



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1764.

24 Junie 1992

No. 1764.

24 June 1992

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

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

No. 101 van 1992: Wysigingswet op Pos- en Telekommunikasiewette, 1992.

No. 101 of 1992: Posts and Telecommunications Acts Amendment Act, 1992.

**ALGEMENE-VERDUIDELIKENDE NOTA:**

[ ] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

\_\_\_\_\_ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

**WET**

Tot wysiging van die Radiowet, 1952, ten einde voorsiening te maak vir die lisensiering van radiofrekwensies; en die Posmeester-generaal se delegasiebevoegd-hede uit te brei; tot wysiging van die Poswet, 1958, ten einde sekere woordskry-wings te verbeter; die Posmeester-generaal se delegasiebevoegd-hede uit te brei; voorsiening te maak vir die bestryding van bedryfsverliese van die posmaatskappy uit die Staatsinkomstefonds; af te sien van publikasie deur die Minister van tariewe deur opvolgermaatskappye gehef; verdere voorsiening te maak in verband met optrede teen 'n beampte of werknemer in verband met wangedrag; voorsiening te maak vir die aftrekking van sekere bedrae verskuldig, van pensioenvoordele; voorsiening te maak vir die uitreiking van finansiële instrumente deur opvolger-maatskappye; en die hantering van saldo's in onaktiewe rekenings in die Posspaarbank verder te reël; tot wysiging van die Poskantoorwet, 1974, ten einde die omskrywing van "Minister" te wysig; die samestelling van die Personeelbestuursraad verder te reël; en verdere voorsiening te maak in verband met die aanstelling van 'n Posmeester-generaal; tot wysiging van die Poswysigings-wet, 1991, om 'n foutiewe verwysing reg te stel; en om voorsiening te maak vir angeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1992.)*

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 7 van Wet 3 van 1952, soos vervang deur artikel 32 van Wet 73 van 1976 en gewysig deur artikel 4 van Wet 2 van 1978 en artikel 23 van Wet 61 van 1982 5

1. Artikel 7 van die Radiowet, 1952, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) 'n lisensie aan iemand deur hom goedgekeur, uitreik, wat aan so iemand die reg verleen om 'n stasie vir 'n doel by regulasie voorgeskryf, of 'n bepaalde radiofrekwensie vir 'n doel en op die wyse aldus voorgeskryf, te gebruik of te laat gebruik deur iemand in sy diens of onder sy beheer;” 10

Wysiging van artikel 16 van Wet 3 van 1952, soos vervang deur artikel 12 van Wet 93 van 1969 en gewysig deur artikel 10 van Wet 2 van 1978 en artikel 2 van Wet 99 van 1991 15

2. Artikel 16 van die Radiowet, 1952, word hierby gewysig deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

**GENERAL EXPLANATORY NOTE:**

**[** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with a solid line indicate insertions in existing enactments.

# ACT

To amend the Radio Act, 1952, so as to provide for the licensing of radio frequencies; and to extend the powers of delegation of the Postmaster-General; to amend the Post Office Act, 1958, so as to amend certain definitions; to extend the powers of delegation of the Postmaster-General; to provide for the defrayal of operating losses of the postal company from the State Revenue Fund; to dispense with publication by the Minister of tariffs levied by successor companies; to make further provision concerning steps against an officer or employee in respect of misconduct; to provide for the deduction of certain amounts due, from pension benefits; to provide for the issuing of financial instruments by successor companies; and to further regulate the handling of balances in respect of inactive accounts in the Post Office Savings Bank; to amend the Post Office Service Act, 1974, so as to amend the definition of "Minister"; to further regulate the constitution of the Staff Management Board; and to make further provision in connection with the appointment of a Postmaster-General; to amend the Post Office Amendment Act, 1991, in order to correct an erroneous reference; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 18 June 1992.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 7 of Act 3 of 1952, as substituted by section 32 of Act 73 of 1976 and amended by section 4 of Act 2 of 1978 and section 23 of Act 61 of 1982**

- 5    1. Section 7 of the Radio Act, 1952, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- 10           “(a) issue to any person approved by him a licence conferring upon such person the right to use, or cause any person in his employ or under his control to use, a station for any purpose prescribed by regulation or to use any specified radio frequency for a purpose and in the manner so prescribed;”.

**Amendment of section 16 of Act 3 of 1952, as substituted by section 12 of Act 93 of 1969 and amended by section 10 of Act 2 of 1978 and section 2 of Act 99 of 1991**

- 15    2. Section 16 of the Radio Act, 1952, is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“ ’n Persoon **[in diens van die Staat]** wat behoorlik deur die Posmeester-generaal daartoe gemagtig is, kan te alle redelike tye—”.

**Wysiging van artikel 1 van Wet 44 van 1958, soos gewysig deur artikel 1 van Wet 56 van 1973, artikel 1 van Wet 13 van 1974, artikel 1 van Wet 113 van 1976, artikel 1 van Wet 1 van 1978, artikel 1 van Wet 37 van 1984 en artikel 1 van Wet 85 van 1991**

3. Artikel 1 van die Poswet, 1958 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in die Engelse teks paragraaf (b) van die omskrywing van “excluded commitments” deur die volgende paragraaf en woorde te vervang:

“(b) loan and other financing and related agreements entered into by the department, but excluding those made by the State to the department in terms of the Exchequer Act, 1975 (Act No. 66 of 1975) **[in respect of which the Minister with the approval of the Minister of Finance decides that the State will continue to be liable after the transfer date concerned]**,

in respect of which the Minister with the approval of the Minister of Finance decides that the State will continue to be liable after the transfer date concerned;”;

(b) deur in die omskrywing van “Maatskappywet” die uitdrukking “71” deur die uitdrukking “61” te vervang; en

(c) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:

“ ‘Minister’ die Minister **[van Mineriaal- en Energiesake en Openbare Ondernemings]** belas met die administrasie van die departement;”.

**Wysiging van artikel 2D van Wet 44 van 1958, soos ingevoeg deur artikel 3 van Wet 113 van 1976**

4. Artikel 2D van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Posmeester-generaal kan, op die voorwaardes wat hy bepaal, ’n bevoegdheid wat by hierdie Wet of ’n ander wet aan hom verleen is, behalwe die bevoegdheid by hierdie subartikel verleen en ’n bevoegdheid wat hy slegs met die goedkeuring van die Minister kan uitoefen, aan ’n beampte of aan die bekleër van ’n pos in die departement deleger, en kan so ’n delegasie na goeddunke intrek.”.

**Invoeging van artikel 6 in Wet 44 van 1958**

5. Die volgende artikel word hierby na artikel 5 van die Hoofwet ingevoeg:

**“Bestryding van bedryfsverlies uit Staatsinkomstefonds**

6. (1) ’n Bedryfsverlies wat deur die posmaatskappy in ’n boekjaar gely word, is, behoudens die bepalings van subartikels (2), (3) en (4), ’n regstreekse las teen die Staatsinkomstefonds, welke las goedge- maak word uit dividende en belasting wat die telekommunikasiemaatskappy in daardie Fonds stort.

(2) Indien die bedrae van dividende en belasting wat deur die telekommunikasiemaatskappy ten opsigte van ’n boekjaar in die Staatsinkomstefonds gestort is, minder is as ’n bedryfsverlies wat deur die posmaatskappy gedurende die betrokke boekjaar gely is en wat ingevolge subartikel (1) ’n las teen die Staatsinkomstefonds is, verskaf die telekommunikasiemaatskappy aan die Tesourie oorbruggingsfi- nansiering om die verskil tussen gemelde dividende en belasting deur die telekommunikasiemaatskappy gestort, en die bedryfsverlies deur die posmaatskappy gely, goed te maak.

## POSTS AND TELECOMMUNICATIONS ACTS AMENDMENT ACT, 1992 Act No. 101, 1992

“Any person **[in the service of the State]** duly authorized thereto by the Postmaster-General may at all reasonable times—”.

**Amendment of section 1 of Act 44 of 1958, as amended by section 1 of Act 56 of 1973, section 1 of Act 13 of 1974, section 1 of Act 113 of 1976, section 1 of Act 1 of 1978, section 1 of Act 37 of 1984 and section 1 of Act 85 of 1991**

3. Section 1 of the Post Office Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in the definition of “Companies Act” for the expression “71” of the expression “61”;
- 10 (b) by the substitution for paragraph (b) of the definition of “excluded commitments” of the following paragraph and words:
- 15 “(b) loan and other financing and related agreements entered into by the department, but excluding those made by the State to the department in terms of the Exchequer Act, 1975 (Act No. 66 of 1975) **[in respect of which the Minister with the approval of the Minister of Finance decides that the State will continue to be liable after the transfer date concerned]**,  
in respect of which the Minister with the approval of the Minister of Finance decides that the State will continue to be liable after the transfer date concerned;”; and
- 20 (c) by the substitution for the definition of “Minister” of the following definition:
- 25 “Minister” means the Minister **[of Mineral and Energy Affairs and Public Enterprises]** entrusted with the administration of the department;”.

**Amendment of section 2D of Act 44 of 1958, as inserted by section 3 of Act 113 of 1976**

4. Section 2D of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- 30 “(1) The Postmaster-General may, on such conditions as he may determine, delegate to an officer or to the holder of any post in the department any power conferred upon him by this Act or any other law, except the power of delegation granted under this subsection and a power which he may exercise only with the approval of the Minister, and may in his
- 35 discretion withdraw any such delegation.”.

**Insertion of section 6 in Act 44 of 1958**

5. The following section is hereby inserted after section 5 of the principal Act:

**“Defrayal of operating loss from State Revenue Fund**

- 40 **6. (1) An operating loss suffered by the postal company during any financial year, shall, subject to the provisions of subsections (2), (3) and (4), be a direct charge on the State Revenue Fund, which charge shall be defrayed from dividends and tax paid into such Fund by the telecommunications company.**
- 45 (2) If the amounts of dividends and tax paid into the State Revenue Fund by the telecommunications company in respect of any financial year is less than an operating loss suffered by the postal company during the financial year concerned and which is in terms of subsection (1) a charge on the State Revenue Fund, the telecommunications company shall furnish to the Treasury bridging finance to cover the difference between the said dividends and tax paid by the telecommunications company, and the operating loss suffered by the
- 50 postal company.

(3) Die bedinge en voorwaardes van die oorbruggingsfinansiering in subartikel (2) bedoel, word deur die Minister met die instemming van die Minister van Finansies bepaal.

(4) Die finansiering van bedryfsverliese ingevolge subartikels (1) en (2) geskied vir die tydperk wat die Minister met die instemming van die Minister van Staatsbesteding na goeë dunde bepaal, welke tydperk nie langer mag wees nie as vyf jaar na die inwerkingtreding van hierdie artikel.

(5) In hierdie artikel beteken—  
 'bedryfsverlies' die bedrag van 'n verlies soos bepaal deur die Minister met die instemming van die Minister van Staatsbesteding;  
 'belasting' enige heffing of belasting hefbaar ingevolge die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962); en  
 'boekjaar' 'n boekjaar soos omskryf in artikel 1 van die Skatkweswet, 1975 (Wet No. 66 van 1975)."

#### Wysiging van artikel 7 van Wet 44 van 1958, soos vervang deur artikel 6 van Wet 85 van 1991

6. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (5) te skrap.

#### Wysiging van artikel 8 van Wet 44 van 1958, soos ingevoeg deur artikel 7 van Wet 85 van 1991

7. Artikel 8 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:

"(b) (i) word enige **[tugstappe]** ondersoek of ander optrede wat ingestel is of beoog word [teen sodanige beampte of werknemer] ten opsigte van beweerde wangedrag **[of onbehoorlike gedrag]** deur sodanige beampte of werknemer gepleeg voor sy indiensneming deur **[die daardie opvolgermaatskappy, deur daardie maatskappy afgehandel of ingestel en doen bedoelde maatskappy stappe teen die betrokke beampte of werknemer indien hy aan wangedrag skuldig bevind word, ingevolge die wette wat op hom van toepassing was voor sodanige indiensneming;**

(ii) by die toepassing van subparagraaf (i) word 'n verwysing in die wette in daardie subparagraaf beoog, na—

(aa) die Minister, uitgelê as 'n verwysing na die voorsitter van die direksie van die betrokke opvolgermaatskappy;

(bb) die Personeelbestuursraad, uitgelê as 'n verwysing na die bestuursraad van sodanige maatskappy;

(cc) die Posmeester-generaal, uitgelê as 'n verwysing na die besturende direkteur van sodanige maatskappy;

(dd) die departement, uitgelê as 'n verwysing na die betrokke maatskappy;"

#### Wysiging van artikel 10B van Wet 44 van 1958, soos ingevoeg deur artikel 7 van Wet 85 van 1991

8. (1) Artikel 10B van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

"(2) Ondanks die bepalings van subartikel (1) kan 'n betrokke pensioenfonds op die datum van 'n lid se uitdienstreding of die datum waarop hy ophou om 'n lid van die fonds te wees—

(a) enige bedrag verskuldig aan daardie fonds ten opsigte van 'n lening deur daardie fonds ingevolge die statute daarvan aan 'n lid of voordeelgeregtigde toegestaan, van enige voordeel waarop die lid of voordeelgeregtigde ingevolge sodanige statute geregtig is, aftrek;

(b) enige bedrag verskuldig deur 'n lid aan sy werkgewer ten opsigte van—

(i) enige lening deur die werkgewer aan daardie lid op sy versoek toegestaan;

## POSTS AND TELECOMMUNICATIONS ACTS AMENDMENT ACT, 1992 Act No. 101, 1992

(3) The terms and conditions of the bridging finance referred to in subsection (2) shall be determined by the Minister with the concurrence of the Minister of Finance.

5 (4) The financing of operating losses in terms of subsections (1) and (2) shall be for such period as the Minister with the concurrence of the Minister of State Expenditure may at his discretion determine, which period shall not exceed five years after the commencement of this section.

10 (5) For the purposes of this section—  
 'financial year' means a financial year as defined in section 1 of the Exchequer Act, 1975 (Act No. 66 of 1975);  
 'operating loss' means the amount of a loss as determined by the Minister with the concurrence of the Minister of State Expenditure;  
 'tax' means any levy or tax leviable in terms of the Income Tax Act, 1962 (Act No. 58 of 1962)."

**Amendment of section 7 of Act 44 of 1958, as substituted by section 6 of Act 85 of 1991**

6. Section 7 of the principal Act is hereby amended by the deletion of subsection (5).

**20 Amendment of section 8 of Act 44 of 1958, as inserted by section 7 of Act 85 of 1991**

7. Section 8 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (5) of the following paragraph:

25 "(b) (i) any **[disciplinary steps]** enquiry or other action instituted or contemplated **[against such officer or employee]** in respect of alleged misconduct **[or improper conduct]** committed by such officer or employee prior to his employment by **[the]** that successor company, shall be disposed of or instituted by such company and such company shall take steps against the officer or employee concerned if he is found guilty of misconduct, in terms of the laws applicable to him before such employment;

30 (ii) for the purposes of subparagraph (i) any reference in the laws contemplated in that subparagraph, to—

35 (aa) the Minister, shall be construed as a reference to the chairman of the board of directors of the company concerned;

(bb) the Staff Management Board, shall be construed as a reference to the management board of such company;

40 (cc) the Postmaster-General, shall be construed as a reference to the managing director of such company;

(dd) the department, shall be construed as a reference to the company concerned;".

**Amendment of section 10B of Act 44 of 1958, as inserted by section 7 of Act 85 of 1981**

45 8. (1) Section 10B of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

"(2) Notwithstanding the provisions of subsection (1), the pension fund concerned may on the date of a member's retirement or the date on which he ceases to be a member of the fund, deduct—

50 (a) any amount due to that fund in respect of a loan granted by that fund in terms of its statutes to a member or beneficiary, from any benefit to which the member or beneficiary is entitled in terms of such statutes;

(b) any amount due by a member to his employer in respect of—

55 (i) any loan granted by the employer to such member at his request;

- (ii) 'n bedrag waarvoor die werkgewer aanspreeklik is ingevolge 'n waarborg verstrekkend ten opsigte van 'n lening deur iemand anders aan die lid toegestaan vir die aankoop van grond of 'n woning of die oprigting, verandering, verbetering, instandhouding of herstel van 'n woning vir bewoning deur die lid of 'n afhanklike van die lid; 5
- (iii) vergoeding (met inbegrip van reëlskoste wat op die lid verhaalbaar is in 'n geval in subparagraaf (ii) beoog) ten opsigte van enige skade aan die werkgewer veroorsaak deur enige diefstal, oneerlikheid, bedrog, wangedrag of nalatigheid deur die lid; 10
- (iv) enige ander skriftelike ooreenkoms tussen die lid en die werkgewer ten opsigte van 'n studiebeurs, opleiding van die lid of die lid se militêre diensverpligtinge, 15  
van enige voordeel wat aan die lid of 'n voordeelgeregtigde ingevolge die statute van daardie fonds betaalbaar is, aftrek en die bedrag aan die betrokke werkgewer betaal;
- (c) enige bedrag wat daardie fonds of die werkgewer volgens reëling met, en namens, 'n lid of voordeelgeregtigde betaal het of sal betaal ten opsigte van— 20
- (i) so 'n lid of voordeelgeregtigde se ledesede van 'n mediese skema wat anders as voorlopig kragtens die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), geregistreer is;
- (ii) 'n versekeringspremie wat betaalbaar is deur so 'n lid of voordeelgeregtigde aan 'n versekeraar wat ingevolge die Versekeringswet, 1943 (Wet No. 27 van 1943), geregistreer is, 25  
van enige voordeel waarop die lid of voordeelgeregtigde ingevolge die statute van daardie fonds geregtig is, aftrek en die bedrag, indien verskuldig, aan bedoelde werkgewer, mediese skema of versekeraar, na gelang van die geval, betaal.” 30
- (2) Subartikel (1) word geag op 1 Oktober 1991 in werking te getree het.

#### Wysiging van artikel 12U van Wet 44 van 1958, soos ingevoeg deur artikel 9 van Wet 85 van 1991

9. Artikel 12U van die Hoofwet word hierby gewysig deur subartikel (5) te skrap. 35

#### Invoeging van artikel 12W in Wet 44 van 1958

10. Die volgende artikel word hierby in die Hoofwet na artikel 12V ingevoeg:

##### “Finansiële instrumente

**12W. (1)** Behoudens die bepalings van subartikels (2) en (3) kan 'n opvolgermaatskappy waarvan al die uitgereikte ekwiteitsaandeel deur die Staat gehou word, solank al die vermelde aandeel aldus gehou word, en ondanks andersluidende bepalings van die Maatskappywet, effekte, sekuriteite, wissels, promesses, skuldbriewe, skuldbriefeffekte, obligasies of ander finansiële instrumente as bewyse van die leen van geld uitreik, en kan hy dit op dieselfde wyse en op dieselfde finansiële markte of op dieselfde effektebeurs verhandel of laat noteer as wat gebruiklik is in die geval van soortgelyke finansiële instrumente wat deur die Staat uitgereik word. 45

(2) Finansiële instrumente in artikel (1) bedoel, word slegs uitgereik met die goedkeuring van die Minister met die instemming van die Minister van Finansies, en nadat 'n waarborg kragtens artikel 35 van die Skatkiswet, 1975 (Wet No. 66 van 1975), ten opsigte daarvan verkry is. 50

(3) Finansiële instrumente wat 'n opvolgermaatskappy voor die inwerkingtreding van hierdie artikel uitgereik het en wat geheet het openbare effekte of obligasies te wees wat deur die Posmeester- 55



## POSTS AND TELECOMMUNICATIONS ACTS AMENDMENT ACT, 1992 Act No. 101, 1992

- (ii) any amount for which the employer is liable in terms of a guarantee furnished in respect of a loan granted by some other person to the member for the purchase of land or a dwelling or the erection, alteration, improvement, maintenance or repair of a dwelling for occupation by the member or a dependant of the member;
- (iii) compensation (including the legal costs recoverable from the member in a matter contemplated in subparagraph (ii)) in respect of any damage caused to the employer, by reason of any theft, dishonesty, fraud, misconduct or negligence by the member;
- (iv) any other written agreement between the member and the employer in respect of a study bursary, training of the member or the military service obligations of the member, from any benefit payable to the member or a beneficiary in terms of the statutes of that fund, and pay such amount to the employer concerned;
- (c) any amount which such fund or the employer has paid or will pay by an arrangement with, or on behalf of, a member or beneficiary in respect of—
- (i) such member's or beneficiary's subscription to a medical scheme registered otherwise than provisionally in terms of the Medical Schemes Act, 1967 (Act No. 72 of 1967);
- (ii) any insurance premium payable by such member or beneficiary to an insurer registered in terms of the Insurance Act, 1943 (Act No. 27 of 1943), from any benefit to which the member or beneficiary is entitled in terms of the statutes of that fund and pay such amount, if due, to such employer, medical scheme or insurer, as the case may be."
- (2) Subsection (1) shall be deemed to have come into operation on 1 October 1991.

**Amendment of section 12U of Act 44 of 1958, as inserted by section 9 of Act 85 of 1991**

9. Section 12U of the principal Act is hereby amended by the deletion of subsection (5).

**Insertion of section 12W in Act 44 of 1958**

10. The following section is hereby inserted in the principal Act after section 12V:

**“Financial instruments**

- 12W.** (1) Subject to the provision of subsections (2) and (3), a successor company of which all the issued equity shares are held by the State, may, for as long as the said shares are being so held, and notwithstanding anything to the contrary contained in the Companies Act, issue stock, securities, bills, promissory notes, debentures, debenture stock, obligations or other financial instruments as proof of a loan of money, and may negotiate or have them listed in the same manner and on the same financial markets or on the same stock exchange as is customary in the case of similar financial instruments issued by the State.
- (2) Financial instruments referred to in subsection (1) shall only be issued with the approval of the Minister with the concurrence of the Minister of Finance, and after a guarantee in terms of section 35 of the Exchequer Act, 1975 (Act No. 66 of 1975), has been obtained in respect thereof.
- (3) Any financial instruments issued by a successor company before the commencement of this section and which purported to be public stock or bonds issued by the Postmaster-General in terms of

generaal ingevolge artikel 12I(1)(b) uitgereik is, word geag finansiële instrumente te wees wat deur die betrokke maatskappy ingevolge subartikel (1) uitgereik is.

(4) Openbare effekte of obligasies wat onmiddellik voor die skraping van artikel 12U(5) deur die Wysigingswet op Pos- en Telekommunikasiewette, 1992, ingevolge genoemde subartikel geag was skuldbriewe te wees deur die betrokke opvolgermaatskappy uitgereik, word geag finansiële instrumente te wees wat deur die betrokke maatskappy ingevolge subartikel (1) uitgereik is.

(5) Die bepaling van die Maatskappywet met betrekking tot skuldbriewe is, behoudens subartikel (8), nie op finansiële instrumente in subartikels (1), (3) en (4) bedoel, van toepassing nie.

(6) 'n Opvolgermaatskappy kan handelstransaksies van enige aard, met inbegrip van terugkoop-ooreenkomste, aangaan ten opsigte van sy eie finansiële instrumente en soortgelyke finansiële instrumente deur die Staat of ander instansies uitgereik.

(7) 'n Opvolgermaatskappy hou, vir sover dit moontlik is, 'n register van alle finansiële instrumente in subartikels (1), (3) en (4) bedoel.

(8) Effekte in subartikel (1), (3) en (4) bedoel, is oordraagbaar deur 'n sekuriteite-oordragvorm op die wyse bedoel in artikel 135 van die Maatskappywet, en die effektesertifikaat wat die betrokke opvolgermaatskappy ten opsigte van die oordrag uitreik, is *prima facie*-bewys van die reg op die betrokke effekte van die persoon wat daarin as die houer van bedoelde effekte genoem word.

(9) Geen heffing, belasting, seëlreg, gelde of ander koste van watter aard ook al is betaalbaar ten opsigte van die uitreiking of oordrag van 'n finansiële instrument in subartikels (1), (3) en (4) bedoel nie.

(10) Geen bepaling van hierdie artikel word so uitgelê dat dit afbreuk doen aan 'n bevoegdheid van 'n opvolgermaatskappy om ingevolge sy akte van oprigting of sy statute en kragtens die bepaling van die Maatskappywet enige finansiële instrument as bewys van die leen van geld uit te reik, te verhandel of te noteer nie."

#### Wysiging van artikel 76A van Wet 44 van 1958, soos ingevoeg deur artikel 27 van Wet 113 van 1976

11. Artikel 76A van die Hoofwet word hierby deur die volgende artikel vervang:

#### "Onaktiewe rekenings

76A. Indien 'n saldo in 'n gewone rekening vir langer as [sewe jaar] 'n tydperk wat die Minister by regulasie bepaal (maar wat nie korter as twee jaar mag wees nie) onveranderd gebly het, behalwe vir sover rente opgeloo het, kan die posmaatskappy na goeddunke die saldo na inkomste van die posmaatskappy oordra en dit vir die doeleindes van die maatskappy aanwend: Met dien verstande dat, indien die betrokke deponeerder of iemand wat regtens bevoeg is om die saldo namens hom te vorder om die terugbetaling daarvan aansoek doen, of indien 'n bedrag vir deponering in die betrokke gewone rekening na sodanige oordrag betaal word, 'n bedrag gelyk aan die saldo en die rente wat daarop sou opgeloo het indien dit nie aldus oorgedra is nie, uit die inkomste van die posmaatskappy tot krediet van die betrokke deponeerder [heroorgedra] oorgedra word."

#### Wysiging van artikel 1 van Wet 66 van 1974, soos gewysig deur artikel 1 van Wet 27 van 1985 en artikel 78 van Wet 85 van 1991

12. Artikel 1 van die Poskantoorwetswet, 1974, word hierby gewysig deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"'Minister' die Minister [van Minerale- en Energiesake en Openbare Ondernemings] belas met die administrasie van die departement;"

## POSTS AND TELECOMMUNICATIONS ACTS AMENDMENT ACT, 1992 Act No. 101, 1992

section 12I(1)(b), shall be deemed to be financial instruments issued by the company concerned in terms of subsection (1).

5 (4) Public stock or bonds which immediately prior to the deletion of section 12U(5) by the Posts and Telecommunications Acts Amendment Act, 1992, were in terms of the said provision deemed to be debentures issued by the successor company concerned, shall be deemed to be financial instruments issued by the company concerned in terms of subsection (1).

10 (5) The provisions of the Companies Act in respect of debentures shall, subject to subsection (8), not apply to financial instruments referred to in subsections (1), (3) and (4).

15 (6) A successor company may engage in commercial transactions of whatever nature, including repurchase agreements, in respect of its own financial instruments and similar financial instruments issued by the State or other institutions.

(7) A successor company shall, as far as possible, keep a register of all financial instruments referred to in subsections (1), (3) and (4).

20 (8) Stock referred to in subsections (1), (3) and (4) may be transferred by means of a securities transfer form in the manner referred to in section 135 of the Companies Act, and the stock certificate issued by the successor company concerned in respect of such transfer shall be *prima facie* evidence of the right to such stock of the person named therein as the holder of such stock.

25 (9) No levy, tax, stamp duty, fees or other costs of whatever nature shall be payable in respect of the issue or transfer of any financial instrument referred to in subsections (1), (3) and (4).

30 (10) No provision of this section shall be construed as derogating from the powers of a successor company in terms of its memorandum of association or its articles and under the provisions of the Companies Act, to issue, negotiate or list any financial instrument as proof of the loan of money.”.

**Amendment of section 76A of Act 44 of 1958, as inserted by section 27 of Act 113 of 1976**

35 **11.** The following section is hereby substituted for section 76A of the principal Act:

**“Inactive accounts**

40 **76A.** If a balance in an ordinary account has remained unchanged for more than **[seven years]** a period determined by the Minister by regulation (but which may not be less than two years), except for the accrual of interest, the postal company may in **[his]** its discretion transfer the balance to the revenue of the postal company and utilize it for the purposes of the company: Provided that if the depositor concerned or any person legally competent to claim the balance on his behalf applies for the repayment thereof, or if an amount for deposit in the ordinary account concerned is paid after such transfer, an amount equal to the balance and the interest which would have accrued thereon if it had not been so transferred shall be **[retransferred]** transferred from the revenue of the postal company to the credit of the depositor concerned.”.

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50 **Amendment of section 1 of Act 66 of 1974, as amended by section 1 of Act 27 of 1985 and section 78 of Act 85 of 1991**

**12.** Section 1 of the Post Office Service Act, 1974, is hereby amended by the substitution for the definition of “Minister” of the following definition:

55 “ ‘Minister’ means the Minister **[of Mineral and Energy Affairs and Public Enterprises]** entrusted with the administration of the department;”.

**Wysiging van artikel 4 van Wet 66 van 1974, soos gewysig deur artikel 78 van Wet 85 van 1991**

13. Artikel 4 van die Poskantoorwet, 1974, word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang: 5

“(b) Die Raad bestaan uit die Posmeester-generaal, wat voorsitter daarvan is, en die beamptes en ander persone (as daar is) wat ingevolge die bepalings van subartikel (2) lede van die Raad is.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die beamptes wat vas aangestel is in poste van die voorgeskrewe graad of grade, en ’n persoon of persone (as daar is) wat in die diens is van ’n opvolgermaatskappy soos omskryf in artikel 1 van die Poswet, 1958 (Wet No. 44 van 1958), en wat aan die departement afgestaan is om in sodanige pos of poste te dien, is lede van die Raad.”. 10 15

**Wysiging van artikel 10A van Wet 66 van 1974, soos ingevoeg deur artikel 8 van Wet 27 van 1985**

14. Artikel 10A van die Poskantoorwet, 1974, word hierby gewysig deur die volgende subartikel by te voeg:

“(3) (a) Die Minister kan iemand wat in die diens is van ’n instelling wat by wet ingestel is of ’n maatskappy waarvan die meerderheid van die ekwiteitsaandeel deur die Staat gehou word, met die instemming van so iemand en van daardie instelling of maatskappy, aanstel in die amp van Posmeester-generaal vir die tydperk wat behoudens subartikel (1) met sodanige instemming bepaal word en terwyl die persoon wat aldus aangestel word in die diens van daardie instelling of maatskappy bly. 20 25

(b) Indien iemand kragtens paragraaf (a) aangestel word, bly die diensvoorwaardes wat op hom as werknemer van daardie ander instelling of maatskappy van toepassing was onmiddellik voor sodanige aanstelling, gedurende die tydperk van sy aanstelling kragtens paragraaf (a) van toepassing, maar so iemand verrig die werksaamhede, oefen die bevoegd-hede uit en vervul die pligte van die Posmeester-generaal, ingevolge hierdie Wet, die Poswet, 1958 (Wet No. 44 van 1958), of enige ander wet, onderworpe aan die beheer van die Minister. 30

(c) Ondanks die bepalings van paragraaf (b) word iemand wat kragtens paragraaf (a) aangestel is, vir die duur van sodanige aanstelling onthef van die nakoming van enige verpligting wat hy as werknemer van die betrokke instelling of maatskappy teenoor so ’n instelling of maatskappy mag hê, vir sover dit vir hom nodig is om sy werksaamhede te verrig, bevoegdhede uit te oefen en pligte te vervul as Posmeester-generaal. 35 40

(d) ’n Bedrag gelykstaande met die bedrag wat ten opsigte van salaris, besoldigende toelaes en die waarde van ander diensvoordele vir die tydperk van aanstelling deur die betrokke instelling of maatskappy betaal word aan iemand wat kragtens paragraaf (a) aangestel is, word uit die Poskantoorfonds vermeld in artikel 12D van die Poswet, 1958, aan die instelling of maatskappy betaal, tensy die Minister en daardie instelling of maatskappy anders ooreenkom.”. 45

**Wysiging van artikel 79 van Wet 85 van 1991**

15. Artikel 79 van die Poswysigingswet, 1991, word hierby gewysig deur in subartikel (2) die uitdrukking “1(j)” deur die uitdrukking “1(k)” te vervang. 50

**Kort titel en inwerkingtreeding**

16. (1) Hierdie Wet heet die Wysigingswet op Pos- en Telekommunikasiewette, 1992, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal.

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word. 55

## POSTS AND TELECOMMUNICATIONS ACTS AMENDMENT ACT, 1992 Act No. 101, 1992

**Amendment of section 4 of Act 66 of 1974, as amended by section 78 of Act 85 of 1991**

13. Section 4 of the Post Office Service Act, 1974, is hereby amended—

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

“(b) The Board shall consist of the Postmaster-General, who shall be chairman thereof, and the officers and other persons (if any) who are members of the Board in terms of the provisions of subsection (2).”; and

10 (b) by the substitution for subsection (2) of the following subsection:

“(2) The officers permanently appointed to posts of the prescribed grade or grades and any person or persons (if any) who is or are employed by a successor company as defined in section 1 of the Post Office Act, 1958 (Act No. 44 of 1958), and who has or have been seconded to the department to serve in such post or posts, shall be members of the Board.”.

**Amendment of section 10A of Act 66 of 1974, as inserted by section 8 of Act 27 of 1985**

14. Section 10A of the Post Office Service Act, 1974, is hereby amended by  
20 the addition of the following subsection:

“(3) (a) The Minister may appoint to the office of Postmaster-General a person who is in the employment of an institution established by law or a company of which the majority of the equity shares is held by the State, with the consent of such person and of that institution or company, for a period which, subject to subsection (1), is determined with such consent and while the person so appointed remains in the employment of that institution or company.

(b) If a person is appointed in terms of paragraph (a), the conditions of employment applying to him as an employee of such institution or company immediately prior to such appointment, shall continue to apply during the term of his appointment in terms of paragraph (a), but such person shall perform the functions, exercise the powers and fulfil the duties of Postmaster-General in terms of this Act, the Post Office Act, 1958 (Act No. 44 of 1958), or any other law, subject to the control of the Minister.

(c) Notwithstanding the provisions of paragraph (b), a person appointed in terms of paragraph (a), shall during the term of his appointment be exempted from the performance of any obligation he may have as an employee of the institution or company concerned towards such institution or company, in so far as it may be necessary for him to perform his functions, exercise his powers and fulfil his duties as Postmaster-General.

(d) An amount equal to the amount paid by the institution or company concerned to a person appointed in terms of paragraph (a) in respect of salary, emoluments and the value of other service benefits during the term of the appointment, shall be paid from the Post Office Fund referred to in section 12D of the Post Office Act, 1958, to the institution or company, unless the Minister and that institution or company agree otherwise.”.

**Amendment of section 79 of Act 85 of 1991**

15. Section 79 of the Post Office Amendment Act, 1991, is hereby amended  
50 by the substitution in subsection (2) of the Afrikaans text for the expression “1(j)” of the expression “1(k)”.

**Short title and commencement**

16. (1) This Act shall be called the Posts and Telecommunications Acts Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

55 (2) Different dates may be so fixed in respect of different provisions of this Act.

