

Switching over to the Draft Digital Sound Broadcasting Services Regulations

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24 Nov 2020

The South African (SA) sound broadcasting industry has been waiting patiently for legislative developments regarding the switchover from analogue broadcasting to digital sound broadcasting (DSB).



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The Independent Communications Authority of SA (Icasa) has released the Draft Digital Sound Broadcasting Services Regulations (Draft Regulations) and has invited interested parties to make written representations by 29 December 2020.

The Draft Regulations follow the outcome of an inquiry into the use of DSB services in SA which commenced in March 2018 and concluded in March 2020. The inquiry revealed that there is a need for DSB services in SA, and these findings inform the content of the Draft Regulations.

The stated objectives of the Draft Regulations are to set out the framework for the introduction of DSB services in SA, and to prescribe the procedure for an applicant that wishes to provide DSB services (Applicant). In relation to the latter objective, an Applicant will need to apply to Icasa for either a class licence (under the Process and Procedures Regulations for Class Licences, 2010) or an individual licence (under the Process and Procedures Regulations for Individual Licences, 2010), as the case may be.

Some of the noteworthy features which are contained in the Draft Regulations are:

- **Switch-off date.** The Draft Regulations do not provide an exact switch-off date. Instead, they provide that the Minister of Communications and Digital Technologies will determine the date on which SA will switch from analogue broadcasting to digital sound broadcasting.
- **Phased approach.** Icasa will grant licences for DSB services in a phased manner, with primary markets (being Gauteng and the metropolitan areas of Cape Town and Durban) receiving licences first.
- **Existing licensees.** Existing sound broadcasting service licensees will have an option to simulcast (defined as simultaneously transmitting the same radio programme on two or more channels or media) their existing sound broadcasting programme(s) on both analogue and digital platforms until such time as the analogue switch-off date has been determined.
- **Applicants.** An Applicant can apply to Icasa for a licence two years after the effective date of the final Regulations. This will be done via an invitation to apply which is issued by Icasa.
- **Technical advisory group.** A DSB technical advisory group will be established by Icasa to oversee the roll out of DSB services.
- **Multi-channel distributors.** These distributors will be required to have an electronic communications network services (ECNS) licence and a radio frequency (RF) spectrum licence in order to distribute and operate a network of frequencies designed to simultaneously permit the transmission of two or more channels.
- **Channel authorisation.** A sound broadcasting service licensee cannot add a channel to its service without authorisation from Icasa.
- **Penalties.** The Draft Regulations propose the imposition of significant penalties for non-compliance with the licensing regulations, and a fine of up to R500,000 for non-compliance with the preceding paragraph (regarding channel authorisation).

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