

BROADCASTING

Radio Act 3 of 1952, as amended in South Africa to April 1978.

Summary: This Act regulates radio activities.

Applicability to SWA: Section 19A(1) states “This Act and any amendment thereof shall apply also in the territory of South West Africa including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Posts and Telecommunications) Transfer Proclamation (AG 12/1978, as amended), which came into operation on 1 April 1978.

Section 3(3)(a) of the transfer proclamation excluded the references to the “Republic” in the Act from the operation of section 3(1) of the General Proclamation. There are only two references to the Republic in the Act, in the following sections:

- section 7(3), which concerns international telecommunication provisions to which the Republic is a party; and
- section 18(d), which empowers the Minister of Posts and Telecommunications to make regulations relating to the operation of radio installations on board ships within the territorial waters of the Republic or on aircraft in or flying over the Republic.

Although “Republic” is not defined in the Act, it was probably interpreted to mean South Africa and SWA in these sections because of the effect of section 19A(1), which makes the Act applicable to SWA.

Section 3(6) of the transfer proclamation excluded section 14(5) of the Act -- which concerns appeals to the Administrator-General by persons whose licenses or permits have been cancelled -- from the operation of the provisions of section 4(1) of the General Proclamation (which authorised the delegation of powers by the Administrator-General). Thus, where an appeal was made to the Administrator-General under this section, he could not delegate his power to confirm or overturn the initial decision.

None of the amendments to the Act in South Africa after the date of transfer were made expressly applicable to SWA.

Amendments: AG 37/1979 brings the RSA *Radio Amendment Act 2 of 1978* into operation in SWA with effect from 1 January 1980.

The Act is substantially amended by the Namibian Broadcasting Act 9 of 1991.

Amendments are also made by the Namibia Communications Commission Act 4 of 1992 and by the Posts and Telecommunications Companies Establishment Act 17 of 1992.

Regulations: The regulations issued in terms of the Act (contained in RSA GN R.2862 of 28 December 1979 as amended) have been amended since independence by GN 71/1990 (GG 102), GN 76/1992 (GG 427), GN 250/1997 (GG 1741), GN 52/1999 (GG 2057), GN 147/2001 (GG 2579) and GN 245/2001 (GG 2663). GN 250/2004 (GG 3326) further amends GN R.2862 and repeals GN 147/2001 and GN 245/2001.

Namibian Broadcasting Act 9 of 1991.

Summary: This Act provides for the establishment of a broadcasting corporation for Namibia and sets forth its objectives, powers, duties and functions.

Amendments: Sections 1 and 6 are amended by section 1 of the General Law Amendment Act 18 of 2000, which came into operation on 2 February 2001 (GN 25/2001, GG 2483).

Regulations: Regulations regarding television licences are contained in GN 118/1993 (GG 726). License fees are addressed in General Notice 245/1995 (GG 1128). Regulation 6 and the Annexure on television licence fees are amended by General Notice 95/1999 (GG 2113), which raises the standard television licence fee from N\$132 to N\$180. The Annexure on licenses is substituted in its entirety by GN220/2001 (GG 2637), which is substituted in turn by GN 235/2004 (GG 3313), both of which set a sliding scale for license fees.

Appointments: The initial board was appointed by GN 88/1990 (GG 120), with the appointments of new board members being announced in GN 93/1995 (GG 1062) and GN 175/2000 (GG 2374).

See also **CENSORSHIP**.

See also **COMMUNICATIONS**.

See also General Law Amendment Ordinance 22 of 1958, section 1 (which makes it an offence to publish details of any person under 18 years old who is a party to civil proceedings) (**COURTS**).

See also *Criminal Procedure Act 51 of 1977*, section 154 (which prohibits the publication of any information which may reveal the identity of an accused or a witness in criminal proceedings who is under the age of 18, as well as the publication of information about any criminal proceedings held in closed court) (**CRIMINAL LAW AND PROCEDURE**).

See also *Protection of Information Act 84 of 1982* (which prohibits the disclosure of security-related information) (**DEFENCE**).

See also **FILMS**.