

**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)**

CASE NO:008928/25

In the matter between:

**E.TV (PTY) LIMITED** First Applicant

**MEDIA MONITORING AFRICA** Second Applicant

**SOS SUPPORT PUBLIC BROADCASTING** Third Applicant

and

**MINISTER OF COMMUNICATIONS AND  
DIGITAL TECHNOLOGIES** First Respondent

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA** Second Respondent

**SENTECH SOC LIMITED** Third Respondent

**INDEPENDENT COMMUNICATIONS AUTHORITY  
OF SOUTH AFRICA** Fourth Respondent

**SOUTH AFRICAN BROADCASTING CORPORATION  
SOC LIMITED** Fifth Respondent

**CAPE TOWN TV** Sixth Respondent

**TSHWANE TV** Seventh Respondent

**SOWETO TV** Eighth Respondent

**1KZN TV** Ninth Respondent

**FAITH TV** Tenth Respondent

**MEDIA DEVELOPMENT AND DIVERSITY AGENCY** Eleventh Respondent

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**RULE 16A NOTICE**

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**TAKE NOTICE THAT** the applicants have raised the following constitutional issues in the application filed under the above case number:

- 1 Whether the Court should suspend the operation of the final analogue switch off date of 31 March 2025 as announced by the Minister of Communications and Digital Technologies on 5 December 2024 as the new final analogue switch-off date, and interdict the Minister of Communications and Digital Technologies (Minister) and Sentech SOC Limited from taking any steps to implement the switch-off of analogue signals and ending dual illumination.
  
- 2 Whether the Court should declare the decision on or about 5 December 2024 by the Minister, alternatively by the Minister in consultation with Cabinet, alternatively by Cabinet, to extend the deadline of 31 December 2024 set in the Broadcasting Digital Migration Policy: Announcement of Date for Final Switch-off of the Analogue Signal and the End of Dual Illumination" published under GN 3554 in GG 48793 of 15 June 2023 to 31 March 2025 as unlawful and unconstitutional.

3 Whether the Court should review and set aside 31 March 2025 as the final analogue switch-off date, and refer the determination of a new final analogue switch-off date to the Minister for determination and gazetting.

4 The applicants contend that the decision to extend the analogue switch off (**ASO**) date to 31 March 2025 is inconsistent with the Constitution and invalid on the following grounds:

4.1 The decision is irrational. Digital migration, on the Minister's version, cannot occur without mitigating harm to indigent households. But if ASO occurred on 31 March 2025, then the Minister will *cause* harm to over *half* of those households that the Minister accepts are deserving of protection. He will sever television access in about 25% of those households who duly registered and applied for the State's protection, but who the State has failed to assist.

4.2 The decision is unlawful and unconstitutional. The Minister *promised* to protect 3.75 million households' access to television. If the 31 March 2025 deadline proceeds, then over half of those households will be deprived entirely of television access. The Minister will renege on his promise and violate the rights of access to information and equality of millions of South Africans rendering his decisions unlawful and unconstitutional.

**TAKE FURTHER NOTICE** that any interested party may, with the written consent of all the parties to the proceedings—

- (a) in respect of Part A, given not later than Friday, 31 January 2025; and
- (b) in respect of Part B, given not later than twenty (20) days after this notice has been filed;

be admitted therein as amicus curiae upon such terms and conditions as may be agreed upon in writing by the parties.

**TAKE FURTHER NOTICE** that the written consent referred to above, if obtained, shall—

- (a) for Part A, be lodged with the registrar by Friday, 7 February 2025; and
- (b) for Part B, within five (5) days of its having been obtained, be lodged with the Registrar

and the amicus curiae shall, in addition to any other provision of the Rules, comply with the times agreed upon for the lodging of the written argument.

**TAKE FURTHER NOTICE**, that if the interested party is unable to obtain written consent as contemplated herein, he or she may—

- (a) for Part A, by Monday, 10 February 2025; and
- (b) for Part B, within 5 (five) days of the expiry of the 20-day period prescribed above,

apply to the Court to be admitted as an amicus curiae in the proceedings.

**TAKE FURTHER NOTICE** that such application shall—

- (a) briefly describe the interest of the prospective amicus curiae in the proceedings;
- (b) clearly and succinctly set out the submissions which will be advanced by the prospective amicus curiae, the relevance thereof to the proceedings and his or her reasons for believing that the submissions will assist the court and are different from those of the other parties; and
- (c) be served upon all parties to the proceedings.

**TAKE FURTHER NOTICE THAT** any party to the proceedings who wishes to oppose an application to be admitted as an amicus curiae shall file an answering affidavit—

- (a) for Part A, by Monday, 17 February 2025; and
- (b) for Part B, within 5 (five) days of the service of such application upon such party.

**KINDLY PLACE THIS NOTICE** on the notice board designated for this purpose.

Dated at **JOHANNESBURG** on 24 January 2025.

**NORTONS INCORPORATED**

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**TO: THE REGISTRAR  
HIGH COURT OF SOUTH AFRICA**

**AND TO:  
MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES**

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**AND TO:  
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C/O the State Attorney

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**AND TO:**  
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**AND TO:**  
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**AND TO:**  
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**AND TO:**  
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**AND TO:**  
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**AND TO:**

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**AND TO:**

**1KZN TV,**  
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**AND TO:**

**FAITH TV**  
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**AND TO:**

**MEDIA DEVELOPMENT AND DIVERSITY AGENCY**  
26 Canary Road,  
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**AND TO:**

**CHAIRPERSON: NATIONAL ASSEMBLY PORTFOLIO COMMITTEE ON  
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