
GOVERNMENT NOTICE

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**No. R. 981****16 October 2009****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA****REGULATIONS IN TERMS OF SECTION 61(d) OF THE POSTAL SERVICES
ACT OF 1998 (ACT No 124 of 1998) READ WITH ICASA ACT OF 2000 (ACT No
13 OF 2000) IN RESPECT OF THE CONVEYANCE OF MAIL**

I, Paris Mashile, Chairperson of the Independent Communications Authority of South Africa ("ICASA") acting on behalf of Council hereby publish the regulations in the schedule made in terms of section 61(d) of the Postal Service Act, 1998 (Act No. 124 of 1998).



**PARIS MASHILE
CHAIRPERSON
ICASA**

SCHEDULE

1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned, unless the context otherwise specifies:

“**Act**” means the Postal Services Act, 1998 (Act No. 124 of 1998).

“**Conveyor**” means a person or licensee whose business is to carry, transfer or deliver mail from the sender to the intended destination.

“**Damage**” means harm or injury to mail, resulting in loss of value or the impairment of usefulness thereof.

“**Loss**” means failure to safeguard mail resulting in it not reaching the addressee.

“**Retail outlet**” means an outlet at which customers receive basic postal services, made available by the licensee.

“**SAPO**” means the South African Post Office.

2. PURPOSE OF THE REGULATIONS

The purpose of these regulations is to:

- 2.1 regulate the conveyance of mail and general powers and duties of conveyors;
- 2.2 regulate legal possession and ownership of mail;
- 2.3 eradicate exposure of mail to the risk of loss, theft, fraud, damage and tampering.

3. SCOPE AND APPLICATION OF THE REGULATIONS

The regulations apply to all conveyors of mail.

4. DUTIES AND POWERS OF THE CONVEYOR

The duties and powers of the conveyors are to:

- 4.1 carry mail from the sender to the intended destination
- 4.2 put measures in place to safeguard mail against loss, theft, fraud, damage and tampering;
- 4.3 publish information on how to deal with dangerous goods and prohibited substances at their outlets;
- 4.4 exercise due care in handling and processing of mail to prevent loss, theft, fraud, damage and tampering;
- 4.5 notify the sender within a reasonable period of its inability to deliver the mail on time, as stipulated in the Act.
 - (a) The notification referred to above may include but is not limited to sms, email, telephone, letter or radio announcement
- 4.6 oversee the screening process of deliveries of mail that are channeled during the conveyance process,
- 4.7 ensure that suspicious mail is detected and disposed.

5. LEGAL POSSESSION AND OWNERSHIP OF MAIL

- 5.1 The conveyor is deemed to possess the mail from the moment that mail is handed to the conveyor or his agent.
- 5.2 Possession of mail passes to the addressee, upon delivery of mail.
- 5.3 The conveyor is liable for damage, loss and theft of mail from the point of receipt of the goods until the delivery of the goods is completed.

6. SECURITY OF MAIL

- 6.1 The conveyor must:
 - (a) maintain strict access control to the area in which mail is kept. These strict access control measures must include but not limited to:
 - (i) installing alarms and surveillance equipment;

- (ii) limiting access to authorised personnel only;
 - (iii) locking high value items .
 - (b) ensure, through a register, that proper and accurate records of the amount of mail processed are maintained.
 - (c) The record referred to in 6.1(b) above, must be kept for a period of three (3) years.
 - (d) develop and submit a six-monthly reviewed and updated security procedures for handling mail to the Authority within one (1) month after the end of the financial year and six (6) months thereafter.
- 6.2 The procedures referred to in sub-regulation 6.1(d) should include but not limited to:
- (a) regular risk assessment;
 - (b) the maintenance of records so that conveyors can identify, as far as is reasonably practicable, which relevant personnel were responsible for the conveyance, receipt, collection, sorting, delivery or handling of specific mail that has been tampered with;
 - (c) the measures to be taken, including monitoring, to prevent , detect loss or theft of, damage to, or tampered with, mail from or at premises, vehicles or equipment.

7. DANGEROUS GOODS

- 7.1 A conveyor must, for the purpose of consumers, publish a Schedule on Dangerous Goods/Substances which must not be delivered through mail.
- 7.2 A Schedule of Dangerous Goods must include but is not limited to goods in the schedule as attached.

8. PROHIBITED GOODS

- 8.1 A conveyor must for the purpose of consumers publish a list on all goods prohibited from being conveyed through the mail.
- 8.2 The list of prohibited goods must include, but is not limited to the goods in the schedule as attached.

9. PENALTIES

Upon a determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:

- (a) R250 000 on a conveyor who fails to comply with regulations 4, 5 and 6.1(a)
- (b) R150 000 on a conveyor who fails to comply with regulations 6.1(b), (c), (d), 6.2, 7 and 8.

10. SHORT TITLE AND COMMENCEMENT

These regulations are called Regulations on the Conveyance of Mail 2009 and will be effective on the day of publication in the Government Gazette.

SCHEDULE "A"**SCHEDULE OF DANGEROUS GOODS:**

Explosives - ammunition, fireworks, igniters.

Compressed Gas - aerosol products, carbon dioxide gas, cigarette lighter, butane.

Flammable liquids - alcohol, flammable paint and thinners, flammable varnish removers, turpentine, petroleum products, benzene.

Flammable solids - metallic magnesium, matches, zinc powder.

Oxidising material - some adhesives, some bleaching powders; hair or textile dyes made of organic peroxides, fiberglass repair kits, chlorine.

Poison including drugs and medicines - although some are acceptable in prescription quantities, and non-infectious perishable biological substances are accepted when packed and transmitted appropriately.

Radioactive material

Corrosives - corrosive cleaning liquid, paint or varnish removers, mercury filled thermometer.

Miscellaneous - magnetised materials, oiled paper, polymerisable materials.

SCHEDULE "B"**SCHEDULE OF PROHIBITED GOODS:**

- Bank notes - including all South African notes of whatever issue or denomination, and the bank notes or currency notes of any other country.
 - Asbestos
 - Bees, leeches, silkworms or any other animal or living organism
 - Biological substances, infectious or non infectious
 - Coins
 - Firearms, or parts thereof
 - Furs
 - Human or animal remains, including ashes
 - Ivory
 - Uninsured Jewellery
 - Perfumery products
 - A film or publication which falls in the category of XX or X18 in terms of the Films and Publications Act 65 of 1996 as amended
 - Perishable items
 - Uninsured Precious metals
 - Uninsured Precious stones, which means, all valuable natural mineral stone, silica or substances extracted from the group, whether in their natural state or refined, processed, set or treated and includes semi-precious stones and any other natural or synthetic mineral, stone, silica or substance whether in a natural state, cut or uncut, refined, processed, set or treated.
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