



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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PRESIDENT'S OFFICE

No. 1890.

22 November 1996

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

No. 91 of 1996: Former States Broadcasting Reorganisation Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1890.

22 November 1996

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

No. 91 van 1996: Wet op die Reorganisering van Uitsaaiwese van Voormalige State, 1996.

**GENERAL EXPLANATORY NOTE:**

Words underlined with a solid line indicate insertions in existing enactments.

# ACT

To provide for the abolition of broadcasting services in the former Republics of Transkei, Bophuthatswana, Venda and Ciskei; and to provide for the transfer of the broadcasting enterprises and broadcasting signal distribution enterprises conducted by those services as well as certain land used by them for that purpose to the SABC and Sentech; and to provide for matters connected therewith.

*(English text signed by the President.)  
(Assented to 12 November 1996.)*

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Definitions**

1. In this Act, unless the context indicates otherwise—

- (i) "broadcaster" means the Transkei Broadcasting Corporation referred to in section 2 of this Act, the Bophuthatswana Broadcasting Corporation referred to in section 2 of the North West Broadcasting Corporation Act, 1995 (Act No. 9 of 1995), the Bureau for Information and Broadcasting referred to in section 3 of this Act and the Ciskeian Broadcasting Corporation referred to in section 4 of this Act; (viii) 5
- (ii) "broadcasting enterprise" means all the assets, liabilities, rights and obligations, including any claim to copyright, trade marks and patentable inventions, of a broadcaster which relate to or are used in connection with the conduct of the broadcasting service, as determined by the Minister; (ix) 10
- (iii) "broadcasting service" means a single defined service consisting of the broadcasting of television or sound material to the public or sections of the public or to the subscribers to such service; (vii) 15
- (iv) "broadcasting signal distribution" means the process whereby the output signal of a broadcasting service is taken from the point of origin, being the point where such signal is made available in its final content format, from where it is conveyed to any geographical broadcast target area by means of a telecommunications process, but excluding the use of facilities which operate on frequencies outside the broadcasting service frequency bands; (x) 20
- (v) "broadcasting signal distribution enterprise" means all assets, liabilities, rights and obligations, including any claim to copyright, trade marks and patentable inventions, of a broadcaster which relate to or are used in connection with broadcasting signal distribution, as determined by the Minister; (xi) 25
- (vi) "department" means the Department of Posts and Telecommunications; (ii)
- (vii) "fixed establishment" means the posts created for the normal and regular 30

**ALGEMENE VERDUIDELIKENDE NOTA:**

\_\_\_\_\_ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

**WET**

Om voorsiening te maak vir die afskaffing van uitsaaidienste in die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei; en voorsiening te maak vir die oordrag van die uitsaai-ondernemings en uitsaai-seindistribusie-ondernemings wat deur daardie dienste bedryf word asook sekere grond wat deur hulle vir dié doel gebruik word aan die SABC en Sentech; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)  
(Goedgekeur op 12 November 1996.)

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Woordomskrywing**

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
  - 5 (i) “bedryfsverlies” oorskot van bedryfsuitgawe bo bedryfsinkomste en vir daardie doel word kapitaalwinst buite rekening gelaat; (ix)
  - (ii) “departement” die Departement van Pos- en Telekommunikasiewese; (vi)
  - (iii) “Minister” die Minister verantwoordelik vir die administrasie van uitsaaiwese; (viii)
  - 10 (iv) “oordragdatum”, met betrekking tot ’n bepaalde uitsaaiër, die datum deur die Minister ingevolge artikel 5 bepaal; (xii)
  - (v) “SABC” die Suid-Afrikaanse Uitsaaikorporasie beoog in artikel 2 van die Uitsaaiwet, 1976 (Wet No. 73 van 1976); (x)
  - 15 (vi) “Sentech” Sentech (Edms) Bpk, ’n private maatskappy wat ’n volle filiaal van die SABC is en wat ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), geregistreer is, en gelisensieer is om uitsaai-seindistribusie te voorsien; (xi)
  - (vii) “uitsaaidiens” ’n enkele omskrewe diens wat bestaan uit die uitsaai van televisie- of klankmateriaal aan die publiek of gedeeltes van die publiek of
  - 20 aan die intekenaars op sodanige diens; (iii)
  - (viii) “uitsaaiër” die “Transkei Broadcasting Corporation” bedoel in artikel 2 van hierdie Wet, die “Bophuthatswana Broadcasting Corporation” bedoel in artikel 2 van die Noord-Wes Uitsaaikorporasie Wet, 1995 (Wet No. 9 van 1995), die Buro vir Inligting en Uitsaaiwese bedoel in artikel 3 van hierdie
  - 25 Wet en die “Ciskeian Broadcasting Corporation” bedoel in artikel 4 van hierdie Wet; (i)
  - (ix) “uitsaai-onderneming” al die bates, laste, regte en verpligtinge, met inbegrip van enige aanspraak op outeursreg, handelsmerke en patenteerbare uitvindings, van ’n uitsaaiër wat verband hou of gebruik word in verband met die
  - 30 bedryf van die uitsaaidiens, soos deur die Minister bepaal; (ii)

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- requirements of a public broadcasting service conducted by a broadcaster which were filled on a fixed basis before 1 October 1995 and which are still so filled by the transfer date; (xii)
- (viii) "Minister" means the Minister responsible for the administration of broadcasting; (iii) 5
- (ix) "operating loss" means excess of operating expenditure over operation income and for that purpose capital gain shall be left out of account; (i)
- (x) "SABC" means the South African Broadcasting Corporation contemplated in section 2 of the Broadcasting Act, 1976 (Act No. 73 of 1976); (v)
- (xi) "Sentech" means Sentech (Pty) Ltd, a private company which is a wholly-owned subsidiary of the SABC and which is registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), and licensed to provide broadcasting signal distribution; (vi) 10
- (xii) "transfer date", with regard to a particular broadcaster, means the date determined by the Minister in terms of section 5. (iv) 15

**Abolition of Transkei Broadcasting Corporation**

2. The Transkei Broadcasting Corporation, established by Government Notice No. 200 of 12 December 1980 of the former Republic of Transkei, shall cease to exist with effect from the transfer date.

**Abolition of Bureau for Information and Broadcasting of former Republic of Venda 20**

3. The Bureau for Information and Broadcasting of the former Republic of Venda, referred to in section 1 of the Republic of Venda Broadcasting Act, 1979 (Act No. 14 of 1979), shall cease to exist with effect from the transfer date.

**Abolition of Ciskeian Broadcasting Corporation 25**

4. The Ciskeian Broadcasting Corporation, established by section 2 of the Broadcasting Act, 1985 (Act No. 8 of 1985), of the former Republic of Ciskei shall cease to exist and the Board of the Ciskeian Broadcasting Corporation is hereby dissolved, with effect from the transfer date.

**Transfer date 30**

5. The Minister shall, in respect of each broadcaster, determine a transfer date in consultation with the SABC and Sentech and shall announce the date by the notice in the *Gazette*.

**Transfer of broadcasting and broadcasting signal distribution enterprises of broadcasters 35**

6. (1) On the transfer date—
- (a) the broadcasting enterprise of the broadcaster shall be transferred to the SABC;
- (b) the broadcasting signal distribution enterprise of the broadcaster shall be transferred to Sentech: 40
- (2) (a) The values of the broadcasting enterprise and the broadcasting signal distribution enterprise to be transferred in terms of subsection (1) shall be as determined by the SABC and Sentech, in consultation with the Minister and with the concurrence of the Minister of Finance.
- (b) For the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), or any other law in terms of which a tax or levy may be imposed, it shall be deemed that valuable consideration was actually paid by the SABC or Sentech in acquiring the enterprises transferred to it in terms of subsection (1) and that, notwithstanding any other law, such consideration equals the corresponding values determined in terms of paragraph (a). 45
- (3) (a) State land of which a broadcaster had the exclusive use immediately before the transfer date shall, as the SABC or Sentech elect with the concurrence of the Minister, on the transfer date pass to the SABC or Sentech, as the case may be, and shall be 50

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- (x) "uitsaai-seindistribusie" die metode waarvolgens die uitgangsein van 'n uitsaaidiens vanaf die oorsprongpunt, synde die punt waar sodanige sein in sy finale inhoudsformaat beskikbaar gestel word, geneem word, waarvandaan dit na 'n geografiese uitsaateikengebied oorgebring word by wyse van 'n telekommunikasieproses wat die gebruik uitsluit van fasiliteite wat werk met frekwensies buite die uitsaaidiens-frekwensiebande; (iv)
- (xi) "uitsaai-seindistribusie-onderneming" alle bates, laste, regte en verpligtinge, met inbegrip van enige aanspraak op outeursreg, handelsmerke en patenteerbare uitvindings, van 'n uitsaaier wat verband hou of gebruik word in verband met uitsaai-seindistribusie, soos deur die Minister bepaal; (v)
- (xii) "vaste diensstaat" die poste geskep vir die normale en gewone vereistes van 'n openbare uitsaaidiens bedryf deur 'n uitsaaier wat op 'n vaste grondslag voor 1 Oktober 1995 gevul is en wat op die oordragdatum steeds aldus gevul is. (vii)

15 **Afskaffing van "Transkei Broadcasting Corporation"**

2. Die "Transkei Broadcasting Corporation" ingestel by Goewermentskennisgewing No. 200 van 12 Desember 1980 van die voormalige Republiek van Transkei, hou met ingang van die oordragdatum op om te bestaan.

20 **Afskaffing van Buro vir Inligting en Uitsaaiwese van voormalige Republiek van Venda**

3. Die Buro vir Inligting en Uitsaaiwese van die voormalige Republiek van Venda, bedoel in artikel 1 van die Republiek van Venda Uitsaaiwet, 1979 (Wet No. 14 van 1979), hou met ingang van die oordragdatum op om te bestaan.

**Afskaffing van "Ciskeian Broadcasting Corporation"**

- 25 4. Die "Ciskeian Broadcasting Corporation", ingestel by artikel 2 van die "Broadcasting Act, 1985" (Wet No. 8 van 1985), van die voormalige Republiek van Ciskei hou met ingang van die oordragdatum op om te bestaan en die "Board of the Ciskeian Broadcasting Corporation" word hierby met ingang van die oordragdatum ontbind.

**Oordragdatum**

- 30 5. Die Minister bepaal, ten opsigte van elke uitsaaier, 'n oordragdatum in oorleg met die SABC en Sentech en kondig die datum aan by kennisgewing in die *Staatskoerant*.

**Oordrag van uitsaai-ondernemings en uitsaai-seindistribusie-ondernemings van uitsaaiers**

6. (1) Op die oordragdatum—
- 35 (a) word die uitsaai-onderneming van die uitsaaier aan die SABC oorgedra;
- (b) word die uitsaai-seindistribusie-onderneming van die uitsaaier aan Sentech oorgedra.
- (2) (a) Die waardes van die uitsaai-onderneming en die uitsaai-seindistribusie-onderneming, wat ingevolge subartikel (1) oorgedra moet word, is soos deur die SABC
- 40 en Sentech bepaal in oorleg met die Minister en met die instemming van die Minister van Finansies.
- (b) By die toepassing van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), of enige ander wet ingevolge waarvan 'n belasting of heffing gehef mag word, word daar geag dat geldwaardige teenprestasie werklik deur die SABC of Sentech betaal is
- 45 by die verkryging van die ondernemings wat ingevolge subartikel (1) aan die SABC of Sentech oorgedra is en dat, ondanks die bepalings van enige ander wet, sodanige teenprestasie gelyk is aan die ooreenstemmende waardes wat ingevolge paragraaf (a) bepaal is.
- (3) (a) Staatsgrond waarvan 'n uitsaaier die uitsluitlike gebruik gehad het onmiddellik voor die oordragdatum gaan op die oordragdatum volgens wat die SABC of Sentech verkies met die instemming van die Minister, op die SABC of Sentech, na gelang van die geval, oor en word geag op daardie datum ingevolge die Wet op die

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deemed to have been sold on that date in terms of the State Land Disposal Act, 1961 (Act No. 48 of 1961), to the SABC or Sentech at an agreed value.

(b) Notwithstanding section 5 of the State Land Disposal Act, 1961, and section 18 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), a registrar as defined in section 102 of the Deeds Registries Act, 1937, shall, on submission to him or her of a certificate by the Minister of Public Works that State land has passed in terms of paragraph (a), make such entries and endorsements as he or she may deem necessary free of charge in or on any relevant register, title deed or other document in his or her office or laid before him or her, in order to register the transfer in the name of the SABC or Sentech, as the case may be.

(c) If a particular portion of State land was used by a broadcaster for the conduct of broadcasting services as well as broadcasting signal distribution immediately before the transfer date, and the SABC and Sentech agree to divide that piece of land between them after that date without the payment of compensation by one party to the other or without giving anything in exchange therefor, the subdivision of the land in question shall be exempt from the payment of transfer duty, stamp duty, taxes, levies or other fees if, upon the registration of the subdivision, a certificate signed by the Chief Executive of the SABC and the Managing Director of Sentech is submitted in which it is certified that an agreement as contemplated in this paragraph has been concluded.

(4) (a) Any servitude, other real right or lease existing immediately before the transfer date in favour of the State or a broadcaster and which was exercised in favour of such broadcaster shall on the transfer date pass to the SABC or Sentech, as the case may be.

(b) The registrar referred to in subsection (3)(b) shall, on submission to him or her of a certificate by the Minister of Public Works that a servitude, other real right or lease has passed in terms of paragraph (a) or that a servitude exists over land which has passed in terms of subsection (3)(a), free of charge make such entries and endorsements as he or she may deem necessary in or on any relevant register, title deed or other document in his or her office or laid before him or her, in order to—

- (i) register the passing of the servitude, other real right or lease to the SABC or Sentech in terms of paragraph (a); or
- (ii) confirm the existence of the servitude in favour of any other person, over the State land in question.

(5) (a) Subject to paragraph (b), the SABC and Sentech shall have the right to use immovable property passing to it in terms of this Act for the purposes for which a broadcaster used that property immediately before the transfer date or for which it was intended to be used before that date.

(b) If land referred to in paragraph (a) of a broadcaster has not been zoned, or has in terms of an applicable township or development scheme, guide plan or statutory provision been zoned or intended for purposes other than those for which it is to be used on or after the transfer date, the SABC or Sentech, as the case may be, shall as soon as practicable conclude an agreement with the local authority responsible for the zoning or re-zoning of land in the area in question in relation to the zoning or re-zoning of that land for a purpose which is in accordance with the intended use thereof on or after the transfer date: Provided that if such agreement—

- (i) is concluded, it shall be reduced to writing and the local authority in question shall, if necessary, amend its township or development scheme or guide plan accordingly, free of charge; or
- (ii) cannot be concluded, the matter shall be referred to the Premier of the province in question, who may grant permission for or approval of the zoning or re-zoning of the land on such conditions as he or she may deem necessary.

(c) The local authority—

- (i) with which an agreement has been concluded in terms of paragraph (b); or
- (ii) within whose area of jurisdiction the land in question is situated, in the case where the Premier of the province in question has granted permission for or approval of the zoning or re-zoning thereof,

shall record, free of charge in respect of the land in question, the appropriate zoning, after which such zoning shall for all purposes be deemed to be the zoning of such land.

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Beskikking oor Staatsgrond, 1961 (Wet No. 48 van 1961), teen 'n ooreengekome waarde aan die SABC of Sentech verkoop te wees.

(b) Ondanks artikel 5 van die Wet op die Beskikking van Staatsgrond, 1961, en artikel 18 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), moet 'n  
5 registrateur soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937, by voorlegging aan hom of haar van 'n sertifikaat deur die Minister van Openbare Werke dat Staatsgrond ingevolge paragraaf (a) oorgegaan het, gratis die inskrywings en dossemente wat hy of sy nodig ag in of op enige tersaaklike register, titelakte of ander dokument in sy of haar kantoor of wat aan hom of haar voorgelê word, aanbring ten  
10 einde die registrasie in die naam van die SABC of Sentech, na gelang van die geval, te bewerkstellig.

(c) Indien 'n besondere gedeelte Staatsgrond onmiddellik voor die oordragdatum deur 'n uitsaaier gebruik is vir die bedryf van uitsaaidienste sowel as uitsaai-seindistribusie, en die SABC en Sentech ooreenkom om daardie stuk grond na daardie  
15 datum tussen hulle te verdeel sonder betaling van vergoeding deur die een party aan die ander, of sonder om enigiets in ruil daarvoor te gee, is die onderverdeling van die betrokke grond van die betaling van hereregte, seëlregte, belastinge, heffings of ander gelde vrygestel, indien daar by die registrasie van die onderverdeling 'n sertifikaat deur die Hoof- Uitvoerende Beampte van die SABC en die Besturende Direkteur van  
20 Sentech onderteken, voorgelê word waarin daar gesertifiseer word dat 'n ooreenkoms soos in hierdie paragraaf beoog, gesluit is.

(4) (a) Enige serwituut, ander saaklike reg of huurooreenkoms wat onmiddellik voor die oordragdatum ten gunste van die Staat of 'n uitsaaier bestaan het en wat ten gunste van sodanige uitsaaier uitgeoefen is, gaan op die oordragdatum op die SABC of  
25 Sentech oor, na gelang van die geval.

(b) Die registrateur in subartikel 3(b) bedoel, moet, by voorlegging aan hom of haar van 'n sertifikaat deur die Minister van Openbare Werke dat 'n serwituut, ander saaklike reg of huurooreenkoms ingevolge paragraaf (a) oorgegaan het, of dat daar 'n serwituut oor grond bestaan wat ingevolge artikel 3(a) oorgegaan het, gratis die  
30 inskrywings en die endossemente wat hy of sy nodig ag in of op enige tersaaklike register, titelakte of ander dokument in sy of haar kantoor of aan hom of haar voorgelê, aanbring ten einde—

(i) die oorgang van die serwituut, ander saaklike reg of huurooreenkoms op die SABC of Sentech ingevolge paragraaf (a) te registreer; of  
35 (ii) die bestaan van 'n serwituut ten gunste van enige ander persoon oor die betrokke Staatsgrond te bevestig.

(5) (a) Behoudens paragraaf (b), het die SABC of Sentech die reg om onroerende eiendom wat ingevolge hierdie Wet op hom oorgaan, te gebruik vir die doeleindes waarvoor 'n uitsaaier daardie eiendom onmiddellik voor die oordragdatum gebruik het  
40 of waarvoor dit voor daardie datum bestem was om gebruik te word.

(b) Indien 'n uitsaaier se grond bedoel in paragraaf (a) nie gesoneer is nie, of ingevolge 'n toepaslike dorps- of ontwikkelingskema, gidsplan of statutêre bepaling gesoneer is of bestem is vir ander doeleindes as dié waarvoor dit op of na die oordragdatum gebruik staan te word, moet die SABC of Sentech, na gelang van die  
45 geval, so gou doenlik 'n ooreenkoms sluit met die plaaslike owerheid wat vir die sonering of hersonering van grond in die betrokke gebied verantwoordelik is, met betrekking tot die sonering of hersonering van daardie grond vir 'n doel wat met die bestemde gebruik daarvan op of na die oordragdatum ooreenstem: Met dien verstande dat indien sodanige ooreenkoms—

(i) gesluit word, dit op skrif gestel word en die betrokke plaaslike owerheid, indien nodig, sy dorps- of ontwikkelingskema of gidsplan dienoreenkoms gratis wysig; of  
50 (ii) nie gesluit kan word nie, die aangeleentheid na die Premier van die betrokke provinsie verwys word wat toestemming of goedkeuring vir die sonering of hersonering van die grond kan verleen op die voorwaardes wat hy of sy nodig ag.

(c) Die plaaslike owerheid—  
(i) waarmee 'n ooreenkoms ingevolge paragraaf (b) gesluit is; of  
60 (ii) in wie se regsgebied die betrokke grond geleë is, in die geval waar die Premier van die betrokke provinsie toestemming of goedkeuring vir die sonering of hersonering daarvan verleen het, moet die toepaslike sonering van die betrokke grond gratis aanteken, waarna sodanige sonering vir alle doeleindes geag word die sonering van sodanige grond te wees.

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(6) In any pending litigation, including arbitration, to which a broadcaster is a party immediately before the transfer date, the SABC or Sentech, as the case may be, shall be substituted as a party in the place of the broadcaster.

(7) The SABC or Sentech, as the case may be, may apply for the registration of any registrable right relating to intellectual property or inventions, including the registration as patents of patentable inventions, transferred from a broadcaster to it in terms of this section. 5

(8) The Registrar of Trade Marks shall make such entries, notes and endorsements as he or she may deem necessary in or on any relevant register, certificate or other document in his or her office or submitted to him or her so as to effect the transfer of trade marks to the SABC or Sentech, as the case may be, in terms of this section, and may request the SABC or Sentech to submit or produce to him or her such information or document as he or she may deem necessary for such purpose. 10

(9) If, for the purposes of this Act, the question arises whether anything pertains to or is connected with the broadcasting enterprise or the broadcasting signal distribution enterprise, it shall be determined by the Minister. 15

(10) No stamp duty, transfer duty or any other tax or levy shall be payable in respect of the transfer of a broadcasting enterprise or a broadcasting signal distribution enterprise in terms of this section.

**Transfer of staff**

20

7. (1) (a) Any person on the fixed establishment of a broadcaster shall, without interruption in service, on the transfer date become an employee of the SABC or Sentech, as the case may be.

(b) The conditions of employment prevailing in either the SABC or Sentech in relation to the post in question shall be applicable to any such employee as from the transfer date. 25

(2) If, for the purposes of subsection (1), the question arises whether any person performs functions pertaining to the broadcasting service, it shall be determined by the Minister.

(3) For the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), it shall be deemed that no change of employer took place in respect of an employee referred to in subsection (1). 30

(4) When any person becomes an employee of either the SABC or Sentech in terms of subsection (1)—

(a) he or she shall retain all vacation leave which accrued to his or her credit with the broadcaster up to the date immediately before the transfer date, adjusted in accordance with the conditions of employment of the SABC or Sentech; 35

(b) any pending enquiry or any other action instituted or intended to be instituted in respect of alleged misconduct committed by such a person before the transfer date, shall be disposed of or instituted by the SABC or Sentech, as the case may be, and the SABC or Sentech shall take the appropriate steps against the person concerned in accordance with the laws, policy and conditions of service applicable to him or her immediately before the transfer date; 40

(c) he or she shall cease to be a member of any pension fund of which he or she was a member on the date immediately before the transfer date, and shall have no claim against the fund concerned after payment by that fund of the amount referred to in paragraph (f); 45

(d) and if he or she was a member of a pension fund immediately before the transfer date, he or she shall become a member of the appropriate pension fund applicable to the SABC or Sentech, as the case may be, as from the transfer date; 50

(e) and if he or she has interrupted membership, it shall be deemed that pensionable service has begun accruing to him or her as from the date of resumed contribution to a pension fund;

(f) (i) the pension fund referred to in paragraph (c) shall pay to the fund contemplated in paragraph (d) an amount equal to the actuarial liability of the former fund in respect of the member as determined by the actuary of that fund, multiplied by the funding level; 55

(ii) the actuarial basis on which the liability of the pension fund referred to in

(6) In enige hangende litigasie, met inbegrip van arbitrasie, waartoe 'n uitsaaier onmiddellik voor die oordragdatum 'n party is, word die SABC of Sentech, na gelang van die geval, gesubstitueer as 'n party in die plek van die betrokke uitsaaier.

(7) Die SABC of Sentech, na gelang van die geval, kan aansoek doen om die 5 registrasie van enige registreerbare reg met betrekking tot intellektuele goedere of uitvindings, met inbegrip van registrasie as patente van patenteerbare uitvindings, wat ingevolge hierdie artikel van 'n uitsaaier aan hom oorgedra is.

(8) Die Registrateur van Handelsmerke moet die inskrywings, aantekeninge en 10 dossemente wat hy of sy nodig ag in of op enige tersaaklike register, sertifikaat of ander dokument in sy of haar kantoor of aan hom of haar voorgelê, aanbring ten einde die oordrag van handelsmerke aan die SABC of Sentech, na gelang van die geval, ingevolge hierdie artikel te bewerkstellig, en kan die SABC of Sentech versoek om die inligting of dokument by hom of haar in te dien of aan hom of haar voor te lê wat hy of sy vir die doel nodig ag.

(9) Indien, by die toepassing van hierdie Wet, die vraag ontstaan of enigiets 15 betrekking het op of verband hou met die uitsaai-onderneming of die uitsaai-seindistribusie-onderneming, word dit deur die Minister bepaal.

(10) Geen seëlregte, hereregte of enige ander belasting of heffing is betaalbaar ten 20 opsigte van die oordrag van 'n uitsaai-onderneming of 'n uitsaai-seindistribusie-onderneming ingevolge hierdie artikel nie.

### Oorplasing van personeel

7. (1) (a) Enige persoon op die vaste diensstaat van 'n uitsaaier word, sonder diensonderbreking, op die oordragdatum 'n werknemer van die SABC of Sentech, na gelang van die geval.

(b) Die diensvoorwaardes wat in die SABC of Sentech met betrekking tot die 25 betrokke pos geld, is op sodanige werknemer van toepassing vanaf die oordragdatum.

(2) Indien, by die toepassing van subartikel (1), die vraag ontstaan of enige persoon werksaamhede verrig wat op die uitsaaidiens betrekking het, word dit deur die Minister bepaal.

(3) By die toepassing van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), 30 word daar geag dat geen verandering van werkgever plaasgevind het nie ten opsigte van 'n werknemer in subartikel (1) bedoel.

(4) Wanneer enige persoon ingevolge subartikel (1) 'n werknemer van die SABC of Sentech word—

35 (a) behou hy of sy alle vakansieverlof wat tot sy of haar krediet by die uitsaaier opgeloop het tot op die datum onmiddellik voor die oordragdatum, aangepas ooreenkomstig die SABC of Sentech se diensvoorwaardes;

(b) word enige hangende ondersoek of ander optrede wat ingestel is of beoog 40 word om ingestel te word ten opsigte van beweerde wangedrag deur sodanige persoon voor die oordragdatum, deur die SABC of Sentech, na gelang van die geval, afgehandel of ingestel, en die SABC of Sentech moet die paslike stappe teen die betrokke persoon doen ooreenkomstig die wette, beleid en diensvoorwaardes wat onmiddellik voor die oordragdatum op hom of haar van toepassing was;

45 (c) hou hy of sy op om 'n lid te wees van enige pensioenfonds waarvan hy of sy 'n lid was voor die datum onmiddellik voor die oordragdatum, en het hy of sy geen eis teen die betrokke fonds nadat die bedrag bedoel in subartikel (f) deur daardie fonds betaal is nie;

(d) en indien hy of sy onmiddellik voor die oordragdatum 'n lid van 'n 50 pensioenfonds was, word hy of sy 'n lid van die toepaslike pensioenfonds wat op die SABC of Sentech van toepassing is, na gelang van die geval, vanaf die oordragdatum;

(e) en indien hy of sy onderbroke lidmaatskap het, word daar geag dat 55 pensioengewende diens aan hom of haar begin oploop het vanaf die datum van hervatting van bydrae tot 'n pensioenfonds;

(f) (i) moet die pensioenfonds bedoel in paragraaf (c) aan die fonds beoog in 60 paragraaf (d) 'n bedrag betaal gelyk aan die aktuariële verpligting van eersgenoemde fonds ten opsigte van die lid soos bepaal deur die aktuaris van daardie fonds, vermenigvuldig met die befondsingsvlak;

(ii) word daar oor die aktuariële grondslag waarop die verpligting van die pensioenfonds in paragraaf (c) bedoel, bereken word, deur die fonds se

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- paragraph (c) is calculated, shall be agreed upon by the fund's actuary and the actuary of the fund referred to in paragraph (d), as the case may be;
- (iii) the funding level of the pension fund referred to in paragraph (c) shall be the market value of the assets of the fund expressed as a percentage of the total actuarial liability of the fund as determined by the most recent actuarial valuation of the fund and agreed to by the funds referred to in paragraph (d); 5
- (g) and if he or she becomes a member of the SABC or Sentech pension fund in terms of paragraph (d) the amount transferred to the SABC or Sentech pension fund in terms of paragraph (f)(i) shall be utilised to purchase pensionable service for him or her as determined by the actuary of the SABC or Sentech pension fund; 10
- (h) the amounts referred to in paragraph (f) shall be payable as at the transfer date, and interest thereon calculated at the bank rate as determined from time to time in terms of section 10(2) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), shall be added to those amounts for the period from the transfer date to the date of actual payment thereof. 15

**Finance**

8. (1) (a) Any operating loss incurred by the SABC or Sentech due to the transfer of the broadcasting enterprise or broadcasting signal enterprise of a broadcaster contemplated in this Act shall be reimbursed by the State over a period of 48 months as from the transfer date. 20
- (b) The loss contemplated in paragraph (a) shall be determined by the SABC and Sentech in consultation with the Minister and the Minister of Finance. 25
- (2) The books of account of a broadcaster shall on the transfer date be balanced, audited and balances left open for adjustments that may occur.
- (3) All costs relating to the transfer of the broadcasting enterprise or broadcasting signal distribution enterprise of a broadcaster in terms of this Act shall be borne by the State as agreed to by the Minister with the concurrence of the Minister of Finance. 30

**Repeal and amendment of laws**

9. (1) Government Notice No. 200 (Transkei), of 12 December 1980, is hereby withdrawn with effect from the transfer date and the laws referred to in Part I of the Schedule are hereby repealed with effect from the transfer date.
- (2) The Act referred to in Part II of the Schedule is hereby amended to the extent indicated in column 3 of that Part. 35

**Act binding on State**

10. This Act shall bind the State.

**Transitional provision**

11. All radio and television licences issued under the laws referred to in section 9 shall be valid for the remainder of the licence period irrespective of where they were issued. 40

**Short title and commencement**

12. (1) This Act shall be called the Former States Broadcasting Reorganisation Act, 1996, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*. 45
- (2) Different dates may be so fixed in respect of different provisions of this Act, and dates so fixed may differ in respect of different broadcasters.

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- aktuaris en die aktuaris van die fonds bedoel in paragraaf (d), na gelang van die geval, ooreengekom;
- (iii) is die befondsingsvlak van die pensioenfonds in paragraaf (c) bedoel die markwaarde van die bates van die fonds uitgedruk as 'n persentasie van die totale aktuariële verpligting van die fonds soos bepaal deur die mees onlangse aktuariële waardasie van die fonds en waaroor ooreengekom is deur die fondse in paragraaf (d) bedoel;
- (g) en indien hy of sy 'n lid word van die SABC of Sentech se pensioenfonds ingevolge paragraaf (d), word die bedrag wat ingevolge paragraaf (f)(i) aan die SABC of Sentech se pensioenfonds oorgedra word, gebruik om pensioendraende diens vir hom of haar te koop soos bepaal deur die aktuaris van die SABC of Sentech se pensioenfonds.
- (h) is die bedrae bedoel in paragraaf (f) betaalbaar soos op die oordragdatum, en word rente daarop bereken teen die bankkoers soos van tyd tot tyd bepaal ingevolge artikel 10(2) van die Wet op die Suid-Afrikaanse Reserwebank, 1989 (Wet No. 90 van 1989), by daardie bedrae gevoeg vir die tydperk vanaf die oordragdatum tot die datum van werklike betaling daarvan.

**Finansies**

8. (1) (a) Enige bedryfsverlies wat deur die SABC of Sentech gely word as gevolg van die oordrag van die uitsaai-onderneming of uitsaai-seindistribusie-onderneming van 'n uitsaaiër in hierdie Wet beoog, word vir 'n tydperk van 48 maande vanaf die oordragdatum deur die Staat terugbetaal.
- (b) Die verlies beoog in paragraaf (a) word deur die SABC en Sentech bepaal in ooreenstemming met die Minister en die Minister van Finansies.
- (2) Die rekeningboeke van 'n uitsaaiër moet op die oordragdatum gebalanseer, ge-oudit, en opgelê word vir aanpassings wat mag voorkom.
- (3) Alle koste wat betrekking het op die oordrag van die uitsaai-onderneming of uitsaai-seindistribusie-onderneming van 'n uitsaaiër ingevolge hierdie Wet en waartoe die Minister met die instemming van die Minister van Finansies toestem, word deur die Staat gedra.

**Herroeping en wysiging van wette**

9. (1) Goewermments Kennisgewing No. 200 (Transkei) van 12 Desember 1980 word hierby ingetrek met ingang van die oordragdatum en die wette bedoel in Deel I van die Bylae word hierby herroep met ingang van die oordragdatum.
- (2) Die Wet bedoel in Deel II van die Bylae word hierby gewysig in die mate in kolom 3 van daardie Deel aangedui.

**Wet bind Staat**

10. Hierdie Wet bind die Staat.

**Oorgangsbepaling**

11. Alle radio- en televisielisensies wat uitgereik is kragtens die wette bedoel in artikel 9 bly van krag vir die onverstreke gedeelte van die lisensietermyn, ongeag waar dit uitgereik is.

**Kort titel en inwerkingtreding**

12. (1) Hierdie Wet heet die Wet op die Reorganisering van Uitsaaiwese van Voormalige State, 1996, en tree in werking op 'n datum wat die President by Proklamasie in die *Staatskoerant* bepaal.
- (2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word, en datums aldus bepaal, kan verskil ten opsigte van verskillende uitsaaiers.

**Act No. 91, 1996****FORMER STATES BROADCASTING REORGANISATION  
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| <b>No. and year of law</b>  | <b>Short title</b>                                |
|-----------------------------|---------------------------------------------------|
| Act No. 22 of 1936          | Broadcasting Act, 1936 (Transkei)                 |
| Act No. 14 of 1979          | Republic of Venda Broadcasting Act, 1979          |
| Act No. 8 of 1985           | Broadcasting Act, 1985 (Ciskei)                   |
| Proclamation No. 23 of 1991 | Broadcasting Amendment Proclamation, 1991 (Venda) |

**Part II**

| <b>No. and year of law</b> | <b>Short title</b>     | <b>Extent of amendment</b>                                                                                                                                                                                    |
|----------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act No. 73 of 1976         | Broadcasting Act, 1976 | The following section is hereby inserted in the Broadcasting Act, 1976, after section 17:<br><br><b>“Application of Act</b><br><br><b>18. This Act shall apply</b><br><b><u>throughout the Republic.</u>”</b> |

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**BYLAE****(Artikel 9)****Deel I**

| No. en jaar van wet         | Kort titel                                             |
|-----------------------------|--------------------------------------------------------|
| Wet No. 22 van 1936         | Uitsaaiwet, 1936 (Transkei)                            |
| Wet No. 14 van 1979         | Republiek van Venda Uitsaaiwet, 1979                   |
| Wet No. 8 van 1985          | "Broadcasting Act, 1985" (Ciskei)                      |
| Proklamasie No. 23 van 1991 | "Broadcasting Amendment Proclamation, 1991"<br>(Venda) |

**Deel II**

| No. en jaar van wet | Kort titel       | Omvang van Wysiging                                                                                                                                                                                       |
|---------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wet No. 73 van 1976 | Uitsaaiwet, 1976 | Die volgende artikel word hierby<br>in die Uitsaaiwet, 1976, na<br>artikel 17 ingevoeg:<br><br><b>"Toepassing van Wet</b><br><br><b>18.</b> Hierdie Wet is oor die<br><u>Republiek van toepassing.</u> ". |





