
REPUBLIC OF SOUTH AFRICA

SENTECH AMENDMENT ACT

REPUBLIEK VAN SUID-AFRIKA

**WYSIGINGSWET OP
SENTECH**

No , 1999

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Sentech Act, 1996, so as to provide for the possibility to transfer the State's shares in Sentech Limited; for the use of the proceeds of such transfer; for the appointment of a specific number of executive and non-executive directors to serve on its board of directors; for the appointment of the chairperson of that board; for an executive committee to manage the affairs of Sentech Limited; and for connected matters.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 6 of Act 63 of 1996

1. Section 6 of the Sentech Act, 1996 (in this Act referred to as the principal Act), is hereby amended— 5

(a) by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding section 32 of the Companies Act but subject to subsection (1A), the State shall be the only member and shareholder of the Company.”; and

(b) by the insertion after subsection (1) of the following subsections: 10

“(1A) Notwithstanding any provision of law to the contrary, the Minister may transfer so much of the State's shares in the Company as the Cabinet approves, for the purpose of achieving any applicable object of the Broadcasting Act, 1999 (Act No. 4 of 1999), referred to in section 2 of that Act, to such transferees in such manner and on such terms and conditions as the Cabinet approves. 15

(1B) The proceeds of any transfer, in terms of subsection (1A), shall be used wholly or partially for the purpose referred to in that subsection, in such manner and amounts as the Cabinet approves, but all proceeds not so used within the period determined by the Minister shall be paid into the National Revenue Fund.”. 20

Amendment of section 7 of Act 63 of 1996

2. Section 7 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The articles of association of the Company shall provide that— 25

(a) the board of directors shall consist of—

(i) three executive directors; and

- (ii) at least four non-executive directors;
- (b) the three executive directors of the board shall be the persons performing the functions of a chief executive officer, chief operations officer and chief financial officer;
- (c) the Minister shall appoint a non-executive director as chairperson of the board; 5
- (d) the affairs of the Company shall be managed by an executive committee consisting of the executive directors of the board; and
- (e) the executive committee shall be accountable to the board and shall perform such functions as the board determines. 10

Amendment of section 9 of Act 63 of 1996

3. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If the Company intends to expropriate any land or real right in terms of subsection (1), the **[management board]** executive committee 15 referred to in section **[7(1)(b)]** 7(1)(d) shall submit to the Minister a report explaining the intended expropriation.”.

Short title

4. This Act is called the Sentech Amendment Act, 1999.