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OKTOBER 1997

No. 18392

GENERAL NOTICES

NOTICE 1540 OF 1997

INDEPENDENT BROADCASTING AUTHORITY

REGULATIONS RELATING TO ADMINISTRATIVE PROCEDURES

The Independent Broadcasting Authority has under section 78(1) of the Independent Broadcasting Authority Act, 1993 (Act 153 of 1993), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates :-

- (i) "**Authority**" means the Independent Broadcasting Authority established by section 3 of the Act and includes the Broadcasting Monitoring and Complaints Committee established in terms of section 21(1)(b) of the Act;

- (ii) **"office of the Authority"** and **"Office"** means the office referred to in regulation 2;
- (iii) **"registrar"** means the chief administrative officer of the Authority appointed under section 14(1) of the Act, and includes any other staff member of the Authority specially authorised thereto;
- (iv) **"the Act"** means the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993), as amended, and any other word or expression to which a meaning has been assigned in the Act shall bear such meaning.

Office of the Authority

- 2. (1) The headquarters of the Authority is situated at Khasho House, 26 Baker Street, Rosebank, Johannesburg.
- (2) The postal address of the Authority is Private Bag X31, Parklands, 2121.
- (3) The telephone number of the Authority is (011) 447-6180/6
- (4) Facsimile documents may be received by the Authority if transmitted on telephone number (011) 447-6187/88/89.

Normal office hours

- 3. (1) The office of the Authority shall be open to the public :-
 - (a) from 10:00 to 16:30 on Mondays to Fridays; and
 - (b) subject to the provisions of sub-regulation 3 (2), at any other times and on any other days determined by the Authority.
- (2) The office shall not be open to the public :-
 - (a) on days which are public holidays according to law;
 - (b) on days which may from time to time be notified by means of a placard posted in a conspicuous place at the office or in such other manner as the Authority may think fit;
 - (c) from 24 December in any year to 1 January the following year both days inclusive.

Filing of documents

- 4. (1) The registrar shall open and maintain a separate file in respect of each-
 - (a) inquiry contemplated in section 28 of the Act;
 - (b) draft frequency plan contemplated in section 31(2) of the Act;
 - (c) amendment of a frequency plan contemplated in section 31(5) of the Act;
 - (d) Application for or renewal, amendment or transfer of a broadcasting signal distribution licence contemplated in section 34 of the Act;
 - (e) application for a broadcasting licence contemplated in section 41 of the Act;
 - (f) renewal of a broadcasting licence contemplated in section 44 of the Act;

- (g) amendment of a broadcasting licence contemplated in section 52 of the Act;
 - (h) transfer of a broadcasting licence contemplated in section 74 of the Act;
 - (i) complaint contemplated in section 63 of the Act to the Broadcasting Monitoring and Complaints Committee.
 - (j) monitoring reports and records relating to each licence issued by the Authority
 - (k) any confidential material or information as contemplated in section 42(b) of the Act.
 - (l) any other documentation deemed appropriate by the Authority.
- (2) Any application, comment, representation or other document lodged with the Authority and any proceedings, findings or rulings of the Authority in connection with any such inquiry, plan, amendment, application, renewal, transfer or complaint shall be filed on record by the registrar in the file concerned.

Documents to be marked with reference number

5. (1) The Authority may, when it gives notice inviting written comments or representations in connection with an inquiry, plan, amendment, application, renewal, transfer or complaint referred to in regulation 4, specify a reference number which has been assigned thereto.
- (2) Where a reference number has been assigned and specified as contemplated in sub-regulation 5 (1), all comments, representations and any other documents lodged with the Authority in connection with the inquiry, plan, amendment, application, renewal, transfer or complaint concerned shall bear that reference number on the first page of the document.

Documents which are faint or of irregular size

6. (1) A person who lodges a document with the Authority shall, if in the opinion of the registrar that the document is, owing to the faintness thereof, not clearly legible or not capable of producing a clearly legible photocopy, provide the Authority with an acceptable substitute of that document.
- (2) A person who lodges a document with the Authority shall, if in the opinion of the registrar that the document is, owing to the irregular size of its pages, unsuitable for purposes of record or for making photocopies, provide the Authority with an acceptable substitute of that document.

Lodgment of certified true copies of documents

7. (1) A person who lodges a copy instead of the original of a document, shall, if the Authority so requires, furnish to the Authority a copy thereof which is certified to be a true copy of the original document.

- (2) Any such copy required by the Authority shall be so certified:-
- (a) in the case of a copy of a document which is filed of record in any government office, by or on behalf of the person in charge of such office or the officer to whose custody the original is entrusted;
 - (b) in the case of a copy of any other document, by a notary public.
- (3) A notary public or commissioner of oaths who certifies a document as contemplated in sub-regulation 7(2)(b) shall affix his seal to each page of the document so certified.

Verification of signatures

8. (1) Where the authenticity of any signature on any document lodged is in question, the Authority may require the person who lodged such document to cause such signature to be authenticated as provided in this regulation.
- (2) The signature in question may, as indicated by the Authority :-
- (a) be authenticated by the signature and seal of office of a notary public or commissioner of oaths;
 - (b) be authenticated in manner prescribed in the rules of the provincial and local divisions of the High Court of South Africa for the authentication of documents executed outside the Republic to permit of their being produced or lodged in any public office in the Republic; or
 - (c) be shown in any other manner and to the satisfaction of the Authority to have been actually made by the person purporting to have signed the document.

Documents in a language other than an official language

9. (1) A person who lodges a document with the Authority which is in a language other than an official language of the Republic shall lodge with such document a translation thereof into such an official language.
- (2) Such translation shall:-
- (a) be certified to be a correct translation of such document by a person who is admitted and enrolled by a division of the High Court of South Africa as a sworn translator in the official language and foreign language concerned; or
 - (b) be otherwise verified to the satisfaction of the Authority.

Certified, authenticated and translated documents to be bound

10. Where the Authority requires:-
- (a) a document to be certified a true copy as contemplated in regulation 7;
 - (b) a signature to be authenticated as contemplated in regulation 8; or
 - (c) a document to be translated as contemplated in regulation 9,

the pages of the document concerned, including all appendices shall be collated and numbered consecutively and bound or suitably secured, to the satisfaction of the registrar or the Authority, together with a complete index thereto.

Fees for copies or extracts and for certifying

11. (1) An interested party shall pay the fee set out in Schedule 1 for a copy of or extract from:-

- (a) any written representations made pursuant to a notice of intention to conduct an inquiry, as contemplated in section 28(5) of the Act;
- (b) any frequency plan or any written comments or representations on a draft frequency plan, as contemplated in section 31(4)(b) of the Act;
- (c) any amendment of a frequency plan or any written comments or representations on such amendment, as contemplated in section 31(5)(b) read with section 31(4)(b) of the Act;
- (d) any documents in connection with an application for or the renewal, amendment or transfer of a broadcasting signal distribution licence, as contemplated in section 34 of the Act;
- (e) any application for a broadcasting licence, any written representations lodged in relation to such an application, the applicant's written response thereto or any further documentary information furnished by the applicant or such person, or any proceedings, findings or rulings at any hearing in respect thereof, as contemplated in section 42(5)(c) of the Act;
- (f) any such application, representations, response, information, proceedings, findings or rulings in connection with a renewal of a broadcasting licence, as contemplated in section 44(2) read with section 42(5)(c) of the Act;
- (g) any such application, representations, response, information, proceedings, findings or rulings in connection with an amendment of a broadcasting licence, as contemplated in section 52(4) read with section 42(5)(c) of the Act;
- (h) any such application, representations, response, information, proceedings, findings or rulings in connection with a transfer of a broadcasting licence, as contemplated in section 74(2) of the Act;
- (i) any written complaint or written representations or evidence received by the Broadcasting Monitoring and Complaints Committee, or its proceedings, rulings or findings in connection therewith, as contemplated in section 63(9)(c) of the Act;
- (j) the register of licences kept by the Authority, as contemplated in section 70(3) of the Act.

(2) Should an interested party wish to obtain a transcript of any proceedings which have been mechanically recorded, he or she shall pay in addition to such other fees as may be prescribed in these regulations, the fees set out in part C of schedule 2.

(3) When such party requests the Authority to certify any such copy or extract as contemplated in regulation 13, he or she shall, in addition to the fee prescribed by sub-regulation 11(1), pay:-

- (a) the fee for certification set out in Part A of Schedule 2; and

- (b) where such certified copy or extract is required to be bound or fastened as contemplated in regulation 13(4), the fee set out in Part B of Schedule 2.

Manner of payment of fees

12. (1) Fees payable to the Authority shall be paid in cash or postal money order or guaranteed cheque to the Authority.
- (2) Where fees are paid to the Authority as contemplated in sub-regulation 12 (1), the registrar shall issue a receipt therefore;
- (3) The registrar may, by means of adhesive paste or glue, affix the receipt or deposit slip concerned to the rear of the first page of the copy or extract in respect of which the fee was paid.

Certified copies of or extracts from records kept by Authority

13. (1) Where the Authority is requested by an interested person to furnish him or her with a certified copy of or extract from a document, such copy or extract may be certified as provided in this regulation.
- (2) The interested person concerned shall, before the document is certified, pay:-
- (a) the appropriate fee for copying the document prescribed by regulation 11(1);
- (b) in addition to such copying fee:-
- i) the fee for certifying the document prescribed by regulation 11(2)(a); and
- ii) where the registrar requires the document to be bound or fastened as contemplated in sub-regulation 13 (4), the fee for binding prescribed by the regulation 11(2)(b).
- (3) Any such copy of or extract from a document shall be certified on each page as a true copy of or extract from the document by means of the signature of the registrar and the stamp or seal of the Authority.
- (4) (a) The registrar may require that such copy or extract shall, before being so certified, be bound or otherwise fastened together in the manner determined by the registrar.
- (b) Such binding or fastening together shall be undertaken by the Authority utilizing its own binding facilities.

Authority may use copy or extract

14. The Authority may, in any inquiry, hearing or other proceeding conducted by the Authority in terms of the Act, use a copy of or extract from any document lodged or filed of record with the Authority instead of the document concerned.

Registrar may reject documents not complying

15. The registrar may reject any document which does not comply with the provisions of these regulations.

Party may not rely on formal defect

16. A failure by any person to comply with these regulations shall not confer any right on a party to any inquiry, hearing or other proceeding conducted by the Authority in terms of the Act.

Indexes

17. The registrar shall keep such registers or records as may be necessary for the purpose of affording ready reference to:-
- (1) any inquiry, plan, amendment, application, renewal, transfer or complaint referred to in regulation 4; and
 - (2) the register of licences kept by the Authority.

Minutes of meetings with the Authority

18. Where interested parties request a meeting with the Council or management of the Authority, such parties shall be obliged make available to the Authority a minute of such meeting within 5 working days, whereafter the Authority shall confirm the minute in writing.

Short Title

19. These regulations may be cited as the Independent Broadcasting Authority Administrative Procedures Regulations, 1997.

SCHEDULE 1**FEES FOR COPIES OR EXTRACTS**

[regulation 11(1)]

A4 (297mm X 210mm) or smaller pages:

For any number of pages 40c per page

A3 (420mm X 297mm) pages:

For any number of pages 50c per page

SCHEDULE 2**PART A****FEES FOR CERTIFYING**

[regulation 11(2)(a)]

- (a) For the first 10 pages 50c per page
- (b) For the next 90 pages 30c per page
- (c) For subsequent pages 20c per page

PART B**FEES FOR BINDING**

[regulation 11(2)(a)]

The tariff in respect of the binding undertaken by the Authority shall be a market related amount plus an additional amount equal to 20% of such tariff.

PART C**FEES FOR TRANSCRIPTS OF RECORDINGS**

The tariff of the firm selected by the Authority to undertaking the transcription of the mechanical recording, plus an additional amount equal to 20% of such tariff.

NOTICE 1541 OF 1997**NOTICE REGARDING HEARINGS IN RELATION TO APPLICATIONS FOR
PRIVATE SOUND BROADCASTING LICENCES**

The Independent Broadcasting Authority gives notice under section 42 of the Independent Broadcasting Authority Act, Act 153 of 1993, that the hearings in respect of the applications received for the private sound broadcasting licence in the Durban area as well as for the application for the sale of Capital Radio will be conducted as set out in the Schedule.

SCHEDULE

TUESDAY 28 OCTOBER 1997	WEDNESDAY 29 OCTOBER 1997	THURSDAY 30 OCTOBER 1997	FRIDAY 31 OCTOBER 1997
VENUE : KINGS MEAD CRICKET GROUNDS, DURBAN	VENUE : KINGS MEAD CRICKET GROUNDS, DURBAN	VENUE : KINGS MEAD CRICKET GROUNDS, DURBAN	VENUE : KINGS PARK RUGBY STADIUM, DURBAN
APPL ICANT : QUIMA INVESTMENTS (PTY) LTD	APPLICANT : QUIMA INVESTMENTS (PTY) LTD	APPLICANT : IGAGASI BROADCASTING (PTY) LTD	APPLICANT : DURBAN RADIO INITIATIVE (PTY) LTD
PROPOSED NAME OF STATION : CAPITAL RADIO	PROPOSED NAME OF STATION : CAPITAL RADIO	PROPOSED NAME OF STATION : IGAGASI FM	PROPOSED NAME OF STATION : RADIO P4

MONDAY 3 NOVEMBER 1997	TUESDAY 4 NOVEMBER 1997	WEDNESDAY 5 NOVEMBER 1997	THURSDAY 6 NOVEMBER 1997
VENUE : KINGS MEAD CRICKET GROUNDS, DURBAN	VENUE : KINGS MEAD CRICKET GROUNDS, DURBAN	VENUE : KINGS MEAD CRICKET GROUNDS, DURBAN	VENUE : KINGS MEAD CRICKET GROUNDS, DURBAN
APPLICANT : SHARE ALIKE INVESTMENTS (PTY) LTD	APPLICANT : NEW MILLENIUM RADIO GROUP	APPLICANT : Z-FM RADIO CONSORTIUM (JARDEL INVESTMENTS) (PTY) LTD	APPLICANT : THE MORIBO CONSORTIUM
PROPOSED NAME OF STATION : CLASSIC FM	PROPOSED NAME OF STATION : HORIZON FM	PROPOSED NAME OF STATION : RADIO Z-FM	PROPOSED NAME OF STATION : KAYA THEKWINI

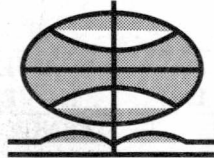


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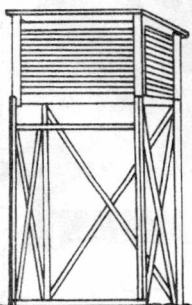
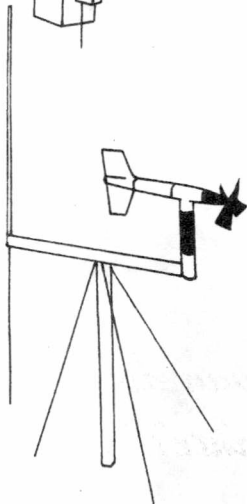
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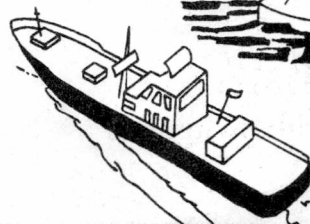
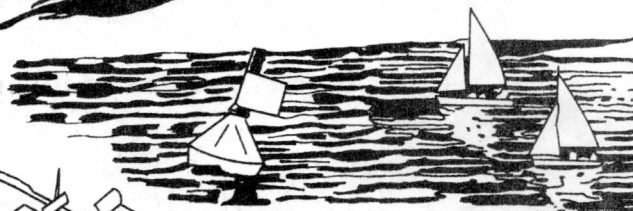
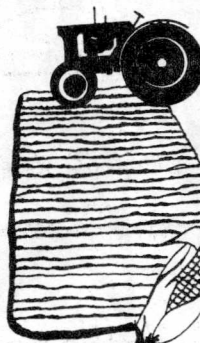
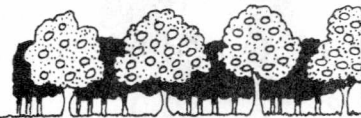
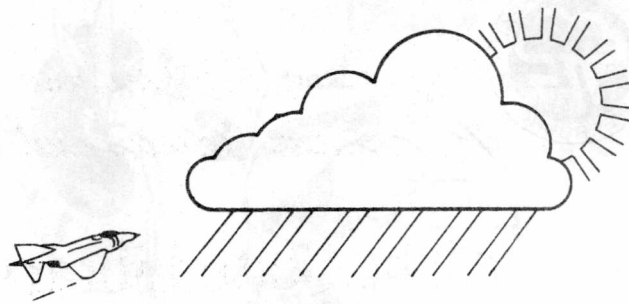
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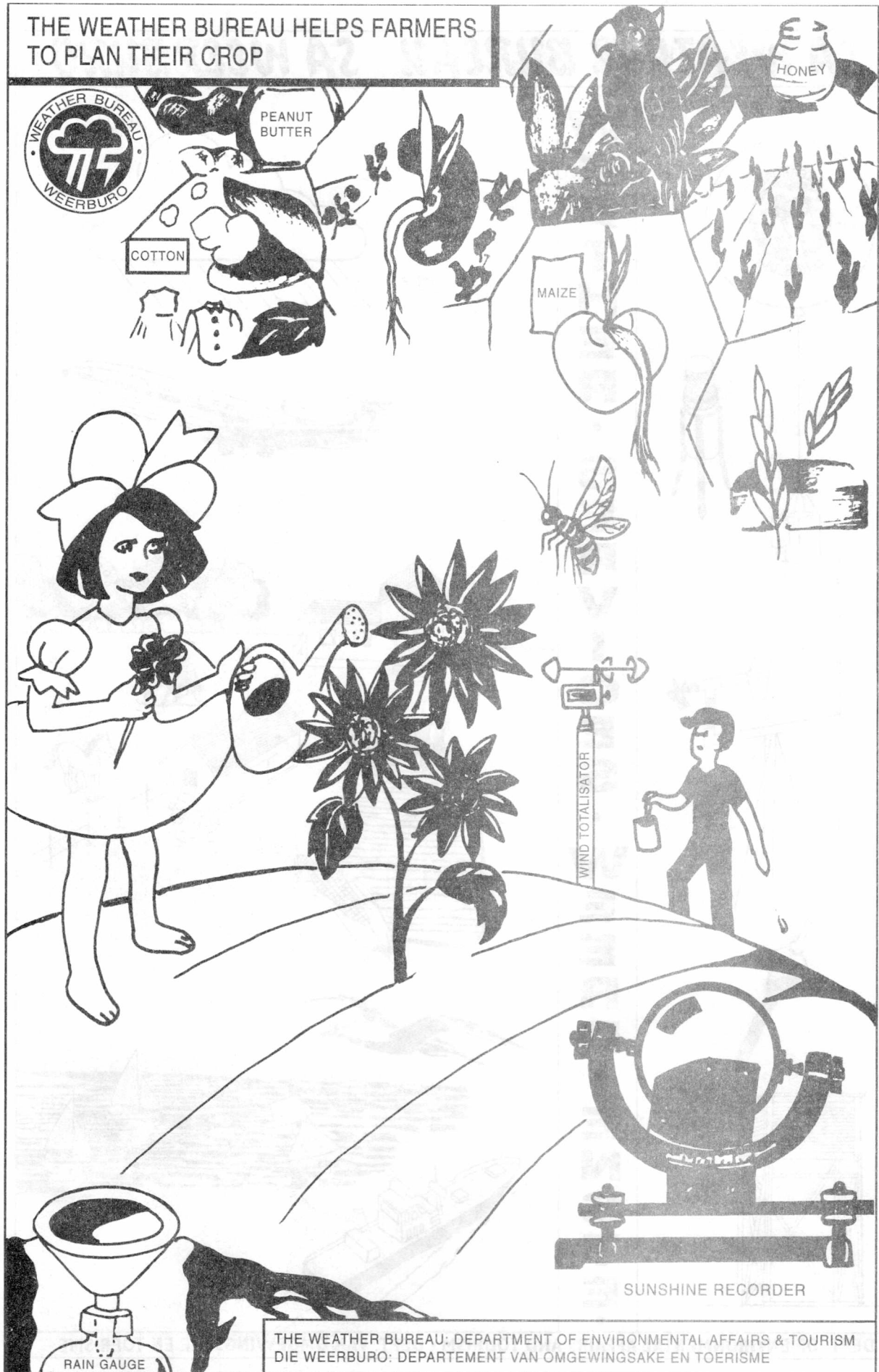
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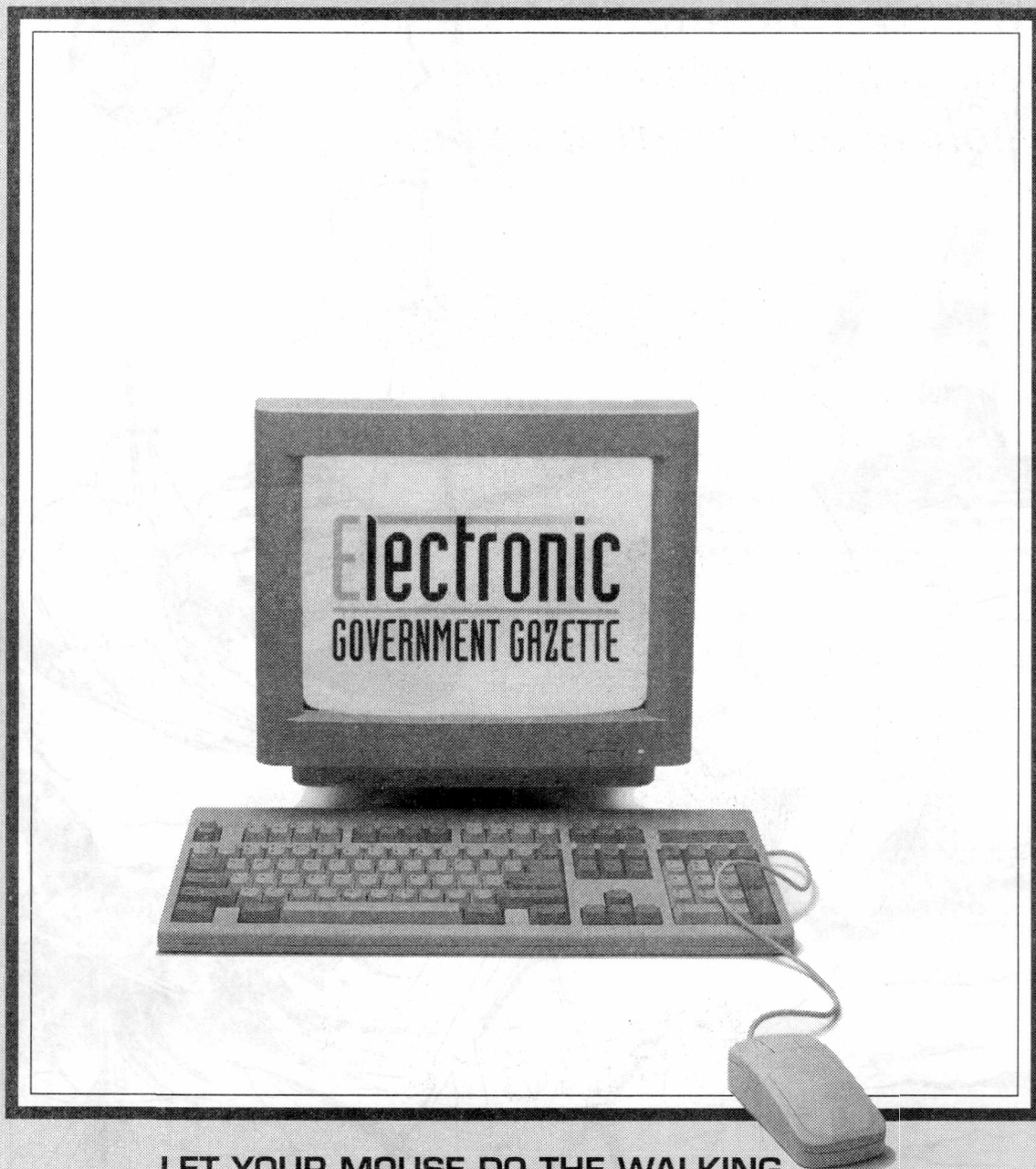


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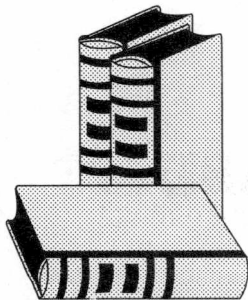
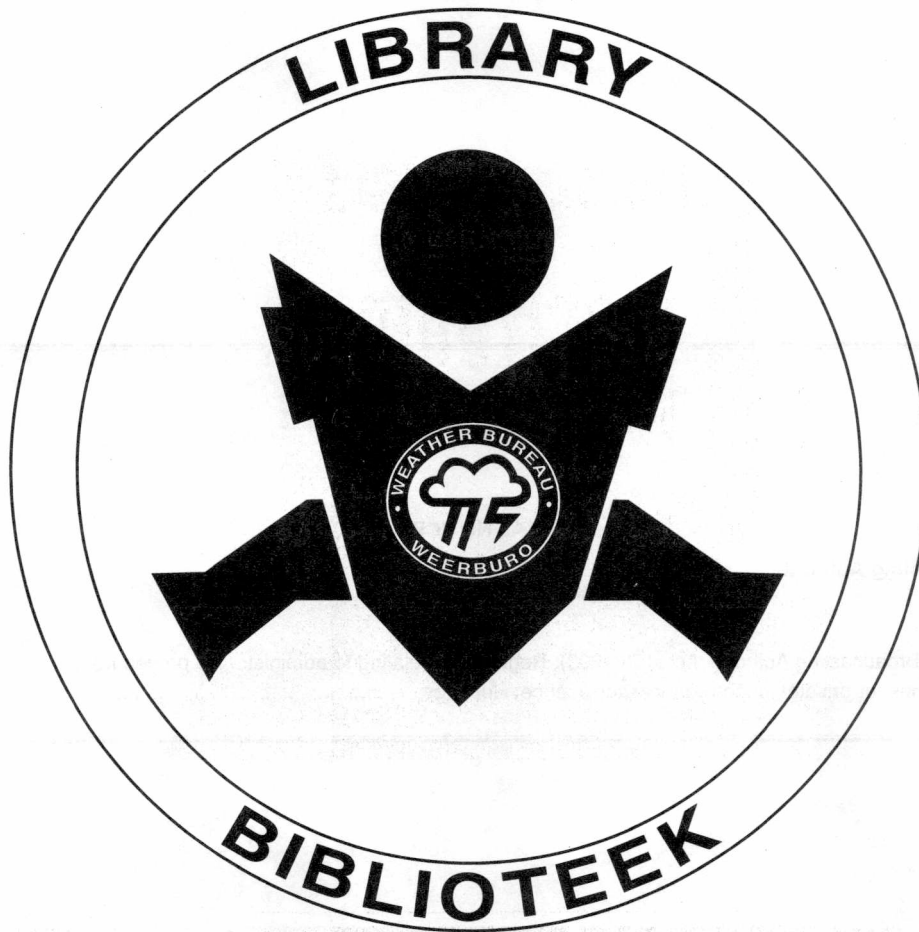
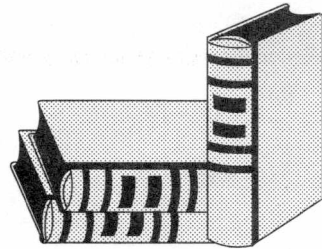
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