
GENERAL NOTICES • ALGEMENE KENNISGEWINGS


INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 901 OF 2022****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA****Draft Amendment Regulations on the Processes and Procedures in respect of Applications, Amendments, Renewals, Surrender and Transfer of Individual Licences and applications for Special Temporary Authorisations in terms of the Electronic Communications Act, 2005, as amended.**

- (1) The Independent Communications Authority of South Africa (the "Authority") hereby amends the Processes and Procedures Regulations for Individual Licences, 2010, published in the Government Gazette on 14 June 2010 (Notice No. R. 522), as amended, to the extent reflected in the schedule.
- (2) A copy of the Draft Regulations will be made available on the Authority's website¹ and the Authority's Library at No. 350 Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion, (Ground Floor at Block C), between 09h00 and 16h00, Monday to Friday.
- (3) Interested persons are invited to make written representations with regard to the Draft Regulations and must be submitted to the Authority by no later than 16h00 on **15 May 2022** by post, hand delivery or electronically and marked specifically for attention: Mr Peter Mailula. Delivery address: Block B, 350

¹ <http://www.icasa.org.za>

Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion. Where possible, written representations should also be emailed to: PMailula@icasa.org.za. Enquiries should be directed to 012 568 -3657; between 09h30 and 16h00, Monday to Friday.

- (4) Written representation(s) received by the Authority pursuant to this notice, will be made available for inspection by interested persons at the Authority's library and such copies will be obtainable upon payment of the prescribed fee.
- (5) At the request of any person who submits written representations pursuant to this notice, the Authority may determine that such representations or any portion thereof is to be treated as confidential in terms of section 4D of the ICASA Act. Where the request for confidentiality is refused, the person who made the request will be allowed to withdraw such representations or portion (s) thereof.
- (6) Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral representations to the Authority.



DR. KEABETSWE MODIMOENG

CHAIRPERSON

DATE: 17/03/2022

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)**REGULATIONS**

The Independent Communications Authority of South Africa has, under section 5(7) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended, made the regulations in the schedule.

SCHEDULE**1. Definitions**

In these regulations "the Regulations" means the regulations published by Government Notice No. 522 of 14 June 2010, as amended by Government Notice No.154 of 30 March 2016 and Government Notice No. 767 of 5 December 2018.

2. Amendment of regulation 1 of the Regulations:

2.1. Regulation 1 of the Regulations is hereby amended by the substitution of paragraph (d) of the definition for "application" of the following paragraph:

"(d) to transfer or to transfer control of an Individual Licence; "

2.2. Regulation 1 of the Regulations is hereby amended by the substitution of the definition for 'historically disadvantaged persons' with the following definition:

"Historically Disadvantaged Persons ("HDP") – means women, persons with disabilities and youth, who before the Constitution of the Republic of South Africa, 1996 came into operation, were disadvantaged by unfair discrimination on the basis of race, gender, disability, sexual orientation or religion"

3. Amendment of regulation 4 of the Regulations:

Regulation 4 of the Regulations is hereby amended by the substitution of paragraph (c) of sub-regulation (1) for the following paragraph:

“(c) Form G: Application to transfer ownership and/or control of an individual Licence (Regulation 11);”

4. Amendment of regulation 5 of the Regulations:

4.1. Regulation 5 of the Regulations is hereby amended by the substitution of sub-regulation (1A) for the following sub-regulation:

“(1A) Applicants must submit either one (1) soft copy of the original application electronically (e.g., email) or two (2) hard copies (including an original) of the application as well as a soft copy of the application using external storage device.”

4.2. Regulation 5 of the Regulations is hereby amended by the substitution of sub-regulation (2) for the following sub-regulation:

“(2) Where any document is required in terms of these Regulations, it must be submitted to the Authority before 16h00 during working days. Further, if a document is submitted after 16h00, the document will be considered to have been received on the next day.”

4.3. Amendment of regulation 5A in the Regulations:

The following regulation is hereby amended by the substitution of regulation 5A of the Regulations with the following:

“5A. The Authority will not consider any application if the Applicant is in arrears with respect to any fees and/or is not compliant with any other applicable regulations or the Act.”

5. Amendment of regulation 10 of the Regulations:

Regulation 10 of the Regulations is hereby amended by the deletion of paragraphs (a) and (b) of sub-regulation (3).

6. Amendment of regulation 11 of the Regulations:

- 6.1.** Regulation 11 of the Regulations is hereby amended by the substitution of paragraph (a) of sub-regulation (2) for the following paragraph:

“(a) publish a notice in the Government Gazette and the Authority’s website of the application to transfer the Licence;”

- 6.2.** Regulation 11 of the Regulations is hereby amended by the substitution of sub-regulation (3) for the following sub-regulation:

“(3) The Authority will not consider an application if the licensee is in arrears with respect to any fees and/or is not compliant with any other applicable regulations or the Act.”

7. Substitution of regulation 12 of the Regulations:

- 7.1.** The following regulation is hereby substituted for regulation 12 of the Regulations:

“The Authority may refuse to renew or transfer a Licence if the Licensee has not complied with one or more of the following:

- (a) where the Licensee has been found guilty of a contravention by the CCC and has not complied with the order by the Authority in terms of section 17 of ICASA Act;
- (b) where the Licensee is in arrears with respect to any fees and/or is not compliant with any other applicable regulations or the Compliance Procedure Manual Regulations or the Act; or
- (c) where the ownership and control of the Transferee (in a transfer application) or Applicant (in a renewal application), by historically disadvantaged persons is less than the percentage prescribed by the