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THE PRESIDENCY

No. 277

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It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 4 of 2009: Broadcasting Amendment Act, 2009.



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(2) A non-executive member of the Board may resign by three months' written notice addressed to the appointing body, provided that the appointing body may on good cause shown allow a shorter period."

Insertion of section 15A in Act 4 of 1999

3. The following section is hereby inserted in the Broadcasting Act, 1999, after section 15:

“Resolution for removal of member, dissolution of Board and appointment of interim Board

15A. (1) (a) The National Assembly may, after due inquiry and by the adoption of a resolution, recommend the removal of a member from office on account of any or all of the following:

- (i) Misconduct;
- (ii) inability to perform the duties of his or her office efficiently;
- (iii) absence from three consecutive meetings of the Board without the permission of the Board, except on good cause shown;
- (iv) failure to disclose an interest in terms of section 17 or voting or attendance at, or participation in, proceedings of the Board while having an interest contemplated in section 17; and
- (v) his or her becoming disqualified as contemplated in section 16.

(b) The National Assembly may, after due inquiry and by the adoption of a resolution, recommend the dissolution of the Board if it fails in any or all of the following:

- (i) Discharging its fiduciary duties;
- (ii) adhering to the Charter; and
- (iii) carrying out its duties as contemplated in section 13(11).

(2) The appointing body—

- (a) may suspend a member from office at any time after the start of the proceedings of the National Assembly for the removal of that member;
- (b) must act in accordance with a recommendation contemplated in subsection (1) within 30 days;
- (c) must dissolve the Board if the resolution recommends the removal of all the members of the Board.

(3) (a) Upon the dissolution of the Board contemplated in subsection (2)(c), the appointing body must appoint an interim Board consisting of the persons referred to in section 12(b) and five other persons recommended by the National Assembly.

(b) The interim Board must be appointed within 10 days of receiving such recommendations and is appointed for a period not exceeding six months.

(4) The appointing body, on the recommendation of the National Assembly, must designate one of the members of the interim Board as the chairperson and another member as the deputy chairperson, both of whom must be non-executive members of the interim Board.

(5) A quorum for any meeting of the interim Board is six members."

Short title

4. This Act is called the Broadcasting Amendment Act, 2009.