14 August 2020

Ms Nditsheni Hangwani

Code for Persons with Disability Project Leader

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Dear Ms Hangwani

RE: Draft Code for Persons with Disabilities Regulations

Introduction

1. M-Net and MultiChoice thank the Authority for the opportunity to comment on the draft Code for Persons with Disabilities Regulations which was gazetted on 12 June 2020[[1]](#footnote-2) ("the draft Code").
2. We have always welcomed initiatives to promote accessibility to broadcasting services by persons with disabilities, provided that such initiatives are viable, balanced and appropriate.
3. M-Net and MultiChoice have participated constructively in the consultations to date, including making written and oral representations on several occasions in recent years with a view to assisting in the development of a Code which will address the needs of persons with disabilities in a meaningful and viable way.
4. We have consistently submitted that quotas are not the ideal way to address the needs of persons with disabilities and we maintain that position.
5. We are therefore disappointed to see that the current draft Code has persisted with quotas, and that certain improvements that were made in the prior draft Code have not been carried over into this draft Code. (These relate to key definitions of the Code and overlapping obligations, which were addressed in the prior draft, but which appear to have been lost in the latest draft).
6. MultiChoice does not wish to prolong the finalisation of the Code, given the important objectives which it seeks to achieve.
7. We will therefore limit our comments to those which are focussed on ensuring that the Code is viable, workable and appropriate, notwithstanding our reservations about the proposed quota system.
8. Our comments will focus on:
	1. definitions in the Code; and
	2. overlapping obligations, including overlapping quotas for the same kind of disability, overlapping regulatory requirements and overlapping reporting obligations.
9. In addition, we make comments on specific provisions of the Code and proposals to improve the drafting of the Code in general. Please refer to Annexure A for all the drafting proposals.

Key definitions

"Applicable channels" and "third party channel"

1. The quotas apply to "applicable channels".
2. This term was defined in the 2017 draft Code to mean "*all audio-visual channels broadcast by a licensee except a third party channel(s) and channels consisting predominantly of live programming content such as news, reality or sport*".
3. Under the 2017 draft Code, both (a) third party channels and (b) sports, news and reality channels were excluded from the definition of applicable channels. This was done to ensure that the quotas would be capable of implementation.
4. The draft Code now defines "applicable channels" as excluding "*a third-party channel(s) consisting predominantly of live programming content such as news, reality or sports*".
5. In the result, third party channels are excluded only to the extent that they consist predominantly of sports, news or reality programming. The consequence is that –
	1. a reality channel, for example, will be an applicable channel, if it is an in-house channel, and
	2. a third party channel in another genre will be an applicable channel, even though it falls outside the broadcaster's control.
6. The Explanatory Memorandum provides no explanation for this change.
7. In addition, the definition of "*third party channel*" has been deleted, leaving the meaning of the term uncertain.[[2]](#footnote-3)
8. In addition to live programming, music and other unscripted audio-visual content do not easily lend themselves to accessibility. We accordingly propose adding the phrase "or unscripted" to the definition of "Applicable Channels".
9. We also propose that licensees be afforded sufficient flexibility to designate more applicable channels to achieve maximum compliance and maximum benefit for persons with disabilities.
10. We urge the Authority to revert to the definitions of "applicable channels" and "third party channel" in the 2017 draft Code, subject to our proposals to include "unscripted" programming such as music, unless a channel is voluntarily designated by the licensee, as follows:

"**Applicable Channels** means all television channels broadcast by a television broadcasting licensee except a third-party channel(s) and channels consisting predominantly of live or unscripted programming content such as news, reality, music or sport; unless voluntarily designated by the licensee."

**Other definitions**

Sign language, closed captioning, sub-titling

1. We have noted various areas where the definitions of specific accessibility services can be improved and made more precise. Kindly refer to Annexure A for our specific drafting proposals.

 Overlapping obligations

1. We have consistently motivated for a Code which enables licensees to extract maximum benefit and impact from their available budget and resources.
2. To this end, we have, on several occasions, raised concerns about duplication in compliance obligations with the same ultimate objective.
3. There are two key areas of duplication in the draft Code, namely –
	1. overlapping quotas catering to the same type of Disability; and
	2. overlapping regulatory obligations to address the needs of persons with disabilities.
4. We address these concerns below.

Overlapping quotas

1. The Draft Code duplicates requirements for accessibility services which have a substantially similar function and purpose.
2. Whereas the 2017 draft Code required one accessibility service to be provided per Disability, the draft Code requires three different kinds of accessibility services to benefit deaf and hearing impaired persons – namely subtitles, closed captioning and sign language.
3. Sub-titling and closed captioning are substantially similar services, intended to promote access to broadcasting services by persons with the same disability.
4. This duplication in obligations compels broadcasters to invest substantial resources in similar accessibility services, with marginal benefit. In addition, it gives rise to practical compliance implementation and reporting difficulties, given the similarities between services such as subtitles and closed captioning. Licensees will need to discern on a granular level per programme which type of accessibility service it falls into and categorise and count it accordingly. This is irrational and impractical.
5. We recommend that the approach be simplified and that the Code set out one quota for hearing impaired Accessibility Services and one quota for visually impaired Accessibility Services.
6. This was the approach in clause 4(1)(a) of the 2017 Draft Code, which proposed requiring broadcasters to implement one accessibility service quota for each disability.
7. We propose that Reg. 3(1)(a) be amended to read as follows:

"(1) A television broadcasting service licensee must implement the following Accessibility Services on Applicable Channels:-

1. Audio description; and
2. Subtitles and/or Closed captioning."
3. We propose that the quota for subtitles and closed captioning be combined as follows:

"A television broadcasting service licensee must implement the following minimum percentages of total Subtitles and/or Closed Captioning, measured across its broadcasting service on Applicable Channels:

|  |
| --- |
| **Minimum Subtitling and/or Closed Captioning requirements** |
|   | **Public** | **Commercial free to air** | **Subscription** | **Community** |
| Year 1 | 10% | 5% | 2.5% | 2% |
| Year 2 | 20% | 5% | 3% | 2% |
| Year 3 onwards | 30% | 10% | 5% | 4% |

Overlapping obligations

1. The proposed requirement for an accessibility plan in draft Reg. 8 gives rise to further duplication.
2. As indicated above, we have consistently motivated for more meaningful ways to promote accessibility instead of quotas.
3. In June 2019, the Authority requested us to "*provide alternative solutions that are best suited to ensure that licensees comply with the regulations*" should the Authority "*remove quotas from the draft regulations*".
4. We commended the Authority's openness to removing the proposed quotas and its initiative to seek alternatives to quotas. We also appreciated that the Authority sought to put in place measures that ensure that licensees comply with the regulations, and to ensure a level of accountability and compliance.
5. In this vein, we proposed an alternative solution for the Authority's consideration, namely that licensees submit an accessibility plan to the Authority, setting out binding commitments for that licensee to promote accessibility for persons with Disabilities to its broadcasting service, including reporting obligations.[[3]](#footnote-4)
6. Our proposal for an accessibility plan was put forward as an alternative, to be developed at the broadcaster's discretion, to give broadcasters the flexibility to develop and implement initiatives tailored by it for its broadcasting service.
7. Since the Authority has persisted in imposing quotas to promote accessibility to broadcasting services, there is no need for the accessibility plan.
8. Moreover, the accessibility plan imposes an unnecessary drain on the time, finances and resources of both the licensees and ICASA, with marginal benefit.
9. Since the Authority has opted for the quota system, Reg. 8 should be deleted.
10. We note the requirement in Reg 4(2) for a broadcasting service licensee to "*ensure that its services are made available and are accessible to persons with Disabilities*".[[4]](#footnote-5)
11. The Explanatory Memorandum states that this requirement for "improving accessibility" was inserted because "*persons with Disabilities must have access to information and entertainment, thus the insertion of this requirement in the draft regulation ensures inclusion for persons with Disabilities*".
12. While we support the sentiments expressed in the Explanatory Memorandum, no substance is given to this obligation, and it is not clear what requirements it imposes over and above the specific obligations in the Code.
13. We therefore propose that Reg. 4(2) should be clarified to indicate that the licensee must comply with the obligations in the Code.

Other comments

1. The Authority has proposed two major new changes to the draft Code at this late stage of the process, namely a new obligation in respect of breaking news and harsh penalties.
2. Both of these proposals are unduly harsh and ill-considered. We deal with them below.

News

1. Reg. 4(1) provides for breaking news. It provides:

"A television broadcasting service licensee must provide for a news text strapline, in case of breaking news across channels".

1. The Explanatory Memorandum does not provide further clarity on this obligation. It merely states that "*every person is entitled to breaking news, including persons with a disability. The previous drafts failed to cater for persons with Disabilities in this regard*".[[5]](#footnote-6)
2. To the extent that the intention is for news programmes/channels to contain a strapline with breaking news, we submit that this requirement is unnecessary, as this is common practice. Nevertheless, to the extent that this is the intention, it should be clarified.
3. However, it appears that the Authority's intention may be to require such a breaking news strapline to appear across all channels comprising a broadcasting service.
4. The DStv service contains 160 audio-visual channels, the majority of which are third party channels. MultiChoice may not interfere with the content of third party channels. It simply receives and re-transmits third party channels as part of its bouquets. It is not feasible for MultiChoice to insert breaking news straplines in multiple channels across its service.
5. Nor is it rational or practical to require news straplines across all channels (e.g. children's' programming) or across multiple channels simultaneously.
6. The draft Code also fails to indicate what constitutes "breaking news" which might constitute a wide range of news every hour.
7. While we acknowledge the desire to promote access by hearing impaired persons to news, the proposed requirement is not workable.
8. We propose that Reg. 4(1) be deleted. Alternatively, it should be amended to clarify that the obligation applies to selected news channels only.

Penalties

1. For the first time since the draft Code was published for comment, the Authority has proposed a fine not exceeding R5 million or 10% of the licensee's annual turnover for everyday or part thereof during which the contravention occurred.
2. The Explanatory Memorandum states that "*the contravention of the Regulations must be viewed in a serious light as the contravention thereof deprives persons with Disabilities with access to information and their rights to dignity*".[[6]](#footnote-7)
3. While we appreciate the desire to promote access to information and dignity of persons with Disabilities, the proposed turnover-based fine is unduly harsh and inappropriate. Amongst other things:
	1. It does not indicate which is the maximum fine – the R5 million or the turnover percentage.
	2. It applies to any contravention (except for Reg. 4(4), which is in any event voluntary), regardless of the nature of the contravention, the extent to which it impacts on the dignity of persons with Disabilities or their access to information, and regardless of the circumstances giving rise to the contravention. For example, the failure to meet a quota attracts the same penalty as the late submission of an annual compliance report and the failure to provide a brochure to an organisation that works with deaf persons.
	3. The proposed fine is extremely high. If a contravention persisted for 10 days, the fine could amount to the licensee's entire turnover for the previous year.
	4. The licensee's turnover in any event bears no relation to the contravention of the Code.
	5. The turnover-based fine is out of line with the Authority's practice in determining penalties. While turnover-based penalties are imposed in isolated circumstances,[[7]](#footnote-8) the Authority's usual practice is to determine a reasonable maximum fixed fine. For example, the Must Carry Regulations, Political Election Broadcasts and Political Advertisements Regulations and the Type Approval Regulations prescribe a fine of R1 million for specified contraventions of the Regulations.
4. For all of these reasons, the proposed turnover-based penalty is unduly harsh and inappropriate, and should be deleted.
5. Given the delays in the finalisation of the Code, we do not wish to unduly prolong this process. We have therefore refrained from making submissions on other provisions of the Code.
6. Our proposals to improve the general drafting of the Code are set out in Annexure A.

Conclusion

1. We trust that our input will contribute constructively to the finalisation of a Code which is clear, effective and appropriate.
2. It is our sincere hope that this process will gain traction and soon be finalised in a manner that strikes an appropriate balance between the needs of persons with disabilities and the viability of broadcasters.
3. Should the Authority hold hearings on the draft Code, we request an opportunity to make oral submissions.

Yours faithfully

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Kwezi Mtengenya

General Manager: Regulatory Affairs

(Sent electronically without signature)

annexure A: drafting proposals

**DRAFT REGULATIONS ON THE CODE FOR PERSONS WITH DISABILITIES**

1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been assigned in the Act, has the meaning so assigned, unless the context indicates otherwise:

'''**Act**" means the Electronic Communications Act, 2005 (Act No. 36 of 2005) as amended;

"**Accessibility**" means the ability by persons with Disabilities to equally access and benefit from broadcasting and electronic communications services;

"**Accessibility Services**" means a service such as Audio Description, Closed Captioning, Subtitles, or any other similar service;

"**Applicable Channels**" means all television channels broadcast by a television broadcasting licensee except a third-party channel(s) and channels consisting predominantly of live or unscripted programming content such as news, reality, music or sports, unless voluntarily designated by the licensee;

"**'Audio Description**" means oral commentary that gives a viewer who is blind or partially sighted a verbal description of what is happening on the television screen at any given moment. It is provided as an aid to the understanding and enjoyment of the programme. The technique uses a second sound track that gives a description of the scene and the on-screen action;

"**Closed Captioning**" means a process of converting the audio content (including the dialogue and sound effects) of television broadcast or other production into text and displaying the text on a screen or monitor;

"**Disability**" For the purpose of these regulations, Disability refers to a long-term or recurring hearing or visual impairment;

"**National Relay System**" means phone services operated by interpreters that enable persons who are deaf or hard of hearing or who have a speech impairment, to communicate by phone through an interpreter with a person who can hear in a manner that is "functionally equivalent" to the ability of an individual without a disability;

"**Photosensitive**" is when seizures are triggered by flashing lights or contrasting light and dark patterns;

"**Sign language**" means a language such as the South African Sign Language, that uses a system of manual, facial, and other body movements as a means of communication;

"**Subtitles**" means a service by which the dialogue in a video programme is depicted via on-screen text that is synchronized with the dialogue;

"**Third-party channel**" means a channel which is produced or packaged by any person other than the relevant broadcasting service licensee or its affiliate;

"**Universally Designed**" means the design of products, environments, programmes and services usable by all people, to the greatest extent possible, without the need for adaptation or specialised design;

"**Year 1**" means the twelve-month period commencing on the date on which these Regulations come into operation in accordance with regulation 12 of these Regulations.

1. PURPOSE AND SCOPE OF THE REGULATIONS

The purpose of these Regulations is to prescribe a Code for Persons with Disabilities, to be adhered to by Electronic Communications Service ("ECS") licensees and broadcasting service licensees, aimed at ensuring that persons with Disabilities have access to services.

1. BASIC STANDARDS FOR BROADCASTING SERVICE LICENSEES

**Accessibility Services**

* 1. A television broadcasting service licensee must implement the following Accessibility Services on Applicable Channels: -
		1. Audio Description; and
		2. Subtitles and/or Closed Captioning.

**Audio Description**

* 1. The objective of Audio Description is to aid the understanding and enjoyment of a television programme.
	2. A broadcasting service licensee must maintain quality access to Audio Description, which is essential for ensuring that audiences using broadcasting services benefit from them.

**Sign Language**

* 1. A television broadcasting service licensee must:
		1. ensure that the viewer can see not only the hands but also, where applicable, the facial expressions of the interpreter;
		2. monitor the effectiveness of the service through annual consultations with organisations representing hearing impaired persons;
		3. ensure that sign language interpreters employed have a recognised sign language qualification from an accredited institution; and
		4. where practicable, give preference to South African Sign Language.

**Subtitles**

* 1. A television broadcasting service licensee which provides Subtitles must:
		1. provide Subtitles as near synchronous to speech as is practicable;
		2. reflect the spoken word with the same meaning;
		3. construct Subtitles which contain easily read sentences, and commonly used sentences in a tidy and sensible format; and
		4. give proper contrast between foreground and background colours.
1. GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PERSONS WITH DISABILITIES FOR BROADCASTING SERVICE LICENSEES

**Provision for Breaking News**

* 1. A television broadcasting service licensee must provide for a news text strapline, in case of breaking news, across selected news channels.

**Improving accessibility**

* 1. A television broadcasting service licensee must ensure that its services are made available and are accessible to persons with Disabilities in accordance with these Regulations.
	2. A television broadcasting service licensee must ensure that there is access to programme support including fact sheets and electronic programme guides (EPGs) on its website or its applications.
	3. A television broadcasting service licensee may make broadcasting services more accessible to persons with Disabilities by doing the following: -
		1. providing a range of formats on a television broadcaster's website (such as electronic versions and audio clips);
		2. incorporation of Accessibility Services into advertisements, economic indicators, weather details, telephone numbers and addresses or details of goods and services shown on screen; or
		3. making use of non-scheduled services such as access via personal video digital recorders (PVRs) and video on demand (VOD).

**Warning to photosensitive viewers**

* 1. A television broadcasting service licensee must take special care when providing content that may disturb photosensitive audiences/viewers and issue warnings on the television screen prior to broadcasting for persons with photosensitive epilepsy.
	2. A television broadcasting service licensee must implement the minimum level applicable Accessibility Service relevant to its broadcasting service licence category, as follows:

**Subtitles and/or Closed Captioning:**

* + 1. A television broadcasting service licensee must implement the following minimum percentages of total Subtitles and/or Closed Captioning, measured across its broadcasting service on Applicable Channels:

|  |
| --- |
| **Minimum Subtitling and/or Closed Captioning requirements** |
|   | **Public** | **Commercial free to air** | **Subscription** | **Community** |
| Year 1 | 10% | 5% | 2.5% | 2% |
| Year 2 | 20% | 5% | 2.5% | 2% |
| Year 3 onwards | 30% | 10% | 5% | 4% |

**Audio Description:**

* + 1. A television broadcasting service licensee which provides Audio Description must implement the following minimum percentages of total Audio Description, measured across its broadcasting service on Applicable Channels:

| **Minimum Audio Description requirements** |
| --- |
|  | **Public** | **Commercial free to air** | **Subscription** | **Community** |
| Year 1 | 2% | 1% | 1% | 0.4% |
| Year 2 | 4% | 2 % | 1% | 0.8% |
| Year 3 onwards | 6% | 3% | 1.5% | 1.25% |

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1. BASIC STANDARDS FOR ELECTRONIC COMMUNICATIONS SERVICE LICENSEES

**Universally Designed Products and Services:**

* 1. An Electronic Communications Service licensee must ensure that all electronic communications devices ready for purchase are Universally Designed to cater for the needs of persons with Disabilities.

**Hearing Aid Compatibility Requirements for Fixed Line Handsets:**

* 1. An Electronic Communications Service licensee must ensure that all its fixed line telephones being offered to the public have hearing aid compatibility. Some of the features may include the following:
		1. a standard rental telephone handset which includes one-touch dial memory, a lightweight handset and a built-in hearing aid coupler;
		2. a telephone which amplifies the incoming caller's voice to suit the listener;
		3. a telephone which amplifies the speaker's voice, allowing the speaker to adjust the speech level to suit the listener;
		4. a hands-free telephone for a person who cannot hold a telephone handset;
		5. an ancillary telecommunications product which has adjustable volume, tone and pitch controls to assist the user to hear the telephone ringing;
		6. an ancillary telecommunications product which allows the connection of a second piece of equipment (e.g. a visual signal alert) in parallel with the existing telephone;
		7. an ancillary telecommunications product in which the telephone handset is cradled, providing hands-free operation; or
		8. a telephone adapting device which allows a person with cochlear implant to have access to the standard telephone service.

**Visual Aid Compatibility Requirements for Mobile Handsets:**

* 1. An Electronic Communications Service licensee must ensure that all its mobile handsets being offered to the public have visual aid compatibility. Some of the features may include the following:
		1. Customized Displays - An Electronic Communications Service licensee must make provision for wireless device screens with better contrast, illumination, larger font size and magnifying functionalities;
		2. Alternate formats - An Electronic Communications Service licensee must make provision for product information and billing in alternate formats (Braille, large print, electronic (plain text or HTML, audio format etc.) upon request, and ensure that this information is easily accessible on the operators' website;
		3. Braille - An Electronic Communications Service licensee must make provision for phones that have built-in, or that make use of applications that have the capability of connecting wirelessly. When set up, it must support navigation and text input from a Braille keyboard;
		4. Screen Reader - An Electronic Communications Service licensee must make provision for a screen access application that provides individuals, who are blind or visually impaired, with the ability to read the text that is displayed on the computer screen with a speech synthesizer;
		5. Voice Recognition - Electronic Communications Service licensees must provide options for consumers to interact with their phone using their voice, or voice recognition;
		6. Automatic Responses - Electronic Communications Service licensees must provide a program on wireless devices to answer automatically or redial certain calls or messages; Hands-free or One-Touch - Electronic Communications Service licensees must provide a hands-free device with a speakerphone or assign certain functions to one button for dialling or other pre-programmed functions.
1. NATIONAL RELAY SYSTEM ("NRS")
	1. An Electronic Communications Service licensee must provide for a NRS which translates voice to text and vice-versa, on calls made by persons who are deaf or have a hearing or speech impairment.
	2. The NRS must offer the following relay services:
		1. Type and read;
		2. Speak and listen;
		3. SMS or text based services;
		4. Video; and
		5. Captioned telephony.
	3. An Electronic Communications Service licensee must comply with the NRS specifications, applicable to video, as contained in Annexure A of these Regulations.
	4. The NRS specification, applicable to video, must be implemented as follows:

| **Timeline** | **Operating hours** |
| --- | --- |
| Year 1 | 09h00 -18h00 |
| Year 2 | 06h00 - 22h00 |
| Year 3 onwards | 24 hours |

1. GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PERSONS WITH DISABILITIES FOR INDIVIDUAL ELECTRONIC COMMUNICATION SERVICE ("I-ECS") LICENSEES
	1. An I-ECS licensee must provide free directory services to the hearing and sight impaired persons upon request.
	2. **Emergency services**: An I-ECS licensee must provide a special number for emergency services by including functionalities for persons with Disabilities.
	3. **Priority fault repairs**: An I-ECS licensees must prioritise an urgent need to repair a handset for persons with Disabilities.
	4. **Customer Service Staff**: An I-ECS licensee must ensure that there are trained employees who can provide customer service and communicate with persons with Disabilities in all its stores.
	5. **Demonstration of equipment**: An I-ECS licensee must ensure that it provides a demonstration in respect of the use of the equipment to persons with Disabilities who visit a broadcasting service or I-ECS licensee's store before the person purchases, where reasonably possible.
	6. **Access to information**:
		1. Television and broadcasting service and I-ECS licensees must:
			1. ensure that, where practicable, they provide upon request printed material outlining accessible products for persons with Disabilities in simple and reader friendly languages in all their stores;
			2. provide brochures, videos and other information to organisations that work with deaf persons on a regular basis to ensure the information provided is displayed on information stands and targeted to deaf persons;
			3. make available advertisements and promotions for products and services specifically designed for persons with Disabilities in accessible formats to relevant organisations of persons with Disabilities in every province upon request;
			4. make provision for specific needs offers categorised according to disabilities, including hearing, sight, and dexterity disabilities which must be easily accessible on the operators' website.
2. COMPLIANCE REPORTING

A television broadcasting service and I-ECS licensees must submit annual reports to the Authority, sixty (60) days after the end of the licensee's financial year, on the nature and extent of the licensee's compliance with these Regulations.

1. CONTRAVENTIONS AND PENALTIES

A licensee that fails to materially comply with these Regulations, except for regulation 4(4), will be subject to a fine not exceeding R5 000 000, 00 (five million rand).

1. REPEALED REGULATIONS

The Code on Persons with Disabilities Regulations published in Government Gazette No. 30441 of 2007 is hereby repealed.

1. TRANSITIONAL ARRANGEMENTS

An existing terrestrial television broadcasting service licensee will be required to begin complying with these Regulations with effect from the date of the national final switch-off of analogue signals gazetted by the Minister.

1. SHORT TITLE AND COMMENCEMENT

These Regulations are called the Code for Persons with Disabilities Regulations, 2020 and shall come into effect eighteen (18) months after publication in the Government Gazette.

**Annexure A**

**National Relay system Specifications Applicable to Video**

**…**

1. Draft Code for Persons with Disabilities Regulations for Further Public Comments, published under notice number 317, Government Gazette number 43416, 12 June 2020 [↑](#footnote-ref-2)
2. "Third party channel" was defined in s1 of the 2017 draft Code as meaning "*a channel which is produced or packaged by any person other than the relevant broadcasting service licensee or its affiliate*" [↑](#footnote-ref-3)
3. M-Net and MultiChoice response to request for further information, 4 July 2019 [↑](#footnote-ref-4)
4. Reg. 4(2) of the draft Code [↑](#footnote-ref-5)
5. Para 3.3.2 of the Explanatory Memorandum [↑](#footnote-ref-6)
6. Para 3.3.3 of the Explanatory Memorandum [↑](#footnote-ref-7)
7. For example in the Local content Regulations and the Call Termination Regulations [↑](#footnote-ref-8)