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MEDIA RELEASE

ICASA to issue an invitation to apply for new community broadcasting services

01 November 2019

Pretoria – The Council of the Independent Communications Authority of South Africa (ICASA) today approved the publication of an Invitation To Apply (ITA) in respect of applications for Class Community Sound Broadcasting Service Licences and applications for Radio Frequency Spectrum for purposes of providing community sound broadcasting services.

This follows the lifting of the moratorium on the licensing of community sound broadcasting services on 30 July 2019. ICASA will, within seven (7) working days, publish an invitation for prospective applicants to complete a pre-registration notice which is a prequalifying stage for the registration of a class broadcasting service licence. The notice will include a list of available frequencies in each district and local municipality as per the Terrestrial Broadcasting Frequency Plan 2013.

“The approval of the pre-registration notice is a critical step that will bring stability and regulatory certainty to the community radio sector and ensure a high level of compliance going forward”, says ICASA CEO, Mr Willington Ngwepe.

The pre-registration notice comes on the back of a meeting held between ICASA and the National Community Radio Forum (NCRF) as well as its Provincial leadership on Thursday, 31 October 2019, to discuss the concerns recently raised by the NCRF on the shutdown of some community radio stations.

At this meeting, Ngwepe reiterated the Authority’s position that it is unlawful for any community radio station to broadcast (i.e. operate) without being in possession of valid licences. He cautioned that if ICASA were to allow community radio stations to continue providing broadcasting services without valid licences, it would set a bad precedent, condoning disregard for the law (and related regulations). More importantly, ICASA would be failing in execution of its statutory mandate to enforce compliance.

As regards the representations by the NCRF that ICASA should be more lenient in its application of the law, ICASA outlined that:

- the exemption of licensees provided for in terms of section 6 of the Electronic Communications Act, 20015 (ECA) does not apply to class broadcasting service licensees, and
- the provisions of section 11 of the ECA, which empowers ICASA to condone the late submission of renewal applications by individual licensees, also do not apply to class licences.

ICASA is a creature of statute and can only act in accordance with the empowering provisions as set out in the legislation. "As such, ICASA cannot act beyond the scope of its powers by granting exemptions and/or condonations where it is not empowered to do so. To the extent that NCRF believes that the decisions taken by ICASA are wrong in law, they should subject such decisions to legal review", said Ngwepe.

The CEO further stated that there is already a matter pending before court by one of the licensees in this regard. "Further, where the NCRF would like to see the legislation amended to exempt the community radio sector, it should approach the legislative arm of government to motivate for such amendment", said Mr Ngwepe.

In order to ensure that the community radio sector is adequately informed of the requirements of the new licensing framework as well as implementation of the new regulations, ICASA continues to conduct workshops across the country. "We are of the view that the workshops will afford the community broadcasting sector an opportunity to engage with ICASA and get clarity on the new regulatory framework and the ensuing licensing process", states Ngwepe.

Community radio stations that did not apply for renewal or failed to timeously submit their applications for renewal of their licences will not be automatically entitled to licences under the new licensing process. Ngwepe said that the frequencies which were used by these community radio stations will form part of the list of frequencies made available under the ensuing licensing process.

"We are not banning those that used to hold licences in the past. However, we advise all affected communities whose stations may have been shut down to regroup and apply for the available licences in terms of the ensuing licensing process. No one will receive any preferential treatment as the process must be administratively fair and transparent. The best applicant will receive the licence", explained Ngwepe.

ICASA is committed to collaborating with NCRF (and all other key stakeholders in this regard) to address challenges facing the sector. ICASA encourages all stakeholders – including NCRF - to take advantage of the opportunity presented by the new regulatory framework for community broadcasting services to embed proper governance and compliance across all community broadcasting service licensees for the benefit of the communities they are meant to serve.

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