



**Communications
Commission
of Kenya**

GENERAL APPLICATION FORM

FOR A

BROADCASTING SERVICE

LICENCE

UNDER THE NEW LICENSING FRAMEWORK

CCK/F/SP-B/APL-00

(AUGUST 2011)

NOT FOR SALE

1. MANDATORY REQUIREMENTS FOR AN APPLICANT

This general application form must be completed by all applicants for any licence within the broadcasting market segment, together with another application form specific to the desired licence.

Section A: Application should be completed in English and the following attached:

I. Originals of the following documents:

1. A covering letter, signed by the applicant, addressed to the Director General (see address below) on Applicant's letterhead.
(attach the covering letter)
2. If the applicant is registered under the companies act (cap 486):
 - 2.1 An original letter from the Registrar of Companies listing the directors and shareholders of the company and details of their nationality and shareholding – Original Form CR/12 (***CR/12 should give details of the name of Shareholder/Director, Nationality and shares held***); and
(attach copy original form CR/12)
 - 2.2 Attached original CR/12 (***CR/12 should give details of the name of Shareholder/Director, Nationality and shares held***) for other companies which are shareholder of the Applicant until all shares are attributed to individuals.

II. Clear photocopies of the following documents of the Applicant:

1. Registration status:
 - 1.1 Certificate of Incorporation,
 - 1.2 Business Name, or
 - 1.3 Registration Certificate etc.
2. Certificate/letter from Capital Markets Authority (CMA), if the company is listed in a stock exchange in Kenya.
3. For any foreign company which is a shareholder of the Applicant attach (**certified by a Notary Public**):
 - 3.1 Certificate of Incorporation; and
 - 3.2 Share Certificate.
4. Kenyan National Identity Cards (ID) or Kenyan/Foreign passports for all Directors and Shareholders of the Applicant:
 - 4.1 Both sides of the ID should be copied onto the same side of an A4 size paper, and
 - 4.2 Passport copies should include pages showing the nationality, date of issue and expiry, name and photograph of holder.
5. Valid Tax Compliance Certificate and Company P.I.N certificate from Kenya Revenue Authority.

III. Other documents to be attached include:

1. A copy of one of the document listed below :(*for voluminous documents, certification may be done at the cover page provided that the Commissioner for Oaths indicates the number of pages in the document*).

APPLYING ENTITY		REQUISITE CONSTITUTING DOCUMENT
1.	Company	Memorandum and Articles of Association [Please ensure there is a linkage between the persons (and the shares) listed on the CR/12 (see A. I. 2. above) and those listed in this document.]
2.	Non-Governmental Organization (NGOs)	Constitution of the NGO
3.	Cooperative Society	Cooperative Society's By-Laws
4.	Partnership	Partnership Deed
5.	Society	Society's Constitution

Note 1: All copies of documents submitted in support of the application must be listed in the Affidavit sworn by one of the Directors as shown in Annex 1. In addition, all copies of foreign documents must be certified by a Notary Public.

Note 2: If the applicant has not achieved 20% local shareholding, they should submit an affidavit sworn by at least a director or a major shareholder to the effect that they will achieve the 20% threshold by the third year of operation.

Note 3: That any firm licensed to provide communication services shall be required to maintain and shall ensure that at the end of the third year from the date of issuance of a licence, or earlier as the case may be, and thereafter for the duration of the license term, that it has no less than 20% local shareholding.

Section B: Broadcasting Market Fee Structure:				
The table below shows fees payable for various licences:				
Broadcast Licence category	Licence Duration (Years)	Application Fee (Kshs.) (payable when submitting application form)	Initial Licence Fee (Kshs.) (payable after approval and before issuance of licence)	Annual Operating Fee (Kshs.) (payable on/or before 1st July of each year)
Public television broadcasting (non-commercial)	7	5,000/=	100,000/=	100,000/=
Public radio broadcasting (non-commercial)	5	5,000/=	50,000/=	50,000/=
Public television broadcasting (commercial)	7	10,000/=	200,000/=	0.5% of annual turnover or 100,000/= whichever is higher

Public radio broadcasting (commercial)	5	10,000/=	100,000/=	0.5% of annual turnover or 100,000/= whichever is higher
Commercial free to air television	7	10,000/=	200,000/=	0.5% of annual turnover or 100,000/= whichever is higher
Commercial free to air radio	5	10,000/=	100,000/=	0.5% of annual turnover or 100,000/= whichever is higher
Cable subscription television	7	10,000/=	100,000/=	0.5% of annual turnover or 100,000/= whichever is higher
Community free to air television	4	1,000/=	30,000/=	30,000/=
Community free to air radio	3	1,000/=	15,000/=	15,000/=
Internet Protocol TV	5	10,000/=	100,000/=	0.5% of annual turnover or 100,000/= whichever is higher
Terrestrial subscription broadcasting	5	10,000/=	100,000/=	0.5% of annual turnover or 100,000/= whichever is higher
Satellite subscription broadcasting	7	10,000/=	200,000/=	0.5% of annual turnover or 100,000/= whichever is higher
Subscription Management Service	5	10,000/=	100,000/=	0.5% of annual turnover or 100,000/= whichever is higher

Digital Mobile television broadcasting	7	10,000/=	100,000/=	0.5% of annual turnover or 100,000/= whichever is higher
Landing Rights Broadcasting Service	N/A	10,000/=	USD \$12,500	N/A

Note 4: Frequency fee, in cases where spectrum is utilised, is charged in accordance with the CCK Approved frequency fee schedule on an annual basis.

Note 5: Please present a completed application form at our offices on Waiyaki Way, CCK Centre at the Front Desk on 1st floor where you will be advised of the amount of application fees to be paid.

Note 6: Payments fees can be made in Banker's or Company Cheque at the Cashier's office on ground floor on presentation of the Payment Instruction Form. The Cashier's office is open in the morning between **0900** and **1200** hours and in the afternoon from **1400** to **1600** hours on weekdays (and closed on public holidays).

1. APPLICATION ACCEPTANCE SECTION – CHECK LIST (official use only)

No	Application Requirements	Receiving Officer	Checking Officer
1.	Is a covering letter on applicant letterhead included?		
2.	Are the licences applied for listed on the covering letter?		
3.	Is the application duly completed and signed, giving applicant's name and designation?		
4.	Is/are original CR/12(s) provided and are 20% total shares allotted to Kenyans or has the applicant submitted an affidavit sworn by at least a director or a major shareholder to the effect that they will achieve the 20% threshold by the third year of operation?		
5.	Is application fee paid?		
6.	Certificate of Incorporation/Registration Certificates or others (specify)		
7.	Certificate from CMA for listed companies		
8.	Notarised Certificate of Incorporation for foreign company		
9.	Notarised Share Certificate for foreign company		
10.	Valid Tax Compliance Certificate		
11.	ID/passport copies of directors and shareholders		
12.	Is a copy of the relevant document as listed below provided? (Indicate which document is provided).		
	<ul style="list-style-type: none"> Memorandum and Articles of Association of the Company; Is there a linkage between the persons (and the shares) listed on the CR/12 and those listed in this document? 		
	<ul style="list-style-type: none"> Constitution of the NGO; or 		
	<ul style="list-style-type: none"> Cooperative Society's By-Laws; or 		
	<ul style="list-style-type: none"> Partnership Deed; or 		
	<ul style="list-style-type: none"> Constitution of the Society etc. 		

Legend: C=Complied NC=Not Complied N/A=Not Applicable

The Receiving Officer MUST tick ALL the boxes above before accepting and logging an application.

Receiving Officer's Comments: _____

Receiving Officer's Name: _____

Signature: _____ Date: _____

The Checking Officer MUST tick ALL the boxes above before recommending the application for further consideration.

Checking Officer's Comments: _____

Checking Officer's Name: _____

Signature: _____ Date: _____

2. NAME OF APPLICANT

(In bold capital letters in the order the names appear on Registration Certificate etc)

M/S _____

3. APPLICANT'S CONTACTS

1. Physical Address:

Town _____ Street/Road _____

LR No. _____ Floor _____ Room _____

Name of Building _____

2. Postal Address:

P. O. Box _____ Postal Code _____

Post Office Town _____

3. Phone and Fax Contact:

Tel. No. _____ Fax. No. _____

Mobile _____ Other Tel. Nos. _____

4. Email Address: _____

4. LICENCE(S) APPLIED FOR

Please tick the category of licence you wish to be considered for in line with the Commission's Broadcasting licensing Framework Market Structure. More information on the market structure is available on the CCK Website: www.cck.go.ke.

1	Commercial free to air television Service	
2	Commercial free to air radio Service	
3	Cable Television subscription Service	
4	Community free to air television Service	
5	Community free to air radio Service	
6	Internet Protocol television (IPTV) Service	
7	Terrestrial subscription broadcasting Service	
8	Satellite subscription television broadcasting Service	
9	Broadcasting Subscription Management Service	
10	Digital Mobile television service	
11	Public Television Broadcasting service	
12	Public Radio Broadcasting service	
13	Landing Rights (satellite broadcasting, cable, etc)	
14	Other (please specify)	

5. OTHER INFORMATION ABOUT THE APPLICANT

1. State whether any of the partners/ directors/ shareholders have a beneficial interest in any other business licensed to provide or operate telecommunication and or broadcasting services.

.....
2. Has any previous application by you been rejected under the Act? (If so give details)

.....
.....
3. Has any previous license granted to you under the Act been cancelled, suspended or modified? (If so give details)

.....
.....
4. Have you or any of the directors or shareholders adjudged bankrupt or has entered into a composition or scheme of arrangement with his creditors or is of unsound mind, if so please explain.

6. REFEREES (referees should not be employees of the applicant entity, Ministry of Information & Communications or the Commission)

The following details should be completed by two different and independent referees who have known you for at least three (3) years.

1. First Referee

I certify that the information given in this form is true and correct to the best of my knowledge

Full Name

.....

.....
(Block letters as the names appear on the ID/Passport)

Postal Address:

P. O. Box Postal Code

Post Office Town

Phone and Fax Contact:

Tel. No. Fax. No.

Mobile Other Tel. Nos.

Email Address:

Occupation Signature

2. Second Referee

I certify that the information given in this form is true and correct to the best of my knowledge

Full Name
(Block letters as the names appear on the ID/Passport)

Postal Address:

P. O. Box Postal Code

Post Office Town

Phone and Fax Contact:

Tel. No. Fax. No.

Mobile Other Tel. Nos.

Email Address:

Occupation Signature

7. DECLARATION

I/We hereby certify the information we have provided in this application is true and correct to the best of my/ our knowledge. I/We also understand that it is an offence under the Penal Code to give false information in support of any application.

Name.....

Designation.....

(The signatory should be accountable and a senior person in the organisation)

Signature.....

Date.....

8. COMPLETED APPLICATION FORMS SHOULD BE ADDRESSED TO: -

**Director General
Communications Commission of Kenya
CCK Centre, Waiyaki Way
P. O. Box 14448
NAIROBI - 00800
Tel: 254-20- 4242000
Fax: 254-20- 4451866.**

FOR OFFICIAL USE ONLY

The applicant **MEETS/ DOES NOT MEET** the Commission's requirements and is hereby **APPROVED/NOT APPROVED** or **RECOMMENDED/NOT RECOMMENDED** for *(delete as appropriate)*:

.....
The reasons for not approving/recommending the applicant are as follows:-

.....
Name.....

.....
Designation..... Signature.....

.....
CLC No..... Date.....

Official stamp

ANNEX 1: AFFIDAVIT

It is a mandatory requirement for all applicants to provide an affidavit, sworn by one of the Directors, submitting the documents listed therein in line with the template below.

<p style="text-align: center;"><u>REPUBLIC OF KENYA</u></p> <p style="text-align: center;"><u>IN THE MATTER OF OATHS AND STATUTORY DECLARATIONS ACT</u> <u>CHAPTER 15, LAWS OF KENYA</u></p> <p style="text-align: center;"><u>AND</u></p> <p style="text-align: center;"><u>IN THE MATTER OF AN APPLICATION FOR LICENSE FROM THE</u> <u>COMMUNICATIONS COMMISSION OF KENYA</u></p> <p style="text-align: center;"><u>AFFIDAVIT</u></p> <p>I, _____ of Post Office Box Number _____ _____ (Town) _____ (Postcode) do hereby make oath and state as follows:</p> <p>1. THAT I am an adult of sound mind and _____ (<i>position/ status in the applicant entity</i>) of _____ (<i>name of the applicant</i>) and hence competent to swear this Affidavit.</p> <p>2. THAT I am a citizen of the _____ and holder of National Identity Card No. (or Passport No.) _____ .</p> <p>3. THAT _____ (<i>name of the applicant</i>) has resolved to make an application to the Commission for a _____ (<i>name of the licence in accordance with the Broadcasting Market Structure</i>) licence.</p> <p>4. THAT I have submitted the following copies of our documents in support of the said application:[<i>tick documents for which copies have been provided</i>]</p> <p>4.1. Registration and ownership status:</p> <p>4.1.1. For an applicant registered under the Companies Act (Cap 486):</p> <p>4.1.1.1. Copy of Certificate of Incorporation</p> <p>4.1.1.2. An original letter from the Registrar of Companies listing the directors and shareholders of the company and details of their shareholding – Original Form CR/12</p>
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- 4.1.1.3. Attach original CR/12 for other companies which are shareholder of the Applicant until all shares are attributed to individuals.
- 4.1.2. Copy of Business Name, or
- 4.1.3. Copy of Registration Certificate etc.
- 4.1.4. If the company is listed in a stock exchange in Kenya, copy of Certificate from Capital Markets Authority (CMA).
- 4.1.5. For any foreign company which is a shareholder of the Applicant attach copies **certified by a Notary Public** of:
 - 4.1.5.1. Certificate of Incorporation of the foreign company/ies and
 - 4.1.5.2. Share Certificate of the foreign company/ies.
- 4.1.6. Copies of Kenyan National Identity Cards (ID) or Kenyan/Foreign passports for all Directors and Shareholders of the Applicant:
 - 4.1.6.1. Both sides of the ID should be copied onto the same side of an A4 size paper, and
 - 4.1.6.2. Passport copies should include pages showing the nationality, date of issue and expiry, name and photograph of holder.
- 4.2. Compliance with Kenya Revenue Authority rules:
 - 4.2.1. Copy of Personal Identification Number (PIN) card, and
 - 4.2.2. Copy of Valid Tax Compliance Certificate.
- 4.3. A business plan relevant to the specific broadcasting market segment whose licence is being sought
- 4.4. A copy of one of the document listed below:

APPLYING ENTITY	REQUISITE CONSTITUTING DOCUMENT
1. Company	Memorandum and Articles of Association
2. Non-Governmental Organization (NGOs)	Constitution of the NGO
3. Cooperative Society	Cooperative Society's By-Laws
4. Partnership	Partnership Deed
5. Society	Society's Constitution

4.5. Other documents (please list)

.....

5. THAT I swear that the documents listed in 4 above are authentic copies of the original documents issued by the relevant authorities to the applicant.

6. THAT this Affidavit is sworn in support of _____ (*Applicant's name*) application for _____ license.

7. THAT what is deponed to herein above is true and within my own knowledge.

SWORN at _____ by the said)

)

_____)

_____ (*Deponent*)

This _____ day of _____ in the year _____)

)

BEFORE ME)

)

)

)

COMMISSIONER FOR OATHS)

Drawn by:

_____ (*law firm*)

_____ (*physical address*)

P. O. Box _____

_____ (*town*)

_____ (*postal code*)