

Ms F. Hlongwane and Ms B. Mashigo
Licensing and Compliance Division of ICASA

350 Witch-Hazel Avenue
Eco Point Office Park
Highveld Park
0169

PER EMAIL: BMashigo@icasa.org.za
AND TO: FHlongwane@icasa.org.za

Dear Ms. Hlongwane and Ms. Mashigo

**LICENSING AND COMPLIANCE DIVISION OF ICASA V CAPRICORN FM - CASE NUMBER:
489/2024**

The above matter has reference.

1. On 18 November 2024, the Licensing and Compliance Division of ICASA (LCD) lodged urgent elections complaints with the CCC for investigation in terms of section 17B(a) of the Independent Communications Authority of South Africa ("ICASA") Act No. 13 of 2000.
2. The CCC adjudicated on the matter on 26 May 2025. Capricorn FM was found to have contravened the 2014 National and Provincial Party Elections Broadcasts and Political Advertisements Regulations (as amended) (Elections Regulations) as follows:

- 2.1. Capricorn FM *"breached regulation 6(11) of the National and Provincial Elections Broadcasts and Political Advertisements Amendment Regulations, 2024, ("the Regulations")* in that on the 25 May 2024 and on the 26 May

2024, Capricorn FM broadcast a PA after another PA. On the 25th this occurred three times while on the 26th, this occurred four times.

3. As a result, CCC made a recommendation to Council as follows:

3.1. Capricorn FM be fined R50000 (Fifty Thousand Rand) of which R20000 (Twenty Thousand Rand) is suspended until after the next National and Provincial Elections. An amount of R30000.00 (Thirty Thousand Rand) must be paid to ICASA within 90 calendar days from when this judgment is issued.

3.2. Furthermore, Capricorn FM is directed to desist from any further contraventions of the Regulations and take remedial steps which includes broadcasting a public apology during the first week after this order is issued (as more specifically detailed in the judgment).

4. On 14 October 2025, the Council of ICASA approved the recommendation of the CCC as indicated in paragraph 3 above, having considered the reasons advanced by CCC in their judgment. The Council of ICASA approved the above recommendations of the CCC subject to the amendment of paragraph 32.2.7 of the recommended CCC order to be substituted to read as follows:

"The Independent Communications Authority of South Africa has found that Capricorn FM was negligent in not having abided by the National and Provincial Elections Regulations 2024, in that it flighted Political Advertisements (PAs) one after the other.

This is in conflict with the ICASA Election Regulations which require that a Political Advertisement should not be flighted immediately after the other. Capricorn FM further extends its apology to its listeners for having committed the contravention".

5. For your attention, the judgment of the Authority is attached and marked as Annexure "A".

Yours Sincerely,


Mothibi G. Ramusi
ICASA Chairperson
Date: 05/11 /2025

CC: Ms. Meera Lalla
Acting CCC Coordinator
Per email: MLalla@icasa.org.za