

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.



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GOVERNMENT GAZETTE

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1489.

28 June 1991

No. 1489.

28 Junie 1991

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

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

No. 99 of 1991: Radio Amendment Act, 1991

No. 99 van 1991: Radiowysigingswet, 1991

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Radio Act, 1952, so as to prohibit the use of a television set for the unauthorized reception of anything which is broadcast by a certain holder of a broadcasting licence which authorizes the provision of a pay-television broadcasting service; to prohibit the manufacture, distribution, sale, letting, supply and possession of certain equipment, objects or electronic data; to extend the powers of certain authorized persons; and to provide that the holder of such broadcasting licence shall be liable for costs incurred by the taking of certain steps in the interest of that holder; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 27 June 1991.)

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

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 and section 23 of Act 61 of 1982

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1. Section 5 of the Radio Act, 1952 (hereinafter referred to as the principal Act), is hereby amended by—

- (a) the insertion after paragraph (a) of subsection (2) of the following paragraph:

“(aA) No person shall use any television set for the reception of anything broadcast by ‘Electronic Media Network Ltd’, a company generally known as ‘M-Net’, in the pay-television broadcasting service which M-Net has in terms of section 7 been licensed to provide, unless such person has been authorized by M-Net to do so.”; and

- (b) by the addition to subsection (2) of the following paragraph:

“(c) (i) No person shall assist any other person in receiving, in conflict with paragraph (a) or (aA), anything broadcast in a broadcasting service.

(ii) No person shall have in his possession any equipment, object or electronic data intended to be used for the reception, in conflict with paragraph (a) or (aA), of anything broadcast in a broadcasting service.

(iii) For the purposes of subparagraph (i) ‘assist in receiving’ includes to manufacture, distribute, let, sell or supply any equipment, object or electronic data intended by the manufacturer,

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distributor, lessor, seller or supplier, as the case may be, to be used or applied, either by itself or in conjunction with any other object, for the reception, in contravention of paragraph (a) or (aA), of anything broadcast in a broadcasting service.”.

Amendment of section 16 of Act 3 of 1952, as substituted by section 12 of Act 93 of 1969 and amended by section 10 of Act 2 of 1978 5

2. Section 16 of the principal Act is hereby amended by the addition thereto of the following paragraph:

“(e) require any person who is in possession of anything suspected to be equipment, an object or electronic data referred to in section 5(2)(c), or who is in control of any premises in or upon which any such thing is, to produce that thing to such officer, and to furnish all the information with regard thereto which he may have at his disposal or which can be obtained by him, in order to enable that officer so authorized to determine the characteristics of that thing.”. 10
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Insertion of section 17 in Act 3 of 1952

3. The following section is hereby inserted in the principal Act after section 16:

“Liability of holder of broadcasting licence for certain expenses

17. If any steps contemplated in section 16(e) are taken in the interest of the holder of a broadcasting licence referred to in section 5(2)(aA), such person shall pay to the Postmaster-General an amount of money which is sufficient to meet all expenses incurred in connection with the taking of such steps, as may be determined by the Postmaster-General.”. 20

Short title and commencement 25

4. This Act shall be called the Radio Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.