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GENERAL NOTICE

NOTICE 353 OF 2004

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA



ICASA SOUTH AFRICAN MUSIC CONTENT REGULATIONS, 2002

REGULATIONS RELATING TO THE IMPOSITION OF SOUND BROADCASTING LICENCE CONDITIONS REGARDING SOUTH AFRICAN MUSIC

The Independent Communications Authority of South Africa ("ICASA") hereby gives notice of its intention to amend the ICASA South African Music Content Regulations, 2002 for public comment.

These Regulations came into effect on 22 August 2003. In an attempt to harmonise the regulations with the Broadcasting Amendment Act, Act 64 of 2002, it is proposed that amendments to the Regulations be introduced.

We hereby invite interested parties to comment on the proposed amendments within 21 working days after publication of this notice. Representations should be confined to technical amendments.

Representations should be sent to:

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General Explanatory Note:

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

3. Imposition of Sound Broadcasting Licence Conditions Regarding South African Music

It is proposed that Regulation 3.1 be amended by the deletion of the words **[at least]** and the insertion of the words a minimum of and the Authority may after consultation with a public broadcasting licensee reduce this requirement for commercial reasons, for a maximum of three sound broadcasting services, to a minimum of 25% South African music of the musical works broadcast in the performance period and that such South African music is spread reasonably evenly throughout the said period. Regulation 3.1 should read as follows:

Every holder of a public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of these regulations coming into effect, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period. The Authority may after consultation with a public broadcasting licensee reduce this requirement for commercial reasons, for a maximum of three sound broadcasting services, to a minimum of 25% South African music of the musical works broadcast in the performance period and that such South African music is spread reasonably evenly throughout the said period.

It is proposed that Regulation 3.2 be amended by the deletion of the words **[Public Commercial and]** and the insertion of the words a minimum of. Regulation 3.2 should read as follows:

Private Commercial Sound Broadcasting Licensee

Every holder of a private commercial sound broadcasting licence to which these regulations apply must ensure that after eighteen months of these regulations coming into effect, a minimum of 25% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period.

It is proposed that Regulation 3.3 be amended by the deletion of **[at least]** and the insertion of the words a minimum of. Regulation 3.3 should read as follows:

Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of these regulations coming into effect, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period.

It is proposed that Regulation 3.4 be amended by the deletion of the words **[subregulations (1, 2 and 3)]** and the insertion of the words if and 3.1, 3.2 and 3.3. Regulation 3.4 should read as follows:

The Authority may, upon written application and good cause shown by the holder of a sound broadcasting licence, vary any condition imposed by 3.1, 3.2 and 3.3, if it is satisfied that the variation is consistent with the objects of the IBA Act, 1993 and the Broadcasting Act, 1999, and any regulations made thereunder.
