



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 1554. 2 December 1998

No. 1554. 2 Desember 1998

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

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

No. 124 of 1998: Postal Services Act, 1998.

No. 124 van 1998: Wet op Posdienste, 1998.

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.

(English text signed by the President.)
(Assented to 20 November 1998.)

ACT

To make new provision for the regulation of postal services; for the operational functions of the postal company, including its universal service obligations; for structural matters relating to postal services as well as the operation of the Postbank and National Savings Certificates; and to consolidate certain provisions relating to the postal company and amend or repeal others; 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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ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 20 November 1998.)*

WET

Om opnuut voorsiening te maak vir die regulering van posdiens; vir die operasionele werksaamhede van die posmaatskappy, met inbegrip van sy universele diens-verpligtinge; vir strukturele aangeleenthede met betrekking tot posdiens asook die bedryf van die Posbank en Nasionale Spaarsertifikate; en om sekere bepalings betreffende die posmaatskappy saam te vat en ander te wysig of te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

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CHAPTER I

INTERPRETATION AND OBJECTS OF ACT

Definitions

1. In this Act, unless the context indicates otherwise—

- (i) "courier service" means a service provided by a person licensed or registered to provide such a service in terms of this Act; (viii) 5
- (ii) "Department" means the Department of Communications; (iv)
- (iii) "Director-General" means the officer occupying the post with that designation on the fixed establishment of the Department or who acts in that post; (v) 10
- (iv) "letter" means a letter as defined in Schedule 1; (iii)
- (v) "mail" means every article collected for conveyance by post and includes loose and individual articles and every mail bag, vessel or conveyance of any kind by which postal articles are carried, whether or not it contains any such articles and every person conveying or delivering mail or postal articles; (xiii) 15
- (vi) "mail bag" includes any container, bag, box, parcel, basket, envelope or other covering in which postal articles are conveyed, whether or not it contains such articles; (xxii)
- (vii) "Master" means a Master of the High Court acting within the powers conferred upon him or her by law; (ix) 20
- (viii) "Minister" means the Minister entrusted with the administration of the Department; (x)
- (ix) "money order" means a money order issued in terms of this Act or by any postal authority for payment in terms of this Act; (xxv) 25
- (x) "National Savings Certificate" means any National Savings certificate issued under section 56; (xi)
- (xi) "officer" includes any person employed by the postal company or in connection with any business of the postal company; (ii)
- (xii) "postage" means the amount payable for the transmission of postal articles; (xvii) 30
- (xiii) "postage stamp" or "stamp" means any piece of paper or other substance or material having thereon the stamp, mark or impression of any die, plate, or other instrument made or used in terms of this Act or by any postal authority for the purpose of denoting any postage or other postal fee; (xxiii) 35
- (xiv) "postal article" means any letter, postcard, reply postcard, letter card, envelope, book, packet, pattern or sample packet or any parcel or other article when in the course of transmission by post, and includes a telegram when conveyed by post; (xxiv) 40
- (xv) "postal authority" includes any duly constituted postal authority of any foreign country or place; (xv)
- (xvi) "postal company" means the postal company contemplated in section 3(1) of the Post Office Act, 1958 (Act No. 44 of 1958); (xix)
- (xvii) "postal order" means a postal order issued under this Act or by any postal authority for payment under this Act; (xxi) 45
- (xviii) "postal service" means a reserved postal service or an unreserved postal service as contemplated in Schedule 1 and Schedule 2, respectively; (xvi)
- (xix) "Postbank" means the Postbank referred to in section 51; (xiv) 50
- (xx) "postmaster" means the officer in charge of a post office; (xx)
- (xxi) "post office" includes any house, building, room, vehicle, place or structure where postal articles are received, sorted, delivered, made up or dispatched or which is used for any other purpose in connection with the rendering of any postal, savings, money transfer or other service by the postal company and any pillar box or other receptacle provided by or with the approval of the Department or the postal company for the reception of postal articles; (xviii) 55
- (xxii) "prescribed" means prescribed by regulation under this Act; (xxxii)
- (xxiii) "regulation" means a regulation made under this Act; (xxvi) 60
- (xxiv) "Regulator" means the Directorate: Postal Regulation contemplated in section 3; (xxvii)

HOOFSTUK I

UITLEG EN OOGMERKE VAN WET

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- 5 (i) "afsender", met betrekking tot 'n posstuk of telegram, die persoon van wie daardie posstuk of telegram heet te kom, tensy daardie persoon bewys dat hy of sy nie die afsender daarvan is nie; (xxvi)
- (ii) "beampte" ook 'n persoon in diens van die posmaatskappy of werksaam met die sake van die posmaatskappy; (xi)
- 10 (iii) "brief" 'n brief soos omskryf in Bylae 1; (iv)
- (iv) "Departement" die Departement van Kommunikasiewese; (ii)
- (v) "Direkteur-generaal" die beampte wat die pos op die vaste diensstaat van die Departement met daardie benaming beklee of wat in daardie pos waarneem; (iii)
- 15 (vi) "gereserveerde posdienste" die dienste beoog in Bylae 1; (xxv)
- (vii) "hierdie Wet" ook die regulasies; (xxix)
- (viii) "koerierdiens" 'n diens verskaf deur 'n persoon wat kragtens hierdie Wet gelisensieer of geregistreer is om sodanige diens te verskaf; (i)
- (ix) "Meester" 'n Meester van die Hoë Hof handelende binne die bevoegdheid volgens wet aan hom of haar verleen; (vii)
- 20 (x) "Minister" die Minister belas met die administrasie van die Departement; (viii)
- (xi) "Nasionale Spaarsertifikaat" 'n Nasionale Spaarsertifikaat kragtens artikel 56 uitgereik; (x)
- 25 (xii) "ongereseerveerde posdienste" die dienste beoog in Bylae 2; (xxxii)
- (xiii) "pos" elke artikel wat vir vervoer deur die pos ingeneem word, en ook los en afsonderlike artikels, en elke possak, vaartuig of voertuig van watter aard ook al waarmee posstukke vervoer word, hetsy dit sodanige artikels bevat al dan nie, en elke persoon wat pos of posstukke vervoer of aflewer; (v)
- 30 (xiv) "Posbank" die posbank in artikel 51 bedoel; (xix)
- (xv) "posbestuur" ook enige behoorlik ingestelde posbestuur van 'n vreemde land of plek; (xv)
- (xvi) "posdiens" 'n gereserveerde posdiens of 'n ongereseerveerde posdiens soos beoog in onderskeidelik Bylae 1 en Bylae 2; (xviii)
- 35 (xvii) "posgeld" die bedrag betaalbaar vir die versending van posstukke; (xii)
- (xviii) "poskantoor" ook 'n huis, gebou, kamer, voertuig, plek of struktuur waar posstukke ontvang, gesorteer, afgelewer, opgemaak of versend word, of wat vir enige ander doel met betrekking tot die lewering van 'n pos-, spaar-, geldoordrag- of ander diens deur die posmaatskappy gebruik word, en enige briewebus of ander houer deur of met goedkeuring van die Departement of die posmaatskappy vir die ontvangs van posstukke voorsien; (xxi)
- 40 (xix) "posmaatskappy" die posmaatskappy in artikel 3(1) van die Poswet, 1958 (Wet No. 44 van 1958), beoog; (xvi)
- (xx) "posmeester" die beampte in beheer van 'n poskantoor; (xx)
- 45 (xxi) "posorder" 'n posorder wat kragtens hierdie Wet of deur 'n posbestuur vir betaling kragtens hierdie Wet uitgereik is; (xvii)
- (xxii) "possak" ook enige vraghouer, sak, bus, pakket, mandjie, koevert of ander omhulsel waarin posstukke vervoer word, hetsy dit sodanige artikels bevat al dan nie; (vi)
- 50 (xxiii) "posseël" of "seël" 'n stukkie papier of ander stof of materiaal met die stempel, merk of afdruk daarop van 'n stempelblok, plaat, of ander instrument wat ingevolge hierdie Wet of deur 'n posbestuur gemaak of gebruik word om posgeld of ander poskoste aan te dui; (xiii)
- (xxiv) "posstuk" 'n brief, poskaart, antwoordkaart, briefkaart, koevert, boek, pakkie, patroon- of monsterpakket of enige pakket of ander artikel terwyl dit deur die pos onderweg is, en ook 'n telegram wanneer per pos vervoer; (xiv)
- 55 (xxv) "poswissel" 'n poswissel wat ingevolge hierdie Wet of deur 'n posbestuur vir betaling ingevolge hierdie Wet uitgereik is; (ix)
- (xxvi) "regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig is; (xxiii)
- 60 (xxvii) "Reguleerder" die Direkoraat: Posregulering beoog in artikel 3; (xxiv)

- (xxv) “reserved postal services” means the services contemplated in Schedule 1; (vi)
- (xxvi) “sender”, in relation to any postal article or telegram, means the person from whom that postal article or telegram purports to have come, unless such person proves that he or she is not the sender thereof; (i) 5
- (xxvii) “telecommunications company” means the telecommunications company contemplated in section 3(1) of the Post Office Act, 1958 (Act No. 44 of 1958); (xxix)
- (xxviii) “telecommunications line” means a telecommunications line as defined in the Post Office Act, 1958 (Act No. 44 of 1958); (xxviii) 10
- (xxix) “this Act” includes the regulations; (vii)
- (xxx) “universal postal service” means a universal service as defined in a licence issued in terms of section 16; (xxx)
- (xxxi) “unreserved postal services” means the services contemplated in Schedule 2. (xii) 15

Objects of Act

2. The primary object of this Act is to provide for the regulation and control of postal services in the public interest and for that purpose to—

- (a) promote the universal and affordable provision of postal services;
- (b) promote the provision of a wide range of postal services in the interest of the economic growth and development of the Republic; 20
- (c) make progress towards the universal provision of postal services;
- (d) encourage investment and innovation in the postal industry;
- (e) promote the development of postal services that are responsive to the needs of users and consumers; 25
- (f) ensure greater access to basic services through the achievement of universal postal service, by providing an acceptable level of effective and regular postal services to all areas including rural areas and small towns where post offices are not sustainable;
- (g) develop greater equity in respect of the distribution of services, particularly within the areas of the historically disadvantaged communities, including rural areas; 30
- (h) ensure that the needs of disabled persons are taken into account in the provision of postal services;
- (i) encourage the development of human resources and capacity building within the postal industry, especially amongst historically disadvantaged groups; 35
- (j) ensure fair competition within the postal industry;
- (k) promote stability in the postal industry;
- (l) protect the interests of postal users and consumers;
- (m) promote the effective maintenance of an efficient system of collecting, sorting, and delivering mail nationwide, in a manner responsive to the needs of all categories of mail users; 40
- (n) contribute to the community and rural development and education, through actively participating in the development of a citizen’s post office, serving as an interface between Government and community and providing a centre for community activities; 45
- (o) promote interaction and co-operation with other agencies and local authorities;
- (p) ensure compliance with international commitments;
- (q) promote small, medium and macro-enterprises within the postal industry; and 50
- (r) promote a culture of saving by means of the Postbank.

CHAPTER II

POSTAL REGULATOR

Establishment of Regulator

3. (1) A Regulator to be known as the Directorate: Postal Regulation is hereby established within the Department. 55

(2) The Regulator and its support staff must operate as a Directorate of the Department and must report to the Minister, through the Director-General.

(3) The Regulator must be impartial in the performance of its functions.

(4) The Regulator must perform its functions in terms of this Act and in accordance with guidelines given to it by the Minister and such policy directions as may be issued by the Minister from time to time by notice in the *Gazette*. 60

- (xxviii) "telekommunikasielyn" 'n telekommunikasielyn soos omskryf in die Poswet, 1958 (Wet No. 44 van 1958); (xxviii)
- (xxix) "telekommunikasiemaatskappy" die telekommunikasiemaatskappy in artikel 3(1) van die Poswet, 1958 (Wet No. 44 van 1958), beoog; (xxvii)
- 5 (xxx) "universele posdiens" 'n universele posdiens soos omskryf in 'n ingevolge artikel 16 uitgereikte lisensie; (xxx)
- (xxx) "voorgeskrewe" of "voorgeskrewe" kragtens hierdie Wet by regulasie voorgeskryf. (xxii)

Oogmerke van Wet

- 10 2. Die hoofoogmerk van hierdie Wet is om voorsiening te maak vir die regulering van en beheer oor posdienste in die openbare belang en om vir daardie doel—
- (a) die universele en bekostigbare verskaffing van posdienste te bevorder;
- (b) in belang van die ekonomiese groei en ontwikkeling van die Republiek, die verskaffing van 'n wye reeks posdienste te bevorder;
- 15 (c) vordering te maak met die universele verskaffing van posdienste;
- (d) investering en innoovering in die posbedryf aan te moedig;
- (e) die ontwikkeling van posdienste wat ontvanklik vir die behoeftes van gebruikers en verbruikers is, te bevorder;
- (f) groter toeganklikheid tot basiese dienste te verseker deur die bereiking van universele posdienste deur die verskaffing van 'n aanvaarbare vlak van doeltreffender en gereelde posdienste in alle gebiede met inbegrip van plattelandse gebiede en kleiner dorpsgebiede waar poskantore nie onderhou-
- 20 dend is nie;
- (g) 'n meer eweredige verspreiding van dienste te ontwikkel, veral binne die gebiede van die histories benadeelde gemeenskappe, met inbegrip van plattelandse gebiede;
- (h) te verseker dat die behoeftes van gestremde persone by die verskaffing van posdienste in ag geneem word;
- (i) die ontwikkeling van menslike hulpbronne en die uitbouing van kapasiteit binne die posbedryf aan te moedig, veral onder histories benadeelde groepe;
- 30 (j) billike mededinging binne die posbedryf te verseker;
- (k) stabiliteit in die posbedryf te bevorder;
- (l) die belange van posgebruikers en -verbruikers te beskerm;
- (m) die effektiewe instandhouding van 'n doeltreffende stelsel vir die afhaal, sortering en aflewering van pos landwyd te bevorder op 'n wyse wat voldoen aan die behoeftes van alle kategorieë posgebruikers;
- 35 (n) tot die gemeenskap en plattelandse ontwikkeling en opvoeding by te dra, deur aktiewe deelname in die ontwikkeling van 'n burgerposkantoor wat as skakel dien tussen die Regering en die gemeenskap en 'n sentrum vir gemeenskapsaktiwiteite verskaf;
- 40 (o) skakeling en samewerking met ander agentskappe en plaaslike owerhede te bevorder;
- (p) voldoening aan internasionale verpligtinge te verseker;
- (q) klein-, medium- en makrobesighede binne die posbedryf te bevorder; en
- 45 (r) besparingskultuur deur middel van die Posbank te bevorder.

HOOFSTUK II

POSREGULEERDER

Instelling van Reguleerder

3. (1) 'n Reguleerder binne die Departement word hiermee ingestel wat as die 50 Direktoraat: Posregulering bekend staan.
- (2) Die Reguleerder en die hulppersoneel daarvan word as 'n Direktoraat van die Departement bedryf en rapporteer aan die Minister deur die Direkteur-generaal.
- (3) Die Reguleerder tree onpartydig op in die verrigting van sy werksaamhede.
- (4) Die Reguleerder verrig sy werksaamhede ingevolge hierdie Wet en in ooreen-
- 55 stemming met riglyne aan hom deur die Minister gegee en beleidsrigtings van tyd tot tyd by kennisgewing in die *Staatskoerant* deur die Minister uitgereik.

(5) A guideline or policy direction issued by the Minister under this section may be amended, withdrawn or substituted by the Minister, and the provisions of this section apply, with the necessary changes, in relation to such an amendment, withdrawal or substitution.

Composition of Regulator

5

4. (1) The Regulator consists of two persons, of whom—

- (a) one must be the most senior officer in the Postal Policy Division of the Department, who must be designated the Chairperson of the Regulator, or, subject to subsection (2), an officer acting in his or her position; and
- (b) the other must be a fit and proper person with appropriate qualifications appointed by the Minister for a period of not more than five years.

10

(2) Notwithstanding subsection (1), the Minister may at any time designate an officer in the Department as an alternate member of the Regulator to perform the functions of a member when such member is not available to perform those functions.

Termination of membership

15

5. (1) A member of the Regulator appointed by the Minister in terms of section 4(1)(b), whose term of office has expired, is eligible for reappointment.

(2) If there are sound reasons for doing so, the Minister may at any time terminate a member's appointment in accordance with the procedures applicable to State employees.

20

Co-opting of persons

6. The Regulator may co-opt any person with the relevant expertise or qualifications to assist the Regulator in the consideration of a particular matter.

Staff

7. The staff required for the proper performance of the functions of the Regulator and administration of this Act, must be designated by the Director-General from persons who are or must become employees of the Department.

25

General functions of Regulator

8. (1) The Regulator must—

- (a) exercise regulatory functions in respect of the reserved and unreserved postal services; 30
- (b) ensure that the provisions of this Act and the terms and conditions contained in any licence are complied with;
- (c) promote the interests of users of postal services in respect of the cost of reserved services, the continuity of postal services and the quality thereof; 35
- (d) ensure that all reasonable requests for postal services are satisfied;
- (e) promote and encourage the expansion of postal services;
- (f) promote a universal postal service that will ensure equal access for all citizens to a basic letter service—
 - (i) that is reasonably accessible to all people in the country regardless of physical location; 40
 - (ii) at a uniform rate of postage;
 - (iii) at an affordable price; and
 - (iv) that offers a reliable service;
- (g) regulate the issue of postage stamps including definitive, commemorative and special issues of such stamps and any other philatelic items. 45

(2) The Regulator may—

(5) 'n Riglyn of beleidsrigting wat kragtens hierdie artikel deur die Minister uitgereik is, kan gewysig, ingetrek of vervang word deur die Minister, en die bepalings van hierdie artikel is, met die nodige wysigings, op so 'n wysiging, intrekking of verandering van toepassing.

5 Samestelling van Reguleerder

4. (1) Die Reguleerder bestaan uit twee persone van wie—

- (a) een die mees senior beampte in die Posbeleidsafdeling van die Departement is, wat as Voorsitter van die Reguleerder aangewys word, of, behoudens subartikel (2), 'n beampte wat in sy of haar pos waarneem; en
10 (b) die ander een 'n bekwame en gepaste persoon met toepaslike kwalifikasies deur die Minister vir 'n tydperk van nie langer nie as vyf jaar, aangestel word.

(2) Ondanks subartikel (1) kan die Minister te eniger tyd 'n beampte in die Departement aanwys as 'n alternatiewe lid van die Reguleerder om die werksaamhede van 'n lid te verrig wanneer sodanige lid nie beskikbaar is om daardie werksaamhede
15 te verrig nie.

Beëindiging van lidmaatskap

5. (1) 'n Lid van die Reguleerder aangestel deur die Minister ingevolge artikel 4(1)(b) wie se ampstermyn verstryk het, kan heraan gestel word.

(2) Indien goeie redes daarvoor bestaan, kan die Minister te eniger tyd die aanstelling
20 van 'n lid beëindig in ooreenstemming met die prosedures van toepassing op Staatsamptenare.

Koöptering van persone

6. Die Reguleerder kan 'n persoon wat oor die toepaslike kundigheid of kwalifikasies beskik om die Reguleerder by die oorweging van 'n bepaalde aangeleentheid
25 behulpsaam te wees, koöpteer.

Personeel

7. Die personeel benodig vir die behoorlike verrigting van die werksaamhede van die Reguleerder en die administrasie van hierdie Wet, word deur die Direkteur-generaal uit persone wat werknemers van die Departement is of moet word, aangewys.

30 Algemene werksaamhede van Reguleerder

8. (1) Die Reguleerder—

- (a) beoefen regulerende werksaamhede ten opsigte van die gereserveerde en ongereserveerde posdienste;
35 (b) verseker dat die bepalings van hierdie Wet en die bedinge en voorwaardes vervat in enige lisensie nagekom word;
(c) bevorder die belange van posdiensgebruikers met betrekking tot die koste van gereserveerde posdienste, die voortsetting van posdienste en die gehalte daarvan;
(d) verseker dat alle redelike versoeke vir posdienste bevredig word;
40 (e) bevorder die uitbreiding van posdienste en moedig dit aan;
(f) bevorder 'n universele posdiens wat gelyke toegang aan alle burgers verseker tot 'n basiese briefdiens—
(i) wat redelik toeganklik is vir alle mense in die land afgesien van fisiese woonplek;
45 (ii) teen 'n eenvormige posgeld;
(iii) teen 'n bekostigbare prys; en
(iv) wat 'n betroubare diens bied;
(g) reguleer die uitreiking van posseëls, met inbegrip van vaste, aandenkings en spesiale uitgawes van sodanige seëls asook enige ander filatelie-items.

50 (2) Die Reguleerder kan—

- (a) send persons to attend conferences and meetings relating to postal services matters where appropriate, and, in the case of international conferences and meetings, subject to approval by the Minister; and
- (b) carry on all such other activities as may be necessary or expedient for the performance of its functions in terms of this Act. 5

(3) No member of the Regulator or staff of the Department, including an inspector appointed in terms of section 27, may disclose any information regarding any matter which may come to his or her knowledge in the performance of any function in terms of this Act except in so far as such person may be required to do so by law or by an order of a competent court. 10

Meetings of Regulator

9. (1) Meetings of the Regulator must be convened by the Chairperson at the time and venue to be determined by him and may be adjourned, whether for an indefinite time or until a particular time, if circumstances so warrant.

- (2) Meetings of the Regulator must be convened for the consideration of— 15
 - (a) applications for any licence or registration required in terms of this Act;
 - (b) reports submitted by the independent monitor in terms of this Act;
 - (c) reports submitted by an inspector in terms of this Act;
 - (d) representations made by any person who has been summoned to appear before the Regulator in terms of section 12; 20
 - (e) matters referred by the Minister to the Regulator for consideration;
 - (f) representations by the holder of a licence;
 - (g) complaints against a licence holder where the customer's complaints to the licence holder were not satisfactorily resolved;
 - (h) other matters which the Regulator regards as necessary to consider in terms of this Act. 25

Attendance of meetings of Regulator

10. (1) Subject to subsection (2), the meetings of the Regulator must be open to the public.

(2) Where the Regulator is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter or for any other lawful reason, the Regulator may— 30

- (a) direct that a hearing or part of a hearing shall take place in private and give directions as to the persons who may be present; or
- (b) prohibit or restrict the publication of evidence given, whether in public or private, before the Regulator or documents provided to the Regulator. 35

Minutes of meetings of Regulator

11. (1) Minutes of the proceedings of meetings of the Regulator must be kept.

(2) Subject to section 10(2), any person may obtain copies of the minutes contemplated in subsection (1) or of any part thereof against payment of the prescribed fee. 40

Notice to appear at meeting of Regulator

12. (1) The Chairperson may, by way of written notice, cause any person who might be affected by the investigation of a particular matter, to be present at a meeting of the Regulator. 45

(2) A person who has received a notice in terms of subsection (1), must personally appear before the Regulator on the date and at the time and place set out in the notice.

(3) The Department may on recommendation of the Regulator pay a witness who has received a notice in terms of subsection (1) such reasonable expenses as may be incurred by him or her for appearance at a meeting of the Regulator. 50

- (a) mense stuur om konferensies en vergaderings by te woon rakende posdiens-
aangeleenthede waar toepaslik en, in die geval van internasionale konferen-
sies en vergaderings, met die goedkeuring van die Minister; en
- (b) aan alle ander aktiwiteite deelneem wat nodig of dienstig is om sy werk-
saamhede ingevolge hierdie Wet te verrig.
- 5 (3) Geen lid van die Reguleerder of personeel van die Departement, met inbegrip van
'n inspekteur wat ingevolge artikel 27 aangestel is, mag enige inligting onthul met
betrekking tot enige aangeleentheid waarvan hy of sy te wete kom in die verrigting van
enige werkzaamheid ingevolge hierdie Wet nie, behalwe vir sover dit by Wet vir so 'n
10 persoon nodig mag wees of op bevel van 'n bevoegde hof.

Vergaderings van Reguleerder

9. (1) Vergaderings van die Reguleerder word deur die Voorsitter gereël op 'n tyd en
plek soos deur hom bepaal en kan vir 'n bepaalde of onbepaalde tyd verdaag word as
so 'n optrede volgens omstandighede geregverdig is.
- 15 (2) Vergaderings van die Reguleerder word gereël vir oorweging van—
- (a) aansoeke om 'n lisensie of registrasie wat ingevolge hierdie Wet vereis word;
- (b) verslae wat deur die onafhanklike monitor ingevolge hierdie Wet voorgelê is;
- (c) verslae wat deur 'n inspekteur ingevolge hierdie Wet voorgelê is;
- 20 (d) vertoë gerig deur enige persoon wat deur die Reguleerder gedagvaar is om
voor hom te verskyn ingevolge artikel 12;
- (e) aangeleenthede deur die Minister na die Reguleerder vir oorweging verwys;
- (f) vertoë deur 'n lisensiehouer;
- (g) klagtes teen 'n lisensiehouer waar die kliënt se klagtes aan die lisensiehouer
nie tot bevrediging opgeklar is nie;
- 25 (h) ander aangeleenthede wat die Reguleerder nodig ag om ingevolge hierdie
Wet oorweeg te word.

Bywoning van vergaderings van Reguleerder

10. (1) Behoudens subartikel (2) kan vergaderings van die Reguleerder deur die
publiek bygewoon word.
- 30 (2) Waar die Reguleerder tevrede is dat dit as gevolg van die vertroulike aard van
enige getuienis of aangeleentheid of om enige ander wetlike rede wenslik is, kan die
Reguleerder—
- (a) beslis dat 'n verhoor of deel daarvan agter geslote deure plaasvind en kan hy
aandui watter persone by so 'n verhoor toegelaat sal word; of
- 35 (b) die publikasie van getuienis voor hom afgelê, hetsy in die openbaar of
privaat, of dokumentasie aan hom voorsien, verbied of beperk.

Notule van vergaderings van Reguleerder

11. (1) Die verrigtinge by vergaderings van die Reguleerder word genotuleer.
- (2) Behoudens artikel 10(2) kan enige persoon afskrifte van die notules beoog in
40 subartikel (1) of enige gedeelte daarvan bekom teen betaling van die voorgeskrewe
geld.

Kennisgewing om by vergadering van Reguleerder te verskyn

12. (1) Die Voorsitter kan, by wyse van geskrewe kennisgewing, van enige persoon
wat moontlik deur die ondersoek van 'n bepaalde aangeleentheid geraak kan word,
45 vereis dat so 'n persoon by die vergadering van die Reguleerder aanwesig moet wees.
- (2) 'n Persoon wat 'n kennisgewing ingevolge subartikel (1) ontvang het, moet
persoonlik voor die Reguleerder verskyn op die tyd, datum en plek in die kennisgewing
vermeld.
- (3) Die Departement kan op aanbeveling van die Reguleerder aan 'n getuie wat 'n
50 kennisgewing ingevolge subartikel (1) ontvang het die redelike uitgawes betaal wat
deur hom of haar vir die verskyning by 'n vergadering van die Reguleerder aangegaan
is.

(c) After receipt of an application in terms of paragraph (b) the Minister must, subject to paragraph (d), grant the application and thereafter the Regulator must issue a licence to the applicant.

(d) A person may not be licensed to provide a courier service in terms of this subsection unless that person undertakes—

- (i) to receive, collect and deliver items contemplated in item 1(a) of Schedule 1;
- (ii) to track and trace the whereabouts of any item received or collected for delivery by such person's business undertaking;
- (iii) to deliver items within a definite time, in the case of deliveries across international borders;
- (iv) to deliver items within the Republic on the date of receipt thereof or at the latest by 13:00 on the next working day; or
- (v) to clear items through customs, where applicable.

(6) If it appears to the Regulator that the postal company or any other holder of a licence is taking or intends taking any action which has given or is likely to give an undue advantage to themselves or any other person or category of persons, the Regulator may, after having given the licensee an opportunity to be heard, direct the licensee in writing to cease or refrain from taking such action, as the case may be.

(7) The postal company and any other holder of a licence must comply with the conditions specified in the licence in question relating to the provision of postal services in areas and to communities which are not served or adequately served by postal services, with a view to achieving universal postal service.

(8) In the licence to be issued to the postal company in terms of subsection (3), there must be specified in respect of reserved postal services rendered by the postal company a fixed period or from time to time any extended period, during which no person other than the postal company may be licensed to provide a similar service: Provided that nothing contained in this subsection may be regarded as limiting the powers vested in the Minister by subsection (2) and that any such period must be reviewed every three years.

(9) The licences contemplated in subsections (3) and (5) must be granted on terms and conditions consistent with the objects of this Act to be determined by the Minister and stated in the licence.

(10) The Minister must make known the terms and conditions contemplated in subsection (8) by notice in the *Gazette*.

Duration of licence

17. Subject to section 16(7), a licence issued in terms of this Act is valid for the period prescribed or for such shorter period as may be determined by the Regulator in any particular case and stipulated in the licence at the time of issue thereof.

Renewal of licence

18. (1) A licensee may, during the prescribed period, apply for the renewal of his or her licence.

(2) If the requirements of subsection (1) have been complied with, a licence continues to be valid until such time as a decision has been made regarding the application for its renewal.

Application and licence fees

19. (1) The prescribed application fee, if any, must accompany an application for a licence in terms of this Act.

(2) Every holder of a licence must, at the prescribed time, pay to the Department the licence fee specified in the licence or where no such fee is so specified, the prescribed licence fee.

(3) A licence holder who fails to pay the licence fee contemplated in subsection (2) on the due date is liable to pay a penalty in the prescribed amount, in addition to such licence fee.

Prohibition on operating unreserved postal service without registration certificate

20. No person may operate an unreserved postal service contemplated in Schedule 2,

(c) Na ontvangs van 'n aansoek ingevolge paragraaf (b) staan die Minister, behoudens paragraaf (d), die aansoek toe waarna die Reguleerder 'n lisensie aan die applikant uitreik.

(d) 'n Persoon word nie gelisensieer om 'n koerierdiens ingevolge hierdie subartikel 5 te verskaf nie, tensy daardie persoon onderneem—

- (i) om items beoog in item 1(a) van Bylae 1 te ontvang, af te haal en af te lewer;
- (ii) om die spoor te volg van waar enige item is wat deur sodanige persoon se besigheidsonderneming vir aflewering ontvang of afgehaal is;
- (iii) om items binne 'n bepaalde tyd af te lewer in die geval van aflewering oor internasionale grense;
- (iv) om items binne die Republiek op die dag van ontvangs daarvan af te lewer of op die laatste teen 13:00 op die volgende werksdag; of
- (v) om, waar van toepassing, items deur doeane te klaar.

(6) Waar dit vir die Reguleerder lyk asof die posmaatskappy of enige ander houër van 'n lisensie enige stappe doen of beoog om enige stappe te doen wat 'n onregverdiges voordeel aan hulle of enige ander persoon of kategorie persone verskaf of kan verskaf, kan die Reguleerder, nadat hy die lisensiehouer aangehoor het, die lisensiehouer skriftelike opdrag gee om op te hou of hom of haar daarvan te weerhou om sodanige stappe te doen, na gelang van die geval.

(7) Die posmaatskappy en enige ander houër van 'n lisensie moet voldoen aan die voorwaardes soos in die betrokke lisensie uiteengesit is met betrekking tot die verskaffing van posdienste in gebiede en vir gemeenskappe wat nie deur posdienste bedien word of behoorlik bedien word nie met die oog op die bereiking van universele posdiens.

(8) In die lisensie wat ingevolge subartikel (3) aan die posmaatskappy uitgereik staan te word, word daar ten opsigte van gereserveerde posdienste wat deur die posmaatskappy gelewer word 'n vaste tydperk, of van tyd tot tyd 'n verlengde tydperk, vermeld waartydens geen ander persoon as die posmaatskappy gelisensieer word om soortgelyke dienste te verskaf nie: Met dien verstande dat die bepaling vervat in hierdie subartikel, nie uitgelê moet word as 'n inperking van die bevoegdhede aan die Minister by subartikel (2) verleen nie en dat sodanige tydperk elke drie jaar hersien word.

(9) Die lisensies beoog in subartikels (3) en (5) word uitgereik onderworpe aan bedinge en voorwaardes wat met die oogmerke van die Wet ooreenstem, deur die Minister bepaal word en in die lisensie vermeld word.

(10) Die Minister maak by kennisgewing in die *Staatskoerant* die bedinge en voorwaardes beoog in subartikel (8) bekend.

Lisensietermyn

17. Behoudens artikel 16(7) bly 'n lisensie uitgereik ingevolge hierdie Wet geldig vir die voorgeskrewe termyn of vir die korter termyn wat die Reguleerder in enige bepaalde geval bepaal en in die lisensie tydens die uitreiking daarvan vermeld.

Hernuwing van lisensie

18. (1) 'n Lisensiehouer kan gedurende die voorgeskrewe tydperk aansoek doen om die hernuwing van sy of haar lisensie.

(2) Indien die vereistes van subartikel (1) nagekom is, bly 'n lisensie geldig totdat 'n besluit omtrent die aansoek om hernuwing daarvan geneem is.

Aansoek en lisensiegeld

19. (1) Die voorgeskrewe aansoekgeld, indien enige, moet 'n aansoek om 'n lisensie ingevolge hierdie Wet vergesel.

(2) Elke lisensiehouer betaal op die voorgeskrewe tyd aan die Departement die lisensiegeld in die lisensie vermeld of waar geen sodanige geld in die lisensie vermeld word nie, die voorgeskrewe lisensiegeld.

(3) 'n Lisensiehouer wat versuim om die lisensiegeld beoog in subartikel (2) op die vervaldatum te betaal, moet 'n boete van 'n voorgeskrewe bedrag bykomend tot die lisensiegeld betaal.

Verbod op bedryf van ongereserveerde posdiens sonder registrasiesertifikaat

20. Niemand mag 'n ongereserveerde posdiens beoog in Bylae 2, bedryf nie, tensy

unless such person is registered with the Regulator in terms of this Act and is in possession of a registration certificate issued by the Regulator.

Application for registration

21. An application for registration with the Regulator to operate an unreserved postal service must be in the format and in accordance with the procedure prescribed by the Minister on the recommendation of the Regulator and must be accompanied by the prescribed registration fee. 5

Operators regarded as having been registered

22. (a) Any person who, immediately before the date of commencement of this section provided a postal service in respect of items contemplated in Schedule 2, including a courier service, must be regarded as being registered to provide an unreserved postal service or an unreserved courier service, as the case may be, subject to paragraph (b). 10

(b) A person may not be regarded as being registered in terms of paragraph (a) if that person has failed to apply for registration to the Regulator within 90 days after the date of commencement of this section or within such extended period as the Regulator may allow. 15

(c) After receipt of an application in terms of paragraph (b) the Regulator must, subject to paragraph (d), register the applicant and issue a registration certificate.

(d) A person may not be registered to provide a courier service in terms of this section unless that person undertakes— 20

(i) to receive, collect and deliver items contemplated in item 1(b) of Schedule 2;

or

(ii) to render any service contemplated in subparagraphs (ii) to (v) of section 16(5)(d), in respect of items contemplated in item 1(b) of Schedule 2. 25

Production of licences and registration certificates

23. Every person who is required to possess a licence or a registration certificate must produce such licence or registration certificate for inspection on demand by any member of the South African Police Service or by any officer of the Department duly authorised by the Regulator to make such demand. 30

Suspension or cancellation of licence or registration certificate

24. (1) Notwithstanding anything to the contrary contained in this Act, the Regulator may after written notice to the holder of a licence or registration certificate and after due enquiry, suspend or cancel any licence or registration certificate issued under this Act, if the holder has contravened the terms and conditions of the licence or certificate or the provisions of this Act. 35

(2) The holder of a licence or registration certificate is not upon the suspension or cancellation of his or her licence or registration certificate entitled to a refund of any fees paid in respect of such licence or registration certificate.

(3) A person whose licence or registration certificate has been suspended in terms of subsection (1) must, during the period of suspension, be regarded, for the purposes of this Act, as not being the holder of such licence or registration certificate. 40

(4) Any person who is aggrieved by the suspension or cancellation of his or her licence or registration certificate in terms of subsection (1) has, in addition to any right to review by the court, the right to appeal to the Minister against such suspension or cancellation and the Minister may either confirm the suspension or cancellation or direct the Regulator to restore the licence or registration certificate to the person concerned. 45

Production of books and records

25. The Regulator may by notice in writing direct a licensee or a registered unreserved postal service operator to produce such accounts, records and other documents or information specified in such notice as the Regulator may reasonably require to ensure compliance with the provisions of this Act. 50

so 'n persoon ingevolge hierdie Wet by die Reguleerder geregistreer is en in besit is van 'n registrasiesertifikaat deur die Reguleerder uitgereik.

Aansoek om registrasie

21. 'n Aansoek om registrasie by die Reguleerder om 'n ongereserveerde posdiens te bedryf, moet gedoen word in die formaat en in ooreenstemming met die prosedure soos deur die Minister op aanbeveling van die Reguleerder voorgeskryf is en moet van die voorgeskrewe registrasiegeld vergesel word.

Operateurs geag geregistreer te wees

22. (a) 'n Persoon wat, onmiddellik voor die inwerkingtreding van hierdie artikel 'n posdiens ten opsigte van items beoog in Bylae 2, met inbegrip van 'n koerierdiens, verskaf het, word geag geregistreer te wees om 'n ongereserveerde posdiens of 'n ongereserveerde koerierdiens, na gelang van die geval, behoudens paragraaf (b) te verskaf.

(b) 'n Persoon word nie geag om ingevolge paragraaf (a) geregistreer te wees nie indien daardie persoon versuim het om binne 90 dae na die datum van inwerkingtreding van hierdie artikel, of binne die verlengde tydperk wat die Reguleerder toestaan, by die Reguleerder om registrasie aansoek te doen.

(c) Na ontvangs van 'n aansoek ingevolge paragraaf (b) word die aansoek behoudens paragraaf (d) deur die Reguleerder geregistreer en 'n registrasiesertifikaat uitgereik.

20 (d) 'n Persoon word nie geregistreer om 'n koerierdiens ingevolge hierdie subartikel te verskaf nie, tensy daardie persoon onderneem—

(i) om items beoog in item 1(b) van Bylae 2 te ontvang, af te haal en af te lewer; of

25 (ii) om 'n diens beoog in subparagrafe (ii) tot (v) van artikel 16(5)(d), ten opsigte van items beoog in item 1(b) van Bylae 2, te lewer.

Toon van lisensies en registrasiesertifikate

23. Elke persoon van wie vereis word om 'n lisensie of registrasiesertifikaat te besit, moet sodanige lisensie of registrasiesertifikaat op versoek van enige lid van die Suid-Afrikaanse Polisie of enige beampte van die Departement wat behoorlik 30 deur die Reguleerder gemagtig is om so 'n versoek te rig, vir inspeksie toon.

Opskorting of intrekking van lisensie of registrasiesertifikaat

24. (1) Ondanks enige teenstrydige bepaling van hierdie Wet, kan die Reguleerder nadat skriftelike kennis aan die houer van 'n lisensie of registrasiesertifikaat gegee is en na deeglike navraag 'n lisensie of registrasiesertifikaat wat kragtens hierdie Wet 35 uitgereik is, opskort of intrek, indien die houer die bedinge en voorwaardes van die lisensie of sertifikaat of die bepalings van hierdie Wet oortree het.

(2) Die houer van 'n lisensie of registrasiesertifikaat is by die opskorting of intrekking van sy of haar lisensie of registrasiesertifikaat nie geregtig op die terugbetaling van enige gelde wat ten opsigte van so 'n lisensie of registrasiesertifikaat 40 betaal is nie.

(3) 'n Persoon wie se lisensie of registrasiesertifikaat ingevolge subartikel (1) opgeskort is, word vir die doeleindes van hierdie Wet gedurende so 'n opskorting geag nie die houer van sodanige lisensie of registrasiesertifikaat te wees nie.

(4) Enige persoon wat gegrief is deur die opskorting of intrekking van sy of haar 45 lisensie of registrasiesertifikaat ingevolge subartikel (1), het bykomstig tot 'n reg op hersiening deur die hof, 'n aanspraak op appèl by die Minister teen sodanige opskorting of intrekking en die Minister kan die opskorting of intrekking bevestig of die Reguleerder aansê om die lisensie of registrasiesertifikaat aan die betrokke te herstel.

Toon van boeke en registers

50 25. Die Reguleerder kan by skriftelike kennisgewing 'n lisensiehouer of 'n geregistreerde operateur vir die bedryf van 'n ongereserveerde posdiens, aansê om die rekeninge, registers en ander dokumentasie of inligting in die kennisgewing vermeld, en wat hy redelikerwys benodig om te verseker dat aan die bepalings van hierdie Wet voldoen word, te toon.

Appointment of independent monitor

26. (1) The Director-General must in consultation with the Regulator appoint an independent monitor to monitor the quality of postal services rendered by the postal service operator, to report to the Regulator on its findings and to make recommendations to the Regulator on measures to be taken to improve the quality of service. 5

(2) The independent monitor must receive the remuneration determined by the Minister in consultation with the Minister of Finance and must be paid out of money appropriated by Parliament for that purpose.

(3) The Regulator may determine the type of postal services and operators of postal services to be monitored. 10

Appointment of inspectors

27. (1) The Regulator may, in consultation with the Director-General, appoint any employee of the Department as an inspector.

(2) An inspector must be provided with a certificate of appointment signed by or on behalf of the Chairperson of the Regulator in which it is stated that he or she has been appointed an inspector in terms of this Act. 15

(3) When an inspector performs any function in terms of this Act, he or she must have such certificate of appointment in his or her possession and must produce it at the request of any person affected by the performance of that function.

Powers of inspectors

28. (1) An inspector appointed in terms of section 27 may, in order to determine whether the provisions of this Act or the terms and conditions of any licence are being complied with, at any reasonable time and without prior notice, on the authority of a warrant, enter any premises and—

(a) inspect and make copies of or extracts from books, records or other documents; 25

(b) demand the production of and inspect the relevant licence or registration certificate; and

(c) inspect any facilities on the premises which are relevant to the investigation.

(2) A warrant contemplated in subsection (1) must be issued by a judge or magistrate who has jurisdiction in the area where the premises in question are situated, and may only be issued if it appears from information on oath that there are reasonable grounds for believing that the provisions of this Act or the terms and conditions of any licence are being contravened on those premises. 30

(3) No person may— 35

(a) fail to comply with a demand contemplated in subsection (1)(b);

(b) hinder or obstruct an inspector in the performance of his or her functions in terms of this section;

(c) falsely hold himself or herself out as an inspector.

CHAPTER IV**POSTAL COMPANY AND POSTAL SERVICES****Subsidy to postal company**

29. (1) The Minister may, in consultation with the Minister of Finance, out of money appropriated by Parliament for the purpose, grant an annual subsidy to the postal company in respect of normal expenditure. 45

(2) A request for a subsidy must be submitted by the postal company to the Minister by a date determined by the Minister in order for it to be subjected to the evaluation process for inclusion in the annual compilation and exposition of the Government's expenditure proposals for appropriation purposes.

(3) The payment of subsidies must be for such purposes and period and subject to such conditions as the Minister may determine in consultation with the Minister of Finance. 50

Aanstelling van onafhanklike monitor

26. (1) Die Direkteur-generaal moet 'n onafhanklike monitor in oorleg met die Reguleerder aanstel om die gehalte van die posdiens wat deur die operateur van posdienste gelewer word, moniteer, om aangaande sy bevindings aan die Reguleerder verslag te doen en aanbevelings aan die Reguleerder te doen oor maatreëls wat getref kan word om die gehalte van diens te verbeter.

(2) Die onafhanklike monitor ontvang die vergoeding bepaal deur die Minister in oorleg met die Minister van Finansies en word betaal uit geld deur die Parlement vir daardie doel bewillig.

10 (3) Die Reguleerder kan die tipe posdienste en operateurs van posdienste vir monitering bepaal.

Aanstelling van inspekteurs

27. (1) Die Reguleerder kan in oorleg met die Direkteur-generaal enige beampte van die Departement as 'n inspekteur aanstel.

15 (2) 'n Inspekteur word van 'n aanstellingsertifikaat voorsien wat deur of namens die Voorsitter van die Reguleerder geteken is waarin daar vermeld word dat hy of sy ingevolge hierdie Wet as 'n inspekteur aangestel is.

(3) Wanneer 'n inspekteur enige werksaamheid ingevolge hierdie Wet verrig, moet hy of sy die aanstellingsertifikaat in sy of haar besit hê en dit toon op versoek van enige persoon wat deur die verrigting van daardie werksaamheid geraak word.

Bevoegdhede van inspekteurs

28. (1) 'n Inspekteur wat ingevolge artikel 27 aangestel is, kan ten einde vas te stel of die bepalinge van hierdie Wet of die bedinge en voorwaardes van enige lisensie nagekom word, op enige redelike tyd en sonder vooraf kennisgewing op gesag van 'n lasbrief enige perseel betree en—

(a) boeke, registers of ander dokumente inspekteer en afskrifte daarvan of uittreksels daaruit maak;

(b) eis dat die betrokke lisensie of registrasiesertifikaat getoon word en dit inspekteer; en

30 (c) enige fasiliteite op die perseel wat op die ondersoek betrekking het, inspekteer.

(2) 'n Lasbrief beoog in subartikel (1) word deur 'n regter of 'n landdros wat regsbevoegdheid het in die gebied waar die betrokke perseel geleë is, uitgereik, en word slegs uitgereik indien dit blyk uit inligting onder eed dat daar redelike gronde is om te glo dat die bepalinge van hierdie Wet of die bedinge en voorwaardes van enige lisensie op daardie perseel oortree word.

(3) Geen persoon mag—

(a) versuim om aan 'n versoek beoog in subartikel (1)(b) te voldoen nie;

40 (b) 'n inspekteur verhinder of dwarsboom in die verrigting van sy of haar werksaamhede ingevolge hierdie artikel nie;

(c) hom of haar bedrieglik as 'n inspekteur voordoen nie.

HOOFSTUK IV**POSMAATSKAPPY EN POSDIENSTE****Subsidie aan posmaatskappy**

45 29. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit geld deur die Parlement vir die doel bewillig, 'n jaarlikse subsidie aan die posmaatskappy toestaan met betrekking tot normale uitgawes.

(2) 'n Versoek om 'n subsidie moet deur die posmaatskappy aan die Minister gerig word voor of op 'n datum deur die Minister bepaal ten einde aan die evalueringsproses onderwerp te word vir insluiting in die jaarlikse samestelling en uiteensetting van die Regering se voorstelle ten opsigte van uitgawes vir begrotingsdoeleindes.

(3) Die betaling van subsidies is vir die doeleindes en tydperk en onderhewig aan die voorwaardes deur die Minister in oorleg met die Minister van Finansies bepaal.

Fees and charges for postal services

30. (1) Subject to the approval of the Minister, the Regulator, in consultation with the postal company or, where applicable, any other licensee, may determine the fees and charges payable in respect of the provision of a postal service by the postal company or where applicable, by such other licensee. 5

(2) The manner of determining fees and charges in respect of reserved postal services must be prescribed.

(3) In exercising a power under subsection (1) the Regulator may, subject to the approval of the Minister, determine different fees and charges in respect of different services, or services rendered in different areas or circumstances or may determine special fees and charges which may be higher or lower than the normal fees and charges, and may exempt particular users or prospective users of services in specific circumstances from any of the prescribed fees and charges. 10

(4) Fees and charges determined in terms of this section must be published in the *Gazette* by the Regulator and may not come into force until 60 days after such publication. 15

(5) This section does not apply to courier services.

Postage

31. (1) Subject to section 30, there must be paid on every article for transmission by post, such postage and other sums as may be prescribed, or determined by the postal company. 20

(2) Save as is otherwise prescribed or determined by the postal company, the postage and any fees which may be payable in respect of any postal article posted within the Republic must be prepaid by means of postage stamps issued for the Republic by the postal company and not previously used, obliterated or defaced, and in default thereof there is payable in money upon every such postal article, at the time of or after delivery thereof, an amount prescribed or so determined. 25

Letters to take precedence

32. Whenever the dispatch or delivery of letters from a post office is likely to be delayed by the dispatch or delivery at the same time of other classes of postal articles, the latter or any of them may, subject to the regulations of the postal company, be detained in such post office for subsequent dispatch or delivery. 30

When postal articles regarded as being in course of transmission or to have been posted or delivered

33. For the purposes of this Act— 35

- (a) a postal article shall be deemed to be in the course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed;
- (b) the placing of a postal article of any description in a pillar box or other receptacle provided for this purpose by or with the approval of the postal company, or the delivery of a postal article to a postman or other person authorised to receive postal articles of that description for the post, must be regarded as being delivery to a post office; 40
- (c) the delivery of a postal article at the house or office of the person to whom the article is addressed, or to his or her servant or agent or other person considered to be authorised to receive the article according to the usual manner of delivering that person's postal articles, or at the address specified on such article, must be regarded as being delivery to the person to whom the article is addressed; 45
- (d) delivery into a private box or private bag must be regarded as being in all respects equivalent to personal delivery to the addressee. 50

Gelde en tariewe vir posdienste

30. (1) Behoudens die goedkeuring van die Minister kan die Reguleerder in oorleg met die posmaatskappy of, waar van toepassing, enige ander lisensiehouer die gelde en tariewe wat betaalbaar is ten opsigte van die lewering van 'n posdiens deur die

5 posmaatskappy of waar toepaslik, deur die ander lisensiehouer, bepaal.

(2) Die wyse waarvolgens gelde en tariewe ten opsigte van gereserveerde posdienste bepaal word, word voorgeskryf.

(3) Die Reguleerder kan by die uitoefening van 'n bevoegdheid kragtens subartikel (1) en behoudens die goedkeuring van die Minister, verskillende gelde en tariewe ten

10 opsigte van verskillende dienste, of dienste gelewer in verskillende gebiede of omstandighede, bepaal, of kan spesiale gelde en tariewe bepaal wat hoër of laer as die gewone gelde en tariewe kan wees, en kan bepaalde gebruikers of voornemende gebruikers van dienste in bepaalde omstandighede van enige van die voorgeskrewe gelde en tariewe vrystel.

15 (4) Gelde en tariewe wat ingevolge hierdie artikel bepaal is, word deur die Reguleerder in die *Staatskoerant* afgekondig en tree nie in werking voor 60 dae na sodanige afkondiging nie.

(5) Hierdie artikel is nie op koerierdienste van toepassing nie.

Posgeld

20 31. (1) Behoudens artikel 30 word daar op elke artikel vir versending per pos, die posgeld en ander bedrae betaal wat voorgeskryf of deur die posmaatskappy bepaal word.

(2) Behalwe vir sover anders voorgeskryf of deur die posmaatskappy bepaal word, moet die posgeld en enige gelde wat betaalbaar mag wees ten opsigte van 'n posstuk

25 wat in die Republiek gepos word, vooruitbetaal word deur middel van posseëls, deur die posmaatskappy uitgereik vir die Republiek en wat nog nie voorheen gebruik, uitgewis of onleesbaar gemaak is nie, by gebreke waarvan daar op elke sodanige posstuk, ten tyde van of na die aflewering daarvan 'n voorgeskrewe of aldus bepaalde bedrag in geld betaalbaar is.

30 Briewe geniet voorrang

32. Wanneer die versending of aflewering van briewe vanaf 'n poskantoor waarskynlik vertraag sal word deur die gelyktydige versending of aflewering van ander klasse posstukke, kan laasgenoemde of enige daarvan, behoudens die regulasies van die posmaatskappy, vir latere versending of aflewering in daardie poskantoor gehou word.

35 Wanneer posstukke geag word onderweg, gepos of afgelewer te wees

33. By die toepassing van hierdie Wet—

(a) word 'n posstuk geag per pos onderweg te wees vanaf die tydstop waarop dit by 'n poskantoor afgelewer is tot die tydstop waarop dit afgelewer word aan die persoon aan wie dit geadresseer is;

40 (b) word die plaas van 'n posstuk van watter aard ook al in 'n briewebus of ander houer wat deur of met goedkeuring van die posmaatskappy vir die doel voorsien is, of die afgee van 'n posstuk aan 'n posbode of ander persoon wat gemagtig is om posstukke van daardie aard vir die pos te ontvang, geag aflewering aan 'n poskantoor te wees;

45 (c) word die aflewering van 'n posstuk by die huis of kantoor van die persoon aan wie die artikel geadresseer is, of aan sy of haar dienaar of agent of ander persoon wat gemagtig geag word om die artikel in ontvangs te neem, met inagneming van die gewone wyse waarop daardie persoon se posstukke afgelewer word of by die adres wat op bedoelde artikel vermeld word, geag aflewering aan die geadresseerde persoon te wees;

50 (d) word aflewering in 'n private posbus of privaatsak geag in alle opsigte aan persoonlike aflewering aan die geadresseerde gelyk te staan.

Articles regarded as having been posted in contravention of Act

34. A postal article received in a post office must be regarded as having been posted in contravention of this Act—

- (a) if the postage stamps thereon have been previously used, obliterated or defaced; or 5
- (b) if it is posted or contains anything in fraud of or contrary to the provisions of this Act or any other law.

Postal articles to be sent to returned letter office for disposal

35. (1) Subject to subsection (2), any postal article—

- (a) which is without address or bears an illegible address or is otherwise undeliverable; or 10
- (b) acceptance of which is refused by the person to whom it is addressed; or
- (c) which has been posted or is reasonably suspected to have been posted in contravention of this Act or any other law,

must be sent to the office known as the returned letter office and dealt with as may be determined by the postal company. 15

(2) Any postal article contemplated in subsection (1)(a) or (b)—

- (a) other than a letter or parcel, and which— 20
 - (i) does not bear on the outside thereof the name and address of the sender;
 - (ii) is of little value or importance;
 - (iii) does not contain any money, documents or valuable articles; and
 - (iv) has not been posted by a government department; and
- (b) any postal article contemplated in subsection (1)(c),

may, according to the postal company's direction, be destroyed or disposed of in some other manner; 25

(3) Any postal article contemplated in subsection (1)(a) or (b) which bears on the outside thereof the name and address of the sender, may be returned to him or her or delivered to him or her direct.

Articles subject to customs duty

36. Any postal article containing or suspected of containing an enclosure upon which customs duty is payable must be dealt with as determined by the postal company, subject to any law relating to customs. 30

Articles other than letters may be examined

37. Any postal article, other than a letter, may, without opening, be examined by means of detection devices in order to ascertain whether that article may be transmitted at the rate of postage pre-paid thereon or whether it has been posted in contravention of this Act. 35

Treatment of unclaimed letters in returned letter office

38. (1) Subject to subsection (2), any postal article originally posted within the Republic and which is sent to the returned letter office in terms of section 35, may be opened by an officer designated for that purpose by the postal company and unless it contains any valuable or saleable enclosure or has been posted in contravention of this Act or any other law or with intent to evade payment of the postage chargeable thereon, it must be returned to the sender thereof if his or her name and address are known, and may, if the sender refuses to receive it or if his or her name and address are not known be destroyed or disposed of as determined by the postal company. 45

(2) Any postal article referred to in subsection (1) the name and address of the sender of which are known but which is of little value or importance, which does not contain any documents, has not been transmitted by registered post and has not been posted by a government department, may, after it has been retained for the period determined by the postal company, be destroyed or disposed of in any other manner determined by the postal company. 50

Artikels geag in stryd met Wet gepos te wees

34. 'n Posstuk wat in 'n poskantoor ontvang word, word geag in stryd met hierdie Wet gepos te wees—

- 5 (a) indien die posseëls daarop voorheen gebruik, uitgewis of onleesbaar gemaak is; of
 (b) indien die terposbesorging daarvan of iets wat daarin bevat is 'n omseiling van hierdie Wet of ander wetsbepalings uitmaak of daarmee in stryd is.

Posstukke wat aan kantoor van onafgelewerde briewe gestuur moet word vir beskikking

10 35. (1) Behoudens subartikel (2) word 'n posstuk—

- (a) wat sonder adres is of waarop die adres onleesbaar is of wat om ander redes nie afgelewer kan word nie; of
 (b) aanvaarding waarvan deur die persoon aan wie dit geadresseer is, geweier word; of
 15 (c) wat gepos is, of na redelike vermoede gepos is, in stryd met hierdie Wet of enige ander wet,

na die kantoor bekend as die kantoor van onafgelewerde briewe gestuur en mee gehandel soos deur die posmaatskappy bepaal.

(2) 'n Posstuk beoog in subartikel (1)(a) of (b)—

- 20 (a) behalwe 'n brief of pakket, en wat—
 (i) op die buitekant daarvan nie die naam en adres van die afsender toon nie;
 (ii) van geringe waarde of belang is;
 (iii) geen geld, dokumente of waardevolle artikels bevat nie; en
 25 (iv) nie deur 'n staatsdepartement gepos is nie; en
 (b) 'n posstuk beoog in subartikel (1)(c),

kan, na gelang die posmaatskappy gelas, vernietig of op 'n ander wyse oor beskik word;

- 30 (3) 'n Posstuk beoog in subartikel (1)(a) of (b) op die buitekant waarvan die naam en adres van die afsender voorkom, kan aan hom of haar teruggestuur of regstreeks aan hom of haar afgelewer word.

Artikels wat aan doeanereg onderhewig is

36. Oor 'n posstuk wat iets bevat of vermoedelik bevat waarop doeaneregte betaalbaar is, word, behoudens enige wet wat betrekking het op doeane, beskik soos
 35 deur die posmaatskappy bepaal.

Artikels behalwe briewe kan ondersoek word

37. 'n Posstuk, behalwe 'n brief, kan sonder om dit oop te maak, by wyse van verklikkingstoestelle ondersoek word ten einde te bepaal of daardie posstuk teen die postarief wat daarop vooruitbetaal is, versend kan word, en of dit in stryd met hierdie
 40 Wet gepos is.

Behandeling van onopgeëiste briewe in kantoor van onafgelewerde briewe

38. (1) Behoudens subartikel (2) kan 'n posstuk wat oorspronklik binne die Republiek gepos is en wat ingevolge artikel 35 aan die kantoor van onafgelewerde briewe gestuur word, oopgemaak word deur 'n beampte wat die posmaatskappy vir dié
 45 doel aanwys, en word dit, tensy dit iets bevat wat waardevol of verkoopbaar is of in stryd met hierdie Wet of enige ander wet gepos is, of met die bedoeling om betaling van die gepaste posgeld daarop te ontduik, aan die afsender daarvan teruggestuur indien sy of haar naam en adres bekend is, en kan dit, indien die afsender weier om dit te ontvang, of indien sy of haar naam en adres nie bekend is nie, vernietig of op 'n ander
 50 wyse oor beskik word, na gelang die posmaatskappy bepaal.

(2) 'n In subartikel (1) bedoelde posstuk waarvan die afsender se naam en adres bekend is maar wat van geringe waarde of belang is, wat geen dokumente bevat nie, nie per geregistreerde pos versend is nie en nie deur 'n staatsdepartement gepos is nie, kan, nadat dit vir die deur die posmaatskappy bepaalde tydperk gehou is, vernietig of
 55 op 'n ander wyse deur die posmaatskappy bepaal, oor beskik word.

Unclaimed articles of value and articles posted in contravention of Act

39. (1) Every postal article opened under this Act which contains any valuable or saleable enclosure, must be safely kept and a record thereof and of its contents must be made and preserved.

(2) The postal company must, unless any such postal article or the contents thereof has been posted in contravention of this Act or any other law or with intent to evade payment of the postage chargeable thereon, cause a notice declaring that it has in its possession that article and stating the contents thereof to be sent to the person to whom the article is addressed or, if he or she cannot be found, to the sender thereof. 5

(3) Upon application by the person to whom the notice has been sent, the postal company must cause such postal article and its contents to be delivered to any such person upon payment of all charges due thereon. 10

(4) If no application is made within three months after the sending of any notice in terms of subsection (2), or if the postal article in question or the contents thereof have been posted in contravention of this Act or any other law or with intent to evade payment of any charge payable thereon, such article and its contents must (without affecting the liability to any penalty or punishment to which the sender may be subject) be destroyed, sold or otherwise disposed of as the postal company may determine. 15

(5) The proceeds of the sale of any postal article or the contents thereof as aforesaid, as well as any such contents consisting of money or any order or security for money, must be paid into and form part of the postal revenue. 20

(6) Any such order or security for money must, for the purpose of procuring payment, be regarded as being the property of the postal company.

Delay in transmission, in return to sender or delivery to any person other than addressee of article prohibited 25

40. Save as expressly provided in this Act, no postal article may be delayed in transmission or returned to the sender or be delivered to any person not named in the address thereof, except with the consent in writing of the addressee or on the special authority of the postal company.

Articles addressed to insolvent persons 30

41. Whenever any person has been declared insolvent by a competent court the postal company must, if that court so orders, and for so long as may be specified in the order, cause all postal articles addressed to such person to be delivered to the person named in the order.

Articles addressed to deceased persons 35

42. Postal articles addressed to deceased persons may be delivered to the executors or administrators of the estates of those deceased persons on production of letters of administration, at the address indicated thereon.

Detention of postal articles on order of court

43. On the order of a competent court, the postal company may detain or delay all postal articles addressed to a person (whether under his or her own or under a fictitious or assumed name) or his or her agent or representative, or to any address of any such person, agent or representative without the name of any person appearing thereon, and all such postal articles may be opened and returned to the senders thereof or otherwise disposed of in the manner provided for in the court order. 45

Arrangements and agreement to convey postal articles

44. The postal company may make arrangements and enter into agreements with any person to convey postal articles either by land, air or sea.

Onopgeëiste artikels van waarde en artikels in stryd met Wet gepos

39. (1) Elke posstuk wat ingevolge hierdie Wet oopgemaak word en iets bevat wat waardevol of verkoopbaar is, moet veilig bewaar word en 'n aantekening daarvan en van die inhoud daarvan moet gemaak en bewaar word.

5 (2) Die posmaatskappy moet, tensy so 'n posstuk of die inhoud daarvan in stryd met hierdie Wet of enige ander wet gepos is, of met die bedoeling om betaling van die gepaste posgeld daarop te ontduik, 'n kennisgewing laat stuur aan die persoon aan wie daardie artikel geadresseer is wat verklaar dat hy of sy die artikel in sy of haar besit het, of indien hy of sy nie gevind kan word nie, die afsender daarvan en die inhoud daarvan
10 vermeld.

(3) Op aansoek deur die persoon aan wie die kennisgewing gestuur is, moet die posmaatskappy bedoelde posstuk en die inhoud daarvan aan daardie persoon laat aflewer teen betaling van alle koste daarop verskuldig.

(4) Indien geen aansoek gedoen word binne drie maande nadat 'n kennisgewing
15 ingevolge subartikel (2) gestuur is nie, of indien die betrokke posstuk of die inhoud daarvan in stryd met hierdie Wet of enige ander wet gepos is, of met die bedoeling om betaling van daarop verskuldigde gelde te ontduik, word daardie artikel en die inhoud daarvan (sonder afbreuk aan die aanspreeklikheid vir boete of straf waaraan die afsender onderhewig mag wees) vernietig, verkoop of op 'n ander wyse oor beskik soos
20 die posmaatskappy bepaal.

(5) Die opbrengs van die verkoop van 'n posstuk of die inhoud daarvan soos vermeld, asook geld of enige order of sekuriteit vir geld waaruit die inhoud bestaan, word aan pos-inkomste inbetaal en maak deel daarvan uit.

(6) So 'n order of sekuriteit vir geld word, ten einde uitbetaling te verkry, geag die
25 eiendom van die posmaatskappy te wees.

Verbod op vertraging van artikels by versending of terugsending na afsender of aflewering aan iemand anders as geadresseerde

40. Behalwe soos uitdruklik in hierdie Wet bepaal, mag geen posstuk tydens versending vertrap of aan die afsender teruggestuur of aan iemand wat nie in die adres
30 daarop vermeld word, afgelewer word nie, behalwe met die skriftelike toestemming van die geadresseerde of met spesiale magtiging van die posmaatskappy.

Artikels aan insolvente persone geadresseer

41. Wanneer iemand deur 'n bevoegde hof in die Republiek insolvent bevind is, laat die posmaatskappy, indien die hof aldus beveel, en vir solank in die bevel bepaal, alle
35 aan so iemand geadresseerde posstukke afgelewer aan die persoon in die bevel vermeld.

Artikels aan oorledenes geadresseer

42. Posartikels wat aan 'n oorledene geadresseer is, kan, by oorlegging van briewe van administrasie, aan die eksekuteurs of boedelberedderaars van die oorledene
40 afgelewer word by die adres daarop vermeld.

Terughou van posstukke kragtens hofbevel

43. Kragtens die bevel van 'n gemagtigde hof kan die posmaatskappy alle posstukke gerig aan 'n persoon (hetsy onder sy of haar eie of 'n denkbeeldige of aangenome naam) of sy of haar agent of verteenwoordiger of aan 'n adres van so 'n persoon, agent
45 of verteenwoordiger sonder dat die naam van 'n persoon daarop verskyn, terughou of vertrap, en al sodanige posstukke kan oopgemaak en aan die afsenders daarvan teruggestuur word of op die wyse in die hofbevel bepaal, oor beskik word.

Reëlins en ooreenkomste vir vervoer van posartikels

44. Die posmaatskappy kan reëlins tref of ooreenkomste aangaan met enige
50 persoon vir die vervoer van posartikels per land, lug of see.

Compensation

45. (1) The postal company may—

- (a) if any unauthorised person obtains payment of any deposit by fraudulent means, make good the loss or any portion thereof;
- (b) subject to any prescribed requirements and limitations, pay compensation for the loss of or damage to any postal article or the contents thereof whether conveyed by the postal company or by any mail carrier. 5

(2) Where the postal company has by virtue of subsection (1) paid any amount in respect of loss caused by the commission of an offence, it must, for purposes of section 300 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), be regarded as having suffered, as the result of the commission of such offence, loss of property belonging to it to the extent of the amount so paid. 10

(3) (a) Any mail carrier must on demand pay to the postal company an amount equal to any amount paid by the postal company by virtue of subsection (1)(b) in respect of any postal article or of the contents thereof lost while in the possession of such carrier or such lesser amount as the postal company may determine. 15

(b) Any amount paid in terms of paragraph (a) is recoverable by action in any competent court.

Jurisdiction

46. (1) South African law applies in the case of outgoing postal articles— 20

- (a) conveyed by air, until the aircraft conveying the postal articles touches down on the runway at the first airport in the country of destination or of transit of the postal articles;
- (b) conveyed by ship, until the ship conveying the postal articles enters the territorial waters of the country of destination or of transit of the postal articles; 25
- (c) conveyed by road, until the vehicle conveying the postal articles passes through the first border post along the route to the country of destination of the postal articles.

(2) South African law applies to incoming postal articles— 30

- (a) conveyed by air, from the moment the aircraft conveying the postal articles touches down on the runway of the first airport of arrival in South Africa;
- (b) conveyed by ship, from the moment the ship conveying the postal articles enters South African territorial waters;
- (c) conveyed by road, from the moment the vehicle conveying the postal articles enters South Africa through a border post. 35

CHAPTER V**MONEY TRANSFER SERVICES****Remittance of money through postal company**

47. Money may be remitted through the postal company either within or outside the Republic at rates determined by the postal company and the postal company may authorise any employee to issue and pay money orders, postal orders and other documents authorised to be used for the purpose of so remitting money. 40

Refusal to issue or pay money orders, postal orders or other documents

48. The postal company may refuse to issue or pay any money order, postal order or other document authorised to be used for the purpose of remitting money through the postal company, in favour of any person in respect of whom a competent court has authorised such refusal and where payment of any such money order, postal order, or other document is so refused, such money order, postal order, or other document may, if it was issued in the Republic, be returned to the person to whom it was originally issued or otherwise disposed of as the court may determine, or, if it was issued outside the Republic, the amount thereof must be returned to the postal authority of the country in which it was issued. 45 50

Vergoeding

45. (1) Die posmaatskappy kan—
- (a) indien 'n ongemagtigde persoon op bedrieglike wyse betaling verkry van 'n deposito, die verlies of 'n deel daarvan vergoed;
- 5 (b) behoudens enige voorgeskrewe vereistes en beperkings vir die verlies of beskadiging van enige posstuk of die inhoud daarvan, hetsy deur die posmaatskappy of deur 'n posdraer vervoer, vergoeding betaal.
- (2) Waar die posmaatskappy uit hoofde van subartikel (1) 'n bedrag betaal het ten opsigte van verlies wat deur die pleging van 'n misdryf veroorsaak is, word hy, by die
- 10 toepassing van artikel 300 van die Strafproseswet, 1977 (Wet No. 51 van 1977), geag as gevolg van die pleging van sodanige misdryf verlies te gely het van eiendom wat aan hom behoort, en wel in die mate van die bedrag aldus betaal.
- (3) (a) 'n Posdraer moet op versoek aan die posmaatskappy 'n bedrag betaal wat gelyk is aan enige bedrag wat uit hoofde van subartikel (1)(b) deur die posmaatskappy
- 15 betaal is ten opsigte van enige posstuk of die inhoud daarvan wat verlore gegaan het terwyl dit in die besit van sodanige draer was of die kleiner bedrag wat die posmaatskappy bepaal.
- (b) 'n Bedrag wat ingevolge paragraaf (a) betaal is, kan by aksie in 'n bevoegde hof verhaal word.

20 Jurisdiksie

46. (1) Suid-Afrikaanse reg is van toepassing op uitgaande posstukke—
- (a) vervoer per lug, totdat die vliegtuig wat die posstukke vervoer, neerstryk op die aanloopbaan by die eerste lughawe in die land van bestemming of van transito van die posstukke;
- 25 (b) vervoer per skip, totdat die skip wat die posstukke vervoer die territoriale waters van die land van bestemming of van transito van die posstukke binnevaar;
- (c) vervoer per pad, totdat die voertuig wat die posstukke vervoer deur die eerste grenspos op die roete na die land van bestemming van die posstukke gaan.
- 30 (2) Suid-Afrikaanse reg is van toepassing op inkomende posstukke—
- (a) vervoer per lug, vanaf die oomblik dat die vliegtuig wat die posstukke vervoer, neerstryk op die aanloopbaan by die eerste lughawe van aankoms in Suid-Afrika;
- 35 (b) vervoer per skip, vanaf die oomblik dat die skip wat die posstukke vervoer die territoriale waters van Suid-Afrika binnevaar;
- (c) vervoer per pad, vanaf die oomblik dat die voertuig wat die posstukke vervoer Suid-Afrika deur 'n grenspos binnegaan.

HOOFSTUK V**GELDOORDRAGDIENSTE****40 Versending van geld deur posmaatskappy**

47. Geld kan binne of buite die Republiek deur die posmaatskappy versend word teen tariewe wat die posmaatskappy bepaal, en die posmaatskappy kan 'n werknemer magtig om poswissels, posorders en ander stukke waarvan die gebruik om geld aldus te versend, gemagtig is, uit te reik en te betaal.

45 Weiering om poswissels, posorders of ander dokumente uit te reik of te betaal

48. Die posmaatskappy kan weier om 'n poswissel, posorder of ander stuk waarvan die gebruik om geld deur die posmaatskappy te versend, gemagtig is, uit te reik of te betaal ten gunste van iemand ten opsigte van wie 'n gemagtigde hof so 'n weiering veroorloof, en waar betaling van so 'n poswissel, posorder of ander stuk aldus geweier

50 word, kan die poswissel, posorder of ander stuk, indien dit in die Republiek uitgereik is, teruggestuur word aan die persoon aan wie dit oorspronklik uitgereik is of andersins soos bepaal deur die hof oor beskik word, of moet, indien dit buite die Republiek uitgereik is, die bedrag daarvan teruggestuur word aan die posbestuur van die land waarin dit uitgereik is.

Money orders and postal orders regarded as bank notes

49. (1) Any money order, postal order or other document issued under section 47 must be regarded as being a bank note or an order for the payment of money and a valuable security within the meaning of any law relating to forgery or theft.

(2) Any unissued postal order must be regarded as money of the postal company. 5

Money remitted through postal company in terms of Post Office Act, 1958

50. Money orders, remitted through the postal company in terms of section 46 of the Post Office Act, 1958 (Act No. 44 of 1958), which were valid immediately prior to the commencement of this Chapter must be regarded as having been transmitted in terms of this Act. 10

CHAPTER VI**POSTBANK AND NATIONAL SAVINGS CERTIFICATES****Operation and control of Postbank**

51. (1) The Postbank is operated under the control and management of the postal company. 15

(2) The postal company must undertake such activities as are customary for a financial institution carrying on the business of accepting deposits.

(3) The Postbank must be operated, managed and controlled in accordance with this Act.

(4) Interest on deposits in the Postbank must be paid at a rate determined from time to time by the postal company and the Minister in consultation with the Minister of Finance in the case of each kind of deposit. 20

Deposits in Postbank or National Savings Certificates in name of minors

52. Notwithstanding anything to the contrary contained in any other law, deposits in the Postbank made by or for the benefit of, or any National Savings Certificate issued in favour of, any person under 21 years of age, may be repaid to that person in the prescribed manner in respect of any particular kind of deposit or account in the Postbank. 25

Secrecy

53. (1) No person may, in respect of the transactions of any depositor in the Postbank or any holder of a National Savings Certificate, disclose any information (including the name of any such depositor or holder) which comes to his or her knowledge in the performance of his or her functions in terms of this Act, except— 30

(a) to an employee appointed by the postal company to assist in carrying out the provisions of this Chapter; 35

(b) to the Commissioner for Inland Revenue, for the purposes of any law relating to any tax or levy;

(c) to the Master in relation to the administration of the estate of any deceased depositor in the Postbank or holder of a National Savings Certificate; or

(d) when required by order of a competent court. 40

(2) Nothing in this section contained may be regarded as limiting the authority of the auditors of the postal company to require a disclosure of such accounts and documents as may be necessary to enable them to carry out the duties imposed upon them by law.

Transfer of deposits from or to another country

54. The postal company may, in accordance with arrangements made with any postal authority for the transfer from or to the Republic of sums of money standing to the credit of depositors in the Postbank or depositors in a savings bank controlled by that postal authority and subject to this Act and any regulation made under a law relating to 45

Poswissels en posorders geag banknote te wees

49. (1) 'n Poswissel, posorder of ander stuk wat kragtens artikel 47 uitgereik is, word geag 'n banknoot of order vir die betaling van geld en geldwaardige sekuriteit te wees binne die bedoeling van enige wet met betrekking tot vervalsing of diefstal.
- 5 (2) 'n Onuitgereikte posorder word geag geld van dié posmaatskappy te wees.

Geld versend deur posmaatskappy ingevolge Poswet, 1958

50. Poswissels deur die posmaatskappy versend ingevolge artikel 46 van die Poswet, 1958 (Wet No. 44 van 1958), wat van krag was onmiddellik voor die inwerkingtreding van hierdie Hoofstuk word geag ingevolge hierdie Wet versend te wees.

10

HOOFSTUK VI**POSBANK EN NASIONALE SPAARSERTIFIKATE****Bedryf van en beheer oor Posbank**

51. (1) Die Posbank word bedryf onder die beheer en bestuur van die posmaatskappy.
- 15 (2) Die posmaatskappy onderneem die werksaamhede wat gebruiklik is vir 'n finansiële instelling wat die neem van deposito's as bedryf beoefen.
- (3) Die Posbank word bedryf, bestuur en beheer ooreenkomstig hierdie Wet.
- (4) Rente op deposito's in die Posbank word betaal teen die koers wat die posmaatskappy en die Minister, in oorleg met die Minister van Finansies, van tyd tot tyd in die geval van elke soort deposito bepaal.
- 20

Deposito's in Posbank of Nasionale Spaarsertifikate op naam van minderjariges

52. Ondanks andersluidende wetsbepalings kan deposito's in die Posbank wat gestort is deur of ten bate van, of 'n Nasionale Spaarsertifikaat wat uitgereik is ten gunste van 'n persoon onder die ouderdom van 21 jaar aan daardie persoon terugbetaal word op die voorgeskrewe wyse ten opsigte van 'n bepaalde soort deposito of rekening in die Posbank.
- 25

Geheimhouding

53. (1) Niemand mag ten opsigte van die transaksies van 'n deponeerder in die Posbank of 'n houer van 'n Nasionale Spaarsertifikaat, inligting (met inbegrip van die naam van so 'n deponeerder of houer) wat hy of sy by die verrigting van sy of haar werksaamhede ingevolge hierdie Wet te wete gekom het, bekend maak nie, behalwe—
- 30 (a) aan 'n werknemer aangestel deur die posmaatskappy om met die uitvoering van die bepalings van hierdie Hoofstuk behulpsaam te wees;
- (b) aan die Kommissaris van Binnelandse Inkomste vir die doeleindes van 'n wetsbepaling met betrekking tot enige belasting of heffing;
- 35 (c) aan die Meester met betrekking tot die beredding van die boedel van 'n afgestorwe deponeerder in die Posbank of houer van 'n Nasionale Spaarsertifikaat; of
- (d) wanneer dit op bevel van 'n bevoegde hof vereis word.
- 40 (2) Geen bepaling van hierdie artikel word geag die bevoegdheid van die ouditeure van die posmaatskappy te beperk nie om blootlegging van die rekenings en stukke te vereis wat nodig mag wees ten einde hulle in staat te stel om die pligte volgens wet aan hulle opgedra, uit te voer.

Oordrag van deposito's van of na ander land

- 45 54. Die posmaatskappy kan ooreenkomstig reëlings met 'n posbestuur getref vir die oordrag van of na die Republiek van somme geld wat op krediet staan van deponeerders in die Posbank of deponeerders in 'n spaarbank wat deur daardie posbestuur beheer word en behoudens hierdie Wet en enige regulasie uitgevaardig kragtens 'n wet met betrekking tot betaalmiddels en wisselkoerse, enige bedrag wat

currency and exchanges, place any sum so transferred to the postal company to the credit of a depositor's ordinary account.

Inactive accounts

55. (1) If a balance in an ordinary account has remained unchanged for more than the prescribed period (which may not be shorter than two years), except for the accrual of interest, the postal company may transfer the balance to the revenue of the postal company and utilise it for the purposes of the company. 5

(2) If the depositor concerned or any person legally competent to claim the balance on his or her behalf applies for the repayment thereof, or if an amount for deposit in the ordinary account in question 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 must be transferred from the revenue of the postal company to the credit of the depositor concerned. 10

Issue of National Savings Certificates

56. (1) Notwithstanding anything to the contrary contained in any other law, the postal company may from time to time, with the approval of the Minister in the case of each issue, raise money by way of issues of National Savings Certificates. 15

(2) The conditions upon which National Savings Certificates are issued, shall in the case of each issue be determined by the Minister in consultation with the Minister of Finance and shall be prescribed by regulation. 20

(3) The terms of any certificate shall not exceed ten years.

(4) On the amount represented by any National Savings Certificate which is not repaid before or on the expiry of the term thereof, interest may be paid from the expiry of such term to the date of repayment, at the rate determined by the Minister in consultation with the Minister of Finance and prescribed by regulation. 25

(5) The maximum amount which may be held by—

(a) any natural person;

(b) any natural person and, in a case where he or she is liable for the payment of income tax in respect of interest earned by any other natural person on National Savings Certificates, also such other person jointly; and 30

(c) any body or institution from which investments in National Savings Certificates may be accepted,

in any particular issue, or more than one issue of National Savings Certificates, must be prescribed with the concurrence of the Minister of Finance.

(6) This section must not be so construed as to derogate from the power of the postal company to borrow or raise money under the provisions of any other law. 35

Regulations regarding National Savings Certificates

57. (1) Subject to section 56, the Minister may make regulations—

(a) as to any matter which in terms of this Act is required or permitted to be prescribed by regulation in respect of National Savings Certificates; 40

(b) prescribing the procedure which must be observed in the issue of, and the payment of amounts represented by, National Savings Certificates and the forms which must be used in connection therewith;

(c) prescribing in respect of each issue of National Savings Certificates the price of issue, term, units or multiples of units in which certificates may be issued, the rate of interest and times and manner of payment of interest, and, subject to paragraph (d) and subsection (3), the minimum period which must elapse from the date of issue of any certificate before the amount represented by it may be repaid; 45

(d) as to the circumstances under which and the conditions upon which any National Savings Certificate may be repaid before the expiry of the minimum period prescribed under paragraph (c); 50

(e) as to the conditions and procedure applying to the transfer of any National Savings Certificate by the holder thereof to another person, the forms to be used in connection with such transfer and the fees payable in respect thereof; 55

aldus na die posmaatskappy oorgedra word in 'n deponeerder se gewone rekening krediteer.

Onaktiewe rekenings

55. (1) Indien 'n saldo in 'n gewone rekening vir langer as die voorgeskrewe tydperk 5 (wat nie korter as twee jaar mag wees nie) onveranderd gebly het behalwe vir sover rente opgehoop het, kan die posmaatskappy die saldo na inkomste van die posmaatskappy oordra en dit vir die doeleindes van die maatskappy gebruik.

(2) Indien die betrokke deponeerder of iemand wat regtens bevoeg is om die saldo namens hom of haar te vorder, om die terugbetaling daarvan aansoek doen, of indien 10 'n bedrag vir deponering in die betrokke gewone rekening na sodanige oordrag betaal word, moet 'n bedrag gelyk aan die saldo en die rente wat daarop sou opgehoop het indien dit nie aldus oorgedra is nie, uit die inkomste van die posmaatskappy tot krediet van die betrokke deponeerder oorgedra word.

Uitgifte van Nasionale Spaarsertifikate

15 56. (1) Ondanks andersluidende wetsbepalings kan die posmaatskappy, met die goedkeuring van die Minister in die geval van elke uitgifte, van tyd tot tyd geld opneem by wyse van uitgiftes van Nasionale Spaarsertifikate.

(2) Die voorwaardes waarop Nasionale Spaarsertifikate uitgereik word, word in die geval van elke uitgifte deur die Minister in oorleg met die Minister van Finansies 20 bepaal en word by regulasie voorgeskryf.

(3) Die termyn van 'n sertifikaat oorskry nie tien jaar nie.

(4) Op die bedrag verteenwoordig deur 'n Nasionale Spaarsertifikaat wat nie voor of by die verstryking van die termyn daarvan terugbetaal word nie, kan rente betaal word vanaf die verstryking van sodanige termyn tot die datum van terugbetaling, teen die 25 koers deur die Minister in oorleg met die Minister van Finansies bepaal en by regulasie voorgeskryf.

(5) Die maksimum bedrag wat deur—

- (a) 'n natuurlike persoon;
- 30 (b) 'n natuurlike persoon en, in 'n geval waar hy of sy inkomstebelastingpligtig is ten opsigte van rente deur 'n ander natuurlike persoon op Nasionale Spaarsertifikate verdien, ook sodanige ander persoon, gesamentlik; en
- (c) 'n liggaam of instelling waarvan beleggings in Nasionale Spaarsertifikate aangeneem kan word,

in 'n bepaalde uitgifte of in meer as een uitgifte van Nasionale Spaarsertifikate gehou 35 kan word, word voorgeskryf met die instemming van die Minister van Finansies.

(6) Hierdie artikel word nie so uitgelê nie dat dit afbreuk doen aan die bevoegdheid van die posmaatskappy om geld kragtens ander wetsbepalings te leen of op te neem.

Regulasies aangaande Nasionale Spaarsertifikate

57. (1) Behoudens artikel 56 kan die Minister regulasies uitvaardig—

- 40 (a) aangaande 'n aangeleentheid wat ingevolge hierdie Wet ten opsigte van Nasionale Spaarsertifikate by regulasie voorgeskryf moet of kan word;
- (b) wat die prosedure wat by die uitreiking van, en die uitbetaling van bedrae verteenwoordig deur, Nasionale Spaarsertifikate gevolg moet word en die vorms wat in verband daarmee gebruik moet word, voorskryf;
- 45 (c) wat ten opsigte van elke uitgifte van Nasionale Spaarsertifikate die uitgifteprys, termyn, eenhede of veelvoude van eenhede waarin sertifikate uitgereik kan word, rentekoers en tye en wyse van betaling van rente, en, behoudens paragraaf (d) en subartikel (3), die minimum tydperk wat vanaf die datum van uitreiking van 'n sertifikaat moet verloop voordat die bedrag 50 wat dit verteenwoordig, terugbetaal kan word, voorskryf;
- (d) aangaande die omstandighede waaronder en voorwaardes waarop 'n Nasionale Spaarsertifikaat terugbetaal kan word voor die verstryking van die minimum tydperk wat kragtens paragraaf (c) voorgeskryf is;
- 55 (e) aangaande die voorwaardes en prosedure wat van toepassing is op die oordrag van 'n Nasionale Spaarsertifikaat deur die houer daarvan aan iemand anders, die vorms wat in verband met so 'n oordrag gebruik moet word en die gelde wat ten opsigte daarvan betaalbaar is;

- (f) as to the replacement of any National Savings Certificate which has been lost, destroyed or damaged and the fees payable in respect of any such replacement;
- (g) as to the issue of National Savings Certificates to certain persons or classes of persons; 5
- (h) as to the purchase of any National Savings Certificate by a trustee on behalf of a beneficiary and by one person in the name of another on particular conditions relating to the repayment of the amount represented by such certificate and compliance with such conditions, and as to limitations and requirements (including different limitations or requirements in respect of different categories of such investments or different categories of such investors) that apply to such purchases; and 10
- (i) as to, generally, any other matter in respect of which it is necessary or expedient to make regulations in order to achieve the objects of this Act relating to National Savings Certificates. 15

(2) Regulations made under subsection (1) may prescribe as a condition of any particular issue of National Savings Certificates that the rate of interest prescribed by the regulations in relation to the relevant issue of National Savings Certificates, may from time to time be increased or decreased by the Minister by way of an amendment of the regulations. 20

(3) If any such rate of interest is decreased, any National Savings Certificate affected thereby is, as from the date on which the rate of interest is decreased, repayable at the request of the holder of the relevant National Savings Certificate, together with any interest accrued thereon up to the date of repayment.

(4) Different regulations may be made in respect of different issues of National Savings Certificates. 25

(5) No regulation may be made under subsection (1)(c), (d) or (g) without the concurrence of the Minister of Finance.

(6) The regulations made under section 77B of the Post Office Act, 1958 (Act No. 44 of 1958), and any regulations made or any act performed by virtue of an authority granted in terms of Chapter V of that Act, which were in force immediately prior to the commencement of this Act, remain in force until repealed under this section. 30

Security for repayment of certain deposits and amounts represented by certain certificates

58. The revenue and assets of the postal company and thereafter of the State, serve as security for the repayment of deposits in the Postbank and of the amounts represented by Postbank, National Savings and Union Loan Certificates and for the payment of interest due thereon. 35

CHAPTER VII

GENERAL PROVISIONS 40

Electronic mail and addresses

59. Subject to the Telecommunications Act, 1996 (Act No. 103 of 1996), the Postal Company may carry electronic mail, including the Internet, and provide electronic addresses.

Delegation of functions 45

60. (1) The Regulator may in writing delegate any of its functions in terms of this Act to any person in the service of the Department who is designated in terms of section 7.

(2) The Regulator is not divested of any functions delegated in terms of subsection (1), and may amend or rescind any decision made in terms of such delegation, except where any licensee or any registered unreserved postal service operator will be affected adversely thereby. 50

(3) The Regulator may not delegate—

- (f) aangaande die vervanging van Nasionale Spaarsertifikate wat verloor, vernietig of beskadig is, en die gelde wat ten opsigte van so 'n vervanging betaalbaar is;
- 5 (g) aangaande die uitreiking van Nasionale Spaarsertifikate aan sekere persone of klasse persone;
- 10 (h) aangaande die aankoop van 'n Nasionale Spaarsertifikaat deur 'n trustee ten bate van 'n begunstigde en deur een persoon op die naam van 'n ander op bepaalde voorwaardes met betrekking tot die terugbetaling van die bedrag deur die sertifikaat verteenwoordig, en die nakoming van sodanige voorwaardes, en aangaande beperkings en vereistes (met inbegrip van verskillende beperkings en vereistes ten opsigte van verskillende kategorieë sodanige beleggings of verskillende kategorieë sodanige beleggers) wat op sodanige aankope van toepassing is; en
- 15 (i) aangaande, in die algemeen, enige ander aangeleentheid ten opsigte waarvan dit nodig of dienstig is om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet wat op Nasionale Spaarsertifikate betrekking het, te kan bereik.

(2) Regulasies kragtens subartikel (1) uitgevaardig, kan as 'n voorwaarde van 'n bepaalde uitgifte van Nasionale Spaarsertifikate voorskryf dat die rentekoers wat by die 20 regulasies met betrekking tot die betrokke uitgifte van Nasionale Spaarsertifikate voorgeskryf is, deur die Minister van tyd tot tyd by wyse van 'n wysiging van die regulasies verhoog of verlaag kan word.

(3) Indien so 'n rentekoers verlaag word, is enige Nasionale Spaarsertifikaat wat daardeur geraak word, vanaf die datum waarop die rentekoers verlaag word, op versoek 25 van die houër van die betrokke Nasionale Spaarsertifikaat terugbetaalbaar, tesame met rente wat tot op die datum van terugbetaling daarop opgehoop het.

(4) Verskillende regulasies kan ten opsigte van verskillende uitgiftes van Nasionale Spaarsertifikate uitgevaardig word.

(5) Geen regulasie word kragtens subartikel (1)(c), (d) of (g) uitgevaardig sonder die 30 instemming van die Minister van Finansies nie.

(6) Die regulasies uitgevaardig kragtens artikel 77B van die Poswet, 1958 (Wet No. 44 van 1958), en enige regulasies uitgevaardig of enige daad verrig uit hoofde van 'n magtiging verleen ingevolge Hoofstuk V van daardie Wet, en wat onmiddellik voor die 35 inwerkingtreding van hierdie Wet van krag was, bly van krag totdat dit kragtens hierdie artikel herroep word.

Sekuriteit vir terugbetaling van sekere deposito's en bedrae verteenwoordig deur sekere sertifikate

58. Die inkomste en bates van die posmaatskappy en daarna van die Staat, dien as 40 sekuriteit vir die terugbetaling van deposito's in die Posbank en van die bedrae verteenwoordig deur Posbank-, Nasionale Spaar- en Unieleningsertifikate, en vir die betaling van die rente daarop verskuldig.

HOOFSTUK VII

ALGEMENE BEPALINGS

Elektroniese pos en adresse

45 59. Behoudens die Telekommunikasiewet, 1996 (Wet No. 103 van 1996), kan die Posmaatskappy elektroniese pos, met inbegrip van die Internet, hanteer en elektroniese adresse voorsien.

Delegering van werksaamhede

60. (1) Die Reguleerder kan skriftelik aan enige persoon in diens van die 50 Departement wat ingevolge artikel 7 aangewys is, enige van sy werksaamhede ingevolge hierdie Wet delegeer.

(2) Die Reguleerder word nie ontnem van enige werksaamhede ingevolge subartikel (1) gedelegeer nie en kan enige besluit wat ingevolge die delegering geneem is, wysig of tersyde stel, behalwe waar enige gelisensieerde of geregistreerde operateur 55 van 'n ongereserveerde posdiens daardeur nadelig geraak sal word.

(3) Die Reguleerder mag nie—

- (a) any decision regarding the issuing, cancellation or suspension of a licence or registration certificate;
- (b) the power to give advice or any recommendation to the Minister in terms of this Act.

(4) The Minister may, subject to such conditions as he may determine, delegate any power conferred on him or her under this Act, other than a power to be exercised by notice in the *Gazette*, to the Director-General, the Regulator or any other person in the service of the Department, but is not divested of any power so delegated and may rescind or amend any decision made in the exercise of such a power except where any licensee or registered unreserved postal service operator will be affected adversely thereby. 5 10

(5) The Minister may not delegate a power conferred on him or her by section 16(3).

Regulations

61. The Minister may, upon the advice of the Regulator, make regulations regarding— 15

- (a) the carrying out of any international postal agreement or international postal arrangement entered into under this Act or by the Government;
- (b) any matter which must or may be prescribed in terms of this Act;
- (c) in general any matter which is necessary or expedient in order to achieve the objects of this Act; and 20
- (d) the conveyance of postal articles, the general powers and duties of conveyers, legal possession or ownership of postal articles for purposes of contravention of this Act, mail fraud, theft and matters incidental thereto. 20

CHAPTER VIII

OFFENCES

25

Failure to produce licence or registration certificate

62. Any postal service operator who refuses or fails to produce a licence or registration certificate for inspection when required to do so in terms of this Act is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment. 30

Failure to produce books and records

63. Any person who fails to comply with a notice in terms of section 25 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment.

Failure to appear at meeting of Regulator

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64. Any person who, without any reasonable excuse, fails to appear at a meeting of the Regulator after receiving written notice to appear at the meeting is guilty of an offence and liable, upon conviction, to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment.

Obstructing officer in performance of functions

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65. Any person who obstructs an inspector or any officer in the performance of his or her functions in terms of this Act is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment.

- (a) 'n besluit rakende die uitreiking, kansellasië of opskorting van 'n lisensie of registrasiesertifikaat delegeer nie; en
- (b) die bevoegdheid om die Minister te adviseer of aanbevelings aan hom of haar ingevolge hierdie Wet te doen, delegeer nie.
- 5 (4) Die Minister kan, behoudens die voorwaardes wat hy of sy bepaal, enige bevoegdheid wat aan hom of haar kragtens hierdie Wet verleen is, behalwe 'n bevoegdheid wat uitgeoefen moet word by kennisgewing in die *Staatskoerant*, aan die Direkteur-generaal, die Reguleerder of enige ander persoon in diens van die Departement delegeer, maar word nie ontnem van enige bevoegdheid wat aldus gedelegeer is
- 10 nie en mag enige besluit wat in die uitoefening van sodanige bevoegdheid geneem is, wysig of tersyde stel, behalwe waar 'n lisensiehouer of geregistreerde operateur van 'n ongereserveerde posdiens daardeur nadelig geraak sal word.
- (5) Die Minister delegeer nie 'n bevoegdheid aan hom of haar verleen by artikel 16(3) nie.

15 Regulasies

61. Die Minister kan, op aanbeveling van die Reguleerder, regulasies uitvaardig met betrekking tot—

- (a) die uitoefening van enige internasionale posooreenkoms of internasionale reëling aangegaan kragtens hierdie Wet of deur die Regering;
- 20 (b) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (c) in die algemeen, enige aangeleentheid wat nodig of dienstig is om die oogmerke van hierdie Wet te bereik; en
- 25 (d) die vervoer van posstukke, die algemene bevoegdhede en pligte van vervoerders, wettige besit of eienaarskap van posstukke vir doeleindes van die oortreding van hierdie Wet, posbedrog, diefstal en aangeleenthede wat daarmee in verband staan.

HOOFSTUK VIII

MISDRYWE

30 Versuim om lisensie of registrasiesertifikaat te toon

62. 'n Persoon wat 'n posdiens bedryf en weier of versuim om 'n lisensie of registrasiesertifikaat vir ondersoek te toon wanneer dit ingevolge hierdie Wet vereis word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met

35 gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

Versuim om boeke en registers te toon

63. 'n Persoon wat versuim om te voldoen aan 'n kennisgewing ingevolge artikel 25, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie

40 gevangenisstraf.

Versuim om by vergadering van Reguleerder te verskyn

64. 'n Persoon wat, sonder enige redelike verskoning versuim om 'n vergadering van die Reguleerder by te woon nadat so 'n persoon skriftelik kennis gekry het om by die vergadering aanwesig te wees is aan 'n misdryf skuldig en by skuldigbevinding

45 strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

Dwarsboming van amptenaar in verrigting van werksaamhede

65. 'n Persoon wat 'n inspekteur of 'n beampte in die verrigting van sy of haar werksaamhede ingevolge hierdie Wet dwarsboom, is aan 'n misdryf skuldig en by

50 skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

Forgery of stamps, dies and other articles

66. (1) Any person who—

- (a) makes, alters, imitates or imports or assists in making, altering, imitating or importing any postage stamp, date stamp, card, envelope, wrapper, cover or any money order, postal order or savings bank warrant or any other warrant or order for the payment of money through the postal company or acknowledgement of deposit or any form or paper similar to that used or made for the purposes of the functions of the postal company or by any postal authority, or uses, issues, offers, exposes for sale, sells, deals in, sends by post or disposes of or has in his or her custody or possession any such stamp, date stamp, card, envelope, wrapper, cover, money order, postal order, savings bank warrant, or any other warrant or order, acknowledgement of deposit, form or paper, knowing it to have been made or altered or to be an imitation contrary to this section; 5
- (b) engraves or in any matter makes upon any plate or material any stamp or mark or figure or device in imitation of or resembling any stamp or mark or figure or device used or made for the purposes of the functions of the postal company or by any postal authority, or sells, disposes of, purchases, receives, or has in his or her custody or possession any plate or material so engraved or made; 15
- (c) makes or assists in making or has in his or her custody or possession any mould, frame or other instrument having thereon any words, letters, figures, marks, lines or devices peculiar to paper provided, used or made for any postage stamps or for any other purposes of the functions of the postal company or by any postal authority; 20
- (d) makes or assists in making or has in his or her custody or possession any paper in the substance of which appear any words, letters, figures, marks, lines or devices peculiar to paper provided, used or made for any postage stamps or for any other purposes of the functions of the postal company or by any postal authority, or makes, purchases, sells, disposes of or receives or has in his or her custody or possession any paper provided or made for the purpose of being used for any postage stamps or for any other purposes of the functions of the postal company or by any postal authority before the same has been issued for public use; 25
- (e) makes use of any stamp, die, plate or paper engraved or made for the purposes of the functions of the postal company or by any postal authority, or sells, disposes of, purchases, receives or has in his or her custody or possession any such paper or material whatever, bearing an impression or mark of any such stamp, die or plate; or 30
- (f) makes on an envelope, wrapper, card, form or paper any mark in imitation of or similar to or purporting to be any official stamp or mark used for the purposes of the functions of the postal company or by any postal authority or any words, letters, devices or marks which signify or imply or may reasonably be regarded as signifying or implying that any article bearing such words, letters, device or marks has been in or is entitled to be sent through the post, is, subject to subsection (2), guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding seven years or to both a fine and such imprisonment and any stamp, die, plate, instrument or material found in the possession of any person in contravention of this section may be seized and forfeited to the State. 35
- (2) It is a defence to any charge in terms of subsection (1) to prove on a balance of probabilities that the accused had due authority or lawful excuse to act as he or she did. 40

Illegal practices in connection with postal articles and premises

67. Any person who—

- (a) without due authority places or paints anything whatsoever upon or wilfully injures, disfigures or tampers with any post office or any card, notice or other

Vervalsing van seëls, stempels, en ander artikels

66. (1) 'n Persoon wat—

- 5 (a) 'n posseël, datumstempel, kaartjie, koevert, omslag, omhulsel of 'n poswissel, posorder of spaarbankbewys of enige ander bewys of order vir die betaling van geld deur die posmaatskappy of depositobewys of 'n vorm of papier soortgelyk aan dié wat vir die doeleindes van die werksaamhede van die posmaatskappy of deur 'n posbestuur gebruik of vervaardig word, vervaardig, verander, namaak of invoer, of aan die vervaardiging, verandering, namaking of invoer daarvan meedoen, of so 'n posseël, datumstempel, 10 kaartjie, koevert, omslag, omhulsel, poswissel, posorder, spaarbankbewys of ander bewys of order, depositobewys, vorm of papier gebruik, uitreik, aanbied, te koop vertoon of verkoop of daarin handel dryf of dit per pos versend of van die hand sit of in sy of haar bewaring of besit het, met die wete dat dit in stryd is met hierdie artikel vervaardig of verander of nagmaak is; 15 (b) op 'n plaat of materiaal 'n stempel of merk of syfer of onderwerp graveer of op ander wyse aanbring wat 'n nabootsing is van 'n stempel of merk of syfer of ontwerp wat vir die doeleindes van die werksaamhede van die posmaatskappy of deur 'n posbestuur gebruik of vervaardig word, of daarna lyk, of 'n plaat of materiaal waarop so iets aldus gegraveer of aangebring is, 20 verkoop, van die hand sit, koop, ontvang of in sy of haar bewaring of besit het;
- (c) 'n vorm, raam of ander toestel vervaardig of help vervaardig of in sy of haar bewaring of besit het met woorde, letters, syfers, merke, lyne of ontwerpe daarop wat eie is aan papier wat vir posseëls of vir ander doeleindes van die werksaamhede van die posmaatskappy of deur 'n posbestuur voorsien, 25 gebruik of vervaardig word;
- (d) papier vervaardig of help vervaardig of in sy of haar bewaring of besit het in die materiaal waarvan woorde, letters, syfers, merke, lyne of ontwerpe voorkom wat eie is aan papier wat vir posseëls of vir ander doeleindes van die werksaamhede van die posmaatskappy of deur 'n posbestuur voorsien, 30 gebruik of vervaardig word, of papier vervaardig, koop, verkoop, van die hand sit of ontvang of in sy of haar bewaring of besit het wat voorsien of vervaardig is om vir posseëls of vir ander doeleindes van die werksaamhede van die posmaatskappy of deur 'n posbestuur gebruik te word, voordat dit vir 35 openbare gebruik uitgegee is;
- (e) gebruik maak van 'n seël, stempel, plaat of papier wat vir die doeleindes van die werksaamhede van die posmaatskappy of deur 'n posbestuur gegraveer of vervaardig is, of sodanige papier of materiaal van watter aard ook al wat 'n afdruk of merk van so 'n seël, stempel of plaat dra, verkoop, van die hand sit, 40 koop, ontvang of in sy of haar bewaring of besit het; of
- (f) op 'n koevert, omslag, kaartjie, vorm of papier 'n merk aanbring wat 'n namaaksel is van of soortgelyk is aan 'n amptelike stempel of merk wat vir die doeleindes van die werksaamhede van die posmaatskappy of deur 'n posbestuur gebruik word, of dit heet te wees, of daarop woorde, letters, 45 ontwerpe of merke aanbring wat aandui of te kenne gee of redelikerwys geag kan word aan te dui of te kenne te gee dat 'n artikel waarop bedoelde woorde, letters, ontwerpe of merke voorkom, in die pos was of deur die pos gestuur kan word,

is, behoudens subartikel (2), aan 'n misdryf skuldig en by skuldigbevinding strafbaar 50 met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar of met sowel 'n boete as daardie gevangenisstraf, en 'n seël, stempel, plaat, toestel of materiaal wat in stryd met hierdie artikel in iemand se besit gevind word, word in beslag geneem en aan die Staat verbeurd verklaar.

(2) Dit is 'n verweer teen 'n aanklag ingevolge subartikel (1) om op 'n oorwig van 55 waarskynlikhede te bewys dat die beskuldigde behoorlike magtiging of 'n wettige verskoning gehad het om op te tree soos hy of sy opgetree het.

Ongeoorloofde praktyke in verband met posstukke en persele

67. 'n Persoon wat—

- 60 (a) sonder behoorlike magtiging op 'n poskantoor of 'n kaart, kennisgewing of ander eiendom van of in gebruik van of ten behoeve van die posmaatskappy

property of or used by or on behalf of the postal company or commits a nuisance on or against any post office or against or upon any such card, notice or property;

- (b) detains, secretes or keeps any mail or postal article which ought to have been delivered to another person or which has been found by himself or herself or by any other person; or 5
- (c) by false pretence or misstatement induces any officer to deliver to him or her or to any other person any postal article not addressed to or intended for either of them,

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment, without prejudice to any right the postal company may have of proceeding civilly against any person convicted under paragraph (a) for compensation for such damage as may have been caused by him or her. 10

Damage to post office or mail 15

68. (1) Any person who sends in or with any postal article or puts into or against any post office any fire, match or light or any explosive or dangerous, filthy, noxious or deleterious matter or thing or any matter or thing which is likely to injure or damage any post office, person or mail is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding seven years or to both a fine and such imprisonment. 20

(2) Notwithstanding anything to the contrary contained in any law, the postal company may cause any article referred to in subsection (1) or any other postal article to be removed at any time by a police official or any person designated by a police official or to be handed over for examination to a police official or such other person and a police official may destroy or render harmless or cause to be destroyed or rendered harmless any such article or postal article which he or she considers to be dangerous or may otherwise dispose thereof. 25

(3) The postal company may, subject to special precautions determined by it, exempt from the provisions of this section noxious or deleterious matter sent in the interest of public health. 30

Irregular opening of or tampering with mail

69. Any person who otherwise than in pursuance of his or her duty opens or tampers with or wilfully destroys, makes away with or secretes any mail or postal article or allows any mail or postal article to be opened or tampered with, destroyed, made away with or secreted is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding seven years or to both a fine and such imprisonment. 35

Wilfully obstructing or delaying mail

70. Any person who wilfully interferes with the conveyance of any mail or through whose act or neglect the conveyance of any mail is interfered with, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one month for each hour or part of an hour during which the delivery of the mail is delayed in consequence of any such interference or to both a fine and such imprisonment. 40

Wilful opening or delay of postal article or telegram 45

71. (1) Any person who wilfully opens any postal article or telegram which he or she knows ought to have been delivered to another person or does any act or thing whereby the due delivery of that article or telegram to such other person is prevented, obstructed or delayed, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment. 50

(2) This section does not apply to any person who is the parent or in the position of parent or guardian of the addressee if the addressee is a person under sixteen years of age.

enigiets hoegenaamd plaas of verf, of dit opsetlik beskadig, ontsier of daarmee peuter, of 'n ergerlikheid op of teen 'n poskantoor of teen of op so 'n kaart, kennisgewing of eiendom pleeg;

- 5 (b) enige pos of posstuk wat aan iemand anders afgelewer moes gewees het of wat deur hom, haar of iemand anders gevind is, terughou, verberg of behou;
- (c) deur valse voorwendsel of wanvoorstelling 'n beampte oorhaal om aan hom, haar of iemand anders 'n posstuk af te lewer wat nie aan of vir een van hulle geadresseer of bedoel is nie,

10 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf, sonder benadeling van die reg van die posmaatskappy om sivilregtelik op te tree teen iemand wat kragtens paragraaf (a) skuldig bevind word, vir skadevergoeding ten opsigte van skade wat deur hom of haar veroorsaak is.

Beskadiging van poskantoor of pos

15 68. (1) 'n Persoon wat 'n vuur of vuurhoutjie of 'n ontplofbare stof of 'n gevaarlike, vuil, skadelike of nadelige voorwerp of saak of 'n voorwerp of saak wat 'n poskantoor, persoon of pos waarskynlik kan beskadig of beseer, in of met 'n posstuk stuur of in of teen 'n poskantoor plaas, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens sewe jaar of met sowel

20 'n boete as daardie gevangenisstraf.

(2) Ondanks andersluidende wetsbepalings kan die posmaatskappy 'n artikel in subartikel (1) bedoel of 'n ander posstuk te eniger tyd deur 'n polisiebeampte of iemand deur 'n polisiebeampte aangewys, laat verwyder of aan 'n polisiebeampte of so iemand laat oorhandig vir ondersoek, en 'n polisiebeampte of so iemand kan so 'n artikel of

25 posstuk wat na sy oordeel gevaarlik is, vernietig of onskadelik maak of laat vernietig of onskadelik maak of daaroor op 'n ander wyse beskik.

(3) Die posmaatskappy, behoudens spesiale voorsorgmaatreëls deur hom bepaal, kan skadelike of nadelige voorwerpe wat in belang van die openbare gesondheid versend word, van die bepaling van hierdie artikel vrystel.

30 Ongeoorloofde oopmaak van of peutering met pos

69. 'n Persoon wat behalwe by die uitvoering van sy of haar plig, pos of 'n posstuk oopmaak of daarmee peuter of dit opsetlik vernietig, wegmaak of verberg, of toelaat dat dit oopgemaak of daarmee gepeuter word of dit vernietig, weggemaak of verberg word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens sewe jaar of met sowel 'n boete as daardie

35 gevangenisstraf.

Opsetlike verhinderende van vertraging van pos

70. 'n Persoon wat opsetlik met die vervoer van pos inmeng of deur wie se handeling of nalatigheid daar met die vervoer van pos ingemeng word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens een maand vir elke uur of deel van 'n uur waarmee die aflewering van die pos as gevolg van sodanige inmenging vertraag word of met sowel 'n boete as sodanige gevangenisstraf.

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Opsetlike oopmaak of vertraging van posstuk of telegram

71. (1) 'n Persoon wat opsetlik 'n posstuk of telegram oopmaak wat na sy of haar wete aan iemand anders afgelewer moes gewees het, of 'n handeling verrig of iets doen waardeur die behoorlike aflewering van daardie posstuk of telegram aan so iemand anders verhoed, verhinder of vertraag word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van

50 hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

(2) Hierdie artikel geld nie vir iemand wat die ouer of 'n persoon in die plek van ouer of voog van die geadresseerde is nie, indien die geadresseerde 'n persoon onder die ouderdom van sestien jaar is.

Impersonating officer

72. Any person who impersonates or represents himself or herself to be an officer is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment.

False declarations

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73. Any person who, in appearing before a Regulator or in applying for a licence makes a false statement knowing it to be false, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment.

Offences regarding telegrams

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74. Any person who knowingly sends, delivers or causes to be sent or delivered to any officer for the purpose of being transmitted as a telegram any message or communication which has been wilfully and without due authority altered or which purports to be signed or sent by any other person without that person's consent, or who wrongfully signs any telegram with the name of another person without that person's consent or with the name of some fictitious person or who wilfully and without the consent of the sender alters any telegram or writes, issues or delivers any message or communication which purports to be a telegram received through a telegraph office but which was not so received, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment.

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Divulging contents of telegrams

75. Any person who, not being a witness in a court of law, without the consent of the sender or addressee or receiver or otherwise than in pursuance of his or her duties, opens or tampers with or divulges the contents or substance of any telegram or discloses its existence otherwise than by delivering it or giving a copy thereof to the person to whom he or she is authorised to deliver it or to give such copy or who maliciously or wilfully misdelivers, puts the incorrect time on, secretes, intercepts, destroys, makes away with, alters or omits to transmit or deliver or presents or delays the delivery or transmission of any telegram or makes use for his or her own purposes of any knowledge he or she may acquire of the contents thereof, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment.

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Attempting to commit or procuring commission of offences

76. Any person who attempts to commit any offence in terms of this Act or solicits or authorises or endeavours to employ, cause, procure, aid, abet, incite or counsel any other person to commit an offence in terms of this Act, is guilty of an offence and liable to the same punishment as for the actual commission of the offence.

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Penalty for offences for which no special penalty provided

77. Any person who contravenes or fails to comply with any provision of this Act for which no special or other penalty is provided, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment.

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Evidence in criminal proceedings

78. In any information or complaint as to or any prosecution for any crime or any offence committed in respect of the postal company or of any mail, telegram or any property, money, money order, postal order or other document authorised to be used for the purpose of remitting, paying or depositing money through or with the postal company, as the case may be or with respect to any act, deed, matter or thing which has

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Voorgee beamppte te wees

72. 'n Persoon wat hom of haar uitgee vir of voordoen as 'n beamppte is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

5 Valse verklarings

73. 'n Persoon wat, wanneer hy of sy voor die Reguleerder verskyn of aansoek doen om 'n lisensie, 'n valse verklaring maak met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

10 Oortredings ten opsigte van telegramme

74. 'n Persoon wat wetens 'n boodskap of mededeling wat opsetlik en sonder behoorlike magtiging verander is of wat deur iemand anders wat nie daartoe ingestem het nie, onderteken of versend heet te wees, versend of aflewer of laat versend of aflewer aan 'n beamppte ten einde as 'n telegram versend te word, of wat wederregtelik 'n telegram met die naam van iemand anders sonder sy of haar toestemming of met die naam van 'n denkbeeldige persoon onderteken of wat opsetlik en sonder toestemming van die afsender 'n telegram verander of 'n boodskap of mededeling wat 'n telegram heet te wees wat deur 'n telegraafkantoor ontvang is, maar wat nie aldus ontvang is nie, uitskryf, uitreik of aflewer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

Bekendmaking van inhoud van telegramme

75. 'n Persoon wat, behalwe as 'n getuie in 'n geregshof, sonder toestemming van die afsender of geadresseerde of ontvanger of anders as in die uitvoering van sy of haar pligte 'n telegram oopmaak of daarmee peuter of die inhoud of strekking daarvan bekend maak, of die bestaan daarvan bekend maak op 'n ander wyse as deur dit af te lewer of 'n afskrif daarvan te gee aan die persoon aan wie hy of sy gemagtig is om dit af te lewer of so 'n afskrif te gee, of wat kwaadwilliglik of opsetlik 'n telegram verkeerd aflewer of die verkeerde tyd daarop aangee of dit verberg, onderskep, vernietig, wegmaak, verander of nalaat om dit te versend of af te lewer of die aflewering of versending daarvan verhinder of vertraag of vir sy of haar doeleindes gebruik maak van kennis wat hy uit die inhoud daarvan verkry, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

35 Poging om misdryf te pleeg of om pleeg daarvan te verkry

76. Iemand wat poog om 'n misdryf ingevolge hierdie Wet te pleeg of iemand anders uitlok of magtig of probeer gebruik, beweeg, verkry, help, aanhits, opstook of aanraai om iets te doen om 'n misdryf ingevolge hierdie Wet te pleeg, is aan 'n misdryf skuldig en strafbaar asof hy of sy werklik die misdryf gepleeg het.

40 Straf vir misdrywe waarvoor geen spesiale straf bepaal is nie

77. 'n Persoon wat 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, waarvoor geen spesiale of ander straf bepaal is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

45 Getuienis by strafsake

78. By 'n aangifte of klage met betrekking tot of 'n vervolging weens 'n misdaad of misdryf gepleeg ten opsigte van die posmaatskappy of van pos, 'n telegram of eiendom, geld, 'n poswissel, posorder of ander dokument waarvan die gebruik in verband met die versending, betaling of storting van geld deur of by die posmaatskappy gemagtig is, of ten opsigte van 'n handeling, daad of aangeleentheid of enigets gedoen

been done or committed with any malicious, injurious or fraudulent intent relating to or concerning the postal company, mail, telegram, property, money, money order, postal order or other document, it is sufficient—

- (a) to allege that any such mail, telegram, property, money, money order, postal order or other document belongs to or is in the lawful possession of the postal company and to put in the same as an exhibit and it is not necessary to allege or prove the same to be of any value; 5
- (b) to allege that any such act, deed, matter or thing was done or committed with intent to injure or defraud the postal company, without setting forth its or any other name, addition or description whatsoever; and 10
- (c) if the offender was an officer, to allege that the offender was an officer at the time of committing of the offence without stating the nature or particulars of his or her employment. 10

Acceptance of official marks

79. In any proceedings for the recovery of any sum payable in terms of this Act in respect of a postal article— 15

- (a) the official stamp or mark thereupon denoting the sum due is *prima facie* evidence of the liability of that postal article to the charge specified thereon;
- (b) the production of such postal article having thereon a post office stamp or mark denoting that the article has been refused or that the person to whom the same is addressed is dead or could not be found, is *prima facie* evidence of the fact so denoted. 20

Operating of postal services without licence or registration certificate

80. (1) Any person who operates a postal service except in terms of this Act or in terms of a licence or registration certificate issued to that person in terms of this Act is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment. 25

(2) The court convicting such person may, in addition to any penalty that it may impose, order—

- (a) a fine not exceeding R100 in respect of every letter received, collected, dispatched, conveyed, tendered or delivered; 30
- (b) confiscation to the State of any device, apparatus or machine in connection with or by means of which the offence was committed unless it is proved that the apparatus, device or machine in question does not belong to the person so convicted and that its owner was unable to prevent its unlawful use by the person so convicted; 35
- (c) the cancellation of any licence or registration certificate held under this Act by the person so convicted and prohibit him or her from holding any licence or registration certificate under this Act for a specific period. 40

(3) The Regulator must investigate and adjudicate— 40

- (a) any alleged contravention of or failure by a licensee or registered unreserved postal service operator to comply with this Act;
- (b) any failure by a licensee to comply with the relevant terms and conditions of the licence or any agreement for provision of postal services as contemplated in this Act; 45
- (c) any failure by the licensee to provide a postal service to any customer where such customer has, after complaint to the licensee, not obtained satisfaction. 45

(4) Where the Regulator after investigation, finds that the licensee or the registered unreserved postal service operator has been responsible for a failure or contravention contemplated in subsection (3), the Regulator may— 50

- (a) direct the licensee or registered unreserved postal service operator to desist from any further failure or contravention;
- (b) direct the licensee or registered unreserved postal service operator to pay the prescribed fine;

of verrig met kwaadwillige opset of die opset om te beskadig of te bedrieg ten aansien van of met betrekking tot die posmaatskappy, of sodanige pos, telegram, eiendom, geld, poswissel, posorder of ander dokument, is dit voldoende—

- 5 (a) om te beweer dat bedoelde pos, telegram, eiendom, geld, poswissel, posorder of ander dokument aan die posmaatskappy behoort of in sy wettige besit is en om dit as 'n bewysstuk in te dien, en is dit nie nodig om te beweer of te bewys dat dit van enige waarde is nie;
- 10 (b) om te beweer dat so 'n handeling, daad of aangeleentheid of so iets gedoen of verrig is met die opset om die posmaatskappy skade te berokken of te bedrieg sonder om sy naam of enige ander naam, toevoeging of beskrywing hoegenaamd aan te gee; en
- (c) indien die oortreder 'n beampte is, om te beweer dat die oortreder 'n beampte was op die tydstop toe die misdryf gepleeg is, sonder om die aard of besonderhede van sy of haar werk te vermeld.

15 Aanvaarding van amptelike merke

79. By 'n geding om die verhaal van 'n bedrag wat ingevolge hierdie Wet ten opsigte van 'n posstuk betaalbaar is—

- 20 (a) is die amptelike stempel of merk daarop wat die verskuldigde bedrag aandui, *prima facie*-bewys dat die bedrag op die posstuk vermeld, werklik daarop verskuldig is; en
- (b) is die oorlegging van 'n posstuk met 'n poskantoorstempel of merk daarop wat aandui dat die artikel geweier is of dat die persoon aan wie dit geadresseer is, oorlede is of nie gevind kon word nie, *prima facie*-bewys van die feit aldus aangedui.

25 Bedryf van posdiens sonder lisensie of registrasiesertifikaat

80. (1) 'n Persoon wat 'n posdiens bedryf, behalwe ingevolge hierdie Wet of ingevolge 'n lisensie of registrasiesertifikaat aan daardie persoon ingevolge hierdie Wet uitgereik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel 'n boete as daardie gevangenisstraf.

(2) Die hof wat so 'n persoon skuldig bevind, kan bykomstig tot enige straf wat hy opleë, 'n bevel uitreik—

- 35 (a) vir 'n boete van hoogstens R100 ten opsigte van elke brief wat ontvang, afgehaal, versend, vervoer, aangebied of afgelewer is;
- (b) vir die beslaglegging ten gunste van die Staat op enige toestel, apparaat of masjien wat betrekking het op of waardeur die misdryf gepleeg is tensy bewys gelewer word dat die betrokke toestel, apparaat of masjien nie aan die veroordeelde persoon behoort nie en die eienaar nie die onwettige gebruik daarvan deur die aldus veroordeelde persoon kon verhoed nie;
- 40 (c) vir die intrekking van 'n lisensie of registrasiesertifikaat wat deur die aldus veroordeelde persoon kragtens hierdie Wet gehou word en wat hom of haar verbied om vir 'n bepaalde tydperk enige lisensie of registrasiesertifikaat kragtens hierdie Wet te besit.

(3) Die Reguleerder ondersoek en beoordeel—

- 45 (a) enige beweerde oortreding of versuim deur 'n lisensiehouer of geregistreerde operateur van 'n ongereserveerde posdiens om te voldoen aan hierdie Wet;
- (b) enige versuim deur 'n lisensiehouer om te voldoen aan die voorwaardes van die lisensie of enige ooreenkoms vir die verskaffing van posdienste soos in hierdie Wet beoog;
- 50 (c) enige versuim deur 'n lisensiehouer om 'n posdiens aan 'n kliënt te verskaf waar so 'n kliënt, nadat vertoë aan die lisensiehouer gerig is, nie bevrediging kon kry nie.

(4) Waar die Reguleerder na ondersoek bevind dat die lisensiehouer of die geregistreerde operateur van 'n ongereserveerde posdiens verantwoordelik was vir 'n versuim of oortreding beoog in subartikel (3) kan die Reguleerder—

- 55 (a) die lisensiehouer of die geregistreerde operateur van 'n ongereserveerde posdiens beveel om hom of haar te weerhou van enige verdere versuim of oortreding;
- 60 (b) die lisensiehouer of die geregistreerde operateur van 'n ongereserveerde posdiens beveel om die voorgeskrewe boete te betaal;

Amendment of section 4 of Act 44 of 1958, as amended by section 1 of Act 80 of 1965, section 4 of Act 113 of 1976, section 5 of Act 85 of 1991 and section 12 of Act 129 of 1993

83. Section 4 of the Post Office Act, 1958, is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph: 5

“(a) The postal enterprise shall be transferred to the postal company, from which date the postal company shall, subject to the provisions of any other law, have the [exclusive] power to conduct the postal service;”.

Amendment of section 5 of Act 44 of 1958, as amended by section 35 of Act 94 of 1974, section 4 of Act 113 of 1976, section 5 of Act 85 of 1991 and section 2 of Act 11 of 1997 10

84. Section 5 of the Post Office Act, 1958, is hereby amended by the deletion of subsection (7).

Amendment of section 12W of Act 44 of 1958, as inserted by section 10 of Act 101 of 1992 and amended by section 3 of Act 35 of 1995 and section 3 of Act 53 of 1997 15

85. Section 12W of the Post Office Act, 1958, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsections (2) and (3) and notwithstanding anything to the contrary contained in the Companies Act, the postal company [may, for so long as all its issued equity shares are held by the State, or] and the telecommunications company may, for as long as the majority of [its] their issued equity shares are held by the State, 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.”. 20 25

Amendment of section 115 of Act 44 of 1958, as substituted by section 8 of Act 80 of 1965, section 65 of Act 85 of 1991 and section 22 of Act 88 of 1996

86. The following section is hereby substituted for section 115 of the Post Office Act, 1958: 30

“Non-liability of postal company and telecommunications company

115. Save as is otherwise provided in this Act or any other law, the postal company or telecommunications company, as the case may be, or any officer or any person conveying postal articles in pursuance of any contract entered into or arrangements made in terms of this Act or conveying mail which he or she is obliged to convey, in terms of this Act [(in this section and in section 115bis referred to as a mail carrier)] or any other law or any employee of a mail carrier shall not be liable by reason of any error, default, delay, omission, damage, destruction, non-delivery, non-transmission or loss, whether negligent or otherwise, in respect of any postal article or telegram or by reason of anything lawfully done under this Act, or any other law, and bona fide payment of any sum of money under the provisions of this Act or any other law shall, to whomsoever made, discharge the postal company or telecommunications company, as the case may be, and the officer by whom any such payment was made, from all liability whatsoever in respect of any such payment, notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or have occurred in connection therewith: Provided that nothing in this section contained shall be construed as exempting the postal company or telecommunications company, as the case may be, from liability for damage or loss caused to any person by reason of fraud on the part of an 35 40 45 50

Wysiging van artikel 4 van Wet 44 van 1958, soos gewysig deur artikel 1 van Wet 80 van 1965, artikel 4 van Wet 113 van 1976, artikel 5 van Wet 85 van 1991 en artikel 12 van Wet 129 van 1993

83. Artikel 4 van die Poswet, 1958, word hierby gewysig deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) word die posonderneming aan die posmaatskappy oorgedra, vanaf watter datum die posmaatskappy, behoudens die bepalings van enige ander wet, die [uitsluitlike] bevoegdheid het om die posdiens te bedryf;”.

Wysiging van artikel 5 van Wet 44 van 1958, soos gewysig deur artikel 35 van Wet 94 van 1974, artikel 4 van Wet 113 van 1976, artikel 5 van Wet 85 van 1991 en artikel 2 van Wet 11 van 1997

84. Artikel 5 van die Poswet, 1958, word hierby gewysig deur subartikel (7) te skrap.

Wysiging van artikel 12W van Wet 44 van 1958, soos ingevoeg deur artikel 10 van Wet 101 van 1992 en gewysig deur artikel 3 van Wet 35 van 1995 en artikel 3 van Wet 53 van 1997

85. Artikel 12W van die Poswet, 1958, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalings van subartikels (2) en (3) en ondanks andersluidende bepalings van die Maatskappywet, kan die posmaatskappy [solank al sy uitgereikte ekwiteitsaandeel deur die Staat gehou word of] en die telekommunikasiemaatskappy, solank die meerderheid van [sy] hulle uitgereikte ekwiteitsaandeel deur die Staat gehou word, 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.”.

Wysiging van artikel 115 van Wet 44 van 1958, soos vervang deur artikel 8 van Wet 80 van 1965, artikel 65 van Wet 85 van 1991 en artikel 22 van Wet 88 van 1996

86. Artikel 115 van die Poswet, 1958, word hierby deur die volgende artikel vervang:

“Posmaatskappy en telekommunikasiemaatskappy nie aanspreeklik nie

115. Behoudens andersluidende bepalings van hierdie Wet of enige ander wet, is die posmaatskappy of telekommunikasiemaatskappy, na gelang van die geval, of ’n beampte of enigiemand wat posstukke vervoer ooreenkomstig ’n ooreenkoms aangegaan of reëlins getref kragtens hierdie Wet of enige ander wet of wat pos vervoer wat hy of sy ingevolge hierdie Wet verplig is om te vervoer, [(in hierdie artikel en in artikel 115bis ’n posdraer genoem),] of enige werknemer van ’n posdraer nie aanspreeklik op grond van ’n fout, versuim, vertraging, nalating, skade, vernietiging, nie-aflowering, nie-versending of verlies, hetsy aan nalatigheid te wyte of andersins, ten opsigte van ’n posstuk of telegram of op grond van iets wat wettiglik ingevolge hierdie Wet of ’n ander wetsbepaling gedoen is nie, en die *bona fide*-betaling van ’n som geld ingevolge die bepalings van hierdie Wet of ’n ander wetsbepaling, aan wie ook al gedoen, onthef die posmaatskappy of telekommunikasiemaatskappy, na gelang van die geval, en die beampte deur wie so ’n betaling gedoen is van alle aanspreeklikheid hoegenaamd ten opsigte van so ’n betaling, ondanks enige vervalsing, bedrog, fout, nalatigheid, verlies of vertraging wat in verband daarmee gepleeg is of plaasgevind het: Met dien verstande dat die bepalings van hierdie artikel nie so uitgelê word dat dit die posmaatskappy of telekommunikasiemaatskappy, na gelang van die geval, vrywaar teen aanspreeklikheid weens skade of verlies as gevolg van bedrog deur ’n beampte met betrekking tot sy of haar offisiële pligte aan iemand

officer in relation to his or her official duties or as exempting any mail carrier from liability for damage or loss caused to any person by reason of fraud on the part of such carrier or of any employee of such carrier in relation to his or her duties.”.

Repeal of certain sections of Act 44 of 1958

5

87. Sections 6, 7, 11, 12, 13, 19, 22, 24 to 31, 33 to 47, 51, 52, 54, 65, 70, 76A, 77A, 77B, 77C, 77F, 90A, 91 to 98, 101, 104, 113, 115*bis* and 118 of the Post Office Act, 1958, are hereby repealed.

CHAPTER X

SAVINGS, SHORT TITLE AND COMMENCEMENT

10

Savings

88. Any convention or agreement entered into or in force or any regulation, notice, approval, authority, return, certificate or document issued, made, promulgated, given or granted and any other action taken under any provision repealed by this Act, must be regarded as having been entered into, issued, made, promulgated, given, granted or taken under the corresponding provision of this Act and remains in force until repealed. 15

Short title and commencement

89. This is the Postal Services Act, 1998, which takes effect on the date fixed by the President by proclamation in the *Gazette*.

veroorzaak nie of dat dit enige posdraer vrywaar teen aanspreeklikheid weens skade of verlies as gevolg van bedrog deur sodanige draer of deur enige werknemer van sodanige draer met betrekking tot sy of haar pligte, aan iemand veroorsaak nie.”.

5 Herroeping van sekere artikels van Wet 44 van 1958

87. Artikels 6, 7, 11, 12, 13, 19, 22, 24 tot 31, 33 tot 47, 51, 52, 54, 65, 70, 76A, 77A, 77B, 77C, 77F, 90A, 91 tot 98, 101, 104, 113, 115*bis* en 118 van die Poswet, 1958, word hierby herroep.

HOOFTUK X

10 VOORBEHOUD, KORT TITEL EN INWERKINGTREDING

Voorbehoud

88. Enige konvensie of ooreenkoms aangegaan of van krag of enige regulasie, kennisgewing, goedkeuring, magtiging, opgawe, sertifikaat of dokument uitgereik, gemaak, uitgevaardig, gegee of toegestaan en enige ander stappe gedoen kragtens 'n
15 bepaling deur hierdie Wet herroep, word geag kragtens die ooreenstemmende bepaling van hierdie Wet aangegaan, uitgereik, gemaak, uitgevaardig, gegee, toegestaan of gedoen te gewees het en bly van krag totdat dit herroep word.

Kort titel en inwerkingtreding

89. Hierdie Wet heet die Posdienswet, 1998, en tree in werking op die datum deur
20 die President by proklamasie in die *Staatskoerant* bepaal.

SCHEDULE 1**RESERVED POSTAL SERVICES**

1. The reserved postal services include—
 - (a) all letters, postcards, printed matter, small parcels and other postal articles subject to the mass and size limitations of paragraph 3; 5
 - (b) issuing of postage stamps; and
 - (c) the provision of roadside collection and address boxes.
2. For the purposes of this Schedule, a letter means any form of written communication or other document, article or object that is directed to a specific person or persons or specific address and is to be conveyed other than by electronic means and includes a parcel, package or wrapper containing any such communication or article conforming to the mass and size limitations set out in paragraph 3. 10
3. The reserved postal services include all items described in paragraphs 1(a) and 2 of a mass up to and including one kilogram as well as dimensions which enable it to fit into a rectangular box with the following dimensions: 15
 - length 458 mm
 - width 324 mm
 - thickness 100 mm
 Cylinders having a maximum length of 458 mm and 100 mm thickness and a mass of up to one kilogram are regarded as letters. 20
4. The following exemptions from letter mail apply and are not subject to licensing in terms of this Act:
 - (a) Delivery by an employee of the sender exclusively for the private affairs of the sender;
 - (b) unaddressed mail; 25
 - (c) the exchange or service of legal process, proceedings, pleadings, affidavits or depositions;
 - (d) letters exceeding the stipulated dimensions or mass;
 - (e) occasional letters delivered by an individual not in the business of delivering letters; 30
 - (f) trade announcements, circulars, printed extracts from newspapers, or advertisements which are not addressed to any person;
 - (g) newspapers and periodicals.

BYLAE 1**GERESERVEERDE POSDIENSTE**

1. Die gereserveerde posdienste bevat—

- (a) alle briewe, poskaarte, drukwerk, klein pakkies en ander posstukke behoudens die gewigs- en groottebeperkings van paragraaf 3;
- (b) uitreiking van posseëls; en
- (c) die voorsiening van padinsamelings en adresbusse.

2. By die uitleg van hierdie Bylae beteken 'n brief enige vorm van geskrewe kommunikasie of ander dokument, artikel of voorwerp gerig aan 'n bepaalde persoon of persone of 'n bepaalde adres en wat op 'n ander wyse as deur die elektroniese middele oorgedra moet word, met inbegrip van 'n pakkie, pakket of adresband bevattende enige sodanige kommunikasie of artikel wat voldoen aan die gewigs- en groottebeperkings van paragraaf 3.

3. Die gereserveerde posdienste sluit alle items in wat in paragrawe 1(a) en 2 uiteengesit is tot en met een kilogram en wat in staat is om in 'n reghoekige houer met die volgende afmetings in te pas:

lengte 458 mm

wydte 324 mm

dikte 100 mm

Silinders met 'n maksimum lengte van 458 mm en 'n dikte van 100 mm wat tot en met een kilogram weeg, word as briewe gereken.

4. Die volgende vrystellings geld ten opsigte van briefpos en is nie onderworpe aan lisensiering ingevolge hierdie Wet nie:

- (a) Aflewering deur 'n werknemer van die afsender uitsluitlik vir sy of haar private besigheid;
- (b) ongeadresseerde pos;
- (c) die uitruiling of betekening van regsprosesstukke, -verrigtinge, pleitstukke, beëdigde verklarings of -reëlings;
- (d) briewe wat die aangegewe afmetings of massa oorskry;
- (e) geleentheidsbriewe afgelewer deur 'n individu wat nie in die briefaflewering besigheid is nie;
- (f) handelsaankondigings, omsendbriewe, gedrukte uittreksels uit koerante, of advertensies wat nie aan 'n persoon gerig is nie;
- (g) koerante en tydskrifte.

SCHEDULE 2**UNRESERVED POSTAL SERVICES**

1. Unreserved postal services include—
 - (a) all letters, postcards, printed matter, small parcels and other postal articles larger or heavier than the dimensions set out in item 3 of Schedule 1 up to and including thirty kilograms; 5
 - (b) courier services in respect of items mentioned in paragraph (a); and
 - (c) any other postal service that falls outside the ambit of the reserved services as set out in Schedule 1.
2. The following exemptions apply to unreserved postal services and are not subject to registration in terms of the Act: 10
 - (a) Delivery by an employee of the sender exclusively for the private affairs of the sender;
 - (b) unaddressed mail;
 - (c) the exchange or service of legal process, proceedings, pleadings, affidavits or depositions; 15
 - (d) occasional letters delivered by an individual not in the business of delivering letters;
 - (e) trade announcements, circulars, printed extracts from newspapers, or advertisements which are not addressed to any person; 20
 - (f) newspapers and periodicals.

BYLAE 2**ONGERESERVEERDE POSDIENSTE**

1. Ongerereserveerde posdienste sluit in—
 - (a) alle briewe, poskaarte, drukwerk, klein pakkies en ander posstukke swaarder of groter as die afmetings uiteengesit in item 3 van Bylae 1 tot en met dertig kilogram;
 - (b) koerierdienste met betrekking tot items genoem in paragraaf (a); en
 - (c) enige ander posdiens buite die strekking van gereserveerde posdienste soos uiteengesit in Bylae 1.
2. Die volgende vrystellings geld ten opsigte van ongerereserveerde posdienste en is nie onderworpe aan registrasie ingevolge die Wet nie:
 - (a) Aflewering deur 'n werknemer van die afsender uitsluitlik vir sy of haar private besigheid;
 - (b) ongeadresseerde pos;
 - (c) die uitruiling of betekening van regsprosesstukke, -verrigtinge, pleitstukke, beëdigde verklarings of -reëlins;
 - (d) geleentheidsbriewe afgelewer deur 'n individu wat nie in die briefafleweringbesigheid is nie;
 - (e) handelsaankondigings, omsendbriewe, gedrukte uittreksels uit koerante, of advertensies wat nie aan 'n persoon gerig is nie;
 - (f) koerante en tydskrifte.

