



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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.

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.

No. 710.

21 April 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.

Wet No. 61, 1982

UITSAAIWYSIGINGSWET, 1982

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Uitsaaiwet, 1976, ten einde sekere omskrywings te skrap en sekere uitdrukkings te heromskryf; die ledetal van die Raad van die Suid-Afrikaanse Uitsaaikorporasie te vermeerder; die status en werksaamhede van die direkteur-generaal van die Korporasie verder te reël, en voorsiening te maak dat die voorsitter van die Raad ook as so 'n direkteur-generaal aangestel kan word; die Swart Programadviesraad en die Televisieprogramadviesraad af te skaf, en nuwe voorsiening te maak betreffende sekere adviesrade; die wyse van betaling van sekere gelde deur die Korporasie ten opsigte van sekere lisensies, verder te reël; die algemene bevoegdhede van die Korporasie uit te brei; voorsiening te maak vir die verlening van sekere hulp ten opsigte van pensioentrekkers van die Korporasie; nuwe voorsiening te maak betreffende die leningsbevoegdhede van die Korporasie; luisteraarslisensies af te skaf; voorsiening te maak vir die uitreiking van sekere televisielisensies aan die eienaars of bestuurders van sekere inrigtings; die uitreiking van sekere ander televisielisensies verder te reël; die betaling van boetes ten opsigte van die versuim om televisielisensies uit te neem, verder te reël; weg te doen met die verpligting van die Staat om sekere bedrae aan die Korporasie te betaal vir die gebruik van klankradiostelle; die regulasiebevoegdhede van die Korporasie verder te reël; voorsiening te maak vir die instelling van 'n gekonsolideerde inkomstefonds in die plek van sekere bestaande fondse van die Korporasie; die strawwe ten opsigte van oortredings van die bepalings van genoemde Wet verder te reël; en sekere verouderde bepalings te skrap; om die Radiowet, 1952, en die Poswet, 1958, te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Maart 1982.)

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

Wysiging van
artikel 1 van
Wet 73 van 1976.

1. Artikel 1 van die Uitsaaiwet, 1976 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in subartikel (1) die omskrywing van „klankradiostel” te skrap;
 - (b) deur in subartikel (1) die omskrywing van „luisteraarslisensie” te skrap;
 - (c) deur in subartikel (1) die omskrywing van „Minister” deur die volgende omskrywing te vervang:

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GENERAL EXPLANATORY NOTE:

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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:
 10 "Minister" means the Minister of **[National Education]** 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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„Minister' die Minister van **[Nasionale Opvoeding]**
Buitelandse Sake en Inligting;”;

- (d) deur in subartikel (1) die omskrywing van „plek” deur die volgende omskrywing te vervang:
„plek”, met betrekking tot die gebruik van **[’n klank-
radiostel of] ’n televisiestel**, ook ’n gebou, gedeelte 5
van ’n gebou, erf, standplaas of ander perseel van enige aard;” en
- (e) deur subartikel (2) deur die volgende subartikel te vervang: 10
„(2) By die toepassing van hierdie Wet word die oorsending van programme deur die korporasie deur middel van kables of drade soos in artikel 11 (c) beoog, geag ’n uitsaaidiens te wees en word „uitsaai” diensooreenkomstig uitgelê, en word enige toestel wat 15 gebruik word om sodanige oorsendings te ontvang en wat dit kan weergee in die vorm van beelde of ander sigbare seine, met of sonder gepaardgaande klanke, geag ’n televisiestel te wees.”.

Wysiging van
artikel 4 van
Wet 73 van 1976.

2. Artikel 4 van die Hoofwet word hierby gewysig— 20

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Die raad bestaan uit—
(a) die aantal lede, maar hoogstens **[nege]** vyftien en minstens vyf, wat die Staatspresident van tyd tot 25 tyd bepaal; en
(b) die direkteur-generaal van die korporasie bedoel in artikel 9.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang: 30
„(3) Die Staatspresident wys een van die lede van die raad bedoel in subartikel (1) (a) as voorsitter en ’n ander sodanige lid as vise-voorsitter van die raad aan vir die onderskeie tydperke wat hy goedvind.”; en
- (c) deur subartikel (4) deur die volgende subartikel te vervang: 35
„(4) Wanneer die voorsitter van die raad afwesig is of nie in staat is om sy werksaamhede te verrig nie, tree die vise-voorsitter in sy plek op en wanneer hy aldus optree, kan die vise-voorsitter enige bevoegdheid of 40 werksaamheid van die voorsitter uitoefen of verrig, uitgesonderd, waar die voorsitter kragtens artikel 9 as ’n direkteur-generaal van die korporasie bedoel in artikel 9 aangestel is, enige bevoegdheid of werksaamheid wat slegs aan die amp van direkteur-generaal verbonde 45 is.”.

Wysiging van
artikel 6 van
Wet 73 van 1976.

3. Artikel 6 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

- „(3) Indien ’n voorsitter van die raad kragtens artikel 9 ook as direkteur-generaal aangestel is, is hy, solank hy albei 50 dié ampte beklee, geregtig, benewens die besoldiging en toelaes wat kragtens artikel 14 aan hom as direkteur-generaal betaalbaar is, maar met uitsluiting van enige besoldiging, toelaes, regte, voorregte en voordele wat op die betrokke tydperk kragtens hierdie artikel aan ’n voorsitter of ’n 55 lid van die raad toekom, op die spesiale addisionele besoldiging of toelaes of regte, voorregte of voordele (as daar is), ten opsigte van dienste deur hom as voorsitter van die raad of as lid van ’n komitee van die raad gelewer, wat die Minister in so ’n geval van tyd tot tyd bepaal. 60
- (4) ’n Direkteur-generaal bedoel in artikel 9 wat nie ook voorsitter van die raad is nie, is ten opsigte van dienste deur hom gelewer as lid van die raad, of ’n komitee van die raad, of ’n adviesraad bedoel in artikel 10, nie geregtig op enige besoldiging, toelaes, regte, voorregte en voordele wat kragtens hierdie artikel vir ’n lid van die raad of so ’n adviesraad 65

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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.

50 “(3) If a chairman of the board has under section 9 also 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 been determined for a member of the board, but only to

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bepaal is nie, maar slegs op die besoldiging, toelaes, regte, voorregte en voordele (as daar is), wat die Minister van tyd tot tyd ten opsigte van so 'n geval bepaal."

Vervanging van artikel 9 van Wet 73 van 1976.

4. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

„Direkteur-generaal van die korporasie.

9. (1) Die raad stel 'n direkteur-generaal as hoof-uitvoerende beampte van die korporasie aan.

(2) Indien die raad by die uitoefening van die bevoegdheid by subartikel (1) aan hom verleen, dit nodig ag dat die persoon wat op die betrokke tydstip voorsitter van die raad is, as direkteur-generaal aangestel moet word, geskied so 'n aanstelling deur die raad slegs na oorlegpleging met die Minister.

(3) (a) 'n Aanstelling deur die raad ooreenkomstig subartikel (2) van die voorsitter van die raad as direkteur-generaal, belet nie die Staatspresident om te eniger tyd kragtens artikel 4 (3) 'n ander lid van die raad as voorsitter aan te wys nie.

(b) Indien die Staatspresident kragtens artikel 4 (3) 'n ander lid van die raad as voorsitter aanwys onder die omstandighede in paragraaf (a) beoog, ontruim die lid wat as direkteur-generaal aangestel is, die voorsitterskap van die raad.

(4) Behoudens die voorskrifte van die raad en die bepalinge van hierdie Wet—

(a) oefen die direkteur-generaal die beheer en toesig oor die personeel van die korporasie uit; en

(b) verrig die direkteur-generaal die werksaamhede en oefen hy die bevoegdhede uit wat die raad aan hom opdra.

(5) Wanneer die direkteur-generaal afwesig is of nie in staat is om sy werksaamhede te verrig nie, of wanneer die amp van direkteur-generaal vakant raak, kan die raad op die voorwaardes wat hy bepaal iemand aanstel om as direkteur-generaal op te tree tydens sodanige afwesigheid of onvermoë of totdat 'n direkteur-generaal in die vakante pos aangestel is.

(6) (a) 'n Direkteur-generaal word, behoudens die bepalinge van hierdie Wet, geag 'n beampte wat die korporasie in diens geneem het soos bedoel in artikel 14 (1), te wees.

(b) Die verwysing in artikel 4 (2) en (5), en artikel 5, na 'n lid van die raad word geag nie 'n verwysing na 'n direkteur-generaal in te sluit nie, maar indien 'n direkteur-generaal terselfdertyd ook die amp van voorsitter van die raad beklee, bly die bepalinge van genoemde artikel 5 op hom in sy hoedanigheid van voorsitter van toepassing.

(7) 'n Direkteur-generaal oefen, hetsy as lid of as voorsitter van die raad of van 'n komitee van die raad, geen stem uit op enige vergadering van die raad of 'n komitee van die raad nie ten opsigte van enige aangeleentheid wat regstreeks verband hou met die besoldiging, toelaes of diensvoorwaardes van 'n direkteur-generaal, of met die besoldiging, toelaes, regte, voorregte of voordele van 'n direkteur-generaal in sy hoedanigheid van lid of voorsitter van die raad of van 'n komitee van die raad."

Vervanging van artikel 10 van Wet 73 van 1976.

5. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

„Adviesrade.

10. (1) Die Minister kan 'n adviesraad of -rade, met die benamings wat hy bepaal, instel om die raad van advies te dien oor programme wat deur die korporasie uitgesaai word.

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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
5 the principal Act:

Substitution of
section 9 of
Act 73 of 1976.

"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."

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) 'n Adviesraad bestaan uit die voorsitter van die raad en die aantal ander lede, maar minstens drie, wat die Minister van tyd tot tyd bepaal.

(3) Bedoelde ander lede, wat nie ook lede van die raad kan wees nie, word deur die Minister aange- 5 stel.

(4) Die voorsitter van die raad is voorsitter van elke adviesraad kragtens hierdie artikel ingestel, en wanneer hy afwesig is of nie in staat is om sy werksaamhede te verrig nie tree die vise-voorsitter van 10 die raad in sy plek op.

(5) Die bepalings van artikels 5, 6, uitgesonderd vir sover dit op die voorsitter van die raad betrekking het, 7 en 8 is *mutatis mutandis* van toepassing met betrekking tot elke adviesraad ingevolge hierdie 15 artikel ingestel en enige lid daarvan, en by sodanige toepassing van artikel 5 word 'n verwysing in daardie artikel na die Staatspresident uitgelê as 'n verwysing na die Minister."

Wysiging van
artikel 12 van
Wet 73 van 1976.

6. Artikel 12 van die Hoofwet word hierby gewysig deur para- 20 graaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) is die korporasie teen betaling van die jaarlikse gelde (indien daar is) wat die Posmeester-generaal by ooreenkoms met die korporasie van tyd tot tyd bepaal of 25 wat, by ontstentenis van sodanige ooreenkoms, deur die Minister van Pos- en Telekommunikasiewese in oorleg met die Minister bepaal word, geregtig op die uitreiking aan hom van 'n lisensie in subartikel (1) bedoel, behalwe 'n lisensie vir die oprig of aanlê van ka- 30 bels of drade vir die doeleindes van artikel 11 (c);”.

Wysiging van
artikel 13 van
Wet 73 van 1976.

7. Artikel 13 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) paragrafe (d) en (e) onderskeidelik deur die volgende paragrafe te vervang:

„(d) ooreenkomste aangaan met die regering of admini- 35 strasie van 'n land of gebied in artikel 11 (b) bedoel met betrekking tot die aldus bedoelde uitsending en ontvangs van programme, en ooreenkomste aangaan met die regerings of admini- 40 strasies van sodanige lande of gebiede of met organisasies daarin, of met die regerings of admini- strasies van, of met organisasies in, enige ander lande of gebiede, in verband met die verlening van tegniese, ontwikkelings-, program- of ander hulp;

(e) advertensies werf en, behoudens die bepalings van 45 subartikel (2), sodanige advertensies uitsaai, of op 'n ander wyse publiseer en versprei;” en

(b) deur in subartikel (1) paragraaf (h) deur die volgende paragraaf te vervang:

„(h) leesstof, **[en]** opnames en rolprente wat betrekking 50 het op uitsaai, saamstel, druk, vervaardig, uitgee of versprei;”.

Wysiging van
artikel 14 van
Wet 73 van 1976.

8. Artikel 14 van die Hoofwet word hierby gewysig deur para- 55 graaf (e) van subartikel (2) deur die volgende paragraaf te vervang:

„(e) vir sy beamptes **[en]**, ander werknemers en pensioen- 60 trekkers of hulle afhanklikes deur middel van versekering by 'n versekeringsmaatskappy of by wyse van 'n pensioen- of ondersteuningsfonds of op 'n ander wyse voorsiening maak vir geldelike voordele by uitdiens- treding of beëindiging van diens of op enige ander tyd- stip.”.

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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—

35 (a) by the substitution in subsection (1) for paragraphs (d) and (e) of the following paragraphs, respectively: Amendment of section 13 of Act 73 of 1976.

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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Wysiging van
artikel 15 van
Wet 73 van 1976.

9. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Wanneer die Minister sy goedkeuring tot so 'n verkryging verleen het, geld die bepalings van **[artikels 4 tot en met 13 van die Onteiningswet, 1965 (Wet No. 55 van 1965),]** artikels 7 tot en met 22 van die Onteiningswet, 1975 (Wet No. 63 van 1975), *mutatis mutandis* met betrekking tot sodanige verkryging, en by sodanige toepassing van daardie bepalings word 'n verwysing daarin na 'n Minister of na die Staat uitgelê as 'n verwysing na die korporasie.”. 10

Wysiging van
artikel 16 van
Wet 73 van 1976.

10. (1) Artikel 16 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Elke lening aan die korporasie, en rente of ander vorderings verskuldig of verskuldig te word ten opsigte daarvan, is 'n preferente vordering teen al die inkomste en bates van die korporasie en teen alle gelde deur hom gehef of gehef te word.”; en 15

(b) deur subartikel (5) deur die volgende subartikel te vervang: 20

„(5) Die korporasie kan te eniger tyd korttermynlenings aangaan, by wyse van die oortrekking van sy rekening by 'n bank of andersins, om toevallige tekorte te dek wat van tyd tot tyd **[in die kragtens artikel 24 ingestelde algemene fonds]** ontstaan.”. 25

(2) Die bepalings van subartikel (2) van artikel 16 van die Hoofwet soos dit bestaan het voor die vervanging daarvan by subartikel (1) (a) van hierdie artikel, en die bepalings van Bylae 1 by die Hoofwet soos dit bestaan het voor die herroeping van daardie Bylae by artikel 22 van hierdie Wet, bly, ondanks sodanige vervanging en herroeping, onderskeidelik, maar behoudens die bepalings van artikel 24 van die Hoofwet soos by artikel 18 van hierdie Wet vervang, en in die mate waarin so 'n bedoelde bepaling toepaslik is, van toepassing ten opsigte van enige lening van geld aan die Suid-Afrikaanse Uitsaaikorporasie, bedoel in artikel 16 (1) van die Hoofwet, wat op die datum van inwerking-treding van subartikel (1) van hierdie artikel en van artikel 22 van hierdie Wet nog nie ten volle deur vermeldde korporasie terugbetaal of afgelos is nie. 30 35

Wysiging van
artikel 17 van
Wet 73 van 1976.

11. Artikel 17 van die Hoofwet word hierby gewysig— 40

(a) deur subparagraaf (i) van subartikel (1) (a) deur die volgende subparagraaf te vervang:

„(i) op versoek van enige persoon wat, ten opsigte van sy gebruik of voorgenome gebruik van **[’n klankradiostel of]** ’n televisiestel, ingevolge die bepalings van artikel 5 (2) van die Radiowet in besit moet wees van ’n lisensie wat die korporasie kragtens subartikel (2) of (3) kan uitreik; en”; 45

(b) deur subparagraawe (i) en (ii) van subartikel (1) (b) deur onderskeidelik die volgende subparagraawe te vervang: 50

„(i) om kragtens **[paragraaf (b) van]** subartikel (2) ’n lisensie uit te reik vir die uitreiking waarvan die korporasie in die uitoefening van die diskresie wat by daardie **[paragraaf]** subartikel aan hom verleen word, geen voorsiening gemaak het nie; of 55

(ii) om ’n lisensie kragtens genoemde **[paragraaf (b)]** subartikel (2) aan ’n persoon wat nie die eienaar of bestuurder van ’n besigheid of inrigting is, uit te reik nie; of”; 60

(c) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) Die korporasie kan, voordat hy kragtens paragraaf (a) ’n lisensie aan enige persoon uitreik, van daardie persoon verlang dat hy die bewys wat by regulasie voorgeskryf is aan die korporasie moet verstrek ten einde vas te stel of daardie persoon 65

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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
10 the State shall be construed as a reference to the corporation.”.

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 overdrawing 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
30 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
35 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
40 redeemed by the said corporation.

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

(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”;

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

65 “(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

aan die bepalinge van die Radiowet voldoen of voldoen het ten opsigte van die **[klankradiostel of]** televisiestel of -stelle waarvoor die lisensie verlang word.”;

- (d) deur subartikel (2) deur die volgende subartikel te vervang: 5
- „(2) Die korporasie kan ’n televisielisensie uitreik wat aan die houer daarvan in sy hoedanigheid van eienaar of bestuurder van ’n besigheid of inrigting in die lisensie vermeld die reg verleen om— 10
- (a) gedurende ’n bepaalde lisensiejaar; en
- (b) in verband met daardie besigheid of inrigting; en
- (c) op ’n plek, aldus vermeld, waar daardie besigheid of die sake van daardie inrigting gedryf word of wat reeds in die registers van die korporasie aange- 15
- teken is; of
- (d) in enige voertuig, vaartuig of lugvaartuig wat gebruik word in verband met die dryf van daardie besigheid of inrigting op daardie plek, 20
- enige televisiestel of, indien en vir sover die korporasie te eniger tyd in die algemeen of met betrekking tot ’n kategorie waartoe daardie besigheid of inrigting behoort, by regulasie so bepaal het, ’n aantal televisiestelle in die lisensie vermeld, of enige televisiestel van ’n kategorie aldus vermeld, of ’n aantal televisiestelle 25
- aldus vermeld, te gebruik, of beskikbaar te stel en iemand anders toe te laat om dit te gebruik, om enigiets te ontvang wat in ’n uitsaaidiens uitgesaai word.”;
- (e) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan en daardie paragraaf deur onderskeidelik 30
- die volgende woorde en paragraaf te vervang:
- „(3) Die korporasie kan die volgende verdere televisielisensies uitreik, naamlik—
- (a) ’n lisensie wat aan die houer daarvan die reg verleen om— 35
- (i) gedurende ’n bepaalde lisensiejaar; en
- (ii) op ’n plek wat in die lisensie vermeld word of wat reeds in die registers van die korporasie aangeteken is; of
- (iii) op ’n ander plek waarvan kennis onder die 40
- omstandighede en op die wyse en tyd by regulasie voorgeskryf aan die korporasie gegee is,
- [een televisiestel of die groter aantal televisiestelle wat in die lisensie vermeld word,]** enige televisiestel, of, indien die korporasie te eniger tyd by 45
- regulasie so bepaal het, die aantal televisiestelle wat in die lisensie vermeld word, te gebruik **[, of iemand anders toe te laat om dit te gebruik,]** om enigiets te ontvang wat in ’n uitsaaidiens uitgesaai word.”;
- (f) deur subparagraaf (ii) van subartikel (3) (b) deur die 50
- volgende subparagraaf te vervang:
- „(ii) so ’n televisiestel vir ’n tydperk wat nie later as aan die einde van daardie lisensiejaar verstryk nie, aan enigiemand te verhuur of andersins beskikbaar te stel vir gebruik deur daardie persoon **[, of deur 55**
- iemand anders met sy toestemming]** om enigiets te ontvang wat in ’n uitsaaidiens uitgesaai word, al is daardie persoon **[of sodanige ander persoon]** nie in besit van ’n televisielisensie nie.”;
- (g) deur subparagraaf (ii) van subartikel (3) (c) deur die 60
- volgende subparagraaf te vervang:
- „(ii) onderworpe aan die voorwaardes en vereistes wat by regulasie voorgeskryf is, om so ’n televisiestel vir ’n tydperk in daardie lisensiejaar van hoogstens veertien dae vir genoemde doeleindes aan ’n voor- 65
- nemende koper of huurder beskikbaar te stel vir gebruik deur hom **[of deur iemand anders met sy toestemming,]** om enigiets te ontvang wat in ’n uit-

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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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saaidiens uitgesaai word, al is daardie voornemende koper of huurder **[of daardie ander persoon]** nie in besit van 'n televisielisensie nie.”; en
(h) deur subartikel (4) deur die volgende subartikel te vervang: 5

„(4) Iemand wat versuim om 'n in hierdie artikel bedoelde lisensie uit te neem **[binne een maand na]** op of voor die datum waarop hy ingevolge die Radiowet in besit daarvan moet wees, moet, benewens die toepaslike voorgeskrewe lisensiegelde in subartikel (1) bedoel, as boete 'n bedrag gelyk aan tien persent van die bedrag van daardie lisensiegelde aan die korporasie betaal ten opsigte van elke maand of gedeelte van 'n maand waartydens hy vanaf daardie datum versuim het om die lisensie uit te neem: Met dien verstande dat die totale bedrag van die boete nie die bedrag van bedoelde lisensiegelde oorskry nie: Met dien verstande voorts dat daar geen boete ten opsigte van die eerste maand van 'n lisensiejaar betaalbaar is nie indien die betrokke persoon reeds aan die einde van die voorafgaande lisensiejaar in besit van 'n televisielisensie was en hy 'n lisensie ten opsigte van die nuwe lisensiejaar uitneem nie later as aan die einde van die eerste maand van die nuwe lisensiejaar nie.”. 10 20

Herroeping van artikel 18 van Wet 73 van 1976.

12. Artikel 18 van die Hoofwet word hierby herroep. 25

Vervanging van artikel 19 van Wet 73 van 1976.

13. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

„Geldigheidsduur van televisielisensie. 19. 'n Televisielisensie is slegs vir die lisensiejaar ten opsigte waarvan dit uitgereik is, geldig.”.

Vervanging van artikel 20 van Wet 73 van 1976.

14. Artikel 20 van die Hoofwet word hierby deur die volgende artikel vervang: 30

„Betalings deur Staat vir gebruik van televisiestelle. 20. Die Minister kan jaarliks 'n bedrag wat hy met die instemming van die Minister van Finansies bepaal uit gelde wat die Parlement vir dié doel bewillig, aan die korporasie betaal ten opsigte van die gebruik van **[klankradiostelle en]** televisiestelle deur die Staat of deur die departemente of ander organe van die Staat wat die Minister goed ag, vir die ontvangs van uitsendings in 'n uitsaaidiens.”. 35

Wysiging van artikel 21 van Wet 73 van 1976.

15. Artikel 21 van die Hoofwet word hierby gewysig— 40

- (a) deur in paragraaf (a) die woorde „'n luisteraarslisensie of” te skrap;
- (b) deur in paragraaf (b) die woorde „klankradiostel of” te skrap; en
- (c) deur paragraaf (c) deur die volgende paragraaf te vervang: 45

„(c) van iemand in wie se besit of bewaring 'n **[klankradiostel of 'n]** televisiestel is, of van die eienaar, okkupeerder of persoon in beheer van 'n perseel waarin of waarop daar 'n **[klankradiostel of 'n]** televisiestel is, vereis dat hy die **[klankradiostel of]** televisiestel vir ondersoek aan hom moet toon of dat hy die inligting moet verstrek wat hy in staat is om te verstrek en wat nodig is om vas te stel of die bepalings van die Radiowet in verband met daardie **[klankradiostel of]** televisiestel nagekom is;”. 50 55

Wysiging van artikel 22 van Wet 73 van 1976.

16. Artikel 22 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde „luisteraars- en” te skrap.

Wysiging van artikel 23 van Wet 73 van 1976.

17. Artikel 23 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) (a) die woorde „luisteraarslisensie of” te skrap;

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ing service, even if such prospective buyer or hirer
[for 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”; and

(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) (a) of the words “listener’s licence or”;

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- (b) deur in subartikel (1) (b) die woorde „luisteraarslisensie of 'n” te skrap;
- (c) deur subparagraaf (i) van subartikel (1) (c) deur die volgende subparagraaf te vervang:
- „(i) die vrystelling van enige verpligting om in besit 5
van 'n televisielisensie te wees van, of die verlening van sodanige vrystelling aan, iemand in artikel 17 (2) bedoel of 'n lid van 'n huisgesin waarvan 'n ander lid in besit is van, of iemand is aan wie 'n televisiestel verhuur of andersins beskikbaar gestel 10
is kragtens, 'n televisielisensie uitgereik kragtens artikel 17 (3) (b) of (c);”;
- (d) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
- „(d) die vrystelling van of die verlening van vrystelling 15
aan enige persoon wat ingevolge 'n televisielisensie of enige toestemming daarkragtens verleen, of ingevolge 'n vrystelling kragtens 'n regulasie bedoel in paragraaf (c) van hierdie subartikel aan hom verleen, geregtig is om 'n televisiestel op 'n be- 20
paalde plek te gebruik vir die ontvangs van enigiets wat in 'n uitsaaidiens uitgesaai word, van enige verbod op sodanige gebruik van daardie televisiestel op 'n ander plek, indien daardie televisiestel tot 'n kategorie behoort wat in so 'n regulasie omskryf is;”;
- (e) deur paragrafe (c), (d) en (e) van subartikel (2) onderskeidelik deur die volgende paragrafe te vervang:
- „(c) **[luisteraarslisensies]** televisielisensies uitgereik aan persone van verskillende kategorieë **[of aan persone in verskillende gebiede]**; 30
- (d) **[luisteraarslisensies]** televisielisensies ingevolge **[paragraaf (b) van]** artikel 17 (2) uitgereik aan eienaars of bestuurders van besighede of inrigtings wat verskillende hoeveelhede **[klankradiostelle]** 35
[televiesestelle] of verskillende **[klankradio-]** televisie-ontvangsapparaat of -dienste beskikbaar stel vir gebruik deur ander persone soos in daardie **[paragraaf]** artikel bedoel;
- (e) **[luisteraarslisensies]** televisielisensies ingevolge 40
[genoemde paragraaf (b)] artikel 17 (2) uitgereik aan die eienaars of bestuurders van besighede of inrigtings van verskillende kategorieë by regulasie voorgeskryf of dié uitgereik aan sodanige eienaars of bestuurders en dié uitgereik aan die eienaars of 45
bestuurders van besighede of inrigtings wat nie tot 'n aldus voorgeskrewe kategorie behoort nie;”.

Vervanging van
artikel 24 van
Wet 73 van 1976.

18. Artikel 24 van die Hoofwet word hierby deur die volgende artikel vervang:

„Inkomste-
fonds, en
ander fondse,
van die
korporasie.

24. (1) Die korporasie moet so spoedig doenlik na 50
die inwerkingtreding van artikel 18 van die Uitsaaiwysigingswet, 1982, 'n gekonsolideerde inkomstefonds instel waarin alle gelde deur die korporasie opgeneem, en ontvang, en enige ander ontvangste van welke aard ook al, gestort moet word, en die 55
korporasie kan na die bedoelde datum die verdere fondse instel wat hy by die verrigting van sy aktiwiteite vir bepaalde doeleindes nodig ag, in welke geval enige betalings in verband met daardie doeleindes slegs uit die daarvoor bestemde fonds moet 60
geskied.

(2) (a) Die korporasie kan te eniger tyd na die datum in subartikel (1) bedoel, 'n fonds van die korporasie wat onmiddellik voor daardie datum bestaan het, te niet doen en enige gelde in so 'n 65
fonds na die gekonsolideerde inkomstefonds oordra.

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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 sub-
20 section, 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:

30 "(c) **[listener's]** television licences issued to persons of different categories **[or to persons in different areas]**;

(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;

40 (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.

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.

65

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- (b) Tot tyd en wyl die korporasie 'n fonds in paragraaf (a) bedoel, te niet gemaak en die gelde daarin na die gekonsolideerde inkomstefonds oorgedra het, bly die toepaslike bepalings van hierdie Wet, uitgesonderd artikel 26 (9) (b) (i), soos dit bestaan het voor enige wysiging daarvan deur die Uitsaaiwysigingswet, 1982, maar behoudens die bepalings van subartikel (1) van hierdie artikel en paragraaf (c) van hierdie subartikel, van toepassing ten opsigte van so 'n fonds asof genoemde Wet nie aangeneem is nie.
- (c) Die korporasie mag na die datum in subartikel (1) bedoel geen las op of teen 'n fonds in paragraaf (a) bedoel wat nog nie te niet gedoen is nie, en wat voorsien is—
- (a) ten opsigte van die delging van lenings; of
- (b) ten opsigte van die aflossing van sekuriteite, skep nie.
- (3) Die korporasie moet sy fondse in die sekuriteite wat deur die Minister goedgekeur is, belê.
- (4) Die korporasie mag nie die netto opbrengs van die verkopings van onroerende goed, of die verkopings van regte of belange wat soortgelyk aan onroerende goed is, of serwitute, wat aan die korporasie behoort het, vir bedryfsuitgawes aanwend nie.”

Wysiging van
artikel 26 van
Wet 73 van 1976.

19. Artikel 26 van die Hoofwet word hierby gewysig deur subparagraaf (i) van subartikel (9) (b) te skrap.

Wysiging van
artikel 28 van
Wet 73 van 1976.

20. Artikel 28 van die Hoofwet word hierby gewysig deur die woorde wat onmiddellik volg op paragraaf (c) deur die volgende woorde te vervang:

„is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[tweehonderd]** vyfhonderd rand.”

Wysiging van
artikel 32 van
Wet 73 van 1976.

21. Artikel 32 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) van subartikel (3) die woorde „luisteraarslisensies en” te skrap; en

(b) deur paragrawe (b) en (c) van subartikel (3) te skrap.

Herroeping van
Bylae 1 by
Wet 73 van 1976.

22. Bylae 1 by die Hoofwet word hierby, behoudens artikel 10 (2) van hierdie Wet, herroep.

Wysiging van
Wet 3 van 1952 en
Wet 44 van 1958.

23. Die Radiowet, 1952 (Wet No. 3 van 1952), en die Poswet, 1958 (Wet No. 44 van 1958), word hierby onderskeidelik gewysig vir sover in die derde kolom van die Bylae aangedui word.

Besoldiging van
gewese lede van
sekere adviesrade.

24. (1) Besoldiging wat voor die inwerkingtreding van artikels 4 en 5 van hierdie Wet betaalbaar was aan die voorsitter van die Raad van die Suid-Afrikaanse Uitsaaikorporasie uit hoofde van sy lidmaatskap van die Swart Programadviesraad en die Televisieprogramadviesraad, en wat bykomend bepaal was by besoldiging wat ingevolge artikel 6 (1) (a) van die Hoofwet aan hom as voorsitter van die genoemde Raad betaalbaar was, word geag ook besoldiging te wees wat ingevolge genoemde artikel 6 (1) (a) aan die voorsitter van die Raad betaalbaar is.

(2) (a) 'n Lid van die Swart Programadviesraad of die Televisieprogramadviesraad wat nie binne 'n tydperk van drie maande na die inwerkingtreding van artikels 4 en 5 van hierdie Wet as lid van 'n adviesraad bedoel in artikel 10 van die Hoofwet, soos by artikel 5 van hierdie Wet vervang, aangestel word nie, is geregtig om 'n bedrag betaal te word gelyk aan die bedrag van besoldiging wat hy vir die onverstreke gedeelte van sy amptstermyn in so 'n Adviesraad sou ontvang het indien artikels 4 en 5 van hierdie Wet nie aangeneem is nie.

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- (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.
- (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—
- (a) for the redemption of loans; or
- (b) for the discharge of securities.
- (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.”

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.

“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.

(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.

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.

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.

(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) Indien 'n lid in paragraaf (a) bedoel na verstryking van die tydperk van drie maande daarin genoem, in so 'n adviesraad aangestel word, word enige besoldiging wat aan hom as so 'n lid kragtens die toepaslike bepaling van die Hoofwet, soos gewysig deur hierdie Wet, betaalbaar is ten opsigte van 'n gedeelte van sy ampstermyn wat saamval met die onverstreke tydperk in paragraaf (a) bedoel, ondanks enige bepaling van die Hoofwet soos by hierdie Wet gewysig, spesiaal bepaal deur die Minister van Buitelandse Sake en Inligting met behoorlike inagneming van enige bedrag wat aan so 'n lid ingevolge paragraaf (a) betaal of betaalbaar is.

Kort titel en inwerkingtreding.

25. (1) Hierdie Wet heet die Uitsaaiwysigingswet, 1982, en die bepaling daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalinge van hierdie Wet bepaal word.

Bylae

WETTE GEWYSIG

No. en jaar	Kort titel	Omvang van wysiging
Wet No. 3 van 1952	Radiowet, 1952	(a) Die wysiging van artikel 1— (i) deur in die woorde wat die omskrywing van „hierdie Wet” voorafgaan, die uitdrukkings „klankradiostel” en „luisteraarslisensie”, onderskeidelik, te skrap; (ii) deur die volgende omskrywing na die omskrywing van „hierdie Wet” in te voeg: „klankradiostel” 'n toestel wat oorsendings wat in 'n uitsaaidiens uitgesaai word deur middel van radio kan ontvang en in die vorm van klanke, maar nie ook in die vorm van beelde of ander sigbare tekens of seine nie, kan weergee;”; (iii) deur die omskrywing van „radio-apparaat” deur die volgende omskrywing te vervang: „radio-apparaat” 'n radio-ontvang- of -sendtoestel wat enige geluid, beeld, teken of sein deur middel van radio kan ontvang of oorsend, behalwe 'n klankradiostel indien dit nie vir die ontvangs van enigiets anders as iets wat in 'n uitsaaidiens uitgesaai word, gebruik word nie en behalwe enige voorwerp wat die Minister van tyd tot tyd by kennisgewing in die <i>Staatskoerant</i> verklaar by die toepassing van hierdie Wet nie radio-apparaat te wees nie, en ook enige voorwerp wat die Minister van tyd tot tyd by kennisgewing in die <i>Staatskoerant</i> as radio-apparaat by die toepassing van hierdie Wet verklaar;”; (b) die wysiging van artikel 5— (i) deur subartikel (1) deur die volgende subartikel te vervang: „(1) Niemand mag 'n geluid, beeld, teken of sein deur middel van radio oorsend of anders as by wyse van die gebruik van 'n klankradiostel of ooreenkomstig subartikel (2) ontvang nie, of iets vir die doen waarvan 'n lisensie, sertifikaat of magtiging ingevolge hierdie Wet vereis word, doen of toelaat dat dit gedoen word nie, tensy hy in besit is van die toepaslike lisensie, sertifikaat of magtiging wat aldus vereis word, benewens enige ander lisensie of sertifikaat wat deur enige ander wetsbepaling voorgeskryf word, om so 'n oorsending of ontvangs te onderneem of so iets te doen.”; (ii) deur paragrafe (a) en (b) van subartikel (2) deur onderskeidelik die volgende paragrafe te vervang: „(a) Niemand mag 'n [klankradiostel] televisiestel gebruik vir die ontvangs van enigiets wat in 'n uitsaaidiens uitgesaai word nie, tensy hy— (i) in besit is van 'n [luisteraarslisensie] televisielisensie; of

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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.

- 15 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	(a) The amendment of section 1— (i) by the deletion in the words preceding the definition of "broadcasting licence" of the expressions "sound radio set" and "listener's licence", respectively; (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 (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;" (b) the amendment of section 5— (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."; (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

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		(ii) geregtig is om dit te doen uit hoofde van 'n vrystelling ingevolge regulasies kragtens artikel 23 (1) (c) van die Uitsaaiwet, 1976, uitgevaardig; of (iii) geregtig is om dit te doen uit hoofde van toestemming verleen kragtens 'n [luisteraarslisensie] televisielisensie ingevolge artikel [17 (2) (b)] 17 (2) van daardie Wet uitgereik; of (iv) 'n persoon is aan wie daardie televisiestel verhuur of andersins beskikbaar gestel is kragtens 'n televisielisensie ingevolge artikel 17 (3) (b) of (c) van daardie Wet uitgereik. (b) Geen eienaar of bestuurder van 'n besigheid of inrigting mag in verband met daardie besigheid of inrigting— (i) 'n [klankradiostel] televisiestel gebruik, of iemand anders toelaat om dit te gebruik, vir die ontvangs van enigiets wat in 'n uitsaaidiens uitgesaai word nie, tensy hy in besit is van 'n [luisteraarslisensie] televisielisensie ingevolge artikel [17 (2) (b)] 17 (2) van die Uitsaaiwet, 1976, uitgereik; of (ii) 'n [klankradiostel] televisiestel anders as ooreenkomstig die bepalings van so 'n lisensie wat hy in sy besit het, soos voormeld gebruik nie, of iemand anders toelaat om dit te doen nie.”; (iii) deur paragraaf (c) van subartikel (2) te skrap; (iv) deur subartikel (3) deur die volgende subartikel te vervang: „(3) Die bepalings van subartikel (2) is nie op 'n persoon wat [klankradiostelle of] televisiestelle as 'n besigheid vervaardig of wat in die uitvoering van sy pligte in diens van so 'n persoon handel, van toepassing nie vir sover hy 'n [klankradio- of] televisiestel wat deur hom vervaardig is, in of op die perseel waar dit vervaardig is of op 'n ander perseel wat deur die Suid-Afrikaanse Uitsaaikorporasie goedgekeur is, en vir die doeleindes van die toetsing daarvan, gebruik vir die ontvangs van enigiets wat in 'n uitsaaidiens uitgesaai word.”; en (v) deur subartikel (4) deur die volgende subartikel te vervang: „(4) Indien dit by 'n vervolging weens 'n oortreding van 'n bepaling van subartikel (2) bewys word dat die beskuldigde te eniger tyd 'n [klankradiostel of 'n] televisiestel in sy besit gehad het, of dat hy die okkupeerder was van 'n perseel waarin of waarop 'n [klankradiostel of 'n] televisiestel te eniger tyd gevind is, word vermoed, tensy die teendeel bewys word, dat hy daardie [klankradiostel of] televisiestel gebruik het, terwyl dit in sy besit of in of op daardie perseel was, om uitsendings in 'n uitsaaidiens te ontvang.”; (c) die wysiging van artikel 6— (i) deur in paragraaf (b) van subartikel (1) die woord „klankradiostel”, waar dit ook al voorkom, deur die woord „televisiestel” te vervang; en (ii) deur in subartikel (5) die woorde „klankradiostel of 'n” te skrap; (d) die wysiging van artikel 7— (i) deur in die voorbehoudsbepaling by subartikel (1) die uitdrukking „Minister van Nasionale Opvoeding” deur die woorde „Minister wat met die uitvoering van die Uitsaaiwet, 1976 (Wet No. 73 van 1976), belas is,” te vervang; (ii) deur in paragraaf (b) van subartikel (2) die uitdrukking „Minister van Nasionale Opvoeding” deur die woorde „Minister wat met die uitvoering van die Uitsaaiwet, 1976 (Wet No. 73 van 1976), belas is,” te vervang; en (iii) deur in subartikel (3) die woorde „luisteraarslisensie of” te skrap; (e) die wysiging van artikel 11 deur in subartikel (3) die woorde „klankradiostelle en” te skrap; (f) die wysiging van artikel 19— (i) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:

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		(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 (iii) is entitled to do so by virtue of any permission granted under a [listener's] television licence issued in terms of section [17 (2) (b)] 17 (2) of that Act; or (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 <u>Act</u>. (b) No owner or manager of any business <u>or institution</u> shall in connection with that business <u>or institution</u>— (i) use, or permit any other person to use, any [sound radio] television set for the reception of anything broadcast in a broadcasting service unless he is in possession of a [listener's] television licence issued in terms of section [17 (2) (b)] 17 (2) of the Broadcasting Act, 1976; or (ii) use, or permit any other person to use, any [sound radio] television set as aforesaid otherwise than in accordance with the provisions of any such licence which he has in his possession.”; (iii) by the deletion of paragraph (c) of subsection (2); (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 [sound radio sets or] television 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 [sound radio or] television 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 (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 [a sound radio set or] a television set in his possession at any time or that he was the occupier of any premises in or on which [a sound radio set or] a television set was found at any time, he shall be presumed, unless the contrary is proved, to have used such [sound radio set or] television set, while it was in his possession or in or on those premises, for the reception of broadcasts in a broadcasting service.”; (c) the amendment of section 6— (i) by the substitution in paragraph (b) of subsection (1) for the words “sound radio”, wherever they occur, of the word “television”; and (ii) by the deletion in subsection (5) of the words “a sound radio set, or”; (d) the amendment of section 7— (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)”; (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)”; (iii) by the deletion in subsection (3) of the words “listener's licence or”; (e) the amendment of section 11 by the deletion in subsection (3) of the words “sound radio sets and”; (f) the amendment of section 19— (i) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

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No. en jaar	Kort titel	Omvang van wysiging
Wet No. 44 van 1958	Poswet, 1958	„(g) enige ander radiokommunikasie dan dié wat hy gemagtig is om te ontvang of wat deur middel van 'n klankradiostel ontvang kan word, onderskep, of waar sodanige radiokommunikasie onwillekeurig ontvang word, dit weergee of dit aan enigiemand anders meedeel of dit vir enige doel hoëgenaamd gebruik;” en (ii) deur in subartikel (1A) die woorde „'n klankradiostel of” te skrap; en (g) die wysiging van artikel 78 deur in subartikel (1B) die uitdrukking „Minister van Nasionale Opvoeding”, oral waar dit voorkom, deur die woorde „Minister wat met die uitvoering van die Uitsaaiwet, 1976 (Wet No. 73 van 1976), belas is,” te vervang.

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Act No. 44 of 1958	Post Office Act, 1958	“(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</u> or, where such radio communication is involuntarily received, reproduces or communicates it to any other person or uses it for any other purpose whatsoever;” and (ii) by the deletion in subsection (1A) of the words “a sound radio set or”; and (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).”.

