

5

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CONTENTS

No.

Page

PART C — LEGAL NOTICES

45. The Video (Equipment, Accessories and Cassettes) Regulations, 1986 SI

PUBLISHED BY AUTHORITY

THE TELEVISION AUTHORITY ACT, 1983

(Act No. 1 of 1983)

THE VIDEO (EQUIPMENT, ACCESSORIES AND CASSETTES)

REGULATIONS, 1986

(Under section 26)

In exercise of the powers conferred by section 26 of the Television Authority Act, 1983 the Minister for Interior and Immigration, after consultation with the Board of Directors, hereby makes the following Regulations—

Citation and commencement.

1. These Regulations may be cited as the Video (Equipment, Accessories and Cassettes) Regulations, 1986 and shall come into force on 1st June, 1986.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“business” means the carrying on of the business of trading or otherwise dealing—

- (a) as a wholesaler, in video equipment and accessories excluding pre-recorded video cassettes; or
- (b) as a retailer, in video equipment and accessories including pre-recorded video cassettes, and includes the repair or maintenance of video equipment and accessories and pre-recorded video cassettes;

“court” means a Magistrate’s Court established under the Magistrate’s Court Act, 1938;

“pirate video cassette” means a video cassette which has been recorded or reproduced by any person without the consent of the person who holds a copyright thereto;

“pre-recorded video cassette” means a sequence of visual images and sound recorded on any material and which is capable of being played back and viewed on a television receiver or video cassette monitor;

“video equipment and accessories” means a television receiver or electronic device capable of receiving, recording or displaying video images and sounds and includes video cassette recorders, video cassette players, blank video cassettes, pre-recorded video cassettes and any other television equipment.

Application for licence.

3. (1) A person who wishes to obtain the grant, renewal, transfer, removal or amendment of a licence under these Regulations shall submit an application in writing, together with the application fee in regulation 4 to the Board in the prescribed form.

(2) The application shall disclose—

- (a) the full name, nationality and postal address of the applicant;

- (b) the nationality of the shareholders or partners if the applicant is a company or partnership;
- (c) the type of licence applied for;
- (d) the amount of capital to be invested in the business;
- (e) where any person other than the applicant has a financial interest in the proposed business, whether as shareholder or partner or as a consequence of any loan, guarantee or other financial transaction, the particulars of such interest;
- (f) the full particulars of the premises or proposed business site, as the case may be.

(3) An applicant may as of right appear in person before the Board or be represented by a person authorised in writing by him and call such evidence in support of the application as may be necessary.

(4) The decision of the Board on an application shall be final.

Application fee.

4. (1) A person who applies for the grant or renewal of any licence in the First Schedule shall pay a fee of thirty Emalangeni.

(2) A person who applies for the transfer or removal of a licence shall pay a fee of twenty Emalangeni.

(3) A person who applies for the amendment of a licence shall pay a fee of ten Emalangeni.

Types of licence.

5. The types of licence to be issued under these Regulations shall be as set out in the First Schedule hereto.

Licence fees.

6. There shall be paid to the Authority in respect of —

(a) the grant or renewal of a licence, the fee in the Second Schedule hereto;

(b) the transfer or removal of a licence, a fee equivalent to one tenth of the licence.

Period of licence.

7. A licence shall expire on the thirty-first of December of the year for which it is issued or renewed.

Exhibition of licence.

8. A licence issued under these Regulations shall be displayed in a prominent position on the premises in respect of which it is issued.

Suspension or revocation of licence.

9. The Authority may at any time on breach of any conditions of the licence and after due notice in writing specifying reasons thereto to the licensee, suspend for such period as may be necessary or revoke any licence issued under these Regulations.

Trading without licence.

10. (1) A person who trades or otherwise conducts any business under these Regulations without a licence shall be guilty of an offence.

(2) Where a person is the holder of a licence but fails to renew such licence within one month from the date when renewal thereof is due, he shall, in addition to paying the fee prescribed under regulation 6(a), for each month or part thereof during which he operates without a licence, pay an amount at the rate of ten per cent of the annual licence fee.

Breach of terms of licence.

11. The holder of a licence who trades or otherwise conducts business at a place other than the place at which he is authorised by the licence to trade or conduct business or in violation of any condition in the licence, shall be guilty of an offence.

Right to enter premises.

12. (1) An inspector designated by the Authority may at any reasonable time enter any premises in which he has reasonable grounds to suspect that a business is conducted and inspect such premises, merchandise, books, documents or things in order to ensure that the provisions of these Regulations are complied with.

(2) For the purposes of paragraph (1) the inspector may require any person who appears to be conducting the business to give such information as the inspector may require regarding the business.

Offences and penalties.

13. (1) A person who—

- (a) carries on any business under these Regulations in respect of which a licence has been suspended;
- (b) refuses entry, obstructs or otherwise interferes with an inspector acting under regulation 12;
- (c) contravenes regulation 10 or 11, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred Emalangeni or imprisonment for three months or both.

(2) Where in a prosecution for an offence under these Regulations it is alleged that a person does not hold a current licence, it shall be presumed that such person does not hold a current licence until the contrary is proved.

(3) The court convicting a person under these Regulations may order to be forfeited to the Government any video cassettes which are indecent or obscene or constitute a seditious publication or are pirate video cassettes.

FIRST SCHEDULE (regulation 5)

TYPES OF LICENCE

Video equipment and accessories wholesale licence.

1. A video equipment and accessories wholesale licence shall authorise the holder to sell video equipment and accessories from licensed premises to the holder of a video equipment and accessories retail licence.

Video equipment and accessories retail licence.

2. A video equipment and accessories retail licence shall authorise the holder to sell, barter or exchange or offer or expose for sale, barter or exchange or store video equipment and accessories from licensed premises.

Video outlets wholesale licence.

3. A video outlets wholesale licence shall authorise the holder to sell or hire from licensed premises pre-recorded video cassettes to the holder of a video outlets retail licence.

Video outlets retail licence.

4. A video outlets retail licence shall authorise the holder to sell, hire, barter or exchange or offer or expose for sale, hire, barter or exchange or store pre-recorded video cassettes from licensed premises.

Video equipment and accessories repair licence.

5. A video equipment and accessories repair licence shall authorise the holder to repair, service or otherwise maintain video equipment and accessories from licensed premises.

 SECOND SCHEDULE (regulation 6)

<i>Type of licence</i>		<i>Annual fee</i>
1. Video equipment and accessories wholesale licence	—	E1,000
2. Video outlets wholesale licence	—	E1,000
3. Video equipment and accessories retail licence	—	E 250
4. Video outlets retail licence	—	E 250
5. Video equipment and accessories repair licence	—	E 150

V.N. DLAMINI
Principal Secretary

MBABANE.