

Namibia

Communications Act, 2009

Regulations under the Namibian Communications Commission Act, 1992

Government Notice 25 of 1994

Legislation as at 15 November 2017

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Regulations under the Namibian Communications Commission Act, 1992

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Republic of Namibia
Annotated Statutes

Communications Act, 2009

**Regulations under the Namibian
Communications Commission Act, 1992**
Government Notice 25 of 1994

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[This is the version of this document at 15 November 2017.]

[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for NamibLII.]

[These regulations were originally made in terms of section 27 of the Namibian Communications Commission Act [4 of 1992](#), which was repealed by the Communications Act [8 of 2009](#). In terms of section 135(1) of that Act, “Any regulation or notice issued under a law repealed by section 133 that may be made under any provision of this Act, is deemed to have been made under such provision.”]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

1. Definitions

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

2. Application for a broadcasting licence

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](#)]

3. Conditions of a broadcasting licence

- (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.

4. Annual fee

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

5. Obligation to transmit

- (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.

6. News and Commentaries

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

7. Political Broadcasts

- (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.
 - (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.

8. Advertising

- (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.

9. Sponsored programmes

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](#)]

Annexure 1

Forms

[Editorial note: The forms have not been reproduced]