

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



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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KAAPSTAD, 18 JUNIE 1973.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1060.

18th June, 1973.

No. 1060.

18 Junie 1973.

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

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

No. 56 of 1973: Post Office Amendment Act, 1973.

No. 56 van 1973: Poswysigingswet, 1973.

Act No. 56, 1973

POST OFFICE AMENDMENT ACT, 1973.

# ACT

To amend the provisions of the Post Office Act, 1958, relating to definitions; and the fixing of fees payable for services rendered by the Department of Posts and Telegraphs; to provide for the prepayment of postage on postal articles posted in the Republic or in the territory of South West Africa, by means of postage stamps issued for the Republic or for the territory of South West Africa, as the case may be; to further regulate the manner of payment of postage on postal articles; to provide for the transmission, without payment, of reading-matter for the blind; for the prescribing of requirements with which a publication must comply in order to qualify for registration as a newspaper; and for the acceptance on the prescribed conditions, for transmission by post, of publications so registered; to amend the said provisions relating to the disposal of returned postal articles; the payment of interest on Savings Bank deposits; and the issue and repayment of, and the payment of interest on, Savings Bank certificates; to provide for the compulsory installation of conduit-pipes or other facilities for the purposes of the installation of telecommunications equipment in certain buildings; for the provision by local authorities, in certain circumstances, of conduit-pipes or other facilities for the installation of underground telecommunications service lines; and for the bearing of the whole or part of the cost of the deviation or alteration of any telegraph line passing over private property, by the Department of Posts and Telegraphs when justified in a particular case; so as to prohibit the unauthorized use, in connection with certain publications, of certain words or marks which may create the impression that those publications were or are published on the authority of the Department of Posts and Telegraphs; to provide for the bearing of the whole or part of the cost of the repair of a telegraph line or call office cabinet accidentally damaged by any person, by the Department of Posts and Telegraphs when justified in a particular case; so as to apply the said Post Office Act, 1958, in the territory of South West Africa, including the Eastern Caprivi Zipfel, and to repeal the Post Office Ordinance, 1963, of South West Africa; and to provide for incidental matters.

(English text signed by the State President.)  
(Assented to 12th June, 1973.)

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

Amendment of section 1 of Act 44 of 1958. 1. Section 1 of the Post Office Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "imprisonment" of the following definitions:

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“‘internal service’ means the conveyance of postal articles and the transmission, conveyance or delivery of telegrams by the department within the Republic, and other services rendered by the department within the Republic;

‘international service’ means the conveyance of postal articles and the transmission or conveyance of telegrams by the department to a destination outside the Republic, and other services rendered by the department in connection with such a destination;”;

- (b) by the insertion after the definition of “regulation” of the following definition:  
 “‘Republic’, except for the purposes of section 13 (2) or (5) (d), includes the territory of South West Africa;”;
- (c) by the insertion after the definition of “sender” of the following definition:  
 “‘telecommunications service’ means a telegraph service;”.

Amendment of section 3 of Act 44 of 1958.

## 2. Section 3 of the principal Act is hereby amended—

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

“(1) Subject to the provisions of subsections (2) and (3) the Postmaster-General shall, by regulation in the *Gazette*, prescribe and may from time to time alter the fees, rates or charges to be demanded or received in respect of the internal service, and may cause to be made and sold postage stamps and envelopes, cards, wrappers and other articles embossed or impressed with such amounts of postage as he may deem fit.”;

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

“(2) Any fees, rates or charges prescribed under subsection (1), and any alteration thereof, shall be subject to the approval of the State President.”;

- (c) by the insertion after subsection (2) of the following subsections:

“(2A) The Postmaster-General may determine and may from time to time alter the fees, rates or charges to be demanded or received in respect of the international service.

(2B) Any fees, rates or charges determined under subsection (2A), and any alteration thereof, shall be published in the *Gazette* and shall, except in the case of such alterations which are necessary to comply with any convention or with any regulations of an international body or with any agreement with any other postal administration, be subject to the approval of the Minister.”.

Amendment of section 13 of Act 44 of 1958.

## 3. Section 13 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

“(2) Save as is otherwise provided in this section, 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

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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.”;

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

“(a) the postage upon large quantities of postal articles posted at one time or upon postal articles upon which the prepayment of postage is indicated by means of postage franking machine impressions, may be received in cash at or before the time of posting.”;

(c) by the deletion of the word “and” in paragraph (b) of subsection (5); and

(d) by the insertion after paragraph (c) of subsection (5) of the following paragraphs:

“(d) the prepayment of postage upon postal articles may be indicated by means of postage franking machine impressions of different designs approved by the Postmaster-General for use in the Republic or in the territory of South West Africa, as the case may be, or by a ‘Paid’, ‘Postage Paid’, or ‘Newspaper Postage Paid’ impression or other similar impression approved by the Postmaster-General and made on the postal article by means of a printing press or other process; and

(e) reading-matter for the blind may be accepted for transmission by post without payment of postage.”.

Repeal of section 16 of Act 44 of 1958, as amended by section 2 of Act 80 of 1965.

4. Section 16 of the principal Act is hereby repealed.

Substitution of section 17 of Act 44 of 1958.

5. The following section is hereby substituted for section 17 of the principal Act:

“Registra-  
tion of news-  
papers with  
Postmaster-  
General.  
17. (1) The Postmaster-General may, at such time in each year and in such manner and with such particulars as he may determine, upon payment of the prescribed fee register as a newspaper any publication which complies with the prescribed requirements, and every copy of any publication so registered may be accepted on the prescribed conditions for transmission by post.

(2) The Postmaster-General may from time to time revise the register of publications registered under subsection (1) and remove therefrom any publication which in his opinion does not comply with the prescribed requirements referred to in subsection (1) or a posted copy of which contains indecent or obscene matter, and the Postmaster-

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General may refuse to transmit or deliver and may destroy any such copy which contains indecent or obscene matter even though such publication may be registered as a newspaper.

(3) The decision of the Postmaster-General in regard to the admission to or removal from the register of any publication shall be final, save that the Minister may on the application of any person reverse or modify that decision.”.

Repeal of section 18 of Act 44 of 1958.

6. Section 18 of the principal Act is hereby repealed.

Substitution of section 25 of Act 44 of 1958.

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

“Postal articles to be sent by postmasters to returned letter office for disposal. 25. (1) Subject to the provisions of subsection (2), any postal article—  
(a) which is without address or bears an illegible address or is otherwise undeliverable; or  
(b) which is refused by the person to whom it is addressed; or

(c) which has been posted or is reasonably suspected to have been posted in contravention of this Act or any other law, shall be sent to the office known as the returned letter office and dealt with as may be prescribed.

(2) Any postal article referred to in subsection (1) (a) or (b)—

(a) excluding a letter or parcel, and which does not bear on the outside thereof the name and address of the sender, which in the opinion of the Postmaster-General is of little value or importance, which does not contain any money, documents or valuable articles and which has not been posted upon the public service, or any postal article referred to in subsection (1) (c), may, according to the Postmaster-General's direction, be destroyed or disposed of in some other manner;

(b) which bears on the outside thereof the name and address of the sender, may be returned to him or delivered to him direct.”.

Substitution of section 28 of Act 44 of 1958.

8. The following section is hereby substituted for section 28 of the principal Act:

“Treatment of unclaimed letters in returned letter office. 28. (1) Subject to the provisions of subsection (2), any postal article originally posted within the Republic and which is sent to the returned letter office in terms of section 25, shall be opened by an officer nominated by the Postmaster-General for that purpose, and shall, unless it contains any valuable or saleable enclosure or has in the opinion of the Postmaster-General been posted in contravention of this Act or with intent to evade payment of the postage properly chargeable thereon, be returned to the sender thereof if his name and address are known, and may, if the sender refuses to receive it or if his name and address are not known, according to the Postmaster-General's direction, be destroyed or disposed of in some other manner.

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(2) Any postal article referred to in subsection (1) the name and address of the sender of which are known but which, in the opinion of the Postmaster-General, is of little value or importance, which does not contain any documents, has not been transmitted by registered post and has not been posted upon the public service, may, after it has been retained for the prescribed period and with due regard to the prescribed requirements, be destroyed or disposed of in any other prescribed manner.”

Repeal of section 32 of Act 44 of 1958.

9. Section 32 of the principal Act is hereby repealed.

Substitution of section 56 of Act 44 of 1958, as amended by section 34 of Act 67 of 1968.

10. (1) The following section is hereby substituted for section 56 of the principal Act:

“Interest.

56. (1) The interest payable to depositors shall be at such rate, not exceeding five per cent per annum, as may from time to time be fixed by the Minister of Finance in consultation with the Minister, and such interest shall be calculated on daily balances but not on any amount less than one rand or a multiple of one rand.

(2) Interest on amounts standing to the credit of a depositor in his ordinary account shall be calculated to the end of every Savings Bank year, and shall then be added to and become part of the principal unless the depositor's account is closed at any time prior to that date, in which case interest shall be reckoned up to the date on which the account is closed.”

(2) Until such time as subsection (1) of this section comes into operation, subsection (1) of the said section 56 shall be deemed to have been amended with effect from 1 April 1973 by the substitution for the words “two rand”, wherever they occur, of the words “one rand”.

Substitution of section 72 of Act 44 of 1958.

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

“Issue of certificates to Savings Bank depositors.

72. The Postmaster-General may on the application of any depositor in the Savings Bank who has the necessary balance to his credit in his ordinary account, issue to him a single Savings Bank certificate of the value of one hundred rand or any multiple of one hundred rand: Provided that no depositor in the Savings Bank may invest more than twenty thousand rand in Savings Bank certificates.”

Amendment of section 73 of Act 44 of 1958.

12. Section 73 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Savings Bank certificates shall be issued only to depositors in the Savings Bank and all deposits and repayments in connection therewith shall be effected through the depositor's ordinary account: Provided that if at least six months have elapsed from the date of issue of any Savings Bank certificate, the amount or any part of the amount represented by such a certificate may be repaid in a manner other than through the depositor's ordinary account.”

Substitution of section 76 of Act 44 of 1958, as amended by section 11 of Act 58 of 1966 and section 36 of Act 67 of 1968.

13. The following section is hereby substituted for section 76 of the principal Act:

“Rate of interest on certificates.

76. (1) Interest on Savings Bank certificates shall be at such rate per annum as may from time to time be fixed by the Minister of Finance in consultation with the Minister: Provided that if the amount

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represented by a Savings Bank certificate is repaid within six months after the date of issue of that certificate, interest thereon shall be payable at the current Post Office Savings Bank rate.

(2) Interest on any Savings Bank certificate shall be calculated on daily balances and from the date of application for the issue of such a certificate.

(3) No reduction in the rate of interest on Savings Bank certificates referred to in subsection (1) shall apply to any certificate already issued until after the expiration of a period of three months from the date upon which written notice of the reduction was given to the holder of that certificate personally, or was served at, or transmitted by post to, his last known address.

(4) Interest on any Savings Bank certificate shall be payable every six months as from the date of application for the issue of such a certificate, and the amount due to the depositors shall on the dates in question be placed to the credit of their respective ordinary Savings Bank accounts, except in the case of the retransfer on some other date of the amount of any certificate to the ordinary Savings Bank account of the depositor concerned, in which event the interest due in respect of that certificate shall be placed to the credit of the depositor's ordinary account at the time retransfer is effected."

Insertion of sections 80A and 80B in Act 44 of 1958.

14. The following sections are hereby inserted in the principal Act after section 80:

"Facilities for installation of telecommunications equipment to be installed in buildings.

80A. If in any building (other than a dwelling-house) erected in a prescribed area after the commencement of the Post Office Amendment Act, 1973, no conduit-pipes or other facilities complying with the requirements of the Postmaster-General in respect of the installation of telecommunications equipment in that building or such building have been installed, the Postmaster-General may at his discretion—

- (a) refuse to provide telecommunications services in that building or in any part thereof until such conduit-pipes or other facilities have been so installed; or
- (b) provide telecommunications services in that building or in any part thereof, and in respect of the installation of the telecommunications equipment in question charge the amount, in addition to the fees prescribed for the provision of those telecommunications services, by which the costs of the installation of the said equipment in the opinion of the Postmaster-General exceed the costs which would have been incurred if the said conduit-pipes or other facilities had been installed in the building in question.

Local authorities may provide underground conduit-pipes for telecommunications services.

80B. (1) If any local authority and the Postmaster-General agree that in a particular area electricity supply and telecommunications services shall be provided by means of underground cable, that local authority may on any premises within the said area, when installing such cable for an underground electricity supply line on the said premises, in accordance with the requirements of the Postmaster-

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General provide a conduit-pipe or other facilities for the installation of an underground telecommunication service line from a point of connection on the street boundary to a building on those premises.

(2) The costs of the provision of the said conduit-pipe or other facilities shall be payable to the local authority in question and shall for the purposes of any law be deemed to be fees payable by the owner of the premises in question to the local authority in respect of the installation of the electricity supply line.”.

Amendment of section 83 of Act 44 of 1958, as amended by section 1 of Act 50 of 1962, section 5 of Act 80 of 1965 and section 21 of Act 80 of 1971.

15. Section 83 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) In the event of any deviation or alteration of a telegraph line passing over any private property being desired on any other grounds than are set forth in subsection (2), twenty-eight days’ notice thereof in writing shall be served on the Postmaster-General, who shall decide whether or not the deviation or alteration is possible, necessary or expedient, and if the Postmaster-General agrees to make the deviation or alteration, the cost of carrying out the work in connection therewith shall be borne by the person at whose request the deviation or alteration is effected: Provided that in any case where in the opinion of the Postmaster-General it is justified, the department may bear the whole or any part of the said cost.”.

Substitution of section 99 of Act 44 of 1958.

16. The following section is hereby substituted for section 99 of the principal Act:

“Unauthorised use of words ‘Post Office’, ‘mail’, ‘yellow page directory’, ‘telex directory’, ‘telephone directory’, etc.  
99. Any person who without the authority of the Postmaster-General (the proof of which shall be on the accused)—

- (a) places or maintains or suffers to be placed or maintained or to remain in, on or near any house, premises, wall, door, window, box, post, pillar or other place belonging to him or under his control the words ‘Post Office’ or any other word or a mark which may imply or may give reasonable cause for believing that house, premises, wall, door, window, box, post, pillar or other place to be a post office;
- (b) places or maintains or permits to be placed or maintained or to remain on any vehicle or vessel the word ‘mail’ or any other word or mark which may imply or may give reasonable cause for believing that such vehicle or vessel is used for the conveyance of mails; or
- (c) in connection with any publication or proposed publication, or in any invitation, prospectus, order form, notice, invoice or advertisement relating to any publication, uses the words ‘telephone directory’, ‘yellow page directory’, ‘yellow pages’, ‘telex directory’ or any other word or a mark, in circumstances or in a manner which may imply or may give reasonable cause for believing that such a publication or proposed publication is a telephone directory, yellow page directory, telex directory or other publication published on the authority of the department,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or



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imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

Substitution of section 108 of Act 44 of 1958, as substituted by section 7 of Act 80 of 1965.

17. The following section is hereby substituted for section 108 of the principal Act:

“Accidental or negligent injury to telegraph lines or call office cabinets.

108. Any person who, either directly or by means of an animal, vehicle or other thing owned by him or in his custody or under his control, destroys or injures any telegraph line or call office cabinet of the department, shall be liable to pay to the Postmaster-General such expenses as may be incurred in making good the destruction or injury, and if the destruction or injury be occasioned by negligence on the part of any person, that person shall in addition be guilty of an offence and liable on conviction to a fine not exceeding fifty rand: Provided that in any case where in the opinion of the Postmaster-General it is justified, the department may bear the whole or any part of the said expenses: Provided further that a divisional council shall not be liable for any expenses incurred in making good any such destruction or injury caused in the course of road works by such council, and not due to negligence on the part of any person in its employment.”.

Insertion of section 121A in Act 44 of 1958.

18. The following section is hereby inserted in the principal Act after section 121:

“Application of Act in South West Africa.

121A. This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”.

Repeal of laws, and savings.

19. (1) Subject to the provisions of subsection (2)—

- (a) the laws of the territory of South West Africa specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule;
- (b) in so far as it still applies in the Eastern Caprivi Zipfel, the Post Office Administration Proclamation, 1931 (Proclamation No. 15 of 1931 of South West Africa), is hereby repealed.

(2) Anything done under a provision of any law repealed by subsection (1) shall be deemed to have been done under the corresponding provision of this Act.

Short title and commencement.

20. (1) This Act shall be called the Post Office Amendment Act, 1973, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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

Schedule

LAWS REPEALED

No. and year of law	Title	Extent of repeal
Ordinance No. 30 of 1963 .	Post Office Ordinance, 1963 . . . . .	The whole
Ordinance No. 36 of 1965 .	General Law Amendment Ordinance, 1965	Section 15
Ordinance No. 24 of 1966 .	Post Office Amendment Ordinance, 1966 .	The whole