
GOVERNMENT NOTICE

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

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Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

DIGITAL TERRESTRIAL TELEVISION REGULATIONS

I, Paris Mashile, Chairperson of the Independent Communications Authority of South Africa ("the Authority") acting on behalf of Council of the Authority hereby approve and publish the Digital Terrestrial Television Regulations set out in the Schedule and made by the Authority in terms of section 30(2)(c) and (d) read with section 4(1) (a) (b) and (d) of the Electronic Communications Act, 2005 (Act No. 36 of 2005). The Ministerial Policy issued in terms of section 3(1) of the Act published in the Government Gazette Number 31408 dated 8 September 2008 has been taken into account.

A handwritten signature in black ink, appearing to read 'Paris Mashile', written over a horizontal line.

PARIS MASHILE

ICASA CHAIRPERSON

SCHEDULE

1. DEFINITIONS

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

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

“Channel authorisation” means the granting of permission by the Authority to a licensee to commence broadcasting a digital channel within the capacity allocated in terms of these regulations;

“Digital broadcasting” means the use of digital data rather than analogue waveforms to carry broadcasts over assigned frequency;

“Digital incentive channel” means a new public or commercial channel which is authorised as an incentive for migration, subject to the capacity allocated to existing television broadcasting services in terms of these regulations

“Digital Terrestrial Television” (DTT) means the application digital technology to provide a greater number of channels and/or better quality of picture and sound using aerial broadcasts to a conventional antenna/aerial instead of a satellite dish or cable connection;

“Dual illumination” means the transmission of the same broadcast content in both analogue and digital technology;

“Dual illumination period” means the period commencing 01 November 2008 until and including 30 April 2012;

“Existing television broadcasting services” means broadcasters that provided analogue television services before the publication of these regulations and does not include services awarded one year licenses for test purposes;

“Hard switchover” means a direct migration from analogue to digital television, without dual illumination, in a period not exceeding Twelve (12) months

“**Multiplex**” means a network of frequencies designed to simultaneously permit the transmission of two or more channels;

“**Multiplex operator**” means an ECNS licensee who operates a multiplex;

“**Multiplexing**” means the combining of data and video streams into one signal over a shared medium;

“**Multiplex 1**” means the multiplex allocated for the purposes of broadcasting public, public commercial and community broadcasting television services;

“**Multiplex 2**” means the multiplex allocated to commercial free-to-air broadcasting television services;

“**Multiplex 3**” means the multiplex allocated to commercial subscription service, subject to M-Net conducting a hard-switchover

“**Public Value Test**” means the requirement that the authorisation of public channels be subject to a public process to meet the requirements of section 10 of the Broadcasting Act, 1999 (Act No. 4 of 1999) and section 2 of the Act;

“**Standard Definition Television (SDTV)**” means digital transmissions with a resolution of at least 720 x 576 pixels, either interlaced/interfaced or progressive scanned formats.

2. PURPOSE OF THE REGULATIONS

(1) The objectives of these regulations are to: -

- (a) regulate the transition of terrestrial television broadcasting services from Analogue transmission to Digital Terrestrial Television (DTT) transmission during the dual illumination period;
- (b) prescribe a procedure and conditions for the assignment of the DTT multiplexes;
- (c) provide for the allocation of channel capacity and procedure for the authorisation to operate a digital incentive channel;
- (d) Set out the time frames for the rollout of the digital terrestrial television throughout the Republic.

3. FRAMEWORK FOR DTT MULTIPLEXES

- (1) Three (3) DTT multiplexes will be reserved for existing television broadcasting service licensees;
- (2) During the dual illumination period, the same broadcast content must be broadcast in both digital and analogue technologies in Standard Definition Television (SDTV) mode as follows:
 - (a) With respect to Multiplex 1, the content of SABC 1, SABC 2, SABC 3 and TBN shall broadcast simultaneously on both analogue and digital formats; and
 - (b) The e-TV free-to-air channel, existing prior to these regulations, shall broadcast simultaneously on both analogue and digital formats.

4. MULTIPLEX ALLOCATION

MULTIPLEX 1 (PUBLIC AND COMMUNITY TELEVISION SERVICES)

- (1) Multiplex 1 is herewith set aside, for public and community broadcasting services subject to the following restrictions:
 - (a) The SABC is allocated 100% capacity in multiplex 1, taking into consideration regulation 4 (1) (c) below;
 - (b) The SABC will, at all times, maintain a ratio of three (3) public channels to one (1) commercial channel to ensure that a large portion of its allocated capacity is dedicated towards the provision of public broadcasting services; and
 - (c) Ten (10%) percent of channel capacity in multiplex 1 must be made available to accommodate TBN within its licensed area in the Eastern Cape Province.
- (2) Other community television services licensed on trial basis for a period not exceeding one year will continue to broadcast on analogue frequencies.

MULTIPLEX 2 (COMMERCIAL FREE-TO-AIR TELEVISION SERVICES)

- (3) Multiplex 2 is herewith set aside for commercial free-to-air television broadcasting services, subject to the following conditions:
 - (a) The Commercial free to air broadcaster, e-tv, is allocated sixty percent (60%) capacity of the multiplex; and
 - (b) e-TV can only apply for additional channel authorisation, in addition to the digital incentive channels in Multiplex 2 at the end of the dual illumination period.
- (4) Any other interested licensee or person can apply for available capacity in multiplex 2 to conduct test services.

MULTIPLEX 3 (SUBSCRIPTION BROADCASTING SERVICES)

- (5) Multiplex 3 is herewith set aside for subscription television broadcasting services, subject to the following conditions:
 - (a) The subscription broadcaster, M-Net, conducting a hard switch-over, commencing within ninety (90) days of the publication of these regulations;
 - (b) M-Net is allocated fifty percent (50%) capacity of the multiplex; and
 - (c) M-Net can only apply for additional channel authorisation, in addition to the digital incentive channels in Multiplex 3, at the end of hard switch-over.
- (6) Any other interested licensee or person can apply for available capacity in multiplex 3 to conduct test services.

5. DIGITAL INCENTIVE CHANNELS

- (1) All broadcasting service licensees must prioritise the allocated channel capacity to broadcast channels that are currently being broadcast in the analogue format.
- (2) The remaining channel capacity not utilised for the purposes of broadcasting the analogue channels in the digital format will be deemed to have been allocated for the broadcast of incentive channels.

6. DIGITAL INCENTIVE CHANNEL AUTHORISATION AND PROCEDURE

- (1) An existing television broadcasting service licensee may not operate a digital incentive channel without prior written authorisation of the Authority.