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**GOVERNMENT NOTICE**

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**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA****No. R. 896****4 September 2009****Independent Communications Authority of South Africa****EXPLANATORY MEMORANDUM ON THE DECISION TO WITHDRAW  
AND REPUBLISH THE DRAFT DIGITAL TERRESTRIAL TELEVISION  
(DTT) REGULATIONS FOR PUBLIC COMMENTS**

The Independent Communications Authority of South Africa ("the Authority") hereby wishes to clarify its decision to withdraw the Digital Terrestrial Television Regulations ("the DTT Regulations") which were published in *Government Gazette* No 32377 of 3 July 2009, and to publish a revised draft version of the regulations ("the Draft Regulations") for further public consultation.

Acting in terms of section 3(1) of the Electronic Communications Act 36 of 2005, the Minister of Communications published the Ministerial Policy on Digital Migration ("the Ministerial Policy") in *Government Gazette* No 31408 of 8 September 2008. The Ministerial Policy recorded a Cabinet decision, taken in 2007, to the effect that the dual illumination period should extend from 1 November 2008 until 1 November 2011.

On 3 July 2009, the Authority published the DTT Regulations after an extensive process of public consultation, during which stakeholders were afforded an opportunity to make written and oral submissions to the Authority.

In the DTT Regulations, the Authority adopted the commencement date of the dual illumination period as being 1 November 2008, as contemplated in the Ministerial Policy. However, the Authority decided that the dual illumination period should extend until 30 March 2012 (rather than 1 November 2011, as contemplated in the Ministerial Policy).

In adopting the Ministerial Policy's commencement date of the dual illumination period, the DTT Regulations were intended to give due consideration the role of government as the main financier of the digital migration process. Government will play a significant role in the migration process, especially regarding the subsidization of indigent households. The

Authority also reasoned that the licensed DTT Trials, which commenced on 1 November 2008, should form part of the dual illumination period.

In view of the fact that the DTT Regulations were promulgated on 3 July 2009, the Authority's decision to adopt a dual illumination period commencing on 1 November 2008 has raised questions regarding whether broadcasters can be required to comply with the DTT Regulations retrospectively from 1 November 2008. Consequently, in terms of the Draft Regulations, the Authority has introduced a performance period during which industry shall commence the rollout of public DTT services. A definite performance period is needed to enforce compliance with the regulations. This will be the period between 01 April 2010 and 30 March 2012. The performance period, as proposed in the draft regulations, exist within the dual illumination period as defined in the Ministerial Policy. This approach is informed by the fact that the dual illumination period as defined in the Ministerial Policy includes the DTT trials which commenced on 1 November 2008. As a result, the Authority believes it is not necessary to revise the provision in the ministerial policy, except providing clarity regarding the commencement of the performance period.

Related to this, the Authority has decided to revise the time frames for submission by broadcasters of the names of the electronic communications network services (ECNS) licensees who will provide their multiplexing and signal distribution services. In terms of the proposed new provision, broadcasters will be required to submit the name of their ECNS providers within 60 (sixty) days from the publication of the Broadcasting Frequency Plan, rather than within 60 (sixty) days from the date of promulgation of the DTT Regulations.

The Draft Regulations also make provision for a situation where an existing broadcaster is granted a licence to provide ECNS entitling it to self-provide its signal distribution services, subsequent to the promulgation of the Draft Regulations.

The Authority has clarified the requirement previously imposed in the DTT Regulations with regard to the provision of audio sound tracks for local content programmes. The Authority has now expressly provided that this requirement is only applicable to the public broadcaster. In this regard, the SABC will be required to provide services in all official languages spread equitably across the bouquet.

With regard to the third multiplex, the Authority has retained the requirement for M-Net to conduct a hard switch-over to achieve the following objectives:

1. To facilitate the speedy introduction of competition in the Pay DTT environment
2. To facilitate the expedited release of the 790-862 MHz spectrum which is required for broadband purposes
3. To separate M-Net and E-TV thus allowing the two broadcasters to choose their respective ECNS providers. Although the Authority is aware that the two services can technically co-exist within a single multiplex, it is the Authority's view that separating them will ease the process of selecting their preferred ECNS provider within the limited space of time.

The Authority has clarified and amended some of the language employed in the DTT Regulations in the interests of clarifying the obligations imposed on the various broadcasters who will be subject to the Regulations. The revised time-frames for which the Draft Regulations provide are the only substantive changes which have been made to the DTT Regulations.

### **Public Process**

Although the clarifications in the Draft Regulations are aimed at addressing the time-lines for migration and related compliance issues, the Authority has decided, in the interests of procedural fairness, to invite industry and the public also to comment generally on other issues contained in the Draft Regulations.

At this stage, the Authority has not decided whether or not it will hold public hearings on the Draft Regulations. A decision on whether or not to conduct public hearings will be made once the submissions received from interested parties have been considered by the Authority.

Stakeholders are thus invited to submit their written comments on the Draft Regulations published herewith to the Authority. The Authority undertakes this intervention with the understanding that enhanced public clarity is needed and will go a long way to ensure a smooth digital migration process, within the limited time frames. A copy of the proposed regulation will be made available on the Authority's website at <http://www.icasa.org.za> and in the ICASA Library at No. 164 Katherine Street, Pin Mill Farm, (Ground Floor at Block D), SANDTON between 09h00 and 16h00, Monday to Friday only.

Interested persons are invited to submit written comments or written representations with regard to the proposed regulations, to be received **by no later than 16h00 on 02 October 2009** by post, hand delivery or electronically (in Microsoft Word) and marked specifically **Attention: Ms Refilwe Ramatlo. Delivery address: Block A, Pinmill Farm, 164 Katherine Street, Sandton.** Further enquiries in that regard may be directed to her via e-mail at: [Rramatlo@icasa.org.za](mailto:Rramatlo@icasa.org.za) or [Hmashapha@icasa.org.za](mailto:Hmashapha@icasa.org.za) or by facsimile: 011 566-3252 or by telephone: 011 566-3251; between 10h00 and 16h00, Monday to Friday only.

Any written representation(s) submitted to ICASA pursuant to this notice, will be made available for inspection by interested persons at the ICASA library and copies of such representations will be obtainable upon payment of the prescribed fee.

At the request of any person who submits written representations pursuant to this notice, ICASA may determine that such representations or any portion thereof is confidential in terms of section 4D of the ICASA Act. Where the request for confidentiality is refused, the person who made the request will be allowed to withdraw such representations or portion thereof.

The final regulations following the conclusion of the consultative process including any hearing that may be held, will be published in the Government Gazette and made available on the website referred to above.



**PARIS MASHILE**  
**CHAIRPERSON**

## DRAFT DIGITAL TERESTRIAL TELEVISION REGULATIONS

### SCHEDULE

#### 1. DEFINITIONS

In these Regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned.

**“the Act”** means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

**“Broadcasting Act”** means the Broadcasting Act, 1999 (Act No. 4 of 1999);

**“broadcast frequency plan”** means the radio frequency plan prepared by the Authority in relation to the broadcasting service radio frequency bands, which forms part of the national radio frequency plan referred to in section 34(4) of the Act, and which replaces the revised terrestrial broadcast frequency plan published in Government Notice 1513, *Government Gazette* No 28299 of 5 December 2005;

**“commercial service division”** means the commercial service operational division of the SABC, as provided for in sections 9(1) and 11 of the Broadcasting Act;

**“Committee”** means the Joint Spectrum Advisory Committee to be established in terms of regulation 12 (1);

**“digital broadcasting”** means broadcasting in respect of which the broadcast signal is in a digital format;

**“digital incentive channel”** means a new channel to be broadcast in digital format which is authorised by the Authority in terms of these Regulations during the dual illumination period, to be provided by an existing broadcasting service licensee, in addition to existing television channel or channels broadcast by that licensee at the date of publication of these Regulations, as an incentive for digital migration;

**“digital migration”** means the transition from broadcasting a television channel in analogue format to broadcasting that channel in digital format;

**“Digital Terrestrial Television”** (DTT) means digital broadcasting of television broadcasting services using a terrestrial electronic communications network which employs radio frequency spectrum in the transmission of the broadcast signal, and does not include television broadcasting services transmitted over a cable electronic communications network;

**“dual illumination”** means the simulcast broadcasting of a television channel in both analogue and digital format;

**“e.tv”** means e.tv (Proprietary) Limited;

**“e.tv channel”** means the existing television channel provided in terms of the individual licence to provide a commercial free-to-air broadcasting service held by e.tv;

**“existing broadcasting service licensee”** means a broadcasting service licensee, other than a person who holds a test licence, who is authorised, as at the date on which these Regulations are published, to provide a television broadcasting service, which service is distributed by means of a terrestrial electronic communications network utilising radio frequency spectrum;

**“existing television channel”** means a television channel provided by an existing broadcasting service licensee in analogue format at the date of publication of these Regulations;

**“hard switchover”** means the digital migration of an existing television channel without dual illumination;

**“M-Net channels”** means the existing television channels provided in terms of the individual licence to provide a commercial subscription broadcasting service held by Electronic Media Network Limited;

**“multiplex”** means a network of frequencies used for the purposes of a multi-channel distribution service;

**“multiplex operator”** means a person licensed to provide electronic communications network services who provides signal distribution services in respect of a multiplex;

**“Multiplexing”** means the combining of data and video streams into one signal over a shared medium;

**“Multiplex 1”** means the multiplex referred to in regulation 4;

**“Multiplex 2”** means the multiplex referred to in regulation 5;

**“Multiplex 3”** means the multiplex referred to in regulation 6;

**“performance period”** means the period during which the SABC, e-TV and TBN shall implement dual illumination, and shall commence on 1 April 2010 and ending on 30 March 2012;

**“public service division”** means the public service operational division of the SABC, as provided for in sections 9(1) and 10 of the Broadcasting Act;

**“Process and Procedures Regulations”** means the Regulations on Licensing Processes and Procedures published under General Notice 398 in *Government Gazette* 30916 of 31 March 2008;

**“SABC”** means the South African Broadcasting Corporation Limited;

“**SABC channels**” means the existing television channels, SABC 1, SABC 2 and SABC 3, provided in terms of the individual licences to provide public free-to-air broadcasting services held by the SABC;

“**Standard Definition Television (SDTV)**” means digital transmissions with a resolution of at least 720 x 576 pixels, either interlaced/interfaced or progressive scanned formats;

“**TBN**” means the Trinity Broadcasting Network (Section 21 company);

“**TBN channel**” means the existing television channel provided in terms of the class licence to provide a free-to-air community broadcasting service held by Trinity Broadcasting Network

## **2. PURPOSE OF THE REGULATIONS**

The purpose of these Regulations is to: -

- (a) regulate the digital migration of terrestrial television broadcasting services;
- (b) prescribe the procedure and conditions for the allocation of channel capacity in the multiplexes;
- (c) prescribe a procedure for the authorisation of digital incentive channels; and
- (d) set the time frames for the period during which dual illumination is required by certain television broadcasting licensees and the rollout of digital terrestrial television throughout the Republic.

## **3. FRAMEWORK FOR DTT MULTIPLEXES**

- (1) Three (3) multiplexes are reserved for the digital migration of existing television broadcasting service licensees, as reflected in the broadcast frequency plan.
- (2) During the performance period, there shall be dual illumination of the SABC channels, e.tv channel and TBN channel in Standard Definition Television (SDTV) mode.
- (3) Any broadcasting service licensee who is not an existing broadcasting service licensee shall continue to broadcast in analogue format on the radio frequencies allocated to them for this purpose and is not subject to the requirement to commence the process of digital migration, as provided for in these Regulations.

- (4) During the performance period, the existing broadcasting service licensees may broadcast in Multiplex 1, 2 or 3, as the case may be, only the existing television channels and any digital incentive channels which they are authorised to provide in accordance with the procedures provided for in these Regulations.
- (5) Subsequent to the expiry of the performance period, the existing broadcasting service licensees may apply in terms of the procedures to be prescribed for this purpose for authorisation to provide any additional channels further to those referred to in sub-regulation (4).

#### **4. MULTIPLEX ALLOCATION**

##### **MULTIPLEX 1 (PUBLIC AND COMMUNITY TELEVISION BROADCASTING SERVICES)**

- (1) Multiplex 1 shall be used for the digital broadcasting of public broadcasting services and community broadcasting services.
- (2) 90% of the available capacity in Multiplex 1 is reserved for the digital broadcasting of channels provided by the SABC and shall be used for the digital broadcasting of -
- (a) the SABC channels;
  - (b) any digital incentive channels, which the SABC is authorised to provide, in accordance with the procedures set out in these Regulations; and
  - (c) any additional channels which the SABC is authorised to provide, subsequent to the expiry of the performance period.
- (3) 10% of the available capacity in Multiplex 1 is reserved for the broadcasting of the TBN channel.
- (4) The SABC and TBN shall commence the digital migration of their existing television channels at the start of the performance period and shall, for this purpose, commence digital broadcasting in Multiplex 1.



- (5) The SABC shall maintain a ratio of not less than three (3) public service channels to one (1) commercial service channel, as provided for in the Broadcasting Act, to ensure that a large portion of its allocated capacity is dedicated towards the provision of public service television.
- (6) The SABC shall ensure that all official languages, including marginalised languages as defined in the Licensees of SABC 1 and 2 are adequately represented across the bouquet.

#### **MULTIPLEX 2 (COMMERCIAL FREE-TO-AIR TELEVISION SERVICES)**

- (7) Multiplex 2 shall be used for the digital broadcasting of commercial free-to-air television broadcasting services.
- (8) 60% of the available capacity in Multiplex 2 is reserved for the broadcasting of channels provided by the e.tv and shall be used for the digital broadcasting of -
  - (a) the e.tv channel;
  - (b) any digital incentive channels, which e.tv is authorised to provide, in accordance with the procedures set out in these Regulations; and
  - (c) any additional channels which e.tv is authorised to provide, subsequent to the expiry of the performance period.
- (9) e.tv shall commence the digital migration of the e.tv channel at the start of the performance period and shall, for this purpose, commence digital broadcasting in Multiplex 2.
- (10) Any person, other than an existing broadcasting licensee, may apply to the Authority in accordance with the Process and Procedures Regulations for a special temporary authorisation to conduct test services using available capacity in Multiplex 2.

**MULTIPLEX 3 (SUBSCRIPTION BROADCASTING SERVICES)**

- (11) Multiplex 3 shall be used for the digital broadcasting of subscription television broadcasting services.
- (12) 50% of the available capacity in Multiplex 3 is reserved for the broadcasting of channels provided by M-Net and shall be used for the digital broadcasting of -
- (a) the M-Net channels;
  - (b) any digital incentive channels, which M-Net is authorised to provide, in accordance with the procedures set out in these Regulations; and
  - (c) any additional channels which M-Net is authorised to provide, subsequent to the expiry of the performance period.
- (13) M-Net shall conduct a hard switchover of the M-Net channels within a period of twelve months from the start of the performance period.
- (14) Any person, other than an existing broadcasting licensee, may apply to the Authority in accordance with the Process and Procedures Regulations for a special temporary authorisation to conduct test services using available capacity in Multiplex 3.

**5. DIGITAL INCENTIVE CHANNELS**

- (1) The capacity in Multiplexes 1, 2 and 3, as the case may be, allocated to the existing broadcasting service licensees in terms of regulation 4 is to be used by the existing broadcasting service licensees primarily for the digital migration of the existing television channels.
- (2) Subject to regulation 6, the allocated capacity in Multiplexes 1, 2 and 3, as the case may be, that is not used for the digital migration of the existing television channels may be used for the broadcasting of digital incentive channels.
- (3) Subsequent to the expiry of the performance period, any allocated capacity that is

not used for the digital broadcasting of the existing television channels or digital incentive channels, may be used for the broadcasting of additional channels which the existing broadcasting licensees [or any other broadcasting service licensee] are authorised to provide in terms of procedures prescribed for this purpose.

## 6. DIGITAL INCENTIVE CHANNEL AUTHORISATION AND PROCEDURE

- (1) An existing television broadcasting service licensee may not broadcast a digital incentive channel without the prior written authorisation of the Authority.
- (2) An existing television broadcasting service licensee shall make application, in writing, to the Authority for authorisation to broadcast a digital incentive channel.
- (3) The Authority shall make a decision on an application for authorisation of a digital incentive channel within sixty (60) days of the submission of that application, failing which the existing broadcasting service licensee shall be deemed to be authorised to provide the digital incentive channel: provided that the Authority may extend the period within which a decision is required to be made for a further period, not exceeding sixty (60) days, where, in the assessment of the Authority, it is necessary to do so.
- (4) The Authority shall extend the period referred to in sub-regulation (3) by publishing a notice to this effect in the *Gazette*.
- (5) In accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Authority shall give written reasons for its decision on an application for authorisation to broadcast a digital incentive channel within 90 (ninety) days of a request to provide written reasons.
- (6) Where a digital incentive channel is authorised by the Authority in terms of these Regulations, the existing broadcasting service licensee shall commence broadcasting the channel within ninety (90) days of the date on which the authorisation is granted unless the Authority grants, on good cause shown, an extended period for commencement of the channel on written application by the licensee, prior to the expiry of the ninety (90) day period.

**7. AUTHORISATION TO BROADCAST A DIGITAL INCENTIVE CHANNEL IN MULTIPLEX 1**

(1) The Authority shall follow a public process in respect of an application by the SABC to broadcast a digital incentive channel and shall, for this purpose -

- (a) publish notice of the application in the *Gazette*;
- (b) invite comments from interested persons in relation to the application within the period specified in the notice;
- (c) afford an opportunity to the applicant to submit written responses to representations received in relation to the application within the period specified by the Authority; and
- (d) conduct a public hearing in relation to the application, where the Authority deems it to be in the public interest to do so.

(2) In any application for authorisation to broadcast a digital incentive channel that will fall under the public service division of the SABC, the SABC must include a market impact analysis, including the implications of the proposed channel for diversity of programming, other DTT services and subscription television services and failure to submit the required information may lead to the application not being considered.

(3) In deciding whether to authorise the SABC to broadcast a digital incentive channel, that will fall under the public service division, the Authority shall take into account the extent to which the proposed digital incentive channel will achieve the requirements to be met by the SABC, as set out in section 10(1) of the Broadcasting Act, and the objectives set out in section 2 of the Act.

(4) In any application for authorisation to broadcast a digital incentive channel that will fall under the commercial service division, the SABC must include in its application the information that is required to be provided in an application by a commercial free-to-air broadcasting service licensee, as specified in regulation 8.

(5) In deciding whether to authorise the SABC to broadcast a digital incentive channel, that will fall under the commercial service division, the Authority shall take into account the extent to which the proposed digital incentive channel will achieve the

requirements to be met by the SABC, as set out in section 11(1) of the Broadcasting Act, and the objectives set out in section 2 of the Act.

## **8. AUTHORISATION TO BROADCAST A DIGITAL INCENTIVE CHANNEL IN MULTIPLEX 2 AND MULTIPLEX 3**

(1) An application for authorisation to broadcast a digital incentive channel in Multiplex 2 or Multiplex 3 must include the following -

- (a) the name of the proposed channel;
- (b) a market impact analysis, including the implications of the proposed channel for diversity of programming and other DTT services;
- (c) the primary language(s) of the channel;
- (d) proof of financial viability;
- (e) a programming plan, including local content; and
- (f) any other related information as may be required by the Authority.

(2) Failure to submit the information required in terms of regulation 8(1) may lead to the application not being considered.

(3) An existing television broadcasting service licensee who provides a subscription broadcasting service shall follow the procedures set out in these Regulations to obtain the Authority's authorisation to broadcast a digital incentive channel rather than the procedures set out in the Subscription Broadcasting Regulations, 2006.

## **9. SIGNAL DISTRIBUTION OF DTT SERVICES**

(1) Each of Multiplex 1, 2 and 3 will be operated by a multiplex operator.

(2) Within sixty (60) days of the publication of the broadcast frequency plan, the existing television broadcasting service licensee other than TBN shall provide the Authority with -

- (a) the name of the person licensed to provide electronic communications network services who is designated as the multiplex operator in respect of the multiplex allocated to that licensee.

- (b) the commercial agreement entered into between the parties;
  - (c) a rollout plan in line with the coverage targets stated in regulation 11; and
  - (d) a technical plan consistent with the broadcast frequency plan.
- (3) Where an existing television broadcasting service licensee fails to comply with sub-regulation (2) or where the Authority is not satisfied that the multiplex operator designated by an existing television broadcasting service licensee will achieve the roll-out targets or the broadcasting signal distribution objectives specified in section 62 of the Act, the Authority shall within 60 (sixty) days of the date referred to in sub-regulation (2), issue an invitation inviting interested persons who hold an individual licence to provide electronic communications network services to apply to act as the multiplex operator in respect of the multiplex in question.
- (4) An application submitted in response to an invitation to apply referred to in sub-regulation (3) shall include details of: -
- (a) the tariff framework to be applied;
  - (b) a rollout plan in line with the coverage targets stated in regulation 11; and
  - (c) a technical plan consistent with the broadcast frequency plan.
- (5) Where the Authority believes that it is necessary as a matter of procedural fairness, the Authority may take any or all of the following steps –
- (a) invite interested persons to submit written representations in relation to application(s) received from electronic communications network service licensees to operate the multiplex in question within the period specified in the notice;
  - (b) allow the applicant(s) an opportunity to submit written responses to representations received in relation to the application within the period specified by the Authority; and
  - (c) conduct a public hearing in relation to the application.
- (6) The Authority may, after considering the application(s) submitted in response to an invitation to apply in terms of sub-regulation (3) and any written representations

made in relation to an application, appoint the holder of an individual licence to provide electronic communications network services as the multiplex operator in respect of the multiplex in question and shall stipulate the terms and conditions on which the multiplex operator is appointed, taking into account the requirements of section 62(3) of the Act.

(7) Where an existing television broadcasting service licensee is granted an individual licence to provide electronic communications network services in order to self provide signal distribution services, the licensee -

(a) may elect to operate the multiplex allocated to it;

(b) has the right to terminate the appointment of the multiplex operator appointed in terms of sub-regulation (2) or (6), as the case may be, upon 6 (six) months notice to the multiplex operator and the Authority.

## 10. ROLL-OUT TARGETS

(1) The licensee appointed as the multiplex operator in respect of Multiplex 1 and Multiplex 2 must ensure that the digital broadcast signal reaches the following percentages of the population of the Republic -

(a) 50% at the end of the financial year 2009/2010;

(b) 65% at the end of the financial year 2010/2011; and

(c) 95% at the end of the financial year 2011/2012.

(2) Multiplex operators must provide the Authority with quarterly reports on quality of service, including progress in meeting required technical standards and measures undertaken or to be undertaken to manage and prevent frequency interference within South Africa and in the region, to be submitted to the Authority within one (1) month after the end of the multiplex operator's financial year and every three (3) months thereafter.

- (3) Multiplex operators must keep records of all incidences of harmful frequency interference and include them in their quarterly reports to be submitted to the Authority.

## **11. GENERAL OBLIGATIONS**

- (1) A multiplex operator must ensure that an Electronic Programme Guide and Electronic Programme Information are always available to viewers.
- (2) A multiplex operator may provide data services over its electronic communications network but must prioritise the provision of digital television services over data services.
- (3) Additional data services introduced for the purposes of enhancing innovation and better service to consumers must not exceed fifteen (15) percent of the capacity allocated to a broadcasting service licensee in each multiplex.
- (4) Data services referred to above, shall include services which require a return path.
- (5) No sound broadcasting service may be broadcast on the multiplexes allocated in terms of these Regulations for DTT unless it is for test purposes, which must first be authorised by the Authority.

## **12. JOINT SPECTRUM ADVISORY COMMITTEE**

- (1) In order to promote the efficient co-ordination of frequency spectrum and interference resolution during the dual illumination period, the Authority will establish a Joint Spectrum Advisory Committee (JSAC), as a consultative forum, with the existing television broadcasting service licensees and their respective multiplex operators to co-ordinate usage of frequencies.
- (2) The Committee will advise the Authority on the most efficient processes to be adopted in resolving matters related to spectrum management to minimise or prevent harmful interference during the transition from analogue to digital technology.



(3) The Committee shall comprise -

- (a) two (2) representatives from each existing television broadcasting service licensee and multiplex operator;
- (b) two (2) officials from the Authority; and
  - (i) a person designated as a Chairperson by the Authority: provided that participation in the Committee is voluntary and the existing television broadcasting service licensees and multiplex operators are not obliged to join the Committee

(4) The Committee will be dissolved within six (6) months from the end of the performance period.

(5) The Committee shall make recommendations to the Authority in relation to the matters referred to in sub-regulation (2).

(6) Decisions of the Committee are to be reached by consensus.

(7) A quorum of a meeting of the Committee is a majority of the members of the Committee, including the person designated as Chairperson of the Committee.

(8) The existence of the JSAC does not take out the right of any operator to file complaints with the Authority, and the responsibility of the Authority to enforce compliance in terms of the law.

### **13. PENALTIES**

Upon a determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:

- (a) Five Hundred Thousand Rands (R500 000) for contravention of regulations 3(2), 4(5) and 6(1) of these Regulations.
- (b) One Hundred Thousand Rands (R100 000) for contravention of all regulations not specified in paragraph (a);
- (c) Additional Fifty Thousand Rands (R50 000) for repeated contravention of the Regulations.

**14. SHORT TITLE AND COMMENCEMENT**

These Regulations are called the Digital Terrestrial Television (DTT) Regulations, 2009, and will come into effect upon publication in the *Gazette*.

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