

Mr Pascalis Adams

ICASA

Email: padams@icasa.org.za

5 May 2022

Dear Mr Adams,

PRIMEDIA'S WRITTEN SUBMISSIONS ON THE DRAFT AMENDMENTS TO THE STANDARD TERMS AND CONDITIONS FOR INDIVIDUAL LICENCES REGULATIONS

1. In Notice 885 published in Government Gazette No 46050 dated 16 March 2022 (the Notice), ICASA published the draft amendments to the Standard Terms and Conditions Regulations for Individual Licences, 2010 (the 2010 Regulations), as previously amended, for public notice and comment by 5 May 2022 (the Draft Amendments).
2. Primedia (Pty) Ltd (Primedia) is the licensee in respect of four commercial sound broadcasting services. Primedia thanks ICASA for the opportunity to make these written submissions. Primedia wishes to make oral submissions too if it is ICASA's intention to hold public hearings in respect of the Draft Amendments.

Ad section 3 of the Notice

3. This is the only proposed amendment that Primedia wishes to make submissions on. The section proposes the substitution of section 2 of the 2010 Regulations.
4. Primedia notes that the proposed change in section 2(1)(a) but is of the view that it is important to clarify that the name and/or so-called trading name of a Licensee) has nothing to do with the name of the broadcasting service which is operated by the Licensee.



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PRIMEDIA PROPRIETARY LIMITED (Reg. No. 2005/044403/07) EXECUTIVE DIRECTORS: C.J. Patricios
NON-EXECUTIVE DIRECTORS: P. Langeni (Chair), M Bombela, N. Khaole
ALTERNATE DIRECTORS: C.N. Pangweni (Zimbabwean) DIVISIONAL EXECUTIVE: Tezne Saunders (CFO)

5. As ICASA's Complaints and Compliance Committee (CCC) recently held in Kagiso and Primedia vs Classic FM (Cases 427 and 423/2021) the change of name of a station requires a licence amendment application (at paragraph [31]) and so we are of the view that it is imperative that the Draft Amendments specify that section 2 does not relate to the change of name of a station but only to the change of name of the Licensee.
6. This is particularly so as Classic FM in the above case sought to argue that the trading name of a Licensee is effectively the station name.
7. Primedia suggests that proposed section 2(1)(a) is amended to reads as follows:
the name and/or trading name of the Licensee (note that this is not the name of the broadcasting service/station name, a change to which requires a licence amendment application);
8. We thank ICASA for the opportunity of making these submissions. Please do not hesitate to let me know if you have any questions or require any further information.

Yours sincerely,



Tholoana Ncheke

Head of Legal