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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 649.

4 April 1984

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

⇒. 37 van 1984: Poswysigingswet, 1984.

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

No. 37 of 1984: Post Office Amendment Act, 1984.

POST OFFICE AMENDMENT ACT, 1984

Act No. 37, 1984

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 delete certain definitions; extend the powers of the Postmaster-General relating to the conclusion of agreements regarding the use of certain facilities, the establishment of hostels and certain other amenities for staff of the Department of Posts and Telecommunications, the establishment of homes for former staff of the said Department or their widows, and the acquisition of shareholdings in certain companies; increase the maximum amount of certain remissions, repayments, payments and gifts in respect of which the said official is vested with certain powers; repeal provisions concerning the disposal of newspapers on which no postage has been paid and concerning the registration of certain newspapers; make different provision relating to the establishment, operation and functions of the Post Office Savings Bank; regulate anew the repayment to certain minors of certain deposits and other amounts; further regulate the maximum amounts which persons in certain categories may invest in National Savings Certificates; and to define more closely, and extend, the matters which may be prescribed by regulation in relation to the said Savings Bank; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 20 March 1984.)

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

1. Section 1 of the Post Office Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the deletion of the definitions of "deposit", "depositor", "friendly society" and "Savings Bank certificate", respectively.

Amendment of section 1 of Act 44 of 1958, as amended by section 1 of Act 56 of 1973, section 1 of Act 13 of 1974, section 1 of Act 113 of 1976 and section 1 of Act 1 of 1978.

2. Section 2B of the principal Act is hereby amended—
 (a) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

10 "(d) enter into any contract in writing or make any arrangements with any person for the conveyance of postal articles within, from or to the Republic by land, air or sea, or for the provision, maintenance or use of any telecommunications **[lines]** line or

Amendment of section 2B of Act 44 of 1958, as inserted by section 3 of Act 113 of 1976 and amended by section 1 of Act 27 of 1983.

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any other [public service to be performed for or by the department, or of any] facility [to be provided] or service for or by the department in connection with any postal, telecommunications, money transfer or other service rendered by the department;”;

5 (b) by the addition of the following paragraphs to subsection (1):

“(u) establish, or approve of the establishment of, hostels, boarding-houses, nursery schools, recreation clubs, tea clubs, refreshment clubs, restaurants and libraries for the accommodation of or for use by the staff of the department and, in cases so approved by him, their dependants, and on such conditions as he may deem fit, render assistance, whether by way of appointing and making available accommodation and amenities, the payment of subsidies, or in any other manner, to such hostels, boarding-houses, nursery schools, recreation clubs, tea clubs, refreshment clubs, restaurants and libraries;

10 (v) establish, or approve of the establishment of, homes for aged or needy persons formerly in the service of the department or their widows, and for the dependants of such persons or widows, and erect or appoint suitable buildings, flats or other accommodation, and for that purpose make them available on such conditions as he may deem fit;

15 (w) acquire a shareholding in any company of which it is a principal object to own or operate an electronic money transfer system, and enter into any agreement of members of such a company with regard to the joint use in such a system of terminals contributed to the system by the various members of the company, or with regard to any other matter affecting the business of such a company.”; and

20 (c) by the substitution for subsection (4) of the following subsection:

“(4) Whenever the amount involved in any case referred to in paragraph (o), (p), (q) or (r) of subsection (1), except in respect of the gift of movable property of the department, exceeds the amount of [ten thousand rand] R25 000, the remission, refund, payment or gift in question shall not be made unless the amount for this purpose has been appropriated by a Post Office Appropriation Act.”.

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3. Section 13 of the principal Act is hereby amended by the deletion of subsection (3).

Amendment of section 13 of Act 44 of 1958, as amended by section 3 of Act 56 of 1973 and section 7 of Act 113 of 1976.

4. Section 17 of the principal Act is hereby repealed.

Repeal of section 17 of Act 44 of 1958, as substituted by section 5 of Act 56 of 1973.

5. The following section is hereby substituted for section 52 of the principal Act:

Substitution of section 52 of Act 44 of 1958.

“Establishment of Post Office Savings Bank.

52. [The Post Office Savings Bank of the Union as constituted in terms of section fifty-three of the Post Office Administration and Shipping Combinations

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5 Discouragement Act, 1911 (Act No. 10 of 1911), shall
 be deemed to be constituted under this Act] (1) There
 is hereby established a division of the department
 under the designation 'Post Office Savings Bank'
 which, subject to and in accordance with the provisions
 of the regulations and, subject to the provisions
 of this Act, under the control and management of
 the Postmaster-General, shall undertake such activities
 as are customary for a financial institution carrying
 on the business of accepting deposits.
 10 (2) Interest on deposits in the Post Office Savings
 Bank shall be paid at a rate determined from time to
 time by the Minister, with the concurrence of the
 Minister of Finance, in the case of each kind of deposit,
 and shall in respect of each kind of deposit be
 15 calculated and paid in the manner and at the times
 prescribed by regulation in respect of that kind of deposit."

6. Section 53 of the principal Act is hereby repealed.

Repeal of section 53 of Act 44 of 1958, as substituted by section 18 of Act 113 of 1976 and amended by section 5 of Act 27 of 1983.

20 7. The following section is hereby substituted for section 54 of the principal Act:

Substitution of section 54 of Act 44 of 1958, as substituted by section 3 of Act 13 of 1974.

"Deposits in Post Office Savings Bank or National Savings Certificates in name of minors or married women.
 25 54. Notwithstanding anything to the contrary contained in any other law—
 (a) deposits in the Post Office Savings Bank 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 after he has attained the age of seven years, or such other age above seven years as may be determined by regulation in respect of any particular kind of deposit or account in the Post Office Savings Bank, in every respect as if he were of full age; and
 30 (b) deposits in the Post Office Savings Bank standing in the name of, or any National Savings Certificate issued in favour of, a married woman shall be repayable to her as if she were unmarried."

8. Section 56 of the principal Act is hereby repealed.

Repeal 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 and section 6 of Act 27 of 1983.

40 9. Section 57 of the principal Act is hereby repealed.

Repeal of section 57 of Act 44 of 1958, as substituted by section 3 of Act 1 of 1978.

10. Section 58 of the principal Act is hereby repealed.

Repeal of section 58 of Act 44 of 1958, as substituted by section 22 of Act 113 of 1976 and amended by section 4 of Act 1 of 1978.

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11. Section 58A of the principal Act is hereby repealed. Repeal of
Section 58A of
Act 44 of 1958,
as inserted by
section 5 of
Act 1 of 1978.
12. Sections 59, 60, 61, 62 and 63 of the principal Act are hereby repealed. Repeal of
sections 59, 60,
61, 62 and 63 of
Act 44 of 1958.
13. Section 65 of the principal Act is hereby amended—
- 5 (a) by the substitution for the words preceding paragraph (a) of the following words:
- “No person shall, in respect of the transactions of any depositor in the Savings Bank or any holder of a [Savings Bank or] National Savings Certificate, disclose any information (including the name of any such depositor or holder) which came to his knowledge in the performance of his duties and functions in terms of this Act, except—”; and
- 10 (b) by the substitution for paragraph (c) of the following paragraph:
- 15 “(c) to the Master in relation to the administration of the estate of any deceased depositor in the Savings Bank or holder of a [Savings Bank or] National Savings Certificate; or”.
- 20 14. Section 70 of the principal Act is hereby amended by the deletion of the expression “section 53 (2) of”. Amendment of
section 70 of
Act 44 of 1958,
as substituted by
section 24 of
Act 113 of 1976.
15. Section 72 of the principal Act is hereby repealed. Repeal of
section 72 of
Act 44 of 1958,
as substituted by
section 25 of
Act 113 of 1976.
16. Section 77A of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:
- 25 “(5) The maximum amount which may be invested and held by—
- (a) any single natural person;
- (b) any natural person and, in a case where he is liable for the payment of income tax in respect of interest earned by any other natural person on National Savings Certificates, such other person jointly;
- (c) any body or institution from which investments in National Savings Certificates may be accepted,
- 30 in any particular, or in more than one, issue of National Savings Certificates, shall, with the approval of the Minister [in consultation] and with the concurrence of the Minister of Finance, be prescribed by regulation.”.
- 35 17. Section 77B of the principal Act is hereby amended by the substitution for paragraph (fA) of subsection (1) of the following paragraph:
- 40 “(fA) 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 differ-
- 45 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,
section 2 of
Act 75 of 1981
and section 7 of
Act 27 of 1983.

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ent categories of such investments or different categories of such investors) that shall apply to such purchases;”.

18. The following section is hereby substituted for section 77D of the principal Act:

Substitution of section 77D of Act 44 of 1958, as inserted by section 13 of Act 13 of 1974 and substituted by section 30 of Act 113 of 1976.

“Appropriation of repayments of deposits in Post Office Savings Bank and amounts represented by National Savings Certificates. 77D. **[Repayments]** Amounts of money withdrawn from the Fund for the repayment of deposits **[in ordinary accounts]** in the Savings Bank, except interest that has not been added to **[the]** principal amounts **[in ordinary accounts,]** standing to the credit of depositors, and of the amounts represented by **[Savings Bank certificates, and of] National Savings [and Union Loan] Certificates** at their prices of issue, shall be **[an annual charge upon the Fund and the provisions of this section shall be]** deemed to **[be an appropriation of the moneys required for such repayments]** have been appropriated by law.”.

19. The following section is hereby substituted for section 77E of the principal Act:

Substitution of section 77E of Act 44 of 1958, as inserted by section 31 of Act 113 of 1976.

“Regulations regarding Post Office Savings Bank. 77E. (1) The Minister may make regulations in respect of the Post Office Savings Bank relating to—
 (a) any matter which by this Act is required or permitted to be prescribed by regulation;
 (b) the kinds of deposits that may be accepted from the public and the accounts that shall be kept in respect of them and, in respect of the respective kinds of deposits, the conditions that shall apply to their acceptance and repayment, and the deposit books, deposit receipts, cards, certificates or other documents that shall be issued in respect thereof;
 (c) the categories of persons from whom deposits of any particular kind may be accepted, and limitations in respect of defined kinds of deposits, or deposits made by defined categories of persons;
 (d) the manner in which and the times at which interest on the respective kinds of deposits shall be calculated, and in which and at which such interest shall be paid or put to the credit of depositors;
 (e) the transfer of funds between accounts of the same kind in the name of different depositors, between accounts of different kinds in the name of the same or of different depositors, the cheque or other facilities that may be made available in connection with such transfers, and the procedures and conditions that shall apply in respect of such transfers and facilities;
 (f) the maintenance of liquid assets in respect of deposits of different kinds, the amounts of such assets that shall be so maintained, and requirements that shall be complied with in regard to the holding of such assets;
 (g) the procedure to be followed and the requirements to be observed in the opening or closing of accounts and the making and repayment of deposits, and relating to the forms or cards to be used in connection therewith;
 (h) the number of accounts of any particular kind that any depositor may normally or in specific circumstances maintain;”.

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- 5 (i) the accounts that may be opened and the deposits that may be made by a trustee on behalf of a beneficiary and by one person in the name of another, subject to conditions laid down by the said trustee or person relating to the withdrawal of such deposits, and the observance of such conditions, and as to limitations or requirements (including different limitations or requirements in respect of different categories of such deposits or different categories of such depositors) that shall apply to such deposits;
- 10 (j) accounts that may be opened and maintained by two persons jointly;
- 15 (k) the replacement of deposit books, cards, certificates or other documents that have been lost, destroyed or damaged;
- 20 (l) (i) fees, charges and penalties that may be collected from depositors or imposed upon them; and
(ii) fees payable in respect of the replacement of books and documents contemplated in paragraph (k); and
- 25 (m) generally, any other matter in respect of which he deems it necessary or expedient to make regulations in order that the objects of this Act relating to the Savings Bank may be better achieved, including discretionary powers, in defined or exceptional cases or circumstances, of the Postmaster-General in connection with any matter contemplated in any paragraph of this subsection.
- 30 (2) No regulation shall be made in terms of subsection (1) except with the concurrence of the Minister of Finance.

35 20. (1) Any reference in any law or document to the Post Office Savings Bank referred to in section 52 of the principal Act, before the substitution of that section by section 5 of this Act (in this section referred to as the former Post Office Savings Bank), shall be construed as a reference to the Post Office Savings Bank referred to in the said section 52 as so substituted.

Transitional provisions and savings.

40 (2) Any right or obligation in respect of the former Post Office Savings Bank shall on such substitution vest in the said Post Office Savings Bank.

45 (3) Anything done by, on behalf of or in respect of the former Post Office Savings Bank, and anything done in respect of National Savings Certificates, under any provision of the principal Act which is repealed by this Act, shall be deemed to have been done by, on behalf of or in respect of the said Post Office Savings Bank, or in respect of such certificates, under a corresponding provision of the principal Act as amended by this Act, or of a regulation made under the principal Act as amended by this Act, and coming into operation on the date of the coming into operation of the repeal of any such provision.

50 (4) Notwithstanding the substitution of section 54 of the principal Act by section 7 of this Act, the provisions of paragraph (a) of the said section 54 as it existed before the said substitution, shall continue to apply to any person between the ages of 7 and 21 years who requires a repayment of any deposit made by him or on his behalf in the former Post Office Savings Bank.

60 21. (1) This Act shall be called the Post Office Amendment Act, 1984.

Short title and commencement.

(2) Sections 1, 5 to 15, inclusive, and 18 to 20, inclusive, shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.