

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 573 Pretoria, 28 March / Maart 2013 No. 36323

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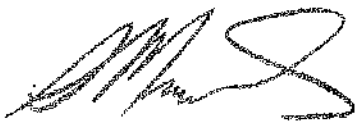
GENERAL NOTICE

NOTICE 299 OF 2013

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

GENERAL LICENCE FEES REGULATIONS 2012

The Independent Communications Authority of South Africa has, under sections 4(1)(c)(iv-v) and 5(7)(a)(iii) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), publishes the General Licence Fees Regulation, 2012.



DR STEPHEN MNCUBE
CHAIRPERSON
ICASA

Schedule

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, 2005 (Act No. 36 of 2005) has the meaning so assigned;

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

"Accounting Officer" means the Chief Financial Officer (CFO) or alternatively the executive in charge of financial management of the licensee, or equivalent;

"Administrative fees" means the fees payable in terms of regulation 3(2) and contained in Schedule 1;

"Annual Licence fees" means the fees payable in terms of regulation 3(1) and contained in Schedule 2;

"Applicable Interest Rate" means the uniform interest rate set by the Minister of Finance in terms of section 80(1b) of the Public Finance Management Act 1 of 1999;

"BS Licensee" means broadcasting service licensee;

"ECNS licensee" means Electronic Communications Network Service Licensee;

"ECS licensee" means Electronic Communications Service Licensee;

"Licensed Service" as defined in the Electronic Communications Act under "broadcasting service", "electronic communications service" and "electronic communications network service"; and as contained in the relevant licence and does not include the resale of electronic communications services, service provider discounts, agency fees, interconnection and facilities leasing charges, and government grants and subsidies;

"Revenue" means Revenue as defined in terms of the International Accounting Standard 18 and disclosed in the Licensee's audited Annual Financial Statements, i.e. the gross inflow of economic benefits during the period arising in the course of the ordinary activities of the entity when those inflows result in an increase of equity other than increases relating to contributions from equity participants.

2. PURPOSE OF THESE REGULATIONS

The purpose of these Regulations is to prescribe –

(a) the administrative fees payable in respect of an application or registration for a licence, amendment, transfer or renewal as contemplated in sections 4(1c)(iv) and 4(1)(c)(v) of the Act; and

(b) The annual licence fees payable by licensees as contemplated in section 5(7) (a) (iii) of the Act.

3. APPLICATION

(1) The annual licence fees prescribed in these regulations and as set out in schedule 2 apply to holders of individual and class ECS Licences, individual and class ECNS Licences and individual commercial BS Licences.

(2) The administrative fees are as set out in schedule 1 and:

(a) The method of payment prescribed in the Process and Procedure regulations as published in the Government Gazette 30916 and Notice 397 in Government Gazette 30914 dated 31 March 2008 applies; and

(b) May be adjusted by a maximum of the Consumer Price Index (CPI) as published by Statistics South Africa, effective on 1 April of each year.

4. EXEMPTIONS

The following Licensees are exempt from the payment of annual licence fees:

(a) Class Licences for Community Broadcasting (Sound); and

(b) Public Broadcasting Services.

5. PAYMENT OF ANNUAL LICENCE FEES

Payments in respect of annual licence fees are due as prescribed in schedule 2 and 3.

6. INTEREST

Interest on all late payments in respect of the annual licence fees is payable in accordance with the Public Finance Management Act, Act 1 of 1999, as amended (PFMA), at the applicable interest rate as published by the Minister of Finance.

7. CONTRAVENTIONS AND PENALTIES

(1) Failure to pay the annual licence fees will result in the suspension of the licence issued by the Authority in terms of Chapter 3 of the Act until such time that the annual licence fees, plus interest, are paid in full.

(2) Failure to comply with any other provision in these regulations will result in a fine not exceeding one million rands (R1 000 000.00).

8. SHORT TITLE AND COMMENCEMENT

(1) These regulations are called the ICASA General Licence Fees Regulations, 2012.

(2) These regulations shall come into effect on 1 April 2013.

9. REPEAL

(1) In the event of any conflict between the provisions of this regulation and the licence terms and conditions which purports to impose Annual and/or Licence Fees, the provisions of this regulation prevail.

(2) The ICASA General Licence Fees Regulations, 2009 are hereby repealed.

SCHEDULE 1

ADMINISTRATIVE FEES

The fees payable by applicants and registrants, as the case may be, in respect of applications and registrations respectively are set out below.

INDIVIDUAL LICENCES

Initial applications for Licences:	
Electronic communications network services:	As specified in ITA
Electronic communications services:	As specified in ITA
Broadcasting services:	As specified in ITA
Applications for amendment of Licences:	
Electronic communications network services:	R 52 000.00
Electronic communications services:	R 52 000.00
Broadcasting services:	R 52 000.00
Applications for renewal of Licences:	
Electronic communications network services:	R 5 200.00
Electronic communications services:	R 5 200.00
Broadcasting services:	R 5200.00
Applications for transfer of Licences:	
Electronic communications network services:	R 52 000.00
Electronic communications services:	R 52 000.00
Broadcasting services:	R 52 000.00

CLASS LICENCES:

Initial registrations:	
Electronic communications network services:	R10 400.00
Electronic communications services:	R10 400.00
Community broadcasting services:	R 3 120.00
Low Power Commercial Sound Broadcasting:	R 5 200.00
Low Power Community Sound Broadcasting:	R 1 040.00
Special Event Broadcasting Licences:	R 520.00
Applications for amendment of Licences:	
Electronic communications network services:	R 5 200.00
Electronic communications services:	R 5 200.00
Community broadcasting services:	R 1 040.00
Low Power Commercial Sound Broadcasting:	R 2 080.00
Low Power Community Sound Broadcasting:	R 1 040.00
Applications for renewal of Licences:	
Electronic communications network services:	R 5 200.00
Electronic communications services:	R 5 200.00
Community broadcasting services:	R 1 040.00
Low Power Commercial Sound Broadcasting:	R 5 200.00
Low Power Community Sound Broadcasting:	R 3 120.00
Applications for transfer of Licences:	
Electronic communications network services:	R5 200.00
Electronic communications services:	R5 200.00
Community broadcasting services:	R 3 120.00
Low Power Commercial Sound Broadcasting:	R 2 080.00
Low Power Community Sound Broadcasting:	R 1 040.00

SPECIAL TEMPORARY AUTHORIZATIONS:

Applications for every three (3) months:	R 5 200.00

SCHEDULE 2

ANNUAL LICENCE FEES

The Annual Licence Fees payable by Licensees in accordance with these regulations are to be calculated using the formula set out herein, read with the applicable percentages.

Pa = Payable Annual licence Fee

R = Revenue from licensed services

B = applicable percentage per table below dependent on license revenue in accordance with this schedule read with regulation 3(1).

$$Pa = R \times B$$

License Revenue	Percentage applied
R	B
0 -50 000 000	0.15%
50 000 001 -100 000 000	0.20%
100 000 001 -500 000 000	0.25%
500 000 001 -1 000 000 000	0.30%
1 000 000 001 -and above	0.35%

SCHEDULE 3

PAYMENTS IN RESPECT OF LICENCE FEES

(1) Format for submission of financial statement for the purpose of licence fees calculation

Company Name	
Financial Year End	
Financial Year	
Auditing Firm /Partner	
Accounting Officer	Name: Signature:

Total Revenue Generated	**R '000**	**As per AFS**
Total Non-Licensed Revenue	**R '000**	
Total Licensed Revenue	**R '000**	

Revenue from Licensed services (see examples below)	**R '000**	
1. Voice	x xxx	
2. Data	xx xxx	
3. Roaming	xx xxx	
4. Interconnection	xx xxx	
5. Other licensed services	x xxx	
Total Revenue from Licensed services		**xxx xxx**

I, ..., in my capacity as an Accounting Officer hereby verify that the information provided is true and correct.

Signature..... Designation..... Date.....

SUBMISSION OF FINANCIAL STATEMENTS

(2) All licence holders must submit within six (6) months of their financial year end:

(a) audited Annual Financial Statements, or;

(b) financial statements signed by the accounting officer of the licensee where the licensee is not legally obliged to provide audited financial statements.

(3) Licensees with financial year ending October, November, December, January, February and March must submit annual forecast of licence fees for the year under review at the end of April of every year using the format in schedule 3(1).

(4) Community Broadcasters must submit the following within six (6) months of their financial year end:

(a) annual financial statements signed off by the accounting officer; and

(b) provide a list of all donors and amounts donated and details of all financial and non-monetary donations.

PAYMENT OF ANNUAL LICENCE FEES

(5) Where a legal entity holds any combination of a BS Licence, ECS Licence and/or ECNS Licence, such entity must calculate the licence fee based on information contained:

(a) on the audited Annual Financial Statements of that Licensed Entity; or

(b) Annual Financial Statements signed to by the accounting officer of the licensee where the licensee is not legally obliged to provide audited Annual Financial Statements;

(6) All payments in respect of Annual Licence Fees are due annually.

(7) Annual Payments

(a) are due annually based on the licensee's financial year;

(b) are due and payable within 6 months from the end of the licensee's financial year;

(c) may only be paid by way of an electronic transfer or via a direct deposit into the Authority's bank account;

AGREED UPON PROCEDURES

(8) All licensees must submit annual payments whether they have audited or unaudited annual financial statements as in schedule 3 (1) of the regulations

and must be submitted as an annexure to the annual financial statement and supplemented with a confirmation from the auditors regarding the accuracy of the information used to compile the information in terms of an engagement undertaken in accordance with the International Standards for Related Services 4400, *Engagements to Perform Agreed-Upon Procedures Regarding Financial Information*.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
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