

Lesotho Communications Authority (Internet Broadcasting) Rules, 2020

Pursuant to sections 5(c) and 38(2) of the Communications Act, 2012 the Authority makes the following Rules –

Citation and commencement

1. These Rules may be cited as the Lesotho Communications Authority (Internet Broadcasting) Rules 2020 and shall be come into operation on the date of publication in the Gazette.

Interpretation

2. In these Rules unless the context otherwise requires –

“Act” means the Communications Act 2012;

“Authority” means Lesotho Communications Authority established in terms of the Communications Act 2012; and

“Internet post” means any message, whether text, picture, video or audio that is placed or uploaded on any internet platform to be accessed by the public, be it on social media or website. This excludes private communication to specific and identifiable person/s.

“Internet broadcasting” means as defined in rule 3(4)

“private communication” means any message, whether text, picture, video or audio that is sent between two specific and identifiable persons;

Objective and Application

3. (1) The objective of these Rules is to make provision for regulation of internet broadcasting distributed over the internet

(2) These rules shall apply to internet broadcasting initiated from, targeted to or received in Lesotho accessible to a large number of internet users.

(3) These Rules shall not apply to internet broadcasting regarded as a private communication.

(4) Without limiting the generality of rule 3 (2), the following shall be deemed internet broadcasting:

(a) Internet posts accessible to at least one hundred internet users in Lesotho, whether individually or in a series; and

- (b) Internet posts by users who have more than one hundred followers in Lesotho.

Broadcasting Standard

4. Provisions on broadcasting principles and standards applicable to broadcasting licensees under the Lesotho Telecommunications Authority (Broadcasting) Rules 2004 or any subsequent subsidiary legislation shall, to the extent possible with necessary changes, apply to persons registered in terms of rule 5.

Registration

5. (1) A person that conducts internet broadcasting shall register with the Authority by providing the following:

- (a) identity documents or documents of incorporation in the case of juristic persons;
- (b) proof of residence or place of business; and
- (c) ability to comply with Lesotho Telecommunications Authority (Broadcasting) Rules 2004.

(2) The Authority shall issue a certificate of registration where conditions stated in rule 5(1) above have been met.

(3) A person conducting internet broadcasting at the commencement of these Rules shall register within 6 months thereof

(4) The Authority may notify the public of any person who fails to comply with rule 5(3) above.

Compliance

6. Broadcasting made on the internet and within the ambit of these rules shall comply with the requirements of the Lesotho Telecommunications Authority (Broadcasting) Rules 2004.

Investigation

7. (1) The Authority may investigate whether internet broadcasting complies with these Rules upon receiving a complaint from affected party, or of its own accord.

(2) Where the Authority concludes that an internet post does not comply with the provisions of the Lesotho Telecommunications (Broadcasting) Rules, 2004 it may direct or facilitate that such an internet post be removed from the internet and where appropriate publish the name of the person responsible for the contravention.

(3) Costs related to removal of the non-compliant internet post from the internet shall be borne by the person requesting such removal.

(4) The Authority shall enter into such arrangements as may be necessary to facilitate the removal of non-compliant internet post from the internet.

Penalties

8. (1) Where the Authority concludes that an internet broadcast does not comply with Lesotho Telecommunications Authority (Broadcasting) Rules 2004, and the remedy envisaged in rule 7 above is not adequate the provisions of the Act shall apply.

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