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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 491.

26 Maart 1986

No. 491.

26 March 1986

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

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

No. 7 van 1986: Poswysigingswet, 1986.

No. 7 of 1986: Post Office Amendment Act, 1986.

POST OFFICE AMENDMENT ACT, 1986

Act No. 7, 1986

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 further define the powers of the Postmaster-General regarding the variation or cancellation of contracts; to make other provision relating to the appropriation of certain amounts spent under authority granted by the Minister, and to provide that such provision shall have retrospective effect; to amend the requirements relating to certain amounts reflected in the appropriation account of the Department of Posts and Telecommunications and to change the name of the said account; to extend to the repayment of all loans the stipulation that amounts utilized for the repayment of certain loans shall be deemed to have been appropriated by law; to make other provision relating to the investment of moneys by the Postmaster-General and to make new provision, with retrospective effect, for the purchase and negotiation of securities; and to further regulate the recovery of losses and damages caused to the department; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 10 March 1986.)

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

1. Section 2B of the Post Office Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (m) of subsection (1) of the following paragraph:
- “(m) **[vary or cancel]** approve that a contract, other than a service contract concluded under or in terms of the Post Office Service Act, 1974 (Act No. 66 of 1974), or any regulation made or any code drawn up thereunder, be varied or cancelled to the detriment of the department, or **[exempt]** that the person with whom **[it]** such contract was concluded be exempted from compliance therewith or **[condone]** that the failure of such person to comply therewith be condoned, or **[enter into]** a settlement with such person be entered into;”
- 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 and section 2 of Act 37 of 1984.
2. (1) Section 12F of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:
- “(6) Particulars of amounts spent under authority in terms of subsection (5) and of the purposes for which the amounts have been spent shall be submitted to Parliament by the Minister as soon as practicable together with **[the]** estimates referred to in subsection (1) **[for the financial year immediately following the year in respect of which the said amounts have been spent,]** for appropriation of the amounts in question.”
- Amendment of section 12F of Act 44 of 1958, as inserted by section 5 of Act 113 of 1976.

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(2) The provisions of subsection (6) of section 12F of the principal Act as substituted by this section shall be deemed also to apply in respect of any amount referred to in that subsection the expenditure of which has been authorized in terms of subsection 5 (5) of the first-mentioned section before the commencement of this Act.

3. Section 12H of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of subsection (5) of the following paragraph:

10 “(c) **[an appropriation account]** a statement specifying
in respect of each main division of the estimates of
expenditure the amount **[appearing]** appropriated
15 in the said estimates and in any additional esti-
mates of expenditure, and the amount **[actually
spent in respect of]** with which each such main divi-
sion was charged at the close of the accounts for
the financial year in question in terms of section
12G (3);”;

Amendment of
section 12H of
Act 44 of 1958,
as inserted by
section 5 of
Act 113 of 1976
and amended by
section 3 of
Act 27 of 1983.

(b) by the substitution for subsection (6) of the following subsection:

20 “(6) Each **[appropriation account]** statement referred
to in subsection (5) (c) shall be accompanied by an ex-
planation of the causes of any variation in excess of two
per cent between the amount which **[appears]** has been
25 **[appropriated]** in the estimates of expenditure or any ad-
ditional estimates of expenditure in respect of each
main division referred to in subsection (5) (c) and the
amount **[actually spent in respect of]** with which that
main division was charged at the close of the accounts
30 for the financial year in question.”; and

(c) by the substitution for subsection (7) of the following subsection:

35 “(7) Each balance-sheet, **[revenue and expenditure
account and appropriation]** account and statement re-
ferred to in subsection (5) (a), (b) and (c) shall be
signed by the Postmaster-General, and this duty may
not be delegated by the Postmaster-General, notwith-
standing anything to the contrary contained in this
Act.”.

40 4. Section 12O of the principal Act is hereby amended by the
substitution for subsection (1) of the following subsection:

45 “(1) The department may prior to the due date, unless it is in-
consistent with any conditions of issue or any agreement, or on
the due date, or, in the case of moneys borrowed by way of
overdraft in terms of section 12M, at any time, repay any
moneys borrowed in terms of this Act, and any moneys so re-
paid **[which were borrowed by way of overdraft in terms of sec-
tion 12M]** shall be deemed to have been appropriated by law.”.

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

50 5. (1) Section 12Q of the principal Act is hereby amended—

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

55 “(1) The Postmaster-General may in his discretion
invest on short call deposit in the Republic or in any
other country any moneys held by the department
**[(b) with the Public Debt Commissioners referred to in
section 2 of the Public Debt Commissioners Act,
1969 (Act No. 2 of 1969);**

(c) with such foreign or internal financial institutions
as may be approved by the Minister in consultation
with the Minister of Finance.”;

60 (b) by the deletion of subsection (2);

Amendment of
section 12Q of
Act 44 of 1958,
as inserted by
section 5 of
Act 113 of 1976
and amended by
section 20 of
Act 46 of 1984.

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(c) by the substitution for subsection (3) of the following subsection:

5 “(3) The sums of money withdrawn from the Fund for investment or the purchase or repurchase of securities in accordance with **[subsection] subsections (1) [or (2)]** and (4), shall be deemed to have been appropriated by law for the relative purposes.”; and

(d) by the substitution for subsection (4) of the following subsection:

10 “(4) The Postmaster-General may, whenever he deems it advisable **[and after consultation with the Public Debt Commissioners, sell or otherwise dispose of securities held by the department as investments]**, buy, keep or negotiate any security and may repurchase and
15 **keep or negotiate any security issued by the department.**”.

(2) The provisions of subsection (4) of section 12Q of the principal Act as substituted by this section shall be deemed also to apply in respect of the repurchase or negotiation of any security referred to in that subsection which took place before the commencement of this Act.

6. Section 12R of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (e) and the words following thereon of the following paragraph and words:

25 “(e) due to an omission to carry out his duties or in any other manner, is or was responsible for a claim against the department,
30 the Postmaster-General shall determine the amount of such loss or damage or, in a case where property of the department has been lost or destroyed, the amount which has to be paid by the department for the replacement of that property, and, subject to the provisions of subsection (5), order, by notice in writing, the said person to pay to him, within thirty days from the date of such notice, the amount so determined.”; and

(b) by the substitution for subsection (3) of the following subsection:

40 “(3) If a person who was in the employ of the department **[and who has,]** owes money to the department by virtue of his having in terms of subsection (1) been ordered to pay an amount, the Postmaster-General may postpone the payment of any salary, wage or allowance which may be payable to that person and, if the said
45 person fails to pay **[such]** the amount owing within the period stipulated in the notice in question, the Postmaster-General **[shall]** may, subject to the provisions of subsections (4), (6) and (7), apply so much of such salary, wage or allowance towards the diminution or extinguishment of such debt and pay the balance (if any) of the said salary, wage or allowance to the person in question, or if the said debt has not been so extinguished, recover **[such amount]** the whole or the outstanding portion thereof, or, the case may be, from the
50 person concerned by legal process.”.

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

7. This Act shall be called the Post Office Amendment Act, 1986. Short title.