

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, pretoria

CASE NO: 2025-008928

In the matter between:

**E.TV (PTY) LTD,MEDIA MONITORING
AFRICA,SOS SUPPORT PUBLIC
BROADCASTING**

Plaintiff / Applicant / Appellant

and

**MINISTER OF COMMUNICATIONS AND
DIGITAL TECHNOLOGIES,PRESIDENT
OF THE REPUBLIC OF SOUTH
AFRICA,SENTECH SOC
LIMITED,ICASA,SOUTH AFRICAN
BROADCASTING CORPORATION SOC
LTD,CAPE TOWN TV,TSHWANE
TV,SOWETO TV,1KZN TV,FAITH
TV,MEDIA DEVELOPMENT AND
DIVERSITY AGENCY**

Defendant / Respondent

Notice of Motion (Long Form)

NOTE: This document was filed electronically at 3:10:51 PM South African Standard Time (SAST). The time and date the document was filed by the party is *M. Mose* Registrar on 24/1/2025 (SAST). The time and date of the document was filed by the party is recorded on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court of South
Africa , Gauteng Local
Division,pretoria**

M. Mace

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

CASE NO: /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

**CHAIRPERSON: NATIONAL ASSEMBLY PORTFOLIO
COMMITTEE ON COMMUNICATIONS AND DIGITAL
TECHNOLOGIES**

Twelfth Respondent

NOTICE OF MOTION

PART A

TAKE NOTICE that the applicants intend to apply as a matter of urgency on **10 March 2025 at 10:00**, or as soon thereafter as counsel may be heard, for an order in the following terms:



1. The application be heard urgently and the applicants' departure from the Uniform Rules of Court is condoned.

2. Pending the final determination of the relief sought in Part B of this application—
 - 2.1. 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, is suspended; and

 - 2.2. the Minister of Communications and Digital Technologies is interdicted from taking any steps to implement the switch-off of analogue signals and ending dual illumination; and

2.3. Sentech SOC Limited is interdicted from taking any steps to implement the switch-off of analogue signals and ending dual illumination.

3. The costs of Part A of this application stand over for determination with Part B of this application, subject to the contents of any answering affidavits filed by any of the respondents.

4. Further and/or alternative relief.



TAKE NOTICE FURTHER that the accompanying affidavits of **ANTONIO SERGIO LEE** and **WILLIAM BIRD** will be used in support of the application.

TAKE NOTICE FURTHER that the applicants have appointed the addresses of their attorneys (set out below) as the addresses at which they will accept service of all process in this application. The applicants consent to service by email to anthony@nortonsinc.com, anton@nortonsinc.com, nina@nortonsinc.com, danr@rf-law.co.za, and danielb@rf-law.co.za in respect of the Second and Third Applicants.

TAKE NOTICE FURTHER that if you intend to oppose Part A of this application, then you are required to—

- (a) file a notice of opposition by **31 January 2025**; and
- (b) file an answering affidavit by **10 February 2025**.

If you do so, then:

- (a) the applicant will file its replying affidavit, if any, by **17 February 2025**;
- (b) the applicant will file its heads of argument by **21 February 2025**; and
- (c) you will be required to file heads of argument by **6 March 2025**.



KINDLY ENROL THE MATTER FOR HEARING ACCORDINGLY.

PART B

TAKE NOTICE that the applicants intend to apply on a date to be determined by the Registrar for an order in the following terms:

1. Declaring the decision on or about 5 December 2024 by the Minister of Communications and Digital Technologies (**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.

2. Reviewing and setting aside 31 March 2025 as the final analogue switch-off date.
3. Referring the determination of a new final analogue switch-off date to the Minister of Communications and Digital Technologies for determination and gazetting.
4. Ordering that the costs of this application, including costs of Part A, be payable by any respondent who opposes this application, such costs to include the costs of three counsel on Scale C.



TAKE NOTICE FURTHER that the accompanying affidavits of **ANTONIO SERGIO LEE** and **WILLIAM BIRD** will be used in support of the application.

TAKE NOTICE FURTHER that in terms of Rule 53(1)(a) the First and Second Respondents are called upon to show cause why the decision referred to above should not reviewed and set aside.

TAKE NOTICE FURTHER that after filing this application and the determination of Part A, the applicants will approach the Deputy Judge President of this Court for case management and a special allocation to ensure the expedited hearing of Part B of this application. The dates provided below, which are in accordance with the Rules, are subject to any changes to these timeframes directed by the Deputy Judge President in order to ensure the expedited determination of Part B.

TAKE NOTICE FURTHER that subject to the directions of the Deputy Judge President—

(a) in terms of Rule 53(1)(b), the First and Second Respondents are required within fifteen days after receipt of this notice of motion to dispatch to the Registrar of this Court the record of the decision sought to be reviewed and set aside, together with such reasons as they are required by law or desire to give, and to notify the applicants' attorneys that they have done so;



(b) within ten days of receipt of the record from the Registrar, the applicants may, by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of this notice of motion and supplement their founding papers in terms of Rule 53(4);

(c) within 15 days after receipt of such amended notice of motion and/or supplementary founding papers, any respondent may deliver a written notice of intention to oppose and in such notice appoint an address (being an address within fifteen kilometres of the office of the Registrar of this Court) at which they will accept notice and service of all documents in these proceedings; and

(d) within 30 days after the expiry of the time referred to in Rule 53(4), such respondents shall file answering affidavits, if any.

TAKE NOTICE FURTHER that the applicants have appointed the addresses of their attorneys (set out below) as the addresses at which they will accept service of all process in this application. The applicants consent to service by email to anthony@nortonsinc.com, anton@nortonsinc.com, nina@nortonsinc.com in respect of the First Applicant and danr@rf-law.co.za, and danielb@rf-law.co.za in respect of the Second and Third Applicants.

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



NORTONS INCORPORATED

First Applicant's Attorneys

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Illovo

Johannesburg

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ROSENGARTEN & FEINBERG

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Ref: D Rosengarten / D Basckin

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

AND TO:
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AND TO:
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AND TO:
SENTECH SOC LIMITED
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Tel: 011 471 4400
Email: Adamssz@sentech.co.za; legalregulatory@sentech.co.za

AND TO:
INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
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Email: Nrabuli@icasa.org.za

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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Richards Bay,
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AND TO:

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Johannesburg,
Email: bvr@tbn.co.za; info@tbnafrica.org.

AND TO:

MEDIA DEVELOPMENT AND DIVERSITY AGENCY
26 Canary Road,
SABC Auckland Park Campus,
Auckland Park.
Email: info@mdda.org.za.

AND TO:



**CHAIRPERSON: NATIONAL ASSEMBLY PORTFOLIO COMMITTEE ON
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