



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

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## THE PRESIDENCY

No. 841

14 July 2004

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

**No. 33 of 2003: Postal Services Amendment Act, 2004.**



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

**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 9 July 2004.)*

**ACT**

**To amend the Postal Services Act, 1998, so as to provide anew for the application for and the issue of a licence to provide reserved postal services; and to provide anew for the requirements to provide a courier service in respect of unreserved postal services; and to provide for matters connected therewith.**

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

**Amendment of section 16 of Act 124 of 1998**

1. Section 16 of the Postal Services Act, 1998 (hereinafter referred to as the principal Act), is hereby amended by—

- (a) the substitution for subsection (2) of the following subsection: 5  
     “(2) Subject to **[subsections (3) and (5)]** subsection (3), no application may be entertained to provide a reserved postal service unless such application is lodged pursuant to and in accordance with an invitation issued by the Minister in the *Gazette*.”; 10
- (b) the substitution in subsection (4) for the words in paragraph (a) preceding subparagraph (i) of the following words: 15  
     “**A reserved postal service of the postal company contemplated in this section[, excluding a courier service in respect whereof the postal company must be licensed or registered separately,]** may be provided by a wholly-owned subsidiary of the postal company, without such subsidiary being required to hold a licence in terms of this Act, if—”;
- (c) the deletion of subsection (5); and 20
- (d) the substitution for subsections (9) and (10) of the following subsections, respectively: 25  
     “(9) The licences contemplated in subsections (1) and (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]** After a licence contemplated in subsection (1) or (3) has been issued, the Minister must make known the terms and conditions **[contemplated in subsection (8)]** applicable to such licence by notice in the *Gazette*.”.

**Amendment of section 22 of Act 124 of 1998**

2. Section 22 of the principal Act is hereby amended by the substitution for paragraph (d) of the following paragraph:

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

- (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] 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 at the latest by 13:00 on the first working day after receipt thereof; and
- (v) to clear items through customs, where applicable.”.

**Short title**

3. This Act is called the Postal Services Amendment Act, 2003.