



GOVERNMENT GAZETTE
OF THE
REPUBLIC OF NAMIBIA

R0,60

WINDHOEK — 3 April 1992

No. 384

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 33

1992

**PROMULGATION OF ACT OF
THE NATIONAL ASSEMBLY**

The following Act which has been passed by the National Assembly and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 4 of 1992: Namibian Communications Commission Act, 1992.

**NAMIBIAN COMMUNICATIONS
COMMISSIONS ACT, 1992****ACT**

To provide for the establishment of the Namibian Communications Commission, its powers, duties and functions, including but not limited to the issue of broadcasting licences, the control or supervision of certain broadcasting activities and programme content; and to provide for matters incidental thereto.

(Signed by the President on 25 March 1992)

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

Definitions.

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

“broadcasting activities” means any activity connected with a broadcasting service;

“broadcasting licence” means a licence issued under subsection (1) of section 12 which entitles the holder thereof to operate a station or stations for a broadcasting service;

“broadcasting service” means broadcasting in the form of presentation, distribution and transmission of programmes, including, but not limited to, those consisting of sound, images or text by means of cable or wireless transmission, or satellite or microwave or leaky feeders, or any other manner, which is intended for reception by more than one receiver not located on one common property, and includes any such transmission carried on from any place outside Namibia and received in Namibia;

“Commission” means the Namibian Communications Commission established by section 2;

“earth station” means a station, other than a space station, which is capable of communicating with any

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other station by means of any object, including a satellite, in orbit in space;

“licence holder” means the holder of a broadcasting licence;

“member” means a member of the Commission;

“Minister” means the Minister of Information and Broadcasting;

“prescribed” means prescribed by regulation under this Act;

“radio” means electromagnetic waves of frequencies lower than 3 000 GHz transmitted in space;

“station” means any separate radio receiving or transmitting apparatus or a combination of radio receiving or transmitting apparatus, including any accessory equipment;

“this Act” includes the regulations made under this Act.

Establishment of Commission.

2. There is hereby established a commission, to be known as the Namibian Communications Commission.

Members of the Commission.

3. (1) The Commission shall consist of not less than six and not more than nine members appointed by the Minister.

(2) No person shall be appointed as a member of the Commission if he or she -

- (a)** is not a Namibian citizen;
- (b)** is a member of Parliament or a local authority;
- (c)** is an unrehabilitated insolvent;
- (d)** has been convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
- (e)** is actively involved in party politics as a regular organiser.

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(3) (a) The members of the Commission shall elect from among their number the chairperson and vice-chairperson of the Commission.

(b) When the chairperson of the Commission is absent or unable to perform his or her functions under this Act, the vice-chairperson of the Commission shall act in his or her stead and, in doing so, may perform any function of the chairperson.

(4) Every appointment of a member shall be notified in the *Gazette*.

Disclosure of interest.

4. (1) (a) A member shall, upon his or her appointment, submit to the Minister and to the Commission a statement in writing of any directorship, office, post, shareholding or other financial interest, directly or indirectly, held or acquired by such a member or his or her spouse in a company or firm which carries on a broadcasting service or deals in, receives or manufactures, assembles, imports or sells apparatus or equipment for use in a broadcasting service.

(b) In the event that a member or his or her spouse acquires any interest referred to in paragraph (a) during his or her tenure of office, he or she shall within a period of seven days after such acquisition submit a written statement as contemplated in that paragraph.

(2) No person shall disclose to any other person any information acquired by him or her in consequence of a statement submitted in terms of paragraph (a) or (b) of subsection (1), except in accordance with a provision of this Act.

(3) A member shall not be present at a meeting of the Commission when a matter is discussed or decided upon on which such member or his or her spouse has a peculiar interest, whether direct or indirect.

(4) A member who fails to comply with the provisions of subsection (3) shall be guilty of an offence and be liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

Period of office and remuneration of members.

5. (1) A member shall, subject to the provisions of subsection (2) and section 6, hold office for a period of five years and shall at the expiration of his or her period of office as a member be eligible for reappointment.

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- (2) (a) Notwithstanding the provisions of subsection (1), the Minister shall, when appointing the first members, appoint three of the members for a period of three years only.
- (b) The three members appointed under paragraph (a) shall be eligible for reappointment at the expiration of the period of three years.
- (3) (a) A member shall be paid such remuneration and such travelling expenses and subsistence allowances incurred in connection with the business of the Commission as may be determined by the Minister from time to time.
- (b) The remuneration and allowances referred to in paragraph (a) may differ according to the office held by a member or the functions performed by him or her.
6. (1) A member shall vacate his or her office if -
- (a) he or she becomes subject to a disqualification referred to in subsection (2) of section 3;
- (b) he or she is detained as a mentally ill person according to law;
- (c) his or her estate is sequestrated or he or she enters into a compromise with his or her creditors;
- (d) he or she resigns in writing to the Minister upon the giving of not less than one month's notice;
- (e) he or she has been absent from three consecutive meetings of the Commission without the leave of the chairperson;
- (f) he or she is unable to perform his or her duties as a member due to continued ill-health; or
- (g) he or she is removed from office by the Minister in terms of subsection (2).
- (2) (a) The Minister may, upon a recommendation made by the Commission, on the ground that a member holds or has acquired any interest referred to in section 4(1), revoke the appointment of such member.

Incapacity and removal
from office.

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- (b) In making a recommendation referred to in paragraph (a) the member concerned shall not be entitled to cast a vote.

Filling of vacancy.

7. Whenever the office of a member becomes vacant before the expiration of his or her period of office, the Minister shall, subject to the provisions of subsection (2) of section 3, appoint a person to fill the vacancy for the unexpired portion of the period of office of the previous member.

Secretariat of Commission and appointment of experts.

8. (1) The staff required for the performance of the Commission's functions and the administration of this Act shall be appointed in terms of the Public Service Act, 1980 (Act 2 of 1980).

(2) The Commission may from time to time, with the approval of the Minister, appoint any person with expert knowledge in a particular field to assist or advise the board in connection with any matter relating to its functions and duties.

(3) A person appointed in terms of subsection (2) shall be paid such remuneration as may be determined by the Commission with the approval of the Minister.

Meetings of the Commission.

9. (1) The Commission shall meet at least four times in every year at such times and places as may be determined by the chairperson.

(2) A majority of the members of the Commission as constituted at any time, shall form a quorum for a meeting of the Commission, except for a meeting when a decision in regard to an application for the issue of a broadcasting licence is to be taken, in which case a quorum shall be not less than two-thirds of the members of the Commission as constituted at the time.

(3) The chairperson, or in his or her absence the vice-chairperson, shall preside at all meetings of the Commission.

(4) When both the chairperson and vice-chairperson are absent from a meeting of the Commission, the members present at the meeting shall elect from among their number an acting chairperson who shall, while he or she so acts, have all the powers and perform all the duties and functions of the chairperson.

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(5) The decision of a majority of the members present at a meeting of the Commission shall constitute the Commission's decision and, in the event of an equality of votes on any matter, the chairperson shall have a casting vote in addition to his or her deliberative vote.

(6) The Commission shall cause a record to be kept of the proceedings of its meetings.

(7) The Commission may make rules in relation to the holding of, and procedures at, meetings of the Commission and the convening of special meetings.

Limitation of liability.

10. No person shall be liable in respect of anything done or omitted in good faith and not attributable to negligence in the exercise of a power or the carrying out of a duty or the performance of a function under or by virtue of this Act, or in respect of anything that may result therefrom.

Functions.

11. The functions of the Commission shall be -

- (a) to exercise control over and to supervise, subject to the provisions of this Act, broadcasting activities, including but not limited to, the relaying of sound radio and television programmes from places in Namibia to places outside Namibia with the intention that such broadcasts are received regularly in Namibia or any part thereof;
- (b) to issue broadcasting licences; and
- (c) to be responsible for the standardisation, planning and management of the frequency spectrum available for broadcasting and to allocate such spectrum resources in such a manner as to ensure the widest possible diversity of programming and optimal utilisation of that spectrum resources, and, where possible, to give priority to broadcasters transmitting the maximum number of hours per day and to community-based broadcasters.

Broadcasting licences,
conditions thereto and
amendments.

12. (1) The Commission may, on such conditions and against payment of such fees as may be prescribed, issue a broadcasting licence conferring the right to use a station for broadcasting.

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(2) The prescribed conditions referred to in subsection (1) shall include conditions in relation to -

- (a) the frequencies that may be used in the operation of a station, the power limitations in respect of a station, the technical servicing and inspection of a station and any other technical specifications;
- (b) the prevention of electric and other disturbances of radio reception or of transmissions over any telegraph line;
- (c) the broadcasting of reports, announcements, news or other information which is required to be broadcast in the public interest; and
- (d) the location of a transmitter station, when applicable, and the specific geographical area to which the broadcast may be made.

(3) The conditions referred to in subsection (1) shall be determined by the Commission and recommended to the Minister for the purposes of section 27.

(4) The Commission may, in respect of any particular broadcasting licence, amend any of the prescribed conditions, including by adding further conditions -

- (a) if the Commission is of the opinion that it is in the interest of orderly spectrum management;
- (b) in order to give effect to any international treaty in relation to broadcasting to which Namibia is a party; or
- (c) at the request of the licence holder.

(5) No amendment may be made to the conditions of a broadcasting licence in terms of paragraph (a) or (b) of subsection (4), unless the licence holder concerned has been granted the opportunity to make written representations to the Commission in connection therewith.

(6) The decision by the Commission to so amend or not, shall, subject to the provisions of Article 18 of the Namibian Constitution, be final.

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lapsing of broadcasting
licences.

13. (1) A broadcasting licence shall be issued for such period as the Commission may determine, but which shall not -

- (a) in the case of a radio broadcasting licence, exceed five years;
- (b) in the case of a television broadcasting licence, exceed eight years.

(2) The Commission may from time to time renew a broadcasting licence for such further period, not exceeding five years, as the Commission may determine.

(3) An application for the renewal of a broadcasting licence shall be made not earlier than six months and not later than sixty days before the date of expiry of the existing broadcasting licence.

(4) The Commission may, when considering an application for the renewal of a broadcasting licence, require such new or additional information as it may deem necessary to make a finding.

(5) If a decision in connection with an application for the renewal of a broadcasting licence has not been reached by the Commission at the time when the period of validity of the existing broadcasting licence expires, such broadcasting licence shall continue to be of effect pending such decision.

(6) A broadcasting licence shall lapse after the expiry of such period which may be prescribed in the event that no broadcasts are made under that licence.

Production of broad-
casting licences.

14. Every person who in terms of the provisions of this Act is required to possess a broadcasting licence shall produce such licence for inspection on demand by any person authorised thereto by the Commission.

Payment of broadcasting
licence fees.

15. If any prescribed fees are not paid by a licence holder on the date on which such fees are payable and remain unpaid after the expiry of a period of seven days after the written notice by the Commission to the licence holder to remedy the default, the licence holder shall forfeit the broadcasting licence concerned.

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**NAMIBIAN COMMUNICATIONS
COMMISSIONS ACT, 1992**Prohibition of trans-
mission without licence.

16. No person shall transmit or otherwise operate a broadcasting service or do or permit anything to be done for which a broadcasting licence is required in terms of this Act, unless he or she is in possession of the appropriate licence so required, in addition to any other licence or certificate which may be prescribed by any other law for the transmission or operation of a broadcasting service undertaken by him or her or for the doing of that thing.

Issue of broadcasting
licences.

17. (1) The Commission may issue a broadcasting licence only to -

- (a) Namibian citizens; and
- (b) a company of which at least 51 percent of the shareholding is beneficially owned by Namibian citizens and which is not controlled directly or indirectly by persons who are not Namibian citizens and which has its principal place of business or registered office in Namibia.

(2) Every application for a broadcasting licence shall be made in the prescribed form and shall be accompanied by -

- (a) the prescribed application fee;
- (b) the prescribed deposit, if any;
- (c) the applicant's proposals in relation to the nature of the service and a programme schedule in regard to the daily transmission time allocated to different programmes;
- (d) a statement of account setting out the financial resources available to the applicant to conduct a broadcasting service; and
- (e) such other information as the Commission may deem necessary in order to decide on the ability of the applicant to provide the broadcasting service.

(3) Where the application has not been successful, all amounts paid by the applicant, except the prescribed application fee, shall be refunded by the Commission to the applicant, and no interest shall be payable on any such amount.

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(4) (a) The Commission shall cause notice to be given in the *Gazette* of every application for the issue of a broadcasting licence received by it.

(b) Any person may within fourteen days of publication of a notice in terms of paragraph (a) lodge with the Commission written representations opposing the issue of a broadcasting licence, and such representations shall be taken into account when the Commission considers the application.

(5) When considering an application for the issue of a broadcasting licence the Commission shall have regard to -

(a) the character of the applicant or, if the applicant is a body corporate, the character of its directors;

(b) the adequacy of the expertise, experience and financial resources available to the applicant;

(c) the desirability or otherwise of allowing any person or association of persons, to have control of or a substantial interest in -

(i) more than one broadcasting service;

(ii) more than one radio station and one television station and one registered newspaper with a common coverage and distribution area or significantly overlapping coverage and distribution areas;

(d) whether the applicant is likely to comply with the prescribed technical broadcasting standards;

(e) whether the conditions of a broadcasting licence shall unjustly benefit one holder of a broadcasting licence above another;

(f) the allocation of spectrum resources in such a manner as to ensure the widest possible diversity of programming and the optimal utilisation of such resources: Provided that priority may be given to broadcasters transmitting the maximum number of hours per day;

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- (g) the reservation of spectrum resources for future use; and
- (h) the desirability of giving priority to community-based broadcasts.

(5) As soon as the Commission grants an application for the issue of a broadcasting licence, it shall cause notice thereof to be given in the *Gazette* and to the applicant.

(6) The decision of the Commission to grant or refuse an application for the issue of a broadcasting licence shall, subject to Article 18 of the Namibian Constitution, be final.

Duties of licenceholders
and programme content.

18. A licence holder shall have the following duties:

- (a) to comply with all conditions pertaining to the licence;
- (b) to present all news in a factually accurate and impartial manner;
- (c) to present current affairs in a fair, clear, factual, accurate and impartial manner;
- (d) to encourage the development of Namibian expression by providing a wide range of programming that reflects Namibian attitudes, opinions, ideas, values and artistic creativity by displaying Namibian talent in entertainment programmes in so far as it is practicable to do so and with due regard to the nature of the service pertaining to the licence holder;
- (e) to serve the needs and interests and reflect the circumstances and aspirations of Namibian men, women and children in a multi-cultural and multi-racial Namibian society;
- (f) to have and maintain programmes of a high standard;

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- (g) to make maximum use of Namibian creative and other resources in the creation and presentation of programming, unless the nature of the service provided renders that use impracticable or the resources and expertise are not available in Namibia;
- (h) to limit advertisements to a maximum of 20 percent of the total daily broadcasting time;
- (i) to contribute through programming to shared national consciousness and identity, but with due regard to the nature of the service pertaining to the licence holder;
- (j) to provide programming that caters for culture, arts, sports and education, but with due regard to the nature of the service pertaining to the licence holder;
- (k) to comply with generally accepted standards of journalistic ethics in the editing of any programme to be broadcast;
- (l) to keep and store sound and video recordings of all programmes broadcasted for a minimum period of three months after the date of transmission of the broadcast, or for such further period as the Commission may direct;
- (m) to disclose the name of the producer of every programme at the end of transmission of a programme;
- (n) not to broadcast any programme which has as its predominant tenor the advancement of the interest of any political party, except during such period during an election as may be prescribed;
- (o) not to broadcast advertisements intended for or related to party political purposes;
- (p) to provide the Commission with the name of every Namibian political party by whom any political speech was broadcast for a period longer

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than three minutes and the time allowed for such broadcast and the date on and hour at which the broadcast took place;

(q) such further duties as may be prescribed.

Supervision by Commission.

19. (1) The Commission shall supervise compliance with the conditions pertaining to a broadcasting licence and the duties referred to in section 18, and where the chairperson of the Commission, as a result of a complaint by any person, is of the opinion that the conditions or duties have been materially breached, he or she shall request the licence holder concerned to make written representations regarding the alleged breach to the Commission.

(2) When, after consideration of the written representations, the Commission is of the opinion that the licence holder has materially breached a condition or duty, it may issue an order -

- (a) warning the broadcasting licence holder;
- (b) directing the licence holder to effect a programme change within a period not longer than thirty days from the date of receipt of the direction;
- (c) directing the licence holder to disclose, free of charge and in such manner as the Commission may direct, the finding of the Commission;
- (d) imposing a fine on the licence holder, not exceeding R10 000;
- (e) suspending the broadcasting licence for a period determined by the Commission; or
- (f) withdrawing the broadcasting licence.

(3) Any fine imposed under paragraph (d) of subsection (2), shall be for the benefit of the State Revenue fund.

(4) Whenever the Commission orders the withdrawal of a broadcasting licence under paragraph (f) of subsection (2), it shall cause a notice to be published in the *Gazette* containing details of such order.

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Broadcast of counter-versions.

20. (1) A licence holder shall be obliged to broadcast a counter-version presented by any person or organisation affected by an assertion of fact in a programme transmitted in the event that such assertion of fact is false.

(2) A licence holder shall not be obliged to transmit a counter-version referred to in subsection (1) if -

- (a) the person or organisation concerned has no direct interest in the transmission of the counter-version; or
- (b) the counter-version is not of reasonable length, and in particular, if it is substantially longer than the part of the broadcast which dealt with the false assertion of fact.

(3) The counter-version contemplated in subsection (1) shall -

- (a) be limited to a factual account;
- (b) not contain any material which may reasonably be anticipated to expose the licence holder to legal action if such material were to be broadcast;
- (c) be made in writing;
- (d) specify the programme and the assertions to which objection is raised; and
- (e) be signed by the person affected or, in the case of an organisation, by the chief executive officer thereof.

(4) The person or organisation affected shall not be entitled to insist on the transmission of a counter-version as contemplated in subsection (1) if the counter-version is presented to the licence holder after the expiry of a period of thirty days from the date of broadcast of the false assertion of fact.

(5) The licence holder shall, subject to the provisions of subsections (2)(a) and (b) and (4) -

- (a) at the first opportunity, but not later than 10 days from receipt of a counter-version referred to in

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subsection (1), broadcast the counter-version within the same programme or programme section as the one in which the false assertion was made and at the same time of day or, should that not be possible, at a time equal in value to that of the programme objected to;

- (b) broadcast the counter-version without any omissions and interruptions; and
- (c) broadcast the counter-version free of charge except in the event that the counter-version concerns assertions made in a commercial broadcast.

(6) A licence holder shall immediately upon receipt of a counter-version referred to in subsection (1), inform the Commission thereof, and shall keep and store the programme objected to and the counter-version until notice to the contrary by the Commission.

(7) Subsection (1) shall not apply to a broadcast on public meetings of the National Assembly.

Furnishing of financial statements.

21. (1) Every broadcasting licence holder shall, within sixty days after the end of such licence holder's financial year, submit his or her audited financial statements to the Commission.

(2) The auditing of the financial statements referred to in subsection (1) shall be carried out by a person who is registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951).

Powers to investigate.

22. A person duly authorised thereto by the Commission may at all reasonable times -

- (a) inspect the plant and apparatus used by any licence holder to transmit or broadcast;
- (b) require any person who in terms of this Act is required to hold a broadcasting licence to produce such licence for inspection by him or her;
- (c) inspect any plant and apparatus which are, or are suspected to be, in the possession of and used by any person in contravention of this Act; and

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- (d) enter any premises for the purpose of exercising any power conferred by paragraph (a), (b) or (c).

Report to Minister.

23. (1) The Commission shall, not later than 31 October of every year, submit to the Minister a report on the activities of the Commission during its immediately preceding financial year.

(2) The report submitted to the Minister in terms of subsection (1) shall be laid on the Table of the National Assembly by the Minister within seven days after receipt thereof, if the National Assembly is then in ordinary session, or, if the National Assembly is not in ordinary session, within seven days after the commencement of its next ensuing ordinary session.

Special powers of Minister.

24. (1) Pending the appointment of the first members of the Commission after the commencement of this Act, the Minister may consider and decide on any application for the issue of a broadcasting licence and perform any other act in terms of this Act, as if the Minister were the Commission.

(2) In the event of an application for a broadcasting licence made to the Minister by virtue of the provisions of subsection (1), the Minister may, if such application is granted by the Minister, issue the broadcasting licence subject to such conditions as the Minister may determine.

(3) For the purposes of exercising any power in terms of subsection (1), the Minister shall not be subject to the prescribed time limits or giving of notices in the *Gazette* as required by this Act.

(4) Any decision taken and any act performed by the Minister in terms of subsection (1), shall be deemed to be a decision taken or an act performed by the Commission.

(5) The powers conferred upon the Minister by subsections (1) and (2) shall cease upon the appointment of the first members of the Commission under section 3.

Offences.

25. Any person who -

- (a) contravenes or fails to comply with a condition of a broadcasting licence issued to him or her under this Act;

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- (b) interferes with or obstructs the transmission or reception of any radio communication;
- (c) fails to comply with an order in terms of subsection (2)(b) or (c) of section 19; or
- (d) transmits or operates a broadcasting service which is not authorised by a broadcasting licence issued in terms of this Act,

shall be guilty of an offence and be liable on conviction to a fine not exceeding R2 000,00 or to imprisonment for a period not exceeding six months, and the court convicting such person, may, in addition to any penalty that it may impose, order the forfeiture to the State of any radio apparatus in connection with or by means of which the offence was committed: Provided that no such order of forfeiture shall be made if it is proved that the radio apparatus in question is not owned by the person so convicted and if the owner proves that he or she did not have any knowledge of the unlawful use of the apparatus by the person so convicted and could not have reasonably prevented such use.

National security and interest.

26. The Minister, or any person authorised by the Minister, may by order require any licence holder to broadcast forthwith or within or at any time and in any manner specified, any announcement which has as its content any matter which the Minister deems to be in the interest of national security or in the public interest.

Regulations.

27. (1) The Minister may, on the recommendation of the Commission, make regulations in relation to -

- (a) applications for the issue, renewal or transfer of broadcasting licences;
- (b) the conditions subject to which such licences may be issued, renewed or transferred;
- (c) the application fee, if any, that shall be payable in regard to broadcasting licence applications;
- (d) the deposit, if any, to be provided by an applicant;
- (e) the annual licence fees that shall be payable in respect of a broadcasting licence;

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- (f) the annual administrative levy, if any, that shall be payable by a licence holder;
- (g) the standards pertaining to decency and morality to be observed by broadcasting licenceholders.
- (h) the time periods within which a broadcasting licence shall lapse due to non-use or inadequate use thereof; and
- (i) any other matter which in terms of the provisions of this Act is to be prescribed by regulation.

(2) The Commission may for the purpose of making a recommendation to the Minister in connection with any fee which is to be prescribed under any of the provisions of subsection (1) -

- (a) establish classes of broadcasting licences and determine different fees to be paid by licence holders of any class so established;
- (b) determine lower fees to be paid by a licence holder who makes maximum use of Namibian creative and other sources in the creation, presentation and transmission of programmes.

Transfer of broadcasting licences.

28. (1) No broadcasting licence issued under this Act shall be transferred, except with the approval of the Commission granted upon an application for such transfer in the prescribed form.

(2) Where a company is the holder of a broadcasting licence, no person, other than an existing shareholder of such company, shall, except with the prior written approval of the Commission, acquire shares or any other interest in such company which results in such person directly or indirectly acquiring a controlling interest in the company.

Application of Act in relation to Namibian Broadcasting Corporation.

29. This Act shall not apply to the Namibian Broadcasting Corporation established by section 2 of the Namibian Broadcasting Corporation Act, 1991 (Act 9 of 1991), or in respect of the broadcasting activities carried on by that Corporation.

Amendment of Act 3 of 1952.

30. The Radio Act, 1952 is hereby amended as set out in the Schedule.

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**NAMIBIAN COMMUNICATIONS
COMMISSIONS ACT, 1992**Short title and
commencement.

31. This Act shall be called the Namibian Communications Commission Act, 1992 and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

SCHEDULE**Amendments to Radio Act, 1952
(Section 30)**

- (1) By the deletion in section 1 of the definition of "broadcasting licence";
- (2) by the substitution in section 1 for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Works, Transport and Communication;";

- (3) by the substitution for section 2 of the following section:

"Control of
radio activities.

2. Radio Activities within Namibia shall, subject to the provisions of this Act, the Namibian Broadcasting Act, 1991 and the Namibian Communications Commission Act, 1992, be under the control of the Postmaster-General who shall, subject to the control and direction of the Minister, exercise the powers and perform the functions conferred or imposed upon the Postmaster-General by this Act.";

- (4) by the insertion in subsection (1) of section 5, after the word "law" of the expression "except the Namibian Communications Commission Act, 1992,";
- (5) by the substitution for the proviso to sub-section (1) of section 7 of the following proviso:

"Provided that this subsection shall not be construed as authorizing the Postmaster-General to issue a

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broadcasting licence in respect of which the provisions of the Namibian Communications Commission Act, 1992 apply.”; and

- (6) by the deletion of subsection (2) of section 7.
-