

**SPORTS BROADCASTING REGULATIONS, 2010 AS PROPOSED TO BE
AMENDED BY THE DRAFT SPORTS BROADCASTING SERVICES AMENDMENT
REGULATIONS, 2018**

1. Definitions

In these regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Electronic Communications Act, has the meaning so assigned.

“Act” means the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended;

“CAF” means the Confederation of African Football;

“CCC” means the Complaints and Compliance Committee established by the Authority in terms of section 17A of the ICASA Act;

“Confederation sporting event” means an official sporting event arranged by a recognised international sports body that governs a particular sport which involves national federation as contemplated in terms of section 1 of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998) and does not include friendly games;

“COSAFA” Council of Southern Africa Football Association;

“delayed” means broadcasting the full sporting event not more than two hours after the completion of the event;

“delayed live” means commencing broadcasting the full sporting event halfway through the completion of that event, after it has commenced;

“Developmental Sports” means sports aimed at promoting social change and enlarging the population's choices and increasing opportunities to all members of the society;

“dispute” means a disagreement or difference that arises in connection with the entering into, renewing or interpretation of a commercial agreement entered into by broadcasting service licensees regarding the broadcast of a national sporting event and in respect of which mediation, arbitration or conciliation may be requested;

“FIFA” means the Federation of International Football Associations;

“free-to-air broadcasting service licensee” means a licensee who, at all times, provides a broadcasting service capable of being received without payment of a subscription fee;

“ICC” means the International Cricket Council;

“IRE” means the International Rugby Board;

"list" means the list of national sporting events as set out under [regulation Error! Reference source not found.5](#) "live" means broadcasting the sporting event in full as it happens;

"Ministers" means the Minister responsible for Communications and the Minister responsible for Sport and Recreation;

"Minority Sports" means any sport that does not have majority of the population's following or a sport having a less distinctive presence within a larger society;

"National Senior Team" means the highest-ranking team in a specific sporting age group;

"national sporting event" means a listed sporting event as referred to in [regulation Error! Reference source not found.5](#)

"National Sporting Events" means the broadcasting of sporting events that are deemed to be of national interest and include the South African National Senior Team;

"National Sporting Representative" means any individual representing South Africa in a confederation sporting event;

"National team" means any senior South African team participating in a confederation sporting event;

"Sports of National Interest" means an event that does not necessarily involve a Senior National Team but appeal to the majority of South African populace;

"Subscription broadcasting service licensee" means a licensee who provides a broadcasting service to a subscriber upon payment of a fee.

2. Object of the regulations

The object of these regulations is to:

- (a) Regulate the broadcasting of national sporting events in the [public interest, within the](#) Republic;
- (b) Determine the criteria to be used in the listing of national sporting events;
- (c) Identify and list national sporting events; and
- [\(d\)](#) Provide a dispute resolution mechanism;
- [\(d\)\(e\)](#) [Reach a wider audience and to strike a balance between audience and revenue.](#)

3. Scope of regulations

- (1) These Regulations shall apply to Free-to-air and Subscription broadcasting service licensees.

4. Criteria for identifying national sporting events of public interest

- (1) The Authority has used the following criteria in determining national sporting events that are of public interest:
 - (a) a confederation sporting event involving a national team or a ~~an individual~~ national sporting representative;
 - (b) a semi-final and final of a national knockout competition; or
 - (c) an opening game, semi-final and final of a confederation sporting event.
- (2) Any new sporting event that falls within the criteria mentioned in regulation Error! Reference source not found.4(1)(a) (c) above shall be considered for listing during the review period in terms of regulation Error! Reference source not found.7.

5. Listed ~~national s~~Sporting ~~e~~Events and Codes

5.1 Group A: Compulsory Listed National Sporting Events for a Free-to-air licensee with full live coverage;

~~(1)~~5.1.1 Subject to the criteria provided in regulation Error! Reference source not found.4 (1)(a) ~~—(e)~~ the following are listed national sporting events which must be broadcast on full live coverage on Free-to-air:

- (a) Summer Olympic Games;
- (b) Paralympics
- ~~(c)(a) Commonwealth Games~~
- ~~(d)(a) All Africa Games~~
- ~~(e)(c) FIFA World Cup~~
- ~~(f)(d) Africa Cup of Nations~~ (Male and Female Soccer)
- ~~(g)(e) IRB-Rugby World Cup~~
- ~~(h)(f) ICC Cricket World Cup~~
- ~~(i)(g) ICC T20 Cricket World Championships~~

(h) International Boxing Federations

(i) National Netball;

(j) Commonwealth Games; and

(k) International Association of Athletics Federation (IAAF).

5.1.2 If a Free-to-air licensee cannot acquire the above sporting rights, the Free-to-air Licensee must inform subscription service broadcasters, to allow an opportunity for the latter to bid for the rights on a non-exclusive basis.

5.2 Group B: National Sporting Events offered to a subscription broadcasting licensee on a non-exclusive basis under sub-licencing conditions;

5.2.1 The following sporting events fall within this group:

(a) Super 14 Rugby;

(b) All Africa Games;

(c) COSAFA Cup;

~~(a) Comrades Marathon~~

~~(b)(a) Two Oceans Marathon~~

~~(c)(a) Super 14 Rugby~~

~~(d)(a) COSAFA Cup~~

~~(e)(d) CAF Champions League;~~

~~(f)(e) CAF Confederations Cup;~~

~~(g)(f) Telkom-Charity Cup (Soccer);~~

~~(h)(g) MTN-Supa 8 Cup (Soccer);~~

~~(h) Telkom-Knockout (Soccer);~~

~~(i) Nedbank-Soccer Championship Cup;-(Soccer)~~

~~(j) Currie Cup (Rugby);~~

(k) Two Oceans Marathon;

(l) Comrades Marathon;

Two Oceans Marathon

(m) MTN-40 (Cricket) Domestic Boxing Tournaments;

(n) Premier Soccer League;

(o) Domestic Cricket Championships; and

~~(k)~~(p) Premier Hockey League.

~~(e) International Boxing Federations~~

5.2.(2) These Amendment R regulations will continue to apply to the listed national sporting events in Group A and B irrespective of any changes in the name of the competition or the sponsorship of the listed event.

5.3 Group C: Minority and Developmental Sporting Events to be broadcast by subscription and Free-to-air broadcasters.

5.3.1 The following sporting codes fall within this group:

(a) Ice Hockey;

(b) Tennis;

(c)

(d) Dance;

(e) Martial Arts;

(f) Wrestling;

(g) Indigenous Games;

(h) Basketball;

(i) Volleyball;

(j) Squash;

(k) Chess;

(l) Gymnastics;

(m) Varsity Sports;

(n) Golf; and

(o) Motor sport.

5.3.2 In respect of the sporting codes listed in Group C, Free-to-air and subscription service broadcasters must broadcast events of at least two (2) of the listed sporting codes per annum.

6 Broadcasting of national sporting events

~~6.1 Subscription broadcasters who have~~A broadcasting service licensee who has acquired rights ~~or failed to acquire rights~~ in terms of regulation 55.2 must inform ~~other free-to-air~~ broadcasting service licensees within five (5) days of acquiring such rights ~~or failure to do so, foref~~ the opportunity ~~by other broadcasters~~ to tender for same if the rights are not acquired.

6.2 A listed national sporting event may be broadcast live, delayed live or delayed by a free-to-air broadcasting service licensee.

6.3 A broadcasting service licensee must under no circumstances prohibit another from advertising a national sporting event.

6.4 Consistent with regulation Error! Reference source not found.6 (3) the actual time periods or scheduling of advertisements of national sporting events shall be determined by the parties in their commercial agreement.

7. Review of the Listed eEvents

(1) A national sporting event may be removed from ~~and or~~ added to the list subject to the following conditions:

(a) ~~To ensure predictability and certainty, the criteria used in the listing of national sporting events and consequently the list of national sporting events will be reviewed after every four years from the date of the publication of these regulations. Following the publication of the current list for public input every three (3) years from the date the Regulations come into effect.~~

(b) ~~Any interested~~When a stakeholder can, within the four year review period, submit an application asking applies to the Authority to add or remove a national sporting event and provides reasons for such application.;

(c) ~~Any~~The application to add or remove a national sporting event shall be subjected to a public process.

(d) Consistent with section 60(1) of the Act, any changes to the criteria used in the listing of national sporting events and the list itself shall be effected after consultation with the Ministers of Communications, Telecommunications and Postal services and Minister of Sports and Recreation.;

~~(d)~~(e) Following the review of the Regulations.

8. Dispute resolution

- (1) Broadcasting service licensees entering into a commercial agreement regarding the broadcast of a national sporting event of public interest must include an Alternative Dispute Resolution mechanism which shall govern any dispute between the parties.
- (2) The outcome of the Alternative Dispute Resolution mechanism shall bind the parties to the agreement.
- (3) Failure of the parties to include an Alternative Dispute Resolution in terms of [regulation Error! Reference source not found.8\(1\)](#) or to implement the outcome of the Alternative Dispute Resolution in terms of [regulation Error! Reference source not found.8\(2\)](#) shall constitute a lack of compliance by the parties.

(3A) A broadcasting service licensee entering into a commercial agreement in terms of these Regulations may report any unresolved dispute and/or non-compliance with regulation 8(1) and 8(2) to the Authority.

- (4) The Authority shall refer any failure to comply with [regulation Error! Reference source not found.8\(1\)](#) and 8(2) to the ~~Complaints and Compliance Committee (CCC)~~ which shall hear the matter and make recommendations to the Authority on the action to be taken against the parties for their lack of compliance.

9. Monitoring

- (1) A free-to-air broadcasting licensee and subscription broadcasting licensee, broadcasting national sporting events, must keep records of all national sporting events broadcast by such licensee. These records must include:
 - (a) full particulars of all listed national sporting events broadcast during each quarter by the licensee;
 - (b) whether the listed sporting event was broadcast live, delayed live, or delayed; and
 - (c) where applicable, set out the circumstances which resulted in the failure to broadcast a national sporting event.
- (2) A broadcaster, who is involved in broadcasting national sporting events, shall file the records of its broadcasts one hundred and twenty (120) days from the date of the publication of these regulations and after every year from the date of the first filing.

10. Penalties

A broadcasting service licensee that contravenes or fails to comply with the provisions of these regulations, ~~is liable to a fine not exceeding Five Hundred Thousand (R500 000) for the contravention of regulations 6(1)–(3) or 8(1) and (2) or 9(1) and (2) shall be referred to the CCC.~~

11. Repeal of existing regulations

These Regulations repeal the Sport Broadcasting Rights Regulations, 2003 as promulgated in terms of the Broadcasting Act, 1999 (Act No. 4 of 1999).

10. Short title and commencement

These regulations are called the Sport Broadcasting Services Regulations, 2010 and shall come into force upon publication in the *Government Gazette*.