and Television Broadcasting Service licensees, aimed at ensuring that persons with Disabilities have access to these services.</p> <p>2.2. Audio description service would be an added feature, to the benefit of sight impaired persons. Viewers will be able to obtain an audio feed describing the scene, e.g. if it is rainy, sunny or cloudy.</p>	<p><b>The recommendation was approved by Council.</b></p>

	<p>2.3. On 28 March 2014, the Authority published the first draft Regulations for public comment (Government Gazette No 37486). Subsequent to receiving written representations in response to the draft, the Authority published a second version of the draft Regulation for another round for public comments (Government Gazette No 38211). The Authority published a third version of the draft Regulations (Government Gazette No 41265) on 20 November 2017.</p> <p>2.4. The last version of the draft Regulations (Government Gazette No 43418) was published on 12 June 2020. The Committee has considered the representations received from stakeholders and it was on that basis, that the Committee seeks to publish the final Regulations.</p> <p>2.5. The Committee added that licensees would be given 18 months to implement the Regulations from the date of gazetting.</p> <p><b>Council resolved to approve final Regulations for publication in the Government Gazette.</b></p>	
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**ISSUED BY: Secretariat Office  
on behalf of Council**