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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1241.

23 Julie 1976.

No. 1241.

23 July 1976.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg 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. 113 van 1976: Poswysigingswet, 1976.

No. 113 of 1976: Post Office Amendment Act, 1976.

ACT

To amend the provisions of the Post Office Act, 1958, relating to definitions; in order to determine more closely the places and services over which the Postmaster-General has supervision and control; to designate the Postmaster-General as the accounting officer of his department; to define more closely the general powers of the Postmaster-General; to provide for the write-off of certain debts and for the delegation of powers by the Postmaster-General; to repeal certain provisions relating to the ratification by Parliament of ocean mail contracts and relating to the conveyance of post and postal officers; to provide for financial measures with respect to the operation of the Department of Posts and Telecommunications; to exempt the master or agent of certain vessels from complying with certain provisions of the said Act; to repeal certain provisions relating to postal drafts and certain prescribed instruments; to redetermine the limitations on deposits in the Savings Bank; to define more closely the manner in which deposits in the Savings Bank shall be repaid; to change the basis on which trust deposits may be made and the transfer of deposits from or to another country may be effected; to change the basis on which Savings Bank certificates may be issued; to repeal certain provisions relating to the payment of prescribed fees for Savings Bank certificates; to change the basis on which interest on Savings Bank certificates is fixed and paid; to provide for inactive Savings Bank accounts; to transfer from the Postmaster-General to the Minister the power to make regulations as to National Savings Certificates and to extend that power; to empower the Minister to make regulations as to the Savings Bank; to extend the powers of the Postmaster-General with regard to the use of telecommunications lines; to apply the order of transmission also to telephonic communications; to alter the penalty in respect of certain offences; to provide for the removal, examination and destruction of certain articles; to make the forgery and uttering of a delivery slip and certain acts with regard to telephonic communications statutory offences; to make the payment of compensation applicable also in respect of any deposit and damage to a postal article; to empower the Minister to make regulations as to financial, postal, telecommunications, money transfer and other matters; to empower the Postmaster-General to issue instructions with respect to certain matters; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 5 July 1976.)

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BE IT ENACTED by the State President, the Senate 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—

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

(a) by the insertion before the definition of "club or fund" of the following definition:

"'Bank' means the South African Reserve Bank referred to in the definition of 'the bank' in section 1 of the South African Reserve Bank Act, 1944 (Act No. 29 of 1944);";

(b) by the deletion of the definition of "club or fund";

(c) by the insertion after the definition of "department" of the following definitions:

"'deposit' means an amount paid into the ordinary account of a depositor and interest payable thereon, and includes an amount paid in respect of the issue of a Savings Bank certificate and interest payable thereon;

'depositor' means a person who has or two persons who have jointly paid an amount into an ordinary account in the Savings Bank and has it to his or their joint credit, and includes the holder or joint holders of a Savings Bank certificate;

'financial year' means the period from 1 April in a year to 31 March in the following year;";

(d) by the deletion of the definitions of "drawee" and "drawer";

(e) by the substitution for the definition of "Fund" of the following definition:

"'Fund' means the Post Office Fund contemplated in section 12D;";

(f) by the deletion of the definitions of "internal service" and "international service";

(g) by the insertion after the definition of "postmaster" of the following definition:

"'Postmaster-General' means the officer occupying the post with that designation on the fixed establishment of the department;";

(h) by the substitution for the definition of "post office" of the following definition:

"'post office' includes any house, building, room, carriage, place or structure where postal articles are received, sorted, delivered, made up or dispatched or which is used for any other purpose in connection with the rendering or operation of any postal, telecommunications, savings, money transfer or other service by the department or officers, and any pillar box or other receptacle provided by or with the approval of the department for the reception of postal articles for transmission;";

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- (i) by the insertion after the definition of "post office" of the following definition:
 "Post Office Appropriation Act" means an Act approved by Parliament for an appropriation or additional appropriation of expenditure chargeable to the Fund;"
- (j) by the deletion of the definition of "railway authority";
- (k) by the insertion after the definition of "Republic" of the following definitions:
 "revenue" means all moneys received by way of rates levied on services rendered by the department, and all other earnings from the business operations of the department;
 Savings Bank' or 'Post Office Savings Bank' means the Post Office Savings Bank referred to in section 52;
 Savings Bank certificate' means a certificate issued under section 72;
 security' means any stock certificate, bond certificate, Savings Bank certificate or National Savings Certificate or document issued as proof of the borrowing of money under this Act;"
- (l) by the deletion of the definition of "Savings Bank year";
- (m) by the insertion after the definition of "sender" of the following definitions:
 "telecommunications" means any system or method of conveying signs, signals, sounds, communications or other information by means of electricity, magnetism, electro-magnetic waves or an agency of a like nature, whether with or without the aid of tangible conductors, from one point to another;
 "telecommunications line" includes any apparatus, instrument, pole, mast, wire, pipe, pneumatic or other tube, thing or means which is or may be used for or in connection with the sending, conveying, transmitting or receiving of signs, signals, sounds, communications or other information;"
- (n) by the deletion of the definition of "telecommunications service";
- (o) by the substitution for the definition of "telegram" of the following definition:
 "telegram" means any communication in written form or information in the form of an image transmitted by the department over a telecommunications line and delivered in any such form, or intended to be thus transmitted and delivered or delivered from any post office or intended to be thus delivered as a communication or as information transmitted either wholly or partially over a telecommunications line;" and
- (p) by the deletion of the definitions of "telegraph" and "telegraph line"

2. Section 2 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
 "(2) The Postmaster-General shall have the supervision and control of all persons in the service of the department and all post offices and other offices or work-places of the department and all postal, tele-

Amendment of section 2 of Act 44 of 1958, as amended by section 55 of Act 66 of 1974.

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communications, savings, money transfer and other services and activities which the department may render or undertake in terms of this Act, and may issue such instructions as he may deem necessary for the conduct and guidance of officers in carrying out the provisions of this Act.”; and

(b) by the deletion of subsections (3), (4) and (5).

3. The following sections are hereby inserted in the principal Act after section 2:

Insertion of sections 2A, 2B, 2C and 2D in Act 44 of 1958.

“Accounting responsibility of Postmaster-General.

2A: (1) The Postmaster-General is the accounting officer of the department and is charged with the responsibility of accounting for all revenue and other moneys received by the department or held for or on the account of the department, and for all expenditure and payments by the department.

(2) The Postmaster-General shall, for the purpose of discharging his responsibility under subsection (1), exercise the powers granted and perform the duties entrusted to him by this Act or any other law.

General powers of Postmaster-General.

2B: (1) The Postmaster-General may with the approval of the Minister and subject to the provisions of this Act and of any other law—

(a) establish, maintain, reorganize or abolish divisions, branches, offices or other workplaces of the department, postal, telecommunications, savings or money transfer services, reorganize the department and transfer any function of the department to or take over any function from any other department of State, the administration of the territory of South West Africa, or any body;

(b) make arrangements or enter into an agreement with any postal administration in connection with postal, telecommunications, savings or money transfer services;

(c) on behalf of the department accede to, and bind the department to the fulfilment of the provisions of, any international convention or agreement in connection with postal, telecommunications, savings or money transfer services;

(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 telecommunications lines or any other public service to be performed for or by the department, or of any facility to be provided for or by the department;

(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;

(f) enter into any contract with any person for the establishment or provision of any special, extraordinary or new postal, telecommunications or other service or facility on the special conditions and at the special rate he may deem fit, and where such a contract is entered into with a local authority, it shall be lawful for such

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- local authority to agree to such special conditions and to pay to the Postmaster-General the special rate referred to and any other sum agreed upon in respect of such service or facility and for this purpose to appropriate land belonging to such local authority or to purchase land;
- (g) determine the hours during which postal, telecommunications, savings, money transfer and other services are to be rendered by the department and the hours during which the public shall have access to post offices or other work-places of the department for the purpose of utilizing the services referred to, and may determine different hours in respect of different services and different post offices and other work-places;
 - (h) cause postage stamps, envelopes, cards, wrappers and other articles on which the amount in postage which he deems fit has been embossed or impressed, to be made and sold;
 - (i) by agreement undertake any service on behalf of any other department of State or a body established by or under any law, and supply messenger or telephonist services to any other department of State, Parliament or a body established by or under any law;
 - (j) render computer services to any medical aid society established for persons in the employ of the department, on such conditions as he may deem fit;
 - (k) grant approval for the rendering of a free service by the department;
 - (l) write off any loss of money or other property of the department;
 - (m) vary or cancel a contract to the detriment of the department, or exempt the person with whom it was concluded from compliance therewith, or condone the failure of such person to comply therewith, or enter into a settlement with such person;
 - (n) conclude a settlement in respect of any claim by or against the department or waive any claim by the department;
 - (o) approve any remission, as an act of grace, of any money due to the department;
 - (p) approve a refund of revenue as an act of grace;
 - (q) approve a payment, as an act of grace, from moneys of the department;
 - (r) make any gift of money or movable property of the department, or accept any gift to the department;
 - (s) alienate, let or otherwise dispose of movable property of the department.

(2) The Minister may, notwithstanding the provisions of subsection (1), authorize the Postmaster-General to exercise any power referred to in subsection (1) in all cases or in cases of a particular class or category or in cases where particular circumstances apply, without the approval of the Minister.

(3) The Postmaster-General, when exercising a power referred to in subsection (1) (e), may determine different fees, rates or charges in respect of different services, or services rendered in different

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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.

(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, 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.

Write-off
of certain
debts.

2C. The Postmaster-General may in his discretion approve the write-off of the whole or any portion of an amount owing to the department by any person, if he is satisfied—

- (a) that the amount is irrecoverable;
- (b) that the recovery of the amount would be uneconomical;
- (c) that recovery of the amount would cause undue hardship to the debtor or his dependants because they are deprived of the minimum essential means of a livelihood;
- (d) that the assets of the debtor or in the estate of a deceased or mentally ill debtor, whether or not such assets have been pledged to the department, are indispensable to his dependants or are of relatively little value and the debtor or his estate, as the case may be, is unable to pay the amount or any portion thereof, except by the disposal of such assets and such disposal would cause undue hardship;
- (e) that it would be to the advantage of the department to effect a settlement of, or to waive, its claim.

Delegation
of powers of
Postmaster-
General.

2D. (1) The Postmaster-General may, on such conditions as he may determine, delegate to the holder of any post in the department any power conferred upon him by this Act or any other law, except the power of delegation granted under this subsection and a power which he may exercise only with the approval of the Minister, and may in his discretion withdraw any such delegation.

(2) The Postmaster-General shall not be divested of any power delegated by him and may amend or withdraw any decision made in the exercise of that power.

(3) When delegating any power to the holder of a post, the Postmaster-General may direct that the power may be exercised by the permanent incumbent of the post or a person appointed to act in the post or a person who for the time being performs the functions attached to the post."

4. Sections 3, 4, 5, 6, 8, 9 and 10 of the principal Act are hereby repealed.

Repeal of
sections 3, 4, 5,
6, 8, 9 and 10 of
Act 44 of 1958.

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5. The following heading and sections are hereby inserted in the principal Act after section 12:

Insertion of Chapter II and sections 12A up to and including 12S in Act 44 of 1958.

"CHAPTER II

FINANCES

Affairs of department to be administered on business principles. 12A. (1) The affairs of the department shall be administered on business principles, due regard being had to the promotion by means of efficient postal and telecommunications services, of commerce, industry and agriculture in all parts of the Republic, and to the promotion of the Republic's foreign trade.

(2) As far as possible, the profits of the department, after provision has been made for the maintenance, replacement, renewal and depreciation of fixed assets and the payment of interest on loans, shall not be more than is sufficient for the redemption of loans, reasonable reserves, the provision of new fixed assets and, subject to the provisions of section 12B, to meet any other financial liability imposed on the department by law.

Compensation for loss on certain services and facilities. 12B. (1) If the State President or an Act of Parliament or a resolution of the Senate and the House of Assembly requires any service or facility to be rendered free of charge by the department or at a rate which does not cover the cost of providing the service or facility, the Minister shall as soon as practicable after the end of each financial year present to Parliament an account approved by the Minister of Finance and showing, as nearly as possible, the amount of the loss incurred by reason of the provision of the service or facility, and such amount shall be paid out of the State Revenue Fund into the Fund.

(2) In calculating the loss arising from the operation of such service or facility, the value of contributions to revenue from other services and facilities of the department which may be due to the operation of such service or facility, shall be taken into account.

Compensation for services provided to or by other State departments or the Administration of the territory of South West Africa. 12C. (1) Compensation for services provided by the department to or on behalf of any other State department or the Administration of the territory of South West Africa, or by any other State department or the said Administration to or on behalf of the department, shall be paid on a basis agreed upon from time to time by the Postmaster-General and the head of the other State department or the said Administration, or, in the absence of any such agreement, as determined by the Minister in consultation with the Minister of Finance, the Minister of Transport or the Administrator of the province concerned or the said Administration, depending on whether the compensation is to be paid out of or into the State Revenue Fund, the Railway and Harbour Fund, a provincial revenue fund or the revenue fund of the territory of South West Africa.

(2) Payment of such compensation for services provided during any financial year shall, unless it is otherwise agreed upon under subsection (1), be by way of instalments paid monthly during the financial year in question and as far as possible equal to one-twelfth of the total compensation estimated in respect of that financial year by the department which provides the services in question or the said

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Administration, and as soon as practicable after the end of the financial year in question an adjustment between the Fund and the State Revenue Fund, the Railway and Harbour Fund, the relevant provincial revenue fund or the revenue fund of the territory of South West Africa, as the case may be, shall be made in respect of the difference between the total amount paid by way of such instalments in that financial year and the compensation actually due in respect of that financial year.

(3) Whenever it is provided in any law that any postal article or telegram may be sent to, or that any telephone conversation may be conducted with, any officer of any other State department free of charge or without prepayment of charges, the handling and conveyance or the transmission, as the case may be, by the department of such postal article, telegram or telephone conversation shall be deemed to be a service provided by the department to the other State department in question.

Post Office
Fund

12D. There shall be a Post Office Fund of which the department shall keep account in its books and into which shall be paid—

- (a) all revenue;
- (b) moneys borrowed in terms of the provisions of 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;
- (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 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.

Post Office
Account.

12E. (1) The department shall maintain at the Bank an account entitled "Post Office Account" into which shall be deposited, subject to the provisions of subsection (2)—

- (a) all moneys paid into the Fund under section 12D; and
- (b) all other moneys whatever received or held by the department,

and from which all expenditure shall be defrayed and all payments shall be made for which the department may be liable.

(2) The department may, for the purpose of defraying expenditure or of making payments for which the department may be liable, utilize or retain on hand for utilization any moneys received without depositing such moneys in the said account.

(3) Subject to any provision of this Act or any other Act to the contrary, no money shall be withdrawn from the said account or utilized in terms of subsection (2) for the defrayal of expenditure chargeable to the Fund, unless the defrayal in question is in accordance with appropriation by law.

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(4) The department may utilize moneys in the said account for the refund of money inadvertently or incorrectly paid into the account, and where such a refund is chargeable to the Fund the amount thereof shall be deemed to have been appropriated by law.

Appropriation of moneys in Fund, and estimates of expenditure and revenue. 12F. (1) The Minister shall for every financial year, in a form determined by him, submit to Parliament an estimate of expenditure, in which the amounts are set out which in his opinion should in respect of the financial year in question be expended from the Fund for specific purposes to meet the requirements of the department, for appropriation of the amounts in question by a Post Office Appropriation Act.

(2) The Minister may submit to Parliament, in a form determined by him, an estimate of additional expenditure from the Fund in respect of any financial year for purposes for which amounts have been appropriated by a Post Office Appropriation Act for that financial year and for purposes for which amounts have not been so appropriated, for appropriation of the relevant additional amounts by an Additional Post Office Appropriation Act.

(3) The Minister may approve that a saving on an amount which in respect of any financial year has been appropriated by a Post Office Appropriation Act for a specific purpose, be applied towards the defrayal of excess expenditure for any other purpose or purposes for which an amount or amounts have been so appropriated.

(4) The Minister may, on the conditions and within the limits determined by him, authorize any officer or officers in the department to approve the utilization of savings referred to in subsection (3) in the manner stated therein, pending virement approval by the Minister of such utilization, which virement approval shall be obtained as soon as practicable after the close of the books of the department for the financial year in respect of which such utilization occurs.

(5) Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may grant authority for amounts to be expended from the Fund to defray—

(a) excess expenditure for any purpose or purposes for which an amount or amounts have been appropriated by a Post Office Appropriation Act;

(b) expenditure for any purpose or purposes for which an amount or amounts have not been so appropriated, if he is satisfied that the expenditure in question cannot without prejudice to the public interest be postponed until an amount or amounts for such purpose or purposes can be appropriated by a Post Office Appropriation Act.

Provided that the total amount for the spending of which authority may be granted in respect of a financial year in terms of this section shall not exceed an amount equal to two per cent of the total amount appropriated by a Post Office Appropriation Act for that financial year or, if a Post Office Appropriation Act for the year in respect of which such spending is authorized has not at the relevant time been passed, two per cent of the total amount appropriated by a Post Office Appropriation Act in respect of the immediately preceding financial year.

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(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 together with the estimates referred to in subsection (1) for the financial year immediately following the financial year in respect of which the said amounts have been spent, for appropriation of the amounts in question.

(7) The Minister shall for every financial year, in a form determined by him, submit to Parliament an estimate of expected revenue during that financial year.

Duration of Post Office Appropriation Act and utilization of amounts appropriated in respect of a financial year.

12G. (1) A Post Office Appropriation Act shall be authority for the department—

(a) to utilize money which has been appropriated in respect of a financial year also after the end of that financial year;

(b) to incur, from the beginning of the financial year following the financial year to which it relates and until a Post Office Appropriation Act relating to the new financial year comes into operation—

(i) for a period not exceeding one month, such expenditure as may be necessary; or

(ii) expenditure not exceeding an amount appropriated by a Post Office Part Appropriation Act,

in respect of the last-mentioned financial year for purposes for which amounts were appropriated in the first-mentioned Post Office Appropriation Act.

(2) At the commencement of a Post Office Appropriation Act any expenditure incurred in terms of subsection (1) (b) prior to the commencement thereof shall be deemed to be expenditure incurred under appropriation in the Post Office Appropriation Act in question, and such expenditure shall be accounted for as if it had been incurred under such appropriation.

(3) The appropriations made by a Post Office Appropriation Act in respect of a financial year shall as far as possible be charged with all expenditure incurred in respect of that financial year, whether or not such expenditure has been defrayed at the close of the accounts for the financial year in question.

Accounts and statements.

12H. (1) Proper account shall be kept of the transactions of the department by means of a system of account-books, accounts and records approved by the Postmaster-General after consultation with the Auditor-General.

(2) The Postmaster-General may, after consultation with the Auditor-General, make such changes to the said system as he may consider necessary to provide for changed circumstances.

(3) The full amounts of revenue earned or accrued and the full amounts of the liabilities of the department incurred or accrued, shall as far as possible be brought to account monthly.

(4) The Postmaster-General shall as soon as practicable after the end of each month cause a statement to be published in the *Gazette* showing the revenue and expenditure of the department

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during that month and during the period from the first day of the relative financial year to the end of that month.

(5) The department shall as soon as possible, but not later than four months after the close of the relative financial year, prepare and transmit to the Auditor-General the following statements and accounts, in a form determined by the Postmaster-General after consultation with the Auditor-General, in respect of the relative financial year:—

(a) a balance-sheet setting out the true state of all the financial affairs of the department on the last day of the relative financial year;

(b) a general revenue and expenditure account;

(c) an appropriation account specifying in respect of each main division of the estimates of expenditure the amount appearing in the said estimates and in any additional estimates of expenditure, and the amount actually spent in respect of each such main division;

(d) a balance-sheet for the last day of the financial year and a revenue and expenditure account relating to the Savings Bank and relating to National Savings Certificates; and

(e) such other accounts and statements as the Auditor-General may deem necessary or desirable.

(6) Each appropriation account referred to in subsection (5) (c) shall be accompanied by an explanation of the causes of any variation in excess of two per cent between the amount which appears in the estimates of expenditure or any additional estimates of expenditure in respect of each main division referred to in subsection (5) (c) and the amount actually spent in respect of that main division.

(7) Each balance-sheet, revenue and expenditure account and appropriation account referred to in subsection (5) shall be signed by the Postmaster-General, and this duty may not be delegated by the Postmaster-General notwithstanding anything to the contrary contained in this Act.

Loans.

121. (1) The Postmaster-General may at any time, with the approval of the Minister given in consultation with the Minister of Finance, borrow money in the Republic or in any other country to finance anticipated deficits in the Fund, and may do so by—

(a) entering into agreements with governments, banks or financial institutions, including an international bank or foreign financial institution;

(b) making issues of public stock and bonds, on such terms and conditions as the Minister may approve in consultation with the Minister of Finance, and may furnish any security required to be lodged therefor or which is considered necessary.

(2) The Postmaster-General may at any time, with the approval of the Minister granted generally or in a specific instance, by agreement borrow money from the South Atlantic Cable Company (Proprietary) Limited registered on 13 May, 1965, in terms of the Companies Act, 1926 (Act No. 46 of 1926), as substituted by the Companies Act, 1973 (Act No. 61 of 1973).

(3) The Minister of Finance may, with regard to loans raised or securities issued in terms of this section, guarantee the repayment of any loan or the

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capital sum of any security and the payment of interest on and the payment of expenditure incurred in connection with any such loan or any such security, or guarantee the reimbursement of any loss which may be sustained by the Bank in respect of any such guarantee furnished by the Bank with regard to any such loan or any such security.

(4) Agreements entered into and securities issued under this section shall be signed by the Postmaster-General or a person or persons authorized thereto by him in writing.

(5) An agreement entered into in terms of this section may provide that any moneys borrowed thereunder may at any time during the currency of the agreement be repaid in whole or in part and that an amount so repaid shall again be available for drawing in terms of that agreement, and an amount or part of an amount thus repaid shall be deemed to have been appropriated by law.

Provisions applicable to issues of stock.

12J. (1) The public stock that the Postmaster-General may issue in terms of section 12I (1) (b) shall be either internal stock or external stock, and such internal stock shall be registered stock.

(2) Internal registered stock shall be transferable by a securities transfer form in terms of section 135 of the Companies Act, 1973 (Act No. 61 of 1973), and the stock certificate which the department issues in respect thereof shall be *prima facie* evidence of the title of the person mentioned therein as the holder of the stock in question, to such stock.

(3) The department shall keep records in which shall be entered in respect of each issue of stock—

- (a) the name and address of each holder of such stock;
- (b) the amount of such stock of each holder; and
- (c) the date or dates on which such stock was registered in the name of a holder.

(4) The department shall issue—

- (a) to a person, upon payment to the department of the full amount of any internal registered stock allocated by the department to him on application by him, a stock certificate for the full amount of such stock;
- (b) to the transferee a stock certificate for the full amount of any such stock transferred by the department into his name by a securities transfer form lodged with the department and accompanied by the relevant stock certificate in the transferor's name.

(5) External stock may be transferred by a written instrument in the acceptable or general form applicable in the country in which the stock is issued.

Appointment of agents and making of advances.

12K. (1) The Minister may, on the terms and conditions agreed upon, appoint the Bank, a financial institution or any other person as an agent for the issue, management, repurchase or repayment of securities issued under this Act, or to perform any other action which the department may or is required to perform in terms of section 12I or 12J.

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(2) The department may, as a charge against the Fund, make interest-free advances to an agent referred to in subsection (1) for the repurchase of securities, and advances so made shall be deemed to have been appropriated by law.

Department not responsible for fulfilment of obligations resulting from lien over securities. 12L. Neither the department nor any agent appointed under section 12K shall be responsible for the fulfilment of any obligation resulting from any lien, whether expressed, implied or constructive, held over any security, notwithstanding that the department or such agent was notified of such lien.

Bank overdraft. 12M. The Postmaster-General may at any time borrow from the Bank by way of overdraft such sums of money as he may deem necessary to meet anticipated temporary deficits in the Post Office Account; and may pay interest on such loans, and the Bank may grant such loans to the department.

Expenditure in connection with loans. 12N. (1) When in the raising of a loan the gross amount of the moneys borrowed is reduced by any costs, including any discount and commission, such costs shall be deemed to be expenditure chargeable to the Fund and the net amount so borrowed shall be increased by the amount of such costs.

(2) All interest payable on loans, exchange rate losses, commission, management charges and any other costs incurred in respect of moneys borrowed in terms of this Act or incurred with the object of borrowing moneys in terms of this Act, shall be paid by the department from the Fund.

Repayment of loans. 12O. (1) The department may prior to the due date, unless it is inconsistent 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 repaid which were borrowed by way of overdraft in terms of section 12M shall be deemed to have been appropriated by law.

(2) Any moneys borrowed in terms of this Act and not claimed by the person entitled thereto within a period of six years from the date on which he became entitled to claim such moneys, may be paid into the Fund: Provided that moneys so paid into the Fund and subsequently claimed by or on behalf of the person entitled thereto, may be paid by means of a drawback from current revenue accruing to the Fund.

Opening of bank accounts. 12P. No account shall be opened on behalf of the department at the Bank or any other bank without the written approval of the Postmaster-General, and, subject to the provisions of section 12M, the Bank or the bank concerned, as the case may be, shall not allow such an account to be overdrawn.

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Investment of moneys held by department and realization of certain investments.

12Q. (1) The Postmaster-General may in his discretion invest on short call deposit any moneys held by the department—

- (a) with the National Finance Corporation of South Africa established under section 2 of the National Finance Corporation Act, 1949 (Act No. 33 of 1949);
- (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.

(2) The Postmaster-General may—

- (a) after consultation with the Public Debt Commissioners—
 - (i) invest in stock or debentures of the Government of the Republic;
 - (ii) pay into the bank account of the Public Debt Commissioners for investment by them in accordance with the provisions of the Public Debt Commissioners Act, 1969;
- (b) invest in such other manner and with such other financial institutions as the Minister in consultation with the Minister of Finance may approve,

any moneys held by the department which, in the opinion of the Postmaster-General, are available for such investment.

(3) The sums of money withdrawn from the Fund for investment in accordance with subsection (1) or (2), shall be deemed to have been appropriated by law for the relative purposes.

(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.

Recovery of losses and damages.

12R. (1) If a person who is or was in the employ of the department caused the department any loss or damage because he—

- (a) failed to collect moneys for the collection of which he is or was responsible;
- (b) is or was responsible for an irregular payment of moneys or for a payment of moneys not supported by a proper voucher;
- (c) is or was responsible for fruitless expenditure of moneys due to an omission to carry out his duties;
- (d) is or was responsible for a deficiency in, or for the destruction of, or damage to, moneys, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the department;
- (e) due to an omission to carry out his duties, is or was responsible for a claim against the department,

the Postmaster-General shall determine the amount of such loss or damage 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.

(2) If a person who is in the employ of the department and who has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (6) and (7), be deducted from his monthly salary: Provided that such deduction shall

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not in any month exceed one-fourth of his monthly salary.

(3) If a person who was in the employ of the department and who has, in terms of subsection (1), been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the Postmaster-General shall, subject to the provisions of subsections (4), (6) and (7), recover such amount from the person concerned by legal process.

(4) If a person who has been ordered to pay an amount in terms of subsection (1) makes, within the period stipulated in the notice in question, an offer to pay the amount in instalments, the Postmaster-General may allow payment in such instalments as he may consider reasonable: Provided that if the redemption of the amount in terms of the offer will not be effected within a period of twelve months calculated from the date on which the first instalment is payable, the Postmaster-General may approve that such amount be paid over a period in excess of the period mentioned, and may determine the other terms and conditions subject to which the amount shall be paid.

(5) If for any reason whatsoever the Postmaster-General is of the opinion that the amount of any loss or damage referred to in subsection (1) should not be recovered or should be recovered in part only from the person responsible therefor, he may exempt that person from payment of the whole or a portion of such amount.

(6) A person who has in terms of subsection (1) been ordered to pay an amount may within a period of thirty days from the date of such order in writing request the Postmaster-General, stating the grounds for his request, to exempt him from payment of the whole or a portion of such amount in terms of subsection (5), and if the Postmaster-General refuses to exempt such person in accordance with his request from the payment of the whole or a portion of the amount in question, such person may within thirty days after he has been notified in writing of any such refusal, appeal against such refusal to the Minister, and the Minister may, after such further investigation as he may deem necessary, dismiss the appeal or order that the appellant be exempted, either wholly or partly, according as he may consider fair and reasonable, from the payment of such amount.

(7) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the Minister under subsection (6), apply within a period of thirty days from the date of such order, or within such further period as the court may allow, to a competent court for an order setting aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the Postmaster-General on the merits of the case that the order was rightly made or that that amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.

(8) If an amount is in terms of subsection (5), (6) or (7) reduced, the reduced amount shall *mutatis mutandis* be recovered in accordance with the provisions of subsections (1), (2), (3) and (4).

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Gifts to department. 12S. Whenever a gift is made to the department and it is not apparent to what purpose the gift should be applied, the Minister may decide the manner in which such gift shall be utilized."

6. The principal Act is hereby amended by the substitution for the headings immediately preceding section 13 of the following headings:

Substitution of headings preceding section 13 of Act 44 of 1958.

"CHAPTER III

POSTS".

7. Section 13 of the principal Act is hereby amended—
(a) by the substitution for subsection (2) of the following subsection:

Amendment of section 13 of Act 44 of 1958, as amended by section 3 of Act 56 of 1973.

"(2) Save as is otherwise prescribed, the postage and any fees which may be payable in respect of any postal article posted within the Republic or in the territory of South West Africa, shall be prepaid by means of postage stamps, issued for the Republic or for the territory of South West Africa, as the case may be, by the Postmaster-General, and not previously used, obliterated or defaced, and in default thereof there shall be payable in money upon every such postal article, at the time of or after delivery thereof, a prescribed amount, and any amount so paid in respect of any postal article shall be accounted for as prescribed."; and

(b) by the deletion of subsections (5) and (6).

8. Sections 14, 20, 21 and 23 of the principal Act are hereby repealed.

Repeal of sections 14, 20, 21 and 23 of Act 44 of 1958.

9. Section 36 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 36 of Act 44 of 1958.

"(1) The master or agent of any vessel, except any master or agent exempted in terms of section 45A from compliance with the provisions of this section, which is about to depart from any port within the Republic shall give to the postmaster at the port from which that vessel is about to depart, notice in writing of the intended time of departure and the ports of call and destination of that vessel."

10. The following section is hereby substituted for section 37 of the principal Act:

Substitution of section 37 of Act 44 of 1958.

"Masters of vessels to convey mail tendered to them.

37. The master of any vessel, except any master exempted in terms of section 45A from compliance with the provisions of this section, shall receive thereon any mail tendered to him by an officer for conveyance, and shall give a receipt therefor in such form as may be required by the Postmaster-General, and shall without delay deliver such mail according to the direction thereof at the port of call or destination, and in default of compliance with any provision of this section he or the agent shall incur a penalty not exceeding one thousand rand which shall be recoverable by action in any competent court."

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11. The following section is hereby substituted for section 38 of the principal Act:

Substitution of section 38 of Act 44 of 1958.

“Masters of certain vessels to provide facilities for the handling of postal articles. 38. The master of any vessel, except any master exempted in terms of section 45A from compliance with the provisions of this section, shall provide all reasonable facilities on board the vessel to any officer duly authorized by the Postmaster-General, to enable that officer to receive and prepare for dispatch any postal articles which may be brought on board for transmission up to the time of the vessel's departure.”

12. Section 43 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 43 of Act 44 of 1958.

“(1) The master of any vessel, except any master exempted in terms of section 45A from compliance with the provisions of this section, arriving at a port within the Republic shall, as soon as practicable after arrival, sign in the presence of the postmaster, port officer or customs officer or some other person appointed by the postmaster concerned to receive the same, a declaration in the form required by the Postmaster-General, of compliance with this Act, and shall not report, break bulk or make entry of any part of the cargo of such vessel in any port until such declaration has been signed.”

13. The following section is hereby inserted in the principal Act after section 45:

Insertion of section 45A in Act 44 of 1958.

“Exemptions. 45A. The Postmaster-General may exempt the master or agent of any specific vessel or any vessel of a specific class or category from compliance with any provision of section 36, 37, 38 or 43.”

14. The principal Act is hereby amended by the substitution for the headings immediately preceding section 46 of the following headings:

Substitution of headings preceding section 46 of Act 44 of 1958.

“CHAPTER IV

MONEY TRANSFER SERVICES”

15. Sections 48, 49 and 50 of the principal Act are hereby repealed.

Repeal of sections 48, 49 and 50 of Act 44 of 1958.

16. Section 51 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 51 of Act 44 of 1958.

“(2) Any unissued postal order shall be deemed to be money of the department.”

17. The principal Act is hereby amended by the substitution for the headings immediately preceding section 52 of the following headings:

Substitution of headings preceding section 52 of Act 44 of 1958.

“CHAPTER V

POST OFFICE SAVINGS BANK AND NATIONAL SAVINGS CERTIFICATES”

18. The following section is hereby substituted for section 53 of the principal Act:

Substitution of section 53 of Act 44 of 1958, as amended by section 5 of Act 25 of 1970.

“Limitations on deposits. 53. (1) Deposits may be accepted—
(a) from or on behalf of a natural person or two natural persons jointly;

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- (b) from a mutual aid society or other society, company, association, institution, establishment, board, committee, club or fund, whether registered or incorporated in terms of any law or not, of which the receipts and accruals are exempt or may be exempted from income tax under the Income Tax Act, 1962 (Act No. 58 of 1962), or any other law, and the objects of which have or the main object of which has been approved by the Postmaster-General;
- (c) from or on behalf of any other category of persons determined by the Minister in consultation with the Minister of Finance, and which is prescribed by regulation.

(2) Deposits shall be accepted subject to such limitations with regard to the maximum amount which may be deposited during one financial year or the maximum balance which may be maintained to the credit of a depositor as may be determined by the Minister in consultation with the Minister of Finance, and which have been prescribed by regulation: Provided that for the purposes of any such limitation amounts of interest that have been credited or are being credited to a depositor, whether interest in respect of a balance in an ordinary account or interest in respect of Savings Bank certificates issued to the depositor concerned, shall not be taken into account.

(3) Different limitations may be prescribed under subsection (2) in respect of deposits and balances in ordinary accounts and Savings Bank certificates and in respect of different categories of depositors.

(4) If a prescribed maximum amount or maximum balance referred to in subsection (2) is at any time reduced in terms of that subsection, a balance standing to the credit of a depositor at the time of such reduction shall not be required to be reduced by reason of such reduction: Provided that no further amount other than interest shall be credited to the depositor concerned so long as such reduced maximum amount or maximum balance is exceeded in his case.

(5) The amount of the first deposit in an ordinary account shall be at least one rand or such smaller amount as may be prescribed by regulation in respect of all depositors or depositors in the category to which the depositor in the ordinary account in question belongs.

(6) An ordinary account shall not be maintained if the balance therein does not amount to at least ten cents."

19. Section 55 of the principal Act is hereby repealed.

Repeal of
section 55 of
Act 44 of 1958.

20. The following section is hereby substituted for section 56 of the principal Act:

"Ordinary
accounts.

56. (1) Subject to any limitation prescribed under section 53, an ordinary account may be opened by or on behalf of a person mentioned in that section on such conditions as the Minister may determine

Substitution of
section 56 of
Act 44 of 1958,
as substituted by
section 4 of
Act 13 of 1974.

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in consultation with the Minister of Finance and prescribe by regulation.

(2) The rate at which interest on deposits in an ordinary account shall be paid shall from time to time be fixed by the Minister in consultation with the Minister of Finance, and such interest shall be calculated on daily balances but not on any fraction of a rand.

(3) Interest on deposits in an ordinary account shall be calculated to the end of every financial year, and shall then be added to and become part of the principal amount unless the depositor's account is closed at any time before that date, in which case interest shall be calculated up to the date on which the account is closed."

21. The following section is hereby substituted for section 57 of the principal Act: Substitution of section 57 of Act 44 of 1958.

"Repayment of deposits. 57. Subject to the provisions of section 115, a depositor is entitled to the repayment to him, in the manner prescribed by regulation and within thirty days after he or a person legally authorized thereto has in the manner prescribed by regulation applied therefor at any Savings Bank office, of any deposit or part of any deposit standing to his credit."

22. The following section is hereby substituted for section 58 of the principal Act: Substitution of section 58 of Act 44 of 1958.

"Trust deposits and investments in National Savings Certificates. 58. (1) Subject to any conditions prescribed by regulation, deposits and investments in National Savings Certificates may be accepted from a trustee on behalf of a beneficiary, and from any person in the name of another person.
(2) A trustee or any person so depositing or investing money may, subject to any limitations prescribed by regulation, lay down conditions with regard to the repayment of money so deposited or invested, and such repayment shall be made in accordance with such conditions."

23. Section 67 of the principal Act is hereby repealed.

Repeal of section 67 of Act 44 of 1958, as substituted by section 7 of Act 13 of 1974.

24. The following section is hereby substituted for section 70 of the principal Act: Substitution of section 70 of Act 44 of 1958.

"Transfer of deposits from or to another country. 70. The Postmaster-General may in accordance with arrangements made with any postal authority for the transfer from or to the Republic of sums of money standing to the credit of depositors in the Savings Bank or depositors in a savings bank controlled by that postal authority and subject to the provisions of section 53 (2) of this Act and of any regulation made under section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), place any sum so transferred to the Savings Bank to the credit of a depositor's ordinary account."

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25. The following section is hereby substituted for section 72 of the principal Act:

"Savings
Bank
certificates.

72. (1) Subject to the limitations prescribed under section 53, the Postmaster-General may, on the application of any person referred to in that section or of any natural person, issue to him a single Savings Bank certificate to the value of fifty rand or such higher amount as may be prescribed by regulation, or any multiple of fifty rand or such higher amount, or more than one such certificate, against payment, whether by means of transfer from the ordinary account of the person concerned, in the manner prescribed by regulation, or in cash, of the amount represented by such certificate or certificates.

Substitution of
section 72 of
Act 44 of 1958,
as substituted
by section 11 of
Act 56 of 1973.

(2) Interest on Savings Bank certificates shall be paid at such rate as may from time to time be fixed by the Minister in consultation with the Minister of Finance: Provided that if the amount represented by a Savings Bank certificate or a part of such amount in any multiple of fifty rand or, if a higher amount as contemplated in subsection (1) has been prescribed, such higher amount is repaid within six months after the date of issue of that certificate, interest on such amount or part thereof shall be paid at the current rate applicable to deposits in ordinary accounts.

(3) Interest on any Savings Bank certificate shall be calculated on daily balances and from the date of application for the issue of such certificate, and shall be payable at the times and in the manner prescribed by regulation.

(4) No reduction in the rate of interest contemplated in subsection (2) shall apply in respect of any certificate already issued until after the expiration of a period of three months from the date on which written notice of the reduction was given to the holder of the certificate personally, or was served at, or transmitted by post to, his last-known address.

(5) A Savings Bank certificate shall not be transferable and shall be evidence only of the holder's claim to repayment of the amount specified in the certificate and the interest due thereon."

26. Sections 73 up to and including 76 of the principal Act are hereby repealed.

Repeal of
sections 73 up to
and including 76 of
Act 44 of 1958.

27. The following section is hereby inserted in the principal Act after section 76:

"Inactive
accounts.

76A. If a balance in an ordinary account has remained unchanged for more than seven years, except for the accrual of interest, the Postmaster-General may in his discretion transfer the balance to revenue: Provided that if the depositor concerned or any person legally competent to claim the balance on his behalf applies for the repayment thereof, or if an amount for deposit in the ordinary account concerned is paid after such transfer, an

Insertion of
section 76A in
Act 44 of 1958.

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amount equal to the balance and the interest which would have accrued thereon if it had not been so transferred shall be retransferred from revenue to the credit of the depositor concerned.”.

28. Section 77 of the principal Act is hereby repealed.

Repeal of section 77 of Act 44 of 1958, as substituted by section 12 of Act 13 of 1974.

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

Amendment of section 77B of Act 44 of 1958, as inserted by section 13 of Act 13 of 1974.

(a) by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

“Subject to the provisions of section 77A, the Minister may make regulations—”; and

(b) by the insertion in subsection (1) after paragraph (f) of the following paragraph:

“(fA) as to the purchase of any National Savings Certificate 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;”.

30. 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.

“Repayments of deposits and certificates to be charge upon Fund.

77D. Repayments of deposits in ordinary accounts in the Savings Bank, except interest that has not been added to the principal amounts in ordinary accounts, 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.”.

31. The following section is hereby inserted in the principal Act after section 77D:

Insertion of section 77E in Act 44 of 1958.

“Regulations as to Savings Bank.

77E. The Minister may make regulations relating to—

- (a) any matter which by this Act is required or permitted to be prescribed by regulation as regards the Savings Bank;
- (b) 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 to be used in connection therewith;
- (c) the number of accounts any depositor may normally or in specific circumstances maintain;
- (d) the accounts which may be opened and the deposits which may be made by one person in the name of another on particular conditions relating to the withdrawal of deposits, and compliance with such conditions;

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- (e) the accounts which may be opened and maintained by two persons jointly;
- (f) the replacement of deposit books and Savings Bank certificates which have been lost, destroyed or damaged, and the fees payable in respect of any such replacement; and
- (g) 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."

32. The principal Act is hereby amended by the substitution for the headings immediately preceding section 78 of the following headings:

Substitution of headings preceding section 78 of Act 44 of 1958.

"CHAPTER VI

TELECOMMUNICATIONS".

33. The following section is hereby substituted for section 78 of the principal Act:

Substitution of section 78 of Act 44 of 1958.

"Postmaster-General to have exclusive privilege in respect of telecommunications.

78. (1) Subject to the provisions of any other Act of Parliament, the Postmaster-General shall have the exclusive privilege of constructing, maintaining or using, or of authorizing any person to construct, maintain or use, any telecommunications line not confined to a single piece of land, or to pieces of land which are contiguous to each other and owned by the same person, for the sending, conveying, transmitting or receiving of sounds, images, signs, signals, communications or other information, and of transmitting telegrams over any such telecommunications line within the Republic or the territorial waters thereof, and of performing all the incidental services of receiving, collecting or delivering telegrams.

(1A) The Postmaster-General may, on such conditions as are prescribed generally or on the conditions which he may specially prescribe in any case—

- (a) against payment of the prescribed rental or any rental which he may prescribe specially in any case, lease any telecommunications line referred to in subsection (1) to any person for use by him, or by any other person, in the manner and for the purposes determined by the Postmaster-General;
- (b) against payment of the prescribed licence fee, issue to any person a licence to construct, maintain or so to use any such telecommunications line, or to permit any other person so to use it.

(1B) (a) (i) The Postmaster-General shall not under subsection (1A) authorize the use of a telecommunications line for the transmission of images or other visible signs, with or without attendant sounds, except with the approval of the Minister of National Education granted after consultation with the South African Broadcasting Corporation.

(ii) The provisions of subparagraph (i) shall not apply where the said Broadcasting Corporation has been authorized to use a telecommunications line, or in any case in which the images or signs, in the opinion of the Postmaster-General, fall within a class of images or signs, the transmission of which is the function of the department.

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(b) Where the authority of the Postmaster-General for the use of a telecommunications line is subject to the approval of the Minister of National Education, the said Minister may grant his approval subject to such conditions relating to the said use, and fix such fees in respect thereof, as he may deem fit, and direct that such fees shall be disposed of in the manner determined by him.

(1C) Different rentals or fees may be prescribed or fixed under subsections (1A) and (1B) in respect of different categories of telecommunications lines or different systems of telecommunications lines.

(2) No person shall use any telecommunications line for the purpose of transmitting or delivering telegrams or telephonic communications for the public, except under the authority of the Postmaster-General and on such terms and conditions as he may prescribe, and the department shall have the right by means of its officers of inspecting all offices which are authorized to accept, transmit or deliver public telegrams or telephonic communications.

(3) This section shall not apply in respect of a telecommunications line which conforms to the requirements prescribed by regulation and which is used exclusively for the conveyance of transmissions, in any broadcasting service, which are received by means of radio, to a receiving apparatus which reproduces such transmissions."

34. Section 89 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 89 of Act 44 of 1958.

"(1) Telegrams and telephonic communications shall be sent for all persons alike, without favour or preference, and shall as far as practicable be transmitted in the order in which they are received, but telegrams and telephonic communications relating to the preservation of the peace of the Republic or of the adjacent territories or the arrest of criminals or the discovery or prevention of crime or any other matter connected with the administration of justice and, when so required, telegrams and telephonic communications on the public service, shall have precedence over all other telegrams and telephonic communications: Provided that nothing in this section contained shall be held to prevent precedence being given to any class of telegrams under such conditions and upon payment of such special rates of charge as may be prescribed: And provided further that no person shall be permitted to occupy a telecommunications line in such a manner as unreasonably to impede the speedy transmission of other telegrams and telephonic communications."

35. The principal Act is hereby amended by the substitution for the headings immediately preceding section 91 of the following headings: Substitution of headings preceding section 91 of Act 44 of 1958.

"CHAPTER VII

OFFENCES AND PENALTIES"

36. Section 91 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph: Amendment of section 91 of Act 44 of 1958.

"(a) makes, alters, imitates or imports or assists in making, altering, imitating or importing any postage stamp, date stamp, card, envelope, wrapper, cover or any

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money order, postal order or Savings Bank warrant or any other warrant or order for the payment of money through the department or acknowledgment of deposit or any form or paper similar to that used or made under the authority or for the purposes of this Act or by any postal authority, or uses, issues, offers, exposes for sale, sells, deals in, sends by post or disposes of or has in his custody or possession any such stamp, date stamp, card, envelope, wrapper, cover, money order, postal order, Savings Bank warrant or any other warrant or order, acknowledgment of deposit, form or paper, knowing it to have been made or altered or to be an imitation contrary to this section;”.

37. The following section is hereby substituted for section 95 of the principal Act:

Substitution of section 95 of Act 44 of 1958.

“Placing of anything dangerous, filthy, noxious or deleterious in or against any post office, and theft of or stopping with intent to rob any mail or postal article.

95. (1) Any person who—
- (a) sends in or with any postal article or puts into or against any post office any fire, match or light or any explosive, dangerous, filthy, noxious or deleterious matter or thing or any matter or thing which is likely to injure any post office, person or mail;
 - (b) steals any mail or steals from any mail or post office or from the possession or custody of any officer or for any purpose embezzles or fraudulently secretes or destroys any postal article or any of the contents thereof;
 - (c) receives any such mail or postal article or any of the contents thereof knowing the same to have been stolen, embezzled or fraudulently secreted or to have been sent or intended to be sent by post; or
 - (d) stops any mail with intent to rob or search that mail,

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or imprisonment for a period not exceeding seven years or to both such fine and such imprisonment: Provided that the Postmaster-General may subject to special precautions to be set forth in regulations, exempt from the provisions of this section noxious or deleterious matter sent in the interest of public health.

(2) Notwithstanding anything to the contrary contained in any law, the Postmaster-General may cause any article referred to in subsection (1) (a) or any postal article of which he suspects that it contains such an article, to be removed at any time by a police official or any person designated by a police official or to be handed over for examination to a police official or such other person, and a police official may destroy or render harmless or cause to be destroyed or rendered harmless any such article or postal article which he considers to be dangerous, or may otherwise dispose thereof.”.

38. The following section is hereby substituted for section 96 of the principal Act:

Substitution of section 96 of Act 44 of 1958.

“Irregular opening of or tampering with mail or irregular

96. Any officer who otherwise than in pursuance of his duty opens or tampers with or wilfully destroys, makes away with or secretes or suffers to be opened or tampered with, destroyed, made

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destruction, away with or secreted any mail or postal article, secretion or and any person who opens or tampers with or opening of wilfully destroys, makes away with or secretes any postal articles. mail, shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or imprisonment for a period not exceeding seven years or to both such fine and such imprisonment."

39. Section 100 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 100 of Act 44 of 1958.

"(1) Any person, not being an officer, who without the express permission of the Postmaster-General or of an officer having authority to give permission, enters any part of a post office in which is carried on any of the operations in respect of which an oath of secrecy is required to be taken by officers, or whilst in any post office wilfully obstructs the course of business of the department or behaves in a disorderly manner or fails to comply with any regulation issued to secure the comfort and convenience of the public or the safety of the premises, or who wilfully obstructs, hinders or delays any officer in the execution of his duty, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or imprisonment for a period not exceeding six months or to both such fine and such imprisonment."

40. The following section is hereby substituted for section 101 of the principal Act: Substitution of section 101 of Act 44 of 1958.

"Fraudulent issue of documents or presentation or sending of communications. 101. Any person who with fraudulent intent—

(a) issues, re-issues, utters or presents to any other person or at any post office any money order, postal order, Savings Bank warrant or other warrant, order or document for the transfer, payment or deposit of money through or with the department;

(b) transmits through the post or otherwise any letter, telegram or other communication or message concerning any money order, postal order, Savings Bank warrant or other warrant, order or document for the transfer, payment or deposit of money through or with the department;

(c) forges or, knowing it to be forged, utters any delivery slip or other document issued by the department as proof of the receipt of a postal article,

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or imprisonment for a period not exceeding seven years or to both such fine and such imprisonment, and in any proceedings in respect of any offence under this section the burden of proving an absence of fraudulent intent shall lie on the accused."

41. The following section is hereby substituted for section 105 of the principal Act: Substitution of section 105 of Act 44 of 1958.

"Divulging contents of telegrams or telephonic communications. 105. Any officer who, not being a witness in a court of law, without the consent of the sender or addressee or receiver, or otherwise than in pursuance of his duties—

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- (a) opens or tampers with or divulges the contents or substance of any telegram, or discloses its existence otherwise than by delivering it or giving a copy thereof to the person to whom he is authorized to deliver it or to give such copy, or who maliciously or wilfully misdelivers, mistimes, secretes, intercepts, destroys, makes away with, alters or omits to transmit or deliver or prevents or delays the delivery or transmission of any telegram or makes use for his own purposes of any knowledge he may acquire of the contents thereof;
- (b) divulges the existence, contents or substance of any telephonic communication or maliciously or wilfully intercepts a telephonic communication or prevents or delays the transmission thereof or makes use for his own purposes of any knowledge he may acquire of the contents thereof,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment."

42. The following section is hereby substituted for section 110 of the principal Act: Substitution of section 110 of Act 44 of 1958.

"Penalty for offences for which no special penalty provided. 110. Any person who contravenes or fails to comply with any provision of this Act for which no special or other penalty is provided, shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred rand or imprisonment for a period not exceeding six months or to both such fine and such imprisonment."

43. The following section is hereby substituted for section 111 of the principal Act: Substitution of section 111 of Act 44 of 1958.

"Post-master-General may settle certain cases. 111. Where any person admits to the Postmaster-General that he has committed an offence against this Act, except an offence under section 95, 96 or 101, the Postmaster-General may, with the consent in writing of that person, determine the matter, and may without any legal proceedings require that person to pay any penalty he may deem proper, and if such penalty is not paid, proceedings may be instituted against the person concerned for the offence in question as if no penalty had been assessed by the Postmaster-General."

44. Section 112 of the principal Act is hereby amended by the substitution for all the words preceding paragraph (a) of the following words: Amendment of section 112 of Act 44 of 1958.

"In any information or complaint as to or any prosecution for any crime or any offence committed in respect of the department or of any mail, telegram or telecommunications line or any property, moneys, money order, postal order or other document authorized to be used for the purpose of remitting, paying or depositing money through or with the department, or with respect to any act, deed, mat-

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ter or thing which has been done or committed with any malicious, injurious or fraudulent intent relating to or concerning the department or any such mail, telegram, tele-communications line, property, moneys, money order, postal order or other document, it shall be sufficient—”.

45. The principal Act is hereby amended by the substitution for the headings immediately preceding section 115 of the following headings:

Substitution of headings preceding section 115 of Act 44 of 1958.

“CHAPTER VIII

MISCELLANEOUS”.

46. Section 115*bis* of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 115*bis* of Act 44 of 1958, as inserted by section 9 of Act 80 of 1965.

“(1) The Postmaster-General may—

- (a) if any unauthorized person by fraudulent means obtains payment of any deposit, in his discretion make good the loss sustained by the depositor or any portion thereof;
- (b) in his discretion and subject to any requirements and limitations that are prescribed, pay compensation for the loss of or damage to any postal article or the contents thereof whether conveyed by the department or by any mail carrier.”.

47. The following section is hereby substituted for section 116 of the principal Act:

Substitution of section 116 of Act 44 of 1958.

“Docu-ments prescribed to be exempt from all duties.

116. Money orders, postal orders and any other documents authorized to be used for the purpose of remitting money through the department, and Savings Bank warrants and other orders for the payment of money, acknowledgements of the receipt of money and all other documents prescribed, provided for or required under this Act, shall be exempt from all fees or duties except such as are chargeable under this Act.”.

48. Section 117 of the principal Act is hereby repealed.

Repeal of section 117 of Act 44 of 1958, as substituted by section 14 of Act 13 of 1974.

49. The following sections are hereby inserted in the principal Act after section 119:

Insertion of sections 119A and 119B in Act 44 of 1958.

“Regu-lations as to financial, postal, tele-communi-cations, money transfer and other matters.

- 119A. (1) The Minister may make regulations—
- (a) prescribing matters additional to matters referred to in sections 77B and 77E which shall or may be prescribed by regulation under this Act;
 - (b) conferring upon and assigning to the Postmaster-General as accounting officer of the department, powers, duties and responsibilities additional to the powers, duties and responsibilities conferred upon or assigned to the Postmaster-General by this Act;
 - (c) providing for the designation of an officer as departmental accountant and prescribing his duties and responsibilities as such;

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- (d) prescribing a system which shall be observed in regard to the collection, receipt, banking, custody, disbursement, disposal and control of, accounting for, and supervision over moneys of the department and the accounts kept in connection therewith;
- (e) providing for the control over and stocktaking of securities, stamps, face value forms and other stocks of the department representing money, and for the control over and stocktaking of all other stores, equipment and movable property of the department;
- (f) providing for the introduction of a registered post service, insured post service, certified mail service, cash on delivery service, express delivery service, private post bag service or any other postal service, and the classification of postal articles, the registration of newspapers qualifying for transmission at a special rate, the redirection of mail and the treatment of undelivered mail; and which prescribe conditions relating to such service, registration of newspapers, redirection of mail or treatment of undelivered mail;
- (g) providing for the introduction of a telephone service, telegraph service, telex service, data service, private line service or any other telecommunications service or the provision of subsidiary services or additional facilities supplementary to any of such services, and prescribing conditions relating to such services or subsidiary services or additional facilities;
- (h) providing for the issue and payment of postal orders, money orders and other instruments for the transfer of money, and which prescribe conditions relating to such issue and payment and other matters concerning the said postal orders, money orders or other instruments;
- (i) providing in general for the administration of the provisions or the achievement of the objects of this Act.

(2) The Minister may, if in his opinion circumstances warrant it, provide that a regulation made under paragraph (b), (c) (d) or (e) of subsection (1) need not be complied with or need not be complied with to the extent determined by him.

Instructions
by
Postmaster-
General.

119B. The Postmaster-General may from time to time issue instructions which shall not be inconsistent with the provisions of this Act, in regard to—

- (a) any matter mentioned in section 2B, 77B, 77E or 119A;
- (b) the operation or administration of any service or activity which the department may perform or undertake in terms of this Act;
- (c) the administration in general of the provisions of this Act and the achievement of the objects thereof."

50. A reference in the principal Act to "telegraph line", "telegraph lines" and "telegraphic purposes", shall be construed as a reference to "telecommunications line", "telecommunications lines" and "telecommunications purposes", respectively.

Substitution of words "telegraph line", "telegraph lines" and "telegraphic purposes" in Act 44 of 1958.

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51. The following Schedule is hereby substituted for the First Schedule to the principal Act:

Substitution of
First Schedule
to Act 44 of 1958.

"First Schedule

OATH TO BE TAKEN BY OFFICERS

I (name in full).....
do solemnly swear faithfully in my position as a post office employee to be honest, trustworthy and fair without respect of persons according to the law and to the best of my knowledge, that I will not contrary to the law or to my duty communicate or divulge the contents of any letter, telegram or official paper of any description or any information regarding any telephone conversation or regarding the transactions of a depositor in the Post Office Savings Bank or the holder of National Savings Certificates, nor open or detain or cause or suffer to be opened or detained any letter or other postal article or any telegram nor on any account whatever destroy or make away with any letter, telegram or official paper entrusted to my care, that I will be obedient to my official superiors and that I will give account of any responsibility entrusted to me whenever and wherever such may be required of me.

SO HELP ME GOD.

Signature.....

Sworn before me at.....
in the District of.....
on the.....day of.....19.....".

52. (1) Subject to the provisions of subsection (2), the Post Office Re-adjustment Act, 1968 (Act No. 67 of 1968), is hereby repealed.

Repeal of laws
and transitional
provisions.

(2) The Post Office Fund established, investments of moneys made by the department, agreements concluded in respect of compensation for services rendered by the department to other State departments or rendered by other State departments to the department, and loans made by the department under the Post Office Re-adjustment Act, 1968, and instructions deemed under that Act to have been issued, which were of force immediately prior to the commencement of this Act, shall be deemed to have been established, concluded, made or issued, as the case may be, under the principal Act as amended by this Act.

(3) Rates, fees and charges or a reduction of or exemption from rates, fees and charges determined or purporting to have been determined in terms of regulations made under the principal Act as it existed before its amendment by this Act, and which were of force or purported to be of force immediately prior to the commencement of this Act, shall be deemed to have been determined under paragraph (e) of section 2B (1) of the principal Act as amended by this Act.

(4) Agreements concluded, arrangements made or interest rates determined under any provision of the principal Act repealed by this Act and which were of force immediately prior to the commencement of this Act, shall be deemed to have been concluded, made or determined, as the case may be, under the corresponding provision of the principal Act, as amended by this Act, and any other action taken under any provision so repealed and which was so of force and which could be taken under a provision of the principal Act as amended by this Act,

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shall be deemed to have been taken under the last-mentioned provision.

(5) The application to the Department of Posts and Telecommunications of provisions of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), which are of force in terms of section 52 (4) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), in so far as they apply to the said Department, is hereby terminated, and any account established or opened or any other action taken under any such provision and which was of force immediately prior to the commencement of this Act, shall be deemed to have been established, opened or taken, as the case may be, under the corresponding provision of the principal Act as amended by this Act.

53. Section 18 of the Post Office Service Act, 1974, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 18 of Act 66 of 1974.

“(1) An officer who contravenes any provision of an instruction referred to in section 2 or 119B of the Post Office Act, 1958 (Act No. 44 of 1958), or of a regulation referred to in section 77B, 77E or 119A of that Act, or fails to comply with any such provision with which it is his duty to comply, shall be guilty of a service irregularity.”.

54. (1) This Act shall be called the Post Office Amendment Act, 1976, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.