

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.



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

---

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

Prys 20c Price  
Oorsee 30c Overseas  
POSVRY—POST FREE

---

Vol. 153]

KAAPSTAD, 10 MAART 1978  
CAPE TOWN, 10 MARCH 1978

[No. 5900

---

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 431.

10 Maart 1978.

No. 431.

10 March 1978.

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

No. 2 van 1978: Radiowysigingswet, 1978.

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

No. 2 of 1978: Radio Amendment Act, 1978.

## RADIO AMENDMENT ACT, 1978

Act No. 2, 1978

## 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 the expressions "broadcasting licence", "radio" and "radio dealer"; to provide for the seizure of certain radio apparatus; to further regulate the power to issue licences and radio dealer's registration certificates; to provide for the issue of authorities for the use of stations for specified purposes; to provide for the conducting of examinations relating to the use or maintenance of stations and the issue of certificates of proficiency; to repeal the restriction relating to licence fees; to further regulate the currency of licences; to provide for the sealing of certain radio apparatus in order to prevent the unauthorized use thereof; to extend the powers of persons authorized to inspect plant and apparatus; to transfer from the State President to the Minister the power to make regulations, and to extend that power; to delete the provisions relating to the tabling of regulations; to further regulate the offence relating to the communication or use of certain radio communications; and to increase the amounts of certain fines; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)*  
*(Assented to 3 March 1978.)*

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

1. Section 1 of the Radio Act, 1952 (hereinafter referred to as the principal Act); is hereby amended—
- (a) by the deletion of the definitions of "land mobile service" and "maritime mobile service";
- (b) by the insertion before the definition of "Minister" of the following definition:
- 10 "broadcasting licence" means a licence conferring upon the holder thereof the right to use a station or stations for a broadcasting service;"
- (c) by the insertion after the definition of "Minister" of the following definition:
- 15 "radio" means electromagnetic waves of frequencies lower than 3 000 GHz propagated in space without an artificial conductor;" and
- (d) by the insertion after the definition of "radio apparatus" of the following definition:
- 20 "radio dealer" means the holder of a radio dealer's registration certificate issued under section 7;"
- 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 and section 32 of Act 73 of 1976.

## RADIO AMENDMENT ACT, 1978

Act No. 2, 1978

2. Section 5 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- 5     “(1) No person shall transmit or otherwise than 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, **[or] certificate or authority is [prescribed in the First Schedule] required in terms of this Act**, unless he is in possession of the appropriate licence, **[or] certificate or authority so [prescribed in the said Schedule] 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.”
- 10     3. Section 6 of the principal Act is hereby amended—
- 15     (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:  
        “**No person shall [erect, maintain or] have in his possession any radio apparatus unless—**”;
- 20     (b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:  
        “(a) he is in possession of a permit issued under section 11 in respect of such radio apparatus or of the appropriate licence **[prescribed in the First Schedule or] 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**”; and
- 25     (c) by the addition of the following subsections:  
        “(5) **If the Postmaster-General is satisfied that radio apparatus, other than a sound radio set or 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 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.**
- 30         “(6) **Any person who is aggrieved as a result of such seizure shall have the right to appeal to the Minister against any such seizure, and the Minister may either confirm the seizure or order that the apparatus that has been seized, be returned to the person concerned.**”
- 35     4. (1) Section 7 of the principal Act is hereby amended—
- 40     (a) by the substitution for subsection (1) of the following subsection:  
        “(1) **Subject to the provisions of section 12 (2) of the Broadcasting Act, 1976 (Act No. 73 of 1976), and subsection (2) of this section, the Postmaster-General may, on such conditions as he may in any case specially prescribe or as may be generally prescribed by regulation, and against payment of the fees prescribed by regulation, if any—**
- 45         (a) **issue to any person approved by him [one or more of the licences or certificates mentioned in the First Schedule] a licence conferring upon such person the right to use, or cause any person in his employ or under his control to use, a station for any purpose prescribed by regulation;**
- 50         (b) **issue to any person a radio dealer's registration certificate conferring upon such person the right to follow a trade or carry on business in a shop, store**
- 55         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 and section 32 of Act 73 of 1976.
- 60         Amendment of section 6 of Act 3 of 1952, as amended by section 4 of Act 93 of 1969 and section 32 of Act 73 of 1976.
- Amendment of section 7 of Act 3 of 1952, as substituted by section 32 of Act 73 of 1976.

## RADIO AMENDMENT ACT, 1978

Act No. 2, 1978

- or any other place whereby radio apparatus is bought, sold, leased or exchanged, or is offered or displayed for sale, lease or exchange, or is repaired;
- 5 (c) issue a certificate of proficiency to any person who passes the examinations referred to in subsection (4) or who qualifies therefor under the regulations, to use a station for any purpose prescribed in terms of paragraph (a), or to maintain a station in a category which may in terms of the regulations only be maintained by the holder of such a certificate;
- 10 (d) issue to any person approved by him and who is the holder of a certificate referred to in paragraph (c), an authority conferring upon such person the right to use any station which under the conditions of any licence issued under this Act or any other law, or under the provisions of the regulations or any other law, may only be used by the holder of such an authority;
- 20 Provided that a broadcasting licence shall not, without the approval of the Minister of National Education, granted after consultation with the South African Broadcasting Corporation, be issued to any person other than the said corporation.”;
- 25 (b) by the substitution for subparagraph (iv) of paragraph (a) of subsection (2) of the following subparagraph: “(iv) the persons by whom or under whose supervision a station may be used or maintained.”; and
- 30 (c) by the addition of the following subsection: “(4) The Postmaster-General may conduct examinations, or cause examinations to be conducted, to determine the proficiency of any person to use a station for any purpose prescribed in terms of paragraph (a), of subsection (1) or to maintain such station.”
- 35 (2) Any licence issued under section 7 of the principal Act before the commencement of the amendment thereof by subsection (1) of this section, and which confers the right upon any person to use a station for any purpose prescribed by regulation in terms of section 7 (1) (a) of the principal Act, as amended by
- 40 this section, shall be deemed to have been issued under section 7 (1) (a) of the principal Act, as so amended, and shall, subject to the provisions of section 14 of the principal Act and section 12 of the Broadcasting Act, 1976 (Act No. 73 of 1976), remain of force and effect for the period prescribed by regulation under section
- 45 9 of the principal Act as amended by section 6 of this Act.

5. The following section is hereby substituted for section 8 of the principal Act:

- 50 “Fees payable in respect of licences, certificates or authorities.
- 55 8. [(1)] The fees, if any, payable to the Postmaster-General in respect of any licence, [or] certificate or authority referred to in [the First Schedule] section 7, shall be prescribed by regulation: [Provided that no fee shall be so prescribed in respect of any such licence or certificate in excess of the fees set out in the Second Schedule in respect of such licence or certificate:] Provided [further] that, when appropriate licences are issued for the operation of a radiocommunication service and, in the opinion of the Postmaster-General, normal telecommunication facilities are available between the points where the particular radiocommunication service will be conducted, the Postmaster-General may from time to time levy on the licensee an annual fee over and above the prescribed licence fees [set out in the
- 60

Substitution of section 8 of Act 3 of 1952, as substituted by section 6 of Act 93 of 1969 and amended by section 17 of Act 57 of 1975 and section 32 of Act 73 of 1976.

RADIO AMENDMENT ACT, 1978

Act No. 2, 1978

5 **Second Schedule**], which fee shall be based upon the average amount which, according to the Postmaster-General's estimate, the licensee would have paid for normal telecommunication services if the licensee had made use of such services."

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

10 "Duration of licences, certificates and authorities. **9. Subject to the provisions of section 14 of this Act and section 12 of the Broadcasting Act, 1976 (Act No. 73 of 1976), any licence referred to in section 7 shall be valid for the period prescribed by regulation or for such shorter period as may be determined by the Postmaster-General in any particular case and shown on the licence at the time of the issue thereof, and any certificate or authority referred to in section 7 shall remain of force and effect for an indefinite period.**"

Substitution of section 9 of Act 3 of 1952, as amended by section 8 of Act 93 of 1969, section 19 of Act 57 of 1975 and section 32 of Act 73 of 1976.

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

20 "Production of licences, certificates, permits or authorities for inspection. **10. Every person who is by the provisions of this Act required to possess any licence, certificate, [or] permit or authority shall produce his licence, certificate, [or] permit or authority for inspection on demand by any member of the South African Police or by any officer in the public service duly authorized by the Postmaster-General to make such demand.**"

Substitution of section 10 of Act 3 of 1952.

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

30 "(1) The Postmaster-General may grant to any person a permit for a limited 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."; and

35 (b) by the substitution for subsection (2) of the following subsection:

40 "(2) No fees shall be payable [for] in respect of a permit [granted under] or sealing referred to in subsection (1)."

Amendment of section 11 of Act 3 of 1952, as amended by section 32 of Act 73 of 1976.

9. Section 14 of the principal Act is hereby amended—  
(a) by the substitution for subsection (1) of the following subsection:

45 "(1) Notwithstanding anything to the contrary in this Act contained, the Postmaster-General may at any time after due enquiry and after written notice to the [licensee] holder, suspend or cancel any licence, permit, [or] certificate or authority issued under this Act if he is satisfied that such suspension or cancellation is necessary under the circumstances, and may in his discretion seal radio apparatus to which a suspended licence relates in order to prevent the use thereof during such suspension.";

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

55 "(3) No holder of a licence, certificate or authority shall upon the suspension or cancellation of his licence,

Amendment of section 14 of Act 3 of 1952, as amended by section 32 of Act 73 of 1976.

## RADIO AMENDMENT ACT, 1978

Act No. 2, 1978

certificate or authority in terms of subsection (1), be entitled to any refund of any fees paid in respect of such licence, **[or]** certificate or authority.”; and

(c) by the substitution for subsection (5) of the following subsection:

“(5) Any person who is aggrieved by the suspension or cancellation of his licence, permit, **[or]** certificate or authority by the Postmaster-General in terms of subsection (1), shall in addition to any right of review by the court have the right to appeal to the Minister against such suspension or cancellation and the Minister may either confirm the suspension or cancellation or restore the licence, permit, **[or]** certificate or authority to the person concerned.”.

15 10. Section 16 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of the following paragraph:

“(b) inspect the plant and apparatus used by any person licensed or authorized under this Act or the Broadcasting Act, **[1936 (Act No. 22 of 1936)]** 1976 (Act No. 73 of 1976), to transmit or receive by radio, or possessed by any person under a permit granted in terms of section 11 or under a radio dealer’s registration certificate referred to in section 7 (1) (b);”.

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

“(c) inspect any licence, certificate, **[or]** permit or authority issued to any person under this Act or the Broadcasting Act, **[1936]** 1976;” and

(c) by the addition of the following paragraph:

“(d) inspect any plant and apparatus which are or are suspected to be in the possession of or used by any person in contravention of this Act.”.

35 11. Section 17 of the principal Act is hereby repealed.

Repeal of section 17 of Act 3 of 1952, as substituted by section 3 of Act 51 of 1962.

12. (1) Section 18 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The **[State President]** Minister may make regulations relating to—”;

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

“(a) the licences, certificates of proficiency or authorities which may be issued for the use of stations for specified purposes, the certificates of proficiency which may be issued for the maintenance of stations of specified categories, and the conditions subject to which such licences, certificates or authorities may be issued;”.

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

“(b) the fees that shall be payable in respect of any licence, **[or]** certificate or authority referred to in **[the First Schedule]** section 7 (1) or the conducting of the examinations referred to in section 7 (4);”.

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

Amendment of section 18 of Act 3 of 1952, as amended by section 14 of Act 93 of 1969, section 2 of Act 50 of 1974 and section 32 of Act 73 of 1976.

## RADIO AMENDMENT ACT, 1978

Act No. 2, 1978

- “(c) the experience or qualifications to be possessed by persons to whom certificates of proficiency referred to in section 7 may be issued;”;
- 5 (e) by the substitution for subsection (1A) of the following subsection:  
 “(1A) Different conditions or fees may be prescribed under subsection 1 (a) or (b) in respect of different licences, authorities or certificates, or in respect of  
 10 licences [or certificates] issued for stations situated in different areas [and different fees may be prescribed under subsection (1) (b) in respect of licences for the operation of different categories of each type of station mentioned in the First Schedule].”; and
- (f) by the deletion of subsections (2), (3) and (4).
- 15 (2) Any regulation made under subsection (1) of section 18 of the principal Act before the amendment of that subsection by paragraph (a) of subsection (1) of this section shall be deemed to have been made under the first-mentioned subsection as so amended.
- 20 **13.** Section 19 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following  
 subsection:  
 “(1) any person who—
- 25 (a) contravenes or fails to comply with any provision of section 5, 6 or 12;
- (b) contravenes or fails to comply with a condition of any licence, certificate, **[or] permit or authority**  
 issued to him under this Act or the Broadcasting Act, **[1936 (Act No. 22 of 1936)] 1976 (Act No. 73 of 1976);**
- 30 (c) fails or refuses to produce any licence, certificate, **[or] permit or authority** issued to him under this Act or the Broadcasting Act; **[1936] 1976**, or any document referred to in section 12 (2) on demand by any person authorized by the Postmaster-General in terms of section 16 to make such demand;
- 35 (d) obstructs or hinders any officer in the exercise of his powers under section 16;
- 40 (e) contravenes or fails to comply with any provision of any regulation;
- (f) transmits or causes to be transmitted by radio any false or fraudulent distress signal, message, call or telegram of any kind, or who, without lawful excuse, interferes with or obstructs the transmission or reception of any radio communication;
- 45 (g) intercepts any radio communication other than that which he is authorized to receive or, where such radio communication is involuntarily received, reproduces or communicates it to any other person or uses it for any purpose whatsoever;
- 50 (h) after any radio communication has been reproduced or communicated to him in contravention of the provisions of paragraph (g), reproduces that radio communication or communicates it to any other person, or uses it for any purpose whatsoever;
- 55 (i) without authority breaks the seal of radio apparatus sealed under section 11 (1) or 14 (1),
- 60 shall be guilty of an offence and, except as provided in subsection **[(1)bis] (1A)**, liable on conviction to a fine not exceeding **[fifty pounds] five hundred rand** or to imprisonment for a period not exceeding six months,

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 and section 32 of Act 73 of 1976.

## RADIO AMENDMENT ACT, 1978

Act No. 2, 1978

and the court convicting him may in addition to any penalty that it may impose, order—

- 5 (i) the confiscation to the State of any radio apparatus in connection with or by means of which the offence was committed: Provided that no such order of confiscation shall be made if it is proved that the radio apparatus in question does not belong to the person so convicted and that its owner was unable to prevent its unlawful use by the person so convicted;
- 10 (ii) the cancellation of any licence, certificate, **[or]** permit or authority held under this Act by the person so convicted, and **[prohibiting]** prohibit him from holding for a specified period any licence, certificate; **[or]** permit or authority under this Act;
- 15 (iii) the payment of all arrear licence fees owing by the person so convicted.”; and
- 20 (b) by the substitution for subsection (1)*bis* of the following subsection:  
 “**[(1)*bis*]** (1A) Any person who transmits by radio in contravention of section 5 or who has in his possession radio apparatus, other than a **[radio receiving]** sound radio set or a television set, in contravention of section 6  
 25 (1) or who, having been authorized under a licence, certificate, **[or]** permit or authority issued under this Act to transmit by radio or to be in possession of radio apparatus as aforesaid, contravenes or fails to comply with any condition of such licence, certificate, **[or]** permit or authority, **[or who contravenes section seventeen,]** shall be liable on conviction to a fine not exceeding **[three hundred pounds]** one thousand five hundred rand or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment, and the court convicting such person may in addition make any of the orders referred to in subparagraph (i), (ii) or (iii) of subsection (1) of this section.”
- 35

14. The First Schedule and the Second Schedule to the principal Act are hereby repealed.

Repeal of First and Second Schedules to Act 3 of 1952, as amended by section 32 of Act 73 of 1976.

15. This Act shall be called the Radio Amendment Act, 1978, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.