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REPUBLIEK VAN SUID-AFRIKA

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THE PRESIDENCY

No. 666 17 June 2008

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

No. 21 of 2007: Astronomy Geographic Advantage Act, 2007.

MOPRESIDENTE

No. 666 17 June 2008

Go itsisiwi fano gore MoPresidente o saennwe Molao o o latelang o o phasalediwang kitso ya botlhe fano:—

No. 21 2007: Molao wa Mafelo a a Siametseng Bolepanaledi wa 2007.



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

(English text signed by the President.)
(Assented to 11 June 2008.)

ACT

To provide for the preservation and protection of areas within the Republic that are uniquely suited for optical and radio astronomy; to provide for intergovernmental co-operation and public consultation on matters concerning nationally significant astronomy advantage areas; and to provide for matters connected therewith.

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

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(English text signed by the President.)
(Assented to 11 June 2008.)

MOLAO

Go kgontsha tshomarelo le tshireletso ya mafelo a a mo Rephaboliking a ka tsela e e kgethegileng a siametseng bolepanaledi ba seyalemowa le matlho, go kgontsha tirisano ya mafapha a a farologaneng a puso le therisano le setšhaba mo mererong e e amang mafelo a bosetšhaba a a botlhokwa a a siametseng bolepanaledi; le go kgontsha merero e e golaganeng le eo.

O TLHOMILWE GO NNA MOLAO ke Palamente ya Rephaboliki ya Aforika Borwa, jaana:—

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| | “ astronomy advantage area ” means— | |
| | (a) a core astronomy advantage area; | |
| | (b) a central astronomy advantage area; or | |
| | (c) a coordinated astronomy advantage area; | |
| | “ astronomy advantage ” means features which make an area suitable for | 35 |
| | astronomy and related scientific endeavours, and includes high atmospheric | |
| | transparency, low levels of light pollution, low population density and minimal | |
| | radio frequency interference; | |

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KGAOLO 5

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KGAOLO 1

TŠHOMOLODI, MAIKAELELO LE TIRAGATSO YA MOLAO

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| Thanolo | | 30 |
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| 1. | Mo molaong o, kwa ntle ga gore bokao bo supe se sengwe—
“lefelo le le siametseng bolepanaledi” go tewa—
(a) Lefelo le le bothokwa le le siametseng bolepanaledi;
(b) lefelo la bogare le le siametseng bolepanaledi; kgotsa
(c) lefelo le le nyalantsweng le le siametseng bolepanaledi;
“siametseng bolepanaledi” dipopego tse di dirang gore lefelo le siamele ditiro tsa bolepanaledi le maiteko a sesaentifiki a a tsalanang, mme a akaretsa go nna teng go go go godimo ga atemosefe le selekanyo se se kwa tlase sa kgotlelo lesedi, kitlano e e kwa tlase ya palo ya baagi le kgoreletsego e e kwa tlase ya lekhubu la seyalemowa; | 35
40 |
|-----------|--|----------|

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“astronomy and related scientific endeavours” means—

- (a) the science involving the observation and explanation of events beyond the earth and its atmosphere, and includes optical astronomy, radio astronomy, gamma ray astronomy and cosmic ray astronomy;
- (b) observations that assist in understanding the sun and the magnetosphere; 5
- (c) deep space radio dishes, array networks for the management of space flight and the management of strategic scientific deep-space missions; and
- (d) any other scientific endeavour declared as such by the Minister in terms of section 28;

“astronomy device” means any device, apparatus, equipment or instrument, declared as such by the Minister in terms of section 28, and includes all components, connections and electronic communications links thereof, whether such components, connections or electronic communications links are contiguous or not;

“astronomy device management authority” means a juristic person, public entity or organ of state designated under section 28(3)(b); 15

“broadcasting service” means the broadcasting service as defined in section 1 of the Electronic Communications Act, 2005;

“broadcasting service license” means the broadcasting service license as defined in section 1 of the Electronic Communications Act, 2005; 20

“central astronomy advantage area” means an area declared as such in terms of section 9(1);

“competent authority” means the Minister or a person designated by the Minister in terms of section 26;

“coordinated astronomy advantage area” means an area declared as such in terms of section 11(1); 25

“core astronomy advantage area” means an area declared as such in terms of section 7(1);

“declare” means declare by notice in the *Gazette*;

“declared activity” means an activity declared as such in terms of section 23 in respect of one or more core or central astronomy advantage area; 30

“Department” means the national Department of Science and Technology;

“Director-General” means the Director-General of the Department;

“Electronic Communications Act” means the Electronic Communications Act, 2005 (Act No. 36 of 2005); 35

“fixed radio frequency interference source” means any device transmitting radio waves from a fixed location;

“ICASA” means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000); 40

“identified activity” means an activity declared as such in terms of section 24;

“interference source” means any fixed or mobile device, instrument, component or equipment capable of emitting electromagnetic waves, and includes lasers, light sources, computers, signal processors, radio transmission equipment and cables, lighting equipment, electric-powered machinery and other electrical, optical and electronic equipment; 45

“Intergovernmental Relations Framework Act” means the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005);

“light pollution” means any effect from artificially created or harnessed light that is visible to the naked eye or can be detected with astronomical instrumentation at night, such as sky glow, glare, light trespass and light clutter, which impacts on astronomy, and includes the effect of street lighting, outdoor security lights, laser promotional lights or self-lit billboards; 50

“management authority” means the organ of state or other institution or juristic person in which the authority to manage a particular astronomy advantage area is vested in terms of section 15; 55

“MEC” means a Member of the Executive Council of a province;

“Minister” means the Minister responsible for science and technology;

“mobile radio frequency interference source” means any device, instrument, component or equipment capable of causing radio frequency interference which is easily transportable or of which transportability is an inherent feature, and includes cellular telephones, walkie-talkies, and mobile electronic communications units in vehicles; 60

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- “bolepanaledi le maiteko a bonetetshi a a amanang”** go tewa—
- (a) saense e e akaretsang go lebelela le go tlhalosa ditiragalo tse di ka kwa ntle ga lefatshe le atemosefe ya lona, mme e akaretsa bolepanaledi ba pono, bolepanaledi ba seyalemowa, bolepanaledi ba marang a gamaa le bolepanaledi ba lerang la lefatshe; 5
- (b) ditebo tse di thusang go thaloganya letsatsi le magnetosphere;
- (c) dijana tsa seyalemowa sa lefaufau tse di botenye, mafaratlhatlha a tsamiso ya bofofi ba lefaufau, le tsamaiso ya dithomo tsa go ya kwa lefaufang le le kwa tengteng; le
- (d) tiro enngwe le e nngwe ya bonetetshi e e kailweng jalo ke Tona go ya ka 10 karolo 28;
- “seditriswanyana sa bolepanaledi”** go tewa seditriswanyana sengwe le sengwe, seditriswa, motšhini kgotsa motšhininyana o o boletsweng jalo ke Tona go ya ka karolo 28, mme se akaretsa dikarolwana tsotlhe, dikgokolelo kgotsa le dikgokolelo tsa tlhaeletsano ka mogala, go sa kgathalesege gore a dikarolwana tseo dikgotlelegile kgotsa nyaa; 15
- “Bothati jwa tsamaiso ya didiriswa tsa bolepanaledi”** go tewa setheo kgotsa lekgotla la setšhaba le le beilweng ka fa tlase ga karolo 28(3)(b);
- “ditirelo tsa kgaso”** go tewa ditirelo tsa kgaso jaaka di tlhalositswe mo karolo 1 ya Molao wa Tlhaeletsano ya Elektroniki, 2005; 20
- “laesense ya tirelo tsa kgaso”** go tewa laesense ya tirelo tsa kgaso jaaka e tlhalositswe mo karolo 1 ya Molao wa Tlhaeletsano ya Elektroniki, 2005;
- “lefelo la bogare le le siametseng bolepanaledi”** go tewa lefelo le le kailweng jalo go ya ka karolo 9(1);
- “bothati jo bo kgonang”** go tewa Tona kgotsa motho yo o tlhomilweng ke tona go 25 ya ka karolo 26;
- “Lefelo le le gokagantsweng le le siametseng bolepanaledi”** go tewa lefelo le le kailweng go nna jalo go ya ka karolo 11(1);
- “lefelo le le botlhokwa le le siametseng bolepanaledi”** go tewa lefelo le le boletsweng go nna jalo go ya ka karolo 7(1); 30
- “kitsiso”** go tewa kitsiso ka temoso mo *Kaseteng*;
- “tiro e e itsesitsweng”** go tewa tiro e e itsesitsweng go ya ka karolo 23 tebang le lefelo le lengwe kgotsa a a fetang bongwe bogare a a siametseng bolepanaledi,
- “Lefapha”** go tewa Lefapha la Bonetetshi le Thekenoloji;
- “Mokaedi-Kakaretso”** go tewa Mokaedi-Kakaretso wa Lefapha; 35
- “Electronic Communications Act”** go tewa ya Electronic Communications Act wa 2005 (Molao wa 36 wa 2005);
- “motswedi o o tlhomameng wa kgoreletso ya ferekwentshe ya seyalemowa”** go tewa seditriswa sengwe le sengwe se se ntshang makhubu a seyalemowa go tswa mo lefelong le le tlhomameng le dirisang maatla a fetiswang ka marang; 40
- “ICASA”** go tewa Bothati bo bo Ikemetseng ba Ditlhaeletsano ba Aforika Borwa jo bo tlhomilweng ka karolo 3 ya Molao wa Bothati bo bo Ikemetseng ba Ditlhaeletsano ba Aforika Borwa ba 2000 (Molao wa 13 wa 2000);
- “tiro e e kailweng”** go tewa tiro e boletsweng jalo go ya karolo 24;
- “motswedi wa kgoreletso”** go tewa seditriswa sengwe le sengwe se se 45 tlhomameng kgotsa se se ka sutisiwang, motšhininyana, karolo kgotsa motšhini o o kgonang go ntsha makhubu a eleketeromakenetiki, mme o dirisa marang a laser, metswedi ya lesedi, dikhomputara, di-signal processor, didiriswa tsa tsamaiso ya kgokagano ya seyalemowa le megala, didiriswa tsa dipone, dimatšhini tse di tsamaisiwaang ka motlakase, le didirisiwa tse dingwe tsa motlakase, tsa pono, le tsa seeleketeroniki; 50
- “Intergovernmental Relations Framework Act”** go tewa Molao wa Intergovernmental Relations Framework Act wa 2005 (Molao No. 13 wa 2005);
- “kgotlelo ya lesedi”** go tewa kamo nngwe le nngwe e e tswang mo leseding le le itiretseng kgotsa le le laolwang, le le ka bonwang ka leitlho le le sa rwalang sepe 55 kgotsa le le ka lemogiwang ka didiriswa tsa bolepanaledi bosigo, jaaka go phatsima ga loapi, tsabakelo, kgabaganyo ya lesedi le amang bolepanaledi, e bile e akaretsa kamo ya dipone tsa mebila, tsa marang (laser) dipone tsa papatso kgotsa tsa diboto tsa papatso tse di itshubang ka botsona;
- “bothati jwa tsamaiso”** go tewa setheo sa puso kgotsa setho se sele kgotsa motho 60 yo o filweng thata ya go tsamaisa lefelo le le rileng le le siametseng bolepanaledi tebang le karolo 15;
- “MEC”** go tewa Tokololo ya Khansele ya Khuduthamaga ya porofense;

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- “**Municipal Demarcation Act**” means the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);
- “**NRF**” means the National Research Foundation established by section 2 of the National Research Foundation Act, 1998 (Act No. 23 of 1998);
- “**optical astronomy**” means the collection and measurement of radiation, including electromagnetic near-ultraviolet, visible and infrared radiation, from astronomical sources by means of optical instruments; 5
- “**organ of state**” has the meaning assigned to it in section 239 of the Constitution;
- “**prescribe**” means prescribe by regulation;
- “**radio astronomy**” means astronomy based on the reception of radio waves of cosmic origin; 10
- “**radio frequency interference**” means the emission, transmission or reception of any radio frequency signals which have the ability to interfere with or inhibit radio astronomy or any device used to undertake radio astronomy;
- “**radio frequency spectrum**” means the electromagnetic frequency spectrum from 1 kiloHertz to 1 teraHertz; 15
- “**radio frequency spectrum license**” means radio frequency spectrum license as defined in section 1 of the Electronic Communications Act, 2005.
- “**short range device**” means any device or equipment capable of transmitting electromagnetic waves in the radio frequency spectrum over a short distance; 20
- “**the Constitution**” means the Constitution of the Republic of South Africa, 1996;
- “**this Act**” includes any subordinate legislation issued under or in terms of this Act.

Objects of Act

2. The objects of this Act are—
- (a) to provide measures to advance astronomy and related scientific endeavours in the Republic; 25
- (b) to develop the skills, capabilities and expertise of those engaged in astronomy and related scientific endeavours in Southern Africa;
- (c) to identify and protect areas in which astronomy projects of national strategic importance can be undertaken; 30
- (d) to provide a framework for the establishment of a national system of astronomy advantage areas in the Republic, to ensure that the geographic areas in the Republic which are highly suitable for astronomy and related scientific endeavours due to, for example, high atmospheric transparency, low levels of light pollution, low population density or minimal radio frequency interference are protected, preserved and properly maintained; 35
- (e) to regulate activities which cause or could cause light pollution or radio frequency interference or interfere in any other way with astronomy and related scientific endeavours in those areas;
- (f) pursuant to section 5, to provide for the declaration and management of astronomy advantage areas; and 40
- (g) to enable the Minister to participate in efforts to preserve the astronomy advantage of Southern Africa and to coordinate astronomy within this area.

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- “**Tona**” go tewa Tona e e nang le maikarabelo a bonetetshi le thekenoloji;
- “**motswedi wa kgoreletso ya ferekwentshe ya mobile seyalemowa**” go tewa sediriswanyana sengwe le sengwe, sediriswa, khomponente, kgotsa motšhini o o kgonang go baka kgoreletso ya ferekwentshe ya seyalemowa e e kgonang go thothiwa ka bonolo kgotsa go tsamaya e leng bontlhanngwe jwa popego ya yone, mme e akaretsa megala ya disele, di-walkie-talkie, diyuniti tsa megala tse go kgonwang go tsamaiwa ka tsona dire ka fa dikoloing le didiriswa tsa tlhaeletsano tse di bewang mo godimo ga marulelo; 5
- “**Molao wa Kgaoganyo ya Dimmasepala**” go tewa Molao wa Pusoselegae wa Kgaoganyo ya Dimmasepala wa 1998 (Molao 27 wa 1998); 10
- “**NRF**” go tewa Lekgotla la Bosetšhaba la Dipatlisiso le le tlhomilweng ke karolo 2 Molao wa Lekgotla la Bosetšhaba la Dipatlisiso wa 1998 (Molao 23 wa 1998);
- “**bolepanaledi ba pono**” go tewa kgobokanyo le tekanyo ya marang (radiation) go akarediwa *near-ultraviolet, infrared radiation* e e bonalang, a a tswang kwa metswedeng ya bolepanaledi ka tiriso ya didiriswa tsa pono; 15
- “**setheo sa puso**” se na le bokao jo se bo filweng mo karolong 239 ya Molaotheo;
- “**kaela**” go tewa kaelo ka molawana;
- “**bolepanaledi ba seyalemowa**” go tewa bolepanaledi bo bo theilweng mo kamogelong ya marang a seyalemowa a a tswang mo lefaufaug le le kwa ntle ga polanete (*cosmic origin*); 20
- “**kgoreletso ya makhubu a seyalemowa**” go tewa go ntshiwa le go anamisiwa kgotsa go amogelwa ga ditemosi (*signals*) dingwe le dingwe tsa seyalemowa tse di nang le bokgoni jwa go kgoreletsa kgotsa go thibela bolepanaledi ya seyalemowa kgotsa sediriswa sepe se se dirisediwang tiro ya bolepanaledi;
- “**sepeketeramo (spectrum) sa ferekwentshe ya seyalemowa**” go tewa sekgala sa ferekwentshe ya eleketeromakenetiki se se tswang go 1 kiloHertz go ya go 1 teraHertz; 25
- “**sediriswa sa sekgala sekhutshwane**” go tewa sediriswa se se kgonang go ntsha makhubu a eleketeromakenetiki ka ferekwentshe ya sepeketeramo sa seyalemowa (seyalemowa *frequency spectrum*) mo sekgaleng se sekhutshwane; 30
- “**Molaotheo**” go tewa Molaotheo wa Rephaboliki ya Aforika Borwa, wa 1996;
- “**Molao o**” o akaretsa melaonyana e e kwa tlase ga o, o o tlhagisitsweng ka fa tlase ga mabaka a Molao o.

Maikaelelo a Molao

2. Maikaelelo a Molao o ke— 35
- (a) go neelana ka dikgato tsa go tswelletsa bolepanaledi le maiteko a bonetetshi a a tsamaelanang nao mo Rephaboliking;
- (b) go tswelletsa dikitso, bokgoni le botswerere jwa bao ba ba dirang ka bolepanaledi le ka maiteko a bonetetshi a a tsalanang najo mo Borwa jwa Aforika; 40
- (c) go kaya le go sireletsa dikgaolo tse mo go tsona go dirwang diporojeke tsa togamaano tsa bosetšhaba tse di botlhokwa tsa bolepanaledi;
- (d) go neelana ka lethomeso la tlhomo ya tsamaiso ya bosetšhaba ya dikgaolo tse di siametseng bolepanaledi mo Rephaboliking, go netefatsa gore mafelo a thutafatshe a a siametseng thata bolepanaledi le maiteko a mangwe a bonetetshi a a tsalanang nao mo Rephaboliking, sekae ponalo e e itshekileng thata ya loapi, dilekanyetso tse di kwa tlase thata tsa kgotlelo ya lesedi, kitlano e e kwa tlase ya palo ya baagi kgotsa kgoreletso ya ferekwentshe ya seyalemowa e e kwa tlase, e sirelediwe, e somarelwe e bile e tlhokomelwe sentle; 45
- (e) go laola ditiro tse di bakang kgotsa tse di ka bakang kgotlelo ya lesedi kgotsa kgoreletso ya ferekwentshe ya seyalemowa kgotsa tsa kgoreletso ka tsela e nngwe le maiteko a bolepanaledi a bonetetshi a a tsalanang le dikgaolo tseo; 50
- (f) go kgontsha kitsiso le tsamaiso ya dikgaolo tse di siametseng bolepanaledi, go setswe morago karolo 5; le 55
- (g) go kgontsha Tona go tsaya karolo mo maitekong a go somarela mafelo a a siametseng bolepanaledi mo Borwa jwa Aforika le go gokaganya bolepanaledi mo kgaolong e.

Application of Act

3. This Act also applies to the exclusive economic zone and continental shelf of the Republic referred to in sections 7 and 8, respectively, of the Maritime Zones Act, 1994 (Act No. 15 of 1994).

Conflicts with other legislation 5

4. (1) At the commencement of this Act, in the event of any conflict between a provision of this Act and—

- (a) other national legislation, the relevant provision of this Act prevails if the conflict specifically concerns the management or development of an astronomy advantage area or the protection of such an area from light pollution, over-flight by aircraft, radio frequency interference or any other matter lawfully restricted or prohibited in respect of an astronomy advantage area in terms of this Act; 10
- (b) provincial legislation, the conflict must be resolved in terms of section 146 of the Constitution; and 15
- (c) a municipal by-law, the relevant provision of this Act prevails.

(2) A municipality that must adopt an integrated development plan in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), must incorporate into its plan objectives with reference to any—

- (a) astronomy advantage area declared in terms of this Act within the area of jurisdiction of the municipality; 20
- (b) declared activity which may not be undertaken in a core or central astronomy advantage area within the area of jurisdiction of the municipality; and
- (c) identified activity that may be undertaken in a coordinated astronomy advantage area within the area of jurisdiction of the municipality only in accordance with the requirements of section 25 of this Act. 25

(3) (a) Any identification and declaration, and any inclusion of astronomy advantage areas in the affected municipality's integrated development plan, in terms of this Act, must be done with the concurrence of that municipality.

(b) The consultation process must be conducted in terms of Chapter 3 of the Intergovernmental Relations Framework Act. 30

(4) Upon the identification, declaration, and inclusion as envisaged in this section, any land use management policies, plans and decisions in terms of the integrated development plan of the affected municipality must promote the objectives of this Act.

CHAPTER 2 35**DECLARATION OF ASTRONOMY ADVANTAGE AREAS****Areas which may be declared astronomy advantage areas**

5. (1) The Minister may—
- (a) declare any area or part of an area in the Province of the Northern Cape as an astronomy advantage area: Provided that no such declaration may be made in respect of any area demarcated in terms of the Municipal Demarcation Act as falling within the boundaries of the Municipality Sol Plaatje; 40
 - (b) declare any area or part of an area in the Republic;
 - (c) by notice in the *Gazette* designate any other area as an area which may be declared an astronomy advantage area: Provided that no such designation may be made in respect of any area which has been demarcated in terms of the Municipal Demarcation Act as falling within the boundaries of a Category A municipality; and 45
 - (d) declare any area designated under paragraph (c) as an astronomy advantage area. 50

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Tiragatso ya Molao

3. Molao o o tlama dikgaolo tsa ikonomi tse di rileng fela (*exclusive economic zone*) le tsa *continental shelf* ya Rephaboliki tse di umakilweng mo dikarolong tsa 7 le 8 ka go latelana, tsa Molao wa *Maritime Zones*, wa 1994 (Molao 15 wa 1994).

Dikgotlhang kgatlhanong le melao e mengwe

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4. (1) Kwa tshimololong ya molao o, fa go ka nna le kgotlhang fa gare ga melawana ya Molao o le—

(a) molao o mongwe wa bosetšhaba, melawana e e lebaneng ya Molao o e tla diragatswa fa kgotlhang e e itebaganya ka totobatso le tsamaiso kgotsa tlhabololo ya kgaolo e e siametseng bolepanaledi kgotsa tshireletso ya kgaolo ya go nna jalo mo kgotlelong ya lesedi, go kgaoganya ga phofo ya difofane, kgoreletso ya ferekwentshe ya seyalemowa, kgotsa kgang nngwe e sele e e lekanyeditsweng kgotsa e e ileditsweng semolao tebang le kgaolo e e siametseng bolepanaledi tebang le Molao o;

(b) peomolao ya porofense, kgotlhang e tshwanetse go rarabololwa tebang le karolo 16 ya Molaotheo; le

(c) molao wa mmasepala, kgaolo e e maleba ya molao o e tla diragatswa.

(2) Mmasepala o o tshwanetseng go amogela leano la tlhabololo le le tlhakanetsweng tebang le Puso Selegae: Molao wa Tsamaiso ya Dimmasepala wa 2000 (Molao 32 wa 2000), o tshwanetse go akaretse mo leanong la ona maikaelelo a, a tebang le—

(a) kgaolo e e siametseng bolepanaledi e e boletsweng tebang le Molao o mo teng ga kgaolo molelwane wa mmasepala;

(b) tiro e e boletsweng e e se keng ya dirwa mo lefelong le le bothokwa le le siametseng bolepanaledi mo kgaolong ya taolo ya mmasepala; le

(c) tiro e e kailweng e e ka dirwang mo kgaolong e e nyalantsweng e e siametseng bolepanaledi e e mo kgaolong ya molelwane wa mmasepala fela go sala morago ditlhokego tsa karolo 25 ya Molao o.

(3) (a) Tlhaolo le kitsiso nngwe le nngwe, le kakaretso nngwe le nngwe ya kgaolo e e siametseng bolepanaledi mo leanong le le tlhakantsweng la mmasepala o o amegang, tebang le Molao o, o tshwanetse go dirwa ka tumalano ya mmasepala oo.

(b) Tsamaiso ya therisano e tshwanetse go tshwarwa tebang le Kgaolo 3 ya Molao wa Letlhomeso la Tirisano ya Mafapha a Puso.

(4) Morago ga tlhaolo, kitsiso le kakaretso jaaka go lebeleletse pele mo karolong e, dipholisi tsa tsamaiso ya lefatshe, maano le ditshweetso dingwe le dingwe tebang le leano le le tlhakantsweng la tlhabololo ya mmasepala o o amegang, di tshwanetse go tsweletsa maikaelelo a Molao o.

KGAOLO 2

KITSISO YA MAFELO A A SIAMETSENG BOLEPANALEDI

Dikarolo tse di ka nnang tsa tlhomamisiwa go nna mafelo a a siametseng bolepanaledi

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5. (1) Tona a ka nna a—

(a) bolela kgaolo nngwe le nngwe kgotsa karolo ya kgaolo mo Porofenseng ya Kapa Bokone go re ke kgaolo e e siametseng bolepanaledi: Fa e le gore kitsiso ya go nna jalo ga e dirwe tebang le kgaolo nngwe e e welang mo teng ga melelwane ya Mmasepala wa Sol Plaatje tebang le Molao wa kgaolo ya Melelwane ya Dimmasepala;

(b) tlhoma kgaolo kgotsa karolo nngwe le nngwe ya kgaolo mo Rephaboliking;

(c) tlhoma ka kitsiso mo *Kaseteng* kgaolo nngwe e sele go nna kgaolo e e ka boletwang go nna kgaolo e e siametseng bolepanaledi: fa e le gore ga go na tlhomo epe e e ntseng jalo e e ka dirwang tebang le kgaolo nngwe e e segetsweng molelwane tebang le Molao wa Melelwane ya dimmasepala o o welang mo teng ga melelwane ya mmasepala wa Setlhopha sa A; le go

(d) bolela gore kgaolo nngwe e e tlhomilweng ka fa tlase ga tema a (b) gore ke kgaolo e e siametseng bolepanaledi.

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(2) Any designation under subsection (1)(c) must be made with the concurrence of the Minister responsible for local government, the Premier of the Province concerned and any affected municipality.

Purpose of astronomy advantage areas

6. The purposes of the declaration of areas as astronomy advantage areas are to— 5
- (a) ensure that the geographic areas in the Republic which are suitable for astronomy and related scientific endeavours due to, among other things, atmospheric transparency, low levels of light pollution, low population density or minimal radio frequency interference are protected, preserved and properly maintained; 10
 - (b) enhance the existing geographic advantage of those areas highly suitable for astronomy and related scientific endeavours through the restriction of activities that cause or could cause light pollution or radio frequency interference or interfere in any other way with astronomy and related scientific endeavours or astronomy advantage in those areas; and 15
 - (c) provide for the management of those areas in the public interest and in accordance with good national and international practices.

Part 1**Core astronomy advantage areas****Declaration of core astronomy advantage area** 20

7. (1) The Minister may—
- (a) declare a specified area as—
 - (i) a core astronomy advantage area; or
 - (ii) part of an existing core astronomy advantage area; 25
 - (b) assign a name to such core astronomy advantage area; and
 - (c) designate the area as a core astronomy advantage area in respect of astronomy and related scientific endeavours.
- (2) A declaration under subsection (1)(a) may only be issued—
- (a) in respect of an area declared under section 5(1) or designated under section 5(2); 30
 - (b) to provide protection from light pollution, radio frequency interference and other activities which may affect astronomy and related scientific endeavours or astronomy advantage to an area in which radio or optical astronomy is conducted or will be conducted;
 - (c) to protect an area in which part or all of an astronomy device is situated or may 35 in future be situated; or
 - (d) to make an area primarily available for scientific research.
- (3) In addition to subsection (2), a declaration under subsection (1)(a) may only be issued if the Minister has, prior to the declaration—
- (a) conducted a public participation process in terms of section 42 and the 40 Minister has in conducting this process compiled a permanent register of interested and affected parties for the core astronomy advantage area;
 - (b) sent any relevant private land owner within the proposed core astronomy advantage area a copy of the proposed declaration, prior to the commencement of the public participation process, by registered post to the last known 45 postal address of the land owner; and
 - (c) where possible informed in an appropriate manner any other lawful occupier

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(2) Tlhomo nngwe le nngwe ka fa tlase ga karolwana (1)(b) e tshwanetse go dirwa ka tumalano le Tona e e nang le maikarabelo a pusoselegae, Tonakgolo ya Porofense e e amegang le mmasepala o o amegang.

Maikaelelo a mafelo a a siametseng bolepanaledi

- 6.** Maikaelelo a kitsiso ya dikgaolo go nna dikgaolo tse di siametseng bolepanaledi ke 5
go—
- (a) netefatsa gore dikgaolo tsa thutofatshe mo Aforika Borwa tse di siametseng bolepanaledi, le maiteko a bonetetshi a a tsalanang ka ntlha ya, gareng ga tse dingwe, ponalo e e phepa ya lefaufau, selekanyo se se kwa tlase sa kgotlelo ya lesedi, kitlano e e kwa tlase ya palo ya baagi, kgotsa kgoreletso ya ferekwentshe ya seyalemowa e e kwa tlase di a sirelediwa, di a somarelwa e bile di tlhokomelwa sentle; 10
- (b) oketsa tshiamo ya thutafatshe e e leng teng mo dikgaolong tse di siametseng thata bolepanaledi le maiteko a bonetetshi a a tsalanang ka go lekanyetsa ditiro tse di bakang kgotsa tse di ka bakang kgotlelo ya lesedi kgotsa kgoreletso ya makhubu a seyalemowa, kgotsa kgoreletso ya tsela epe e sele ya bolepanaledi le maiteko a bonetetshi a a tsamaelanang kgotsa a a siametseng bolepanaledi mo dikgaolong tse; le 15
- (c) rulaganyetsa tsamaiso ya dikgaolo tse di mo kगतlhegong ya setšhaba le gone ka go dumalana le ditlwaelo tse di siameng tsa bosetšhaba le go tsamaelana le tiragatso e e lolameng ya bosetšhaba le boditšhabatšhaba. 20

Karolo 1

Mafelo a a siametseng bolepanaledi botlhokwa

Kitsiso ya nafelo a a botlhokwa a a siametseng bolepanaledi

- 7.** (1) Tona a ka nna a— 25
- (a) itsise kgaolo e e totobaditsweng jaaka—
- (i) kgaolo e e botlhokwa e e siametseng bolepanaledi; kgotsa
- (ii) karolo ya kgaolo e e botlhokwa e e ntseng e le teng e e siametseng bolepanaledi;
- (b) taya leina go kgaolo eo e e botlhokwa e e siametseng bolepanaledi; le 30
- (c) tlhoma kgaolo jaaka kgaolo e e botlhokwa e e siametseng bolepanaledi tebang le bolepanaledi le ditiro tsa bonetetshi tse di tsalanang.
- (2) Kitsiso e e ka fa tlase ga karolwana (1)(a) e ka neelwa fela—
- (a) tebang le kgaolo e e boletsweng ka fa tlase ga karolo 5(1) kgotsa e e tlhomilweng ka fa tlase ga karolo 5(2); 35
- (b) go naya tshireletso mo kgotlelong ya lesedi, kgoreletso ya ferekwentshe ya seyalemowa le ditiro tse dingwe tse di ka amang bolepanaledi le ditiro tsa bonetetshi tse di tsalanang kgotsa tshiamelo ya bolepanaledi go kgaolo e mo go yona go tshwarwang kgotsa go tla tshwarwang bolepanaledi ba pono;
- (c) go sireletsa kgaolo e mo go yona sedirisiwa sotlhe sa bolepanaledi kgotsa bontlhannngwe jwa sona bo leng teng kgotsa bo ka nnang teng mo isagong; kgotsa 40
- (d) go dira gore kgaolo e nne teng go ka dirisediwa patlisiso ya bonetetshi.
- (3) Go tlaleletsa karolwana (2), kitsiso e e ka fa tlase ga karolwana (1)(a) e ka tlhagisiwa fela fa Tona, morago ga kitsiso a— 45
- (a) diragaditse tsamaiso ya botsayakarolo jwa setšhaba tebang le karolo ya 42 mme Tona mo go diragatseng tsamaiso eo, a rulaganye rejisetara ya leruri ya ba ba nang le dikgatlhegelo le ba ba amilwueng, ke kgaolo e e botlhokwa e e siametseng bolepanaledi;
- (b) romelela mongwe le mongwe wa lefatshe la poraefete le le mo teng ga kgaolo e e tlhagisitsweng e e botlhokwa e e siametseng bolepanaledi, khopi ya kitsiso e e tshitshintsweng, pele ga tshimololo ya tsamaiso ya botsayakarolo ba setšhaba, ka poso e e kwadisitsweng go ya kwa atereseng ya bofelo e e itseweng ya mong wa lefatshe; le 50
- (c) fa go kgonegang teng, begela ka tsela e e lolameng monni mongwe le mongwe oo neetsweng tetla ya semolao, ya lefatshe le le mo teng ga lefatshe le le 55

of the land within the proposed core astronomy advantage area of the proposed declaration and the public participation process.

(4) In making a declaration under subsection (1)(a), the Minister may identify the land that is subject to the declaration through the use of coordinates, a map, a property description, or a combination of these. 5

Withdrawal of declaration of, or exclusion of part from, core astronomy advantage area

8. (1) The Minister may, by notice in the *Gazette*—

(a) withdraw the declaration, issued under section 7, of an area as a core astronomy advantage area or as part of an existing core astronomy advantage area; or 10

(b) exclude any part of an existing core astronomy advantage area from the area.

(2) The withdrawal or exclusion can only be done where the purpose of the declaration as provided for in section 7(2)(b), (c) or (d) is no longer necessary.

Part 2

 15

Central astronomy advantage areas

Declaration of central astronomy advantage area

9. (1) The Minister may—

(a) declare a specified area as—

(i) a central astronomy advantage area; or 20

(ii) part of an existing central astronomy advantage area;

(b) assign a name to the central astronomy advantage area; or

(c) designate the area as a central astronomy advantage area in respect of astronomy and related scientific endeavours.

(2) A declaration under subsection (1)(a) may only be issued— 25

(a) in respect of an area declared under section 5(1) or designated under section 5(2);

(b) so that activities which may affect astronomy and related scientific endeavours, or astronomy advantage, such as light pollution or radio frequency interference, may be restricted or prohibited in the area to ensure or facilitate the protection of a core astronomy advantage area from such activities; or 30

(c) to ensure that development in the area does not negatively impact on the astronomy advantage of the area.

(3) In addition to subsection (2), a declaration under subsection (1)(a) may only be issued if the Minister has, prior to the declaration— 35

(a) conducted a public participation process in terms of section 42 and in conducting this process the Minister has compiled a permanent register of interested and affected parties for the central astronomy advantage area;

(b) sent any relevant private land owner within the proposed central astronomy advantage area a copy of the proposed declaration, prior to the commencement of the public participation process, by registered post to the last known postal address of the land owner; and 40

(c) where possible, informed in an appropriate manner any other lawful occupier of the land within the proposed central astronomy advantage area of the proposed declaration and the public participation process. 45

(4) More than one central astronomy advantage area may be declared in respect of a particular area.

(5) In making a declaration in terms of subsection (1)(a) the Minister may identify the land that is subject to the declaration through the use of coordinates, a map, a property description or a combination of these. 50

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tshitshintsweng la kgaolo e e botlhokwa e e siameteng bolepanaledi, ka kitsiso e e tshitshintsweng ya tsamaiso ya botsayakarolo ba setšhaba.

(4) Mo go direng kitsiso ka fa tlase ga karolwana (1)(a), Tona a ka nna a kaya lefatshe le le angwang ke kitsiso ka tiriso ya di-coordinates, mmapa, tlhaloso ya lefelo kgotsa tlhakanyo ya tse. 5

Kgogelomorago ya kitsiso ya, kgotsa tlogelo ya karalo ya lefelo le le siametseng bolepanaledi

8. (1) Tona a ka nna ka temoso mo *Kaseteng, a*

(a) gogela morago kitsiso e e ntshitsweng ka fa tlase ga karolo 7, ya kgaolo jaaka kgaolo e e botlhokwa e e siametseng bolepanaledi kgotsa e le karolo ya kgaolo e e leng teng e e botlhokwa e e siametseng bolepanaledi; kgotsa 10

(b) go se akaretse karolo epe ya kgaolo e e botlhokwa e e siametseng bolepanaledi mo kgaolong eo.

(2) Kgogelomosago kgotsa tlogelo e ka dirwa pela fa maikaelelo a tlhomamiso a neetswe tebang le karolo 7(2)(b) kgotsa (d) e sa tlhole e tlhokega. 15

Karolo 2

Mafelo a bogare a a siametseng bolepanaledi

Kitsiso ya lefelo la bogare le le siametseng bolepanaledi

9. (1) Tona a ka nna a—

(a) itsise kgaolo e e totobaditsweng jaaka— 20

(i) kgaolo ya bogare e e siametseng bolepanaledi; kgotsa

(ii) karolo ya kgaolo ya bogare e e setseng e le teng e e siametseng bolepanaledi;

(b) go naya kgaolo ya bogare e e siametseng bolepanaledi leina; kgotsa

(c) tlhoma kgaolo jaaka kgaolo ya bogare e e siametseng bolepanaledi tebang le bolepanaledi le maiteko a bonetetshi a tsalanang. 25

(2) Kitsiso e e ka fa tlase ga karolwana (1)(a) e ka nna ya rebolwa fela—

(a) tebang le kgaolo e e boletsweng ka fa tlase ga karolo 5(1) kgotsa e e tlhomilweng ka fa tlase ga karolo 5(2);

(b) gore ditiro tse di ka nnang tsa ama bolepanaledi le maiteko a a nyalanyang a bonetetshi kgotsa tshiamelo ya bolepanaledi; jaaka kgotlelo lesedi kgotsa kgoreletso ya ferekwentshe ya seyalemowa, e ka ngotliwa, kgotsa ya ilediwa go netefatsa kgotsa go bebofatsa tshireletso ya kgaolo e e botlhokwa e e siametseng bolepanaledi mo ditirong tsa go nna jalo; kgotsa 30

(c) go netefatsa gore tlhabololo mo kgaolong ga e ame mo go maswe kgaolo e e siametseng bolepanaledi. 35

(3) Mo tlaleletsong ya karolwana (2), kitsiso ka fa tlase ga karolwana (1)(a) e ka rebolwa fela fa Tona, pele ga kitsiso a—

(a) diragaditse tsamaiso ya botsayakarolo ba setšhaba tebang le karolo 42 mme mo go diragatseng tsamaiso e, Tona o rulagantse rejisetara ya leruri ya batho ba nang ba naleng le dikgatlegelo le dikamego tsa kgaolo ya bogare e e siametseng bolepanaledi; 40

(b) romela khophi ya kitsiso e e tshitshintsweng pele ga tshimololo ya tsamaiso ya tseo karolo ya setšhaba go mongwe le mongwe yo e leng mong lefatshe wa poraefete o o maleba, yo a leng mo kgaolong ya bogare e e siametseng bolepanaledi; e romelwa ka poso e e kwaditsweng e e yang kwa atereseng ya bofelo e e itseweng ya mong; le 45

(c) fa go kgonegang teng, a itsišisiwe ka tsela e e lolameng, monni wa semolao wa lefatshe le le mo teng ga kgaolo ya bogare e e tshitshintsweng gore e nne kgaolo ya bogare e e siametseng bolepanaledi ya kitsiso e e tshitshintsweng le ka ga tsamaiso ya botsayakarolo jwa setšhaba. 50

(4) Kgaolo ya bogare e e siametseng bolepanaledi e e fetang e le nngwe e ka nna ya tlhomiwa/ribololwa tebang le kgaolo e e rileng.

(5) Mo go direng kitsiso tebang le dikarolwana tsa (1)(a) Tona a ka nna a kaya lefatshe le le lebanweng ke kitsiso ka tiriso ya di-coordinates, mmapa, tlhaloso ya lefelo/kgotsa tlhakanyo ya mefuta e. 55

Withdrawal of declaration of, or exclusion of part from, central astronomy advantage area

10. (1) The Minister may by notice in the *Gazette*—
- (a) withdraw the declaration, issued under section 9, of an area as a central astronomy advantage area or as part of an existing central astronomy advantage area; or 5
 - (b) exclude any part of an existing central astronomy advantage area from the area.
- (2) The withdrawal or exclusion can only be done where the purpose of the declaration as provided for in section 9(2)(b) or (c) is no longer necessary. 10

Part 3

Coordinated astronomy advantage areas

Declaration of coordinated astronomy advantage area

11. (1) The Minister may—
- (a) declare a specified area as— 15
 - (i) a coordinated astronomy advantage area; or
 - (ii) part of an existing coordinated astronomy advantage area;
 - (b) assign a name to the coordinated astronomy advantage area; and
 - (c) designate the area as a coordinated astronomy advantage area in respect of astronomy and related scientific endeavours. 20
- (2) More than one coordinated astronomy advantage area may be declared in respect of a particular area.
- (3) A declaration under subsection (1)(a) may only be issued—
- (a) in respect of an area declared under section 5(1) or designated under section 5(2); 25
 - (b) to regulate the area as a buffer zone or as one of the buffer zones for the protection of a core or central astronomy advantage area;
 - (c) to protect the area if it is sensitive to development due to its astronomy advantage and proximity to a core astronomy advantage area;
 - (d) to protect a specific astronomy advantage outside of a core or central astronomy advantage area; 30
 - (e) to ensure that development in the area does not negatively impact on the astronomy advantage of the area; or
 - (f) to control developments and changes in land use in the area if the area is earmarked for declaration as, or inclusion in, a core or central astronomy advantage area. 35
- (4) In addition to subsection (2), a declaration under subsection (1)(a) may only be issued if the Minister—
- (a) conducted a public participation process in terms of section 42 prior to the declaration; and 40
 - (b) in conducting the public participation process has compiled a permanent register of interested and affected parties for the coordinated astronomy advantage area.
- (5) In making a declaration under subsection (1)(a) the Minister—
- (a) may identify the land that is subject to the declaration through the use of coordinates, a map, a property description or a combination of these; and 45
 - (b) must seek, where possible, to make the declaration in respect of the whole, rather than part, of a municipal area designated in terms of the Municipal Demarcation Act.

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WA 2007**Ikgogelomorago ya kitsiso, kgotsa tlogelo ya go tswa mo lefelong la bogare le le siametseng bolepanaledi**

- 10.** Tona, a ka nna a, ka kitsiso mo *Kaseteng*—
- (a) Gogela morago kitsiso e e rebotsweng ka fa tlase ga karolo 9, ya kgaolo ya bogare e e siametseng bolepanaledi kgotsa jaaka karolo ya kgaolo ya bogare e e ntseng e le teng e e siametseng bolepanaledi; kgotsa 5
- (b) go se akaretse karolo e setseng e le teng ya bogare e e siametseng bolepanaledi.
- (2) Kgogelomorago kgotsa tlogelo e ka dirwa Fela fa maikaelelo a tthomamiso a neetswe tebang le karolo 9(2)(b) kgotsa (c) e sa tlhole e tlhokagala. 10

Karolo 3***Mafelo a a gokagantsweng a a siametseng bolepanaledi*****Kitsiso ya lefelo le le gokagantsweng le le siametseng bolepanaledi**

- 11.** (1) Tona a ka nna a—
- (a) itsise kgaolo e e totobaditsweng gore ke— 15
- (i) kgaolo e e siametseng bolepanaledi; kgotsa
- (ii) karolo ya kgaolo e e nyalantsweng e e ntseng e le teng e bile e siametseng bolepanaledi;
- (b) neelana ka leina la kgaolo e e nyalantsweng e e siametseng bolepanaledi; le go
- (c) tlhoma kgaolo jaaka kgaolo e e nyalantsweng e e siametseng bolepanaledi 20 tebang le maiteko a a maleba a bonetetsi.
- (2) Go ka nna ga itsise kgaolo e e nyalantsweng e e siametseng bolepanaledi e e fetang e le nngwe malebana le kgaolo e e rileng.
- (3) Kitsiso e e ka fa tlase ga karolwana (1)(a) e ka nna ya rebolwa—
- (a) malebana le kgaolo e e boletseng ka fa tlase ga karolo 5(1) kgotsa e e 25 tlhomilweng ka fa tlase ga karolo 5(2);
- (b) go laola kgaolo jaaka lefelo la molelwane (*buffer zone*) la tshireletso ya kgaolo e e botlhokwa le ya bogare e e siametseng bolepanaledi;
- (c) go sireletsa kgaolo fa e le gore e fetoga bonolo, ka ntlha ya tshiamelo bolepanaledi le go nna gaufi le kgaolo e e botlhokwa e e siametseng 30 bolepanaledi;
- (d) go sireletsa lefelo le le siametseng bolepanaledi le le totobaditsweng le le ka kwa ntle ga kgaolo ya bogare e e siametseng bolepanaledi;
- (e) go netefatsa gore tlhabololo ga e ame mo go maswe kgaolo e e siametseng bolepanaledi ; kgotsa 35
- (f) go laola ditlhabololo le diphetogo tsa tiriso ya lefatshe mo kgaolong e e beetsweng go itsise jaaka, kgotsa go akakaretswa mo teng ga kgaolo e e botlhokwa e e siametseng bolepanaledi.
- (4) Go tlaleletsa karolwana (2), kitsiso ka fa tlase ga karolwana (1)(a) e ka tthomamisiwa fela fa Tona— 40
- (a) a tshwere tsamaiso ya botsayakarolo jwa setšhaba malebana le karolo 42 pele ga kitsiso; le gore
- (b) mo go tshwareng tsamaiso ya botsayakarolo ja setšhaba, o ne a rulaganya lenaneina la leruri la batho ba ba kगतलहेगंग le ba ba amegang la kgaolo e e nyalantsweng e e siametseng teonaledi. 45
- (5) Mo go direng kitsiso ka fa tlase ga karolwana (1)(a), Tona a ka—
- (a) tlhaola lefatshe le le kwadiseditsweng kitsiso ka tiriso ya di-*coordinates*, mmapa, tlhaloso ya lefelo kgotsa tlhakano ya mefuta e; le gone a ka
- (b) batla, fa go tlhokagalang teng, go dira kitsiso malebana le karolo yotlhe go na le karolo ya kgaolo ya mmasepala e e tlhomilweng malebana le Moalo wa 50 Melelwane ya Dimmasepala.

Withdrawal of declaration if, or exclusion of part from, coordinated astronomy advantage area

12. (1) The Minister may, by notice in the *Gazette*—

- (a) withdraw the declaration, issued under section 11, of an area as a coordinated astronomy advantage area or as part of an existing coordinated astronomy advantage area; or
- (b) exclude any part of an existing coordinated astronomy advantage area from the area.

(2) The withdrawal or exclusion can only be done where the purpose of the declaration as provided for in terms of section 11(3)(b), (c), (d), (e) or (f) is no longer necessary.

Part 4

General

Initiation of declaration

13. (1) The process for the declaration of private land as an astronomy advantage area, or as part thereof, may be initiated by the Minister, or by any private land owner or the NRF making a request for such declaration to the Minister.

(2) Any request by the NRF or any private land owner in terms of subsection (1) must be considered by the Minister.

Endorsement by Registrar of Deeds 20

14. (1) The Minister must in writing notify the Registrar of Deeds whenever an area is declared as a core or central astronomy advantage area, or as part thereof, or whenever a declaration in respect thereof is withdrawn or altered.

(2) Such notification must include a description of the land involved and the terms and conditions of any notarial deed referred to in section 18(6).

(3) On receipt of such notification, the Registrar of Deeds must record any such declaration, withdrawal or alteration in the relevant registers and documents in terms of section 3(1)(w) of the Deeds Registries Act, 1937 (Act No. 47 of 1937).

CHAPTER 3

MANAGEMENT AND CONTROL OF ASTRONOMY ADVANTAGE AREAS 30

Part 1

Management authorities and management plans

Management authorities

15. (1) The Minister must, by declaration, assign the management of a core astronomy advantage area or a central or coordinated astronomy advantage area to a public entity or organ of state.

(2) For the purposes of this Act, the juristic person, public entity, institution or organ of state to whom the management of an astronomy advantage area has been assigned in terms of subsection (1) is the management authority of that area.

(3) The management authority to whom the management of an astronomy advantage area has been assigned in terms of subsection (1) is the custodian of the permanent register of interested and affected parties for the astronomy advantage area.

(4) Any person may, upon request and during office hours of the relevant management authority—

- (a) inspect the permanent register of interested and affected parties for an astronomy advantage area; and
- (b) request the management authority to add his or her name and contact details to the register.

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WA 2007**Kgogelomorago ya kitsiso, kgotsa tlogelo kwa ntle ga kgaolo e e gokagantsweng e e siametseng bolepanaledi**

- 12.** (1) Tona, ka kitsiso mo *Kaseteng*, a ka—
- (a) gogela morago kitsiso, e e rebotsweng ka fa tlase ga karolo 11, ya kgaolo e e nyalantsweng e e siametseng bolepanaledi kgotsa karolo ya kgaolo e e ntseng e le teng e e nyalantsweng e e siametseng bolepanaledi; kgotsa. 5
 - (b) Tlogela kwa ntle ga kgaolo karolo nngwe ya kgaolo e e nyalantsweng e e siametseng bolepanaledi.
- (2) Kgogelomorago kgotsa tlogelo e ka dirwa fela fa mai kaelelo a tlhomamiso a neetswe malebana le karolo 11(3)(b) kgotsa (c), (d), (e) kgotsa e sa tlhole e tlhokega. 10

Karolo 4**Kakaretso****Tshimololo ya kitsiso**

- 13.** (1) Tona kgotsa mong wa lefatshe la poraefete kgotsa NFR ka go dira kopo e jalo go Tona, a ka e telela pele tsamaiso ya go itsise lefatshe la poraefete jaaka lefatshe le le siametseng bolepanaledi. 15
- (2) Kopo nngwe le nngwe ya NRF kgotsa ya mong wa lefatshe la poraefete e tshwanetse go sekasekwa ke Tona a latela karolwana (1).

Kamogelo ka Mokwadisi wa Dikano

- 14.** (1) Tona o tshwanetse gore a lemose Mokwadisi wa Dikano ka go mo kwalela gore kgaolo e itsisiwe jaaka kgaolo e e botlhokwa kana kgotsa ya bogare e e siametseng bolepanaledi, kgotsa e le karolo ya kgaolo, kgotsa nako le nako fa kitsiso malebana le yona e busediwa kwa morago kgotsa e fetolwa. 20
- (2) Kitsiso ya go nnajana e tshwanetse go akaretsa tlhaloso ya lefatshe le le akarediwang le mabaka a kano e e rurifaditsweng semolao e e umakilweng mo karolo 18(6). 25
- (3) Fa Mokwadisi wa Dikano a sena go amogela kitsiso e, o tshwanetse go kwala kitsiso nngwe le nngwe ya go nna jalo, kgogelomorago kgotsa phetolo mo manaaneng a a malebona le mekwalo go latela karolo 3(1)(w) ya Molao wa Kwadiso ya Dikano wa 1937 (Molao 47 wa 1937). 30

KGAOLO 3**TSAMAISO LE TAOLO YA MAFELO A A SIAMETSENG BOLEPANALEDI****Karolo 1*****Bothati ba tsamaiso le maano a tsamaiso*****Bothati jwa tsamaiso** 35

- 15.** (1) Tona o tshwanetse gore ka kitsiso, a romele botsamaisi jwa kgaolo e e botlhokwa e e siametseng bolepanaledi kgotsa kgaolo ya bogare e e siametseng bolepanaledi mo lekgotleng la setšhaba kgotsa setho sa puso.
- (2) Lekgotla la setšhaba, lekgotla kgotsa setheo sa puso se se filweng tsamaiso ya lefelo le le siametseng bolepanaledi, go ya ka mabaka a karolwana (1) ke lona bothati jwa tsamaiso ya kgaolo eo go ya maikaelelo a Molao o. 40
- (3) Bothati jwa tsamaiso jo bo filweng tsamaiso ya lefelo le le siametseng bolepanaledi, tebang le karolwana (1) ke jona motlhokomedi wa leruri ya rejisetara ya batho ba ba kgaatlhegelang le ba ba angwang ke kgaolo e e siametseng bolepanaledi.
- (4) Motho mongwe le mongwe, a ka kopiwa le gona ka diura tsa tiro tsa bothati jwa tsamaiso jo bo lebaneng, go— 45
- (a) tlhatlhoba rejisetara ya leruri ya batho ba ba kgaatlhegelang le ba ba angwang ke kgaolo e e siametseng bolepanaledi; le
 - (b) kopa bothati jwa tsamaiso go tsenya leina la gagwe mo rejisetareng, le dintlha tse go ka ikgolaganngwang le ena ka tsona. 50

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(5) Any person whose details appears on the permanent register of interested and affected parties for an astronomy advantage area is responsible for updating his or her contact details as may be necessary.

Preparation of management plan

16. (1) The management authority assigned to an astronomy advantage area in terms of section 15 must, if requested in writing by the Minister, submit a management plan, in accordance with the criteria specified by the Minister, for that astronomy advantage area to the Minister for approval. 5

(2) When preparing a management plan for an astronomy advantage area, the management authority concerned must consult— 10

- (a) private land owners within the astronomy advantage area;
- (b) all persons listed in the permanent register of interested and affected parties for the relevant astronomy advantage area; and
- (c) municipalities, other organs of state, local communities and other affected parties which have an interest in the area. 15

Internal rules

17. (1) The management authority of a core astronomy advantage area may, after the consultation contemplated in section 16(2), make rules for the proper administration and protection of the area.

(2) Rules made under subsection (1)— 20

- (a) must be consistent with this Act and any management plan for the core astronomy advantage area;
- (b) must be communicated or made available to land owners, visitors and other affected persons within the core astronomy advantage area;
- (c) may include prohibitions or restrictions on persons entering, residing or passing through such area who have in their possession any specified device, equipment or instrument which may cause light pollution or radio frequency interference or have other detrimental impacts on astronomy and related scientific endeavours or astronomy advantage in the area unless the source or device has been turned off and, when in such state, is incapable of causing any form of radio frequency interference or light pollution; 25 30
- (d) bind all persons in the area, including visitors; and
- (e) may, as a condition for entry to the area, provide for the imposition of fines for breaches of the rules as may be determined by the Minister.

Co-management of core or central astronomy advantage area 35

18. (1) The management authority of a core or central astronomy advantage area may enter into an agreement with an organ of state, a local community, an individual or other party for the—

- (a) co-management of the area by the parties; or
- (b) regulation of human activities that affect astronomy and related scientific endeavours or astronomy advantage in the area. 40

(2) A co-management agreement may provide for—

- (a) occupation of the area or portions thereof;
- (b) prohibitions or restrictions on the use of any interference source, mobile radio frequency interference source or short range device or any other device, equipment or instrument which may cause light pollution or radio frequency interference or have other detrimental impacts on astronomy and related scientific endeavours or astronomy advantage in the area; 45

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(5) Motho mongwe le mongwe yo dintlha tsa gagwe di bonalang mo rejisetareng ya leruri ya batho ba ba kgalhegelang le ba ba angwang ke kgaolo e e siametseng bolepanaledi o na le maikarabelo a go ntshafatsa dintlha tsa gagwe, jaaka go ka tlhokafala, tsa kwa go ka ikgolaganngwang nae gona.

Paakanyo ya maano a tsamaiso

5

16. (1) Bothati jwa tsamaiso jo bo romilweng kwa lefelong le le siametseng bolepanaledi go latela karolo 15, bo tshwanetse gore e re fa bo lopiwa ke Tona ka mokwalo, bo tlise kwa go Tona leano la tsamaiso le le tsamaisanang le selekanyetso se se totobaditsweng ke Tona.

(2) Bothati jwa tsamaiso jo bo amegang bo tshwanetse gore e re fa bo baakanya leano la tsamaiso ya lefelo le le siametseng bolepanaledi bo bitse—

(a) beng ba lefatshe la poraefete le le mo kgaolong e e siametseng bolepanaledi;

(b) batho botlhe ba ba kwadilweng mo rejisetareng ya leruri ya batho ba ba kgalhegelang le ba ba angwang ke kgaolo e e siametseng bolepanaledi e e maleba; le

(c) dimmasepala, ditheo tse dingwe tsa puso, baagi ba selegae le batho ba bangwe ba ba naleng kgalhego mo kgaolong.

Melawana ya ka fa teng

17. (1) Bothati jwa tsamaiso ya kgaolo e e bothokwa e e siametseng bolepanaledi bo ka nna jwa re, morago ga therisano e e umakilweng mo karolo 16(2), ba dira melawana gore go tsamaisiwe go bo go sireletswe kgaolo.

(2) Melawana e e dirilweng ka fa tlase ga karolwana (1)—

(a) e tshwanetse go dumalana le Molao o le leano lengwe le lengwe la tsamaiso ya kgaolo ya bogare e e siametseng bolepanaledi;

(b) e tshwanetse go bolelelwa le go nelwa beng ba lefatshe, baeng le baamegi ba bangwe ba ba mo kgaolong e e siametseng bolepanaledi;

(c) e ka nna ya akaretsa dikganelo mo bathong ba ba tsenang, ba 50 ba nnang kgotsa ba ba fetang mo kgaolong eo, ba ba tshotseng sediriswa sengwe le sengwe se go totobaditsweng gore se ka baka kgotlelo ya lesedi kgotsa kgoreletso ya ferekwentse ya seyalemowa kgotsa se se ka nnang sa leswefatsa bolepanaledi le mo maitekong a a tsalanang a bonetetshi, kgotsa mo go tshwaneleng ga tepanaledi fa e se fela motswedi kgotsa sediriswa se timilwe le gona, se le mo seemong se se ka se kgoneng go baka mofuta ope wa kgoreletso ya kgoreletso ya ferekwense ya seyalemowa kgotsa kgotlelo ya lesedi;

(d) e tlama batho botlhe mo kgaolong, go akarediwa le baeng; gape e

(e) ka nna jaaka mabaka a go tsena mo kgaolong, neela dituelo tsa tlolo ya melao jaaka e ka laolwa ke Tona.

Tsamaiso e e tshwaraganetsweng ya mafelo a a bothokwa kgotsa a bogare a a siametseng bolepanaledi

40

18. (1) Bothati jwa tsamaiso ya kgaolo e e bothokwa le ya bogare e e siametseng bolepanaledi bo ka nna jwa dumalana le setheo sa puso, morafe wa mo gae, motho kgotsa lekoko lengwe gore—

(a) bona boo-babedi ba tlhakanele tsamaiso ya kgaolo; kgotsa

(b) ba laole ditiro tsa batho tse di amang bolepanaledi le maiteko a bonetetshi a a tsalanang kgotsa kgaolo e e siametseng bolepanaledi.

(2) Tumulano ya tsamaiso e e tlhakanetsweng e ka kgontsha gore—

(a) go nniwe mo kgaolong kgotsa mo dikarolong tsa yona;

(b) dikiletso le dikganelo tsa tiriso ya motswedi mongwe le mongwe wa kgoreletso, kgoreletsego ya ya ferekwentshe ya seyalemowa kgotsa, kiletso le kganelo ya motswedi wa kgoreletso, motswedi wa kgoreletso wa ferekwentshe ya mobile seyalemowa, kgotsa sediriswa sa sekgala se sekhutshwane, didiriswa kgotsa dimatshine tse di ka bakang kgotlelo ya lesedi kgotsa kgoreletso ya ferekwentshe ya seyalemowa kgotsa tse di ka nnang le kamo e nngwe e e maswe mo bolepanaleding le mo maitekong a sesaentefiki a a tsalanang kgotsa mo kgaolong e e siametseng bolepanaledi;

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- (c) prohibitions or restrictions on activities which may cause light pollution, radio frequency interference or have other detrimental impacts on astronomy and related scientific endeavours or astronomy advantage in the area;
- (d) access to the area and procedures for the admittance of visitors to the area;
- (e) financial and other support to ensure effective administration and implementation of the co-management agreement; and 5
- (f) any other relevant matter.
- (3) A co-management agreement must be consistent with this Act and should not divest the management authority of ultimate responsibility for the proper management of the area concerned. 10
- (4) The management authority may cancel a co-management agreement after giving reasonable notice to the parties if the—
- (a) co-management agreement is not effective or is inhibiting the attainment of any of the management objectives of the astronomy advantage area; or
- (b) other party to the agreement remains in breach of any obligation or undertaking made in the co-management agreement after having been given a reasonable opportunity to rectify the breach. 15
- (5) The terms of any co-management agreement entered into in terms of subsection (1) between the management authority and the owner of private land are binding on the successors-in-title of such owner. 20
- (6) The terms of any co-management agreement must be recorded in a notarial deed and registered against the title deeds of the property.
- (7) The management authority is liable for the costs of the notarial deed and the registration of the title deed.

Termination of mandate to manage astronomy advantage area 25

- 19.** (1) If the management authority of an astronomy advantage area is not properly performing its duties in terms of the management plan for the area, or is underperforming with regard to the management of the area, the Minister must—
- (a) notify the management authority in writing of the failure to perform its duties or of the underperformance; and 30
- (b) direct the management authority to take corrective steps set out in the notice within a specified time.
- (2) If the management authority fails to take the required steps, the Minister may—
- (a) terminate that management authority's mandate to manage the area; and
- (b) assign a public entity or organ of state as the management authority of the area. 35

Part 2***Access to core and central astronomy advantage areas*****Access to core astronomy advantage areas**

- 20.** (1) No person may, without the written permission of the management authority— 40
- (a) enter any core astronomy advantage area;
- (b) reside in a core astronomy advantage area;
- (c) have in their possession, within a core astronomy advantage area designated by the Minister in terms of section 7(1)(c) for radio astronomy, any interference source, mobile radio frequency interference source or short range device, unless the source or device has been turned off and, when in that state, is incapable of causing any form of radio frequency interference; and 45
- (d) perform any other activity in a core astronomy advantage area that might be

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- (c) kiletso le kganelo ya ditiro tse di ka nnang tsa baka kgotlelo ya lesedi, kgoreletso ya ferekwentshe ya seyalemowa kgotsa tse di nang le kamo tse dingwe tse di maswe mo bolepanaleding le mo maitekong a bonetetshi a a tsalanang kgotsa mo go tshwaneng bolepanaledi mo kgaolong; 5
- (d) phitlhelelo ya kgaolo le tsamaiso ya go letlelela baeng go tsena ka fa teng ga kgaolo;
- (e) ketletso ya madi le gore go netefadiwe tsamaiso le tiragatso e e nonofileng e bile e le bobebe ya tumalano ya tlhakanelo tsamaiso; le
- (f) morero mongwe o sele o o lebaneng.
- (3) Tumalano ya tsamaiso ee tlhakanetsweng e tshwanetse go dumalana le Molao o le gone ga e a tshwanela go rola bothati jwa tsamaiso maikarabelo a bofelo a tsamaiso e e lolameng ya kgaolo e go buiwang ka ga yona. 10
- (4) Bothati jwa tsamaiso bo ka nna jwa phimola tumalano ya tlhakanelo tsamaiso morago ga bo sena go naya batho ba ba amegang temoso ka nako e e utlwalang fa e le gore— 15
- (a) tumalano ya tlhakanelo tsamaiso ga e a nonofela kgotsa e thibela phitlhelelo ya maikaelelo mangwe a tsamaiso ya kgaolo e e siametseng bolepanaledi; kgotsa
- (b) letlhakore le lengwe la tumalano ga le diragatse karolo ya lona ya tumalano kgotsa maitlamo a a dirilweng mo tumalanong ya tlhakanelo tsamaiso morago ga le se na go neelwa tshono e e utlwalang go baakanya go tlhoka go diragadiwa ga tumalano moo. 20
- (5) Mabaka a tumalano nngwe le nngwe ya tlhakanelo tsamaiso e go tsenweng mo go yona tebang le karolwana (1) fa gare ga bothati jwa tsamaiso le mong wa lefatshe la poraefete a tlama batlhatlhami ba mong oo. 25
- (6) Mabaka a tumalano nngwe le nngwe a tlhakanelo tsamaiso a tshwanetse go kwalwa mo kanong e e rebotsweng semolao (*notarial deed*) le go kwalwa go bapa le kano ya bonno ya lefelo.
- (7) Bothati jwa tsamaiso bo na le maikarabelo a ditshenyegelo tsa kano e e rebotsweng semolao le kwadiso ya kano ya bonno. 30

Phediso ya taolo ya go tsamaisa lefelo le le siametseng bolepanaledi

- 19.** (1) Fa bothati jwa tsamaiso ya kgaolo e e siametseng bolepanaledi bo sa dire tiro ya jona go ya ka leano la tsamaiso la kgaolo, kgotsa bo ntsha dipholo tse di kwa tlase malebana le tsamaiso ya kgaolo, Tona o tshwanetse go— 35
- (a) itsise bothati jwa tsamaiso ka kwalo ka thetelelo ya jona ya go dira tiro ya tsona kgotsa ya go ntsha dipholo tse di kwa tlase ga tse di batliwang; le go
- (b) laola bothati jwa taolo go tsaya dikgato tsa paakanyo tse go builweng ka tsona mo kitsisong nako e e totobaditsweng e ise e fete.
- (2) Fa bothati jwa tsamaiso bo retelelwa ke go tsaya dikgato tse di tlhokegang, Tona a ka nna a— 40
- (a) fedisa tlhomo ya bothati jwa tsamaiso ya go tsamaisa kgaolo; le go
- (b) tlhoma lekgotla la setšhaba kgotsa setheo sa puso go nna bothati jwa tsamaiso jwa kgaolo eo.

Karolo 2

Phitlhelelo ya mafelo a botlhokwa a bogare a a siametseng bolepanaledi 45

Phitlhelelo ya mafelo a botlhokwa a bogare a a siametseng bolepanaledi

- 20.** (1) Ga gona motho yo kwa ntle ga tetelelo ya bothati jwa tsamaiso a tla—
- (a) tsenang mo teng ga kgaolo e e botlhokwa e e siametseng bolepanaledi;
- (b) nnang mo teng ga kgaolo e e botlhokwa e e siametseng bolepanaledi;
- (c) tsholang mo go ena fa a le mo teng ga kgaolo e e botlhokwa e e siametseng bolepanaledi e e tlhomilweng ke Tona tebang le karolo 7(1) kgotsa 9(1)(c), motswedi mongwe le mongwe wa kgoreletso ya ferekwentshe ya seyalemowa ya mobile kgotsa sediriswa sa sekgala se se khutshwane, kwa ntle ga fa sediriswa seo se timilwe, se le mo kemong e se sa kgoneng go baka mofuta mongwe wa kgoreletsego ya ferekwentshe ya seyalemowa; le go o tla 50
- (d) dirang tiro nngwe e sele mo teng ga kgaolo e e botlhokwa e e siametseng bolepanaledi e e ka nnang kotsi mo bolepanaleding le mo maitekong a 55

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harmful to astronomy and related scientific endeavours or to the preservation of the area's astronomical advantage.

- (2) Subsection (1) does not apply to—
- (a) an official of the Department, the NRF or another organ of state designated by the Minister in writing to monitor any scientific observation, experiment or research activity conducted in the area; 5
 - (b) any police, customs or excise officer entering the area in the performance of official duties; or
 - (c) any other person acting in response to an emergency;
 - (d) the owner or lawful occupier of any private land within any core astronomy advantage area who may— 10
 - (i) enter and reside on such private land; and
 - (ii) in accordance with the provisions of any co-management agreement entered into between the owner or lawful occupier and the management authority, conduct any other activities listed in subsection (1) on such private land. 15
- (3) Any person listed in subsection (2)(a), (b) or (c) who enters any core astronomy advantage area must report this fact to the management authority before entering the core astronomy advantage area or as soon as possible following entry.
- (4) The written permission granted by the management authority in terms of subsection (1) may include conditions which must be adhered to by the holder of such permit to mitigate any harmful impact the holder may have on astronomy and related scientific endeavours or to the preservation of the area's astronomical advantage. 20

Use of aircraft in astronomy advantage areas

21. (1) A core and central astronomy advantage area includes the airspace above the area to a level of 18 500 metres above the highest point in the area, or such greater height as the Minister may declare. 25
- (2) The Minister may, with the concurrence of the Civil Aviation Authority by notice in the *Gazette* prohibit or restrict the over-flight by any aircraft of any core or central astronomy advantage area or impose conditions on any such over-flight. 30
- (3) Subsection (2) does not apply—
- (a) in an emergency; or
 - (b) to a person acting on the instructions of the management authority.
- (4) Any person who, pursuant to subsection (3), enters the airspace of any core or central astronomy advantage area in respect of which a notice has been published in terms of subsection (2) must report this fact to the management authority before entering the core or central astronomy advantage area or as soon as possible following entry. 35
- (5) The Minister may, subject to subsection (6), prescribe further reasonable restrictions on over-flight of any core, central or coordinated astronomy advantage areas. 40
- (6) Before publishing a notice under subsection (2) or making a regulation under subsection (5) the Minister must—
- (a) obtain the concurrence of the Minister responsible for transport and the Minister responsible for national defence for the publication of the notice or the making of the regulation; 45
 - (b) conduct a public participation process in terms of section 42; and
 - (c) subject to subsection (7), notify all persons listed in the permanent register of interested and affected parties for the relevant astronomy advantage area whose existing rights are likely to be directly affected by any such notice or regulation. 50
- (7) The notification contemplated in subsection (6)(c) must be in writing and must be—

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bonetetshi a a tsalanang kgotsa mo tshomarelong ya tshiamelo ya bolepanaledi ya kgaolo.

- (2) Karolwana (1) ga e diragale fa—
- (a) motlhankedi wa Lefapha, NRF kgotsa setheo se sengwe sa puso se se tlhomilweng ke Tona ka mokwalo go lebelela bolepo ba bonetetshi, tekeletso kgotsa tiro ya patlisiso e e tshwarwang mo kgaolo; 5
- (b) motlhankedi mongwe le mongwe wa sepodisi, kgotsa motlhankedi wa makgetho le ditirelo tsa melelwane yo o tsenang kgaolo eo go diragatsa ditiro tsa semmuso; kgotsa
- (c) motho mongwe le mongwe yo o tsibogelang tshoganyetso; 10
- (d) mong kgotsa monni yo o letleletsweng ke molao wa lefatshe lengwe la poraefete le le mo teng ga kgaolo nngwe fela e e botlhokwa e e siametseng bolepanaledi a ka—
- (i) tsena le go nna mo lefatsheng la poraefete; le
- (ii) dira ditiro dingwe di sele tse di kwadilweng lenaaneng la karolwana (1) mo lefatsheng leo la poraefete, go dumalana le melawana ya tumalano nngwe le nngwe ya tlhanakelo tsamaiso e mong kgotsa monni yo o letleletsweng ke molao a tseneng mo go yona le bothati jwa tsamaiso. 15
- (3) Motho mongwe le mongwe yo o kwadilweng mo karolwaneng (2)(a), (b) kgotsa (c) yo o tsenang mo kgaolong e e botlhokwa e e siametseng bolepanaledi o tshwanetse go bega go tsena fao kwa bothating jwa tsamaiso pele a ka tsena mo teng ga kgaolo e e botlhokwa e e siametseng bolepanaledi kgotsa ka bonako jo bo ka kgonagalang fa a sena go tsena. 20
- (4) Tetla e e kwadilweng e e filweng ke bothati jwa tsamaiso malebana le karolwana (1) bo ka nna ba akaretsa mabaka a a tshwanetseng go obamelwa ke motshola tetla yoo go fokotsa kamano nngwe le nngwe e e kotsi e motshola tetla a kabong a na nayo mo bolepanaleding le mo maitekong a bonetetshi kgotsa mo tshomarelong ya go siamela bolepanaledi ba kgaolo. 25

Tiriso ya difofane mo mafelong a a siametseng bolepanaledi

21. (1) Kgaolo e e botlhokwa le ya bogare e e siametseng bolepanaledi e akaretsa lefaufau la phofo le le kwa godimo ga kgaolo go fitlha kwa maemong a dimetara tse 18 500 kwa godimo ga ntlha e e kwa godimodimo mogaolong, kgotsa ya bogodimo jo Tona a ka bo itsiseng. 30
- (2) Tona a ka nna ka temoso mo *Kaseteng*, a ganela kgotsa a iletsa kgabaganyo ga sefofane sengwe le sengwe mo godimo ga kgaolo e e botlhokwa kgotsa ya bogare e e siametseng bolepanaledi kgotsa a baya mabaka a a laolang phofo ya go nna jalo ya kgabaganyo. 35
- (3) Karolwana (2) ga e diragale mo—
- (a) motsing wa tshoganyetso; kgotsa
- (b) mo mothong yo o diragatsang ditaello tsa bothati jwa tsamaiso. 40
- (4) Motho mongwe le mongwe yo, mo go diragatseng karolwana (3), a tsenang mo lefaufang la kgaolo nngwe le nngwe e e botlhokwa kgotsa ya bogare e e siametseng bolepanaledi le go phasaladiwa ga temoso tebang le ona, go ya ka karolwana (2), o tshwanetse go bega ntlha e kwa bothating jwa tsamaiso pele a ka tsena mo kgaolong e e botlhokwa kgotsa ya bogare e e siametseng bolepanaledi kgotsa ka bonakonako fela morago ga go tsena. 45
- (5) Tona a ka nna a re fa go setswe morago karolwana (6), a tlhoma dikganelo tse dingwe gape tse di utlwalang tsa go fofa kwa godimo ga kgaolo nngwe le nngwe e e botlhokwa le ya bogare e e siametseng bolepanaledi.
- (6) Pele a ka phasalatsa temoso ka fa tlase ga karolwana (2) kgotsa a ka tlhoma molawana ka fa tlase ga karolwana (5), Tona o tshwanetse go— 50
- (a) nna le tumalano le Tona e e nang le maikarabelo a dipalangwa le Tona e e nang le maikarabelo a sesole sa bosetšhaba gore a tle a phasalatse temoso kgotsa a tlhome molawana;
- (b) tshwara tsamaiso ya botsayakarolo jwa setšhaba tebang le karolo 42 le 14 go itsise, go setswe morago karolwana (7), batho botlhe ba ba kwadilweng mo regisetareng ya lenaaneina la leruri la bakgatllhegi le ba ba angwang ke kgaolo e maleba e e siametseng bolepanaledi, ba ditshwanelo tsa bona tse di leng teng tse di ka nnang tsa annngwa maswe ke kitsiso ya go nna jalo kgotsa molawana oo. 55
- (7) Temoso e e umakilweng mo karolwaneng (6)(c) e tshwanetse go kwalwa le go— 60

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- (a) made prior to commencing the public participation process contemplated in subsection (6)(b);
- (b) sent by registered post or such other method as the relevant person may have agreed to; and
- (c) sent to the address given by such person or as indicated in the permanent register of interested and affected parties. 5

(8) Following the publication of any notice or making of any regulation under subsections (2) and (5), the Civil Aviation Authority and the Commissioner for Civil Aviation established and appointed in terms of the Aviation Act 1962 (Act No. 74 of 1962), and the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), respectively, must indicate the restrictions and prohibitions on all aeronautical maps prepared for the Republic. 10

Part 3**Restrictions****Restrictions on use of radio frequency spectrum in astronomy advantage areas** 15

22. (1) Notwithstanding any other legislation or any rights that any person may have been granted in terms of any other legislation, the Minister has the authority subject to subsection (2) within a core or central astronomy advantage area to protect the use of the radio frequency spectrum for astronomy observations.

(2) Pursuant to the authority granted in subsection (1) and with the concurrence of ICASA, in so far as the Minister's action is likely to affect broadcasting service license or broadcasting service, the Minister may, by notice in the *Gazette*— 20

- (a) prohibit completely or restrict in any way the use of specific frequencies within the radio frequency spectrum or the radio frequency spectrum in general within a core or central astronomy advantage area; 25
- (b) require the conversion, within a reasonable time period, of analogue transmissions in the radio frequency spectrum within a core or central astronomy advantage area, to digital transmissions;
- (c) require any user of the radio frequency spectrum which transmits or broadcasts into a core or central astronomy advantage area to migrate onto a radio frequency or utilise alternative technology that more effectively protects radio astronomy observations; or
- (d) exempt from the provisions of such notice any person or organ of state who has entered into an agreement with the management authority of the core or central astronomy advantage area to mitigate their impact on the radio frequency spectrum within the relevant astronomy advantage area. 35

(3) Before publishing a notice under subsection (2) the Minister must—

- (a) conduct a public participation process in terms of section 42; and
- (b) subject to subsection (4), notify all persons listed in the permanent register of interested and affected parties for the relevant astronomy advantage area whose existing rights are likely to be directly affected by any such notice. 40

(4) The notification contemplated in subsection (3)(b) must be in writing and must be—

- (a) made prior to commencing the public participation process contemplated in subsection (3)(a); 45
- (b) sent by registered post or such other method as the relevant person may have agreed to; and
- (c) sent at the address given by such person or as indicated in the permanent register of interested and affected parties.

(5) The Minister may in a notice published under subsection (2) differentiate between— 50

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- (a) dirwa pele ga tshimologo ya therisano e e umakilweng mo karolwaneng (6)(b);
- (b) romelwa ka poso e e kwadisitsweng kgotsa ka methale e mengwe e motho yo o maleba a tla dumalanang nayo; le go
- (c) romelwa kwa atereseng e e filweng ke motho yoo kgotsa e e kwadilweng mo rejisetaeng ya leruri ya bakgatlhegi le baamegi. 5
- (8) Morago ga phasalatso ya kitsiso nngwe kgotsa go tlhlongwa ga melawana mengwe ka fa tlase ga dikarolwana (2) le (5), Bothati jwa Diphoho (*Civil Aviation Authority*) le Mokhomisenara wa Diphoho ba ne ba tlhlongwa le go thapiwa tebang le Molao wa Diphoho wa 1962 (Molao 74 wa 15 1962), le Molao wa Bothati jwa Diphoho wa Aforika Borwa 1998 (Mola 40 wa 1998), ka tatelano eo, o tshwanetse go supa dikganetso le dikganelo mo dimmapeng tsotlhe tsa *aeronucal* tse di baakanyeditsweng Rephaboliki. 10

Karolo 3

Dikganelo

Dikganelo tsa sepeketeramo sa bokgapetsa lekhubu la seyalemowa mo mafelong a a siametseng bolepanaledi 15

22. (1) Go sa ikgatholosiwe molao ope kgotsa ditshwanelo dipe tse motho mongwe le mongwe a ka neng a di abetswe go ya ka molao mongwe, Tona ke ena fela a nang le thata ya go sireletsa tiriso ya sepeketeramo sa ferekwentshe ya seyalemowa mo lefelong la bogare kgotsa le le bothlokwa le le siametseng bolepanaledi go kgontsha kelo tlhoko ya bolepanaledi. 20

(2) Go latela tetla e e rebotsweng mo karolwaneng (1) le morago ga go buisana le ICASA le Tona e e nang le boikarabelo ba tlhaeletsano, Tona, ka temoso mo Kaseteng, a ka—

- (a) thibela gotlhelele kgotsa a kganela ka tsela nngwe, tiriso ya ferekwentshe e e rileng mo sepeketeramong kgotsa ferekwentsheng ya seyalemowa kgotsa sepeketeramo sa ferekwentshe ya seyalemowa ka kakaretso mo lefelong la bothlokwa kgotsa mo lefelong la bogareng la tshiamelo ya bolepanaledi; 25
- (b) tlhoka phetolelo, mo pakeng e e kgonagalang, ya phetisetso ya analoko mo go sepeketeramo sa ferekwentshe ya seyalemowa mo lefelong la bothlokwa kgotsa lefelo la bogare le le siametseng bolepanaledi, go ya kwa phetsetsong tsa dijitala; 30
- (c) tlhoka gore modirisi mongwe le mongwe wa sepeketeramo sa makhubu a a fetisang kgotsa a gasa mo lefelong la bothlokwa kgotsa la bogare le le siametseng bolepanaledi a fudugele go lekhubu la seyalemowa kgotsa go dirisa thekenoloji e nngwe e e sireletsang ka natla tlhokomelo ya bolepanaledi ya seyalemowa; kgotsa 35
- (d) golola go tswa mo ditlamelong tsa temoso eo, motho mongwe le mongwe kgotsa setho sa puso se se nang le tumelano le bothati tsamaiso jwa lefelo le le bothlokwa kgotsa la bogare le le siametseng bolepanaledi go fokotsa kamo ya tsona mo sepeketeramong sa ferekwentshe ya seyalemowa mo lefelong le le maleba le le siametseng bolepanaledi. 40
- (3) Pele ga go phasalatsa temoso ka fa tlase ga karolwana (2) Tona o tshwanetse—
- (a) go diragatsa botsaakarolo ba setšhaba go ya ka karolo 42; le
- (b) go lebeletswe karolwana (4), go lemosiwe batho botlhe ba ba mo lenaaneina la rejiseta ya leruri ya bao ba nang le kgatlhego le ba ba angwang ke kgaolo e e siametseng bolepanaledi bao e leng gore ditshwanelo tsa bona tsa ga jaana di ka amega ka tlhamalalo ka ntlha ya temoso eo. 45
- (4) Kitsiso e e kabakanngwang mo karolwaneng (3)(b) e tshwanetse go bo e kwadilwe mme e tshwanetse— 50
- (a) go dirwa pele ga go ka simololwa ka tirego ya botsaakarolo ba setšhaba bo bo kaiwang mo karolwaneng (3)(a);
- (b) go romelwa ka poso e e kwadisitsweng kgotsa ka mokgwa mongwe yo motho yo o maleba a dumelaneng ka ona; le
- (c) go romelwa kwa atereseng e e neetsweng ke motho yoo kgotsa jaaka go kailwe mo rejisetaeng ya leruri ya maphata a a nang le kgatlhego kgotsa a a amegang . 55
- (5) Tona, ka kitsiso e e phasaladitsweng ka fa tlase ga karolwana (2), a ka nna a farologanya fa gare ga—

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- (a) different areas or categories of areas;
- (b) different activities or categories of activities; or
- (c) persons or categories of persons.

(6) Notwithstanding anything contained in any other law, ICASA must not issue a broadcasting service license or a radio frequency spectrum license after the coming into force of this Act where the service to be licensed would cause radio frequency interference in a core or central astronomy advantage area, unless the conditions set out in the license make provision for the protection of such areas. 5

Declared activities in core or central astronomy advantage area

23. (1) Notwithstanding any other national or provincial legislation or local by-law, the Minister may, with the concurrence of ICASA where his or her action is likely to affect broadcasting service license or broadcasting service, declare that no person may, in a core or central astronomy advantage area, conduct any activity in any of the following categories: 10

- (a) Prospecting or mining activities; 15
- (b) the construction, expansion or operation of any fixed radio frequency interference source;
- (c) harmful industrial processes;
- (d) the construction and development of new business or residential areas or recreational facilities; 20
- (e) the construction or expansion of road or rail transport networks or parts thereof;
- (f) the construction or expansion of any airfield or airport;
- (g) the operation, construction or expansion of facilities for the generation, transmission or distribution of electricity; 25
- (h) activities capable of causing light pollution, including the installation or operation of street lighting, outdoor security lights, laser promotional lights or self-lit billboards;
- (i) activities capable of causing radio frequency interference, including bringing into the area or operating any interference source, mobile radio frequency interference source or short range device; 30
- (j) activities capable of causing air pollution; and
- (k) any other activity which may detrimentally impact on astronomy and related scientific endeavours, or the astronomy advantage of any core or central astronomy advantage area, 35

or may direct that such activities may only be conducted in a core or central astronomy advantage area in accordance with standards or conditions prescribed by the Minister.

(2) Following publication of a declaration under subsection (1), the Minister must review all declared activities which were lawfully conducted in any affected core or central astronomy advantage area immediately before a declaration in terms of subsection (1) was published. 40

(3) The Minister may, in relation to the activities contemplated in subsections (1) and (2)—

- (a) require that any activity cease, subject to the payment of compensation, if required by section 25 of the Constitution; or 45
- (b) prescribe conditions under which any activity may continue in order to reduce or eliminate the impact of the activity on astronomy and related scientific endeavours or astronomy advantage in the relevant area.

(4) Before setting a requirement or prescribing a condition under subsection (3) the Minister must— 50

- (a) conduct a public participation process in terms of section 42; and
- (b) subject to subsection (5), notify all persons listed in the permanent register of interested and affected parties for the relevant astronomy advantage area whose existing rights are likely to be directly affected by any such requirement or condition. 55

(5) The notification contemplated in subsection (4)(b) must be in writing and must be—

- (a) made prior to commencing the public participation process contemplated in subsection (4)(a);
- (b) sent by registered post or such other method as the relevant person may have agreed to; and 60

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- (a) dikgaolo tse di farologaneng kgotsa ditlhopha tsa dikgaolo;
- (b) ditiro tse di farologaneng kgotsa ditlhopha tsa ditiro; kgotsa
- (c) batho kgotsa ditlhopha tsa batho.

Ditiro tse di kailweng tse di mo mafelong a botlhokwa kgotsa a bogare a a siametseng bolepanaledi 5

23. (1) Kwa ntle ga peomolao epe ya bosetšhaba kgotsa ya porofense kgotsa molawana wa selegae; Tona a ka nna a bolela gore go se nne le motho ope yo o ka dirang ditiro tse di latelang mo teng ga kgaolo e e botlhokwa kgotsa ya bogare e e siametseng bolepanaledi;

- (a) ditiro tsa moepo kgotsa tsa go batla diminerale; 10
- (b) kago katoloso, kgotsa tiriso ya motswedi ope fela o o tlhomamisitsweng wa kgoreletso ya ferekwentshe ya seyalemowa;
- (c) ditiro tsa meepo tse di leng kotsi;
- (d) kago le tlhabololo ya dikgweba tse dintšhwa kgotsa mafelo a bonno, kgotsa ditlamelo tsa boitapoloso; 15
- (e) kago kgotsa katoloso ya mafaratlhatlha a ditsela kgotsa a diporo kgotsa dikarolo tsa ona;
- (f) kago kgotsa katoloso ya boemelafofane kgotsa lebala la la difofane;
- (g) tiro, kago kgotsa katoloso ya ditlamelo tsa go fetlha, go fetisetsa kgotsa go phatlhalatsa motlakase; 20
- (h) ditiro tse di kgonang go baka kgotlhelo ya lesedi, go akarediwa go tsennngwa le go dirisiwa ga dipone tsa mebala, dipone tsa pabalesego tsa kwa ntle, dipone tsa marang (*laser*) tsa papatso, kgotsa diboto tsa papatso tse di itshubang;
- (i) ditiro tse di kgonang go baka kgoreletso ya ferekwentshe ya seyalemowa, go akarediwa go tlisa mo kgaolong kgotsa go dirisa motswedi wa kgoreletso, ferekwentshe ya seyalemowa ya mobaele; 25
- (j) ditiro tse di kgonang go baka kgotlhelo ya mowa; le
- (k) tiro nngwe le nngwe e sele e e ka amang bolepanaledi le maiteko a bonetetshi a a tsalanang mo go maswe, kgotsa tshiamelo ya bolepanaledi ya kgaolo e e botlhokwa kgotsa ya bogare ya lefelo le le siametseng bolepanaledi, e ka diragala kwa lefelong le le botlhokwa kgotsa la bogare le le siametseng bolepanaledi go latela maemo le mabaka a a kailweng ke Tona. 30

(2) Go latela phatlhalatso ya kgoeletso ka fa tlase ga karolwana (1), Tona o tshwanetse go sekaseka ditiro tsotlhe tse di goleditsweng tse di dirilweng ka molao mo lefelong lengwe le lengwe le le amegang la botlhokwa kgotsa la bogare le le siametseng bolepanaledi ka gangwe fela pele ga phatlhalatso ya kgoeletso go ya ka karolwana (1). 35

(3) Malebana le ditiro tse di kaiwang mo dikarowlaneng (1), Tona a ka—

- (a) Tlhoka gore tiro nngwe e emisiwe, go fitlha go duelwa tuelo ya phimolakeledi, fa go tlhokega jalo go yaka karolo 25 ya Molaotheo; kgotsa
- (b) A rebola maemo a tiro nngwe le nngwe e e ka tswelolang ka fa tlase ga ona go fokotsa kgotsa go fedisa kamo e tiro eo e nang nayo mo bolepanaleding le maiteko mangwe a bonetetshi kgotsa tshiamelo ya bonetetshi mo lefelong le le maleba. 40

(4) Pele ga go baya ditlhokego kgotsa go rebola maemo ka fa tlase ga karolwana (3) Tona o tshwanetse— 45

- (a) go tsweletsa thulaganyo ya botsaakarolo ba sešhaba go ya ka karolo 42; le
- (b) go itsise batho botlhe ba ba mo lenaneineng la rejisetara ya leruri ya ba ba nang le kgalhego le ba ba angwang ke lefelo le le siametseng bolepanaledi, ba e leng gore ditshwanelo tsa bona di ka amegang ka tlhamalalo ka ntla ya tlhokego kgotsa ya maemo ao go lebeletswe karolwana (5). 50

(5) Kitsiso e e kabakannwang mo karolwaneng (4)(b) e tshwanetse go bo e kwadilwe mme e tshwanetse—

- (a) go dirwa pele ga go ka simololwa ka thulaganyo ya botsaakarolo ba setšhaba e e kaiwang mo karolwaneng (4)(a);
- (b) go romelwa ka poso e e kwadisitsweng kgotsa ka mokgwa mongwe yo motho yo o maleba a dumelaneng ka ona; le 55
- (c) go romelwa kwa ateseng e e neetsweng ke motho yoo kgotsa jaaka go kailwe mo rejisetareng ya leruri ya maphata a a nang le kgalhego kgotsa a a amegang.

(6) Kgoeletso le kaelo e e dirwang ka fa tlase ga karolwana (1) e ka— 60

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- (c) sent at the address given by such person or as indicated in the permanent register of interested and affected parties.
- (6) A declaration and directive made under subsection (1) may—
 - (a) be made in respect of core and central astronomy advantage areas generally;
 - (b) distinguish between core and central astronomy advantage areas designated in respect of astronomy and related scientific endeavours including; or
 - (c) be made in respect of a specific core or central astronomy advantage area or specified core or central astronomy advantage areas.

Identified activities in coordinated astronomy advantage area

24. (1) The Minister may declare identified activities which, if undertaken in a coordinated astronomy advantage area may have a detrimental effect on astronomy and related scientific endeavours within any astronomy advantage area.

(2) Activities which are declared under subsection (1) may include any activity in any of the following categories:

- (a) The construction, expansion or operation of any fixed radio frequency interference source;
- (b) activities capable of causing light pollution, including the installation or operation of street lighting, outdoor security lights, laser promotional lights or self-lit billboards; and
- (c) other activities capable of causing radio frequency interference.

(3) The Minister may only declare an identified activity in terms of subsection (1) after consultation with the Minister responsible for the execution, approval or control of such activity.

(4) Before making a declaration under subsection (1) the Minister must—

- (a) conduct a public participation process in terms of section 42; and
- (b) subject to subsection (5), notify all persons listed in the permanent register of interested and affected parties for the relevant astronomy advantage area whose existing rights are likely to be directly affected by any such notice.

(5) The notification contemplated in subsection (4)(b) must be in writing and must be—

- (a) made prior to commencing the public participation process contemplated in subsection (4)(a);
- (b) sent by registered post or such other method as the relevant person may have agreed to; and
- (c) sent at the address given by such person or as indicated in the register of permanent interested and affected parties.

(6) A declaration made under subsection (1) may—

- (a) be made in respect of coordinated astronomy advantage areas generally;
- (b) distinguish between coordinated astronomy advantage areas designated for radio or optical astronomy or a combination of these; or
- (c) be made in respect of a specific coordinated astronomy advantage area or specified coordinated astronomy advantage areas.

Authorisation to undertake identified activities

25. (1) The Minister may prescribe standards or conditions regarding the manner in which an identified activity may be undertaken in an astronomy advantage area so as not to cause a detrimental impact on astronomy or related scientific endeavours.

(2) No person may undertake an identified activity or cause such an activity to be undertaken except—

- (a) in accordance with any prescribed conditions or standards set under subsection (1);
- (b) by virtue of a written exemption issued in terms of subsection (4)(b);

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- (a) dirwa malebana le mafelo a botlhokwa le a bogare a a siametseng bolepanaledi ka kakaretso;
- (b) farologanywa magareng ga mafelo a a botlhokwa le a bogare a a siametseng bolepanaledi le maiteko a a maleba a bonetetshi go akarediwa; kgotsa
- (c) a dirwa malebana le lefelo le le rileng la botlhokwa kgotsa la bogare le le siametseng bolepanaledi kgotsa mafelo a a rileng a botlhokwa kgotsa a bogare a a siametseng bolepanaledi. 5

Ditiro tse di supilweng mo lefelong le le gokaganntsweng la tshiamelo ya bolepanaledi

- 24.** (1) Tona a ka goeletsa ditiro tse di supilweng tse e leng gore fa di dirwa mo lefelong le le gokaganntsweng le le siametseng bolepanaledi di ka nna le kamego e e bosula mo bolepanaleding le maiteko a mangwe a a amanang le ao a bonetetshi mo lefelong le le siametseng bolepanaledi. 10
- (2) Ditiro tse di goeleditweng ka fa tlase ga karolwana (1) di ka akaretsa tiro nngwe le nngwe mo karolong nngwe le nngwe mo go tse di latelang: 15
- (a) Kago, katoloso kgotsa tiro ya motswedikgoreletso ya ferekwentshe ya seyalemowa;
 - (b) Ditiro tse di nang le bokgoni jwa go baka kgotlhelego ya lesedi, go akarediwa go tlhomiwa kgotsa tiriso ya mabone a mebila, mabone a tshireletso a kwa ntle, mabone a a tswelatsang laesara kgotsa dibotopapatso tse di itshubang; le 20
 - (c) Ditiro tse dingwe tse di ka bakang kgoreletso ya ferekwentshe ya seyalemowa.
- (3) Tona a ka goeletsa fela tiro e e supilweng go ya ka karolwana (1) morago ga go batla maikutlo a Tona e e ikarabelang ka tiro, thebolo le taolo ya tiro eo.
- (4) Pele ga go dira kgoeletso ka fa tlase ga karolwana (1) Tona o tshwanetse— 25
- (a) go tswelatsa thulaganyo ya seabe sa setšhaba go ya ka karolo 42; le
 - (b) go itsise batho botlhe ba ba mo lenaneina la rejisetara ya leruri ya ba ba nang le kगतlhego le ba ba angwang ke lefelo le le maleba la tshiamelo ya bolepanaledi ba e leng gore ditshwanelo tsa bona di ka amega ka tlhamalalo ka ntlha ya kitsiso eo go lebeletswe karolwana (5). 30
- (5) Kitsiso e e kabakanntsweng mo karolwaneng (4)(b) e tshwanetse go bo e kwadilwe mme e tshwanetse—
- (d) go dirwa pele ga go ka simololwa ka thulaganyo ya seabe sa setšhaba e e kaiwang mo karolwaneng (4)(a);
 - (e) go romelwa ka poso e e kwadisitweng kgotsa ka mokgwa mongwe yo motho yo o maleba a dumelaneng ka ona; le 35
 - (f) go romelwa kwa atereseng e e neetsweng ke motho yoo kgotsa jaaka go kailwe mo rejisetareng ya leruri ya maphata a a nang le kगतlhego kgotsa a a amegang.
- (6) Kgoeletso e e dirwang ka fa tlase ga karolwana (1) e ka— 40
- (a) dirwa malebana le mafelo a a gokaganntsweng a a siametseng bolepanaledi ka kakaretso;
 - (b) go farologanya magareng ga mafelo a a gokaganntsweng, a siametseng bolepanaledi a a beetsweng seyalemowa, bolepanaledi ya opotikale kgotsa motswako wa tseno; kgotsa 45
 - (c) dirwa malebana le lefelo le le rileng le le gokaganntsweng le le siametseng bolepanaledi kgotsa mafelo a a rileng a a gokaganntsweng a siametseng bolepanaledi.

Tumelelo ya go dira ditiro tse di kailweng

- 25.** (1) Tona a ka nna a baya maemo kgotsa mabaka tebang le mokgwa o ka ona tiro e e kailweng e ka dirwang ka ona mo kgaolong e e siametseng bolepanaledi gore go se bakiwe kamo e e maswe mo bolepanaleding kgotsa mo maitekong a bonetetshi a a tsalanang. 50
- (2) A go se nne le motho yo o tla dirang tiro e e kailweng kgotsa yoo tla bakang gore tiro eo e dirwe kwa ntle ga— 55
- (a) fa go setswe morago mabaka a a beilweng kgotsa maemo a a beilweng ka fa tlase ga karolwana (1);
 - (b) ga go nna le kgotlolo e e kwadilweng tebang le karolwana (4)(b);

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- (c) by virtue of a deemed exemption contemplated in subsection (7); or
- (d) by virtue of a written authorisation granted by the relevant competent authority in terms of subsection (8).

(3) Any person who intends to undertake an identified activity other than in accordance with any standards or conditions prescribed in terms of subsection (1) must, prior to commencing such an activity, notify the relevant competent authority and furnish it with details regarding the location, nature and extent of the proposed activity. 5

(4) The competent authority must, within 60 days of receipt of a notification in terms of subsection (3)—

- (a) if there is reason to believe that the astronomy advantage of any core astronomy advantage area or the operation of any astronomy device will be adversely affected by the undertaking of such identified activity, in writing notify the person who intends to undertake the identified activity to submit an impact assessment report; or 10
- (b) issue an exemption to the person concerned from the condition or standard contemplated in subsection (2)(a), provided that any such exemption may be issued subject to such terms and conditions as the competent authority may determine. 15

(5) (a) A report contemplated in subsection (4)(a) must be compiled by a person approved by the competent authority at the expense of the person who intends to undertake the identified activity. 20

(b) The Minister must prescribe the criteria for the approval of the person referred to in paragraph (a).

(6) The competent authority must specify the information to be provided in a report required in terms of subsection (4)(a), provided that any such report must include— 25

- (a) the proposed alternatives to the identified activity if it is likely to—
 - (i) cause light pollution in any core astronomy advantage area designated for optical astronomy;
 - (ii) cause radio frequency interference in any core astronomy advantage area designated for radio astronomy; 30
 - (iii) interfere with the operation of any astronomy device; or
 - (iv) cause any other relevant detrimental impact on astronomy in any core astronomy advantage area; and
- (b) plans for mitigation of any such adverse impacts on the relevant core astronomy advantage area or the operation of the relevant astronomy device during and after the completion of the identified activity. 35

(7) (a) If the competent authority fails to act within the period and in the manner specified in subsection (4) the person who made the notification must resubmit the notification.

(b) If the competent authority once again fails to respond to the notification within the period and in the manner specified in subsection (4) the competent authority is regarded as having issued an exemption in terms of subsection (4)(b). 40

(8) Upon receipt of the report contemplated in subsection (4)(a) and any additional, explanatory information required by the competent authority, the competent authority may refuse or grant the authorisation for the proposed identified activity or an alternative proposed activity on such conditions, if any, as it may consider necessary. 45

(9) Before refusing any authorisation, the competent authority must consult with the applicant in an effort to reach an agreement on the manner in which any adverse impact on the relevant core astronomy advantage area or the operation of the relevant astronomy device may be avoided. 50

(10) (a) If a condition imposed under subsections (4)(b) or (8) is not being complied with, the Minister or any competent authority must in writing notify the person concerned of the non-compliance and direct that person to comply.

(b) If the person concerned fails to comply with the condition within 30 days after having received the direction contemplated in paragraph (a), the Minister or any competent authority may withdraw the exemption or authorisation. 55

(11) Authorisations or permits obtained under any other law for the commencement or continuation of an identified activity do not absolve the holder of such authorisation or permit from obtaining an exemption or authorisation contemplated in subsection (2).

(12) Where the identified activity in a coordinated astronomy advantage area is part of a broadcasting service license or broadcasting service, ICASA must be the competent authority. 60

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- (c) ga go nna le kgololo e e akantsweng e e umakilweng mo karolwaneng (7);
kgotsa
- (d) fa go kwadilwe tetla e e filweng ke bothati jo bo lebaneng e bile bo kgona
tebang le karolwana (8).
- (3) Motho mongwe yo o ikaelelang go dira tiro e e kailweng kwa ntle ga go obamela 5
maemo le mabaka a a beilweng malebana le karolwana (1), o tshwanetse gore pele a ka
simolola tiro eo, a itsise bothati jo bo lebaneng e bile bo kgona, le go bo fa dintlha tebang
le lefelo, mofuta le bogolo jwa tiro e e tshitsintsweng.
- (4) Bothati jo bo kgonang bo tshwanetse gore e re malatsi a 60 a ise a wele, morago 10
ga go amogela kitsiso malebana le karolwana (3)—
- (a) fa go na lelebaka la go dumela gore tshiamelo ya bolepanaledi ya kgaolo
nngwe e e botlhokwa e e siametseng bolepanaledi kgotsa tiriso ya sediriswa
sengwe fela sa bolepanaledi se tla amega ka mo go maswe ka ntlha ya go dira
tiro eo, tshwanetse gore ka mokwalo bo itsise motho yo o ikaelelang go dira
tiro eo e e kailweng go tlisa pego ya tlhatlhobo ya kamo; kgotsa go 15
- (b) naya motho yo o amegang kgololo mo lebakeng kgotsa mo kemong e e
umakilweng mo karolwaneng (2)(a), fa fela e le gore kgololo eo e fiwa ka
mabaka le kemo tse di ka laolwang ke bothati jo bo kgonang.
- (5) Pego e e umakilweng mo karolwaneng (4)(a) e tshwanetse go rulaganngwa ke 20
bothati jo bo kgonang ka ditshenyegelo tsa motho yo o ikaelelang go dira tiro e e
kailweng.
- (6) Bothati jo bo kgonang bo tshwanetse go totobatsa tshedimosetso e e tshwanetseng
go fiwa tebang ke karolwana (4)(a), a e leng gore pego eo e tshwanete go karetsa—
- (a) dikemisetsa tse di tshitsintsweng tsa tiro e e kailweng le fa ele gore tiro eo e 25
ka nna ya—
- (i) baka kgotlelo ya lesedi mo kgaolong nngwe e e botlhokwa e e
siametseng bolepanaledi e e kwadiseditsweng bolepanaledi ya pono;
- (ii) baka kgoreletso ya makhubu a seyalemowa mo lefelong a botlhokwa le
siametseng bolepanaledi le le beetsweng bolepanaledi ba seyalemowa;
- (iii) kgoreletsa go dira ga sediriswa sepe sa bolepanaledi; kgotsa 30
- (iv) baka kamo nngwe e e sa siamelang bolepanaledi mo kgaolong e e
botlhokwa ya bolepanaledi; le
- (b) maano a phokotso ya kamo nngwe e e maswe mo kgaolong e e botlhokwa e e
siametseng bolepanaledi kgotsa ya tiriso ya sediriswa se se maleba sa
bolepanaledi ka nako ya, le morago ga, go wediwa ga tiro e e ikaeletsweng. 35
- (7) (a) Fa bothati jo bo nang le bokgoni bo palelwa ke go tsiboga le go dira ka
mokgwa o o totobaditsweng mo karolwaneng (4) motho yo o dirileng kistiso, o
tshwanetse go tlisa kitsiso gape.
- (b) Fa bothati jo bo nang le bokgoni bo palelwa gape ke go tsibogela kitsiso mo
nakong le ka mokgwa o o totobaditsweng mo karolwaneng (4) bothati jo bo nang le 40
bokgoni bo tla tsewa gore bo neetse tetla tebang le karolwana (4)(b).
- (8) Morago ga go amogela pegelo e e kaiwang mo karolwaneng (4)(a) le
tshedimosetso ya tlaleletso e e tlhokwang ke bothati jo bo bokgoni, bothati jo bo
bokgoni bo ka gana kgotsa jwa rebola tetla ya tiro e e tshitsinngwang e e supilweng
kgotsa tiro e nngwe e e tshitsintsweng ka maemo ao, fa a le gona, fela go ya jaaka bo 45
bona go tlhokega.
- (9) Pele ga bo ka gana ka tetla, bothati jo bo bokgoni bo tshwanetse go buisana le
modirakopo ka maiteko a go fitlhelela tumelano ka mokgwa o go ka tilwang kamo e e
bosula mo lefelong le le maleba la botlhokwa la tshiamelo ya bolepanaledi kgotsa
sediriswa se se maleba sa bolepanaledi. 50
- (10) (a) Fa e le gore maemo a a beilweng ka fa tlase ga dikarolwana (4)(b) kgotsa (8)
ga a obamelwe, Tona kgotsa bothati jo bo bokgoni ba tshwanetse go itsise motho yo o
amegang ka lekwalo ka go se obamelwe goo le go kaela motho yoo gore a obamele.
- (b) Fa motho yoo amegang a palelwa ke go obamela maemo ao mo sebakeng sa 55
malatsi a le 30 morago ga go amogela taelo e e kaiwang mo temaneng (a), Tona kgotsa
bothati jo bo bokgoni bo ka gogela morago kgololo kgotsa tetla.
- (11) Dithebolelo kgotsa ditetla tse di filweng ka fa tlase ga molao, tsa tshimololo
kgotsa tsewediso ya tiro e e kailweng, ga di golole motshola thebolelo kgotsa tetla eo
mo go batleng kgololo kgotsa thebolelo jaaka go kailwe mo karolwaneng (2).

Competent authority

26. (1) When making a declaration under section 24, the Minister may identify the competent authority responsible for granting authorisations in respect of the activities concerned.

(2) The Minister may designate any management authority, municipality or organ of state to be a competent authority for the purposes of subsection (1). 5

Review of identified activities

27. (1) The Minister may declare his or her intention to review any specified identified activities which were lawfully conducted immediately before a declaration in terms of section 24(1) of this Act was published. 10

(2) Following the review contemplated in subsection (1), and subject to subsections (3) and (5), the Minister may prescribe conditions under which specified identified activities may continue in order to reduce or eliminate the impact of those activities on existing or proposed astronomy in the relevant area or on the astronomy advantage of the area. 15

(3) Before prescribing any conditions under subsection (2) the Minister must—

(a) conduct a public participation process in terms of section 42; and

(b) subject to subsection (4), notify all persons listed in the permanent register of interested and affected parties for the relevant astronomy advantage area whose existing rights are likely to be directly affected by any such notice. 20

(4) The notification contemplated in subsection (3)(b) must be in writing and must be—

(a) made prior to commencing the public participation process contemplated in subsection (3)(a);

(b) sent by registered post or such other method as the relevant person may have agreed to; and 25

(c) sent at the address given by such person or as indicated in the register of permanent interested and affected parties.

(5) Where the identified activity, in a coordinated astronomy advantage area, is part of a broadcasting service license or broadcasting service, and after carrying out the review contemplated in subsection (1), the Minister must notify ICASA in writing of such review and conditions contemplated in subsection (2). 30

(6) Upon receipt of the notice contemplated in subsection (5), ICASA must instruct the licensee to take steps, within 60 days, to reduce or eliminate the impact of the identified activity on existing or proposed astronomy or related scientific endeavours in any astronomy advantage area. 35

CHAPTER 4**GENERAL MEASURES TO PROMOTE ASTRONOMY****Astronomy and astronomy devices**

28. (1) The Minister may declare any existing or proposed scientific endeavour to be astronomy and related scientific endeavours for the purposes of this Act. 40

(2) The Minister may, with the concurrence of ICASA, in so far as the Minister's action is likely to affect broadcasting service license or broadcasting service, declare any existing or proposed stand-alone or inter-connected device, apparatus, equipment or instrument, and which is used directly or indirectly for astronomy and related scientific endeavours, to be an astronomy device for the purposes of this Act. 45

(3) In making such a declaration the Minister must—

(a) specify whether an astronomy device is used for radio or optical astronomy or astronomy and related scientific endeavours; and

(b) designate a juristic person, public entity or organ of state as an astronomy device management authority who has the authority for the operation, development, maintenance and management of the astronomy device. 50

(4) The Electronic Communications Act does not apply to—

(a) any astronomy device;

(b) any device management authority designated in respect of any astronomy device; and 55

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Bothati jo bo kgonang

26. (1) Fa Tona a dira kitsiso ka fa tlase ga karolo 24, Tona a ka tlhaola bothati jo bo nang le bokgoni le maikarabelo go fa thebolo malebana le ditiro tse go buiwang ka ga tsona.

(2) Go ya ka maikaelelo a karolwana (1), Tona a ka nna a tlhoma bothati ba tsamaiso bongwe le bongwe, mmasepala kgotsa setheo sa puso go nna bothati jo bo nang le bokgoni. 5

Thadiso ya ditiro tse di kailweng

27. (1) Tona a ka nna a bolela maikaelelo a gagwe a go thadisa ditiro tse di tlhaotsweng tse di totobaditsweng tse di dirwang semolao ka bonako fela pele ga kitsiso e e tebang le karolo 24(1) ya Molao o o phasaladitsweng. 10

(2) Morago ga thadiso e e umakilweng mo karolwaneng (1), gape fa fela go setswe morago karolwana (3), Tona a ka nna a baya mabaka a ka fa tlase ga ona ditiro tse di tlhaotsweng tse di totobaditsweng di ka nnang tsa tswelera gore go tle go fokodiwe kgotsa go fedisiwe kamo ya ditiro tseo mo bolepanaleding bo bo leng teng le bo bo tshitsintsweng mo kgaolong e e lebaneng kgotsa e e mo kgaolong e e siametseng bolepanaledi. 15

(3) pele Tona a ka baya mabaka a a ka fa tlase ga karolwana (2) Tona o tshwanetse go—

- (a) tshwara tsamaiso ya botsayakaralo jwa setšhaba malebana le karolo 42; le 20
- (b) a itsise batho botlhe ba ba kwadilweng mo lenaneineng la leruri la bakgatlhegi le baamegi ba kgaolo e e siametseng bolepanaledi e e lebaneng le ditshwanelo tsa lona di ka nnang tsa amiwa ka tlhamalalo ke kitsiso ya go nna jalo go setswe morago karolwana (4).

(4) Kitsiso e e umakilweng mo karolwaneng (3)(b) e tshwanetse go dirwa ka mokwalo le gore e tshwanetse go— 25

- (a) dirwa pele ga go simolola tsamaiso ya botsayakarolo jwa setšhaba e e umakilweng mo karolwaneng (3)(a);
- (b) romelwa ka poso e e kwadisitsweng kgotsa ka mothale o motho yoo lebaneng a ka bong a dumalane ka ona; le go 30
- (c) romelwa kwa atereseng e e filweng ke motho yoo kgotsa e e supilweng mo rejisetareng ya lenaneina la leruri la batho ba ba kgatlhegang le ba ba amegang.

KGAOLO 4

DIKGATO TSA KAKARETISO GO TSWELE TSA BOLEPANALEDI 35

Bolepanaledi le didiriswa tsa bolepanaledi

28. (1) Tona, ka maikaelelo a Molao o, a ka nna a bolela maiteko mangwe le mangwe a a leng teng kgotsa a a ka nnang teng a saense gore a nne maiteko a bolepanaledi le maiteko a a tsamaelanang le a sesaentefiki.

(2) Tona, ka maikaelelo a Molao o, a ka nna morago ga therisano le ICASA le Tona e e nang le maikarabelo a ditlhaeletsano, a bolela sediriswa, sediriswanyana, motšhini kgotsa motšhininyana mongwe le mongwe o o leng teng kgotsa o o tshitshintsweng wa seikemela-esi kgotsa o o gokagantsweng gantsi (*inter connected*), se le mo Rephaboliking kgotsa kwa ntle le se kgotsa se dirisediwang bolepanaledi le maiteko a sesaentefiki a a tsalanang ka tlhamalalo le e seng ka tlhamalalo, go nna sediriswa sa bolepanaledi. 40 45

(3) Fa Tona a dira kitsiso ya go nna jalo, Tona o tshwanetse go—

- (a) totobatsa gore a sediriswa sa bolepanaledi se dirisetwa bolepanaledi ba seyalemowa kgotsa ba pono le ditiro tsa sesaentefiki tse di tsalanang; le go
- (b) tlhoma lekgotla la setšhaba kgotsa setheo sa puso go nna bothati jwa tsamaiso ya sediriswa sa bolepanaledi jo bo nang le taolo ya tirisano, tlhabololo, tlhokomelo le tsamaiso ya sediriswa sa bolepanaledi. 50

(4) Molao wa Ditlhaeletsano tsa Eleketeroniki ga o tlame—

- (a) sediriswa sepe sa bolepanaledi;
- (b) bothati bope jwa tsamaiso ya didiriswa jo bo tlhomilweng tebang le sediriswa sepe fela sa bolepanaledi; le 55

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(c) any person to whom authority in respect of an astronomy device has been delegated by the device management authority.

(5) Before making a declaration as contemplated in subsection (2) where members of the public are likely to be affected thereby, the Minister must conduct a public participation process in terms of section 42. 5

Entry upon and construction of lines across land and waterways

29. (1) The management authority of an astronomy device may, for the purpose of performing its functions—

(a) enter upon any land, including any street, road, footpath or land reserved for public purposes, any railway and any waterway in the Republic; 10

(b) construct and maintain an astronomy device upon, under, over, along or across any land, including any street, road, footpath or land reserved for public purposes, any railway and any waterway in the Republic; and

(c) alter or remove its astronomy device, and may for that purpose attach wires, stays or any other kind of support to any building or other structure, 15

provided that in the performance of its functions under this subsection the management authority must at all times comply with the safety and other reasonable requirements of the private land owner or the affected persons.

(2) In taking any action in terms of subsection (1), due regard must be had to the environmental laws of the Republic. 20

Pipes under streets

30. (1) An astronomy device management authority may, after providing 30 days written notice to the local authority or person owning or responsible for the care and maintenance of any street, road or footpath—

(a) construct and maintain in the manner specified in that notice any pipes, tunnels or tubes required for an astronomy device under any such street, road or footpath; 25

(b) alter or remove any pipes, tunnels or tubes required for an astronomy device under any such street, road or footpath and may for such purposes break or open up any street, road or footpath; and 30

(c) alter the position of any pipe, not being a sewer drain or main, for the supply of water, gas or electricity.

(2) The local authority or person to whom any such pipe belongs or by whom it is used is entitled, at all times while any work in connection with the alteration in the position of that pipe is in progress, to supervise that work. 35

(3) The astronomy device management authority must pay all reasonable expenses incurred by any such local authority or person in connection with any alteration or removal under this section or any supervision of work relating to such alteration.

Removal of astronomy device

31. (1) If an astronomy device management authority finds it necessary to move any facility, pipe, tunnel or tube associated with an astronomy device constructed upon, in, over, along, across or under any land, railway, street, road, footpath or waterway, owing to any alteration of alignment or level or any other work on the part of any local authority or person, the cost of the alteration or removal must be borne by an astronomy device management authority. 40 45

(2) (a) Where any astronomy device passes over any private property or interferes with any building about to be erected on that property, the astronomy device management authority must, on receiving satisfactory proof that the device prevents or is likely to prevent the proper use of the property, at its own cost, deviate or alter the positioning of the astronomy device in such manner as to remove all obstacles. 50

(b) The owner of the property must, in writing, give notice that any such deviation or alteration is required, to the astronomy device management authority, not less than 28 days before the alteration or deviation is to be effected.

(3) Where a dispute arises between any owner of private property and an astronomy

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- (c) motho ope fela yo o filweng taolo ke bothati jwa tsamaiso ya didiriswa tebang le sediriswa sa bolepanaledi.

Go tsena mo meleng ya kago go ralala naga le meedi ya metsi

- 29.** (1) Bothatitsamaiso jwa sediriswa sa bolepanaledi, go tsweletsa tiro ya jona, go tsweletsa tiro ya sediriswa sa bolepanaledi, bothatitsamaiso bo tshwanetse go— 5
- (a) tsena mo lefatsheng lengwe le lengwe, go akarediwa mmila, tsela, tselana ya dinao kgotsa lefatsheng le le beetsweng mabaka a setšhaba, seporo kgotsa meedi ya metsi mo Rephaboliking;
- (b) aga le go tlhokomelela sediriswa sa bolepanaledi ka fa tlase, mo godimo, go bapa kgotsa go ralala lefatsheng, go akarediwa mmila, tsela, tselana ya dinao kgotsa lefatsheng le le beetsweng mabaka a setšhaba, seporo kgotsa meedi ya metsi mo Rephaboliking; le 10
- (c) go baakanya kgotsa go tlosa sediriswa sa jona sa bolepanaledi, mme ka ntlha ya seo bo ka gokaganya diterata kgotsa mofuta mongwe wa tshegetso mo kagong kgotsano popegong nngwe. 15
- (2) Fa go tsewa dikgato go ya ka karolwana (1), go tshwanetse ga elwa tlhoko melao ya tikologo ya Rephaboliki.

Dipeipi tse di ka fa tlase ga mebila

- 30.** (1) Bothatitsamaiso jwa sediriswa sa bolepanaledi, morago ga go rebola kitsiso e e kwadilweng ya malatsi a le 30 go bothati jwa pusoselegae kgotsa motho yo o nnang fao kgotsa yo o ikarabelang ka tlhokomelo ya mmila, tsela kgotsa tselana ya dinao, bo ka— 20
- (a) aga le go tlhokomela dipeipi, dithanele kgotsa ditšhupu tse di tlhokegang tsa sediriswa sa bolepanaledi ka fa tlase ga mmila, tsela kgotsa tselana eo ya dinao ka tsela e e kailweng mo kitsisong eo; 25
- (b) baakanya kgotsa go tlosa dipeipi, dithanele kgotsa ditšhupu tse di tlhokegang tsa sediriswa sa bolepanaledi ka fa tlase ga mmila, tsela kgotsa tselana ya dinao; le
- (c) go baakanya seemo sa peipi, e e seng ya kgeleloleswe kgotsa ya motlakase, malebana le tlamelolo ya metsi, gase kgotsa motlakase. 30
- (2) Bothati jwa selegae kgotsa mong wa peipe kgotsa yo o e dirisang o na le tshiamelo, ya gore ka dinako tsotlhe fa go dirwa tiro e e malebana le paakanyo ya seemo sa peipi, a tlhokomele tiro eo.
- (3) Bothatitsamaiso jwa sediriswa sa bolepanaledi bo tshwanetse go duela ditshenyegelo tsotlhe tse di amogelesegang tsa bothati joo jwa selegae kgotsa motho yo o dirang phetolo kgotsa tloso e, ka fa tlase ga karolo eno kgotsa tlhokomelo nngwe le nngwe ya tiro e e amanang le paakanyo eo. 35

Tloso ya sediriswa sa bolepanaledi

- 31.** (1) Fa bothatitsamaiso jwa sediriswa sa bolepanaledi bo bona go le bothokwa go sutisa tlamelolo nngwe, peipi, thanele kgotsa tšhupu e e amanang le sediriswa sa bolepanaledi, mo godimo ga, go ralala kgotsa ka fa tlase ga lefatsheng, seporo, mmila, tsela, tselana ya dinao kgotsa moedi wa metsi, ka ntlha ya paakanyo ya tekano kgotsa seemo kgotsa tiro nngwe fela e e amang bothati jwa selegae kgotsa motho, ditshenyegelo tsa paakanyo kgotsa tloso di tshwanetse go rwalwa ke bothatitsamaiso jwa sediriswa sa bolepanaledi. 40
- (2) (a) Mo sediriswa sa bolepanaledi se kgabaganyang mo godimo ga thoto ya poraefete kgotsa se kgoreletsa kago nngwele nngwe fela e e tlogang e agwa fao, bothatitsamaiso jwa sediriswa sa bolepanaledi bo tshwanetse gore, fa bo sena go amogela bosupi jo bo kgotsofatsang jwa gore sediriswa se thibela kgotsa se ka thibela tiriso e e siameng ya thoto, bo sutisiwe kgotsa go baakanya, ka ditshenyegelo tsa jona, seemo sa sediriswa sa bolepanaledi ka tsela e e tla tlosang dikgoreletsi tsotlhe. 50
- (b) Mong wa thoto, o tshwanetse go itsise bothatitsamaiso jwa sediriswa sa bolepanaledi ka go kwala, gore tshutiso kgotsa paakanyo eo e a tlhokega, mo malatsing a a seng ka fa tlase ga 25 pele ga paakanyo kgotsa tshutiso e tla bo e dirwa.
- (3) Fa go ka tsoga kgotlhang magareng ga mong wa thoto ya poraefete le bothatitsamaiso jwa bolepanaledi malebana le tshwetso nngwe fela e e dirilweng ke 55

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device management authority in respect of any decision made by that astronomy device management authority, such dispute must be referred to the Minister for a decision.

Fences

32. (1) If any fence erected or to be erected on land over which an astronomy device, or associated pipe, tunnel or tube is constructed or is to be constructed by an astronomy device management authority, renders or would render entry to that land impossible or inconvenient, the astronomy device management authority may at its own expense— 5

- (a) erect and maintain gates in that fence; and
- (b) provide duplicate keys for such gates, one set of which must be handed to the owner or occupier of the land. 10

(2) Any person intending to erect any such fence must give the astronomy device management authority notice in writing of not less than six weeks of his or her intention to erect such fence.

Trees obstructing astronomy devices

33. (1) Any tree or vegetation which— 15

- (a) obstructs or interferes; or
- (b) is likely to obstruct or interfere, with the working or maintenance of any of the astronomy device or associated pipes, tunnels or tubes, whether growing upon—
 - (i) state-owned land; 20
 - (ii) any roadside; or
 - (iii) private land,

must, after reasonable notice to the owner or occupier of the land, be cut down or trimmed by the authority responsible for the care and the management of such state-owned land, road or private land in accordance with its requirements or by the owner or occupier of such private land, as the case may be, at the expense of the astronomy device management authority. 25

(2) In the event of failure to comply with a notice referred to in subsection (1)(b), the astronomy device management authority may cause the said tree or vegetation to be cut down or trimmed to the extent it may consider necessary. 30

(3) In taking any action in terms of subsection (1) or (2), due regard must be had to the environmental law of the Republic.

Height or depth of astronomy devices

34. (1) If the owner of any private land proves to the satisfaction of an astronomy device management authority that he or she is obstructed in the free use of his or her land because any astronomy device or associated pipe, tunnel or tube constructed by the astronomy device management authority, the astronomy device management authority may take such steps as it may consider necessary to give relief to that owner. 35

(2) In taking any action in terms of this section, due regard must be had to the environmental laws of the Republic. 40

Railways and certain electrical works

35. (1) Any person who constructs, equips or carries on any railway or any works for the supply of light, heat or power by means of electricity in an astronomy advantage area or area through which an astronomy device runs must, in addition to any other requirement imposed in terms of this Act— 45

- (a) conform to the requirements of an astronomy device management authority for the prevention of damage to an astronomy device by such construction;

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bothatitsamaiso joo jwa sediriswa sa bolepanaledi, kgotlhang eo e tshwanetse go fetisediwa kwa go Tona gore a tseye tshwetso.

Magora

32. (1) Fa legora (*terata*) le le agilweng kgotsa le le tla agiwang mo lefatsheng le mo go lona go leng sediriswa sa bolepanaledi, kgotsa peipi e e tsalanang nayo, thanele kgotsa tshupu e agilweng kgotsa e tla agiwang ke bothati jwa tsamaiso ya sediriswa sa bolepanaledi, le dira gore kgotsa le tla dira gore go tsena mo lefatsheng leo go se kgonagale kgotsa go nne thata, bothati jwa tsamaiso ya sediriswa sa bolepanaledi bo ka nna, ka ditshenyegelo tsa jona jwa—

(a) Aga le go tlhokomela diheke mo legoreng leo; le 10

(b) Go dira dinotlolo tse pedi tse di tshwanang tsa diheke tseo, tsesete nngwe ya tsona e tshwanetseng go fiwa mong kgotsa monni wa lefatshe leo. (2) Motho mongwe le mongwe yo o ikaelelang go tlhoma terata eo o tshwanetse go itsise bothatitsamaiso jwa sediriswa sa bolepanaledi ka lekwalo, sebaka se se seng ka fa tlase ga dibeke tse thataro ka maikaelelo a gagwe a go tlhoma terata e e jalo. 15

Ditlhare tse di kgoreletsang didiriswa tsa bolepanaledi

33. (1) Ditlhare kgotsa dimela dingwe tse—

(a) di kgoreletsang; kgotsa

(b) di ka kgoreletsang tiro kgotsa tlhokomelo nngwe fela ya didiriswa tsa bolepanaledi kgotsa dipeipi tse di amanang natso, dithanele kgotsa ditshupu, di ka ne di mela mo— 20

(i) Lefatsheng la mmuso;

(ii) mo thoko ga tsela nngwe; kgotsa

(iii) mo lefatsheng la poraefete, 25

di tshwanetse, morago ga kitsiso e e amogelesegang go mong kgotsa monni mo lefatsheng leo, go kgaolwa kgotsa go fokodiwa ke bothati jo bo ikarabelang ka tlhokomelo le tsamaiso ya lefatshe leo la mmuso, tsela kgotsa lefatshe la poraefete go ya ka ditlhokego tsa teng kgotsa mong kgotsa monni mo lefatsheng leo la poraefete, go ya fela jaaka go tla bo go le maleba, ka ditshenyegelo tsa bothatitsamaiso jwa sediriswa sa bolepanaledi. 30

(2) Mo mabakeng a go tla bong go sa obamelwa kitsiso e e kailweng mo karolwaneng ya (1)(b), bothatitsamaiso jwa sediriswa sa bolepanaledi bo ka dira gore setlhare kgotsa semela seo se kgaolwe kgotsa se fokodiwe go ya fela jaaka bo tla bo bo bona go tlhokega. 35

(3) Fa go tsewa dikgato go ya ka karolwana (1) kgotsa (2), go tshwanetse ga elwa tlhoko melao ya tikologo ya Rephaboliki.

Boteng jwa didiriswa tsa bolepanaledi

34. (1) Fa mong wa lefatshe la poraefete a supa ka tsela e e kgotsofatsang bothatitsamaiso jwa sediriswa sa bolepanaledi gore o a kgoreletsega mo tirisong e e gololesegileng ya lefatshe la gagwe ka ntlha ya sediriswa sengwe sa bolepanaledi kgotsa peipi e e amanang le sona, thanele kgotsa tshupu e e agilweng ke bothatitsamaiso jwa sediriswa sa bolepanaledi, bothatitsamaiso jwa sediriswa (sa bolepanaledi) bo ka tsaya dikgato tse bo ka bonang di tlhokega go imolola mong yoo. 40

(2) Fa go tsewa dikgato go ya ka karolo eno, go tshwanetse ga elwa tlhoko melao ya tikologo ya Rephaboliki. 45

Diporo le ditiro tse di rileng tsa motlakase

35. (1) Motho mongwe le mongwe yo o agang, a tlamela ka didiriswa kgotsa a dira tiro nngwe ya seporo kgotsa a direla tlamelo ya mabone, mogote kgotsa maatla ka tiriso ya motlakase mo lefelong la tshiamelo ya bolepanaledi kgotsa lefelo le sediriswa sa bolepanaledi se fetang gona, go tlaleletsa mo ditlhokegong tse di beilweng go ya ka Molao ono o tshwanetse— 50

(a) go itepatepanya le ditlhokego tsa bothatitsamaiso jwa sediriswa sa bolepanaledi malebana le thibelo ya tshenyo ya sediriswa sa bolepanaledi le kago eo; 55

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- (b) before commencing the construction of any such railway or works, give 30 days prior written notice to any relevant astronomy device management authority of his or her intention to commence the construction; and
- (c) before commencing the construction of any such railway or works, furnish the astronomy device management authority with— 5
- (i) a plan of the proposed railway or works;
 - (ii) particulars showing the manner and position in which the railway or works are intended to be constructed, executed and carried on; and
 - (iii) such further information related to the proposed railway or works as the astronomy device management authority may require. 10
- (2) The astronomy device management authority must give reasonable notice of the requirements contained in this Act to the person concerned if—
- (a) it appears to the astronomy device management authority that the construction, equipment or operation of any such railway or works is likely to damage its astronomy device; or 15
 - (b) any such astronomy device is damaged by the construction, equipment or operation of any such railway or works.
- (3) Any person who, after receiving the notice referred to in subsection (2), proceeds with or causes to be proceeded with any such construction or operation or uses the equipment in contravention of the said requirements, may be liable to the astronomy device management authority for damages sustained by the astronomy device management authority as a result of a contravention of subsection (1). 20

International agreements regarding astronomy and related scientific endeavours

- 36.** (1) The Minister may enter into any agreement with any country in which part of an astronomy device declared under section 28(2) is located, to— 25
- (a) manage and coordinate the operation of any astronomy device;
 - (b) coordinate and advance the preservation of astronomy advantage within such country;
 - (c) coordinate, promote and advance astronomy and related scientific endeavours on a regional basis; or 30
 - (d) advance any other objective of this Act.

National standards for control of activities, equipment or devices

- 37.** (1) The Minister may, with the concurrence of ICASA, in so far as the Minister's action is likely to affect broadcasting service license or broadcasting service in the core or central astronomy advantage area and in relation to actions which may detrimentally impact on astronomy and related scientific endeavours, prescribe national standards or measures for the control or minimisation of— 35
- (a) light pollution;
 - (b) radio frequency interference; or
 - (c) any other activity. 40
- (2) The Minister may by notice in the *Gazette* incorporate into law any standard set by the Council for the South African Bureau of Standards in terms of section 16 of the Standards Act, 1993 (Act No. 29 of 1993), dealing with any matter related to the elimination, prevention or mitigation of light pollution or radio frequency interference without stating the text thereof, by mere reference to the number, title and year of issue of that standard or to any other particulars by which that standard is sufficiently identified. 45
- (3) The national standards and measures which may be prescribed in terms of subsection (1) in respect of light pollution may include measures regarding—
- (a) shielding of light by physical barriers; 50
 - (b) mounting height limits;
 - (c) maximum lumen or wattage limits;
 - (d) curfews requiring light users to extinguish lights after a certain time at night;

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- (b) pele ga go simolola ka kago ya seporo kgotsa tiro, go rebola kitsiso e e kwadilweng pele ga malatsi a le 30 go bothatitsamaiso jo bo maleba jwa sediriswa sa bolepanaledi malebana le maikaelelo a gagwe a go simolola kago; le
- (c) pele ga go simolola ka kago ya seporo kgotsa tiro, go tlamela bothatitsamaiso jwa sediriswa sa bolepanaledi ka— 5
- (i) polane ya seporo kgotsa tiro e e tshitsinngwang;
- (ii) dintlha tse di bontshang mokgwa le seemo se go lebeleletsweng gore seporo kgotsa tiro di tla agiwa ka sona, didiragadiwe kgotsa go tswelediwa; le 10
- (iii) tshedimosetso e nngwe e e amanang le seporo kgotsa tiro e e tshitshinngwang go ya jaaka bothatitsamaiso jwa bolepanaledi bo ka tlhoka.
- (2) Bothatitsamaiso jwa sediriswa sa bolepanaledi bo tshwanetse go rebola kitsiso e e amogelesegang ya ditlhokego tse di mo Molaong ono go motho yo o amegang fa e le gore— 15
- (a) go lebega mo bothatitsamaising jwa sediriswa sa bolepanaledi gore kago, didiriswa kgotsa tiro ya seporo kgotsa tiro eo e ka senya sediriswa sa bona sa bolepanaledi; kgotsa
- (b) sediriswa seo sa bolepanaledi se sentse ke kago, didiriswa kgotsa tiriso ya seporo seo kgotsa tiro. 20
- (3) Motho mongwe le mongwe yo e tla reng morago ga go amogela kitsiso e e kailweng mo karolwaneng (2), a tswelile kgotsa a dire gore go tswelilwe ka kago eo kgotsa tiro kgotsa a dirisa didiriswa go ikgatholosa ditlhokego tse di kailweng, a ka ikarabela go bothatitsamaiso jwa sediriswa sa bolepanaledi malebana le tshenyo e e tlhagetseng bothatitsamaiso jwa sediriswa sa bolepanaledi ka ntlha ya go tlolwa ga karolwana (1). 25

Ditumalano tsa boditshabatshaba malebana le bolepanaledi le maiteko a mangwe a a maleba a bonetetsi

- 36.** (1) Tona a ka tsena mo tumelanong nngwe le nngwe fela le naga e karolo ya sediriswa sa bolepanaledi e e goleditsweng ka fa tlase ga karolo 28(2) e teng, go— 30
- (a) tsamaisa le go gokaganya tiro ya sediriswa sa bolepanaledi;
- (b) gokaganya le go tswelletsa tshomarelo ya tshiamelo ya bolepanaledi mo nageng eo;
- (c) gokaganya, tswelletsa le go godisa bolepanaledi le maiteko a a amanang a saense mo kgaolong; kgotsa 35
- (d) tswelletsa maitlhomong mangwe fela a Molao ono.

Maemo a bosetshaba a taolo ya ditiro kgotsa didiriswa

- 37.** (1) Malebana le dikgato tse di ka nnang le dikamego tse di bosula mo bolepanaleding le maiteko a a amanang natso a saense, Tona go ya ka tlhagiso ya ICASA a ka rebola maemo a bosetshaba kgotsa dikgato tsa taolo kgotsa phokotso ya— 40
- (a) kgotlhelego ya lesedi;
- (b) kgoreletso ya ferekwentshe ya seyalemowa; kgotsa
- (c) tiro nngwe fela.
- (2) Tona, ka kitsiso mo Kaseteng, a ka tsenya mo molaong, maemo mangwe le mangwe a a tlhomilweng ke Lekgotla la Biro ya Maemo ya Aforika Borwa (South African Bureau of Standards) go ya ka karolo 16 ya Molao wa Maemo, wa 1993 (Molao 29 wa 1993), a a samaganang le morero mongwe o o amanang le tloso, thibelo kgotsa phokotso ya kgotlhelego ya lesedi kgotsa kgoreletsego ya ferekwentshe ya seyalemowa kwa ntle ga go tlhalosa mafoko a teng, fela ka go nopola palo, setlhogo le ngwaga wa thebolo ya maemo ao kgotsa go dintlha dingwe tse maemo a ka supiwang sentle ka ona. 50
- (3) Maemo a bosetshaba le dikgato tse di ka tsewang go ya ka karolwana (1) malebana le kgotlhelego ya lesedi a ka akaretsa dikgato tse di amang—
- (a) go sirelediwa ga lesedi ka dikgoreletsi;
- (b) ditekanyetso tsa bolelele/bogodimo; 55
- (c) ditekanyetso tsa *lumen* kgotsa diwate;
- (d) dipeelonako tse di tlhokang gore badirisi ba mabone ba time mabone morago ga nako e e rileng bosigo;

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- (e) the prohibition of or restrictions on the sale or use of certain types of light fixtures;
 - (f) the use of Low Pressure Sodium lighting or other types of low impact lighting;
 - (g) the type of lighting that is permissible on billboards; and
 - (h) the imposition of permitting and inspection requirements. 5
- (4) Before publishing any standards in terms of subsection (1), the Minister must conduct a public participation process in accordance with section 42.
- (5) The Minister may declare that any national standards or measures prescribed in terms of subsection (1) apply—
- (a) to declared astronomy advantage areas, or only in a specified area or category of areas; 10
 - (b) generally, to all persons or only a specified category of persons;
 - (c) within one or more astronomy advantage areas declared in terms of this Act; or
 - (d) to specific activities wherever undertaken within the Republic. 15
- (6) Where the actions contemplated in subsection (1)(b) are part of a broadcasting service license or broadcasting service in a coordinated astronomy advantage area or anywhere in the Republic, the Minister must notify ICASA in writing of such actions.
- (7) Upon receipt of a notice contemplated in subsection (6) ICASA must, in terms of the procedure contemplated in section 4 of the Electronic Communication Act, 2005, prescribe national standards or measures for the control or minimisation of radio frequency interference. 20

CHAPTER 5**ACQUISITION OF RIGHTS IN OR TO LAND****Acquisition of private land by state** 25

- 38.** The Minister, acting with the concurrence of the Minister responsible for public works, may acquire land or property, or any right in or to land or property, which has been or is proposed to be declared as or included in any astronomy advantage area, by—
- (a) purchasing the land, property or right;
 - (b) exchanging the land, property or right for other land, property or rights; or 30
 - (c) expropriating the land, property or right in accordance with the Expropriation Act, 1975 (Act No. 63 of 1975), subject to section 25 of the Constitution, if no agreement is reached with the owner or the holder of the right.

Cancellation of servitude on, or privately held right in or to, state land

- 39.** (1) The Minister, acting with the concurrence of the minister responsible for public works, may take any steps necessary to cancel a servitude on state land, or a privately held right in or to state land, which has been or is proposed to be declared as or included in any astronomy advantage area. 35
- (2) If the Minister fails to reach an agreement with the owner of the property in whose favour the servitude is registered or with the person holding the right, the Minister may 40
expropriate the servitude in accordance with the Expropriation Act, 1975 (Act No. 63 of 1975), subject to section 25 of the Constitution.

Financing

- 40.** The Minister may finance the acquisition of private land or property or a right in or to private land or property in terms of section 38 or 39, or the cancellation of a servitude on, or a privately held right in or to, state land in terms of section 38 or 39, from money appropriated for this purpose by Parliament. 45

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- (e) kganelo kgotsa ditekanyetso malebana le thekiso kgotsa tiriso ya mefuta e e rileng ya dipopego tsa mabone;
- (f) tiriso ya mabone a Sodianome kgatelelotlase kgotsa mefuta e mengwe ya mabone a a seng bogale;
- (g) mofuta wa lesedi/mabone lo lo amogelesegang mo dibotopapatsong; le 5
- (h) mokgweleo wa go letla le go tlhatlhoba ditlhokego.
- (4) Pele ga go phasalatsa maemo mangwe go ya ka karolwana (1), Tona o tshwanetse go dira thulaganyo ka ga seabe sa setšhaba go latela karolo 42.
- (5) Tona a ka goeletsa gore maemo mangwe le mangwe a bosetšhaba kgotsa dikgato tse di laotsweng go ya ka karolwana (1) a dire— 10
- (a) ka kakaretso go ralala Rephaboliki, porofense kgotsa mmasepala, fela jaaka go tla bo go le maleba, kgotsa mo lefelong le le tlhalositsweng kgotsa mo karolong ya lefelo;
- (b) ka kakaretso, go batho botlhe kgotsa setlhopho se se rileng sa batho;
- (c) mo lefelong lengwe kgotsa mafelong mangwe a a siametseng bolepanaledi a a goeleditsweng go ya ka Molao ono; kgotsa 15
- (d) mo ditirong tse di rileng tse di dirwang gongwe le gongwe mo Rephaboliking.
- (6) Fa dikgato tse di ikaelelwang go tsewa mo karolwaneng (1)(b) e le bontlhabongwe jwa lekwalatetla la tirelo-kgaso nngwe mo lefelong, le le golaganeng, le siametse bolepanaledi kgotsa gongwe le gongwe fela mo Rephaboliking Tona o tshwanetse go 20 kwalela ICASA a e itsise ka ga dikgato tsa to nna jalo.
- (7) Fa ICASA e sena go amogela dikgato tse di mo karolwaneng (6), go ya ka tsamaiso ya maikaelelo a molao wa Tlhaeletsano ya elektroniki, 2005 mo karolong 4, e tshwanetse go neela kitekanyetso tsa bosetšhaba tsa go laola kgotsa go fokotsa kgoreletsego ya ferekwentshe ya seyalemowa. 25

KGAOLO 5

PHITLHELELO YA DITSHWANELO TSA LEFATSHE MO LEFATSHENG

Phitlhelelo ya lefatshe la poraefete ke mmuso

- 38.** Tona, a dira ka tumelano le Tona yo o o rweleng maikarabelo a ditiro tsa setšhaba, a ka bona lefatshe kgotsa thoto, kgotsa tshwanelo ya lefatshe kgotsa thoto, e e kileng kgotsa e santse e tshitshinngwa go ka goelediwa jaaka lefelo le le siametseng bolepanaledi ka— 30
- (a) go reka lefatshe, thoto kgotsa tshwanelo;
- (b) go refosanya lefatshe, thoto kgotsa tshwanelo ka lefatshe le lengwe, thoto kgotsa ditshwanelo; kgotsa 35
- (c) go tsaya lefatshe, thoto kgotsa tshwanelo go ya ka Molao wa Tseo, wa 1975 (Molao 63 wa 1975), go lebeletswe karolo 25 Molaotheo, fa go sa fitlhelwe tumelano le mong kgotsa motshodi wa tshwanelo.

Phimolo ya dithata kgotsa tshwanelo ya poraefete ya tiriso ya lefatshe la mmuso

- 39.** (1) Tona, a dira ka tumelano le Tona yo o o rweleng maikarabelo a ditiro tsa setšhaba, a ka tsaya dikgato tse di tlhokegang go phimola tshwanelo ya tiriso ya lefatshe la mmuso, kgotsa tshwanelo e e tshotsweng ya poraefete ya lefatshe la mmuso, le le neng kgotsa le le tshitshinngwang go ka goelediwa kgotsa go akarediwa mo lefelong le le siametseng bolepanaledi. 40
- (2) Fa Tona e retelelwa ke go fitlhelela tumelano le mong wa thoto yo tetla ya tiriso ya lefatshe le lengwe e kwadisitsweng ka ene kgotsa motho yo o tshotseng tshwanelo, Tona a ka tsaya tetla ya tiriso ya lefatshe le lengwe go ya ka Molao wa Tseo, wa 1975 (Molao 63 wa 1975), go latelwa karolo 25 ya Molaotheo. 45

Ketleetsa

- 40.** Tona a ka etleetsa ka matlole gore go bonwe lefatshe la poraefete kgotsa ntlo kgotsa tshwanelo ya lefatshe la poraefete kgotsa thoto go ya ka karolo 38 kgotsa 39, kgotsa go phimolwa ga tshwanelo ya tiriso ya lefatshe, kgotsa tshwanelo e e tshotsweng ya poraefete ya, lefatshe la mmuso go ya ka karolo 38 kgotsa 39, go tswa go madi a a reboletsweng seno ke Palamente. 50

CHAPTER 6

CONSULTATION AND PUBLIC PARTICIPATION

Consultation by Minister

41. Subject to section 42, before issuing a notice under sections 5, 7(1), 9(1) and 11(1), the Minister may follow such consultative process as may be appropriate in the circumstances, but the Minister must consult— 5

- (a) all organs of state affected by the proposed notice; and
- (b) (i) the relevant Ministers; 10
 - (ii) the MEC for local government, transport and economic affairs of the province concerned; and
 - (iii) the municipality in which the area concerned is situated, which consultation must include a discussion of the implications of the proposed notice on the Integrated Development Plan of the municipality.

Public participation 15

42. (1) (a) Where the Minister is required by this Act or where the Minister elects to conduct a public participation process prior to taking any action or publishing any notice, the Minister must publish a notice of his or her intended action or notice in the *Gazette* and in at least two national newspapers distributed in the area in which the relevant proposed or existing astronomy advantage area is situated or where the effect of the action will be felt. 20

(b) Paragraph (a) also applies where the Minister intends taking any action or publishing any notice which would affect the rights or legitimate expectations of any person.

(2) The notice contemplated in subsection (1) must— 25

- (a) invite interested or affected parties to submit to the Minister written representations on or objections to the proposed action or notice within 60 days from the date of publication in the *Gazette*;
- (b) contain sufficient information to enable interested or affected parties to submit meaningful representations or objections; and 30
- (c) include a clear indication of the area or activity that will be affected.

(3) The Minister may in appropriate circumstances allow any interested or affected parties to present oral representations or objections to the Minister or to a person designated by the Minister.

(4) The Minister may combine any two or more public participation processes which must be conducted in terms of this Act and hold one consolidated process, provided that any notice published in terms of subsection (1) clearly states the contemplated notices or actions in respect of which the consolidated process is conducted. 35

(5) (a) The Minister must give due consideration to all representations or objections received or presented before taking the relevant action or publishing the relevant notice. 40

(b) The Minister must, within 60 days, notify all those who made written or oral representations of the Minister's decision and provide reasons for the decision should any interested or affected party request this.

(6) (a) If an interested or affected party believes the action proposed by the Minister will result in an expropriation of property or a right in property held by that party, that party may make a written request to the Minister to act in terms of section 38. 45

(b) Such a request must be accompanied by such supporting information as is necessary for the Minister to consider the request.

(7) (a) The Minister must consider the request contemplated in subsection (6) and must decide whether or not to proceed to acquire the property in terms of section 38. 50

(b) The Minister must, within 60 days of receipt of the request, notify the person making the request in writing of his or her decision and provide reasons for the decision.

KGAOLO 6**THERISANO LE BOTSAYAKAROLO JWA SETŠHABA****Therisano ka Tona**

41. Go setswe morago karolo 42, pele ga go ntsha laesense ka fa tlase ga dikarolo 5, 7(1), 9(1) le 11(1), Tona a ka nna a latela tsamaiso ya therisano e e ka nnang maleba mo mabakeng ao, mme Tona o tshwanetse go rerisa— 5

- (a) ditho tsotlhe tsa puso tse di amiwang ke kitsiso e e tshitshintsweng; le
- (b) (i) Ditona tse di maleba;
- (ii) Mo-MEC wa puso selegae, dipalangwa le merero ya ikonomi wa porofense e e amegang; le 10
- (iii) mmasepala o mo go ona go nang le kgaolo e e amegang, e leng therisano e e tshwanetseng go akaretsa puisano ya tsenyo tirisong ya kitsiso e e tshitshintsweng ya Leano la Ditlhabololo le le Tlhakantsweng la mmasepala.

Botsayakarolo jwa setšhaba 15

42. (1) (a) Fa Tona a lopiwa ke Molao kgotsa fa a tlhopha go tshwara tsamaiso ya botsayakarolo jwa setšhaba, pele a ka tsaya kgato nngwe kgotsa a ka phasalatsa kitsiso nngwe, Tona o tshwanetse go phasalatsa kitsiso ya maikaelelo a gagwe kgotsa kitsiso mo *Kaseteng* le mo dikuranteng tse di ka nnang pedi tsa bosetšhaba tse di anamisiwang mo kgaolong e e tshitshintsweng ya bolepanaledi e leng teng kgotsa kwa kgaolong e tiro eo e tla utlwalang teng. 20

(b) Tema (a) e diragadiwa fa Tona a na le maikaelelo a go tsaya kgato kgotsa go phasalatsa kitsiso nngwe fela e e tla amang ditshwanelo tsa kgotsa ditsholofelo tsa motho mongwe.

(2) Kitsiso e e umakilweng mo karolwaneng (1) e tshwanetse go— 25

- (a) laletsa ba ba nang le dikgatlhego le baamegi go tlhagisa go Tona dingongorego tse di kwadilweng tse di kgatlhanong le kgato e e tshitsintsweng mo nakong ya malatsi a le 60 go tloga ka letlha la phasalatso mo *Kaseteng*;
- (b) nna le tshedimosetso e e lekaneng go kgontsha bakgatlhegi le baamegi go tlisa dingongorego le dikganetso tse di nang le boleng; le go 30
- (c) akaretsa tshupo e e tlhakileng ya lefelo kgotsa tiro e e tla amegang.

(3) Tona a ka nna, mo mabakeng a lolameng, a letla bakgatlhegi kgotsa baamegi bangwe go tlhagisa dingongorego tsa bona kwa go Tona kgotsa kwa bathong ba ba tlhomilweng ke Tona ka puo ya molomo.

(4) Tona a ka nna a kopanya ditsamaiso dingwe tsa botsayakarolo jwa setšhaba tse di tshwanetseng go tshwarwa tebang le Molao o le go tshwara tsamaiso e nngwe e e kopantsweng, fa fela e le gore kitsiso nngwe, e e phasaladitsweng tebang le karolwana ya (1) e tlhalosa ka bophepa dikitsiso tse di akantsweng kgotsa ditiro tse tsamaiso e e kopantsweng e dirwang tebang le tsona. 35

(5) (a) Tona o tshwanetse go sekaseka ka kelotlhoko dingongorego le dikganetso tsotlhe tse a di amogetseng pele a a ka tsaya kgato e e maleba kgotsa pele a ka phasalatsa kitsiso e e maleba. 40

(b) Tona o tshwanetse gore malatsi a 60 a ise a wele, a itsise batho botlhe ba ba tlhagisitseng dingongorego ka mokwalo le ka puo ya molomo ka ga tshwetso ya ga Tona le go naya mabaka a ditshwetso tse di tserweng fa go ka nna le bangwe ba ba ka a batlang. 45

(6) (a) Fa mokgatlhegi le moamegi ba dumela gore kgato e e tshitsintsweng ke Tona e tla feleletsa e dirile gore a amogiwe dithoto tsa gagwe kgotsa a amogiwe tshwanelo ya dithoto e e tshotsweng ke motho yoo, motho yoo a ka kwalela Tona kopo malebana le karolo 38. 50

(b) Dikopo tsa go nna jaana di ka tla di patagane le tshedimosetso e e neelang bosupi jaaka go ka tlhokafala gore Tona a sekaseke kopo.

(7) (a) Tona o tshwanetse go sekaseka kopo e e umakilweng mo karolwaneng (6) le go swetsa gore a a tswelela kgotsa a se ka a tswelela go tsaya dithoto tebang le karolo 38.

(b) Tona o tshwanetse gore, malatsi a 60 a ise a wele morago ga a sena go amogela kopo, a itsise motho yo o dirang kopo ka mokwalo ka ga tshwetso ya gagwe le go naya mabaka a tshwetso ya gagwe. 55

Affected organs of state, communities and beneficiaries

43. If it is proposed to make a declaration in terms of sections 7(1) or 9(1) in respect of an area that consists of or includes land—

- (a) owned by the state, the Minister may make that declaration only after consultation with the Minister responsible for public enterprises and the Minister responsible for the administration of that land, if that land is administered by the national executive, or after consultation with the provincial executive, if that land is administered by that provincial executive; or 5
- (b) which is held in trust by the state or an organ of state for a community or other beneficiary, the Minister may declare that area only after consultation with the trustee and the community involved. 10

CHAPTER 7**ADMINISTRATION OF ACT****Power to issue compliance notice 15**

44. (1) A management authority may, within its mandate in terms of section 15(2), issue a compliance notice in the prescribed form and following a prescribed procedure if there are reasonable grounds for believing that a person has not complied with a—

- (a) provision of this Act for which that management authority has been designated in terms of section 15(2); or 20
 - (b) term or condition of a permit, authorisation or other instrument issued in terms of this Act.
- (2) A compliance notice must set out—
- (a) details of the conduct constituting non-compliance;
 - (b) any steps the person must take and the period within which those steps must be taken, including removal of any building or structure constructed without authorisation; 25
 - (c) any thing which the person may not do, and the period during which the person may not do; and
 - (d) the procedure to be followed in lodging an objection to the compliance notice with the Minister. 30

(3) A management authority may, on good cause shown, vary a compliance notice and extend the period within which the person must comply with the notice.

(4) A person who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Minister has agreed to suspend the operation of the compliance notice in terms of subsection (5). 35

(5) A person who receives a compliance notice and who wishes to lodge an objection may make representations to the Minister to suspend the operation of the compliance notice pending finalisation of the objection. 40

(6) Where a management authority has reasonable grounds to believe that a person has not complied with conditions, standards or other instruments prescribed by ICASA in terms of section 37(7), the management authority must refer the matter to ICASA to enforce compliance. 40

Objection to compliance notice

45. (1) Any person who receives a compliance notice contemplated in section 44 may object to the notice by making representations, in writing, to the Minister within 30 days of receipt of the notice, or within such longer period as the Minister may determine. 45

(2) After considering any representations made in terms of subsection (1) and any other relevant information, the Minister—

- (a) may confirm, modify or cancel a notice or any part of a notice; and 50
- (b) must specify the period within which the person who received the notice must comply with any part of the notice that is confirmed or modified.

Ditheo tsa puso, merafe le baamogelatshiamelo ba ba amegang

- 43.** Fa go tshitshinngwa gore go dirwe kitsiso malebana le dikarolo 7(1) kgotsa 9(1) tebang le kgaolo e e nang le kgaolo kgotsa e e akaretsang—
- (a) Lefatshe la puso, Tona a ka nna a dira kitsiso fela fa a sena go rerisana le Tona e e nang le maikarabelo a dikgwebo tsa setšhaba le Tona e e nang le Maikarabelo a botsamaiso ba lefatshe, fa lefatshe leo le tsamaisiwa ke lekgotla khuduthamaga la bosetšhaba kgotsa morago ga therisano le khuduthamaga ya porofense; kgotsa 5
- (b) le le tshegeditsweng ke puso kgotsa setheo sa puso, se le tshegeleditse morafe kgotsa moamogelatshiamelo yo mongwe, Tona a ka nna a bolela lefelo leo 10 fela morago ga therisano le motlhokomedi le setšhaba se se amegang.

KGAOLO 7**TIRAGATSO YA MOLAO****Nonofa ya go ntsha kitsiso ya kobamelomolao**

- 44.** (1) Bothati jwa tsamaiso, bo dirisa thomo ya jona tebang le karolo 15(2), bo ka nna 15 jwa ntsha kitsiso ya kobamelo ka popego e e beilweng le gone go latelwa tsela e e beilweng fa go na le mabaka a a utlwalang a go dumela gore motho ga a obamela melwana ya Molao o, o bothati jwa tsamaiso o o filweng tebang le karolo 15(2); kgotsa
- (a) mabaka le kemo ya tetelelelo, thebolelo kgotsa sediriswa sengwe se sele malebana le Molao o. 20
- (2) Kitsiso ya kobamelo e tshwanetse go baya—
- (a) dintlha tsa maitsholo a a dirang tlhoka-kobamelo;
- (b) dikgato dingwe tse motho a tshwanetseng go di tsaya le nako e dikgato tseo di tshwanetseng go tsewa ka yona, go akarediwa go tloisiwa ga kago nngwe kgotsa moago o o agilweng ntle le tetla; 25
- (c) sengwe le sengwe se motho a sa tshwanelang go se dira, le nako e ka yona motho a ka se direng dilo tseo; le
- (d) tsamaiso e e tshwanetseng go latelwa mo go tlhagiseng ngongorego ya kitsiso kwa go Tona. 30
- (3) Bothati jwa tsamaiso bo ka nna, ka ntlha ya mabaka a mantle a a supilweng, jwa farologanya kitsiso ya kobamelo le go katolosa nako e ka yona motho o tshwanetseng go obamela kitsiso. 30
- (4) Motho yo o amogelang kitsiso ya kobamelo o tshwanetse go obamela kitsiso eo ka nako e e beilweng, kwa ntle ga fa Tona a dumetse go emisa tirego ya kitsiso ya kobamelo tebang le karolwana ya (5). 35
- (5) Motho yo o amogelang kitsiso ya kobamelo le yo o eletsang go tla ka ngongorego a ka tla ka ngongorego kwa go Tona gore a emise tiragatso ya kitsiso ya kobamelo go santse go emetse kwetso ya kgang e.
- (6) Fa bothati ba tsamaiso bo ka nna le mabaka a a utlwalang a go dumela gore mongwe ga a dirise mabaka, maemo kgotsa didiriswa go ya ka tlhagiso ya ICASA ka fa tlase ga karolo 37(7), bothati ba tsamaiso bo ka lebisa bothata joo go ICASA gore e patelebetse tiriso. 40

Kganetso ya kitsiso ya kobamelomolao

- 45.** (1) Motho mongwe yo o amogelang kitsiso ya kobamelo e e umakilweng mo karolo 44 a ka nna a nna kगतलhanong le yona ka go ngongorega ka mokwalo kwa go Tona malatsi a 30 a ise a fete morago ga go amogela kitsiso eo, kgotsa mo nakong e e telele mo go eo e Tona a ka e bayang. 45
- (2) Morago ga go sekaseka dingongorego dingwe tse di dirilweng malebana le karolwana (1) Tona—
- (a) A ka nna a tlhomamisa, a baakanya kgotsa a phimola karolo nngwe ya kitsiso; le gone 50
- (b) o tshwanetse go totobatsa nako e moamogedi wa kitsiso a tshwanetseng go obamela karolo eo ya kitsiso e e tlhomamisitsweng kgotsa e baakantsweng.

Failure to comply with compliance notice

46. (1) A person who fails to comply with a compliance notice contemplated in section 44 commits an offence.

(2) If a person fails to comply with a compliance notice, the management authority must report the non-compliance to the Minister, and the Minister may— 5

- (a) revoke or vary the relevant permit, authorisation or other instrument which is the subject of the compliance notice;
- (b) take any necessary steps and recover the costs of doing so from the person who failed to comply; and
- (c) report the matter to the Director of Public Prosecutions. 10

Powers and functions of NRF

47. (1) In addition to any powers and functions that the NRF may be given under this Act or any other legislation, for the purposes of promoting astronomy, preserving the Republic of South Africa's astronomy advantage and achieving the other related objectives of this Act, the NRF— 15

- (a) must monitor and report regularly to the Minister on—
 - (i) the status of all areas declared in terms of this Act;
 - (ii) general encroachments into the Republic's astronomy advantage from light pollution, radio frequency interference and related matters;
 - (iii) devices which require designation or protection in terms of section 28; 20
 - (iv) areas that require protection in terms of sections 5, 7, 9 and 11 to preserve, protect or promote the Republic's astronomy advantage; and
 - (v) activities which should be declared or identified in terms of sections 24 and 25 to preserve, protect or promote the Republic's astronomy advantage. 25
- (b) may develop strategies, alone or after consultation with academic and technical institutions and the relevant skills development agencies, for the enhancement of the skills, capabilities and expertise of those interested in and engaged in astronomy and related scientific endeavours in Southern Africa and to encourage and facilitate the participation of previously disadvantaged 30 groups in astronomy and related scientific endeavours;
- (c) may advise the Minister on any other matter in respect of which the Minister is empowered to act in terms of this Act and any other matter related to astronomy and the preservation of the Republic's astronomy advantage;
- (d) may act as an advisory and consultative body on matters relating to astronomy 35 and the Republic's astronomy advantage to organs of state and other stakeholders;
- (e) must coordinate and promote the advancement of astronomy and related scientific endeavours;
- (f) may undertake and promote research on astronomy, the preservation of the 40 Republic's astronomy advantage and encroachments onto any aspect of the Republic's astronomy advantage and related matters;
- (g) on the Minister's request, must assist the Minister in the performance of the duties and the exercise of the powers granted to the Minister in terms of this Act; and 45
- (h) must perform any other duties—
 - (i) assigned to it in terms of this Act; or
 - (ii) as may be prescribed by the Minister.

(2) When the NRF gives advice in terms of subsection (1) on a scientific matter, it may consult any appropriate organ of state or other institution which has expertise in that matter. 50

Delegations

48. (1) In addition to the delegations and assignments which the Minister is specifically authorised by this Act to make, the Minister may delegate any power or duty

MOLAO WA MAFELO A A SIAMETSENG BOLEPANALEDI Act No. 21, 2007
WA 2007**Thetelelo ya go obamela kitsiso ya kobamelomola**

46. (1) Motho yo o retelelwang ke go obamela kitsiso ya kobamelo e e umakilweng mo karolong 44 o tlola molao.

(2) Fa motho a palelwa ke go obamela kitsiso ya kobamelo, bothati jwa tsamaiso bo tshwanetse go bega bothoka kobamelo joo kwa go Tona, mme Tona a ka nna a— 5

- (a) phimola kgotsa go farologanya tetla, thebolo kgotsa sediriswa se se lebaneng le kitsiso ya kobamelo;
- (b) tsaya dikgato tse di tlhokagalang le go gapa ditshenyegelo tsa go dira jalo mo mothong go o paletsweng ke go obamela; le go
- (c) bega kgang e kwa Mokaeding wa Bosekisi jwa Setšhaba. 10

Dithata le ditiro tsa NRF

47. (1) Go tlaleletsa dithata dingwe le ditiro tse NRF e ka di fiwang ka fa tlase ga molao o kgotsa peomolao nngwe, ka ntlha ya maikaelelo a go tswelletsa bolepanaledi, go somarela go siamela bolepanaledi jwa Repaboliki ya Aforika Borwa le go kgona go dira maikaelelo a mangwe a a tsalanang le ao a a mo Molaong o, NRF e— 15

- (a) tshwanetse go lebelela le go begela Tona gangwe le gape ka ga—
 - (i) kemo ya dikgaolo tsotlhe tse di boletsweng tebang le Molao o;
 - (ii) metsenela ya kakaretso mo dikgaolong na tse di siametseng bolepanaledi go tswa mo kgotlelong ya lesedi, kgoreletso ya ferekwentshe ya seyalemowa le merero e mengwe e e tsalanang le eo; 20
 - (iii) didiriswa tse di tlhokang tlhomo kgotsa tshireletso tebang le karolo 28
 - (iv) dikgaolo tse di tlhokang tshireletso tebang le dikarolo 5, 7, 9 le 11 gore go tle go somarelwe, go sirelediwe go bo go tsweledisiwe go siamela bolepanaledi ba Repaboliki; le ka ga
 - (v) ditiro tse di tshwanetseng go bolelwa kgotsa go kaiwa tebang le dikarolo 24 le 25 gore go tle go somarelwe, go sirelediwe go bo go tsweledisiwe go siamela bolepanaledi ba Repaboliki. 25
- (b) ka nna ya naya tlhabolo ya ditogamaano, e le yosi kgotsa morago ga therisano le ditheo tsa sethekeniki, le ditheo tse di tswelletsang dikgono tse di maleba, gore go tle go tswelletswe dikgono tse di lebaneng, bokgoni le botswerere jwa bakgatlhegela le ba ba tsayang karolo mo bolepanaleding le mo maitekong a saense a a tsalanang le ao mo Borwa jwa Aforika le go rotloetsa le go tlhokomela botsayakarolo jwa ditlhopho tse di neng di itlhokomolositswe mo malobeng mo bolepanaleding le mo maitekong a saense a a tsalanang le ao; 30
- (c) ka gakolola Tona ka morero mongwe o sele o tebang le ona Tona a nang le dithata tsa go tsaya kgato tebang le Molao o kgotsa le merero e sele e e tsalanang le bolepanaledi le tshomarelo ya dikgaolo tse di siametseng bolepanaledi tsa Repaboliki; 35
- (d) ka dirang jaaka lekgotla la bogakolodi le la therisano mo ditheong tsa puso le tsa bannaleseabe ba bangwe mo mererong e e tsalanang le bolepanaledi le go siamela bolepanaledi ga Aforika Borwa; 40
- (e) tshwanetse go nyalanya le go rotloetsa tswelsetso ya bolepanaledi le maiteko a a saense a a tsalanang;
- (f) ka nna ya dira ya ba ya tswelletsa dipatlisiso tsa bolepanaledi, tshomarelo ya go siamela bolepanaledi ga Repaboliki le go tseenelela mo karolong nngwe ya go siamela bolepanaledi ba Repaboliki le merero e e tsalanang; 45
- (g) tshwanetse, fa Tona a kopa, go thusa Tona mo tiragatsong ya ditiro le mo tirisong ya dithata tse Tona a di filweng tebang le Molao o; le gona
- (h) tshwanetse go dira ditiro tse dingwe—
 - (i) tse e di romilweng tebang le Molao o; kgotsa 50
 - (ii) jaaka di ka bo di beilwe ke Tona.

(2) Fa NRF e naya kgakololo tebang le karolwana (1) mo kgannyeng ya saense, e ka nna ya rerisana le setheo sa puso se se maleba kgotsa setheo se sele se se nang le botswerere mo kgannyeng eo.

Ditholelo

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48. (1) Go tlaleletsa ditholelo le dithomo tse Tona a rebotsweng ka totobalo ke Molao o go di dira, Tona a ka nna a rolela thata nngwe kgotsa tiro e a e filweng malebana le

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vested in him or her in terms of this Act excluding the power to declare areas referred to in sections 5, 7, 9 and 11 and the power to make regulations, to—

- (a) an official of the Department;
 - (b) the holder of an office of any other national department, provincial administration or municipality after consultation with the relevant Minister or MEC; or 5
 - (c) an official of the NRF.
- (2) A delegation contemplated in subsection (1)—
- (a) must be in writing;
 - (b) may be made subject to conditions; 10
 - (c) does not prevent the exercise of the power or duty by the Minister himself or herself; and
 - (d) may be withdrawn by the Minister.

Register of astronomy advantage areas

49. (1) The Minister must maintain a register called the Register of astronomy advantage areas. 15

- (2) The Register must—
- (a) contain a list of all astronomy advantage areas;
 - (b) indicate whether the astronomy advantage area was declared as an area for optical or radio astronomy or a combination of these; and 20
 - (c) contain any other information determined by the Minister.

Regulations by Minister

50. (1) The Minister may make regulations that are not in conflict with this Act—

- (a) regarding any matter that may or must be prescribed in terms of this Act;
- (b) conferring additional powers or assigning additional duties to management authorities; 25
- (c) regulating—
 - (i) management and protection of astronomy advantage areas;
 - (ii) access to astronomy advantage areas;
 - (iii) scientific use of astronomy advantage areas; 30
 - (iv) activities that may be carried out in astronomy advantage areas;
 - (v) the use of the frequency spectrum in astronomy advantage areas; or
 - (vi) consultation activities which are required in terms of this Act;
- (d) prohibiting or restricting—
 - (i) activities that have an adverse effect on astronomy and related scientific endeavours; 35
 - (ii) the use of any interference source, mobile and portable radio frequency interference source or short-range device or any other device, equipment or instrument which may cause light pollution, radio frequency interference or have other detrimental impacts on astronomy and related scientific endeavours, or astronomy advantage in an astronomy advantage area; or 40
 - (iii) land uses in astronomy advantage areas that are harmful to the astronomical advantage;
- (e) providing for the establishment of advisory committees for astronomy advantage areas, the appointment of members and the functions of such committees; 45
- (f) setting norms and standards for the proper performance of any function contemplated in this Act, and the monitoring and enforcing of such norms and standards; and 50
- (g) regarding requirements and procedures for the appointment of management authorities in terms of this Act, as well as the core competencies of such management authorities; or
- (h) regarding any other ancillary or administrative matter that it is necessary to prescribe for the proper implementation or administration of this Act. 55

(2) When making regulations contemplated in subsection (1) where such regulations are likely to affect broadcasting service license or broadcasting service outside the core or central astronomy advantage area, the Minister must do so with the concurrence of ICASA.

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- Molao o go sa akareidiwe thata ya go bolela mafelo a a umakilweng mo dikarolong 5, 7, 9 le 11 le dithata tsa go tlhoma melawana, go—
- (a) motlhankedi mo Lefapheng;
 - (b) morwala marapo mo kantorong ya lefapha lengwe la bosetšhaba, la tsamaiso ya porofense kgotsa ya mmasepala morago ga therisano le Tona e e lebaneng kgotsa MEC; kgotsa 5
 - (c) motlhankedi wa NRF.
- (2) Tholelo e e umakilweng mo karolwana (1)—
- (a) e tshwanetse go kwalwa;
 - (b) e tshwanetse go dirwa go obametswe mabaka; 10
 - (c) ga e itse tiriso ya thata kgotsa tiro ya Tona ka boena; le gona
 - (d) e ka nna ya busediwa morago ke Tona.

Rejisetara ya mafelo a a siametseng bolepanaledi

49. (1) Tona o tshwanetse go tshegetsatsa rejisetara e e bidiwang rejisetara ya mafelo a a siametseng bolepanaledi. 15
- (2) Lenaane le tshwanetse go—
- (a) go nna le maina a mafelo otlhe a a siametseng bolepanaledi;
 - (b) supa gore a lefelo le le siametseng bolepanaledi le boletswe go nna lefelo la bolepanaledi ba tebo kgotsa ba seyalemowa kgotsa ka kopano ya bobedi jo; le go 20
 - (c) nna le tshedimosetso e nngwe e sele e e tla bewang ke Tona.

Melawana ka Tona

50. Tona a ka dira melawana e e sa ganetsaneng le Molao o—
- (a) lebaneng le morero mongwe o o ka nnang kgotsa wa bewa tebang le Molao o.
 - (b) nayang dithata tsa tlaleletso kgotsa go naya bothati jwa tsamaiso ditiro tsa tlaleletso;
 - (c) laolang—
 - (i) tsamaiso le tshireletso ya mafelo a a siametseng bolepanaledi;
 - (ii) phitlhelelo go mafelo a a siametseng bolepanaledi;
 - (iii) tiriso ya bonetetshi ya mafelo a a siametseng bolepanaledi; 30
 - (iv) ditiro tse di ka dirwang mo mafelong a a siametseng bolepanaledi;
 - (v) tiriso ya sepeketeramo sa ferekwentshe mo mafelong a a siametseng bolepanaledi;
 - (vi) ditiro tsa therisano tse di tlhokiwang tebang le Molao o;
 - (d) itsang kgotsa o thibelang— 35
 - (i) ditiro tse di nang le kamo e e maswe mo bolepanaleding le mo ditirong tsa saense tse di tsalanang;
 - (ii) tiriso ya motswedi mongwe wa kgoreletso, motswedi wa kgoreletso ya ferekwentshe ya seyalemowa le wa mmobaele, kgotsa sediriswanyana sa sekgala se sekhutshwane, kgotsa sediriswanyana sengwe se sele, sediriswa, motšhini kgotsa motšhininyana o o ka bakang kgotlelo ya lesedi, kgoreletso ya lekhubu la seyalemowa, kgotsa motswedi o o nang le kamo e nngwe e e sa siamang mo bolepanaleding le ditiro tsa bonetetshi tse di tsamaelanang, kgotsa tshiamelo bolepanaledi mo lefelong le le siametseng bolepanaledi; kgotsa 45
 - (iii) tiriso ya lefatshe mo mafelong a a siametseng bolepanaledi bo bo ka nnang borai mo tshiamelong bolepanaledi;
 - (e) laolang gore go tlhongwe dikomiti tsa bogakolodi tsa mafelo a a siametseng bolepanaledi, tlhomo ya ditokololo le ditiro tsa dikomiti tsa go nna jalo;
 - (f) go baya dilekanyo le maemo a tiragatso e e lolameng ya tiro nngwe e e umakilweng mo Molaong o, le go lebelela le go pateletsa kobamelo ya dilekanyo kgotsa maemo ao; le 50
 - (g) tebang le ditlhokego le ditsamaiso tsa tlhomo ya bothati jwa tsamaiso tebang le Molao o, ga mmogo le bokgoni jo bo tlhokegang jwa bothati jwa botsamaisi joo; kgotsa 55
 - (h) tebang le morero mongwe o sele wa tlaleletso kgotsa wa tsamaiso o leng bothokwa go o baya gore go diragadiwe sentle Molao o.

General

- 51.** (1) Any regulation with financial implications must be made with the concurrence of the Minister responsible for finance.
- (2) Before publishing any regulation contemplated in subsection (1), the Minister must publish the draft regulations in the *Gazette* for public comment. 5
- (3) Any notice published by the Minister pursuant to this Act and any regulations made under section 50 may—
- (a) restrict or prohibit any act either absolutely or conditionally;
 - (b) apply—
 - (i) generally throughout the Republic or a province, as the case may be, or only in a specified area or category of areas; or 10
 - (ii) generally to all persons or to only a specified category of persons; or
 - (c) differentiate between—
 - (i) different areas or categories of areas; or
 - (ii) persons or categories of persons. 15
- (4) Regulations made under section 50 may provide that any person who contravenes or fails to comply with a provision thereof is guilty of an offence and liable on conviction to a fine not exceeding R1 000 000 or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

CHAPTER 8 20**OFFENCES AND PENALTIES****General offences and penalties**

- 52.** (1) A person is guilty of an offence if that person—
- (a) contravenes or fails to comply with section 20(1);
 - (b) undertakes a declared activity in contravention of a notice published by the Minister in terms of section 23(1) or a decision taken in terms of section 23(3); 25
 - (c) contravenes or fails to comply with a condition prescribed in terms of section 27(2);
 - (d) contravenes or fails to comply with a national standard or measure prescribed in terms of section 37(1) or any standard incorporated into law in terms of section 37(2); 30
 - (e) contravenes any condition imposed in any authorisation or exemption issued in terms of this Act or prescribed in terms of this Act;
 - (f) hinders or interferes with a management authority or an official, member or staff member of a management authority in the performance of official duties; 35
or
 - (g) knowingly supplies false information as part of any public participation process conducted in terms of section 42, or in any report submitted in terms of section 25(4)(a); or
 - (h) falsely professes to be an official, member or staff member of a management authority or the interpreter or assistant of such an official. 40
- (2) A person convicted of an offence in terms of subsection (1) is liable on conviction to a fine not exceeding R1 000 000 or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

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Kakaretso

- 51.** (1) Molawana mongwe o o nang le ditlamorago tsa dithoto kgotsa tsa madi o tshwanetse wa dirwa ka tumalano le Tona e e nang le maikarabelo a ditšhelete.
- (2) Pele ga a ka phasalatsa molawana mongwe o o umakilweng mo karolwaneng (1) Tona o tshwanetse go phasalatsa maiteko a ntlha a melawana mo *Kaseteng* gore setšhaba se akgele ka yone. 5
- (3) Kitsiso nngwe e ephasaladitsweng ke Tona mo go batleng go diragatsa Molao o le melawana e e dirilweng ka fa tlase ga Karolo 50 e ka nna ya—
- (a) itsa kgotsa ya thibela tiro nngwe ka nakwana kgotsa ka botlalo;
- (b) dirisiwa— 10
- (i) ka kakaretso mo Repaboliking kgotsa mo porofenseng, jaaka seemo se tla bo se ntse, kgotsa fela mo kgaolong e e e totobaditsweng kgotsa setlhopho sa dikgaolo; kgotsa
- (ii) ka kakaretso mo bathong botlhe; kgotsa fela mo setlhopheng se se totobaditsweng sa batho; kgotsa 15
- (c) go farologanya fa gare ga—
- (i) dikgaolo tse di farologaneng kgotsa ditlhopho tsa dikgaolo; kgotsa
- (ii) batho kgotsa ditlhopho tsa batho.
- (4) Melawana e e dirilweng ka fa tlase ga karolo ya 50 e ka nna ya laola gore motho mongwe yo o tloang molao kgotsa yo o retelelwang ke go obamela taolo ya one, o molato ka tlolomolao mme o na le maikarabelo a go duela tefo e e sa feteng R1 000 000 kgotsa go latlhelwa mo kgolegolong mo nakong e e sa feteng dingwaga tse tlhano kgotsa go lefisiwa mmogo le go tsenngwa mo kgolegolong. 20

KGAOLO 8**MELATO LE DIKOTLHAO 25****Melato ya kakaretso le dikotlhao**

- 52.** (1) Motho o na le molato wa tlolomolao fa motho yoo a—
- (a) tlola molao kgotsa a palelwa ke go obamela karolo (20)(1);
- (b) dira tiro e e boletsweng ka ga tlolamolao ya kitsiso e e phasaladitsweng ke Tona tebang le karolo (23)(1) kgotsa tshwetso e e tserweng malebana le karolo ya 23(3); 30
- (c) tlola molao kgotsa a retelelwa ke go obamela lebaka le le beilweng malebana le karolo 27(2);
- (d) tlola molao kgotsa a retlelwa ke go obamela maemo a bosetšhaba kgotsa selekanyetso se se beilweng malebana le karolo 37(1) kgotsa lebaka lengwe le le beilweng malebana le karolo 27(2) kgotsa maemo mangwe a a tsentsweng mo molaong malebana le karolo 37(2); 35
- (e) tlolamolao mongwe o o beilweng mo thebolelong nngwe kgotsa mo kgololong e e filweng malebana le Molao o kgotsa o o beilweng malebana le Molao; 40
- (f) thibela kgotsa a kgoreletsana le bothati jwa tsamaiso kgotsa motlhankedi, tokololo, kgotsa modiri wa bothati jwa tsamaiso fa a dira ditiro tsa gagwe tsa semmuso; kgotsa
- (g) neelana ka tshedimosetso e e fosagetseng ka bomo jaaka karolo ya tirego nngwe ya botsayakarolo jwa setšhaba e e tshwerweng tebang le karolo 42, kgotsa pego epe e e tlisiwang malebana le dikarolo 25(4)(a); 45
- (h) bua maaka a gore ke motlhankedi, tokololo kgotsa modiri wa bothati jwa tsamaiso kgotsa motšhomolodi kgotsa mothusi wa motlhankedi wa go nna jalo.
- (2) Motho yo o bonweng molato malebana le karolwana (1) kgotsa (2) o na le maikarabelo fa a bonwa molato a go duela tefo e e sa feteng R1 000 000 kgotsa go latlhelwa mo kgolegong ka lobaka lo lo sa feteng dingwaga tse tlhano, kgotsa go lefisiwa le go atlholelwa kgolego ka nako e le nngwe. 50

Act No. 21, 2007 ASTRONOMY GEOGRAPHIC ADVANTAGE ACT, 2007

CHAPTER 9

MISCELLANEOUS

Short title and commencement

53. This Act is called the Astronomy Geographic Advantage Act, 2007, and takes effect on a date determined by the President by proclamation in the *Gazette*. 5

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KGAOLO 9

TSELE LE TSELE

Setlhogo se sekhutshwane le tshimololo

53. Molao o o bidiwa Molao wa Mafelo a a Siametseng Bolepanaledi wa 2007, mme o simolola go dira ka letlha le le tla bewang ke Poresitente ka kgoeletso (*proclamation*) mo Kaseteng. 5

