

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIEK VAN SUID-AFRIKA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 750.

4 April 1990

No. 750.

4 April 1990

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 24 van 1990: Radiowysigingswet, 1990.

No. 24 of 1990: Radio Amendment Act, 1990.

RADIO AMENDMENT ACT, 1990

Act No. 24, 1990

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Radio Act, 1952, so as to define "earth station" and "space station" and to redefine "radio", "radio apparatus" and "station"; to make provision for the licensing of all earth stations; to extend the powers of the Postmaster-General in cases where radio apparatus is possessed in contravention of the provisions of the said Act; to further regulate the duties and powers of radio dealers in relation to certain radio apparatus; and to increase the maximum fines prescribed for offences in terms of the said Act; to amend the Post Office Act, 1958, so as to make it clear in respect of which telecommunications lines the Postmaster-General does not have exclusive privilege; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 23 March 1990.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 3 of 1952, as amended by section 1 of Act 51 of 1962, section 1 of Act 93 of 1969, section 14 of Act 57 of 1975, section 32 of Act 73 of 1976, 5 section 1 of Act 2 of 1978 and section 23 of Act 61 of 1982

1. Section 1 of the Radio Act, 1952 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of "broadcasting licence" of the following definition:
- 10 "'earth station' means a station, other than a space station, which is capable of communicating with any other station by means of any object, including a satellite, in orbit in space;"
- (b) by the substitution for the definition of "radio" of the following definition:
- 15 "'radio' means electromagnetic waves of frequencies lower than 3 000 GHz propagated in space [without an artificial conductor];"
- (c) by the substitution for the definition of "radio apparatus" of the following definition:
- 20 "'radio apparatus' means any radio receiving or transmitting [set] apparatus which is capable of receiving or transmitting by radio any sound, image, sign or signal, except a sound radio set if it is [not] only used for the reception of [anything else but that which] what is broadcast in a broadcasting service, and except any article which the Minister from time to time declares by notice in the *Gazette* not to be radio apparatus for the purposes of this Act, and includes an earth station and any

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article which the Minister from time to time declares by notice in the *Gazette* to be radio apparatus for the purposes of this Act;”;

- (d) by the insertion after the definition of “sound radio set” of the following definition:

5 “‘space station’ means a station located on any object, including a satellite, in orbit in space;”;

- (e) by the substitution for the definition of “station” of the following definition:

10 “‘station’ means [a] any separate radio receiving or transmitting [set] apparatus or a combination of radio receiving or transmitting [sets] apparatus, including [the] any accessory equipment [required for carrying on a specific radio communication service];”.

Amendment of section 5 of Act 3 of 1952, as substituted by section 3 of Act 93 of 1969 and amended by section 15 of Act 57 of 1975, section 32 of Act 73 of 1976, section 2 of Act 2 of 1978 and section 23 of Act 61 of 1982

- 15 2. Section 5 of the principal Act is hereby amended by the addition of the following subsection:

20 “(6) Notwithstanding the preceding provisions of this section, no person who uses a television set for the reception of anything, whether or not it is broadcast in a broadcasting service, shall utilize an earth station for such reception unless he is in possession of a licence issued in terms of section 7 (a) for the use of that station, in addition to any licence or authority referred to in the said preceding provisions.”.

Amendment of section 6 of Act 3 of 1952, as amended by section 4 of Act 93 of 1969, section 32 of Act 73 of 1976, section 3 of Act 2 of 1978 and section 23 of Act 61 of 1982

- 25 3. Section 6 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

30 “(a) he is in possession of a permit issued under subsection (5) (b) or section 11 in respect of such radio apparatus or of the appropriate licence required in terms of this Act or prescribed in section 5 (2) for the service for which such radio apparatus is capable of being used or of a radio dealer’s registration certificate referred to in section 7 (1) (b); or”;

- (b) by the substitution for subsection (5) of the following subsection:

35 “(5) If the Postmaster-General is satisfied that radio apparatus [**other than a television set**] found in any person’s possession is in the possession of such person in contravention of the provisions of this Act, he may—

40 (a) seize and detain such radio apparatus until possession thereof is authorized in terms of this Act or until the court issues an order in terms of section 19 with reference to that apparatus and that apparatus is disposed of in accordance with such order; or

45 (b) in his discretion seal such radio apparatus or any part thereof in order to prevent the use of that radio apparatus for the purpose of transmission or reception, and issue to such person a permit for a limited or an indefinite period for the possession of that apparatus on condition that the apparatus is not during such period used for the purpose of transmission or reception.”;

- (c) by the substitution for subsection (6) of the following subsection:

50 “(6) Any person who is aggrieved as a result of such seizure or sealing shall have the right to appeal to the Minister against any such seizure or sealing, and the Minister may either confirm the seizure or sealing or—

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(a) in the case of such seizure, order that the apparatus that has been seized, be returned to the person concerned; or

(b) in the case of such sealing, order that the seal be broken and the permit concerned be cancelled.”; and

5

(d) by the addition of the following subsection:

“(7) The Postmaster-General may delegate the power conferred upon him by subsection (5), to the South African Broadcasting Corporation in respect of television sets.”.

Amendment of section 11 of Act 3 of 1952, as amended by section 32 of Act 73 of 1976, section 8 of Act 2 of 1978 and section 23 of Act 61 of 1982

4. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

15 “(1) The Postmaster-General may on request grant to any person a permit for a limited or an indefinite period for the possession by such person of any radio apparatus on condition that such apparatus is not during such period used for the purpose of transmission or reception, and may in his discretion seal that apparatus in order to prevent the use thereof for the purpose of transmission or reception.”.

Amendment of section 12 of Act 3 of 1952, as substituted by section 32 of Act 73 of 1976

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5. Section 12 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

25 “(1) No radio dealer shall sell, hire out, give or in any manner supply any radio apparatus to any person, or effect any repairs to any radio apparatus other than a television set for any person, unless that person is in terms of section 6 (1) entitled to have that radio apparatus in his possession.”; and

(b) by the addition of the following subsection:

30 “(3) No radio dealer shall—
 (a) buy, sell, hire out, exchange, give or in any manner supply;
 (b) offer or display for sale, lease or exchange;
 (c) repair; or
 (d) have in his possession,
any radio apparatus which belongs to a category prescribed by regulation.”.

Amendment of section 19 of Act 3 of 1952, as amended by section 42 of Act 68 of 1957, section 15 of Act 93 of 1969, section 32 of Act 73 of 1976, section 13 of Act 2 of 1978 and section 23 of Act 61 of 1982

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6. Section 19 of the principal Act is hereby amended—

(a) by the substitution for paragraph (i) of subsection (1) of the following paragraph:

40 “(i) without authority breaks the seal of radio apparatus sealed under section 6 (5), 11 (1) or 14 (1),”;

(b) by the substitution in subsection (1) in the words immediately following paragraph (i), for the words “five hundred rand” of the expression “R2 000”; and

45 (c) by the substitution in subsection (1A) for the words “one thousand five hundred rand” of the expression “R10 000”.

Amendment of section 78 of Act 44 of 1958, as substituted by section 33 of Act 113 of 1976 and amended by section 23 of Act 61 of 1982

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7. Section 78 of the Post Office Act, 1958, is hereby amended—

50 (a) by the substitution for subsection (1) of the following subsection:

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- 5 “(1) Subject to the provisions of any other Act of Parliament, the Postmaster-General shall have the exclusive privilege of constructing, maintaining or using, or of authorizing any person to construct, maintain or use, any telecommunications line [not confined to a single piece of land, or to pieces of land which are contiguous to each other and owned by the same person] for the sending, conveying, transmitting or receiving of sounds, images, signs, signals, communications or other information, and of transmitting telegrams over any such telecommunications line within the Republic or the territorial waters thereof, and of performing all the incidental services of receiving, collecting or delivering telegrams.”; and
- 10 (b) by the substitution for subsection (3) of the following subsection:
- “ (3) This section shall not apply in respect of a telecommunications line—
- 15 (a) which conforms to the requirements prescribed by regulation and which is used exclusively for the conveyance of transmissions in any broadcasting service which are received by means of radio, to a receiving apparatus which reproduces such transmissions; or
- 20 (b) where both the sending or transmission and the receiving of the same sounds, images, signs, signals, communications or other information take place on a single piece of land or on pieces of land which are contiguous to each other and owned by the same person.”.

Short title and commencement

8. This Act shall be called the Radio Amendment Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.