

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 325

9 April 2021

**CODE FOR PERSONS WITH DISABILITIES REGULATIONS, 2021**

The Independent Communications Authority of South Africa ("ICASA/ the Authority"), in terms of section 4(3)(j) of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act"), read with sections 4(1), 4(4) and 70 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) "(ECA)", hereby publishes the Code for Persons with Disabilities Regulations, 2021 in the schedule.

A copy of the Code for Persons with Disabilities Regulations, 2021 will be made available on the Authority's website at www.icasa.org.za and in the Authority's Library situated at 350 Witch-Hazel Avenue, Eco Point Office Park, Centurion between 09h00 and 16h00, from Monday to Friday.

A handwritten signature in black ink, appearing to read 'Dr. Keabetswe Modimoeng'.

Dr. Keabetswe Modimoeng**Chairperson****Date: 26/03/2021**

SCHEDULE

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, Sign Language or any other similar service;

“Applicable Channels” means all television channels broadcast by a television broadcasting licensee except a third-party channel(s) consisting predominantly of live programming content such as news, reality or sports;

“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 of television broadcast or other production into text and displaying the text on a screen or monitor;

“Disability(ies)” For the purpose of these regulations, Disability refers to a long-term or recurring hearing and visual impairment;

“National Relay System” means phone services operated by interpreters that enable persons with Disabilities 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 a person experiences seizure triggered by flashing lights or contrasting light and dark patterns;

"Sign language" means 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 both the audio dialogue and sound representations of a video programme, are made visible by the user via on-screen text that is synchronised with the audio content;

"Universal Design" 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 commencement date of these Regulations.

2. 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 Television Broadcasting Service licensees, aimed at ensuring that persons with Disabilities have access to these services.

3. BASIC STANDARDS FOR BROADCASTING SERVICE LICENSEES

(1) Accessibility Services

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

- (a) Audio Description;
- (b) Sign Language;
- (c) Subtitles; and
- (d) Closed Captioning.

(2) Audio Description

- (a) The objective of Audio Description is to aid the understanding and

enjoyment of a television programme.

- (b) A television broadcasting service licensee must maintain quality access to Audio Description, which is essential for ensuring that audiences using broadcasting services benefit from same.

(3) Sign Language

A television broadcasting service licensee must:

- (a) ensure that the viewer can see not only the hands but also, where applicable, the facial expressions of the interpreter;
- (b) monitor the effectiveness of the service through annual consultations with organisations representing hearing impaired persons; and
- (c) ensure that sign language interpreters employed have a recognised sign language qualification from an accredited institution.

(4) Subtitles

A television broadcasting service licensee which provides Subtitles must:

- (a) provide Subtitles as near synchronous to speech as is practicable;
- (b) reflect the spoken word with the same meaning;
- (c) construct Subtitles which contain easily read sentences, and commonly used sentences in a tidy and sensible format; and
- (d) give proper contrast between foreground and background colours.

(5) Closed Captioning

A television broadcasting service licensee which provides Closed Captioning must ensure the following:

- (a) Closed Captioning must match the spoken words in the dialogue and convey background noise and other sounds to the fullest extent possible.
- (b) Closed Captioning must coincide with their corresponding spoken words and sounds to the greatest extent possible and must be displayed on the screen at a speed that can be read by viewers.
- (c) Closed Captioning must fully run from the beginning to the end of the program possible.
- (d) Closed Captioning should not block other important visual content on the screen, overlap one another or run off the edge of the television screen.

4. GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PERSONS WITH DISABILITIES FOR TELEVISION

BROADCASTING SERVICE LICENSEES**(1) Provision for Breaking News**

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

(2) Improving accessibility

- (a) 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.
- (b) 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.
- (c) A television broadcasting service licensee may make broadcasting services more accessible to persons with Disabilities by doing the following: -
 - (i) providing a range of formats on a television broadcaster's website (such as electronic versions and audio clips);
 - (ii) incorporating Accessibility Services into advertisements, economic indicators, weather details, telephone numbers and addresses or details of goods and services shown on screen; or
 - (iii) making use of non-scheduled services such as access via personal video digital recorders (PVRs) and video on demand (VOD).

(3) Warning to photosensitive viewers

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.

(4) Minimum Percentages

A television broadcasting service licensee must implement the minimum level percentages applicable to Accessibility Services relevant to its broadcasting service licence category, as indicated below.

(a) Subtitles:

A television broadcasting service licensee must implement the following minimum percentages of total Subtitles, measured across its broadcasting service on Applicable Channels:

Minimum Subtitling 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%

(b) **Audio Description:**

A television broadcasting service licensee 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%

(c) **Closed Captioning:**

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

Minimum Closed Captioning requirements				
	Public	Commercial free to air	Subscription	Community
Year 1	5%	2%	2%	1%
Year 2	5%	3 %	3%	1%
Year 3 onwards	10%	5%	5%	2%

5. BASIC STANDARDS FOR ECS LICENSEES

(1) Universal Design in Products and Services:

An ECS licensee must ensure that all electronic communications devices ready for purchase adhere to the principles of Universal Design to cater for the needs of persons with Disabilities. For the purpose of these Regulations electronic communications devices shall refer to handheld mobile telephones and fixed line telephones.

(2) Hearing Aid Compatibility Requirements for Fixed Line Telephone Handsets:

An ECS licensee must ensure that all its fixed line telephones handsets being offered to the public have hearing aid compatibilities. The features may include the following:

- (a) a standard rental telephone handset which includes one-touch dial memory, a lightweight handset and a built-in hearing aid coupler;
- (b) a telephone handset which amplifies the incoming caller's voice to suit the listener;
- (c) a telephone handset which amplifies the speaker's voice, allowing the speaker to adjust the speech level to suit the listener;
- (d) a hands-free telephone for a person who cannot hold a telephone handset;
- (e) an ancillary telecommunications product which has adjustable volume, tone and pitch controls to assist the user to hear the telephone ringing;
- (f) 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 handset;
- (g) an ancillary telecommunications product in which the telephone handset is cradled, providing hands-free operation; or
- (h) a telephone adapting device which allows a person with cochlear implant to have access to the standard telephone service.

(3) Visual Aid Compatibility Requirements for Mobile and Fixed Line Telephone Handsets:

An ECS licensee must ensure that all its mobile and fixed line telephone handsets being offered to the public have visual aid compatibility. Some of the features may include the following:

- (a) **Customized Displays** - An ECS licensee must make provision for wireless

device screens with better contrast, illumination, larger font size and magnifying functionalities;

- (b) **Alternate formats** – An ECS 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 and physical stores;
- (c) **Braille** – An ECS 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;
- (d) **Screen Reader** – An ECS 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;
- (e) **Voice Recognition** – ECS licensees must provide options for consumers to interact with their phone, using their voice, or voice recognition;
- (f) **Automatic Responses** – ECS licensees must provide a program on wireless devices to answer automatically or redial certain calls or messages; Hands-free or One-Touch – ECS licensees must provide a hands-free device with a speakerphone or assign certain functions to one button for dialling or other pre-programmed functions.

6. NATIONAL RELAY SYSTEM ("NRS")

- (1) An ECS 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 as per the technical provisions in **Annexure A**.
- (2) The NRS must offer the following relay services:
 - (a) Type and read;
 - (b) Speak and listen;
 - (c) SMS or text-based services;
 - (d) Video; and
 - (e) Captioned telephony.
- (3) An ECS licensee must comply with the NRS specifications, applicable to video, as contained in Annexure A of these Regulations.
- (4) The NRS specifications, applicable to video, must be implemented as follows:

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

7. 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 persons with Disabilities upon request.
- (2) **Emergency services:** An I-ECS licensee must ensure that emergency services can be accessed by persons with Disabilities.
- (3) **Priority fault repairs:** An I-ECS licensee 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:**
Television broadcasting service and I-ECS licensees must:
 - (a) ensure that, where practicable, they provide, upon request, printed material outlining accessible products for persons with Disabilities in simple and reader friendly languages. This information must also be on licensees' websites;
 - (b) 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;
 - (c) 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;

- (d) make provision for specific offers categorised according to Disabilities which must be easily accessible on the operators' website.

8. COMPLIANCE REPORTING

Compliance with these regulations shall be in accordance with the Form 7 C of the Compliance Procedure Manual Regulations 2012.

9. CONTRAVENTIONS AND PENALTIES

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

10. REPEALED REGULATIONS

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

11. TRANSITIONAL ARRANGEMENTS

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

12. SHORT TITLE AND COMMENCEMENT

These Regulations are called the Code for Persons with Disabilities Regulations, 2021 and shall come into effect eighteen (18) months after publication in the Government Gazette.

Annexure A

National Relay System Specifications Applicable to Video

1. Technical Provision

1.1. Technical Provision

- 1.1.1 A Video Relay Service (VRS) allows hearing impaired and deaf people to use video technology to communicate in a manner similar to a traditional telephone call via a South African Sign Language interpreter (SASLi.)
- 1.1.2 VRS is a video interpreting service providing instant communication, on demand, between a South African Sign Language (SASL) user and a third party whereby the parties are in different locations (not co-located). For example, SASL user with webcam, videophone, mobile or tablet etc makes a video call and then signs to SASL Interpreter. A SASLi then speaks (via phone) to the hearing person. The hearing person replies (speaks) to the SASLi and the Sign Language Interpreter then translates (signs) the response to the deaf person (who can see the interpreter on their computer, TV or video screen). This process takes place simultaneously.

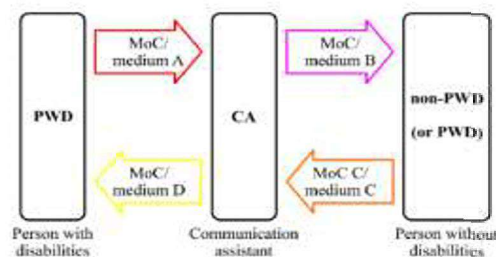


Figure 1

Notes to Figure 1: – MoC: Mode of communication.

CA: Communication Assistant - A person working in a relay service with media conversation, as a human intermediary, including sign language interpreters for video relay service

PWD: Persons With Disabilities

1.2. Type of Service Provision

The VRS service provision must be an open eco system solution (interoperable) that enables access via:

- (a) PC software;
- (b) Tablet software;
- (c) Smart phone software applications;
- (d) Television interface; or
- (e) Videophone.

1.3. Handling Multiple Calls

The NRS platform must consist of a series of technology applications that are made up of:

- (a) an Automatic Call Distributor (ACD) for communication with national infrastructure;
- (b) a universal connectivity platform for cataloguing;
- (c) monitoring and billing, a mobile and desktop application for user accessibility;
- (d) a set of accessibility services that connect the platform to the user applications; and
- (e) human capital for interpreting.

1.4. Call Routing

Call routing must be possible through the use of a common number outbound and through the use of subscriber personalised (telephony and IP) number or through a standard telephone number, inbound.

1.5. Service Allocation

The end user must be able to access all VRS services.

1.6. Emergency Calls

1.6.1 Emergency calls must be prioritised. Location and mapping detail are also required where available (access to subscriber information). Real time text will be required in order to provide an alternative method of communication.

1.6.2 The key functional requirements for placing emergency calls are¹:

- a) accurate and fast routing of the relay to the appropriate emergency call centre: the call centre that the relay service connects to must be the call centre that would have been reached if a non-PWD had made the emergency call in a similar situation. Furthermore, the emergency call centre must receive the call through their normal incoming emergency call phone lines in the same way that a voice

¹ Rec. ITU-T F.930 (03/2018)

emergency call is received from a non-PWD. If CA availability is limited, emergency calls should be prioritised (i.e. emergency callers can jump the queue of calls waiting for the next available CA to take a call);

- b) accurate conveyance of all supporting information: information on the phone line and the location as it pertains to the PWD, not to the relay centre must be delivered. To the extent that an emergency call centre has access to such information from a non-PWD caller, the same information must be conveyed about a PWD who connects to the emergency services through a relay service;
- c) accurate communication: emergency calls place unusual stress on CAs, especially CAs working with video who may be exposed to graphic images. CAs who handle emergency calls must be trained for these situations and equipped with resources to handle the stress. Additionally, if an emergency call centre is able to accept the preferred medium and MoC of a PWD directly without relay centre involvement, PWD callers should be given the ability to connect directly to the emergency call centre and conversing with emergency call takers directly.

1.7. Management

The service provider must at all times monitor the platform, interfaces and gateways that allow protocol communication and this information must be made available on request. The service providers must ensure that the delivery of all updates to the system, from the Call centre applications to the end user applications are managed in a structured manner and remain available to the end user.

1.8. Infrastructure Requirements & Recommendations

1.8.1 Basic characteristics

- (a) Sign language uses the movements and positions of the hands, eyes, mouth, face and body.
- (b) Lip-reading supported by voice can be used together with sign language.
- (c) Lip-reading can play an essential part of Sign Language communication and therefore is benefitted by VRS.
- (d) In video-coding terms, the scene with one signer may be regarded as containing a medium to high motion content.
- (e) Sign language requires good visual reproduction of movements. For the application of sign language transmission in a person-to-person conversation

at low bit rates (based on the use of dated equipment or network access at the user end), the following basic minimum performance goals must apply:

- i. 25-30 frames per second at CIF resolution and a max. 0.4s delay, accepting occasional blur less than that corresponding to QCIF during medium motion.
- ii. Sound synchronism better than 100 ms.
- iii. End-to-end delay (latency) must be below 0.4 s.

1.8.2 Broadband Access

Broadband access requirements will be defined by the service provider based on the end user device, (mobile, pc, tablet) the type (fixed or mobile) and capability of network infrastructure (e.g. DSL, Ethernet, 3G, 4G) used as well as the quality of service offered.

1.9. Service Initiation and Operation

All VRS systems must be simple to operate from the Call centre application to the End user application. It must be easy to load with adequate loading instructions and simple to configure. It must be self-loading with minimum user intervention.

1.10. Call Handover

During peak busy hours priority calls (e.g. emergency calls) may need to be transferable between providers, provision must be made in this regard.

1.11. Call Back Provision

Caller's numbers or ID's must be temporarily stored to enable call back provision where required. There must be clear policies and procedures in place as to when and how this will be done, reflecting the needs of Data Protection. The user may not be charged extra for this service, neither connection fees nor for additional minutes accrued as a result of re-establishing the call. The caller information must be removed within a designated timeframe or at a pre-determined stage of a process (e.g. at end of call). The ability for the Central Point to contact the hearing impaired and deaf end user with important messages must exist. Notification is required to end user that a video or text mail message is waiting for them (for example by Text or email).

1.12. Accessibility & Caller Validation

Subscribers to VRS must have their own standard telephone numbers, which must be associated with an IP address. This must allow anyone to contact the subscriber

from any device. Users would simply have to dial the phone number of the person they want to call (11 or more digits depending on where they are calling from). The call would be routed to the platform, then, depending on the phone number called and the parameters of the user's account, the platform would determine whether the call requires the services of an interpreter. Geographic location details must be made available (where provided) for mobile calls (specifically emergency calls). The end-user will be charged for VRS calls with IP addresses located outside South Africa.

1.13. Confidentiality

1.13.1 Confidentiality provision must be available through the use of VPN (increased bandwidth requirements) or through the use of an agreed standard encryption. This must only be between Central Points if required as it adds another level of complexity for the end user.

1.13.2 Service confidentiality and security² is required to achieve functional equivalency, confidentiality and security associated with the relay services are one of the critical subjects.

1.13.3 Privacy, confidentiality and security shall be maintained to achieve functional equivalency. Privacy, confidentiality and security considerations extend both to the technologies used by relay services and the human CAs.

1.13.4 Relay services shall be able to provide encrypted calls if the mainstream telephone services of the country in which the relay service is located provides encrypted calls. More generally, requirements for confidentiality and call security should mirror those of the mainstream telecommunications services of the country in question.

1.14. Standards

Services provision must conform to the relevant International Telecommunication Union communication protocols and specifications where available. Conformance to standards must be confirmed by the service providers in an auditable manner.

1.15. User Applications

² Rec. ITU-T F.930 (03/2018)

User Applications consists of mobile applications for smartphones and a web-based interface for desktop computers. In addition to telephone numbers, the ability to use web-based links for direct service opportunities must be included in the VRS. This will provide a tremendous amount of accessibility for the end-user.

1.16. Interpreting Services

The core of the NRS are the interpreters. The service provider must set up a call centre and provide a sign language interpreter to enable the service.