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STATE PRESIDENT'S OFFICE

No. 1489.

28 June 1991

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

No. 99 of 1991: Radio Amendment Act, 1991

KANTOOR VAN DIE STAATSPRESIDENT

No. 1489.

28 Junie 1991

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

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

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,

ALGEMENE VERDUIDELIKENDE NOTA:

Woorde in vet druk tussen vierkantige hake dui skrap-
pings uit bestaande verordeninge aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Radiowet, 1952, ten einde die gebruik te verbied van 'n televisiestel vir die ongemagtigde ontvangs van enigiets wat uitgesaai word deur 'n sekere houer van 'n uitsaailisensie wat die verskaffing van 'n betaaltelevisie-uitsaai diens magtig; die vervaardiging, verspreiding, verkoop, verhuur, verskaffing en besit van sekere toerusting, voorwerpe of elektroniese data te verbied; die bevoegdhede van sekere gemagtigde persone uit te brei; en te bepaal dat die houer van sodanige uitsaailisensie verantwoordelik is vir koste wat meegebring word deur die doen van sekere stappe in die belang van daardie houer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1991.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 5 van Wet 3 van 1952, soos vervang deur artikel 3 van Wet 93 van 1969 en gewysig deur artikel 15 van Wet 57 van 1975, artikel 32 van Wet 73 van 1976 en artikel 23 van Wet 61 van 1982

1. Artikel 5 van die Radiowet, 1952 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur na paragraaf (a) van subartikel (2) die volgende paragraaf in te voeg:

10 “(aA) Niemand mag ’n televisiestel gebruik nie vir die ontvangs
van enigiets wat deur ‘Elektroniese Medianetwerk Bpk’, ’n
maatskappy in die algemeen bekend as ‘M-Net’, uitgesaai
word in die betaaltelevisie-uitsaaidiens wat M-Net inge-
volge artikel 7 gelisensieer is om aan te bied, tensy daardie
15 persoon deur M-Net gemagtig is om dit te doen.”; en

(b) deur die volgende paragraaf by subartikel (2) te voeg:

“(c) (i) Niemand mag ’n ander persoon bestaan om, in stryd met
paragraaf (a) of (aA), enigiets wat in ’n uitsaaidiens uitgesaai
word, te ontvang nie.

20 (ii) Niemand mag enige toerusting, voorwerp of elektroniese data wat bestem is om gebruik te word vir die ontvangs, in stryd met paragraaf (a) of (aA), van enigiets uitgesaai in 'n uitsaaidiens, in sy besit hê nie.

(iii) By die toepassing van subparagraaf (i) beteken 'bystaan om te ontvang' ook om enige toerusting, voorwerp of elektroniese data wat deur die vervaardiger, verspreider, verkoper, verhuurder

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 15

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.”.

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*.

5 of verskaffer, na gelang van die geval, bestem is om gebruik of toegepas te word, hetsy alleen hetsy tesame met enige ander voorwerp, vir die ontvangs, in stryd met paragraaf (a) of (aA), van enigiets wat in 'n uitsaaidiens uitgesaai word, te vervaardig, te versprei, te verhuur, te verkoop of te verskaf.”.

Wysiging van artikel 16 van Wet 3 van 1952, soos vervang deur artikel 12 van Wet 93 van 1969 en gewysig deur artikel 10 van Wet 2 van 1978

2. Artikel 16 van die Hoofwet word hierby gewysig deur die volgende paragraaf by te voeg:

10 “(e) van iemand wat in besit is van enigiets wat vermoed word toerusting, 'n voorwerp of elektroniese data vermeld in artikel 5(2)(c) te wees, of wat in beheer is van enige perseel waarin of waarop so iets is, vereis om daardie ding aan daardie beampte te toon en om alle inligting met betrekking daartoe waaroor hy beskik of wat deur hom verkry kan word, te verstrek, ten einde daardie beampte aldus gemagtig in staat te stel om die eienskappe van daardie ding vas te stel.”.

Invoeging van artikel 17 in Wet 3 van 1952

3. Die volgende artikel word hierby in die Hoofwet na artikel 16 ingevoeg:

“Aanspreeklikheid van houer van uitsaailisensie vir sekere uitgawes

20 **17.** Indien enige stappe in artikel 16(e) beoog in die belang van die houer van 'n uitsaailisensie vermeld in artikel 5(2)(aA) gedoen word, moet daardie persoon aan die Posmeester-generaal 'n bedrag betaal wat voldoende is om alle uitgawes aangegaan in verband met die doen van sodanige stappe, soos deur die Posmeester-generaal bepaal, te dek.”.

Kort titel en inwerkingtreding

4. Hierdie Wet heet die Radiowysigingswet, 1991, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

