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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE 901 OF 2022

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

Draft Amendment Regulations on the Processes and Procedures in respect of Applications, Amendments, Renewals, Surrender and Transfer of Individual Licences and applications for Special Temporary Authorisations in terms of the Electronic Communications Act, 2005, as amended.

(1) The Independent Communications Authority of South Africa (the "Authority") hereby amends the Processes and Procedures Regulations for Individual Licences, 2010, published in the Government Gazette on 14 June 2010 (Notice No. R. 522), as amended, to the extent reflected in the schedule.

(2) A copy of the Draft Regulations will be made available on the Authority's website[1] and the Authority's Library at No. 350 Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion, (Ground Floor at Block C), between 09h00 and 16h00, Monday to Friday.

(3) Interested persons are invited to make written representations with regard to the Draft Regulations and must be submitted to the Authority by no later than 16h00 on **15 May 2022** by post, hand delivery or electronically and marked specifically for attention: Mr Peter Mailula. Delivery address: Block B, 350

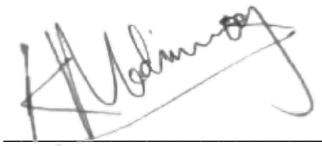
[1] http://www.icasa.org.za

Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion. Where possible, written representations should also be emailed to: PMailula@icasa.org.za. Enquiries should be directed to 012 568 -3657; between 09h30 and 16h00, Monday to Friday.

(4) Written representation(s) received by the Authority pursuant to this notice, will be made available for inspection by interested persons at the Authority's library and such copies will be obtainable upon payment of the prescribed fee.

(5) At the request of any person who submits written representations pursuant to this notice, the Authority may determine that such representations or any portion thereof is to be treated as 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 (s) thereof.

(6) Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral representations to the Authority.



DR. KEABETSWE MODIMOENG

CHAIRPERSON

DATE: 17/03/2022

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)

REGULATIONS

The Independent Communications Authority of South Africa has, under section 5(7) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended, made the regulations in the schedule.

SCHEDULE

1. Definitions

In these regulations "the Regulations" means the regulations published by Government Notice No. 522 of 14 June 2010, as amended by Government Notice No.154 of 30 March 2016 and Government Notice No. 767 of 5 December 2018.

2. Amendment of regulation 1 of the Regulations:

2.1. Regulation 1 of the Regulations is hereby amended by the substitution of paragraph (d) of the definition for "application" of the following paragraph:

"(d) to transfer or to transfer control of an Individual Licence; "

2.2. Regulation 1 of the Regulations is hereby amended by the substitution of the definition for 'historically disadvantaged persons' with the following definition:

"**Historically Disadvantaged Persons** ("HDP") – means women, persons with disabilities and youth, who before the Constitution of the Republic of South Africa, 1996 came into operation, were disadvantaged by unfair discrimination on the basis of race, gender, disability, sexual orientation or religion"

3. Amendment of regulation 4 of the Regulations:

Regulation 4 of the Regulations is hereby amended by the substitution of paragraph (c) of sub-regulation (1) for the following paragraph:

"(c) Form G: Application to transfer ownership and/or control of an individual Licence (Regulation 11);"

4. Amendment of regulation 5 of the Regulations:

4.1. Regulation 5 of the Regulations is hereby amended by the substitution of sub-regulation (1A) for the following sub-regulation:

"(1A) Applicants must submit either one (1) soft copy of the original application electronically (e.g., email) or two (2) hard copies (including an original) of the application as well as a soft copy of the application using external storage device."

4.2. Regulation 5 of the Regulations is hereby amended by the substitution of sub-regulation (2) for the following sub-regulation:

"(2) Where any document is required in terms of these Regulations, it must be submitted to the Authority before 16h00 during working days. Further, if a document is submitted after 16h00, the document will be considered to have been received on the next day."

4.3. **Amendment of regulation 5A in the Regulations:**

The following regulation is hereby amended by the substitution of regulation 5A of the Regulations with the following:

"5A. The Authority will not consider any application if the Applicant is in arrears with respect to any fees and/or is not compliant with any other applicable regulations or the Act."

5. Amendment of regulation 10 of the Regulations:

Regulation 10 of the Regulations is hereby amended by the deletion of paragraphs (a) and (b) of sub-regulation (3).

6. Amendment of regulation 11 of the Regulations:

6.1. Regulation 11 of the Regulations is hereby amended by the substitution of paragraph (a) of sub-regulation (2) for the following paragraph:

"(a) publish a notice in the Government Gazette and the Authority's website of the application to transfer the Licence;"

6.2. Regulation 11 of the Regulations is hereby amended by the substitution of sub-regulation (3) for the following sub-regulation:

"(3) The Authority will not consider an application if the licensee is in arrears with respect to any fees and/or is not compliant with any other applicable regulations or the Act."

7. Substitution of regulation 12 of the Regulations:

7.1. The following regulation is hereby substituted for regulation 12 of the Regulations:

"The Authority may refuse to renew or transfer a Licence if the Licensee has not complied with one or more of the following:

(a) where the Licensee has been found guilty of a contravention by the CCC and has not complied with the order by the Authority in terms of section 17 of ICASA Act;
(b) where the Licensee is in arrears with respect to any fees and/or is not compliant with any other applicable regulations or the Compliance Procedure Manual Regulations or the Act; or
(c) where the ownership and control of the Transferee (in a transfer application) or Applicant (in a renewal application), by historically disadvantaged persons is less than the percentage prescribed by the

Act and the Regulations in respect of the Limitations of Control and Equity Ownership by Historically Disadvantaged Groups (HDGs) and the application of the ICT sector code, 2021."

8. Substitution of regulation 13 of the Regulations:

The following regulation is hereby substituted for regulation 13 of the Regulations:

"**13 Surrender of an individual Licence (section 12 of the Act)**

(1) A licensee may surrender its Licence by submitting a notice as set out in Form I.

(2) The notice referred to in sub-regulation (1) must be submitted in no less than ninety (90) days prior to the date determined by the licensee, on which the surrender of its licence will take effect and on which it will cease to provide the services in respect of which the licence was granted.

(3) A Licensee may not cease providing services prior to having submitted a notice for the surrender of its licence to the Authority.

(4) A licensee that intends to surrender its licence must take appropriate steps to inform its end-users/listeners/viewers of its intention to cease providing its services two (2) months prior to the cessation of such services. The abovementioned notification to end-users/listeners/viewers and contemplated period shall take place within the ninety (90) days as set out in sub-regulation (2).

(5) All amounts due and payable to the Authority must be paid within one calendar month of the date on which the service provided in terms of the licence is discontinued, except where the Authority, upon the request by the licensee and on good cause shown, extends the said time in this regard."

9. Amendment of regulation 14A of the Regulations:

9.1. Regulation 14A of the Regulations is hereby amended by the substitution of sub-regulation (2) and (3) for the following sub-regulation:

"(2) A licensee must submit the notice within fourteen (14) working days of the change occurring where:

(a) name, and/or trading name or contact details of the licensee changes;
(b) Type of the service/s provided in terms of the licence (only applicable to ECS and ECNS);
(c) shareholding (Refer to 14 (C) below);
(d) Principal place of business; and
(e) Postal address.

(3) A notice submitted to the Authority in terms of sub-section (2), outside the prescribed 14 days, must be accompanied by a fee as may be determined by the Authority from time to time."

9.2. Regulation 14A of the Regulations is hereby amended by the addition of the following sub-regulation:

"(4) The name and\or trading name of the licensee may not be changed to the extent that it may conflict or be confused with the name and \or trading name of another licensee."

10. Amendment of regulation 14C: Changes in shareholding

The following regulation is hereby substituted for regulation 14C of the Regulations:

(1) In the event a licensee proposes changes to its shareholding, however minute, the licensee must submit to the Authority, prior to implementing the proposed changes, a letter detailing:

(a) Current shareholding;

(b) Proposed changes in shareholding; and

(c) Past shareholding changes since the issuance of the licence.

(2) If the Authority determines that the submitted changes amount to changes in ownership/transfer of control, the Licensee will be instructed to make a submission in line with regulation 11 read with regulation 12.

(3) If the Authority determines that the submitted changes do not amount to changes in ownership/transfer of control, the Licensee will be instructed to make a submission in line with regulation 14 (A).

11. Substitution of regulation 15 of the Regulations:

The following regulation is hereby substituted for regulation 15 of the Regulations:

"15. **Publication of the notice for online application process**

The Authority may by means of an Invitation to Apply (ITA), published in the Government Gazette and the Authority's website, allow applicants to lodge applications through an online application process on the date to be determined by the Authority."

12. Short Title and Commencement

These regulations are called the Licensing Processes and Procedures for Individual Licences Amendment, 2021, and will come into operation by publication in the Government Gazette.

13. Substitution of Form C of the Regulations

The following Form of Schedule 1 is hereby substituted for Form C of the Regulations:

"FORM C

APPLICATION TO AMEND AN INDIVIDUAL LICENCE
(Regulation 9)

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

Note:

(a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.

(b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.

(c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.

1. PARTICULARS OF LICENCE	
1.1 Licence number:	
1.2 Nature of services authorised to be provided in terms of the Licence: Check the Reasons Document. Confirm the service to be	

	provided.	
1.3	Attach a copy of the Licence that is the subject of this application. The copy of the Licence must be marked clearly as **Appendix 1.3 of FORM C.**	
2.	**PARTICULARS OF APPLICANT (LICENSEE)**	
2.1	Full name of applicant:	
2.2	Designated Contact persons (Maximum of two):	
2.3	Applicant's principal place of business	
2.4	Applicant's postal address:	
2.5	Applicant's Telephone number/s:	
2.6	Applicant's mobile number/s	
2.7	Applicant's Telefax number/s:	
2.8	E-mail address of designated contact persons (maximum of two):	

3.	**PROPOSED AMENDMENT TO THE LICENCE**
3.1	Set out the proposed amendment/s (with reference to existing clauses in the licence) to the licence which is/are the subject of this application:
3.2	Set out the reasons for the proposed amendment/s to the Licence. If the amendment is regarding programming, please attach research undertaken supporting the proposed amendment. Please attach research report as Annexure 3.2. The report must indicate what necessitates the proposed amendment/s.
3.3	Explain the implications (if any) of the proposed amendment/s, with specific reference *inter alia* to the provisions of section 10(1) (a), (b), (c), (d) and (f) of the Act:

4.	**RADIO FREQUENCY SPECTRUM**
4.1	Indicate whether the applicant holds a radio frequency spectrum Licence. If so, provide details thereof and attach a copy of the radio frequency spectrum Licence marked clearly as **Appendix 4.1** of **FORM C**:
4.2	If an amendment to the applicant's radio frequency spectrum Licence is necessary, a separate application to amend the applicant's radio frequency spectrum Licence must be submitted to the Authority in this regard at the same time as this application.

5.	**UNDERTAKINGS**
5.1	Provide details of undertakings (if any) and other matters which, in the applicant's view, the Authority may need to take into consideration:
5.2.	Attach a resolution signed by the majority of the members of the board of directors authorising the person signing and submitting this application marked clearly as Appendix 5.2 of FORM C.

The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any Licence amended pursuant to this application set aside, should any material statement made herein, at any time, be found to be false.

Signed …….

(APPLICANT)

I certify that this declaration was signed and sworn to before me at ……. on the …… day of …… 20…, by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

_____

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

(…end of substitution)”

14. Substitution of Form E of the Regulations

The following Form of Schedule 1 is hereby substituted for Form E of the Regulations:

"FORM E

APPLICATION TO RENEW AN INDIVIDUAL LICENCE

(Regulation 10)

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under the Act with regard to the requirements to be fulfilled by applicants.

(b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.

(c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.

1. PARTICULARS OF LICENCE	
1.1. Licence number:	
1.2. Nature of services authorised to be provided in terms of the Licence:	
1.3. Expiry date of Licence:	
1.4. Attach a copy of the Licence that is the subject of this application. The copy of the Licence must be marked clearly as **Appendix 1.4** of **FORM E**.	

2.	**PARTICULARS OF APPLICANT (LICENSEE)**	
2.1.	Full name of applicant:	
2.2.	Designated contact person (maximum of 2):	
2.3.		
2.4.	Applicant's principal place of business	
2.5.	Applicant's postal address:	
2.6.	Applicant's telephone number/s:	
2.7.	Applicant's telefax number/s:	
2.8.	E-mail address of the designated contact person:	

3.	**OWNERSHIP AND MANAGEMENT**
3.1.	Provide details of all ownership interests in the applicant and the identity and address of each holder of an ownership interest in the applicant. Where an applicant is a juristic person only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the applicant are relevant.
3.2.	Indicate whether the applicant is listed on any stock exchange, and provide

	details of any such listing:
3.3.	In respect of each holder of any ownership interest in any person holding an ownership interest in the applicant, provide the details required in 3.1 in respect of each such holder:
3.4.	Indicate the extent to which any ownership interest referred to above is held by an historically disadvantaged person or group (including black people, women and disabled persons) or youth organisation.
3.5.	Indicate whether the holder of any ownership interest in the applicant is a foreign citizen or an entity registered or incorporated in any country other than South Africa:
3.6.	Indicate whether any person holding an ownership interest in the applicant holds a Licence issued in terms of the Act or holds an ownership interest in any other licensee licensed to provide a service similar to that to which this

	application relates:
3.7.	Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:
3.8.	Provide details (including name, nationality, identification or passport number, position and address) of each member of the applicant's: (i) board of directors or similar body; and (ii) senior management.

4.	**RADIO FREQUENCY SPECTRUM**
4.1.	Indicate whether the applicant holds a radio frequency spectrum Licence. If so, provide details thereof and attach a copy of the radio frequency spectrum Licence marked clearly as **Appendix 4.1** of **FORM E**:
4.2.	Indicate the date on which the applicant's radio frequency spectrum Licence

expires. A separate application to renew the applicant's radio frequency spectrum Licence must be submitted to the Authority prior to the expiry of that Licence in terms of the applicable regulations.

5. **FAILURE TO COMPLY WITH REQUIREMENTS**
5.1. Indicate any action (finalized or pending) that has been taken by the Authority or any other person against the licensee due to contravention of the Act or related legislation. Also include the sanctions (if any) imposed by the CCC of such action, if finalized.
5.2. Where the applicant is a broadcaster, provide details of any finding by a body recognised in terms of section 54 and 55 of the Act.

6.	**UNDERTAKINGS**
6.1.	Specify any undertakings which the applicant is prepared to make in order to promote the objects of the Act, if its Licence is renewed.

7.	**LATE FILING OF APPLICATION**	
7.1.	Indicate if this application is filed with the Authority within the time period specified in the ICASA Licensing Processes and Procedures Amendment Regulations, 2010:	
7.2.	Where this application is filed outside of this time period, set out the reasons for the late filing:	

8.	**GENERAL**
8.1.	Provide details of any matter which, in the applicant's view, the Authority should consider:
8.2.	Attach a resolution signed by the majority of the members of the board of directors authorising a person signing and submitting this application marked clearly as Appendix 9.2 of FORM **E**.

The person signing the registration on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any Licence amended

pursuant to this application set aside, should any material statement made herein, at any time, be found to be false.

Signed …….

(APPLICANT)

I certify that this declaration was signed and sworn to before me at ……. on the …… day of …… 20…, by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

_____

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

(…end of substitution)”

15. Substitution of Form G of the Regulations

The following Form of Schedule 1 is hereby substituted for Form G of the Regulations:

"FORM G

APPLICATION TO TRANSFER OWNERSHIP AND/OR CONTROL OF AN INDIVIDUAL LICENCE

(Regulation 11)

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

Note:

(a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.

(b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.

(c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.

1. PARTICULARS OF LICENCE	
1.1. Licence number/s:	
1.2. Nature of services authorised to be provided in terms of the Licence:	
1.3. Attach a copy or copies of the Licence/s that is the subject of this application. The copy of the Licence must be marked clearly as **Appendix 1.3 of FORM G.**	
2. **PARTICULARS OF THE APPLICANT (LICENSEE)**	
2.1. Full name of the applicant:	
2.2. Designated contact persons (Max 2):	
2.3. Applicant's principal place of business:	
2.4. Applicant's postal address:	

2.5. Designated contact person's telephone number/s (including mobile) (max 2):	
2.6. Designated contact person's telefax number/s:(max 2)	
2.7. E-mail address of designated contact persons (max 2):	

3. **PARTICULARS OF TRANSFEREE**	
3.1. Full name of transferee:	
3.2. Designated contact persons (max 2):	
3.3. Transferee's principal place of business:	
3.4. Transferee's postal address:	

3.5. Telephone number/s (max 2):	
3.6. Telefax number/s (max 2):	
3.7. E-mail address of the designated contact persons:	

4. **LEGAL FORM OF THE APPLICANT (LICENSEE)**	
4.1Indicate if the applicant is:	
(i) a natural person	
(ii) a partnership	
(iii) a juristic person	
(iv) other (specify)	
4.2If the applicant is a natural person or a partnership:	
4.2.1 Provide the identity number of the applicants or each partner in the applicant:	
4.2.2 Attach a certified copy of the identity document of the applicant or	

certified copies of the identity document of each partner in the applicant marked clearly as **Appendix 4.2.2** of **FORM G**, indicating that he or she is a citizen of the Republic, as required by section 5(8) (a) of the Act.	
4.3 If the applicant is a juristic person:	
4.3.1 Indicate the legal form of the applicant (e.g. private company incorporated in terms of the Companies Act, /2008):	
4.3.2 Registration number of Applicant:	
4.3.3 Attach certified copies of the applicant's certificate of registration and memorandum and articles of association or other constitutive documents of the applicant (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as Appendix 4.3.3 of FORM G, indicating the applicant's compliance with the requirements of section 5(8)(b) of the Act.	
4.4 Where the applicant has been liquidated or sequestrated, provide:	
4.4.1 Liquidator / Executor's principal place of business	
4.4.2. Liquidator / Executor's telephone number/s:	
4.4.3. Liquidator/Executor's mobile number/s:	
4.4.4. Liquidator / Executor 's telefax number/s:	
4.4.5. Liquidator / Executor's E-mail	

address:	
4.4.6. Attach a Court Order and sequestration notice as well as relevant documents in relation to the liquidation marked clearly as Appendix 4.4.6.1 of FORM G. Also provide an affidavit deposed to by the liquidator or executor, indicating the consent to the transfer of the Licence, marked clearly as **Appendix 4.4.6.** of **FORM G**.	

5. LEGAL FORM OF TRANSFEREE	
5.1 Indicate if the transferee is:	
(i) a natural person	
(ii) a partnership	
(iii) a juristic person	
(iv) other (specify)	
5.2 If the transferee is a natural person or a partnership:	
5.2.1 Provide the identity number of the transferee or each partner in the transferee:	
5.2.2 Attach a certified copy of the identity document of the transferee or certified copies of the identity document of each partner in the transferee marked clearly as **Appendix 5.2.2** of **FORM G**, indicating that he or she is a citizen of the Republic, as required by section 5(8)	

(a) of the Act.	
5.3 If the transferee is a juristic person:	
5.3.1. Indicate the legal form of the transferee (e.g. private company incorporated in terms of the Companies Act, 2008):	
5.3.2. CIPC Registration number of Transferee:	
5.3.3. Attach certified copies of the transferee's certificate of incorporation and memorandum and articles of association or other constitutive and/or other governing documents of the transferee (e.g., memorandum and articles of association, association agreement, constitution) marked clearly as **Appendix 5.3.3 of FORM G,** indicating the transferee's compliance with the requirements of section 5(8) (b) of the Act.	
5.4. If the transferee is not a juristic person but intends to operate as one if this application is granted:	
5.4.1. Provide a written undertaking that the transferee will comply with section 5(8) (b) of the Act marked clearly as **Appendix 5.4.1** of **FORM G**.	
6. OWNERSHIP AND MANAGEMENT OF APPLICANT	
6.1 Provide details of all ownership interests in the applicant and the identity and address of each holder of an ownership interest in the applicant. Where an applicant is a juristic person, only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the applicant are relevant. **Attach as Appendix 6.1 of FORM G**	

6.2 Indicate whether the applicant is listed on any stock exchange, and provide details of any such listing: **Attach as Appendix 6.2 of FORM G**
6.3 In respect of each holder of any ownership interest in any person holding an ownership interest in the applicant, provide the details required in 6.1 in respect of each such holder: **Attach as Appendix 6.3 of FORM G**
6.4 Indicate the extent to which any ownership interest referred to above is held by an historically disadvantaged person
6.5. Indicate whether the holder of any ownership interest in the applicant is a foreign citizen or an entity registered or incorporated in any country other than South Africa:

6.6. Indicate whether any person holding an ownership interest in the applicant holds a Licence issued in terms of the Act or holds an ownership interest in any other licensee licensed to provide a service similar to that to which this application relates:
6.7. Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:
6.8. Provide details (including name, nationality, identification or passport number, position and address) of each member of the applicant's: (i) board of directors or similar body; and (ii) senior management. **Attach as Appendix 6.8 of FORM G**

7. OWNERSHIP AND MANAGEMENT OF TRANSFEREE
7.1 Provide details of all ownership interests in the transferee and the identity and address of each holder of an ownership interest in the transferee if a natural person. Where a transferee is a juristic person, indicate all the shareholders and the percentage shares held by each shareholder. **Attach as Appendix 7.1 of FORM G**

7.2	Provide a written undertaking indicating the correctness of the information stated in 7.1 signed off by Accounting Officer clearly marked **Appendix 7.1 of FORM G.**
7.3	Indicate whether the transferee is listed on any stock exchange and provide details of any such listing.
7.4	Provide a written undertaking indicating the stated in 7.3 signed off by Accounting Officer clearly marked **Appendix 7.3 of FORM G.**
7.5	In respect of each holder of any ownership interest in any person holding an ownership interest in the transferee, provide the details required in 7.1 in respect of each such holder.
7.6	Provide a written undertaking indicating the stated in 7.5 signed off by Accounting Officer clearly marked **Appendix 7.5 of FORM G.**
7.7	Indicate the extent to which any ownership interest referred to above is held by historically disadvantaged groups.
7.8	Provide a written undertaking indicating the stated in 7.7 signed off by Accounting Officer clearly marked **Appendix 7.7 of FORM G.**
7.9	Indicate whether the holder of any ownership interest in the transferee is a foreign citizen or an entity registered or incorporated in any country other than South Africa:
7.10	Provide a written undertaking indicating the stated in 7.9 signed off by Accounting Officer clearly marked **Appendix 7.9 of FORM G.**
7.11	Indicate whether any person holding an ownership interest in the transferee holds a Licence issued in terms of the Act or holds an ownership interest in any other licensee licensed to provide a service similar to that to which this application relates:

7.12	Provide a written undertaking indicating the stated in 7.11 signed off by Accounting Officer clearly marked **Appendix 7.11 of FORM G.**
7.13	Provide particulars of any interest held by the transferee in another licensee licensed in terms of the Act:
7.14	Provide a written undertaking indicating the stated in 7.13 signed off by Accounting Officer clearly marked **Appendix 7.13 of FORM G.**
7.15	Provide details (including name, nationality, identification or passport number, position and address) of each member of the transferee's: i. board of directors or similar body; and ii. senior management. **Attach as Appendix 7.15 of FORM G**
8.	**SUITABILITY OF TRANSFEREE**
8.1	Provide particulars of any Licence held by the transferee in terms of the Act, which has been revoked. **Attach as Appendix 8.1 of FORM G**
8.2	Provide particulars of any application submitted by the transferee for a Licence in terms of the Act, which was rejected: **Attach as Appendix 8.2 of FORM G**
8.3	Provide particulars of any application submitted by the transferee for a Licence in terms of the Act which is pending before the Authority: **Attach as Appendix 8.3 of FORM G**

8.4	Provide details of any action taken in relation to the transferee by the Authority or any other person due to a breach of the Act and related legislation. **Attach as Appendix 8.4 of FORM G**
8.5	Provide a written undertaking indicating the stated in 8.1, 8.2, 8.3 and 8.4 signed off by Accounting Officer clearly marked **Appendix 8.5 of FORM G.**
8.6	Provide details of the transferee's 5-year business plan in respect of the application: **Attach as Appendix 8.6 of FORM G**
8.7	Attach a comprehensive business plan stated in 8.6 clearly marked **Appendix 8.7 of Form G.**
8.8	Provide separately and mark clearly as **Appendix 8.8 of FORM G**, copies of the transferee's audited annual financial statements for the previous three years:
8.9	Provide detailed network architecture layout plan and roll-out plans should this application be granted indicating timeframes and roll-out targets clearly marked **Appendix 8.9 of FORM G.**
8.10	Applicable to Individual ECS/ECNS only: provide detailed proposed commercial agreements to be made available in terms of roaming,

	interconnection, facilities leasing clearly marked **Appendix 8.10 of FORM G**
9.	**OWNERSHIP AND CONTROL BY HISTORICALLY DISADVANTAGED PERSONS, COMPETITION ANALYSIS AND CONSUMER INTEREST**
9.1	Provide details of how the parties comply with the 30% ownership and control interest by historically disadvantaged groups clearly marked **Appendix 9.1 of FORM G.**
9.2	Provide an independent competition analysis report regarding the impact of this transaction on the relevant market clearly marked **Appendix 9.2 of Form G. The report should outline how the proposed transaction will promote competition in the ICT sector (e.g., Market share, The current subscribers, the type of services, etc.)**
9.3	Provide a consumer (customers) interest analysis report post the transaction clearly market **Appendix 9.3 of Form G. The report should indicate amongst others whether the proposed transaction will have (1) any horizontal impact (2) vertical Impact whether there is any supplier.**
10.	**REASONS FOR PROPOSED TRANSFER**
10.1	Provide the detailed reasons for the proposed transfer clearly marked **Appendix 10.1 of FORM G.**
11.	**APPLICANT'S LICENCE OBLIGATIONS**
11.1	Indicate those obligations of the applicant in terms of the Licence which have been discharged and those that will be assumed by the transferee, should this application be granted:

11.2 Provide separately and mark clearly as **Appendix 11.2 of FORM G**, a written undertaking given by the transferee, through its duly authorised representative, that it will comply with the applicant's Licence obligations in the event of the transfer application being approved by the Authority.	
12. UNDERTAKINGS	
12.1 Specify any undertakings which the transferee is prepared to make in order to promote the objects of the Act, should this application be approved by the Authority. Clearly marked as **Appendix 12 of FORM G**	
13. COMPLIANCE WITH CHAPTER 9 OF THE ACT	
This section is only applicable where the Licence to be transferred is in respect a broadcasting service.	
13.1 Indicate whether the transferee is a member of the Advertising Standards Authority or intends to become a member:	
13.2 Indicate whether the transferee is a member of a body contemplated in section 54(3) of the Act or intends to become a member:	
13.3 Indicate whether the transferee is a party, movement, organisation, body or alliance which is of a party-political nature. 13.4 Indicate if the transferee has any shareholding (direct or indirect) interest in any of the licensed broadcasting services.	

13.5 Indicate whether the transferee controls a newspaper, and, if so, provide details of: 13.5.1 newspaper's circulation figures 13.5.2 area in which the newspaper is distributed 13.5.3 newspaper's market share.	
14. GENERAL	
14.1 Provide details of any other matter of which, in the applicants' view, the Authority should be aware:	
14.2 Attach a resolution signed by the majority of the members of the board of directors authorising a person signing and submitting this application marked clearly as Appendix 14,2 of FORM G. ((In case of liquidation kindly provide relevant documents).	

The persons signing the application on behalf of the applicant and the transferee must acknowledge as follows:

I, the applicant, acknowledge that the Authority reserves the right to have any Licence amended pursuant to this application set aside, should any material statement made herein, at any time, be found to be false.

Signed …….

(APPLICANT)

I certify that this declaration was signed and sworn to before me at ……. on the …… day of …… 20…, by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

_____

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

(…end of substitution)”

16. Substitution of Form I of the Regulations

The following Form of Schedule 1 is hereby substituted for Form I of the Regulations:

"FORM I

NOTICE OF SURRENDER OF AN INDIVIDUAL LICENCE
(Regulation 13)

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

Note: ***(a)*** *Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.*

(b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.

(c) Where any information in this Form does not apply to the licensee, the licensee must indicate that the relevant information is not applicable.

1. PARTICULARS OF LICENCE	
1.1. Licence number	
1.2. Nature of services authorised to be provided in terms of the Licence:	
1.3. Expiry date of Licence:	
1.4. Date on which surrender of Licence is to take effect:	
1.5. Attach a copy/ies of the Licence/s that is the subject of this notice marked clearly as **Appendix 1.5** of **FORM I**.	

2. **PARTICULARS OF APPLICANT (LICENSEE)**	
2.1. Full name of (Applicant):	
2.2. Designated contact person:	
2.3. Licensee's principal place of business:	
2.4. Licensee's postal address:	
2.5. Licensee's telephone/mobile number/s:	
2.6. Licensee's telefax number/s:	
2.7. E-mail address of designated contact persons (max 2):	
3. **PARTICULARS OF OTHER LICENCES**	
Indicate if the licensee holds any other Licences issued in terms of the Act and whether the licensee intends also to surrender any such Licences (e. Radio Frequency Spectrum Licence). If so, separate notices of surrender in respect of such Licences must be submitted in this regard.	

4. **STEPS TO INFORM SUBSCRIBERS AND END-USERS**
Provide details of the steps the licensee proposes to take to inform subscribers and end-users of the proposed cessation of the services in

respect of which the Licence was granted.

5.	**FEES PAYABLE**
5.1.	Indicate those fees and contributions which will be due and payable by the date on which the surrender of the Licence is to take effect and, where possible, the amount of such fees and contributions.
5.2.	Specify the number of months which will elapse from the date on which the License is to be surrendered to the financial year end of the Licensee.

6.	**GENERAL**
6.1.	Provide details of any other matter of which, in the licensee's view, the Authority should be aware:
6.2.	Attach a resolution signed by the majority of the members of the board of directors authorising a person signing and submitting this application marked clearly as Appendix 6.2 of FORM I.

Signed …….

(LICENSEE)

I certify that this declaration was signed and sworn to before me at ……. on the …… day of …… 20…, by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;

2. has no objection to taking the prescribed oath or affirmation; and

3. considers this oath or affirmation to be truthful and binding on his/her conscience.

_____

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

(…end of substitution)”

Substitution of Form J of the Regulations

The following Form of Schedule 1 is hereby substituted for Form J of the Regulations:

"FORM J

APPLICATION FOR A SPECIAL TEMPORARY AUTHORISATION
(Regulation 14)

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.

(b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.

(c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.

1. PARTICULARS OF APPLICANT	
(1) Full name of applicant:	
(2) Designated contact person (Max 2):	
(3) Applicant's principal place of business:	
(4) Applicant's postal address:	
(5) Applicant's telephone number/s:	

(6) Applicant's telefax number/s:	
(7) E-mail address of designated contact persons (Max 2):	

2. LEGAL FORM OF APPLICANT	
2.1. Indicate if the applicant is:	
(i) a natural person	
(ii) a partnership	
(iii) a juristic person	
(iv) other (specify)	
2.2 If the applicant is a natural person or a partnership:	
2.2.1 Provide the identity number of the applicant or each partner in the applicant:	
Attach a certified copy of the identity document of the applicant or certified copies of the identity document of each partner in the applicant marked clearly as **Appendix 2.2.2** of **FORM J**, indicating that he or she is a citizen of the Republic, as required by section 5(8) (a) of the Act.	
2.3 If the applicant is a juristic person:	
Indicate the legal form of the applicant (e.g., private company incorporated in terms of the Companies Act, 1973):	
2.3.2 Registration number of applicant:	
Attach certified copies of the applicant's certificate of incorporation and memorandum and articles of association or other constitutive documents of the applicant (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as **Appendix 2.3.3** of **FORM J**, indicating the applicant's compliance with the requirements of section 5(8) (b) of the Act.	
3. If the applicant is not a juristic person but intends to operate as one if the	

	authorisation that is the subject of this application is granted:	
	Provide a written undertaking that the applicant will comply with section 5(8) (b) of the Act marked clearly as **Appendix 2.4.1** of **FORM J**.	
	Indicate when and how the applicant will comply with section 5(8) (b) of the Act:	
4.	**NATURE OF A SPECIAL TEMPORARY AUTHORISATION**	
	4.1. Indicate the nature of the authorisation required:	
	(i) an electronic communications network service	
	(ii) electronic communications service	
	(iii) a broadcasting service	
	4.2. Provide a description of the authorisation and the manner in which it is to be provided and provide a detailed explanation of the purpose for which the authorisation is to be provided (i.e., for testing, demonstration, and/or research and development purposes):	
	4.3. Indicate the geographic area in which the authorisation is to be provided:	
	4.4. Indicate the time period for which authorisation is requested, together with an explanation for such requested time period:	

5.	RADIO FREQUENCY SPECTRUM
4.1.	Indicate if the applicant holds any radio frequency spectrum licence in respect of radio frequency spectrum to be utilised for the purpose of providing the services for which authorisation is sought in terms of this application. Attach a copy of any such radio frequency spectrum licence marked clearly as **Appendix 5.1** of **FORM J**:
4.2.	Indicate if the applicant has submitted or intends to submit an application for a temporary radio frequency spectrum licence for the provision of the services to which this application relates. If so, indicate the frequency band which is proposed to be utilised for the purpose of providing the service:
6.	**UNDERTAKING**
6.1.	A service which is provided in terms of a special temporary authorisation may not be sold or otherwise be made available or provided on a commercial basis.
6.2.	I .....(applicant) hereby confirms and binds itself in writing that it will not sell or otherwise make available its special temporary authorisation on a commercial basis.
7.	**GENERAL**
7.1.	Provide details of any other matter of which, in the applicant's view, the Authority should be aware:
7.2.	Attach a resolution authorising the person signing this application to sign this application, marked clearly as **Appendix 7.2** of **FORM J**.

The person signing the registration on behalf of the applicant must acknowledge as follows:

I, the applicant, acknowledge that the Authority reserves the right to have any licence amended pursuant to this application set aside, should any material statement made herein, at any time, be found to be false.
Signed …….

(APPLICANT)

I certify that this declaration was signed and sworn to before me at …….on the …… day of …… 20…, by the deponent who acknowledged that he/she:

1. knows and understood the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

_____

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

(…end of substitution)”

17. Substitution of Form O of the Regulations

The following Form of Schedule 1 is hereby substituted for Form O of the Regulations:

"FORM O

NOTICE OF CHANGE OF INFORMATION IN RESPECT OF AN INDIVIDUAL LICENCE

(Regulation 14 A)

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

Note: (a) Licensees must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by licensees.

(b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.

(c) Where any information in this Form does not apply to the licensee, the licensee must indicate that the relevant information is not applicable.

1. PARTICULARS OF LICENCE	
1.1 Licence number:	
1.2 Attach a copy of the licence that is the subject of this notice, marked clearly as **Appendix 1.2**. of **FORM O.**	

2. CHANGE TO INFORMATION PROVIDED IN THE REGISTER	
2.1 Indicate whether the updated information relates to:	
2.1.1 Name and contact details of the licensee; and/or	

2.1.2 Type/Nature of the service provided by the licensee.		
3. PARTICULARS OF LICENSEE		
3.1 Licensee must provide the information requested in this section even where no change has occurred in relation to the licensee's particulars.		
		Indicate with X where the information in question has changed.
3.1.1 Full name of licensee:		
3.1.2 Designated contact person:		
3.1.3 Licensee's street address:		
3.1.4 Licensee's principal place of business (if different from street address):		
3.1.5 Licensee's postal address:		
3.1.6 Licensee's telephone number/s:		
3.1.7 Licensee's telefax number/s:		
3.1.8 E-mail address of designated contact person:		
3.1.9 Shareholding:		

4 TYPE/NATURE OF THE SERVICES PROVIDED BY THE LICENSEE
4.1. Where the type/nature of the services provided by the licensee in terms of the licence has changed, provide updated information on the nature of the service provided:
5. **GENERAL**
5.1. Provide details of any matter which, in the licensee's view, the Authority should consider:
5.2. Attach a resolution authorising the person signing this notice. The resolution must be clearly as **Appendix 5.2**.of **FORM O.**

The person signing the application on behalf of the licensee must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence amended pursuant to this notice set aside should any material statement made herein, at any time, be found to be false.

Signed …….

(LICENSEE)

I certify that this declaration was signed and sworn to before me at …….on the …… day of …… 20…, by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;

2. has no objection to taking the prescribed oath or affirmation; and

3. considers this oath or affirmation to be truthful and binding on his/her conscience.

_____

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

(…end of substitution)”

Independent Communications Authority of South Africa
350 Witch-Hazel Avenue, Eco Point Office Park
Eco Park, Centurion.
Private Bag X10, Highveld Park 0169
Telephone number: (012) 568 3000/1

EXPLANATORY MEMORANDUM ON THE AMENDMENT OF THE PROCESSES AND PROCEDURES REGULATIONS FOR INDIVIDUAL LICENCES, 2010, AS AMENDED

1. BACKGROUND AND CURRENT REGULATORY FRAMEWORK

1.1. The Independent Communications Authority of South Africa ("the Authority") has, under section 8 read with section 4 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the EC Act"), and section 17 of the ICASA Act, 2000 (Act No. 13 of 2000) decided to amend the Regulations regarding the Processes and Procedures for Individual Licences ("the Regulations") under Chapter 3 of the EC Act.

1.2. The purpose of the amendment is to provide clarity on the Authority's processes and procedures with regards to Individual Licences.

1.3. **Amendment of regulation 1: Definitions**

The Authority hereby amends the definitions contained in the Regulations as follows:

1.3.1. The definition of **"application"** is amended to be in line with the section 13 of the ECA which, in addition to speaking transfer of an individual licence, also speaks about transfer of control in an individual licence.

1.3.2. The definition of **"historically disadvantaged persons"** is amended to align it with the definition of historically disadvantaged persons as contained in the Class Processes and Procedures Regulations[1].

[1] Class Licensing Processes and Procedures Amendment Regulations, 2021, Government Notice No. 144, Government Gazette No. 44336 of 26 March 2021

1.4. **Amendment of regulation 4: Prescribed Forms**

Sub-regulation 4(1)(c) is amended to reflect: "(c) Form G: Application to transfer ownership *and/or control* of an individual Licence (Regulation 11);" in order for it tobe in line with the section 13 of the ECA which, in addition to speaking transfer of an individual licence, also speaks about transfer of control in an individual licence.

1.5. **Amendment of regulation 5: Submission of applications and other documents**

1.5.1. Regulation 5 is amended by the substitution of sub-regulation 5(2) to reflect as follows:

"(2) Where any document is required in terms of these Regulations, it must be submitted to the Authority before 16h00 during working days. Further, if a document is submitted after 16h00, the document will be considered to have been received on the next day."

This insertion clarifies instances of uncertainty regarding when a document is deemed to be received in instances of late submission.

1.5.2. Furthermore, sub-regulation 5(1)(A) is substituted by the following sub-regulation:

"5(1)(A) Applicants must submit either one (1) soft copy of the application electronically (e.g., email) or two (2) hard copies (including an original) of the application as well as a soft copy of the application on a USB or a disc."

This insertion is aimed at streamlining the application submission process, making allowance for electronic submission where physical submission is not possible.

1.5.3. Regulation 5A is furthermore amended by the substitution of sub-regulation 5A with the following:

"(5A) The Authority will not consider any application if the Applicant is in arrears with respect to any fees and/or is not compliant with any other applicable regulations or the Act."

This is to ensure that Applicants/Registrants are in overall compliance with relevant Regulations as well as to streamline requirements for Applications/Registrations.

1.6. **Amendment of regulation 10: Application to renew an Individual Licence (section 11 of the Act)**

Regulation 10 is amended by the deletion of sub-regulation 10(3)(a) and (b) as these provisions are already provided for in the relevant Form E.

1.7. **Amendment of regulation 11: Application to transfer an Individual Licence (section 13(2) of the Act)**

Regulation 11 is amended by the substitution of sub-regulation 11(2)(a) with the following sub-regulation:

"11(2)(a) publishes a notice in the Gazette and the Authority's website of the application to transfer the Licence;"

This amendment was made necessary to make provision for the publication of applications on the Authority's website, to not limit publication to the Government Gazette only.

Regulation 11 is further amended by the substitution of sub-regulation 11(3) with the following:

"11(3) The Authority will not consider any application if the Applicant is in arrears with respect to any fees and/or is not compliant with any other applicable regulations or the Act."

This is to ensure that Applicants/Registrants are in overall compliance with relevant Regulations as well as to streamline requirements for Applications/Registrations.

1.8. **Amendment of regulation 12: Restrictions on transfer and renewal of an Individual Licence**

Regulation 12 is amended by the substitution of sub-regulation 12(1) with the following sub-regulation:

"(1) The Authority may refuse to renew or transfer a Licence if the Licensee has not complied with one or more of the following:

(a) Where the Licensee has been found guilty of a contravention by the CCC and has not complied with the order by the Authority in terms of section 17 of ICASA Act; or

(b) is in arrears with respect to any fees and/or is not compliant with any other applicable regulations or the Act."; or

(c) Where the ownership and control of the Transferee (in a transfer application) or Applicant (in a renewal application), by historically disadvantaged persons is less than the percentage prescribed by the Act and the Regulations in respect of the limitations of control and Equity ownership by historically disadvantaged groups (HDG) and the application of the ICT sector code ("HDG Regulations")."

The aim of this amendment is to to ensure that Applicants/Registrants are in overall compliance with relevant Regulations as well as to streamline requirements for Applications/Registrations.

The referral to the HDG Regulations for any ownership and control requirement is to make allowance for any amendments that may take place in the HDG Regulations.

1.9. **Amendment of regulation 13: Surrender of an individual Licence (section 12 of the Act)**

Regulation 13 is amended by the substitution of the entire regulation with the following:

"13 Surrender of an individual Licence (section 12 of the Act)

(1) A licensee may surrender its Licence by submitting a notice as set out in Form I.

(2) The notice referred to above must be submitted in no less than ninety (90) days prior to the date determined by the licensee, on which the surrender of its licence will take effect and on which it will

cease to provide the services in respect of which the licence was granted.

(3) A Licensee may not cease providing services prior to having submitted a notice for the surrender of its licence to the Authority.

(4) A licensee that intends to surrender its licence must take appropriate steps to inform its end-users/listeners/viewers of its intention to cease providing its services two (2) months prior to the cessation of such services. The abovementioned notification to end-users/listeners/viewers and contemplated period shall take place within the ninety (90) days as set out in sub-regulation (2) above.

(5) All amounts due and payable to the Authority must be paid within one calendar month of the date on which the service provided in terms of the licence is discontinued, except where the Authority, upon the request by the licensee and on good cause shown, extends the said time in this regard."

The reason for the amendment is to protect customers/listeners/viewers by providing timelines within which the licensee must inform customers/listeners/viewers of its intention to cease operations. The rationale for one calendar month in respect of payments is premised on how debtors are aged.

1.10. **Amendment of regulation 14A: Notice of change of information in respect of an individual licence**

1.10.1. **Regulation 14A is amended by the substitution of sub-regulation 14A (2) with the following:**

"14A (2) A licensee must submit the notice within fourteen (14) days of the change occurring where:

(a) name, and/or trading name or contact details of the licensee changes;

(b) Type of the service/s provided in terms of the licence change (only applicable to ECS and ECNS);

(c) shareholding (Refer to 14 (C) below);

(d) Principal place of business; and

(e) Postal address."

The reasoning behind the amendment is to grant additional time within which a licensee must submit the notification change; and to align these Regulations with those of class licences in this regard.

Furthermore, the inclusion of trading name is to ensure that licensees do not change their trading names to ones similar to other licensees, thus causing confusion for consumers, etc.

The reason for the insertion 'principal place of business' is because in most instances the Authority has found that the physical address provided by stakeholders is not necessarily the principal place of business. The term "principal place of business" is in accordance with section 5(8)(b) of the Electronic Communications Act, 2005, as amended and is essential for compliance monitoring.

The insertion of 'postal address' is to ensure adequate contact details for the licensee.

"14A (3). A notice submitted to the Authority in terms of sub-section (2), outside the prescribed 14 days, must be accompanied by a fee as may be determined by the Authority from time to time."

The insertion of sub-regulation 14A (3) has introduced a fee that will be applicable to notifications that are filed outside the prescribed time period of 14 days. The aim of the introduction of the fee seeks to deter licensees from submitting late notifications and to promote the integrity of the Authority's database and records. In order to give effect to the introduction of sub regulation 14A (3), the Authority will in due course publish the applicable fee.

1.10.2. **Regulation 14A is further amended by the insertion of the following sub-regulation after sub-regulation 14A (2):**

"14A (4) The name and\or trading name of the licensee may not be changed to the extent that it may conflict or be confused with the name and \or trading name of another licensee."

The reason for the insertion of this sub-regulation is to ensure that licensees do not change their trading names to ones similar to other licensees, thus causing confusion for consumers, etc.

1.10.3. **Amendment of regulation 14C: Changes in shareholding**

"The following regulation is hereby substituted for regulation 14C of the Regulations:

(1) In the event a licensee proposes changes to its shareholding, however minute, the licensee must submit to the Authority, prior to implementing the proposed changes, a letter detailing:

(a) Current shareholding;
(b) Proposed changes in shareholding; and
(c) Past shareholding changes since the issuance of the licence.

(2) If the Authority determines that the submitted changes amount to changes in ownership/transfer of control, the Licensee will be instructed to make a submission in line with regulation 11 read with regulation 12.

(3) If the Authority determines that the submitted changes do not amount to changes in ownership/transfer of control, the Licensee will be instructed to make a submission in line with regulation 14 (A)."

1.11. **Amendment of regulation 15: Publication of the notice for online application process**

Regulation 15 is amended by the substitution of the entire regulation with the following:

"15. The Authority may by means of an Invitation to Apply ("ITA"), published in the Government Gazette and/or the Authority's website, allow

applicants to lodge applications through an online application process on the date to be determined by the Authority."

The reason for this amendment is to make allowance for the Authority to publish ITAs on its website as well as in the Government Gazette.

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