



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Communications Act 8 of 2009
section 135(1)

**Regulations under the Namibian Communications
Commission Act, 1992 (Act 4 of 1992)**

Government Notice 25 of 1994

(GG 802)

came into force on date of publication: 25 February 1994

These regulations were originally made in terms of section 27 of the Namibian Communications Commission Act 4 of 1992, which was repealed by the Communications Act 8 of 2009. In terms of section 135(1) of that Act, "Any regulation or notice issued under a law repealed by section 133 that may be made under any provision of this Act, is deemed to have been made under such provision."

as amended by

Government Notice 251 of 2004 (GG 3326)

came into force on date of publication: 22 November 2004

Government Notice 6 of 2006 (GG 3573)

came into force on date of publication: 3 January 2006

Note that GN 6/2006 somewhat confusingly amends both these regulations and the Radio Regulations promulgated under RSA GN R.2862 of 28 December 1979.

Government Notice 212 of 2007 (GG 3942)

with effect from 1 January 2008 (GN 212/2007)

read together with

Government Notice 311 of 2012 (GG 5037)

came into force on date of publication: 13 September 2004

The Regulations regarding Administrative and Licence Fees for Service Licences in GN 311/2012 amend GN 212/2007 insofar as it is inconsistent with the regulations in GN 311/2012.

No specific amendments are noted.

ARRANGEMENT OF REGULATIONS

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Communications Act 8 of 2009

Regulations under the Namibian Communications Commission Act, 1992 (Act 4 of 1992)

1. Definitions
2. Application for a broadcasting licence
3. Conditions of a broadcasting licence
4. Annual fee
5. Obligation to transmit
6. News and Commentaries
7. Political Broadcasts
8. Advertising
9. Sponsored programmes

ANNEXURE

Application for a Broadcasting Licence

Definitions

1. In these regulations any expression to which a meaning has been assigned in the Namibian Communications Commission Act, 1992 bears that meaning.

Application for a broadcasting licence

2. An applicant shall -
 - (a) make an application, for the attention of the Secretariat of the Commission, for a broadcasting licence substantially in the form as set out in the annexure; and
 - (b) pay the following applicable application fees:
 - (i) N\$3 000-00 for a new broadcasting licence;
 - (ii) N\$3 000-00 for the renewal of a broadcasting licence; and
 - (iii) N\$240-00 for an addition or amendment to an existing broadcasting licence.

[regulation 2 substituted by GN 251/2004 and by GN 212/2007]

Conditions of a broadcasting licence

3.
 - (a) The nature of the proposed service and the content of the service as defined in the application shall form part of the conditions of the broadcasting licence.
 - (b) Notwithstanding 2(1a + b) the Commission may stipulate such further conditions of the licence as it may deem fit.

Annual fee

4. (1) A licence holder shall pay the following fees:
 - (a) N\$1 800-00 for a rural community-based radio broadcasting station;

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- (b) N\$3 600-00 for an urban community-based radio broadcasting station;
- (c) N\$8 400-00 for a community television broadcasting station;
- (d) N\$80 000-00 for a commercial television broadcasting station; and
- (e) N\$27 500-00 for a commercial radio broadcasting station.

[subregulation (1) substituted by GN 251/2004, GN 6/2006 and GN 212/2007]

(2) The said licence fee shall be payable within thirty days after the broadcasting licence has been issued and thereafter before the commencement of each subsequent year of licensing.

Obligation to transmit

5. (1) Subject to sub-regulation (2) the holder shall commence with the transmission of programmes within a period of six months after a broadcasting licence has been issued.

(2) The Commission may grant an extension to the above-mentioned period if special circumstances exist and upon submission of reasons by the licence holder.

(3) If a licence holder ceases to transmit programmes for a period exceeding a total of thirty days in any period of twelve months that holder's broadcasting licence shall lapse unless an exemption is granted by the Commission.

News and Commentaries

6. A licence holder shall cause commentaries on news events to be broadcasted separately from news items and identified as such.

Political Broadcasts

7. (1) Subject to the provisions of sub-regulation (2) a licence holder may grant broadcasting time to political parties during a period of six weeks before the first polling day of any local, regional, national or presidential election, as the case may be.

(2) If a licence holder decides to grant broadcasting time -

- (a) in the case of local, regional or national elections as the case may be, to political parties during the period contemplated in subregulation (1), it shall determine the total broadcasting time available to political parties for such broadcasts and shall grant -
 - (i) in respect of 40% (forty percent) of the total available broadcasting time to each political party an equal broadcasting time; and
 - (ii) in respect of the remainder of the total available broadcasting time to each political party an additional broadcasting time which shall be equal to such percentage of broadcasting time as is equal to the percentage of the number of votes which that political party received during the previous local, regional or national elections, as the case may be.

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- (b) in the case of a Presidential election, to candidates contemplated in sub-regulation (1) it shall determine the total broadcasting time available to those candidates for such broadcasts and shall grant equal broadcasting time to all candidates.

Advertising

8. (1) Subject to sub-regulation (2) the broadcasting of advertisements by any licence holder shall be readily recognizable as such and kept separate from other parts of the programme service by visual and/or acoustic means.

(2) No advertisement of alcoholic beverages or tobacco products shall be transmitted in connection with any programmes intended for reception by persons under the age of 18 (eighteen) years.

Sponsored programmes

- 9.** A sponsored broadcast programme shall meet the following requirements:
- (a) The licence holder shall be responsible and accountable to the Commission for the content and scheduling of the sponsor programme; and
- (b) It shall be clearly identified as such by the name and logo of the sponsor at the commencement and end of the programme.

[ANNEXURE inserted by GN 251/2004]

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Application for a Broadcasting Licence

To view content without printing, scroll down.

To print at full scale (A4), double-click the icon below.



GN 251/1994
Annexure

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ANNEXURE

NAMIBIAN COMMUNICATIONS COMMISSION	
Private Bag 13309 56 Robert Mugabe Avenue Communication House Windhoek	Tel: +264(61) 22 2666 Fax: +264(61) 22 279 0
APPLICATION FOR A BROADCASTING LICENCE (regulation 2)	
Notes:	<ul style="list-style-type: none"> (a) The completed application form, the application fee and all requested documentation must be submitted to the Secretariat of the Namibian Communications Commission. (b) All questions must be answered in full, however questions not applicable may be marked N/A. (c) Where the space allocated on the application form is insufficient for purposes of supplying the requested information, please supply such information on a separate sheet of paper and attach such sheet to the application form. (d) A separate application form must be submitted for each transmitter station or network for which a licence is sought. (e) Please attach the following application documentation to the application form: <ul style="list-style-type: none"> (i) Certified copy of shareholder agreement (ii) Financial reports indicating operations financing (iii) Business and roll-out plan (iv) Municipal / property owner approval to erect infrastructure if applicable. (v) Technical specifications and type of approval certificate of equipment, if applicable. (vi) Exact hours of intended broadcasting (f) Please submit six (6) copies of application documentation
NB: Please note that natural persons applying for a licence need not complete PART 2 of this application form.	
PART 1 PARTICULARS OF APPLICANT	
1.1 Please indicate with an "X" in the appropriate box the type of broadcasting licence applying for:	
(i) Broadcasting licence (new)	
(ii) Broadcasting licence (renewal of)	
(iii) Broadcasting licence (amendment of)	
1.2 Is the applicant a natural person or a company in terms of section 17(1)(b) of Act No. 4 of 1992?	
1.3 Full name and citizenship of natural person or name of company and company registration certificate number: (Note: Please submit proof of citizenship status / company registration certificate which ever is applicable)	
1.4 Physical residential / business address:	
1.5 Residential / business postal address:	
1.6 Contact details:	
Tel. Nr(s)() / ()	
Fax Nr(s)() / ()	
E-mail address(es):	

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PART 2 COMPANY SHAREHOLDERS AND DIRECTORS	
2.1 The name of the applying company and of each director:	2.2 Citizenship of each director:
2.3 Name and citizenship of all shareholders: (Note: Proof of citizenship status must be provided.)	
2.4 Is 51% of shareholders Namibian citizens? (Note: Please provide proof of number of shares, and proof of Namibian citizenship status).	
PART 3	
3.1 Have you or any of the company directors been convicted of a criminal offence and sentenced to a term of imprisonment without the option of a fine? If YES, please provide relevant details:	
3.2 Please provide details of all interests in other media operations within Namibia and abroad:	
3.3 Please provide details of any previous experience in broadcasting:	
PART 4 FINANCE	
4.1 When do you intend to commence with transmissions?	
4.2 Have sufficient operational running expenditure funds been secured for the first two years? If YES, please provide details:	
4.3 Attach an outline of an itemized budget for the first 5 years, indicating the anticipated cost of infrastructure, staff and other operating expenses, programme acquisition costs, sources of income, etc.	
PART 5 INFRASTRUCTURE	
5.1 Type of service (e.g. audio broadcasting/television/text/other): (Note: If other, please specify the type of service intended.)	
5.2 Transmission medium (e.g. cable/terrestrial/satellite):	
5.3 Frequency band (e.g. MF/HF/VHF/UHF/Microwave):	
5.4 Description of coverage area: (Note: Please attach a diagram of coverage area if necessary.)	
5.5 Site of transmitter (where applicable):	
5.6 Site for studio (where applicable):	

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5.7 Which other site(s) in Namibia will carry the same programme? (Note: See Note (d))				
5.8 Will any existing facilities in Namibia be used? If YES, please provide details:				
5.9 Attach a brief description of production and transmission facilities:				
5.10 Will the applicant be responsible for the operation and/or maintenance of the transmission facility? If NO, please provide details:				
5.11 Please indicate the manufacturer and source of equipment (if available):				
5.12 Will the service operate as a subscription service? If YES, please provide the code system to be used:				
5.13 Proposed staffing	First Year		Fifth Year	
	Full-time	Part-time	Full-time	Part-time
Management				
Administration				
Program compliers				
Presenters				
Researchers				
Technical				
PART 6 PROPOSED PROGRAMME FORMAT				
6.1 Target audience:				
6.2 Anticipated size of audience or number of subscribers in the coverage area for which the licence is sought:				
6.3 Objectives and programme policy:				
6.4 Language Policy:				
6.5 Please attach details of proposed programme schedule indicating programme format and required airtime per day:				
6.6 Percentage of programming air time to be:				
Produced in Namibia by the applicant:	Produced in Namibia by other organizations:	Relayed directly from foreign sources:	Obtained via other means from foreign sources:	
%	%	%	%	

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<p>6.7 Percentage of programming air time allocated to:</p> <p>Coverage of Namibian scenes: News and current affairs: Namibian music: Other music: Namibian sport: International sport: Educational broadcasts: Public service announcements: Community messages: Advertising: Entertainment (e.g. Game shows, movies etc.):</p>	
<p>6.8 Source of programming</p> <p>Namibian news and current affairs: Foreign news and current affairs: Music: Advertising: Other (please specify):</p>	
<p>6.9 Main music genres:</p>	
<p>6.10 Will programmes be exchanged with or sold to other broadcasters? If YES, please provide details:</p>	
<p>6.11 Please provide details of anticipated networking with other broadcasters in Namibia:</p>	
<p>6.12 Please provide details of anticipated networking with other broadcasters outside Namibia:</p>	
<p>PART 7 TECHNICAL REQUIREMENTS TO BE SUBMITTED WITH THE APPLICATION</p>	
<p>7.1 Station name:</p>	
<p>7.2 Physical address of transmitter site:</p>	
<p>7.3 Geographical co-ordinates (up to seconds):</p>	<p>South</p>
<p>7.4 Geographical co-ordinates (up to seconds):</p>	<p>East</p>
<p>7.5 Transmitter make and model:</p>	<p>Attach specifications to application</p>
<p>7.6 Transmitter power dBW/W:</p>	
<p>7.7 Antenna make and model:</p>	<p>Attach specifications to application</p>
<p>7.8 Maximum antenna gain (dBi):</p>	

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7.9 Effective radiated power dBW/W:	
7.10 Maximum deviation (kHz):	
7.11 Bandwidth (kHz):	
7.12 Site height above sea level:	
7.13 Mast height:	
7.14 Antenna height on mast:	
7.15 Antenna polarization:	
7.16 Antenna direction:	
7.17 Mono/Stereo:	
7.18 Sound carrier (MHz) TV only:	
7.19 Antenna footprint (Pattern):	Attach footprint pattern to application
7.20 Vision carrier (MHz) TV only:	
7.21 Sound carrier (MHz) TV only:	
7.22 Offset (TV vision):	
7.23 Offset (TV sound):	

I, the undersigned declare that the information provided in this application form and all accompanying documentation is to the best of my knowledge correct and true and that I am duly authorized to apply for a broadcasting licence, I further undertake to supply any supporting documentation or information required by the Commission to process this application.

The applicable fee of N\$...... in terms of regulation 4 is attached.

Full name (and capacity where applicant is a company)

Signature of applicant:

Date:

**N. MBUMBA
MINISTER OF INFORMATION
AND BROADCASTING**

Windhoek, 8 November 2004
