

# Legal loophole sees Multichoice piracy viewing case overturned

The Cape High Court on Wednesday overturned a pirate viewing conviction because the law under which the man had been charged did not allow for the prosecution of pirate viewers of Multichoice's programmes.

Justice Andre Blignaut and Acting Justice Ron Goodman ruled that the man could not be charged under the Independent Broadcasting Act, as he had been, because Multichoice had applied for another type of licence, under another law, the Broadcasting Act. The court found that this legislation does not allow for the prosecution of pirate viewers.

What's more, Wednesday's judgment also found that Multichoice was effectively broadcasting unlawfully while it was awaiting a decision on its licence application by the Independent Broadcasting Communications Authority (Icasa) - a period of over five years up until last month.

Multichoice has responded saying that until 1999 it was not required to hold a licence, because satellite broadcasting was not regulated. In a statement the company said that they have complied with the requirements and timeframes of the Broadcasting Act of 1999 and the subsequent Broadcasting Amendment Act of 2003.

The statement went on to say that "the articles which appear in a number of newspapers on 26 June 2003 are misleading, factually wrong and sensational. They are likely to cause substantial financial loss and embarrassment for MultiChoice, a company which has at all material times been operating legally under the relevant broadcasting legislation."

**Source:** [iafrica.com](http://iafrica.com)

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