

23 January 2026

Ms Mamedupe Kgatshe

Project Manager

Independent Communications Authority of South Africa

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Dear Madam

**RE: Submission — Draft Amendment to Municipal Party Elections Broadcasts and Political Advertisements Regulations, 2026**

1. eMedia refers to the publication by the Independent Communications Authority of South Africa (the Authority) for public consultation of the Draft Amendment to the Municipal Party Elections Broadcasts and Political Advertisements Regulations, 2026 (“**the Draft Regulations**”) on 31 October 2025 in Government Gazette 53608, Notice 6785 of 2025.
2. Thank you for this opportunity to make written submissions on this draft and we remain committed to engaging with the Authority on this process. Should the Authority decide to hold public hearings we would like the opportunity to make an oral representation.
3. As you may be aware, eMedia is the holding company with news and current affairs broadcasting interest. These interests include:

- 3.1. e.tv (Pty) Ltd – the first private free-to-air broadcaster in South Africa which operates in terms of an Individual Broadcasting Licence and holds a corresponding Radio Frequency Licence;
- 3.2. e.sat (Pty) Ltd – which is the holder of a Subscription Broadcasting Licence and currently broadcasts to pay channels on the platform known as Openview; and
- 3.3. Platco Digital (Pty) Ltd – which broadcasts Openview as a free-to-air satellite service;
- 3.4. YFM (Pty) Ltd – which has a Radio Broadcasting Licence and broadcasts on the FM frequency.
4. eMedia welcomes the proposed amendments. eMedia believes that certain clauses require clarity. These are as follows:
- 4.1. Amendment no. 2.3. which inserts the definition of “**Election period**”
- 4.1.1. It is noted that “**Election broadcast period**” applies exclusively to “**party election broadcasts**” in terms of **Regulation 5.4(12)(a)**; whilst
- 4.1.2. “**Election period**” applies more broadly to both “**political advertisements**” and “**political election broadcast**”.
- 4.1.3. **Concern and Implications**

As indicated below in this submission, “PEB” appears to have been redefined from “party election broadcast” to “political election broadcast”. Notably, “political election broadcast” is regulated across the broader election period, rather than being confined to the election broadcast period.

This creates uncertainty as to whether:

- the continued use of “Election broadcast period” is intentional; or
- the draft regulations contain an oversight in failing to amend, delete, or align this definition with the revised concept of political election broadcasts.

The absence of an express deletion, substitution, or clear differentiation between the two periods results in ambiguity regarding the temporal application of PEB-related obligations.

#### **4.1.4. Proposed Clarification**

To ensure legal certainty and consistent application, it is respectfully submitted that the Authority should—

4.1.5. clarify whether “Election broadcast period” is intended to remain a distinct and limited period applicable only to specified PEB obligations; or

4.1.6. delete or amend the definition of “Election broadcast period” to align with the broader “Election period”, particularly in light of the redefinition of PEB as “political election broadcast”.

#### **4.2. Amendment no. 2.11. which inserts the definition of “Political election broadcast”**

The proposed definition appears to merge the wording and intent of the Electoral Commission Act (ECA) and the 2021 Regulations, notably by expressly including independent candidates. This alignment is welcomed and promotes consistency with the current electoral framework.

However, the draft regulations do not make it clear whether “Political election broadcast” is intended to be an additional definition or a substitute for the existing definition of “Party election broadcast (PEB)”.

For reference, the 2021 amendment definition provided that:

*“Party election broadcast” means a party election broadcast made by a political party or an independent candidate.*

No express deletion or substitution of the definition of “Party election broadcast” is provided for in the draft regulations. The coexistence of both terms creates

uncertainty as to which regime applies, particularly given the substantive similarities between the two concepts.

#### **4.2.1. Implications**

- It is unclear whether “Political election broadcast” is intended to replace or exist alongside “Party election broadcast”.
- The absence of an express deletion or substitution may result in interpretational ambiguity and inconsistent application of the regulations.

#### **4.2.2. Proposed Amendment**

To ensure clarity and legal certainty, it is proposed that the draft regulations be amended—

- **by the deletion of the definition of “Party election broadcast”; and**
- **by the substitution thereof with the definition of “Political election broadcast” as set out above.**

4.3. Amendment 2.9 “Political advertisement” inserts the definition of “Political advertisement” which was previously not defined.

4.3.1. The current placement of the definition is chronologically incorrect, as it is inserted after the definition of “PEB”, despite the term “PA” being referenced earlier in the previous definitions.

#### **4.3.2. Proposed Amendment**

For clarity and logical sequencing within the definitions section, the definition should be repositioned. It is proposed that amendment 2.9 be changed to —

‘by the deletion of the definition of “PA”; and by the insertion after the definition of “PEB” of the following definition:

**“Political advertisement”** means an advertisement broadcast on a broadcasting service which is intended or calculated to advance the interests of any particular political party or independent candidate, for which advertisement the relevant broadcasting service licensee has received or is to receive, directly or indirectly, any money or other consideration;

#### **4.4. Definition of “BSL”**

**Directors:** JA Copelyn\*\*\* (Chairman), MKI Sherrif\* (Chief Executive Officer)  
TG (Kevin) Govender\*\*\*, HJ Carse\*\*, NJ Williams\*\*\*, VE Mphande\*\*  
\* Executive, \*\* Independent Non-Executive, \*\*\* Non-Executive

**Company Secretary:** HCI Managerial Services

The term “BSL” is used severally from regulation 3 as in the previous 2021 amendment from regulation 4(3) but without prior definition.

#### **4.4.1. Proposed Amendment**

To ensure harmony and avoid future amendments to insert definition as in the cases above, we propose the following:

by the insertion, after the definition of “independent candidate”, of the following definition:

“Political advertisement” means an advertisement broadcast on a broadcasting service which is intended or calculated to advance the interests of any particular political party or independent candidate, for which advertisement the relevant broadcasting service licensee has received or is to receive, directly or indirectly, any money or other consideration;

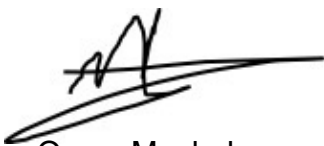
2.13 by the insertion the definition of “BSL” after the definition of “Political election broadcast” of the following definition:

“**BSL**” means Broadcasting Service Licensee

4.5. Insofar as **Regulation 6** is concerned, dealing with **PA’s**, we suggest that sub-(8)(a) also refers to the provisions of the **BCCSA** and that at the end of that sub-regulation the catch-all be inserted so that the sub-regulation reads: “contravene the provisions ...the Constitution, the Act the rules of the BCCSA and/or any other law”.

5. We trust that the above submissions will assist the Authority in finalising the Draft Regulations and we remain available to engage further on these matters.

Yours sincerely,



Oscar Machaba  
Compliance Manager  
eMedia Investments