

No. 80, 1965.]

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.

# ACT

To amend the Post Office, Act 1958.

(English text signed by the State President.)  
(Assented to 18th June, 1965.)

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

Substitution of section 4 of Act 44 of 1958.

1. The following section is hereby substituted for section *four* of the Post Office Act, 1958 (hereinafter referred to as the principal Act):

“Postmaster-General may enter into mail contracts. 4. The Postmaster-General may, with the concurrence of the Minister, enter into any contract in writing or make any arrangements for the conveyance of postal articles within, from or to the Union by land or air or coastwise by sea, or for any other public service performed for or by the department.”

Amendment of section 16 of Act 44 of 1958.

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

(a) by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

“(b) the full title and date of publication are printed at the top of the first page thereof, and the whole or part of the title and the date of publication on every subsequent page; and”;

(b) by the substitution for paragraph (b) of sub-section (2) of the following paragraph:

“(b) the whole or part of the title and the date of the newspaper are printed on every page thereof or on every sheet or side on which any engraving, print, lithograph or picture appears; and”.

Amendment of section 20 of Act 44 of 1958.

3. Section *twenty* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) Subject to regulations, the sender of any postal article may, upon payment of the prescribed fee in addition to the ordinary postage, have that article registered and obtain a receipt for the same from the Postmaster-General, but no such registration or receipt shall confer on any person any right to compensation or otherwise, or impose upon any officer any liability for the loss of any such article or of the contents thereof.”.

Substitution of section 80 of Act 44 of 1958.

4. The following section is hereby substituted for section *eighty* of the principal Act:

“Right of entry and to construct lines across any lands, etc. 80. The Postmaster-General may for the purposes of this Act enter upon any land, including any street, road, footpath or land reserved for public purposes, and any railway, and construct and maintain a telegraph line or any work (including any call office cabinet) upon, under, over, along or across any land, street, road, footpath or waterway or any railway, and alter or remove the same, and may for that purpose attach wires, stays or any other kind of support to any building or other structure.”.

Amendment of section 83 of Act 44 of 1958, as amended by section 1 of Act 50 of 1962.

5. Section *eighty-three* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) If in the opinion of the Postmaster-General it is necessary at any time subsequent to the construction

upon, in, over, along, across or under any land, railway, street, road, footpath or waterway, of any telegraph line or any call office cabinet or any pipe, tunnel or tube, whether constructed before or after the commencement of this Act, to alter or remove the same owing to any alteration of alignment or level or any other work on the part of any local authority or person, the cost of the alteration or removal shall be borne by that local authority or person.”.

Substitution of section 107 of Act 44 of 1958.

6. The following section is hereby substituted for section *one hundred and seven* of the principal Act:

“Injury to telegraph lines, etc., and arrest of offenders.

107. Any person who wilfully or maliciously destroys, injures or removes any telegraph line or any material, instrument or apparatus used in connection therewith or any call office cabinet, or disturbs, obstructs or impedes in any way the free use or working of any such line, material, instrument, apparatus or cabinet, or affixes or attaches any wire, conductor or any other thing to any telegraph line or call office cabinet, or any part thereof, without the authority of the Postmaster-General, or who interferes with or hinders the construction or alteration of any such line or cabinet or the maintenance or examination thereof or causes delay in the restoration of any such line or cabinet, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment, without prejudice to any right the Postmaster-General may have of proceeding civilly against such person for compensation for such damage as may have been caused by him, and any person who witnesses the commission or any attempt at the commission of such an offence may without warrant apprehend the person offending and bring him before any magistrate’s court to be dealt with according to law.”.

Substitution of section 108 of Act 44 of 1958, as amended by section 2 of Act 50 of 1962.

7. The following section is hereby substituted for section *one hundred and eight* of the principal Act:

“Accidental or negligent injury to telegraph lines, etc.

108. Any person who, either directly or by means of an animal, vehicle or thing owned by him or in his custody, 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.”.

Substitution of section 115 of Act 44 of 1958.

8. The following section is hereby substituted for section *one hundred and fifteen* of the principal Act:

“Non-liability of department.

115. Save as is otherwise provided in this Act, no legal proceedings shall be capable of being instituted against the Government or against the Postmaster-General or any officer or against any person conveying postal articles in pursuance of any contract entered into or arrangements made in terms of this Act or conveying mail which he is obliged to convey in terms of this Act (in this section and in section *one hundred and fifteen bis* referred to as a mail carrier) or against any employee of a mail carrier by reason of any error, default, delay, omission, damage, destruction, non-delivery, non-transmission or loss, whether negligent or otherwise, in respect of any postal article or telegram or by reason of anything lawfully done under this Act or any other law, and *bona fide* payment of any sum of money under the provisions of this Act or any other law shall, to whomsoever made, discharge the Government, the Postmaster-General and the officer by whom any such payment was made, from all liability whatsoever in respect of

any such payment, notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or have occurred in connection therewith: Provided that nothing in this section contained shall be construed as exempting the Government or the Postmaster-General from liability for damage or loss caused to any person by reason of fraud on the part of an officer in relation to his official duties or as exempting any mail carrier from liability for damage or loss caused to any person by reason of fraud on the part of such carrier or of any employee of such carrier in relation to his duties.”.

Insertion of section 115bis in Act 44 of 1958.

9. The following section is hereby inserted in the principal Act after section *one hundred and fifteen*:

“Postmaster-General may in certain cases pay compensation.

115bis. (1) The Postmaster-General may—  
(a) if any unauthorized person by fraudulent means obtains payment of any sum credited to a depositor's Savings Bank account, 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 prescribed by regulation, pay compensation for the loss of any postal article or of the contents thereof whether conveyed by the department or by any mail carrier.

(2) Where the Postmaster-General has by virtue of the provisions of sub-section (1) paid any amount in respect of loss caused by the commission of an offence, he shall, for the purposes of section *three hundred and fifty-seven* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), be deemed to have suffered, as the result of the commission of such offence, loss of property belonging to him to the extent of the amount so paid.

(3) (a) Any mail carrier shall on demand pay to the Postmaster-General an amount equal to any amount paid by the Postmaster-General by virtue of the provisions of paragraph (b) of sub-section (1) in respect of any postal article or of the contents thereof lost while in the possession of such carrier or such lesser amount as the Postmaster-General may in his discretion determine.

(b) Any amount payable in terms of paragraph (a) shall be recoverable by action in any competent court.”.

Short title.

10. This Act shall be called the Post Office Amendment Act, 1965.