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# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 710.

21 April 1982.

No. 710.

21 April 1982.

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

No. 61 van 1982: Uitsaaiwysigingswet, 1982.

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

No. 61 of 1982: Broadcasting Amendment Act, 1982.

**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 Broadcasting Act, 1976, so as to delete certain definitions and to redefine certain expressions; to increase the membership of the Board of the South African Broadcasting Corporation; to further regulate the status and functions of the director-general of the Corporation, and to provide that the chairman of the Board may also be appointed as such a director-general; to abolish the Black Programme Advisory Board and the Television Programme Advisory Board, and to make new provision regarding certain advisory boards; to further regulate the manner of payment of certain fees in respect of certain licences by the Corporation; to extend the general powers of the Corporation; to provide for the rendering of certain aid to pensioners of the Corporation; to make new provision regarding the borrowing powers of the Corporation; to abolish listeners' licences; to provide for the issuing of certain television licences to the owners or managers of certain institutions; to further regulate the issuing of certain other television licences; to further regulate the payment of fines in respect of any failure to take out television licences; to do away with the obligation of the State to pay certain amounts to the Corporation for the use of sound radio sets; to further regulate the powers of the Corporation to make regulations; to provide for the establishment of a consolidated income fund to replace certain existing funds of the Corporation; to further regulate the penalties in respect of contraventions of the provisions of the said Act; and to delete certain obsolete provisions; to amend the Radio Act, 1952, and the Post Office Act, 1958; and to provide for incidental matters.

(English text signed by the State President.)  
(Assented to 26 March 1982.)

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

1. Section 1 of the Broadcasting Act, 1976 (hereinafter referred to as the principal Act), is hereby amended—
- 5      (a) by the deletion in subsection (1) of the definition of "listener's licence";
- (b) by the substitution in subsection (1) for the definition of "Minister" of the following definition:  
         "Minister" means the Minister of **[National Education]**  
10                      **Foreign Affairs and Information**";
- (c) by the substitution in subsection (1) for the definition of "place" of the following definition:

Amendment of  
section 1 of  
Act 73 of 1976.

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“ ‘place’ with reference to the use of **[a sound radio set or]** a television set, includes any building, part of a building, erf, stand or other premises of any nature;”;

5 (d) by the deletion in subsection (1) of the definition of “sound radio set”; and

(e) by the substitution for subsection (2) of the following subsection:

10 “(2) For the purposes of this Act, the transmission of programmes by the corporation by means of cables or wires as contemplated in section 11 (c), shall be deemed to be a broadcasting service and “broadcast” shall be construed accordingly, and any device which is used to receive such transmissions and which can reproduce them in the form of images or other visible signals, with or without accompanying sounds, shall be deemed to be a television set.”

2. Section 4 of the principal Act is hereby amended—

Amendment of  
section 4 of  
Act 73 of 1976.

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

“(1) The board shall consist of—

(a) such number of members not exceeding **[nine]** fifteen but at least five, as the State President may determine from time to time; and

25 (b) the director-general of the corporation referred to in section 9”;

(b) by the substitution for subsection (3) of the following subsection:

30 “(3) The State President shall designate one **[member]** of the members of the board referred to in subsection (1) (a) as chairman and another such member as vice-chairman of the board for such periods respectively as he may deem fit.”; and

35 (c) by the substitution for subsection (4) of the following subsection:

40 “(4) Whenever the chairman of the board is absent or unable to perform his functions, the vice-chairman shall act in his stead and, when so acting, the vice-chairman may exercise or perform any power or function of the chairman, excepting, where the chairman has under section 9 been appointed as a director-general of the corporation referred to in section 9, any power or function connected only with the office of director-general.”

45 3. Section 6 of the principal Act is hereby amended by the addition of the following subsections:

Amendment of  
section 6 of  
Act 73 of 1976.

“(3) If a chairman of the board has under section 9 also

50 been appointed as director-general, he shall, as long as he holds both posts, be entitled, in addition to the salary and allowances which are payable to him in terms of section 14 as director-general, but with the exclusion of any remuneration, allowances, rights, privileges and benefits accruing at the relevant time under this section to a chairman or a member of the board, to such special additional remuneration or allowances or rights, privileges or benefits (if any), for services rendered by him as a chairman of the board or as a member of a committee of the board, as the Minister may in such a case determine from time to time.

60 (4) A director-general referred to in section 9 who is not also a chairman of the board, shall, in respect of services rendered by him as a member of the board or of a committee of the board, or of an advisory board referred to in section 10, not be entitled to any remuneration, allowances, rights, privileges or benefits which have under this section  
65 been determined for a member of the board, but only to

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such remuneration, allowances, rights, privileges and benefits (if any) as the Minister may in such a case determine from time to time."

4. The following section is hereby substituted for section 9 of the principal Act:

Substitution of section 9 of Act 73 of 1976.

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“Director-general of the corporation.”

**9. (1) The board shall appoint a director-general as chief executive officer of the corporation.**

(2) If, in the exercise of the power vested in the board by subsection (1), the board deems it necessary that the person who at the relevant time is chairman of the board be appointed as director-general, such an appointment shall only be effected after consultation with the Minister.

(3) (a) An appointment by the board in terms of subsection (2) of the chairman of the board as director-general, shall not preclude the State President from at any time designating, under section 4 (3), any other member of the board as chairman.

(b) If the State President has under section 4 (3) designated another member of the board as chairman in the circumstances contemplated in paragraph (a), the member who has been appointed as director-general shall vacate the chairmanship of the board.

(4) Subject to the directions of the board and the provisions of this Act, the director-general—

(a) shall exercise control and supervision over the staff of the corporation; and

(b) shall perform the functions and exercise the powers assigned to him by the board.

(5) Whenever the director-general is absent or unable to perform his functions, or whenever the office of director-general becomes vacant, the board may, subject to such conditions as may be determined by him, appoint any person to act as director-general during such absence or inability, or until a director-general has been appointed to the vacant office.

(6) (a) A director-general shall be deemed, subject to the provisions of this Act, to be an officer engaged by the corporation as contemplated in section 14 (1).

(b) The reference in section 4 (2) and (3), and section 5, to a member of the board shall be deemed not to include a reference to a director-general, but when a director-general at the same time holds the post of chairman of the board, the provisions of the said section 5 shall remain applicable to him in his capacity as chairman.

(7) A director-general shall not exercise, whether as a member or as a chairman of the board or of a committee of the board, any vote at any meeting of the board or a committee of the board in respect of any matter directly connected with the salary, allowances or conditions of service of a director-general, or with the remuneration, allowances, rights, privileges or benefits of a director-general in his capacity as a member or chairman of the board or of a committee of the board.”

60 5. The following section is hereby substituted for section 10 of the principal Act:

Substitution of section 10 of Act 73 of 1976.

“Advisory boards.”

**10. (1) The Minister may establish an advisory board or boards, with such names as determined by him, to advise the board in regard to programmes broadcast by the corporation.**

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(2) An advisory board shall consist of the chairman of the board, and such number of other members, but not fewer than three, as the Minister may from time to time determine.

5 (3) Such other members, who may not also be members of the board, shall be appointed by the Minister.

10 (4) The chairman of the board shall be chairman of every advisory board established under this section, and whenever he is absent or unable to perform his functions, the vice-chairman of the board shall act in his stead.

15 (5) The provisions of sections 5, 6, except in so far as it relates to the chairman of the board, 7 and 8 shall apply *mutatis mutandis* to every advisory board established under this section and every member thereof, and for the purpose of so applying section 5, any reference in that section to the State President shall be construed as a reference to the Minister.”

6. Section 12 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 12 of Act 73 of 1976.

25 “(a) the corporation shall be entitled, against payment of [such] the annual fees (if any), [as] which the Postmaster-General may from time to time determine by agreement with the corporation or which, in default of such agreement, the Minister of Posts and Telecommunications may determine in consultation with the Minister, to the issue to it of any licence contemplated in subsection (1) except a licence for the erection or laying of cables or wires for the purpose of section 11 (c);”

7. Section 13 of the principal Act is hereby amended— Amendment of section 13 of Act 73 of 1976.

35 (a) by the substitution in subsection (1) for paragraphs (d) and (e) of the following paragraphs, respectively:

40 “(d) enter into agreements with the government or administration of a country or territory contemplated in section 11 (b) in relation to the broadcasting and reception of programmes so contemplated, and enter into agreements with the governments or administrations of, or with organizations in, such countries or territories, or with the governments or administrations of, or with organizations in, any other countries or territories, in connection with the rendering of technical, development, programme or other aid;

45 (e) canvass advertisements and, subject to the provisions of subsection (2), broadcast or in any other manner publish or distribute such advertisements;” and

50 (b) by the substitution in subsection (1) for paragraph (h) of the following paragraph:

55 “(h) compile, print, produce, publish or distribute any literary matter, [and] recordings and cinematograph films relating to broadcasting;”

8. Section 14 of the principal Act is hereby amended by the substitution for paragraph (e) of subsection (2) of the following paragraph: Amendment of section 14 of Act 73 of 1976.

60 “(e) provide for its officers [and], other employees and pensioners or their dependants, by means of insurance with an insurance company or by means of a pension or provident fund or in any other manner, pecuniary benefits upon retirement or termination of service or at any other time.”

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9. Section 15 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 15 of Act 73 of 1976.

5       “(3) When the Minister has granted his approval for such an acquisition, the provisions of **[sections 4 to 13, inclusive, of the Expropriation Act, 1965 (Act No. 55 of 1965),]** sections 7 to 22, inclusive, of the Expropriation Act, 1975 (Act No. 63 of 1975), shall apply *mutatis mutandis* in relation to such acquisition, and for the purposes of such application of those provisions any reference therein to any Minister or to the State shall be construed as a reference to the corporation.”

10       10. (1) Section 16 of the principal Act is hereby amended— Amendment of section 16 of Act 73 of 1976.  
(a) by the substitution for subsection (2) of the following subsection:

15       “(2) Every such loan to the corporation, and any interest or other charges due or to become due in respect thereof, shall be a first charge on all the revenues and assets of the corporation and on all charges levied or to be levied by it.”; and

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

25       “(5) The corporation may raise short term loans at any time, by way of overdrawn its account with a bank or otherwise, to meet any casual deficits that may arise from time to time **[in the general fund established under section 24].**”

(2) The provisions of subsection (2) of section 16 of the principal Act as they existed prior to the substitution of that subsection by subsection (1) of this section, and the provisions of Schedule 1 to the principal Act as they existed prior to the repeal of that Schedule by section 22 of this Act, shall, notwithstanding such substitution and repeal, respectively, but subject to the provisions of section 24 of the principal Act as substituted by section 18 of this Act, and to the extent that any such provision may be applicable, continue to apply in respect of any loan of money to the South African Broadcasting Corporation, as contemplated in section 16 (1) of the principal Act, which has on the date of the coming into operation of subsection (1) of this section and of section 22 of this Act not been fully repaid or redeemed by the said corporation.

30       11. Section 17 of the principal Act is hereby amended— Amendment of section 17 of Act 73 of 1976.  
(a) by the substitution for subparagraph (i) of subsection (1) (a) of the following subparagraph:

45       “(i) at the request of any person who, in respect of his use or intended use of any **[sound radio set or any]** television set, is in terms of section 5 (2) of the Radio Act required to be in possession of a licence which the corporation may issue under subsection (2) or (3) of this section; and”;

50       (b) by the substitution for subparagraphs (i) and (ii) of subsection (1) (b) of the following paragraphs, respectively:

55       “(i) to issue under **[paragraph (b) of]** subsection (2) any licence for the issue of which the corporation, in the exercise of the discretion conferred upon it by that **[paragraph]** subsection, has made no provision; or

60       (ii) to issue any licence under the said **[paragraph (b)]** subsection (2) to a person who is not the owner or manager of any business or institution; or”;

65       (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

      “(c) The corporation may, before issuing any licence under paragraph (a) to any person, require that person to furnish to the corporation such proof as may be prescribed by regulation in order to ascertain whether that person complies or has complied

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with the provisions of the Radio Act in respect of **[the sound radio set or] any television set or sets** for which the licence is required.”;

- (d) by the substitution for subsection (2) of the following subsection:

“(2) The corporation may issue a television licence conferring on the holder thereof in his capacity as the owner or the manager of a business or institution specified in the licence the right to use or to make available to and permit any other person to use—

- (a) during a particular licensing year; and  
 (b) in connection with that business or institution; and  
 (c) at a place, so specified, where that business or the affairs of that institution are carried on, or which has already been recorded in the registers of the corporation; or  
 (d) in any vehicle, vessel or aircraft used in connection with the carrying on of that business or institution at that place,

any television set or, if and in so far as the corporation has at any time so determined by regulation, whether in general or with reference to a category to which such business or institution belongs, a number of television sets specified in the licence, or any television set of a category so specified, or any number of such television sets so specified, in order to receive anything broadcast in a broadcasting service.”;

- (e) by the substitution in subsection (3) for the words preceding paragraph (a) and that paragraph of the following words and paragraph, respectively:

“(3) The corporation may issue the following additional television licences, namely—

- (a) a licence conferring on the holder thereof the right to use **[, or permit any other person to use, one television set or such greater number of television sets as may be specified in the licence —]** any television set, or if the corporation has at any time so prescribed by regulation, a number of television sets specified in the licence—

- (i) during a particular licensing year; and  
 (ii) at a place specified in the licence or which has already been recorded in the registers of the corporation; or  
 (iii) at any other place of which notice has been given to the corporation under the circumstances, in the manner and at the time prescribed by regulation,

to receive anything broadcast in a broadcasting service.”;

- (f) by the substitution for subparagraph (ii) of subsection (3) (b) of the following subparagraph:

“(ii) hire out or otherwise make available any such television set, for a period expiring not later than the end of that licensing year, to any person for use by that person **[, or, with his permission, by any other person]**, to receive anything broadcast in a broadcasting service, even if that person **[or such other person]** is not in possession of a television licence.”;

- (g) by the substitution for subparagraph (ii) of subsection (3) (c) of the following subparagraph:

“(ii) subject to such conditions and requirements as may be prescribed by regulation, to make any such television set available, for the said purpose, to a prospective buyer or hirer for a period in that licensing year not exceeding fourteen days, for use by him **[or by any other person with his permission,]** to receive anything broadcast in a broadcast-

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ing service, even if such prospective buyer or hirer **[or such other person]** is not in possession of a television licence.”; and

(h) by the substitution for subsection (4) of the following subsection:

“(4) Any person who fails to take out a licence referred to in this section **[within one month after]** on or before the date on which he is in terms of the Radio Act required to be in possession thereof, shall, in addition to the appropriate licence fees referred to in subsection (1), by way of a penalty pay to the corporation in respect of every month or part of a month during which he has as from that date failed to take out such licence, an amount equal to ten per cent of such licence fees: Provided that the total amount of the penalty shall not exceed the amount of such licence fees: Provided further that no penalty shall be payable in respect of the first month of the licensing year if such a person already had a television licence at the end of the previous licensing year and the licence in respect of the new licensing year is taken out by him not later than the end of the first month of the new licensing year.”.

12. Section 18 of the principal Act is hereby repealed.

Repeal of section 18 of Act 73 of 1976.

13. The following section is hereby substituted for section 19 of the principal Act;

Substitution of section 19 of Act 73 of 1976.

“Period of validity of television licence.

**19. A television licence shall only be valid for the licensing year in respect of which it is issued.”.**

14. The following section is hereby substituted for section 20 of the principal Act:

Substitution of section 20 of Act 73 of 1976.

“Payments by State for use of television sets.

**20. The Minister may annually pay to the corporation out of moneys appropriated by Parliament for the purpose, an amount determined by him with the concurrence of the Minister of Finance, in respect of the use by the State or such Departments or other organs of the State as the Minister may deem fit, of **[sound radio sets and]** television sets for the reception of broadcasts in a broadcasting service.”.**

15. Section 21 of the principal Act is hereby amended—

Amendment of section 21 of Act 73 of 1976.

(a) by the deletion in paragraph (a) of the words “a listener’s licence or”;

(b) by the deletion in paragraph (b) of the words “sound radio set or”;

(c) by the substitution for paragraph (c) of the following paragraph:

“(c) require any person who has the possession or custody of **[a sound radio set or]** a television set, or the owner, occupier or person in control of any premises in or on which there is any **[sound radio or]** television set, to produce such **[sound radio set or]** television set to him for examination or to furnish such information as he may be able to furnish and which may be necessary in order to ascertain whether the provisions of the Radio Act have been complied with in regard to that **[sound radio set or]** television set;”.

16. Section 22 of the principal Act is hereby amended by the deletion in subsection (1) of the words “listeners’ and”.

Amendment of section 22 of Act 73 of 1976.

17. Section 23 of the principal Act is hereby amended—

Amendment of section 23 of Act 73 of 1976.

(a) by the deletion in subsection (1) of the words “listener’s licence or”;



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- (b) by the deletion in subsection (1) (b) of the words "listener's licence or";
- (c) by the substitution for subparagraph (i) of subsection (1) (c) of the following subparagraph:  
 5     "(i) the exemption from any obligation to be in possession of a television licence of, or the granting of such exemption to, a person referred to in section 17 (2), or a member of a household of which another member is in possession of a television licence, or  
 10     is a person to whom a television set has been leased or otherwise made available in accordance with a television licence issued under section 17 (3) (b) or (c);";
- (d) by the substitution for paragraph (d) of subsection (1) of the following paragraph:  
 15     "(d) the exemption of or the granting of exemption to any person who, in terms of any television licence or any permission granted thereunder or in terms of any exemption granted to him under any regulation contemplated in paragraph (c) of this subsection, is entitled to use a television set at a particular place for the reception of anything broadcast in a broadcasting service, from any prohibition on such use of that television set at any other place, if that television set belongs to a category defined in any such regulation;"; and
- (e) by the substitution for paragraphs (c), (d) and (e) of subsection (2) of the following paragraphs, respectively:  
 20     "(c) [listener's] television licences issued to persons of different categories [or to persons in different areas];  
 25     (d) [listener's] television licences issued in terms [of paragraph (b)] of section 17 (2) to owners or managers of businesses or institutions who make available different quantities of [sound radio] television sets or different [sound radio] television receiving apparatus or services for use by other persons as contemplated in that [paragraph] section;  
 30     (e) [listener's] television licences issued in terms of [the said paragraph (b)] section 17 (2) to the owners or managers of businesses or institutions of different categories prescribed by regulation, or those issued to such owners or managers and those issued to the owners or managers of businesses or institutions which do not belong to a category so prescribed;"

18. The following section is hereby substituted for section 24 of the principal Act:

Substitution of section 24 of Act 73 of 1976.

50 "Income fund and other funds of the corporation. 24. (1) The corporation shall as soon as may be practicable after the coming into operation of section 18 of the Broadcasting Amendment Act, 1982, establish a consolidated income fund into which all moneys raised, and received, by the corporation, and any other revenues of whatever nature shall be paid, and the corporation may after that date establish such other funds for specific purposes as it may deem necessary in the carrying out of its activities, in which case any payments for those purposes shall only be made out of the fund intended therefor.  
 55  
 60 (2) (a) The corporation may at any time after the date referred to in subsection (1) abolish any fund of the corporation existing immediately prior to that date, and transfer the moneys in such fund to the consolidated income fund.  
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- 5 (b) Until such time as the corporation abolishes a fund referred to in paragraph (a), and transfers the moneys therein to the consolidated income fund, the applicable provisions of this Act, excepting section 26 (9) (b) (i), as they existed before any amendment thereof by the Broadcasting Amendment Act, 1982, in respect of such a fund shall, but subject to subsection (1) of this section and paragraph (c) of this subsection, continue to apply in respect of such fund as if the said Act had not been passed.
- 10 (c) The corporation shall not after the date referred to in subsection (1) create any charge upon or against any fund referred to in paragraph (a) which has not been abolished and which has been provided—
- 15 (a) for the redemption of loans; or  
(b) for the discharge of securities.
- 20 (3) The corporation shall invest its moneys in such securities as are approved of by the Minister.
- (4) The corporation shall not apply the net proceeds from the sales of immovable property, or the sales of rights or interests analogous to fixed property, or servitudes, belonging to the corporation, towards operating expenses.”
- 25

19. Section 26 of the principal Act is hereby amended by the deletion of subparagraph (i) of subsection (9) (b). Amendment of section 26 of Act 73 of 1976.

20. Section 28 of the principal Act is hereby amended by the substitution for the words immediately following upon paragraph (c) of the following words: Amendment of section 28 of Act 73 of 1976.

30 “shall be guilty of an offence and liable on conviction to a fine not exceeding **[two] five** hundred rand.”

21. Section 32 of the principal Act is hereby amended— Amendment of section 32 of Act 73 of 1976.

35 (a) by the deletion in paragraph (a) of subsection (3) of the words “listeners’ licences and”; and  
(b) by the deletion of paragraphs (b) and (c) of subsection (3).

22. Schedule 1 to the principal Act is hereby, subject to section 10 (2) of this Act, repealed. Repeal of Schedule 1 to Act 73 of 1976.

40 23. The Radio Act, 1952 (Act No. 3 of 1952), and the Post Office Act, 1958 (Act No. 44 of 1958), are hereby respectively amended to the extent indicated in the third column of the Schedule. Amendment of Act 3 of 1952 and Act 44 of 1958.

45 24. (1) Any remuneration which was payable to the chairman of the Board of the South African Broadcasting Corporation immediately before the coming into operation of sections 4 and 5 of this Act, on account of his membership of the Black Programme Advisory Board and the Television Programme Advisory Board, and which was determined in addition to remuneration payable to him under section 6 (1) (a) of the principal Act as chairman of the said Board, shall be deemed also to be remuneration which is under the said section payable to him as chairman of the Board. Remuneration of former members of certain advisory boards.

55 (2) (a) Any member of the Black Programme Advisory Board or the Television Programme Advisory Board who is not appointed within a period of three months after the coming into operation of sections 4 and 5 of this Act as a member of any advisory board contemplated in section 10 of the principal Act, as substituted by section 5 of this Act, shall be entitled to be paid an amount equal to the amount of remuneration which he would have received for the unexpired portion of his period of office in such Advisory Board if sections 4 and 5 of this Act had not been passed.

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(b) If a member referred to in paragraph (a) is, after the expiry of the period of three months referred to therein, appointed to any such advisory board, any remuneration which may be payable to him as such a member under the applicable provisions of the principal Act as amended by this Act, and in respect of any portion of his period of office running concurrently with the unexpired period referred to in paragraph (a), shall, notwithstanding any provision of the principal Act, as amended by this Act, be specially determined by the Minister of Foreign Affairs and Information with due regard to any amount of remuneration paid or payable to such member in terms of paragraph (a) of this subsection.

25. (1) This Act shall be called the Broadcasting Amendment Act, 1982, and its provisions shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.  
 (2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

Short title and commencement.

Schedule

LAWS AMENDED

No. and year	Short title	Extent of amendment
Act No. 3 of 1952	Radio Act, 1952	<p>(a) The amendment of section 1—</p> <p>(i) by the deletion in the words preceding the definition of “broadcasting licence” of the expressions “sound radio set” and “listener’s licence,” respectively;</p> <p>(ii) by the substitution for the definition of “radio apparatus” of the following definition:                      “radio apparatus” means any radio receiving or transmitting set which is capable of receiving or transmitting by radio any sound, image, sign or signal, except a sound radio set, if it is not used for the reception of anything else but that which is broadcast in a broadcasting service, and except any article which the Minister from time to time declares by notice in the <i>Gazette</i> not to be radio apparatus for the purposes of this Act, and includes any article which the Minister from time to time declares by notice in the <i>Gazette</i> to be radio apparatus for the purposes of this Act;” and</p> <p>(iii) by the insertion after the definition of “regulation” of the following definition:                      “sound radio set”, a device capable of receiving by radio, the transmission broadcast in a broadcasting service and reproducing them in the form of sounds, but not also in the form of images or visible signs or signals;”</p> <p>(b) the amendment of section 5—</p> <p>(i) by the substitution for subsection (1) of the following subsection:                      “(1) No person shall transmit or otherwise than by means of the use of a sound radio set or in accordance with subsection (2) receive by radio any sound, image, sign or signal, or do or permit to be done anything for the doing of which a licence, certificate, or authority is required in terms of this Act, unless he is in possession of the appropriate licence, certificate or authority so required in addition to any other licence or certificate which may be prescribed by any other law, for the transmission or reception undertaken by him or for the doing of that thing.”;</p> <p>(ii) by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs, respectively:                      “(a) No person shall use any [sound radio] television set for the reception of anything broadcast in a broadcasting service unless he—                      (i) is in possession of a [listener’s] television licence; or</p>

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No. and year	Short title	Extent of amendment
		<p>(ii) is entitled to do so by virtue of an exemption in terms of any regulations made under section 23 (1) (c) of the Broadcasting Act, 1976; or</p> <p>(iii) is entitled to do so by virtue of any permission granted under a <b>[listener's] television</b> licence issued in terms of section <b>[17 (2) (b)] 17 (2)</b> of that Act; or</p> <p>(iv) is a person to whom that television set has been rented or otherwise made available in accordance with a television licence issued in terms of section 17 (3) (b) or (c) of that Act.</p> <p>(b) No owner or manager of any business or institution shall in connection with that business or institution—</p> <p>(i) use, or permit any other person to use, any <b>[sound radio] television</b> set for the reception of anything broadcast in a broadcasting service unless he is in possession of a <b>[listener's] television</b> licence issued in terms of section <b>[17 (2) (b)] 17 (2)</b> of the Broadcasting Act, 1976; or</p> <p>(ii) use, or permit any other person to use, any <b>[sound radio] television</b> set as aforesaid otherwise than in accordance with the provisions of any such licence which he has in his possession.”;</p> <p>(iii) by the deletion of paragraph (c) of subsection (2);</p> <p>(iv) by the substitution for subsection (3) of the following subsection:  “(3) The provisions of subsection (2) shall not apply to a person who manufactures <b>[sound radio sets or] television</b> sets as a business or who acts in the execution of his duties in the service of such a person, in so far as he uses any <b>[sound radio or] television</b> set manufactured by him, in or on the premises where it was manufactured or on any other premises approved by the South African Broadcasting Corporation, and for the purposes of testing such set, for the reception of anything broadcast in a broadcasting service.”; and</p> <p>(v) by the substitution for subsection (4) of the following subsection:  “(4) If, in any prosecution for a contravention of any provision of subsection (2), it is proved that the accused had <b>[a sound radio set or] a television</b> set in his possession at any time or that he was the occupier of any premises in or on which <b>[a sound radio set or] a television</b> set was found at any time, he shall be presumed, unless the contrary is proved, to have used such <b>[sound radio set or] television</b> set, while it was in his possession or in or on those premises, for the reception of broadcasts in a broadcasting service.”;</p> <p>(c) the amendment of section 6—</p> <p>(i) by the substitution in paragraph (b) of subsection (1) for the words “sound radio”, wherever they occur, of the word “television”; and</p> <p>(ii) by the deletion in subsection (5) of the words “a sound radio set, or”;</p> <p>(d) the amendment of section 7—</p> <p>(i) by the substitution in the proviso to subsection (1) for the expression “Minister of National Education” of the words “Minister responsible for the administration of the Broadcasting Act, 1976 (Act No. 73 of 1976)”;</p> <p>(ii) by the substitution in paragraph (b) of subsection (3) for the expression “Minister of National Education” of the words “Minister responsible for the administration of the Broadcasting Act, 1976 (Act No. 73 of 1976)”;</p> <p>(iii) by the deletion in subsection (3) of the words “listener's licence or”;</p> <p>(e) the amendment of section 11 by the deletion in subsection (3) of the words “sound radio sets and”;</p> <p>(f) the amendment of section 19—</p> <p>(i) by the substitution for paragraph (g) of subsection (1) of the following paragraph:</p>

## BROADCASTING AMENDMENT ACT, 1982

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No. and year	Short title	Extent of amendment
Act No. 44 of 1958	Post Office Act, 1958	<p>“(g) intercepts any radio communication other than that which he is authorised to receive, <u>or which is capable of being received by means of a sound radio set or</u>, where such radio communication is involuntarily received, reproduces or communicates it to any other person or uses it for any other purpose whatsoever;” and</p> <p>(ii) by the deletion in subsection (1A) of the words “a sound radio set or”; and</p> <p>(g) the amendment of section 78 by the substitution in subsection (1B) for the expression “Minister of National Education”, wherever it occurs, of the words “Minister responsible for the administration of the Broadcasting Act, 1976 (Act No. 73 of 1976),”.</p>