

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 688.

30 March 1983

No. 688.

30 Maart 1983

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

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

No. 27 of 1983: Post Office Amendment Act, 1983.

No. 27 van 1983: Poswysigingswet, 1983.

Act No. 27, 1983

POST OFFICE AMENDMENT ACT, 1983

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Post Office Act, 1958, so as to make different provision for the manner in which fees, rates or charges may be determined; to empower the Postmaster-General to determine a rate of interest which shall be applicable in respect of certain amounts of money due to the Department of Posts and Telecommunications; to establish a Housing Loan Fund; to do away with the duty of the Postmaster-General to compile a balance sheet and a revenue and expenditure account in relation to the Savings Bank and National Savings Certificates; to provide for the delegation of the power of the Minister of Posts and Telecommunications to appoint agents for the performance of certain acts in relation to securities, loans and issues of stock; to make different provision in relation to the application of any limitation on deposits in ordinary accounts; to make different provision for the calculation of interest on balances in certain inactive accounts and the addition thereof to the principal amounts; and to empower the said Minister expressly to prescribe as a condition of any particular issue of National Savings Certificates that the rate of interest relating thereto may from time to time be increased or decreased; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 23 March 1983.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 2B of Act 44 of 1958, as inserted by section 3 of Act 113 of 1976.

1. Section 2B of the Post Office Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for paragraph (e) of subsection (1) of the following paragraph: 5
- “(e) **[by notice in the Gazette]** determine and from time to time alter the fees, rates or charges to be demanded or received in respect of postal, telecommunications, savings, money transfer or other public services rendered by the department;” 10
- (b) by the addition to the said subsection (1) of the following paragraph: 15
- “(t) from time to time determine a rate of interest which shall be applicable in respect of any amount of money, including any amount of money payable under section 12R, which is due to the department and which bears interest, or in cases of a particular nature determine that an amount of money which is due to the department shall bear no interest, and interest at that rate or no interest, as the case may be, shall be paid on any such amount of money.” 20

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- (c) by the substitution for subsection (3) of the following subsection:
 “(3) The Postmaster-General, when exercising a power—
 (a) referred to in subsection (1) (e), may determine different fees, rates or charges in respect of different services, or services rendered in different areas or circumstances, or may determine special fees, rates or charges that are higher or lower than the normal tariffs, rates or charges, or may exempt particular users or prospective users of services in extraordinary or in specific circumstances from any of the prescribed fees, rates or charges; 5
 (b) referred to in subsection (1) (t), may determine different rates of interest in respect of amounts of money due to the department in different circumstances.”; and 10
 (d) by the insertion after subsection (3) of the following subsection:
 “(3A) Any fees, rates or charges determined under subsection (1) (e), and any alteration thereof shall be made known by notice in the *Gazette*.” 15 20

Substitution of section 12D of Act 44 of 1958, as inserted by section 5 of Act 113 of 1976.

2. (1) The following section is hereby substituted for section 12D of the principal Act:

- “Post Office Fund and Housing Loan Fund. 12D. (1) There shall be a Post Office Fund, of 25 which the department shall keep account in its books and into which shall, subject to the provisions of subsection (2), be paid—
 (a) all revenue;
 (b) moneys borrowed in terms of the provisions of 30 this Act or section 29 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);
 (c) deposits in the Savings Bank;
 (d) the proceeds of issues of National Savings Certificates; 35
 (e) interest received on all investments made by the department;
 (f) the proceeds from the realization of securities and other assets; and
 (g) moneys received by the department from any 40 other source and with regard to which the department has the right of disposal, and from which shall be defrayed all expenditure incurred in accordance with an Act of Parliament to provide for the requirements of the department. 45
 (2) (a) There shall be a Housing Loan Fund, of which the department shall keep account in its books and into which shall be paid—
 (i) moneys appropriated by Parliament for the Housing Loan Fund; 50
 (ii) moneys received by way of repayment of amounts of a loan paid from the Housing Loan Fund;
 (iii) interest received on amounts of a loan paid from the Housing Loan Fund; 55
 (iv) any other moneys accruing to the Housing Loan Fund, and from which may be paid the amount of any loan granted in terms of any scheme for housing of persons in the employment of the department established under the Post Office Service Act, 1974 (Act No. 66 of 1974). 60
 (b) Any unexpended balance in the Housing Loan Fund at the end of any financial year shall be

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carried forward as a credit in the Housing Loan Fund to the next succeeding financial year.”.

(2) The account kept in the books of the Department of Posts and Telecommunications before the commencement of this Act which had been credited with—

(a) amounts received by way of repayment of loans paid out in terms of a scheme for housing of persons in the employment of the said Department established under the Post Office Service Act, 1974 (Act No. 66 of 1974);

(b) interest on loans referred to in paragraph (a), shall be deemed to have at all relevant times been the Housing Loan Fund established by paragraph (a) of subsection (2) of section 12D of the principal Act.

Amendment of section 12H of Act 44 of 1958, as inserted by section 5 of Act 113 of 1976.

3. Section 12H of the principal Act is hereby amended by the deletion of paragraph (d) of subsection (5).

Amendment of section 12K of Act 44 of 1958, as inserted by section 5 of Act 113 of 1976.

4. Section 12K of the principal Act is hereby amended by the addition of the following subsection:

“(3) The Minister may either in general or in a particular case or in cases of a particular nature delegate to an officer or the holder of a post in the department, on such conditions as he may determine, any power conferred upon him by subsection (1).”.

Amendment of section 53 of Act 44 of 1958, as substituted by section 18 of Act 113 of 1976.

5. Section 53 of the principal Act is hereby amended by the deletion of the proviso to subsection (2).

Amendment of section 56 of Act 44 of 1958, as substituted by section 20 of Act 113 of 1976 and amended by section 2 of Act 1 of 1978.

6. Section 56 of the principal Act is hereby amended by the substitution for the proviso to subsection (3) of the following proviso:

“Provided that the Postmaster-General may in his discretion, in the case of an ordinary account of which the balance has remained unchanged for more than [seven years] one year, except for the accrual of interest, and of which the balance has not been transferred to revenue in terms of section 76A, defer the calculation of interest and its addition to the principal amount until application is made for the repayment of the balance or part thereof or until the depositor or any person on his behalf again deposits an amount in the account, when the total interest that would have been added to the principal amount if the calculation and addition thereof had not been so deferred, shall be calculated and added to the principal amount.”.

Amendment of section 77B of Act 44 of 1958, as inserted by section 13 of Act 13 of 1974 and amended by section 29 of Act 113 of 1976 and section 2 of Act 75 of 1981.

7. Section 77B of the principal Act is hereby amended—

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

“(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, rate of interest and times and manner of payment of interest, and, subject to paragraph (d) of this subsection and the proviso to paragraph (b) of subsection (2), the minimum period which shall elapse from the date of issue of any certificate before the amount represented by it may be repaid;”;

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

“(2) Regulations made in terms of subsection (1) may prescribe as a condition of any particular issue of National Savings Certificates—

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- (a) that the interest thereon shall be exempted from income tax, and the interest on National Savings Certificates issued upon any such condition shall be so exempted;
- (b) that the rate of interest prescribed by the said 5 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 said regulations: Provided that if any such rate of interest is decreased, any 10 National Savings Certificate affected thereby shall, as from the date on which the said rate of interest is decreased, be repayable at the request of the holder of the relevant National Savings Certificate, together with any interest accrued thereon on the 15 date of repayment.”

Short title.

8. This Act shall be called the Post Office Amendment Act, 1983.