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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 688.

30 March 1983

No. 688.

30 Maart 1983

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

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

No. 27 of 1983: Post Office Amendment Act, 1983.

No. 27 van 1983: Poswysigingswet, 1983.

Act No. 27, 1983

POST OFFICE AMENDMENT ACT, 1983

GENERAL EXPLANATORY NOTE:

[]

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Post Office Act, 1958, so as to make different provision for the manner in which fees, rates or charges may be determined; to empower the Postmaster-General to determine a rate of interest which shall be applicable in respect of certain amounts of money due to the Department of Posts and Telecommunications; to establish a Housing Loan Fund; to do away with the duty of the Postmaster-General to compile a balance sheet and a revenue and expenditure account in relation to the Savings Bank and National Savings Certificates; to provide for the delegation of the power of the Minister of Posts and Telecommunications to appoint agents for the performance of certain acts in relation to securities, loans and issues of stock; to make different provision in relation to the application of any limitation on deposits in ordinary accounts; to make different provision for the calculation of interest on balances in certain inactive accounts and the addition thereof to the principal amounts; and to empower the said Minister expressly to prescribe as a condition of any particular issue of National Savings Certificates that the rate of interest relating thereto may from time to time be increased or decreased; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 23 March 1983.)*

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

Amendment of section 2B of Act 44 of 1958, as inserted by section 3 of Act 113 of 1976.

1. Section 2B of the Post Office Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph (e) of subsection (1) of the following paragraph: 5

“(e) **[by notice in the Gazette]** determine and from time to time alter the fees, rates or charges to be demanded or received in respect of postal, telecommunications, savings, money transfer or other public services rendered by the department:” 10

(b) by the addition to the said subsection (1) of the following paragraph:

“(1) from time to time determine a rate of interest which shall be applicable in respect of any amount of money, including any amount of money payable under section 12R, which is due to the department and which bears interest, or in cases of a particular nature determine that an amount of money which is due to the department shall bear no interest, and interest at that rate or no interest, as the case may be, shall be paid on any such amount of money.” 15
20

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- _____** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Poswet, 1958, ten einde ander voorsiening te maak vir die wyse waarop gelde, tariewe of koste bepaal kan word; aan die Posmeester-generaal die bevoegdheid te verleen om 'n rentekoers te bepaal wat van toepassing is ten opsigte van sekere bedrae geld wat aan die Departement van Pos- en Telekommunikasiewese verskuldig is; 'n Behuisingleningsfonds in te stel; weg te doen met die plig van die Posmeester-generaal om 'n balansstaat en 'n inkomste-en-uitgawerekening met betrekking tot die Spaarbank en Nasionale Spaarsertifikate op te stel; voorsiening te maak vir die delegering van die bevoegdheid van die Minister van Pos- en Telekommunikasiewese om agente aan te stel vir die verrigting van sekere handeling met betrekking tot sekuriteite, lenings en uitgifte van effekte; ander voorsiening te maak met betrekking tot die toepassing van enige beperking op deposito's in gewone rekenings; ander voorsiening te maak vir die berekening van rente op saldo's in sekere onaktiewe rekenings en die byvoeging daarvan by die hoofbedrae; en uitdruklik aan genoemde Minister die bevoegdheid te verleen om as voorwaarde van 'n bepaalde uitgifte van Nasionale Spaarsertifikate voor te skryf dat die rentekoers wat daarop betrekking het, van tyd tot tyd verhoog of verlaag kan word; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Maart 1983.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 2B van die Poswet, 1958 (hieronder die Hoofwet genoem), word hierby gewysig—
- 5 (a) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:
- 10 „(e) **[by kennisgewing in die Staatskoerant]** die gelde, tariewe of koste bepaal wat ten opsigte van pos-, telekommunikasie-, spaar-, geldoordrag- of ander openbare dienste deur die departement gelewer, geëis of ontvang moet word, en sodanige gelde, tariewe of koste van tyd tot tyd verander;”;
- (b) deur die volgende paragraaf by genoemde subartikel (1) te voeg:
- 15 „(f) van tyd tot tyd 'n rentekoers bepaal wat van toepassing is ten opsigte van enige bedrag geld, met inbegrip van enige bedrag geld wat kragtens artikel 12R betaalbaar is, wat aan die departement verskuldig is en wat rente dra, of in gevalle van 'n bepaalde aard bepaal dat 'n bedrag geld wat aan die departement verskuldig is, geen rente dra nie, en rente teen daardie koers of geen rente nie, na gelang van die geval, word op so 'n bedrag geld betaal.”;
- 20

Wysiging van artikel 2B van Wet 44 van 1958, soos ingevoeg deur artikel 3 van Wet 113 van 1976.

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

“(3) The Postmaster-General, when exercising a power—

(a) referred to in subsection (1) (e), may determine 5
different fees, rates or charges in respect of different services, or services rendered in different areas or circumstances, or may determine special fees, rates or charges that are higher or lower than the normal tariffs, rates or charges, or may exempt 10
particular users or prospective users of services in extraordinary or in specific circumstances from any of the prescribed fees, rates or charges;

(b) referred to in subsection (1) (f), may determine
different rates of interest in respect of amounts of 15
money due to the department in different
circumstances.”; and

(d) by the insertion after subsection (3) of the following subsection:

“(3A) Any fees, rates or charges determined under 20
subsection (1) (e), and any alteration thereof shall be
made known by notice in the Gazette.”.

Substitution of section 12D of Act 44 of 1958, as inserted by section 5 of Act 113 of 1976.

2. (1) The following section is hereby substituted for section 12D of the principal Act:

“Post Office Fund and Housing Loan Fund.

12D. (1) There shall be a Post Office Fund, of 25
which the department shall keep account in its books and into which shall, subject to the provisions of subsection (2), be paid—

- (a) all revenue;
- (b) moneys borrowed in terms of the provisions of 30
this Act or section 29 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);
- (c) deposits in the Savings Bank;
- (d) the proceeds of issues of National Savings Certificates; 35
- (e) interest received on all investments made by the department;
- (f) the proceeds from the realization of securities and other assets; and
- (g) moneys received by the department from any 40
other source and with regard to which the department has the right of disposal,
and from which shall be defrayed all expenditure incurred in accordance with an Act of Parliament to provide for the requirements of the department. 45

(2) (a) There shall be a Housing Loan Fund, of
which the department shall keep account in its books and into which shall be paid—

- (i) moneys appropriated by Parliament for the Housing Loan Fund; 50
 - (ii) moneys received by way of repayment of amounts of a loan paid from the Housing Loan Fund;
 - (iii) interest received on amounts of a loan paid from the Housing Loan Fund; 55
 - (iv) any other moneys accruing to the Housing Loan Fund,
and from which may be paid the amount of any loan granted in terms of any scheme for housing of persons in the employment of the department established under the Post Office Service Act, 1974 (Act No. 66 of 1974). 60
- (b) Any unexpended balance in the Housing Loan Fund at the end of any financial year shall be

(c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die Posmeester-generaal kan by die uitoefening van 'n bevoegdheid—

(a) in subartikel (1) (e) bedoel, verskillende gelde, tariewe of koste ten opsigte van verskillende dienste, of dienste gelewer in verskillende gebiede of omstandighede, bepaal, of kan spesiale gelde, tariewe of koste bepaal wat hoër of laer as die gewone tariewe, gelde of koste kan wees, of kan bepaalde gebruikers of voornemende gebruikers van dienste in buitengewone of in bepaalde omstandighede van enige van die voorgeskrewe gelde, tariewe of koste vrystel;

(b) in subartikel (1) (t) bedoel, verskillende rentekoerse ten opsigte van bedrae geld wat onder verskillende omstandighede aan die departement verksuldig is, bepaal.”; en

(d) deur na subartikel (3) die volgende subartikel in te voeg:

„(3A) Enige gelde, tariewe of koste kragtens subartikel (1) (e) bepaal en enige verandering daarvan word by kennisgewing in die *Staatskoerant* bekend gemaak.”.

2. (1) Artikel 12D van die Hoofwet word hierby deur die volgende artikel vervang:

„Poskantoorfonds en Behuisingsfonds.

12D. (1) Daar is 'n Poskantoorfonds, waarvan die departement in sy boeke rekening hou en waarin behoudens die bepalings van subartikel (2), gestort word—

- (a) alle inkomste;
- (b) gelde ingevolge die bepalings van hierdie Wet of artikel 29 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), geleen;
- (c) deposito's in die Spaarbank;
- (d) die opbrengs van uitgiftes van Nasionale Spaarsertifikate;
- (e) rente ontvang op alle beleggings deur die departement gemaak;
- (f) die opbrengs van die tegeldemaking van sekuriteite en ander bates; en
- (g) gelde wat die departement uit enige ander bron ontvang en waarvoor die departement die reg het om te beskik,

en waaruit alle uitgawes bestry word wat ooreenkomstig 'n Wet van die Parlement aangegaan word om in die behoeftes van die departement te voorsien.

(2) (a) Daar is 'n Behuisingsleningsfonds, waarvan die departement in sy boeke rekening hou en waarin gestort word—

- (i) gelde deur die Parlement vir die Behuisingsleningsfonds bewillig;
- (ii) gelde ontvang by wyse van terugbetaling van bedrae van 'n lening wat uit die Behuisingsleningsfonds uitbetaal is;
- (iii) rente ontvang op bedrae van 'n lening wat uit die Behuisingsleningsfonds uitbetaal is;
- (iv) enige ander gelde wat die Behuisingsleningsfonds toeval,

en waaruit die bedrag van enige lening betaal kan word wat ingevolge 'n skema vir behuisings van persone in diens van die departement ingestel kragtens die Poskantoordienswet, 1974 (Wet No. 66 van 1974), toegestaan is.

(b) 'n Onbestede saldo in die Behuisingsleningsfonds aan die einde van 'n boekjaar word as 'n krediet

Vervanging van artikel 12D van Wet 44 van 1958, soos ingevoeg deur artikel 5 van Wet 113 van 1976.

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carried forward as a credit in the Housing Loan Fund to the next succeeding financial year.”.

(2) The account kept in the books of the Department of Posts and Telecommunications before the commencement of this Act which had been credited with— 5

(a) amounts received by way of repayment of loans paid out in terms of a scheme for housing of persons in the employment of the said Department established under the Post Office Service Act, 1974 (Act No. 66 of 1974);

(b) interest on loans referred to in paragraph (a), shall be deemed to have at all relevant times been the Housing Loan Fund established by paragraph (a) of subsection (2) of section 12D of the principal Act. 10

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

3. Section 12H of the principal Act is hereby amended by the deletion of paragraph (d) of subsection (5). 15

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

4. Section 12K of the principal Act is hereby amended by the addition of the following subsection:

“(3) The Minister may either in general or in a particular case or in cases of a particular nature delegate to an officer or the holder of a post in the department, on such conditions as he may determine, any power conferred upon him by subsection (1).” 20

Amendment of section 53 of Act 44 of 1958, as substituted by section 18 of Act 113 of 1976.

5. Section 53 of the principal Act is hereby amended by the deletion of the proviso to subsection (2).

Amendment of section 56 of Act 44 of 1958, as substituted by section 20 of Act 113 of 1976 and amended by section 2 of Act 1 of 1978.

6. Section 56 of the principal Act is hereby amended by the substitution for the proviso to subsection (3) of the following proviso: 25

“Provided that the Postmaster-General may in his discretion, in the case of an ordinary account of which the balance has remained unchanged for more than [seven years] one year, except for the accrual of interest, and of which the balance has not been transferred to revenue in terms of section 76A, defer the calculation of interest and its addition to the principal amount until application is made for the repayment of the balance or part thereof or until the depositor or any person on his behalf again deposits an amount in the account, when the total interest that would have been added to the principal amount if the calculation and addition thereof had not been so deferred, shall be calculated and added to the principal amount.” 30 35 40

Amendment of section 77B of Act 44 of 1958, as inserted by section 13 of Act 13 of 1974 and amended by section 29 of Act 113 of 1976 and section 2 of Act 75 of 1981.

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

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

“(c) prescribing in respect of each issue of National Savings Certificates the price of issue, term, units or multiples of units in which certificates may be issued, rate of interest and times and manner of payment of interest, and, subject to paragraph (d) of this subsection and the proviso to paragraph (b) of subsection (2), the minimum period which shall elapse from the date of issue of any certificate before the amount represented by it may be repaid;” and 45 50

(b) by the substitution for subsection (2) of the following subsection: 55

“(2) Regulations made in terms of subsection (1) may prescribe as a condition of any particular issue of National Savings Certificates—

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in die Behuisingleningsfonds na die daaropvolgende boekjaar oorgedra.”.

(2) Die rekening wat voor die inwerkingtreding van hierdie Wet in die boeke van die Departement van Pos- en Telekommunikasiewese gehou is en wat gekrediteer was met—

(a) bedrae ontvang by wyse van terugbetaling van lenings wat ingevolge 'n skema vir behuising van persone in diens van genoemde Departement ingestel kragtens die Poskantoorwetswet, 1974 (Wet No. 66 van 1974), uitbetaal is;

(b) rente op lenings in paragraaf (a) bedoel, word geag te alle tersaaklike tye die Behuisingleningsfonds ingestel by paragraaf (a) van subartikel (2) van artikel 12D van die Hoofwet te gewees het.

15 3. Artikel 12H van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (5) te skrap.

Wysiging van artikel 12H van Wet 44 van 1958, soos ingevoeg deur artikel 5 van Wet 113 van 1976.

4. Artikel 12K van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

20 „(3) Die Minister kan aan 'n beampte of die bekleër van 'n pos in die departement op die voorwaardes wat hy bepaal, 'n bevoegdheid wat by subartikel (1) aan hom verleen is, in die algemeen of in 'n bepaalde geval of in gevalle van 'n bepaalde aard, deleger.”.

Wysiging van artikel 12K van Wet 44 van 1958, soos ingevoeg deur artikel 5 van Wet 113 van 1976.

25 5. Artikel 53 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (2) te skrap.

Wysiging van artikel 53 van Wet 44 van 1958, soos vervang deur artikel 18 van Wet 113 van 1976.

6. Artikel 56 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (3) deur die volgende voorbehoudsbepaling te vervang:

30 „Met dien verstande dat die Posmeester-generaal na goeddunke, in die geval van 'n gewone rekening waarvan die saldo vir langer as [sewe] een jaar onveranderd gebly het, behalwe vir sover rente opgeloo het, en waarvan die saldo nie ingevolge artikel 76A na inkomste oorgedra is nie, die berekening van die rente en die byvoeging daarvan by die hoofbedrag kan uitstel totdat 'n aansoek om die terugbetaling van die saldo of 'n gedeelte daarvan gedoen word of totdat die deponeerder of iemand namens hom weer 'n bedrag in die rekening deponeer, wanneer die totale rente wat by die hoofbedrag gevoeg sou gewees het indien die berekening en byvoeging daarvan nie aldus uitgestel was nie, bereken en by die hoofbedrag gevoeg word.”.

Wysiging van artikel 56 van Wet 44 van 1958, soos vervang deur artikel 20 van Wet 113 van 1976 en gewysig deur artikel 2 van Wet 1 van 1978.

7. Artikel 77B van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

45 „(c) wat ten opsigte van elke uitgifte van Nasionale Spaarsertifikate die uitgifteprys, termyn, eenhede of veelvoude van eenhede waarin sertifikate uitgereik kan word, rentekoers en tye en wyse van betaling van rente, en, behoudens paragraaf (d) van hierdie subartikel en die voorbehoudsbepaling by paragraaf (b) van subartikel (2), die minimum tydperk wat vanaf die datum van uitreiking van 'n sertifikaat moet verloop voordat die bedrag wat dit verteenwoordig, terugbetaal kan word, voorskryf;” en

Wysiging van artikel 77B van Wet 44 van 1958, soos ingevoeg deur artikel 13 van Wet 13 van 1974 en gewysig deur artikel 29 van Wet 113 van 1976 en artikel 2 van Wet 75 van 1981.

55 (b) deur subartikel (2) deur die volgende subartikel te vervang:

60 „(2) Regulasies ingevolge subartikel (1) uitgevaardig, kan as 'n voorwaarde van 'n bepaalde uitgifte van Nasionale Spaarsertifikate voorskryf—

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- (a) that the interest thereon shall be exempted from income tax, and the interest on National Savings Certificates issued upon any such condition shall be so exempted;
- (b) that the rate of interest prescribed by the said regulations in relation to the relevant issue of National Savings Certificates, may from time to time be increased or decreased by the Minister by way of an amendment of the said regulations: Provided that if any such rate of interest is decreased, any National Savings Certificate affected thereby shall, as from the date on which the said rate of interest is decreased, be repayable at the request of the holder of the relevant National Savings Certificate, together with any interest accrued thereon on the date of repayment.”

Short title.

8. This Act shall be called the Post Office Amendment Act, 1983.

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(a) dat die rente daarop van inkomstebelasting vrygestel sal wees, en die rente op Nasionale Spaarsertifikate wat op so 'n voorwaarde uitgegee is, is aldus vrygestel;

5 (b) dat die rentekoers wat by bedoelde regulasies met
betrekking tot die betrokke uitgifte van Nasionale
Spaarsertifikate voorgeskryf is, deur die Minister
van tyd tot tyd by wyse van 'n wysiging van be-
doelde regulasies verhoog of verlaag kan word:
10 Met dien verstande dat indien so 'n rentekoers ver-
laag word, enige Nasionale Spaarsertifikaat wat
daardeur geraak word, vanaf die datum waarop
bedoelde rentekoers verlaag word, op versoek van
die houer van die betrokke Nasionale Spaarserti-
15 fikaat terugbetaalbaar is, tesame met rente wat tot
op die datum van terugbetaling daarop opgeloopt
het.”.

8. Hierdie Wet heet die Poswysigingswet, 1983.

Kort titel.