

Post Office Act No. 44 of 1958

[ASSENTED TO 26 SEPTEMBER, 1958]
[DATE OF COMMENCEMENT: 3 OCTOBER 1958]

(English text signed by the Governor-General.)

As amended by

Finance Act No. 80 of 1959

Finance Act No. 76 of 1961

Post Office Amendment Act No. 50 of 1962

Publications and Entertainments Act No. 26 of 1963

General Law Amendment Act No. 37 of 1963

Gambling Act No. 51 of 1965

Expropriation Act No. 55 of 1965

Post Office Amendment Act No. 80 of 1965

Second Finance Act No. 58 of 1966

Post Office Readjustment Act No. 67 of 1968

Finance Act No. 102 of 1969

Finance Act No. 25 of 1970

General Law Amendment Act No. 80 of 1971

Post Office Amendment Act No. 101 of 1972

Post Office Amendment Act No. 56 of 1973

Post Office Amendment Act No. 13 of 1974

Publications Act No. 42 of 1974

Post Office Service Act No. 66 of 1974

Second General Law Amendment Act No. 94 of 1974

Expropriation Act No. 63 of 1975

Post Office Amendment Act No. 113 of 1976

Post Office Amendment Act No. 1 of 1978

Finance Act No. 21 of 1980

Post Office Amendment Act No. 75 of 1981

Broadcasting Amendment Act No. 61 of 1982

Post Office Amendment Act No. 80 of 1982

Post Office Amendment Act No. 27 of 1983

Post Office Amendment Act No. 37 of 1984

Corporation for Public Deposits Act No. 46 of 1984

Post Office Amendment Act No. 7 of 1986

Auditor-General Act No. 52 of 1989

Radio Amendment Act No. 24 of 1990

Post Office Amendment Act No. 85 of 1991

Post and Telecommunications Acts Amendment Act No. 101 of 1992

Interception and Monitoring Prohibition Act No. 127 of 1992

General Law Third Amendment Act No. 129 of 1993

Post Office Amendment Act No. 171 of 1993

Post Office Second Amendment Act No. 176 of 1993

Post Office Amendment Act No. 35 of 1995

Former States Posts and Telecommunications Reorganisation Act No. 5 of 1996

General Law Amendment Act No. 49 of 1996

Films and Publications Act No. 65 of 1996

Abolition of Restrictions on the Jurisdiction of Courts Act No. 88 of 1996

Telecommunications Act No. 103 of 1996

Post Office Amendment Act No. 11 of 1997

Post Office Second Amendment Act No. 53 of 1997

Lotteries Act No. 57 of 1997

Department of Communications Rationalisation Act No. 10 of 1998

Postal Services Act No. 124 of 1998

ACT

To consolidate the laws relating to the Post Office and matters incidental thereto.

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows: -

PRELIMINARY.

Definitions

1. In this Act, unless the context otherwise indicates -
“Bank” ...

[Description **“Bank”** inserted by section 1(a) of Act No. 113 of 1976]

[Description **“Bank”** substituted by section 1(a) of Act No. 85 of 1991]

[Description **“Bank”** substituted by section 1 of Act No. 35 of 1995]

[Description **“Bank”** deleted by section 6 of Act No. 10 of 1998]

“chief actuary” means the chief actuary as defined in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990);

[Description **“chief actuary”** inserted by section 1(b) of Act No. 85 of 1991]

“Companies Act” means the Companies Act, 1973 (Act No. 61 of 1973);

[Description **“Companies Act”** inserted by section 1(b) of Act No. 85 of 1991]

[Description **“Companies Act”** amended by section 3(a) of Act No. 101 of 1992]

“club or fund”...

[Description **“club or fund”** deleted by section 1(b) of Act No. 113 of 1976]

“construct” means erect, set up, lay down or place; (i)

“department” means the Department Communications;

[Description **“department”** substituted by section 1(a) of Act No. 13 of 1974]

[Description **“department”** substituted by section 105(a) of Act No. 103 of 1996]

“Director-General” means the officer occupying the post with that designation on the fixed establishment of the department;

[Description **“Director-General”** inserted by section 105(b) of Act No. 103 of 1996]

“excluded commitments” means any-

(a) public stock and bonds issued in terms of section 121(1)(b) before the repeal of that section by the Post Office Amendment Act, 1991; and

(b) loan and other financing and related agreements entered into by the department, but excluding those made by the State to the department in terms of the Exchequer Act, 1975 (Act No. 66 of 1975),

in respect of which the Minister with the approval of the Minister of Finance decides that the State will continue to be liable after the transfer date concerned;

[Description **“excluded commitments”** inserted by section 1(c) of Act No. 85 of 1991]

[Description **“excluded commitments”** amended by section 3(b) of Act No. 101 of 1992]

”deposit” ...

[Description **“deposit”** inserted by section 1(c) of Act No. 113 of 1976]
[Description **“deposit”** substituted by section 1(a) of Act No. 1 of 1978]
[Description **“deposit”** deleted by section 1 of Act No. 37 of 1984]

“depositor”...

[Description **“depositor”** inserted by section 1(c) of Act No. 113 of 1976]
[Description **“depositor”** substituted by section 1(b) of Act No. 1 of 1978]
[Description **“depositor”** deleted by section 1 of Act No. 37 of 1984]

“financial year” ...

[Description **“financial year”** inserted by section 1(c) of Act No. 113 of 1976]
[Description **“financial year”** deleted by section 6 of Act No. 10 of 1998]

“drawee” ...

[Description **“drawee”** deleted by section 1(d) of Act No. 113 of 1976]

“drawer,”...

[Description **“drawer”** deleted by section 1(d) of Act No. 113 of 1976]

“friendly society” ...

[Description **“friendly society”** deleted by section 1 of Act No. 37 of 1984]

“Fund”...

[Description **“Fund”** inserted by section 1(b) of Act No. 13 of 1974]
[Description **“Fund”** substituted by section 1(e) of Act No. 113 of 1976]
[Description **“Fund”** deleted by section 6 of Act No. 10 of 1998]

“imprisonment” ...

[Description **“imprisonment”** deleted by section 1(e) of Act No. 85 of 1991]

“internal service”...

[Description **“internal service”** inserted by section 1(a) of Act No. 56 of 1973]
[Description **“internal service”** deleted by section 1(f) of Act No. 113 of 1976]

“international service” ...

[Description **“international service”** inserted by section 1(a) of Act No. 56 of 1973]
[Description **“international service”** deleted by section 1(f) of Act No. 113 of 1976]

“mail” ...

[Description **“mail”** deleted by section 81(a) of Act No. 124 of 1998]

“mail-bag”...

[Description **“mail-bag”** deleted by section 81(a) of Act No. 124 of 1998]

“Master”...

[Description **“Master”** deleted by section 81(a) of Act No. 124 of 1998]

“master of any vessel”...

[Description **“master of any vessel”** deleted by section 81(a) of Act No. 124 of 1998]

“Minister” means the Minister entrusted with the administration of the department;

[Description **“Minister”** substituted by section 1(c) of Act No. 13 of 1974]
[Description **“Minister”** substituted by section 1(f) of Act No. 85 of 1991]
[Description **“Minister”** substituted by section 3(c) of Act No. 101 of 1992]

“money order”...

[Description **“money order”** deleted by section 81(a) of Act No. 124 of 1998]

“National Savings Certificate” ...

[Description **“National Savings Certificate”** inserted by section 1(d) of Act No. 13 of 1974]
[Description **“National Savings Certificate”** deleted by section 81(a) of Act No. 124 of 1998]

“officer” includes any person in the service or employed in connection with any business of the department or any successor company; (iii)

[Description **“officer”** substituted by section 1(g) of Act No. 85 of 1991]

“port” ...

[Description **“port”** deleted by section 81(a) of Act No. 124 of 1998]

“postage” ...

[Description **“postage”** deleted by section 81(a) of Act No. 124 of 1998]

“postage stamp” or **“stamp”** ...

[Description **“postage stamp”** or **“stamp”** deleted by section 81(a) of Act No. 124 of 1998]

“postal article” ...

[Description **“postal article”** deleted by section 81(a) of Act No. 124 of 1998]

“postal authority” ...

[Description **“postal authority”** deleted by section 81(a) of Act No. 124 of 1998]

“postal company” means the company incorporated as contemplated in section 3(1) to conduct a postal service;

[Description **“postal company”** inserted by section 1(h) of Act No. 85 of 1991]

“postal employer” means the postal company or a subsidiary of that company, as the case may be;

[Description “**postal employer**” inserted by section 1(*h*) of Act No. 85 of 1991]

“**postal enterprise**” means all the assets, liabilities, rights and obligations, including any claim to copyright, trade marks and patentable inventions but excluding rights and obligations in terms of excluded commitments, of the State which relate to or are connected with the conduct of the postal service by the department, as determined by the Minister;

[Description “**postal enterprise**” inserted by section 1(*h*) of Act No. 85 of 1991]

“**postal order**” ...

[Description “**postal order**” deleted by section 81(*a*) of Act No. 124 of 1998]

“**postal pension fund**” means the pension fund established in terms of section 9;

[Description “**postal pension fund**” inserted by section 1(*i*) of Act No. 85 of 1991]

“**postal service**” means the affairs which the postal company is, subject to the Postal Services Act, 1998, entitled to conduct, including the receiving, collecting, dispatching, conveying and delivering of letters and the performing of all incidental services.

[Description “**postal service**” inserted by section 1(*i*) of Act No. 85 of 1991]

[Description “**postal service**” substituted by section 81(*b*) of Act No. 124 of 1998]

“**postal transfer date**” means the date determined by the Minister in terms of section 4(1)(*a*) in respect of the postal enterprise;

[Description “**postal transfer date**” inserted by section 1(*i*) of Act No. 85 of 1991]

“**postmaster**” ...

[Description “**postmaster**” deleted by section 81(*a*) of Act No. 124 of 1998]

“**Director-General**” means the officer occupying the post with that designation on the fixed establishment of the department;

[Description “**Director-General**” inserted by section 1(*g*) of Act No. 113 of 1976]

“**post office**” ...

[Description “**post office**” substituted by section 1(*h*) of Act No. 113 of 1976]

[Description “**post office**” substituted by section 1(*j*) of Act No. 85 of 1991]

[Description “**post office**” deleted by section 81(*a*) of Act No. 124 of 1998]

“**Post Office Appropriation Act**” ...

[Description “**Post Office Appropriation Act**” inserted by section 1(*i*) of Act No. 113 of 1976]

[Description “**Post Office Appropriation Act**” deleted by section 6 of Act No. 10 of 1998]

“**Post Office Service Act**” ...

[Description “**Post Office Service Act**” inserted by section 1(*l*) of Act No. 85 of 1991]

[Description “**Post Office Service Act**” deleted by section 6 of Act No. 10 of 1998]

“prescribed” means prescribed by or under this Act; (xxxiii)
“railway” includes any tramway, whether the means of traction be animal or steam power, electricity or other motive force, but does not include the railway lines of the South African Rail Commuter corporation Limited referred to in section 22 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989), or Transnet Limited, a company formed under section 2 of the said Act or a wholly-owned subsidiary of Transnet Limited established under section 32(1) of that Act with reference to a business unit acquired by such wholly-owned subsidiary in terms of paragraph (b) of the said section 32(1);

[Description **“railway”** substituted by section 1(m) of Act No. 85 of 1991]

“railway authority” means any company, association, person or public body, other than the South African Railways and Harbours Administration, which owns, works or manages any railway or tramway for the public conveyance of passengers or goods; (xxvii)

[Description **“railway authority”** deleted by section 1(j) of Act No. 113 of 1976]

“regulation” means a regulation made under this Act; (xxiv)
“Republic”...

[Description **“Republic”** inserted by section 1(b) of Act No. 56 of 1973]

[Description **“Republic”** deleted by section 1(n) of Act No. 85 of 1991]

“revenue” ...

[Description **“revenue”** inserted by section 1(k) of Act No. 113 of 1976]

[Description **“revenue”** deleted by section 6 of Act No. 10 of 1998]

“Savings Bank” or ‘Post Office Savings Bank’ ...

[Description **“Savings Bank”** inserted by section 1(k) of Act No. 113 of 1976]

[Description **“Savings Bank”** deleted by section 81(a) of Act No. 124 of 1998]

“Savings Bank certificate”...

[Description **“Savings Bank certificate”** inserted by section 1(k) of Act No. 113 of 1976]

[Description **“Savings Bank certificate”** deleted by section 1 of Act No. 37 of 1984]

“security” ...

[Description **“security”** inserted by section 1(k) of Act No. 113 of 1976]

[Description **“security”** deleted by section 6 of Act No. 10 of 1998]

“Savings Bank year” ...

[Description **“Savings Bank year”** deleted by section 1(l) of Act No. 113 of 1976]

“sender” ...

[Description **“sender”** deleted by section 81(a) of Act No. 124 of 1998]

“successor company” means a company incorporated as contemplated in section 3(1):

[Description **“successor company”** inserted by section 1(o) of Act No. 85 of 1991]

“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;

[Description **“telecommunications”** inserted by section 1(*m*) of Act No. 113 of 1976]

“telecommunications company” means the company incorporated as contemplated in section 3(1) to conduct a telecommunications service;

[Description **“telecommunications company”** inserted by section 1(*p*) of Act No. 85 of 1991]

“telecommunications employer” means the telecommunications company or a subsidiary of that company, as the case may be;

[Description **“telecommunications employer”** inserted by section 1(*p*) of Act No. 85 of 1991]

“telecommunications enterprise” means all the assets, liabilities, rights and obligations, including any claim to copyright, trademarks and patentable inventions but excluding rights and obligations in terms of excluded commitments, of the State which relate to or are connected with the conduct of the telecommunications service by the department, as determined by the Minister;

[Description **“telecommunications enterprise”** inserted by section 1(*p*) of Act No. 85 of 1991]

“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;

[Description **“telecommunications line”** inserted by section 1(*m*) of Act No. 113 of 1976]

“telecommunications pension fund” means the pension fund established in terms of section 9;

[Description **“telecommunications pension fund”** inserted by section 1(*q*) of Act No. 85 of 1991]

“telecommunications service” means the affairs which the Director-General or, subsequent to the telecommunications transfer date, the telecommunications company is entitled to conduct in terms of Chapter VI;

[Description **“telecommunications service”** inserted by section 1(*q*) of Act No. 85 of 1991]

“telecommunications transfer date” means the date determined by the Minister in terms of section 4(1)(*b*) in respect of the telecommunications enterprise;

[Description **“telecommunications transfer date”** inserted by section 1(*q*) of Act No. 85 of 1991]

“telecommunications service” ...

[Description **“telecommunications service”** inserted by section 1(c) of Act No. 56 of 1973]

[Description **“telecommunications service”** deleted by section 1(n) of Act No. 113 of 1976]

“telegram” ...

[Description **“telegram”** substituted by section 1(o) of Act No. 113 of 1976]

[Description **“telegram”** substituted by section 1(r) of Act No. 85 of 1991]

[Description **“telegram”** deleted by section 81(a) of Act No. 124 of 1998]

“telegraph” ...

[Description **“telegraph”** deleted by section 1(p) of Act No. 113 of 1976]

“telegraph line”...

[Description **“telegraph line”** deleted by section 1(p) of Act No. 113 of 1976]

“this Act” includes any regulations made thereunder; (viii)

“transfer date” means a date of transfer contemplated in section 4(1);

[Description **“transfer date”** inserted by section 1(s) of Act No. 113 of 1976]

“vessel”...

[Description **“vessel”** deleted by section 81(a) of Act No. 124 of 1998]

**CHAPTER I.
POWERS AND RIGHTS OF THE DIRECTOR-GENERAL.**

Administration and control of the department.

2. (1) The administration, control and management of the department shall, subject to the authority of the Minister, be vested in an officer to be styled the Postmaster General.

[Subsection (1) substituted by section 55 of Act No. 66 of 1974]

- (2) The Director-General shall have the supervision and control of all persons in the service of the department and all offices or work-places of the department and all services and activities which the department may render or undertake, and may issue such instructions as he may deem necessary for the conduct and guidance of officers of the department in carrying out the provisions of this Act.

[Subsection (2) substituted by section 55 of Act No. 66 of 1974]

[Subsection (2) substituted by section 2(a) of Act No. 113 of 1976]

[Subsection (2) substituted by section 2 of Act No. 85 of 1991]

- (3) . . .

[Subsection (3) deleted by section 2(b) of Act No. 113 of 1976]

- (4) . . .

[Subsection (4) substituted by section 55 of Act No. 42 of 1974]

[Subsection (4) deleted by section 2(b) of Act No. 113 of 1976]

- (5) . . .

[Subsection (5) deleted by section 2(b) of Act No. 113 of 1976]

Accounting responsibility of Director-General.

- 2A. ...

[Section 2A inserted by section 3 of Act No. 113 of 1976]

[Section 2A repealed by section 6 of Act No. 10 of 1998]

General powers of Director-General.

- 2B. ...

[Section 2B amended by section 1(c) of Act No. 27 of 1983]

[Section 2B amended by section 2(c) of Act No. 37 of 1984]

[Section 2B amended by section 1 of Act No. 7 of 1986]

[Section 2B amended by section 3(f) of Act No. 85 of 1991]

[Section 2B repealed by section 6 of Act No. 10 of 1998]

Write-off of certain debts.

- 2C. ...

[Section 2C inserted by section 3 of Act No. 113 of 1976]

[Section 2C repealed by section 6 of Act No. 10 of 1998]

Delegation of powers of Director-General

2D. ...

[Section 2D inserted by section 3 of Act No. 113 of 1976]
 [Section 2D amended by section 4 of Act No. 101 of 1992]
 [Section 2D repealed by section 6 of Act No. 10 of 1998]

**CHAPTER IA.
 SUCCESSOR COMPANIES**

[CHAPTER IA inserted by section 5 of Act No. 85 of 1991]

Incorporation of successor companies

3. (1) On a date or dates preceding the postal transfer date or the telecommunications transfer date, as the case may be, the Minister shall effect the incorporation in terms of the Companies Act of two public companies, namely, a postal company to conduct a postal service and a telecommunications company to conduct a telecommunications service, which companies shall bear names approved by the Minister, and the issue to each company of a certificate to commence business.
- (2) The Minister shall on behalf of the State sign all documents that are required to be signed by the promoters of the companies.
- (3) The Director-General-
- (a) shall be appointed as the first director of each successor company and shall in that capacity in respect of each company sign the documents which are required to be signed by a director of the company for the purpose of incorporation of the company and the issue to the company of a certificate to commence business;
- (b) shall occupy the post of director of a successor company until the date immediately preceding the transfer date concerned.
- (4) Each successor company-
- (a) shall upon incorporation issue one share with a nominal value of one rand to the State;
- (b) shall in its memorandum of association *inter alia* provide that that successor company and its subsidiaries-
- (i) shall have as its main object and main business in the case of the postal company to conduct the postal service and in the case of the telecommunications company to conduct the telecommunications service;
- (ii) shall not have the power to perform the following acts without the approval of the Minister granted with the concurrence of the Minister of Finance, namely -
- (aa) the alienation or encumbrance by the company otherwise than in the normal course of its business of assets of the company with a market value of more than 10 per cent of the market value of all the assets of the company;
- (bb) the cessation or alteration of the main object or main business of the company;
- (cc) the alienation of shares held by the company in any subsidiary thereof so that the company retains 50 per cent or less of the voting shares of the subsidiary;
- (dd) the merger of the company with another company or the entering into of a partnership or joint venture by the company;
- (c) shall have articles of association providing *inter alia* that - must have articles of association providing, amongst other things in the case of the postal company, that the affairs of the company must be managed

by a board of directors appointed in terms of the articles of association.

[Paragraph (c) substituted by section 82(a) of Act No. 124 of 1998]

(d) shall, apart from the shares referred to in subsection (4)(a) and sections 5(1) and 12U(4)(a), not issue any shares.

Provided that paragraphs (b)(ii), (c) and (d) shall not apply to the telecommunications company.

[Subsection (4) amended by section 1(a) of Act No. 11 of 1997]

(5) Notwithstanding the provisions of the Companies Act, the postal company and the telecommunications company may have fewer than seven members.

[Subsection (5) substituted by section 1(b) of Act No. 11 of 1997]

[Subsection (5) substituted by section 1 of Act No. 53 of 1997]

[Subsection (5) substituted by section 82(b) of Act No. 124 of 1998]

(6) The powers and duties of the State as a member and shareholder of each successor company shall be exercised and performed by the Minister.

(7) A successor company shall not conduct any business and shall not acquire any assets, liabilities, rights or obligations prior to the transfer date concerned.

[Section 3 repealed by section 4 of Act No. 113 of 1976]

[Section 3 inserted by section 5 of Act No. 85 of 1991]

Transfer of postal enterprise and telecommunications enterprise to successor companies

4. (1) On a date determined by the Minister by notice in the *Gazette* -
 (a) the postal enterprise shall be transferred to the postal company, from which date the postal company shall, subject to the provisions of any other law, have the power to conduct the postal service;

[Paragraph (a) substituted by section 83 of Act No. 124 of 1998]

(b) the telecommunications enterprise shall be transferred to the telecommunications company, from which date the telecommunications company shall, subject to the provisions of any other law, have the exclusive power to conduct the telecommunications service.

(2)(a) The value of the assets and liabilities of the enterprises transferred in terms of subsection (1) shall be determined by the Minister with the concurrence of the Minister of Finance, and the net asset value of those enterprises shall likewise be determined, regard being had to the obligations imposed upon the postal company and the telecommunications company by section 12U.

(b) For the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), or any other law in terms of which a tax or levy may be imposed, it shall be deemed that expenses were actually incurred by a successor company in acquiring the assets transferred to it in terms of subsection (1) and that, notwithstanding the provisions of any other law, the expenses concerned, including the cost of the assets, are equal to the value determined in terms of subsection (2)(a).

(3)(a) In so far as the postal enterprise and the telecommunications enterprise have the use of State land immediately prior to the date referred to in

subsection (1), such land shall on the said date pass to the postal company or the telecommunications company, as the case may be, and it shall be deemed that such land was on the said date sold by the State President in terms of the provisions of the State Land Disposal Act, 1961 (Act No. 48 of 1961), to the company concerned.

(b) Notwithstanding the provisions of section 5 of the State Land Disposal Act, 1961, and section 18 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), a registrar as defined in section 102 of the Deeds Registries Act, 1937, shall, on submission to him of a certificate by the Minister of Public Works and Land Affairs the State land has passed in terms of paragraph (a), free of charge make such entries and endorsements as he may deem necessary in or on any relevant register, title deed or other document in his office or laid before him, in order to effect the transfer in the name of the company concerned.

(c) If a particular piece of state land was used jointly by the postal enterprise and the telecommunications enterprise immediately prior to the date mentioned in subsection (1), and the successor companies after that date agree to divide that piece of land between them without the payment of compensation by one party to the other or without giving anything in exchange therefor, the subdivision of the land concerned shall be exempted from the payment of transfer duty, stamp duty or other fees if, upon the registration of the subdivision, a certificate signed by the secretaries of both successor companies is submitted in which it is certified that an agreement as contemplated in this paragraph has been concluded.

[Paragraph (c) inserted by section 12(a) of Act No. 129 of 1993]

(4)(a) Any servitude, other real right or lease existing immediately before the date referred to in subsection (1) in favour of the State, the department or the Director-General and which is exercised in favour of the postal enterprise or the telecommunications enterprise shall on the said date pass to the postal company or the telecommunications company, as the case may be.

(b) The registrar as referred to in subsection (3)(b) shall, on submission to him of a certificate by the Minister of Public Works and Land Affairs that a servitude, other real right or lease has passed in terms of paragraph (a) or that a servitude exists over State land which has passed in terms of subsection (3)(a), free of charge make such entries and endorsements as he may deem necessary in or on any relevant register, title deed or other document in his office or laid before him, in order to -

- (i) register the passing of the servitude, other real right or lease to the company concerned in terms of paragraph (a); or
- (ii) confirm the existence of the servitude in favour of any other person, over the State land which has so passed.

(4A)(a) Subject to the provisions of paragraph (b), a successor company shall have the right to use its immovable property for the purpose for which the department used the property concerned on the date immediately prior to the date mentioned in subsection (1) of for which it was intended to be used on that date.

(b) If land of a successor company has not been zoned, or has in terms of an applicable township construction or development scheme, guide plan or statutory provision been zoned or intended for purpose other than those for which it is used on the date immediately prior to the date mentioned in subsection (1), the successor company concerned shall as soon as practicable conclude an agreement with the local authority responsible for the zoning or re-zoning of land in the area concerned with regard to the zoning or re-zoning of the land concerned for a purpose which is in accordance with the use thereof on the date immediately prior to the date mentioned in subsection (1):
Provided that -

- (i) if such agreement has been concluded, that agreement shall be reduced to writing and the local authority concerned shall, if necessary, amend its township construction or development scheme or guide plan accordingly;
 - (ii) if such agreement could not be concluded, the matter shall be referred to the Administrator of the province concerned, who may grant permission for or approval of the zoning or re-zoning concerned on such conditions as he may deem necessary.
- (c) The local authority -
- (i) with which any agreement in terms of paragraph (b) has been concluded; or
 - (ii) within whose area of jurisdiction that land is situated, in the case of land referred to in paragraph (b)(ii).
- Shall record, in respect of the land concerned, the appropriate zoning, after which such zoning shall for all purposes be regarded as the zoning of such land.

[Subsection (4A) inserted by section 12(b) of Act No. 129 of 1993]

- (5) The Minister shall in all litigation whatsoever, including arbitrations, to which the Minister is a party, be substituted as the party to the suit -
- (a) by the postal company with effect from the postal transfer date in the case of litigation pertaining to the postal enterprise;
 - (b) by the telecommunications company with effect from the telecommunications transfer date in the case of litigation pertaining to the telecommunications enterprise.
- (6) The successor company concerned may apply for the registration of any registerable right relating to intellectual property or inventions (including the registration as patents of patentable inventions) transferred by the State in terms of this section to the successor company concerned.
- (7) The Registrar of Trade Marks shall make such entries, notes and endorsements as he may deem necessary in or on any relevant register, certificate or other document in his office or submitted to him so as to effect the transfer of trade marks to the postal company or the telecommunications company in terms of this section, and may request the successor company concerned to submit or produce to him such information or document as he may deem necessary for such purpose.
- (8) If any doubt arises as to whether anything for the purposes of this Act pertains to or is connected with the postal enterprise, the telecommunications enterprise, the department or anyone else, the decision of the Minister shall be conclusive.
- (9)(a) Each successor company may establish subsidiary companies of which the successor company shall be the sole member and shareholder and shall allow the assignments, substitutions and transfers contemplated in this section to be made to such subsidiary.
- (b) The provisions of this Act applicable to such successor company, shall apply *mutatis mutandis* to the subsidiary thereof while the successor company is the sole member and shareholder of the subsidiary.
- (10) No stamp duty, transfer duty or any other tax or levy shall be payable in respect of the transfer of the postal enterprise or the telecommunications enterprise in terms of this section.
- (11) Any officer in the employment of a successor company shall be deemed to be an officer in the service of the State for the purposes of section 7 of the State Land Disposal Act, 1961 (Act No. 48 of 1961), and section 24 of the Expropriation Act, 1975 (Act No. 63 of 1975).

[Section 4 substituted by section 1 of Act No. 80 of 1965]

[Section 4 repealed by section 4 of Act No. 113 of 1976]

[Section 4 inserted by section 5 of Act No. 85 of 1991]

Shareholding in successor companies

5. (1) As a consideration for the transfer contemplated in section 4(1) each successor company shall, in addition to the share referred to in section 3(4)(a), issue such shares in those companies to the State as the Minister with the concurrence of the Minister of Finance may determine: Provided that the nominal value plus any premium payable in respect of all the shares so issued by each company, shall be equal to the net asset value of the enterprise concerned.
- (2) The shares issued in terms of subsection (1) shall be allotted and issued at the time and on the conditions which the Minister with the concurrence of the Minister of Finance may determine.
- (3) Shares issued in terms of this section shall have such nominal value and shall be issued at such premium, if any, as the Minister with the concurrence of the Minister of Finance may determine and shall be issued as fully paid by the transfer to the successor company concerned of assets and liabilities with a net asset value equal to the nominal value of the shares plus any such premium.
- (4) Any dividends received by the State in respect of shares in a successor company shall be paid into the State Revenue Fund.
- (5) No stamp duty shall be paid by a successor company in respect of the issue of shares to the State in terms of this Act.
- (6) No money shall be paid by a successor company in terms of section 63 or 75 of the Companies Act in respect of the creation of, or any increase in, the capital of such a company.
- (7) ...

[Subsection (7) substituted by section 2 of Act No. 11 of 1997]

[Subsection (7) deleted by section 84 of Act No. 124 of 1998]

[Section 5 repealed by section 4 of Act No. 113 of 1976]

[Section 5 inserted by section 5 of Act No. 85 of 1991]

Subsidy to postal company

6. ...

[Section 6 repealed by section 4 of Act No. 113 of 1976]

[Section 6 inserted by section 5 of Act No. 101 of 1992]

[Section 6 substituted by section 3 of Act No. 11 of 1997]

[Section 6 repealed by section 87 of Act No. 124 of 1998]

Powers of successor companies

7. ...

[Section 7 substituted by section 6 of Act No. 85 of 1991]

[Section 7 amended by section 4 of Act No. 11 of 1997]

[Section 7 amended by section 2 of Act No. 53 of 1997]

[Section 7 amended by section 6 of Act No. 101 of 1992]

[Section 7 repealed by section 87 of Act No. 124 of 1998]

Exemption of successor companies from certain laws

- 7A. If the department has performed an act or has commenced with the performance thereof, including any building work, construction work or other work completed or commenced with by the department, prior to the date mentioned in section 4(1) and the provisions of any law did not apply to the department in respect of that act, building work, construction work or other

work, the provisions of that law shall likewise not apply to the successor company concerned in respect of that act, building work, construction work or other work.

[Section 7A inserted by section 13 of Act No. 129 of 1993]

**CHAPTER IB.
STAFF AND PENSION MATTERS**

[CHAPTER IB inserted by section t of Act No. 85 of 1991]

Transfer to successor company

8. (1) Any officer or employee of the department performing functions pertaining to the postal service or the telecommunications service, and who -
- (a) elects to become an employee of a successor company, shall, if he notifies the department in writing of his election prior to the applicable transfer date, notwithstanding the provisions of the Post Office Service Act and without interrupting his service, from the postal transfer date or the telecommunications transfer date, as the case may be, become an employee in a similar post in the postal company or the telecommunications company, respectively, subject to conditions of employment which shall not be less favourable than those applicable to him on the date immediately preceding the applicable transfer date;
 - (b) does not in terms of paragraph (a) elect to become an employee of a successor company, shall, notwithstanding the provisions of the Post Office Service Act, but subject to the conditions determined by the Staff Management Board referred to in section 4 of the Post Office Service Act with the concurrence of the Minister, from the postal transfer date or the telecommunications transfer date, as the case may be, be seconded to the postal company or the telecommunications company, respectively, there to perform services in a post similar to the post occupied by him in the department, but such officer or employee shall while he is so seconded remain subject to the laws governing officers and employees of the department.
- (2) If, for the purposes of subsection (1), the question arises whether any person performs functions pertaining to the postal service or the telecommunications service, such question shall be decided by the Director-General.

[Subsection (2) substituted by section 20 of Act No. 88 of 1996]

(3) If any person seconded in terms of subsection (1)(b), after the applicable transfer date elects to become an employee of the successor company to which he has been seconded, he shall, notwithstanding the provisions of the Post Office Service Act, and without interrupting his service, from a date determined by the successor company concerned after consultation with the chief actuary, become an employee of that company in a post similar to the post occupied by him while being so seconded, subject to the conditions of service of that company: Provided that where such election is made more than one year after the applicable transfer date, the successor company concerned shall not be obliged to employ such officer or employee.

(3A) Notwithstanding the proviso to subsection (3), any person referred to in the said proviso who on the date of commencement of the Post Office Second Amendment Act, 1993, has not been employed by the successor company concerned to which he has been seconded, shall, from a date determined by the Minister, become an employee of such successor company in accordance with the provisions of this section.

[Subsection (3A) inserted by section 1 of Act No. 176 of 1993]

(4) For the purposes of the provisions of the Income Tax Act, 1962 (Act No. 58 of 1962), it shall be deemed that no change of employer took place when employment is taken up at a successor company by officers and employees in terms of subsections (1) and (3) and that the position of officers and employees in respect of the phasing in of any tax levied on benefits or advantages derived by reason of employment or the holding of any office as contemplated in Schedule 7 to the Income Tax Act, 1962, shall remain unchanged.

(5) When any officer or employee of the department becomes an employee of a successor company in terms of subsection (1) or (3) -

- (a) he shall retain all vacation and sick leave which on the date immediately preceding his employment by the successor company stands to his credit with the department, including all monetary benefits attached thereto;
- (b) (i) any enquiry or other action instituted or contemplated in respect of alleged misconduct committed by such officer or employee prior to his employment by that successor company, shall be disposed of or instituted by such company and such company shall take steps against the officer or employee concerned if he is found guilty of misconduct, in terms of the laws applicable to him before such employment;
 - (ii) for the purpose of subparagraph (i) any reference in the laws contemplated in that subparagraph, to -
 - (aa) the minister, shall be construed as a reference to the chairman of the board of directors of the company concerned;
 - (bb) the Staff Management Board, shall be construed as a reference to the management board of such company;
 - (cc) the Director-General, shall be construed as a reference to the managing director of such company;
 - (dd) the department, shall be construed as a reference to the company concerned;

[Paragraph (b) substituted by section 7 of Act No. 101 of 1992]

- (c) he shall cease to be a member of any pension fund to which he was in terms of section 44 of the Post Office Service Act compelled to belong on the date immediately preceding the date of his employment by the successor company concerned, and shall have no claim against the pension fund concerned
 - (d) he shall become a member of the postal pension fund in the case of the postal company or of the telecommunications pension fund in the case of the telecommunications company as from the date of his employment by the successor company concerned;
 - (e) the pension fund referred to in paragraph © shall pay to the postal pension fund or the telecommunications pension fund, as the case may be, an amount, whether in cash or in specie, equal to the percentage funding multiplied by the actuarial liability of the fund in respect of that officer or employee on the date of his employment by the successor company concerned, plus interest thereon calculated at the bank rate from the date until the date of payment thereof, and any claim which that pension fund may have against such officer or employee shall pass to the postal pension fund or the telecommunications pension fund, as the case may be.
- (6) For the purposes of subsection (5)(e) -
- (a) the actuarial liability of a pension fund in respect of a particular liability of the fund in respect of such member or group of members of the fund as determined by the chief actuary and an actuary appointed by the Minister of National Health and Population Development;

- (b) the percentage funding of a pension fund shall be the market value of the assets of the und expressed as a percentage of the total actuarial of the fund as determined at the time of the most recent actuarial evaluation of the fund or any revision thereof made in the instructions of the Minister of National Health and Population Development;
 - (c) the bank rate shall be the rate at time to time determined in terms of section 10(2) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989).
- (7) Any staff association recognized by the Minister as contemplated in section 43(1)(b) of the Post Office Service Act immediately prior to the postal transfer date or the telecommunications transfer date, shall be recognized by the successor company concerned.

[Section 8 repealed by section 4 of Act No. 113 of 1976]

[Section 8 inserted by section 7 of Act No. 85 of 1991]

Transfer to department

- 8A.** (1) Any employee of a successor company seconded to the department as well as any other employee of a successor company may, with his consent, be transferred to the department and appointed as an officer or employee of the department, subject to such conditions of service as may be agreed upon between such employee and the Director-General, and which the Minister may approve.
- (2) When an employee of a successor company becomes an officer or employee of the department in terms of subsection (1) -
- (a) he shall cease to be a member of the telecommunications pension fund or the postal pension fund, as the case may be, to which he was compelled to belong on the date immediately preceding the date of his employment by the department, and shall have no claim against the pension fund concerned;
 - (b) he shall become a member of the Government Service Pension Fund contemplated in the Government Service Pension Act, 1973 (Act No. 57 of 1973), or the Temporary Employees Pension Fund contemplated in the Temporary Employees Pension Fund Act, 1979 (Act No. 75 of 1979), whichever is applicable, as from the date of his employment by the department;
 - (c) the pension fund concerned referred to in paragraph (a) shall pay to the Government Service Pension Fund or the Temporary Employees Pension Fund, as the case may be, an amount, whether in cash or in specie, equal to the percentage funding multiplied by the actuarial liability of the fund in respect of the employee on the date of his employment by the department, plus interest thereon calculated at the bank rate, from that date until the date of payment thereof, and any claim which that pension fund may have against such employee shall pass to the Government Service Pension Fund or the Temporary employees Pension Fund, as the case may be.
- (3) For the purposes of subsection (2)(c) -
- (a) the actuarial liability of a pension fund in respect of a particular member or group of members of the fund shall be the actuarial liability of the fund in respect of such member or group of members of the fund as determined by the actuary of the telecommunications pension fund or the postal pension fund, as the case may be, and an actuary appointed by the Minister of Finance;
 - (b) the percentage funding of a pension fund shall be the market value of the assets of the fund expressed as a percentage of the total actuarial liability of the fund as determined at the time of the most recent actuarial valuation of the fund or any revision thereof made on the instructions of the Minister of Finance;

- (c) the bank rate shall be the rate from time to time determined in terms of section 10(2) of the South African Reserve Bank Act 1989 (Act No. 90 of 1989)

[Section 8A inserted by section 2 of Act No. 176 of 1993]

Establishment of pension funds

- 9.** (1) From the date of commencement of the Post Office Amendment Act, 1991, there are hereby established a postal pension fund and a telecommunications pension fund.
(2) Both the funds referred to in subsection (1) shall be juristic persons.

[Section 9 repealed by section 4 of Act No. 113 of 1976]

[Section 9 inserted by section 7 of Act No. 85 of 1991]

Pension statutes

- 10.** (1) The control and management of the postal pension fund and the telecommunications pension fund, the condition for admission to and termination of membership of each fund, the amount and nature of contributions by members and contributions and other payments by the postal employer or the telecommunications employer, the benefits due to members and other beneficiaries, and the manner in which the statutes may be amended, shall be governed by the statutes of each fund, as the case may be.
(2) The statutes of each fund shall be published by the Minister in the Gazette and shall come into operation on the postal transfer date in the case of the postal pension fund and on the telecommunications transfer date in the case of the telecommunications pension fund.
(3) Until the date of registration of the postal pension fund and the telecommunications pension fund, as the case may be, in terms of section 10D, any amendment of the statutes of the pension fund concerned shall be subject to the approval of the Minister granted with the concurrence of the Minister of Finance.
(4) The statutes of the postal pension fund and the telecommunications pension fund shall be binding on each fund as well as the postal employer and the telecommunications employer, as the case may be, and on the members and beneficiaries of each fund.

[Section 10 repealed by section 4 of Act No. 113 of 1976]

[Section 10 inserted by section 7 of Act No. 85 of 1991]

Actuarial evaluation of pension funds

- 10A.** (1) The postal pension fund and the telecommunications pension fund shall each be valued by an actuary, appointed by the Minister within three years from the date on which the fund concerned was established, and thereafter each fund shall be valued by such actuary at intervals not exceeding three years, as the Minister may determine.
(2) The report of the actuary shall comply with the requirements of section 16(7) of the Pension Funds Act, 1956 (Act No. 24 of 1956), and shall be submitted by the actuary to the Minister and to the Minister of Finance.
(3) A copy of the report shall be submitted by the actuary to the employer concerned.
(4) In addition to complying with the requirements of section 16(7) of the Pension Funds Act, 1956, the actuary shall calculate, and mention in his report, what amounts are necessary to maintain the pension fund concerned in a sound financial position.

(5) The postal employer shall guarantee the financial obligations of the postal pension fund.

[Subsection (5) substituted by section 5(a) of Act No. 11 of 1997]

(6) The State shall guarantee the obligations of the postal employer in terms of subsection (5).

[Subsection (6) substituted by section 5(a) of Act No. 11 of 1997]

(7)(a) The guarantee of the State in terms of subsection (6) shall be limited to the difference between the amount paid in terms of section 8(5)(e) to the postal pension fund and the amount of the actuarial liability on the date of employment of an officer or employee by the postal employer, of the pension fund referred to in section 8(5)(c) in respect of those officers or employees of the department who in terms of section 8(5)(d) become members of the postal pension fund, plus interest on that amount calculated at the rate which shall subject to paragraph (c) from time to time be determined by the chief actuary.

[Paragraph (a) substituted by section 5(b) of Act No. 11 of 1997]

(b) For the purposes of paragraph (a) 'actuarial liability' shall have the meaning assigned to it in section 8(6)(a).

(c) The rate referred to in paragraph (a) shall not be less than 12 percent per annum on the outstanding balance.

(d) The guarantee of the State in terms of subsection (6) shall decrease to the extent to which the postal company pays the amounts plus interest referred to in paragraph (a) to the postal pension fund, in terms of its obligations under subsection (5) and shall be extinguished when the obligations have been fully discharged.

[Paragraph (d) substituted by section 5(b) of Act No. 11 of 1997]

[Section 10A inserted by section 7 of Act No. 85 of 1991]

Pension benefits may not be ceded, encumbered or attached

10B. (1) No pension or lump sum from a pension fund referred to in section 10, or right to such a benefit, or right in respect of contributions made by, or on behalf of, a member, may be ceded, pledged or hypothecated, or be attached or subjected to any form of execution under a judgement or order of a court of law, and in the event of the beneficiary attempting to cede, pledge or hypothecate a benefit or right thereto, payment of the benefit may be withheld, suspended or entirely discontinued by the pension fund concerned in its discretion: Provided that the pension fund concerned may, during such period as it may determine, make payment of such benefit or of any benefit in pursuance of such contributions or part thereof to one or more of the dependants of the beneficiary or to a curator for such dependant or dependants.

(2) Notwithstanding the provisions of subsection (1), the pension fund concerned may on the date of a member's retirement or the date on which he ceases to be a member of the fund, deduct –

(a) Any amount due to that fund in respect of a loan granted by that fund in terms of its statutes to a member or beneficiary, from any benefit to which the member or beneficiary is entitled in terms of such statutes;

(b) Any amount due by a member to his employer in respect of –

(i) any loan granted by the employer to such a member at his request;

(ii) any amount for which the employer is liable in terms of a guarantee furnished in respect of a loan granted by some other

- person to the member for the purchase of land or a dwelling or the erection, alteration, improvement, maintenance or repair of a dwelling for occupation by the member or a dependent of the member;
- (iii) any other written agreement between the member and the employer in respect of a study bursary, training of the member or the military service obligations of the member, from any benefit payable to the member or a beneficiary in terms of the statutes of that fund, and pay such amount to the employer concerned;
- (c) any amount which such fund or the employer has paid or will pay by an arrangement with, or on behalf of, a member or beneficiary in respect of -
- (i) such member's or beneficiary's subscription to a medical scheme registered otherwise than provisionally in terms of the Medical Schemes Act, 1967 (Act No. 72 of 1967)
- (ii) any insurance premium payable by such member or beneficiary to an insurer registered in terms of the Insurance Act, 1943 (Act No. 27 of 1943).
- From any benefit to which the member or beneficiary is entitled in terms of the statutes of that fund and pay such amount, if due, to such employer, medical scheme or insurer, as the case may be.

[Subsection (2) inserted by section 8 of Act No. 101 of 1992]

[Section 10B inserted by section 7 of Act No. 85 of 1991]

Insolvency of pensioner

- 10C.** (1) If the estate of any person in receipt of a pension from a pension fund referred to in section 9 is sequestrated or surrendered or assigned for the benefit of his creditors, payment of the pension shall forthwith be discontinued, and shall thereafter in the discretion of the pension fund concerned in whole or in part be paid to or for the benefit of all or any of the following persons, namely, the pensioner, his wife or minor child or, failing a wife or minor child, to the mother of an illegitimate child or any child, whether legitimate, adopted or illegitimate, or to any other relative dependent upon the pensioner: Provided that if the payment is made to the pensioner, it shall be for his own personal use and, notwithstanding anything to the contrary contained in any law relating to insolvency, such payment shall not in any way be attached or appropriated by the trustee of his insolvent estate or by his creditors.
- (2) If payment of a pension has been discontinued under this section, the pension shall revive on the rehabilitation of the pensioner or on the sequestration of his estate being set aside or the claims of his creditors being satisfied, and he shall receive a pension at the same rate and subject to the same conditions as before the sequestration, surrender or assignment, together with any arrears that may be due.

[Section 10C inserted by section 7 of Act No. 85 of 1991]

Registration of pension funds

- 10D.** (1) The Registrar of Pension Funds may at the request of the postal pension fund or the telecommunications pension fund register the pension fund concerned in terms of section 4 of the Pension Funds Act, 1956 (Act No. 24 of 1956), and may, for the purposes of such request, regard such pension fund as a 'pension fund organization' as defined in section 1 of the said Act.
- (2) From the date of such registration -

- (a) the whole of the Pension Funds Act, 1956, shall apply to the pension fund concerned;
- (b) the provisions of sections 10, 10A (1), (2), (3) and (4), 10B and 10C of this Act shall cease to apply to the pension fund concerned; and
- (c) the pension fund concerned shall, for the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), not be regarded as a pension fund as defined in paragraph (a) of the definition of 'pension fund' in section 1 of the said Act.

[Section 10D inserted by section 7 of Act No. 85 of 1991]

Membership of pension fund by employees of subsidiary companies

- 10E.** (1) If a successor company establishes a subsidiary company in terms of section 4(g), an employee of the successor company who is transferred or seconded to such subsidiary company, shall continue to enjoy membership of the pension fund concerned of which he was a member immediately before the date of his transfer or secondment.
- (2) Any employee employed by a subsidiary company after the date of its establishment, shall become a member of the postal pension fund or the telecommunications pension fund, as the case may be, subject to the statutes of such fund.

[Section 10E inserted by section 7 of Act No. 85 of 1991]

Postal offices, vehicles, mails etc., exempt from tolls.

11. ...

[Section 11 repealed by section 87 of Act No. 124 of 1998]

Postal officers vehicles, etc., to have precedence in public streets, etc.

12. ...

[Section 12 repealed by section 87 of Act No. 124 of 1998]

CHAPTER II. FINANCE

[CHAPTER II Heading substituted by section 5 of Act No. 113 of 1976]

Affairs of department to be administered on business principles.

12A. ...

[Section 12A inserted by section 5 of Act No. 113 of 1976]

[Section 12A repealed by section 6 of Act No. 10 of 1998]

Compensation for loss on certain services and facilities.

12B. ...

[Section 12B inserted by section 5 of Act No. 113 of 1976]

[Section 12B repealed by section 6 of Act No. 10 of 1998]

Compensation for services provided to or by other State departments or the Administration of the territory of South West Africa.

12C. ...

[Section 12C inserted by section 5 of Act No. 113 of 1976]
[Section 12C amended by section 1 of Act No. 49 of 1996]
[Section 12C repealed by section 6 of Act No. 10 of 1998]

Post Office Fund and Housing Loan Fund.

12D. ...

[Section 12D inserted by section 5 of Act No. 113 of 1976]
[Section 12D substituted by section 2 of Act No. 27 of 1983]
[Section 12D repealed by section 6 of Act No. 10 of 1998]

Post Office Account.

12E. ...

[Section 12E inserted by section 5 of Act No. 113 of 1976]
[Section 12E repealed by section 6 of Act No. 10 of 1998]

Appropriation of moneys in Fund, and estimates of expenditure and revenue.

12F. ...

[Section 12F inserted by section 5 of Act No. 113 of 1976]
[Section 12F amended by section 2 of Act No. 7 of 1986]
[Section 12F repealed by section 6 of Act No. 10 of 1998]

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

12G. ...

[Section 12G inserted by section 5 of Act No. 113 of 1976]
[Section 12G amended by section 1 of Act No. 171 of 1993]
[Section 12G repealed by section 6 of Act No. 10 of 1998]

Accounts and statements.

12H. ...

[Section 12H inserted by section 5 of Act No. 113 of 1976]
[Section 12H amended by section 3 of Act No. 27 of 1983]
[Section 12H amended by section 3 of Act No. 7 of 1986]
[Section 12H amended by section 18 of Act No. 52 of 1989]
[Section 12H repealed by section 6 of Act No. 10 of 1998]

Loans

121. (1) The Director-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 Director-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) . . .

[Subsection (3) repealed by section 3 of Act No. 21 of 1980]

(4) Agreements entered into and securities issued under this section shall be signed by the Director-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.

[Section 12I inserted by section 5 of Act No. 113 of 1976]

Provisions applicable to issues of stock.

- 12J.** (1) The public stock that the Director-General may issue in terms of section 121 (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.

[Section 12J inserted by section 5 of Act No. 113 of 1976]

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 121 or 12J.
- (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.
- (3) The Minister may either in general or in a particular case or in cases of a particular nature delegate to an office; or the holder of a post in the department, on such conditions as he may determine, any power conferred upon him by subsection (1).

[Subsection (3) inserted by section 4 of Act No. 27 of 1983]

[Section 12K inserted by section 5 of Act No. 113 of 1976]

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.

[Section 12L inserted by section 5 of Act No. 113 of 1976]

Bank overdraft.

- 12M.** The Director-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.

[Section 12M inserted by section 5 of Act No. 113 of 1976]

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.

[Section 12N inserted by section 5 of Act No. 113 of 1976]

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 shall be deemed to have been appropriated by law.

[Subsection (1) substituted by section 4 of Act No. 7 of 1986]

(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.

[Section 12O inserted by section 5 of Act No. 113 of 1976]

Opening of bank accounts.

12P. No account shall be opened on behalf of the department at the Bank without the written approval of the Director-General, and, subject to the provisions of section 12M, the Bank shall not allow such an account to be overdrawn investments.

[Section 12P inserted by section 5 of Act No. 113 of 1976]

[Section 12P substituted by section 2 of Act No. 35 of 1995]

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

12Q. (1) The Director-General may in his discretion invest on short call deposit in the Republic or in any other country any moneys held by the department.

[Subsection (1) substituted by section 5(a) of Act No. 7 of 1986]

(2)...

[Subsection (2) deleted by section 5(b) of Act No. 7 of 1986]

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

[Subsection (3) substituted by section 5(c) of Act No. 7 of 1986]

(4) The Director-General may, whenever he deems it advisable, buy, keep or negotiate any security and may repurchase and keep or negotiate any security issued by the department.

[Subsection (4) substituted by section 5(d) of Act No. 7 of 1986]

[Section 12Q inserted by section 5 of Act No. 113 of 1976]

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 or in any other manner, is or was responsible for a claim against the department, the Director-General shall determine the amount of such loss or damage or, in a case where property of the department has been lost or destroyed, the amount which has to be paid by the department for the replacement of the property, and, subject to the provisions of subsection (5), order, by notice in writing, the said person to pay to him, within thirty days from the date of such notice, the amount so determined.

[Subsection (1) amended by section 6(a) of Act No. 7 of 1986]

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

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

[Subsection (3) substituted by section 6(b) of Act No. 7 of 1986]

(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 Director-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 Director-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 Director-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 Director-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 Director-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 Director-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).

[Section 12R inserted by section 5 of Act No. 113 of 1976]

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.

[Section 12S inserted by section 5 of Act No. 113 of 1976]

Unauthorized expenditure

- 12T.** (1) Expenditure shall be unauthorized if a payment in respect thereof is made-
- (a) for a purpose or purposes for which no provision has been made in the then current Post Office Appropriation Act or the spending of which has not been authorized under section 12F(5)(b);
 - (b) in excess of the amount appropriated in the then current Post Office Appropriation Act for the purpose or purposes for which the expenditure has been incurred, and for which excess no approval or authority in terms of section 12F(3) or 12F(5)(a), as the case may be, has been granted; and
 - (c) in respect of which an appropriation authority required in terms of the provisions of this Act or any other law, cannot be submitted by the Director-General to the Auditor-General.
- (2) Unauthorized expenditure referred to in subsection (1) shall not form a charge against the Fund until -
- (a) in the case of paragraphs (a) and (b) of that subsection the expenditure concerned has been authorized by law; or
 - (b) in the case of paragraph (c) of that subsection, the expenditure concerned has been validated by law.
- (3) Unauthorized expenditure which has not been authorized or validated as contemplated in subsection (2), shall be recovered from the Director-General if he cannot or is unwilling to recover the amount concerned from the beneficiary or the person responsible for the unauthorized expenditure.

[Section 12T inserted by section 18 of Act No. 52 of 1989]

Loans to postal company and telecommunications company

- 12U.** (1) The State shall be deemed, with effect from the postal transfer date, to have lent and advanced to the postal company the amounts which the State owes in terms of excluded commitments entered into by the Director-General in terms of this Act and which pertain to or are connected with the conduct of the postal service by the department.
- (2) The State shall be deemed with effect from the telecommunications transfer date to have lent and advanced to the telecommunications company

the amounts which the State owes in terms of excluded commitments entered into by the Director-General in terms of this Act and which pertain to or are connected with the conduct of the telecommunications service by the department.

(3) The amounts owing to the State by the postal company and the telecommunications company, respectively, in terms of the excluded commitments contemplated in subsections (1) and (2), shall bear interest at the rate at which, and shall be repaid to the State within the period for which, the department borrowed the money in terms of the agreement concerned.

(4) For the purposes of the transfer by the department to the postal company and the telecommunications company of the loans made to the department by the State in terms of the Exchequer Act, 1975 (Act No. 66 of 1975)-

- (a) the amount described in section 28 of the Exchequer Act, 1975, as permanent capital, shall notwithstanding the provisions of the said section be deemed to be a loan made by the State to the department which shall be converted on the transfer date concerned into ordinary shares held by the State in the successor company concerned: Provided that the nominal value and any premium payable in respect of the shares so issued shall be determined by the Minister with the concurrence of the Minister of Finance and shall in the aggregate be equal to the total amount of the permanent capital;
- (b) the department shall to the extent of such transfer be released from any debt or obligation to the State in respect of such loans.

(5)...

[Subsection (5) deleted by section 9 of Act No. 101 of 1992]

(6) The Minister shall deal with the excluded commitments with the concurrence of the Minister of Finance.

[Section 12U inserted by section 9 of Act No. 85 of 1991]

Submission of statements

12V. The Minister shall within three months after the end of the financial year of each successor company lay upon the Table in Parliament the audited annual financial statements of the company, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ordinary session.

[Section 12V inserted by section 9 of Act No. 85 of 1991]

Financial instruments

12W. (1) Subject to the provisions of subsections (2) and (3) and notwithstanding anything to the contrary contained in the Companies Act, the postal company and the telecommunications company may, for as long as the majority of their issued equity shares are held by the State, issue stock, securities, bills, promissory notes, debentures, debenture stock, obligations or other financial instruments as proof of a loan of money and may negotiate or have them listed in the same manner and on the same financial markets or on the same stock exchange as is customary in the case of similar financial instruments issued by the State.

[Subsection (1) substituted by section 3 of Act No. 53 of 1997]

[Subsection (1) substituted by section 85 of Act No. 124 of 1998]

(2) Financial instruments referred to in subsection (1) shall only be issued with the approval of the Minister.

[Subsection (2) substituted by section 3 of Act No. 35 of 1995]

(3) Any financial instruments issued by a successor company before the commencement of this section and which purported to be public stock or bonds issued by the Director-General in terms of section 12I(1)(b), shall be deemed to be financial instruments issued by the company concerned in terms of subsection (1).

(4) Public stock or bonds which immediately prior to the deletion of section 12U(5) by the Posts and Telecommunications Acts Amendment Act, 1992, were in terms of the said provision deemed to be debentures issued by the successor company concerned, shall be deemed to be financial instruments issued by the company concerned in terms of subsection (1).

(5) The provisions of the Companies Act in respect of debentures shall, subject to subsection (8), not apply to financial instruments referred to in subsections (1), (3) and (4).

(6) A successor company may engage in commercial transactions of whatever nature, including repurchase agreements, in respect of its own financial instruments and similar financial instruments issued by the State or other institutions.

(7) A successor company shall, as far as possible, keep a register of all financial instruments referred to in subsections (1), (3) and (4).

(8) Stock referred to in subsections (1), (3) and (4) may be transferred by means of a securities transfer form in the manner referred to in section 135 of the Companies Act, and the stock certificate issued by the successor company concerned in respect of such transfer shall be *prima facie* evidence of the right to such stock of the person named therein as the holder of such stock.

(9) No levy, tax, stamp duty, fees or other costs of whatever nature shall be payable in respect of the issue or transfer of any financial instrument referred to in subsections (1), (3) and (4).

(10) No provision of this section shall be construed as derogating from the powers of a successor company in terms of its memorandum of association or its articles and under the provisions of the Companies Act, to issue, negotiate or list any financial instrument as proof of the loan of money.

[Section 12W inserted by section 10 of Act No. 101 of 1992]

CHAPTER III POSTS.

[CHAPTER III substituted by section 6 of Act No. 113 of 1976]

Rates of postage.

13. ...

[Section 13 substituted by section 10 of Act No. 85 of 1991]
[Section 13 repealed by section 87 of Act No. 124 of 1998]

Transmission without payment.

14. ...

[Section 14 repealed by section 8 of Act No. 113 of 1976]

Petitions to Governor-General and Parliament exempt from postage.

15. ...

[Section 15 repealed by section 11 of Act No. 85 of 1991]

Definition of newspaper and supplement thereto.

16. ...

[Section 16 repealed by section 4 of Act No. 56 of 1973]

Registration of newspapers with Director-General.

17. ...

[Section 17 substituted by section 5 of Act No. 56 of 1973]
[Section 17 repealed by section 4 of Act No. 37 of 1984]

Newspapers published outside Union.

18. ...

[Section 18 repealed by section 6 of Act No. 56 of 1973]

Letters to have precedence over other articles in certain circumstances.

19. ...

[Section 19 substituted by section 12 of Act No. 85 of 1991]
[Section 19 repealed by section 87 of Act No. 124 of 1998]

Registration of postal articles.

20. ...

[Section 20 repealed by section 8 of Act No. 113 of 1976]

Insurance of postal articles.

21. ...

[Section 21 repealed by section 8 of Act No. 113 of 1976]

When postal articles deemed to be in course of transmission, or to be posted or delivered.

22. ...

[Section 22 amended by section 75 of Act No. 85 of 1991]
[Section 22 repealed by section 87 of Act No. 124 of 1998]

Redirection and interception of postal articles.

23. ...

[Section 23 repealed by section 8 of Act No. 113 of 1976]

Articles deemed to be posted in contravention of Act.

24. ...

[Section 24 repealed by section 87 of Act No. 124 of 1998]

Articles to be sent by postmasters to returned letter office for disposal.

25. ...

[Section 25 substituted by section 7 of Act No. 56 of 1973]
[Section 25 amended by section 13 of Act No. 85 of 1991]
[Section 25 amended by section 75(b) of Act No. 85 of 1991]
[Section 25 repealed by section 87 of Act No. 124 of 1998]

Articles subject to customs duty.

26. ...

[Section 26 substituted by section 14 of Act No. 85 of 1991]
[Section 26 repealed by section 87 of Act No. 124 of 1998]

Articles other than letters may be opened for examination.

27. ...

[Section 27 amended by section 75 of Act No. 85 of 1991]
[Section 27 amended by section 21 of Act No. 88 of 1996]
[Section 27 repealed by section 87 of Act No. 124 of 1998]

Treatment of unclaimed letters in returned letter office.

28. ...

[Section 28 amended by section 8 of Act No. 56 of 1973]
[Section 28 amended by section 15 of Act No. 85 of 1991]
[Section 28 amended by section 75 of Act No. 85 of 1991]
[Section 28 repealed by section 87 of Act No. 124 of 1998]

Unclaimed articles of value and articles posted in contravention of Act.

29. ...

[Section 29 amended by Section 21 of Act No. 26 of 1963]
[Section 29 amended by Section 48 of Act No. 42 of 1974]
[Section 29 amended by section 75(b) of Act No. 85 of 1991]
[Section 29 amended by Section 33 of Act No. 65 of 1996]
[Section 29 repealed by section 87 of Act No. 124 of 1998]

Sender of undelivered article liable for all charges due thereon.

30. ...

[Section 30 amended by section 16 of Act No. 85 of 1991]
[Section 30 repealed by section 87 of Act No. 124 of 1998]

Delay in transmission, return to sender or delivery to other than addressee of article prohibited.

31. ...

[Section 31 amended by section 75(b) of Act No. 85 of 1991]
[Section 31 repealed by section 87 of Act No. 124 of 1998]

Undelivered articles of no value and newspapers may be destroyed.

32. ...

[Section 32 repealed by section 9 of Act No. 56 of 1973]

Articles addressed to insolvent persons.

33. ...

[Section 33 amended by section 75(b) of Act No. 85 of 1991]

[Section 33 amended by section 75(c) of Act No. 85 of 1991]

[Section 33 repealed by section 87 of Act No. 124 of 1998]

Articles addressed to deceased persons.

34. ...

[Section 34 repealed by section 87 of Act No. 124 of 1998]

Articles addressed to persons conducting a lottery or sports pool or dealing in indecent or obscene matter.

35. ...

[Section 35 substituted by article 13 of Act No. 51 of 1965]

[Section 35 amended by section 75(b) of Act No. 85 of 1991]

[Section 35 substituted by article 68 of Act No. 57 of 1997]

[Section 35 repealed by section 87 of Act No. 124 of 1998]

Notice of departure of vessel.

36. ...

[Section 36 substituted by section 9 of Act No. 113 of 1976]

[Section 36 amended by section 17 of Act No. 85 of 1991]

[Section 36 amended by section 75 of Act No. 85 of 1991]

[Section 36 repealed by section 87 of Act No. 124 of 1998]

Masters of vessels to convey mail tendered to them.

37. ...

[Section 37 substituted by section 10 of Act No. 113 of 1976]

[Section 37 amended by section 75(b) of Act No. 85 of 1991]

[Section 37 repealed by section 87 of Act No. 124 of 1998]

Masters of certain vessels to provide facilities for the handling of postal articles.

38. ...

[Section 38 substituted by section 11 of Act No. 113 of 1976]

[Section 38 amended by section 75(b) of Act No. 85 of 1991]

[Section 38 repealed by section 87 of Act No. 124 of 1998]

Payment for conveyance of mails by non-contract vessels.

39. ...

[Section 39 amended by section 75(d) of Act No. 85 of 1991]
[Section 39 repealed by section 87 of Act No. 124 of 1998]

Custody of mails on board vessels.

40. ...

[Section 40 amended by section 18 of Act No. 85 of 1991]
[Section 40 amended by section 75(d) of Act No. 85 of 1991]
[Section 40 repealed by section 87 of Act No. 124 of 1998]

Mails and gratuity to be returned if vessel does not depart according to notice given.

41. ...

[[Section 41 amended by section 19 of Act No. 85 of 1991]
[Section 41 repealed by section 87 of Act No. 124 of 1998]

Letters arriving by vessel to be delivered to post office by master.

42. ...

[Section 42 amended by section 75(b) of Act No. 85 of 1991]
[Section 42 amended by section 75(d) of Act No. 85 of 1991]
[Section 42 repealed by section 87 of Act No. 124 of 1998]

Declaration to be made by masters on arrival of mails.

43. ...

[Section 43 amended by section 12 of Act No. 113 of 1976]
[Section 43 amended by section 20 of Act No. 85 of 1991]
[Section 43 amended by section 75(b) of Act No. 85 of 1991]
[Section 43 repealed by section 87 of Act No. 124 of 1998]

Penalty for retention by any person on board a vessel of letter which should have been delivered to post office.

44. ...

[Section 44 amended by section 21 of Act No. 85 of 1991]
[Section 44 amended by section 75(b) of Act No. 85 of 1991]
[Section 44 repealed by section 87 of Act No. 124 of 1998]

Vessels not to report, etc., until declaration signed by master.

45. ...

[Section 45 repealed by section 87 of Act No. 124 of 1998]

Exemptions.

45A. ...

[Section 45A inserted by section 13 of Act No. 113 of 1976]
[Section 45A amended by section 75(b) of Act No. 85 of 1991]
[Section 45A repealed by section 87 of Act No. 124 of 1998]

**CHAPTER IV.
MONEY TRANSFER SERVICE.**

[CHAPTER IV substituted by section 14 of Act No. 113 of 1976]

Remittance of money through postal company.

46. ...

[Section 46 substituted by section 22 of Act No. 85 of 1991]
[Section 46 repealed by section 87 of Act No. 124 of 1998]

Postal company may refuse to issue or pay money orders, postal orders, etc., to certain persons.

47. ...

[Section 47 substituted by section 23 of Act No. 85 of 1991]
[Section 47 repealed by section 87 of Act No. 124 of 1998]

Collection of money through department.

48. ...

[Section 48 repealed by section 15 of Act No. 113 of 1976]

Manner of making demand for money to be collected through department.

49. ...

[Section 49 repealed by section 15 of Act No. 113 of 1976]

Presentation of prescribed document for collection of money to be of same force as legal demand.

50. ...

[Section 50 repealed by section 15 of Act No. 113 of 1976]

Money orders etc., to be deemed bank notes, etc., in case of forgery or theft, and un-issued postal orders deemed money of postal company.

51. ...

[Section 51 amended by section 16 of Act No. 113 of 1976]
[Section 51 substituted by section 24 of Act No. 85 of 1991]
[Section 51 repealed by section 87 of Act No. 124 of 1998]

**CHAPTER V.
POST OFFICE SAVINGS BANK AND NATIONAL SAVINGS CERTIFICATES.**

[CHAPTER IV Heading substituted by section 2 of Act No. 13 of 1974]

[CHAPTER substituted by section 17 of Act No. 113 of 1976]

Establishment of Post Office Savings Bank.

52. ...

[Section 52 substituted by section 5 of Act No. 37 of 1984]

[Section 52 substituted by section 25 of Act No. 85 of 1991]

[Section 52 repealed by section 87 of Act No. 124 of 1998]

Limits of deposits.

53. ...

[Section 53 substituted by section 18 of Act No. 113 of 1976]

[Section 53 repealed by section 6 of Act No. 37 of 1984]

Deposits in Post Office Savings Bank or National Savings Certificates in name of minor or married women.

54. ...

[Section 54 substituted by section 3 of Act No. 13 of 1974]

[Section 54 substituted by section 7 of Act No. 37 of 1984]

[Section 54 repealed by section 87 of Act No. 124 of 1998]

Deposits by certain societies.

55. ...

[Section 55 repealed by section 19 of Act No. 113 of 1976]

Interests.

56. ...

[Section 56 substituted by section 10 of Act No. 56 of 1973]

[Section 56 substituted by section 4 of Act No. 13 of 1974]

[Section 56 substituted by section 20 of Act No. 113 of 1976]

[Section 56 repealed by section 8 of Act No. 37 of 1984]

Repayment of deposits.

57. ...

[Section 57 substituted by section 21 of Act No. 113 of 1976]

[Section 57 substituted by section 3 of Act No. 1 of 1978]

[Section 57 repealed by section 9 of Act No. 37 of 1984]

Trust deposits and investments in National Savings Certificates.

58. ...

[Section 58 substituted by section 22 of Act No. 113 of 1976]

[Section 58 repealed by section 10 of Act No. 37 of 1984]

Special trust account.

58A. ...

[Section 58A inserted by section 5 of Act No. 1 of 1978]
[Section 58A repealed by section 11 of Act No. 37 of 1984]

Repayments in event of depositor or trustee becoming insane.

59. ...

[Section 59 repealed by section 12 of Act No. 37 of 1984]

Repayment in event of death of trustee or person on whose behalf amount was deposited.

60. ...

[Section 60 repealed by section 12 of Act No. 37 of 1984]

Method of dealing with deposits incase of depositor 's death.

61. ...

[Section 61 repealed by section 12 of Act No. 37 of 1984]

Payment of deposits to representatives of illegitimate depositors.

62. ...

[Section 62 repealed by section 12 of Act No. 37 of 1984]

Account of deposits distributed under section 59, 61 or 62 to be forwarded to the master.

63. ...

[Section 63 repealed by section 12 of Act No. 37 of 1984]

Settlement of certain disputes in regard to deposits.

64. ...

[Section 64 repealed by section 26 of Act No. 85 of 1991]

Secrecy.

65. ...

[Section 65 substituted by section 5 of Act No. 13 of 1974]
[Section 65 substituted by section 13(a) of Act No. 37 of 1984]
[Section 65 substituted by section 27 of Act No. 85 of 1991]
[Section 65 repealed by section 87 of Act No. 124 of 1998]

Accounts of deposits to be kept and moneys paid to Public Debt Commissioners for investment.

66. ...

[Section 66 repealed by section 6 of Act No. 13 of 1974]

Balance sheet, accounts and other statements of Savings Bank

67. ...

[Section 67 substituted by section 7 of Act No. 13 of 1974]
[Section 67 repealed by section 23 of Act No. 113 of 1976]

Expenses of working bank to be paid out money provided by Parliament.

68. ...

[Section 68 repealed by section 8 of Act No. 13 of 1974]

Amounts standing to credit of any depositor may be paid into revenue if no deposit or withdrawal made during period of fifteen years.

69. ...

[Section 69 amended by section 19 of Act No. 80 of 1959]
[Section 69 amended by section 15 of Act No. 76 of 1961]
[Section 69 substituted by section 9 of Act No. 102 of 1969]
[Section 69 repealed by section 9 of Act No. 13 of 1974]

Transfer of deposits from or to another country.

70. ...

[Section 70 substituted by section 24 of Act No. 113 of 1976]
[Section 70 amended by section 14 of Act No. 37 of 1984]
[Section 70 substituted by section 28 of Act No. 85 of 1991]
[Section 70 repealed by section 87 of Act No. 124 of 1998]

Deposits to have security of revenue.

71. ...

[Section 71 repealed by section 10 of Act No. 13 of 1974]

Savings Bank certificates.

72. ...

[Section 72 substituted by section 11 of Act No. 56 of 1973]
[Section 72 substituted by section 25 of Act No. 113 of 1976]
[Section 72 repealed by section 15 of Act No. 37 of 1984]

Certificates may only be issued to depositors in Savings Bank and not to be transferable

73. ...

[Section 73 repealed by section 26 of Act No. 113 of 1976]

Fee in respect of each certificate.

74. ...

[Section 74 repealed by section 26 of Act No. 113 of 1976]

Certificates to be signed by responsible officer and countersigned by the Director-General

75. ...

[Section 75 repealed by section 26 of Act No. 113 of 1976]

Interest on Savings Bank certificates

76. ...

[Section 76 substituted by section 13 of Act No. 56 of 1973]

[Section 76 substituted by section 11 of Act No. 13 of 1974]

[Section 73 repealed by section 26 of Act No. 113 of 1976]

Inactive accounts

76A. ...

[Section 76A inserted by section 27 of Act No. 113 of 1976]

[Section 76A amended by section 75(b) of Act No. 85 of 1991]

[Section 76A substituted by section 11 of Act No. 101 of 1992]

[Section 76A repealed by section 87 of Act No. 124 of 1998]

Savings Bank certificates repayable on notice.

77. ...

[Section 77 substituted by section 12 of Act No. 13 of 1974]

[Section 77 repealed by section 28 of Act No. 113 of 1976]

Issue of National Savings Certificates.

77A. ...

[Section 77A inserted by section 13 of Act No. 13 of 1974]

[Section 77A amended by section 1 of Act No. 75 of 1981]

[Section 77A amended by section 16 of Act No. 37 of 1984]

[Section 77A amended by section 75(b) of Act No. 85 of 1991]

[Section 77A repealed by section 87 of Act No. 124 of 1998]

Regulations as to National Savings Certificates.

77B. ...

[Section 77B inserted by section 13 of Act No. 13 of 1974]

[Section 77B amended by sections 29 of Act No. 113 of 1976]

[Section 77B amended by section 2 of Act No. 75 of 1981]

[Section 77B amended by section 7 of Act No. 27 of 1983]

[Section 77B amended by section 17 of Act No. 37 of 1984]

[Section 77B repealed by section 87 of Act No. 124 of 1998]

Security for repayment of certain deposits and of amounts represented by certain certificates.

77C. ...

[Section 77C inserted by section 13 of Act No. 13 of 1974]
[Section 77C substituted by section 30 of Act No. 85 of 1991]
[Section 77C repealed by section 87 of Act No. 124 of 1998]

Appropriation of repayments of deposits in Post Office Savings Bank and amounts represented by National Savings Certificates.

77D. ...

[Section 77D inserted by section 13 of Act No. 13 of 1974]
[Section 77D substituted by section 30 of Act No. 113 of 1976]
[Section 77D substituted by section 18 of Act No. 37 of 1984]
[Section 77D repealed by section 31 of Act No. 85 of 1991]

Regulations regarding Post Office Savings Bank.

77E. ...

[Section 77E inserted by section 31 of Act No. 113 of 1976]
[Section 77E substituted by section 19 of Act No. 37 of 1984]
[Section 77E repealed by section 32 of Act No. 85 of 1991]

Loans made from funds of Post Office Savings Bank

77F. ...

[Section 77F inserted by section 33 of Act No. 85 of 1991]
[Section 77F repealed by section 87 of Act No. 124 of 1998]

**CHAPTER VI.
TELECOMMUNICATIONS.**

[CHAPTER substituted by section 32 of Act No. 113 of 1976]

Telecommunications company to have exclusive privilege in respect of telecommunications.

78. ...

[Section 78 substituted by section 33 of Act No. 113 of 1976]
[Section 78 substituted by section 34 of Act No. 85 of 1991]
[Section 78 repealed by section 106 of Act No. 103 of 1996]

Director-General may take over private lines after notice.

79. ...

[Section 79 substituted by section 32 of Act No. 55 of 1965]
[Section 79 substituted by section 43 of Act No. 63 of 1975]
[Section 79 substituted by section 35 of Act No. 85 of 1991]
[Section 79 repealed by section 107 of Act No. 103 of 1996]

Right of entry and to construct lines across any lands, etc.

80. ...

[Section 80 substituted by section 4 of Act No. 80 of 1965]
[Section 80 substituted by section 36 of Act No. 85 of 1991]
[Section 80 repealed by section 108 of Act No. 103 of 1996]

Facilities for installation of telecommunications equipment to be installed in buildings

80A. ...

[Section 80A inserted by section 14 of Act No. 56 of 1973]
[Section 80A amended by section 75(c) of Act No. 85 of 1991]
[Section 80A repealed by section 109 of Act No. 103 of 1996]

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

80B. ...

[Section 80B inserted by section 14 of Act No. 56 of 1973]
[Section 80B amended by section 75(c) of Act No. 85 of 1991]
[Section 80B repealed by section 109 of Act No. 103 of 1996]

Lines may be laid under streets, etc.

81. ...

[Section 81 substituted by section 37 of Act No. 85 of 1991]
[Section 81 repealed by section 110 of Act No. 103 of 1996]

Compensation for injury to property.

82. ...

[Section 82 amended by section 33 of Act No. 55 of 1965.]
[Section 82 amended by section 44 of Act No. 63 of 1975]
[Section 82 amended by section 75(c) of Act No. 85 of 1991]
[Section 82 repealed by section 111 of Act No. 103 of 1996]

Removal of lines at request of local authority or other person.

83. ...

[Section 83 amended by section 1 of Act No. 50 of 1962]
[Section 83 amended by section 5 of Act No. 80 of 1965]
[Section 83 amended by section 21 of Act No. 80 of 1971]
[Section 83 amended by section 15 of Act No. 56 of 1973]
[Section 83 amended by section 75(c) of Act No. 85 of 1991]
[Section 83 repealed by section 112 of Act No. 103 of 1996]

Gates in fences.

84. ...

[Section 84 substituted by section 38 of Act No. 85 of 1991]
[Section 84 repealed by section 113 of Act No. 103 of 1996]

Animals to be allowed grazing and water.

85. ...

[Section 85 repealed by section 39 of Act No. 85 of 1991]

Trees obstructing telecommunications lines.

86. ...

[Section 86 amended by section 75(c) of Act No. 85 of 1991]

[Section 86 repealed by section 114 of Act No. 103 of 1996]

Height or depth of lines.

87. ...

[Section 87 amended by section 75(c) of Act No. 85 of 1991]

[Section 87 repealed by section 114 of Act No. 103 of 1996]

Person establishing electrical works to certain requirements of telecommunications company

88. ...

[Section 88 substituted by section 40 of Act No. 85 of 1991]

[Section 88 repealed by section 115 of Act No. 103 of 1996]

Order of transmission of telegrams.

89. (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 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 by the telecommunications company: 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.

[Subsection (1) substituted by section 34 of Act No. 113 of 1976]

[Subsection (1) amended by section 41(a) of Act No. 85 of 1991]

(2) Any officer who wilfully offends against the provisions of this section shall be guilty of an 'offence and liable on conviction to a fine not exceeding R2000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection (2) amended by section 41(b) of Act No. 85 of 1991]

Telegrams which may be refused transmission.

90. Any telegram which in the opinion of the postal company or the telecommunications company contains anything in its contents, address or signature of a blasphemous, indecent, obscene, offensive or libellous nature or anything repugnant to law or decency, shall be refused transmission.

[Section 90 substituted by section 42 of Act No. 85 of 1991]

Exercise by other persons of powers transferred to successor company

- 90A. ...

[Section 90A inserted by section 43 of Act No. 85 of 1991]
[Section 90A amended by section 14 of Act No. 129 of 1993]
[Section 90A repealed by section 116 of Act No. 103 of 1996]
[Section 90A repealed by section 87 of Act No. 124 of 1998]

**CHAPTER VII.
OFFENCES AND PENALTIES.**

[CHAPTER substituted by section 35 of Act No. 113 of 1976]

Forging etc. of stamps, dies, etc.

91. ...

[Section 91 substituted by section 44 of Act No. 85 of 1991]
[Section 91 repealed by section 87 of Act No. 124 of 1998]

Removing marks from stamps, etc., with intent to defraud.

92. ...

[Section 92 amended by section 45 of Act No. 85 of 1991]
[Section 92 repealed by section 87 of Act No. 124 of 1998]

Negligence or intoxication while in charge of mail, false report of assault, and irregularly receiving, conveying, or delivering of postal articles.

93. ...

[Section 93 amended by section 46 of Act No. 85 of 1991]
[Section 93 repealed by section 87 of Act No. 124 of 1998]

Fraudulent, injurious and offensive practices in connection with postal articles and premises.

94. ...

[Section 94 amended by section 47 of Act No. 85 of 1991]
[Section 94 repealed by section 87 of Act No. 124 of 1998]

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. ...

[Section 95 substituted by section 37 of Act No. 113 of 1976]

[Section 95 amended by section 48 of Act No. 85 of 1991]

[Section 95 repealed by section 87 of Act No. 124 of 1998]

Irregular opening of or tampering with mail or irregular destruction, secretion or opening of postal articles.

96. ...

[Section 96 substituted by section 38 of Act No. 113 of 1976]

[Section 96 amended by section 49 of Act No. 85 of 1991]

[Section 96 repealed by section 87 of Act No. 124 of 1998]

Wilfully obstructing or delaying mail.

97. ...

[Section 97 amended by section 50 of Act No. 85 of 1991]

[Section 97 repealed by section 87 of Act No. 124 of 1998]

Wilful opening or delay by any person other than officer of postal article or telegram addressed to another person.

98. ...

[Section 98 amended by section 51 of Act No. 85 of 1991]

[Section 98 repealed by section 87 of Act No. 124 of 1998]

Unauthorized use of words 'Post Office', 'mail', 'yellow page directory', 'telex directory', 'telephone directory', etc.

99. Any person who without the authority of the postal company or telecommunications company, as the case may be (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 postal company or telecommunications company, shall be guilty of an offence and liable on conviction to a fine not exceeding R2000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

[Section 99 substituted by section 16 of Act No. 56 of 1973]

[Section 99 amended by section 52 of Act No. 85 of 1991]

Unauthorized entry of premises, obstruction of course of business, and refusal to comply with regulations issued by Director-General.

100. ...

[Section 100 repealed by section 53 of Act No. 85 of 1991]

Fraudulent issue of documents or presentation or sending of communications.

101. ...

[Section 101 substituted by section 40 of Act No. 113 of 1976]

[Section 101 amended by section 54 of Act No. 85 of 1991]

[Section 101 amended by section 75(b) of Act No. 85 of 1991]

[Section 101 repealed by section 87 of Act No. 124 of 1998]

Personating officers of the department, postal company or telecommunications company with fraudulent intent.

102. Any person who with fraudulent intent personates or represents himself to be an officer of the department or the postal company or telecommunications company, shall be guilty of an offence and liable on conviction to a fine not exceeding R4000 or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

[Section 101 substituted by section 55 of Act No. 85 of 1991]

False declarations.

103. Any person who in any declaration prescribed by this Act makes a false statement knowing the same to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding R4000.

[Section 103 amended by section 56 of Act No. 85 of 1991]

Theft, destruction, forging or alteration of telegrams.

104. ...

[Section 104 amended by section 57 of Act No. 85 of 1991]

[Section 104 amended by section 75 of Act No. 85 of 1991]

[Section 104 repealed by section 87 of Act No. 124 of 1998]

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 -

(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, mis-times, 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 R4000 or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

[Section 105 substituted by section 41 of Act No. 113 of 1976]

[Section 105 amended by section 58 of Act No. 85 of 1991]

Erection of telecommunications lines without authority.

106. ...

[Section 106 substituted by section 59 of Act No. 85 of 1991]

[Section 106 repealed by section 117 of Act No. 103 of 1996]

Injury to telecommunications lines, etc., and arrest of offenders.

- 107.** Any person who wilfully or maliciously destroys, injures or removes any telecommunications 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 telecommunications line or call office cabinet, or any part thereof, without the authority of the telecommunications company, 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 R4000 or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment, without prejudice to any right the telecommunications company 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.

[Section 107 substituted by section 6 of Act No. 80 of 1965]

[Section 107 amended by section 60 of Act No. 85 of 1991]

[Section 107 amended by section 75(c) of Act No. 85 of 1991]

Accidental or negligent injury to telecommunications 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 telecommunications line or call office cabinet of the department, shall be liable to pay to the Postmaster cabinets. 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 R500: Provided that in any case where in the opinion of the telecommunications company 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.

[Section 108 substituted by section 7 of Act No. 80 of 1965]
 [Section 108 substituted by section 17 of Act No. 56 of 1973]
 [Section 108 amended by section 61 of Act No. 85 of 1991]
 [Section 108 amended by section 75(c) of Act No. 85 of 1991]

Attempting to commit or procuring commission of offences.

- 109.** Any person who attempts to commit any offence under this Act or solicits or authorizes or endeavours to employ, cause, procure, aid, abet, incite or counsel any other person to do any thing the doing whereof is an offence under this Act, shall be guilty of an offence and liable to the same punishment as if he actually committed the offence.

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 R2000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section 110 substituted by section 42 of Act No. 113 of 1976]
 [Section 110 amended by section 62 of Act No. 85 of 1991]

Director-General may settle certain cases.

- 111.** ...

[Section 111 substituted by section 43 of Act No. 113 of 1976]
 [Section 111 repealed by section 63 of Act No. 85 of 1991]

In criminal proceedings, etc., property in postal articles, moneys, money orders, etc., may be laid in postal company or telecommunications company

- 112.** In any information or complaint as to or any prosecution for any crime or any offence committed in respect of the postal company or telecommunications company 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 postal company or telecommunications company, as the case may be, or with respect to any act, deed, matter or thing which has been done or committed with any malicious, injurious or fraudulent intent relating to or concerning the postal company or telecommunications company, as the case may be, or any such mail, telegram, telecommunications line, property, moneys, money order, postal order or other document, it shall be sufficient –
- (a) to allege that any such mail, telegram, property, moneys, money order, postal order or other document belongs to or is in the lawful possession of the postal company or telecommunications company, as the case may be, and to put in the same in evidence, and it shall not be necessary to allege or prove the same to be of any value;
 - (b) to allege that any such act, deed, matter or thing was done or committed with intent to injure or defraud the postal company or

- telecommunications company, as the case may be, without setting forth its or any other name, addition or description whatsoever; and
- (c) if the offender be an officer, to allege that the offender was an officer of the postal company or telecommunications company, as the case may be, at the time of the committing of the offence without stating the nature or particulars of his employment.

[Section 112 amended by section 44 of Act No. 113 of 1976]

[Section 112 substituted by section 64 of Act No. 85 of 1991]

Evidence: acceptance of official marks.

113. ...

[Section 113 repealed by section 87 of Act No. 124 of 1998]

Deputy may appear for Director-General.

114. The Director-General may depute any officer to appear on his behalf in any inferior court either as defendant or for any purpose other than as prosecutor, and his authority in writing to that effect shall be good and sufficient in law.

**CHAPTER VIII
MISCELLANEOUS.**

[CHAPTER substituted by section 45 of Act No. 113 of 1976]

Non-liability of postal company and telecommunications company.

115. Save as is otherwise provided in this Act or any other law, the postal company or telecommunications company, as the case may be, or any officer or 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 or she is obliged to convey, in terms of this Act or any other law or any employee of a mail carrier shall not be liable 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 postal company or telecommunications company, as the case may be, 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 postal company or telecommunications company, as the case may be, from liability for damage or loss caused to any person by reason of fraud on the part of an officer in relation to his or her 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 or her duties.

[Section 115 substituted by section 8 of Act 80 of 1965]

[Section 115 substituted by section 65 of Act No. 85 of 1991]

[Section 115 substituted by section 22 of Act No. 88 of 1996]

[Section 115 substituted by section 86 of Act No. 124 of 1998]

Director-General may in certain cases pay compensation.

115bis ...

[Section 115bis inserted by section 9 of Act 80 of 1965]
[Section 115bis amended by section 46 of Act No. 113 of 1976]
[Section 115bis substituted by section 66 of Act No. 85 of 1991]
[Section 115bis repealed by section 87 of Act No. 124 of 1998]

Application of Act

116. This Act shall apply throughout the Republic.

[Section 116 substituted by section 47 of Act No. 113 of 1976]
[Section 116 amended by section 75(b) of Act No. 85 of 1991]
[Section 116 inserted by section 7 of Act No. 5 of 1996]

Moneys forming part of revenue of department.

117. ...

[Section 117 amended by section 37 of Act No. 67 of 1968]
[Section 117 substituted by section 14 of Act No. 13 of 1974]
[Section 117 repealed by section 48 of Act No. 113 of 1976]

Detention of postal articles and telegrams suspected of being concerned with offences and action to be taken in connection therewith.

118. ...

[Section 118 substituted by article 13 of Act No. 37 of 1963]
[Section 118 substituted by section 68 of Act No. 85 of 1991]
[Section 118 repealed by section 87 of Act No. 124 of 1998]

Interception of postal article, telegram or communication by telephone in the interests of State security.

118A. ...

[Section 118A inserted by section 1 of Act No. 101 of 1972]
[Section 118A amended by section 1 of Act No. 80 of 1982]
[Section 118A amended by section 69 of Act No. 85 of 1991]
[Section 118A repealed by section 9 of Act No. 127 of 1993]

Imprisonment where fine is not paid.

119. The court which has imposed a fine upon any person convicted of an offence under this Act in respect of which no period of imprisonment is expressly prescribed in default of payment of the fine, may, if the fine is not paid forthwith, sentence the person convicted to imprisonment for a period not exceeding six months, unless the fine be sooner paid.

Regulations by Minister

- 119A.** The Minister may make regulations with regard to -
- (a) Any matter which shall or may be prescribed by him under this Act; and
 - (b) In general, any matter which he deems necessary or expedient in order to achieve the objects of this Act.
 - (c) conferring upon and assigning to the Director-General as accounting officer of the department, powers, duties and responsibilities additional to the powers, duties and responsibilities conferred upon or assigned to the Director-General by this Act;

[Section 119A inserted by section 49 of Act No. 113 of 1976]

[Section 119A substituted by section 70 of Act No. 85 of 1991]

Instructions by Director-General.

- 119B.** The Director-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.

[Section 119B inserted by section 49 of Act No. 113 of 1976]

Regulation of manner of export of unwrought gold, etc.

- 120.** ...

[Section 120 repealed by section 72 of Act No. 85 of 1991]

Annual reports.

- 120A.** As soon as is practicable after 31 March of each year, the Postmaster General shall frame a report upon the activities of the department during the year which ended on that date, and every report framed in terms of this section shall be sent to the Minister and shall be laid upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.

[Section 120A inserted by section 56 of Act No. 42 of 1974]

Officers to take oath or make affirmation.

- 121.** Every officer required by the Director-General, postal company or telecommunications company to do so, shall before exercising the duties of his office take an oath or make an affirmation before a justice of the peace in the form set forth in the First Schedule.

[Section 121 substituted by section 73 of Act No. 85 of 1991]

Application of Act in South West Africa

121A. ...

[Section 121A inserted by section 18 of Act No. 56 of 1973]
[Section 121A repealed by section 74 of Act No. 85 of 1991]

Repeal of laws.

- 122.** (1) Subject to the provisions of sub-section (2), the laws mentioned in the Second Schedule are hereby repealed to the extent set out in the third column of that Schedule.
- (2) Any convention or agreement entered into or in force or any regulation, notice, approval, authority, return, certificate or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been entered into, issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.

Short title.

- 123.** This Act shall be called the Post Office Act, 1958. Short title.

First Schedule.

OATH TO BE TAKEN OR AFFIRMATION TO BE MADE BY OFFICERS.

I (name in full)do solemnly swear/ affirm* faithfully in my position as an employee of the post office/postal company/telecommunications company* 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/ Affirmed* before me at

in the District of.....

on theday of.19.....

Justice of the Peace

* delete which is not applicable

[First Schedule substituted by section 51 of Act No. 113 of 1976]

[First Schedule substituted by section 76 of Act No. 85 of 1991]

Second Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 10 of 1911.	Post Office Administration and Shipping Combinations Discouragement Act, 1911.	The whole.
Act No. 40 of 1920. Act No. 47 of 1920.	Financial Adjustments Act, 1920. Post Office Administration and Shipping Combinations Discouragement Act Amendment Act, 1920.	Section <i>three</i> . The whole.
Act No. 38 of 1922.	Financial Adjustments Act, 1922.	Section <i>five</i> .
Act No. 34 of 1930.	Financial Adjustments Act, 1930.	Section <i>twelve</i> .
Act No. 31 of 1931.	Post Office (Amendment) Act, 1931.	The whole.
Act No. 25 of 1932.	Financial Adjustments Act, 1932.	Section <i>two</i> .
Act No. 2 of 1934.	Post Office (Amendment) Act, 1934.	The whole.
Act No. 37 of 1943.	Finance Act, 1943.	Section <i>eleven</i> .
Act No. 46 of 1944.	Finance Act, 1944.	Sections <i>fourteen</i> , <i>fifteen</i> and <i>sixteen</i> .
Act No. 50 of 1952.	Finance Act, 1952.	Section <i>five</i> .
Act No. 34 of 1954.	Finance Act, 1954.	Section <i>seven</i> .
Act No. 37 of 1958.	Finance Act, 1958.	Section <i>seven</i> ,