OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

PUBLISHED BY AUTHORITY — UITGAWE OP GESAG

20c — Friday 27 April 1979 — WINDHOEK — Vrydag 27 April 1979 — No. 3942

CONTENTS

Page

PROCLAMATION:

No. AG. 16 Broadcasting Act Amendment Proclamation, 1979 — 1

INHOUD

Bladsy

PROKLAMASIE:

No. AG. 16 Wysigingsproklamasie op die Uitsaaiwet, 1979 — 1

PROCLAMATION

by the
ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 20 April 1979)

No. AG. 16 1979

AMENDMENT OF THE BROADCASTING ACT, 1976 (ACT 73 OF 1976), SO AS TO PROVIDE FOR THE ESTABLISHMENT OF THE SOUTH WEST AFRICAN BROADCASTING CORPORATION AND FOR THE ADMINISTRATION OF THAT ACT IN SOUTH WEST AFRICA BY THE ADMINISTRATOR-GENERAL; AND PROVISION FOR MATTERS CONNECTED THEREWITH

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

M. T. STEYN
Administrator-General

Windhoek, 24 April 1979

PROKLAMASIE

van die
ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 20 April 1979)

No. AG. 16 1979

WYSIGING VAN DIE UITSAAIWET, 1976 (WET 73 VAN 1976), OM VOORSIENING TE MAAK VIR DIE INSTELLING VAN DIE SUIDWES-AFRIKAANSE UITSAAIKORPORASIE EN VIR DIE ADMINISTRASIE VAN DAARDIE WET IN SUIDWES-AFRIKA DEUR DIE ADMINISTRATEUR-GENERAAL: EN VOORSIENING VIR AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN

Kragtens die bevoegdheid my verleen by Proklamsie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

M. T. STEYN
Administrateur-generaal

Windhoek, 24 April 1979

SCHEDULE

Amendment of section 1 of Act 73 of 1976

1. Section 1 of the Broadcasting Act, 1976 (hereinafter referred to as the Act), is hereby amended —

(a) by the substitution in the definition of "board" in subsection (1) for the words "South African" of the words "South West African";

(b) by the substitution in that subsection for the definition of "corporation" of the following definition:

" 'corporation' means the South West African Broadcasting Corporation established by section 2;";

(c) by the deletion in that subsection of the definition of "Minister";

(d) by the deletion in that subsection of the definition of "Republic"; and

(e) by the addition to that subsection of the following definition:

" 'territory' means the territory of South West Africa.".

Substitution of section 2 of Act 73 of 1976

2. The following section is hereby substituted for section 2 of the Act:

"Establishment of the corporation

2. There is hereby established a juristic person to be known as the South West African Broadcasting Corporation.".

Amendment of section 3 of Act 73 of 1976

3. Section 3 of the Act is hereby amended by the substitution for the words "South African" of the words "South West African".

Amendment of section 4 of Act 73 of 1976

4. Section 4 of the Act is hereby amended by the substitution in subsection (1) for the word "nine" and the word "five" of the word "eleven" and the word "six" respectively.

Repeal of sections 9 and 10 of Act 73 of 1976

5. Sections 9 and 10 of the Act are hereby repealed.

BYLAE

Wysiging van artikel 1 van Wet 73 van 1976

1. Artikel 1 van die Uitsaaiwet, 1976 (hieronder die Wet genoem), word hierby gewysig —

(a) deur in subartikel (1) voor die omskrywing van "inspekteur" die volgende omskrywing in te voeg:

" 'gebied' die gebied Suidwes-Afrika;";

(b) deur in daardie subartikel die omskrywing van "korporasie" deur die volgende omskrywing te vervang:

" 'korporasie' die Suidwes-Afrikaanse Uitsaaikorporasie by artikel 2 ingestel;";

(c) deur in daardie subartikel die omskrywing van "Minister" te skrap;

(d) deur in die omskrywing van "raad" in daardie subartikel die woord "Suid-Afrikaanse" deur die woord "Suidwes-Afrikaanse" te vervang; en

(e) deur in daardie subartikel die omskrywing van "Republiek" te skrap.

Vervanging van artikel 2 van Wet 73 van 1976

2. Artikel 2 van die Wet word hierby deur die volgende artikel vervang:

"Instelling van die korporasie

2. Daar word hierby 'n regspersoon met die naam die Suidwes-Afrikaanse Uitsaaikorporasie ingestel.".

Wysiging van artikel 3 van Wet 73 van 1976

3. Artikel 3 van die Wet word hierby gewysig deur die woord "Suid-Afrikaanse" deur die woord "Suidwes-Afrikaanse" te vervang.

Wysiging van artikel 4 van Wet 73 van 1976

4. Artikel 4 van die Wet word hierby gewysig deur in subartikel (1) die woord "nege" en die woord "vyf" deur onderskeidelik die woord "elf" en die woord "ses" te vervang.

Herroeping van artikels 9 en 10 van Wet 73 van 1976

5. Artikels 9 en 10 van die Wet word hierby herroep.

Amendment of section 12 of Act 73 of 1976

6. Section 12 of the Act is hereby amended —

(a) by the substitution in paragraph (a) of subsection (2) for the words "Minister of Posts and Telecommunications may determine in consultation with the Minister" of the words "Administrator-General may determine"; and

(b) by the deletion of subsection (3).

Wysiging van artikel 12 van Wet 73 van 1976

6. Artikel 12 van die Wet word hierby gewysig —

(a) deur in paragraaf (a) van subartikel (2) die woorde "Minister van Pos- en Telekommunikasiewese in oorleg met die Minister" deur die woord "Administrateur-generaal" te vervang; en

(b) deur subartikel (3) te skrap.

Amendment of section 13 of Act 73 of 1976

7. Section 13 of the Act is hereby amended —

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

"(e) canvass and broadcast advertisements and determine tariffs therefor;"; and

(b) by the deletion of subsection (2).

Wysiging van artikel 13 van Wet 73 van 1976

7. Artikel 13 van die Wet word hierby gewysig —

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

"(e) advertensies werf en uitsaai en tariewe daarvoor bepaal;"; en

(b) deur subartikel (2) te skrap.

Amendment of section 15 of Act 73 of 1976

8. Section 15 of the Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) When the Administrator-General has granted his approval for such an acquisition, the provisions of sections 5 to 18 of the Expropriation Ordinance, 1978 (Ordinance 13 of 1978), shall apply *mutatis mutandis* in relation to such acquisition, and for the purpose of such application of those provisions any reference therein to the Executive Committee or the Administration of the territory, shall be construed as a reference to the corporation: Provided that any decision of the corporation under section 6(4) or 18(1) of that Ordinance as so applied, and the determination of the rate of interest contemplated in section 9(3) of that Ordinance as so applied, shall be subject to approval by the Administrator-General.".

Wysiging van artikel 15 van Wet 73 van 1976

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

"(3) Wanneer die Administrateur-generaal sy goedkeuring tot so 'n verkryging verleen het, is die bepalings van artikels 5 tot 18 van die Onteieningsordonnansie, 1978 (Ordonnansie 13 van 1978), *mutatis mutandis* met betrekking tot sodanige verkryging van toepassing, en by sodanige toepassing van daardie bepalings word 'n verwysing daarin na die Uitvoerende Komitee of die Administrasie van die gebied, uitgelê as 'n verwysing na die korporasie: Met dien verstande dat 'n besluit van die korporasie kragtens artikel 6(4) of 18(1) van daardie Ordonnansie soos aldus toegepas, en die bepaling van die rentekoers beoog in artikel 9(3) van daardie Ordonnansie soos aldus toegepas, onderworpe is aan goedkeuring deur die Administrateur-generaal.".

Amendment of section 16 of Act 73 of 1976

9. Section 16 of the Act is hereby amended —

(a) by the substitution for subsection (3) of the following subsection:

"(3) The Administrator-General may guarantee, on such terms and conditions as he may determine, payment of the interest on, repayment of the capital sum of, and the costs in connection with, any loan raised by the corporation."; and

Wysiging van artikel 16 van Wet 73 van 1976

9. Artikel 16 van die Wet word hierby gewysig —

(a) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Die Administrateur-generaal kan, op die bedinge en voorwaardes wat hy bepaal, die betaling van die rente op, die terugbetaling van die hoofsom van, en die koste in verband met, enige lening deur die korporasie aangegaan, waarborg."; en

(b) by the substitution for subsection (4) of the following subsection:

"(4) Any loss incurred by the Administrator-General as a result of a guarantee given under subsection (3), shall be defrayed out of moneys appropriated by law for that purpose.".

Amendment of section 20 of Act 73 of 1976

10. Section 20 of the Act is hereby amended by the substitution for the word "Parliament" of the word "law", and the deletion of the words "in consultation with the Minister of Finance".

Amendment of section 22 of Act 73 of 1976

11. Section 22 of the Act is hereby amended by the deletion of the proviso to subsection (2).

Amendment of section 23 of Act 73 of 1976

12. Section 23 of the Act is hereby amended by the deletion of subsection (5).

Amendment of section 24 of Act 73 of 1976

13. Section 24 of the Act is hereby amended —

(a) by the deletion of paragraph (c) of subsection (1);

(b) by the substitution in subsection (2) for the words "and development funds" of the word "fund"; and

(c) by the addition of the following subsection:

"(3) The Administrator-General may pay to the corporation, out of moneys appropriated by law for that purpose, such amounts on such conditions as he may deem expedient, for payment into the general fund referred to in subsection (1)(a).".

Amendment of section 25 of Act 73 of 1976

14. Section 25 of the Act is hereby amended by the substitution in subsection (3) for the expression "31 December" of the words "the last day of February".

Amendment of section 27 of Act 73 of 1976

15. Section 27 of the Act is hereby amended —

(a) by the substitution in subsection (1) for the expression "30 April" of the expression "30 June";

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

(b) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) 'n Verlies wat die Administrateur-generaal ly as gevolg van 'n waarborg wat ingevolge subartikel (3) verstrek is, word bestry uit gelde by wet vir dié doel bewillig.".

Wysiging van artikel 20 van Wet 73 van 1976

10. Artikel 20 van die Wet word hierby gewysig deur die woorde "in oorleg met die Minister van Finansies bepaal uit gelde wat die Parlement" deur die woorde "bepaal, uit gelde by wet" te vervang.

Wysiging van artikel 22 van Wet 73 van 1976

11. Artikel 22 van die Wet word hierby gewysig deur die voorbehoudsbepaling by subartikel (2) te skrap.

Wysiging van artikel 23 van Wet 73 van 1976

12. Artikel 23 van die Wet word hierby gewysig deur subartikel (5) te skrap.

Wysiging van artikel 24 van Wet 73 van 1976

13. Artikel 24 van die Wet word hierby gewysig —

(a) deur paragraaf (c) van subartikel (1) te skrap;

(b) deur in subartikel (2) die woorde "depresiasie- en ontwikkelingsfondse" deur die woord "depresiasiefonds" te vervang; en

(c) deur die volgende subartikel by te voeg:

"(3) Die Administrateur-generaal kan uit gelde by wet vir dié doel bewillig aan die korporasie die bedrae op die voorwaardes wat hy dienstig ag, betaal vir storting in die algemene fonds in subartikel (1)(a) bedoel.".

Wysiging van artikel 25 van Wet 73 van 1976

14. Artikel 25 van die Wet word hierby gewysig deur in subartikel (3) die uitdrukking "31 Desember" deur die woorde "die laaste dag van Februarie" te vervang.

Wysiging van artikel 27 van Wet 73 van 1976

15. Artikel 27 van die Wet word hierby gewysig —

(a) deur in subartikel (1) die uitdrukking "30 April" deur die uitdrukking "30 Junie" te vervang;

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

"(e) the costs incurred in respect of the erection, construction, repair, improvement or alteration of any plant, equipment or buildings;"; and

(c) by the deletion of subsection (2).

Amendment of section 30 of Act 73 of 1976

16. Section 30 of the Act is hereby amended by the substitution for the words "Act of Parliament" of the words "a law made by the Administrator-General for that purpose".

Amendment of section 31 of Act 73 of 1976

17. Section 31 of the Act is hereby amended by the deletion of the words "and any amendment thereof" and of the word "also".

Amendment of section 32 of Act 73 of 1976

18. Section 32 of the Act is hereby amended —

(a) by the deletion in paragraph (b) of subsection (2) of the words "and the Bantu Programme Control Board mentioned in section 13*bis* of that Act," and of the words "and the Bantu Programme Advisory Board, respectively,"; and

(b) by the deletion in subsection (3) of the words "acting in consultation with the Minister of Posts and Telecommunications".

Amendment of Schedule 1 to Act 73 of 1976

19. Schedule 1 to the Act is hereby amended —

(a) by the substitution in subparagraph (b) of paragraph 13 for the words "Rand Water Board, the Electricity Supply Commission or the South African Iron and Steel Industrial Corporation, Limited," of the words "South African Broadcasting Corporation, the South West Africa Water and Electricity Corporation (Proprietary), Limited, the First National Development Corporation of South West Africa, Limited, or the National Building and Investment Corporation of South West Africa, Limited,"; and

(b) by the deletion of subparagraph (3) of paragraph 22.

Substitution of certain expressions in Act 73 of 1976

20. Subject to the provisions of this Proclamation, the Act is hereby amended —

(a) by the substitution for the expression "State President" wherever it occurs except in section 33(1), and the expressions "Minister" and

"(e) die koste aangegaan ten opsigte van die oprigting, bou, herstel, verbetering of verandering van installasies, toerusting of geboue;"; en

(c) deur subartikel (2) te skrap.

Wysiging van artikel 30 van Wet 73 van 1976

16. Artikel 30 van die Wet word hierby gewysig deur die woord "Parlementswet" deur die woorde " 'n wet deur die Administrateur-generaal vir dié doel gemaak" te vervang.

Wysiging van artikel 31 van Wet 73 van 1976

17. Artikel 31 van die Wet word hierby gewysig deur die woorde "en enige wysiging daarvan" en die woord "ook" te skrap.

Wysiging van artikel 32 van Wet 73 van 1976

18. Artikel 32 van die Wet word hierby gewysig —

(a) deur in paragraaf (b) van subartikel (2) die woorde "en die Bantoeprogrambeheerraad in artikel 13*bis* van daardie Wet genoem", die woord "onderskeidelik" en die woorde "en die Bantoeprogramadviesraad" te skrap; en

(b) deur in subartikel (3) die woorde "handelende in oorleg met die Minister van Pos- en Telekommunikasiewese" te skrap.

Wysiging van Bylae 1 by Wet 73 van 1976

19. Bylae 1 by die Wet word hierby gewysig —

(a) deur in subparagraaf (b) van paragraaf 13 die woorde "Randwaterraad, die Elektrisiteitsvoorsieningskommissie of die Suid-Afrikaanse Yster en Staal Industriële Korporasie, Beperk" deur die woorde "Suid-Afrikaanse Uitsaaikorporasie, die Suidwes-Afrika Water- en Elektrisiteitskorporasie (Eiendoms) Beperk, die Eerste Nasionale Ontwikkelingskorporasie van Suidwes-Afrika, Beperk, of die Nasionale Bou- en Beleggingskorporasie van Suidwes-Afrika, Beperk," te vervang; en

(b) deur subparagraaf (3) van paragraaf 22 te skrap.

Vervanging van sekere uitdrukkings in Wet 73 van 1976

20. Behoudens die bepalings van hierdie Proklamasie, word die Wet hierby gewysig —

(a) deur die uitdrukking "Staatspresident" oral waar dit voorkom behalwe in artikel 33(1), en die uitdrukkings "Minister" en "Regering" oral waar

"Government" wherever they occur, of the expression "Administrator-General";

(b) by the substitution for the expression "Republic" wherever it occurs of the expression "territory"; and

(c) by the substitution for the expression *"Gazette"* wherever it occurs except in section 33(1), of the expression *"Official Gazette"*.

Substitution of long title of Act 73 of 1976

21. The following long title is hereby substituted for the long title of the Act:

"To establish a broadcasting corporation for South West Africa and regulate its powers and functions; to amend the Radio Act, 1952, and repeal certain laws; and to provide for matters connected therewith.".

Validity of certain licences and regulations

22. Any licence or regulation issued or made under section 17 or 18 or section 23 of the Act before the commencement of this Proclamation and of force immediately before such commencement, shall be deemed to have been issued or made under the relevant section as construed with due regard to the amendments of the Act effected by this Proclamation.

Substitution of certain expressions in Act 3 of 1952

23. The Radio Act, 1952, is hereby amended —

(a) by the substitution for the expression "Broadcasting Act, 1936 (Act No. 22 of 1936)," wherever it occurs, and the expression "Broadcasting Act, 1936," wherever it occurs, of the expression "Broadcasting Act, 1976 (Act 73 of 1976)," and the expression "Broadcasting Act, 1976," respectively; and

(b) by the substitution for the expression "South African Broadcasting Corporation" wherever it occurs of the expression "South West African Broadcasting Corporation".

Short title and commencement

24. This Proclamation shall be called the Broadcasting Act Amendment Proclamation, 1979, and shall come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette.*

hulle voorkom, deur die uitdrukking "Administrateur-generaal" te vervang;

(b) deur die uitdrukking "Republiek" oral waar dit voorkom deur die uitdrukking "gebied" te vervang; en

(c) deur die uitdrukking *"Staatskoerant"* oral waar dit voorkom behalwe in artikel 33(1), deur die uitdrukking *"Offisiële Koerant"* te vervang.

Vervanging van lang titel van Wet 73 van 1976

21. Die lang titel van die Wet word hierby deur die volgende lang titel vervang:

"Om 'n uitsaaikorporasie vir die gebied Suidwes-Afrika in te stel en sy bevoegdhede en werksaamhede te reël; om die Radiowet, 1952, te wysig en sekere wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.".

Geldigheid van sekere lisensies en regulasies

22. 'n Lisensie of regulasie wat voor die inwerkingtreding van hierdie Proklamasie uitgereik of gemaak is kragtens artikel 17 of 18 of artikel 23 van die Wet en wat onmiddellik voor sodanige inwerkingtreding van krag is, word geag uitgereik of gemaak te wees kragtens die betrokke artikel soos uitgelê met inagneming van die wysigings van die Wet deur hierdie Proklamasie bewerkstellig.

Vervanging van sekere uitdrukkings in Wet 3 van 1952

23. Die Radiowet, 1952, word hierby gewysig —

(a) deur die uitdrukking "Uitsaaiwet, 1936 (Wet No. 22 van 1936)," oral waar dit voorkom, en die uitdrukking "Uitsaaiwet, 1936," oral waar dit voorkom, deur onderskeidelik die uitdrukking "Uitsaaiwet, 1976 (Wet 73 van 1976)," en die uitdrukking "Uitsaaiwet, 1976," te vervang; en

(b) deur die uitdrukking "Suid-Afrikaanse Uitsaaikorporasie" oral waar dit voorkom deur die uitdrukking "Suidwes-Afrikaanse Uitsaaikorporasie" te vervang.

Kort titel en inwerkingtreding

24. Hierdie Proklamasie heet die Wysigingsproklamasie op die Uitsaaiwet, 1979, en tree in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.