

BECHUANALAND PROTECTORATE.

No. 10 of 1927.

[Promulgated 4th March, 1927.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled "The Bechuanaland Protectorate Radio Proclamation, 1927."

Whereas it is expedient that provision should be made for the control of radio activities in the Bechuanaland Protectorate;

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. The provisions of this Proclamation shall not apply to radio when used by military forces under the authority of the High Commissioner, but in all other circumstances radio shall be under the control of the Postmaster-General.

2. (1) Subject to the provisions of section one and to such regulations as may be made by the High Commissioner under this Proclamation, radio within the Bechuanaland Protectorate shall be under the control of the Postmaster-General.

(2) The High Commissioner may from time to time make such regulations as he may deem desirable for the due carrying into effect of the provisions of this Proclamation.

3. (1) The Postmaster-General may establish and operate radio transmitting and receiving stations at such points within Bechuanaland Protectorate as may appear to him to be necessary, and may at his discretion, on behalf of the Government, take over and operate any radio station licensed under this Proclamation.

(2) In the event of the Postmaster-General taking over, in terms of sub-section (1), any radio station licensed under this Proclamation, reasonable compensation shall be paid to the licensee. The amount of such compensation shall be determined by mutual agreement, and failing mutual agreement by arbitration in accordance with the law governing arbitration in the Bechuanaland Protectorate.

4. No person shall transmit or receive by radio any sounds, signs or signals without a licence from the Postmaster-General, issued under such conditions and upon payment of such fee as may by him be prescribed specially in any particular case, or generally by regulation.

5. (1) Subject to the provisions of this section, the Postmaster-General shall have the exclusive privilege of transmitting and receiving radio-telegrams.

(2) Under such conditions as he may deem fit to impose, and on payment of such fee as he may in the particular case or generally by regulation prescribe, the Postmaster-General may grant a licence to any person to accept, transmit or receive radio-telegrams, and to make in respect of such transmission or reception such charges as may from time to time be authorized by the Postmaster-General.

(3) It shall be a condition of any licence issued under sub-section (2) that the licensee shall observe the stipulations of any international telegraph or radio-telegraph convention to which Bechuanaland Protectorate may be a party, and of the regulations framed thereunder.

6. The Postmaster-General may, on such conditions as he may in any case specially prescribe or as may be prescribed generally by regulation, issue to any person bona fide desiring to conduct experiments in radio a radio experimenter's licence, permitting both transmission and reception, which shall be of force for the period of one year, but which may be renewed for annual periods thereafter.

7. The Postmaster-General may, under such conditions and on payment of such fee as he may in the particular case prescribe or as may be prescribed generally by regulation, issue to any person approved by him a licence for broadcasting within such area as may be prescribed in the licence.

8. (1) Any person desiring to become a listener shall procure a licence in that behalf from the Postmaster-General.

(2) Such licences shall be issued upon payment of such annual fees and subject to such conditions and regulations as may be prescribed; provided that—

- (a) higher fees may be charged for a licence where the Postmaster-General is satisfied that a reasonable broadcasting service is available, and lower fees where such a service is not, in his opinion, available;
- (b) licences may, in the discretion of the Postmaster-General be issued without charge to charitable and educational institutions and hospitals;
- (c) in the event of a broadcasting service being permanently discontinued, the Postmaster-General may claim from the person who conducted the same an amount equal to the licence fees in respect of the unexpired periods of currency of listeners' licences, and failing payment thereof the Postmaster-General may claim the amount due from such person in any competent court.

9. The fees to be charged for licences issued under section *five, six, seven or eight* shall not exceed the maximum prescribed in the Schedule to this Proclamation.

10. The fees collected in respect of licences under sections *six and eight* shall be paid over to the broadcaster in the area concerned, less the amount of two shillings and sixpence in respect of each licence or renewal of a licence and five per centum for collection, which sums shall be paid into Revenue. The fees collected in respect of licences under sections *five and seven* shall be paid into Revenue.

11. Every person who is required to possess a licence under this Proclamation shall exhibit his licence for inspection on demand by any person duly authorized by the Postmaster-General to make such demand.

12. Any officer duly authorized by the Postmaster-General shall have the right at all reasonable hours to inspect the plant and apparatus used by any person licensed under this Proclamation to transmit or receive by radio. If he finds that the requirements or restrictions laid down by the Postmaster-General in the relative licence or in any regulations are not being complied with, he may order the use of radio by such licensed person to be discontinued, and shall make a report to the Postmaster-General, who may give such order respecting the plant and apparatus as he may think fit.

13. Any person who erects, maintains, uses or has in his possession an aerial or other apparatus for radio without an appropriate licence as required by this Proclamation shall be guilty of an offence.

14. Notwithstanding the provisions of section *thirteen* the Postmaster-General may, without charge, grant permits for the possession for limited periods of radio apparatus, on condition that such apparatus shall not be used for the purpose of transmission or reception.

15. No person shall be employed as an operator at a radio transmitting station within the Bechuanaland Protectorate, unless he is a British subject.

16. Notwithstanding anything contained in this Proclamation respecting the issue of licences by the Postmaster-General for transmission or reception by radio, the Postmaster-General may cancel any such licence at any time if circumstances seem to him to make such cancellation necessary.

17. No liability shall attach to the Postmaster-General or the Government in respect of any actions, claims or demands which may be brought or made by any person in consequence of any damage arising from anything done by the holder of any licence granted under this Proclamation, or by his agents.

18. Any person shall be guilty of an offence who—

- (a) transmits or receives any sign, sound, or signal by radio without a licence issued under section *four*; or
- (b) transmits or receives by radio, with or without payment, any radio-telegram from one person to another unless authorized to do so by licence issued under section *five*; or
- (c) being the holder of any licence under this Proclamation, fails to exhibit such licence upon the demand of any person duly authorized by the Postmaster-General to inspect the same; or
- (d) refuses or fails to carry out any order issued by the Postmaster-General under section *twelve*; or
- (e) sends or transmits or causes to be sent or transmitted any false or fraudulent distress or other signal, message, call or radio-telegram of any kind, or who, without lawful excuse, interferes with or obstructs any radio communication; or
- (f) not being the sender or addressee, divulges the contents of a radio-telegram otherwise than as he may be required by competent legal authority, or makes any use whatsoever of the information contained in any radio-telegram.

19. Any person convicted of any offence under this Proclamation or the regulations shall be liable to be sentenced to a fine not exceeding five pounds, or in lieu of or in addition to any such penalty the court convicting him may order—

- (a) the confiscation of the apparatus in connexion with which such offence was committed; or
- (b) the cancellation of any licence held under this Proclamation by the accused, and prohibiting him for a specified period from holding any licence under this Proclamation:

Provided that for any such offence as is described in paragraph (b), (e) or (f) of section *eighteen* a fine not exceeding fifty pounds may be imposed, or imprisonment with or without hard labour for a period not exceeding three months, or both such fine and such imprisonment.

20. In this Proclamation, unless inconsistent with the context—

- “ Postmaster-General ” means the Postmaster-General of the Union of South Africa;
- “ radio ” means the transmission over any distance without connecting wires of sounds, signs or signals by electrical means, and includes the reception of such sounds, signs or signals;
- “ radio-telegram ” means a message from one person to another sent by radio by a person duly authorized in that behalf by the Postmaster-General;
- “ broadcasting ” means the sending out by radio of any message for the information, education or entertainment of listeners;
- “ broadcaster ” means a person licensed by the Postmaster-General to perform broadcasting;
- “ experimenter ” means a person who desires bona fide to conduct scientific research in radio;
- “ listener ” means a person who uses apparatus to receive broadcasting or other radio signals;
- “ this Proclamation ” includes regulations made thereunder.

21. This Proclamation may be cited as the Bechuanaland Protectorate Radio Proclamation, 1927, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twenty-fourth day of February One thousand Nine hundred and Twenty-seven.

ATHLONE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

SHIRLEY FALES,
Acting Imperial Secretary.

SCHEDULE.

LICENCE FEES.

	<i>Not exceeding</i>
1. For a licence to deal with radio-telegrams under section five	£5 0 0 per annum.
2. For a radio experimenter's licence under section six	1 0 0 ,,
3. For a broadcasting licence under section seven	5 0 0 ,,
4. For a listener's licence under section eight:	
(a) For a private residence	1 15 0 ,,
(b) For a bona fide radio club	1 15 0 ,,
(c) For a trade demonstration	1 15 0 ,,
(d) For a boarding establishment	3 5 0 ,,
(e) For a café, restaurant, or hotel not licensed for the sale of liquor ...	4 5 0 ,,
(f) For an hotel or other premises licensed for the sale of liquor ...	6 5 0 ,,
(g) For a licensed club not exceeding 250 members	5 5 0 ,,
For each additional 250 members ...	1 0 0 ,,
(h) For a public entertainment, e.g. a hall, bioscope, etc., open to the public on payment of a charge ...	5 5 0 the first month and £5 per month thereafter.