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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 491.

26 Maart 1986

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

No. 7 van 1986: Poswysingswet, 1986.

No. 491.

26 March 1986

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

No. 7 of 1986: Post Office Amendment Act, 1986.

Wet No. 7, 1986

POSWYSIGINGSWET, 1986

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 die bevoegdhede van die Posmeester-generaal met betrekking tot die wysiging of opsegging van kontrakte nader te omskryf; ander voorsiening te maak met betrekking tot die bewilliging van sekere bedrae wat kragtens magtiging van die Minister bestee is, en sodanige voorsiening terugwerkend van krag te maak; die vereistes met betrekking tot sekere bedrae wat in die appropriasierekening van die Departement van Pos- en Telekomunikasiewese getoon word, asook die benaming van daardie rekening, te wysig; die bepaling dat bedrae wat vir die terugbetaling van sekere lenings aangewend word, geag word by wet bewillig te wees, na die terugbetaling van alle lenings uit te brei; ander voorsiening te maak met betrekking tot die belegging van gelde deur die Posmeester-generaal en nuwe voorsiening vir die inkoop en verhandeling van sekuriteite terugwerkend van krag te maak; en die verhaal van verliese en skade wat die departement berokken is verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Maart 1986.)

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

Wysiging van artikel 2B van Wet 44 van 1958, soos ingevoeg deur artikel 3 van Wet 113 van 1976 en gewysig deur artikel 1 van Wet 27 van 1983 en artikel 2 van Wet 37 van 1984.

1. Artikel 2B van die Poswet, 1958 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (m) van subartikel (1) deur die volgende paragraaf te vervang:

“(m) goedkeur dat 'n kontrak, uitgesonderd 'n dienskontrak wat kragtens of ingevolge die Poskantoordienswet, 1974 (Wet No. 66 van 1974), of 'n regulasie daarkragtens uitgevaardig, of 'n kode daarkragtens opgestel, aangegaan is, tot nadeel van die departement [wysig of opsê] gewysig of opgesê word, of dat die persoon met wie [dit] die kontrak aangegaan is van nakoming daarvan [vrystel] vrygestel word of dat so 'n persoon se versuim om dit na te kom, [kondoneer] gekondoneer, of 'n skikking met so 'n persoon [aangaan] aangegaan word;”.

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

2. (1) Artikel 12F van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Besonderhede van bedrae wat kragtens magtiging ingevolge subartikel (5) bestee is en van die doeleindes waarvoor dit bestee is, word so gou doenlik saam met [die] 'n begroting in subartikel (1) bedoel [vir die boekjaar wat onmiddellik volg op die boekjaar ten opsigte waarvan genoemde bedrae bestee is,] deur die Minister aan die Parlement voorgelê vir bewilliging van die betrokke bedrae.”.

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POST OFFICE AMENDMENT ACT, 1986

Act No. 7, 1986

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 further define the powers of the Postmaster-General regarding the variation or cancellation of contracts; to make other provision relating to the appropriation of certain amounts spent under authority granted by the Minister, and to provide that such provision shall have retrospective effect; to amend the requirements relating to certain amounts reflected in the appropriation account of the Department of Posts and Telecommunications and to change the name of the said account; to extend to the repayment of all loans the stipulation that amounts utilized for the repayment of certain loans shall be deemed to have been appropriated by law; to make other provision relating to the investment of moneys by the Postmaster-General and to make new provision, with retrospective effect, for the repurchase and negotiation of securities; and to further regulate the recovery of losses and damages caused to the department; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 10 March 1986.)

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

1. Section 2B of the Post Office Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (m) of subsection (1) of the following paragraph:

“(m) **[vary or cancel]** approve that a contract, other than a service contract concluded under or in terms of the Post Office Service Act, 1974 (Act No. 66 of 1974), or any regulation made or any code drawn up thereunder, be varied or cancelled to the detriment of the department, or **[exempt]** that the person with whom **[it]** such contract was concluded be exempted from compliance therewith or **[condone]** that the failure of such person to comply therewith be condoned, or **[enter into]** a settlement with such person be entered into”.

Amendment of section 2B of Act 44 of 1958, as inserted by section 3 of Act 113 of 1976 and amended by section 1 of Act 27 of 1983 and section 2 of Act 37 of 1984.

2. (1) Section 12F of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) Particulars of amounts spent under authority in terms of subsection (5) and of the purposes for which the amounts have been spent shall be submitted to Parliament by the Minister as soon as practicable together with **[the]** estimates referred to in subsection (1) **[for the financial year immediately following the year in respect of which the said amounts have been spent,]** for appropriation of the amounts in question.”.

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

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(2) Die bepalings van subartikel (6) van artikel 12F van die Hoofwet soos deur hierdie artikel vervang, word geag ook te geld ten opsigte van 'n bedrag in daardie subartikel bedoel waarvan die besteding voor die inwerkingtreding van hierdie Wet ingevolge subartikel (5) van eersgenoemde artikel gemagtig is. 5

Wysiging van artikel 12H van Wet 44 van 1958, soos ingevoeg deur artikel 5 van Wet 113 van 1976 en gewysig deur artikel 3 van Wet 27 van 1983.

3. Artikel 12H van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang:

“(c) 'n **[appropriasierekening]** staat wat ten opsigte van elke hoofindeling van die begroting van uitgawes 10 die bedrag opgee wat in vermeldde begroting en in 'n addisionele begroting van uitgawes **[verskyn]** bewillig is, en die bedrag **[wat werklik ten opsigte van]** waarmee elke sodanige hoofindeling **[bestee]** by die afsluiting van die rekenings vir die betrokke 15 boekjaar ingevolge artikel 12G (3) belas is;”;

- (b) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Elke **[appropriasierekening]** staat in subartikel (5) (c) bedoel, moet vergesel gaan van 'n verduideliking van die oorsake van enige verskil wat twee persent te bowe gaan tussen die bedrag wat ten opsigte van elke hoofindeling in subartikel (5) (c) bedoel in die begroting van uitgawes of 'n addisionele begroting van uitgawes **[verskyn]** bewillig is, en die bedrag **[wat werklik ten opsigte van]** waarmee daardie hoofindeling **[bestee]** by die afsluiting van die rekenings vir die betrokke boekjaar belas is.”; en 20 25

- (c) deur subartikel (7) deur die volgende subartikel te vervang: 30

“(7) Elke **[balansstaat, inkomste- en uitgawerekening en appropriasierekening]** staat en rekening in subartikel (5) (a), (b) en (c) bedoel, moet deur die Posmeester-generaal onderteken word, en ondanks 'n andersluidende bepaling van hierdie Wet kan hierdie plig nie 35 deur die Posmeester-generaal gedelegeer word nie.”.

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

4. Artikel 12O van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die departement kan voor die vervaldatum, tensy dit met enige uitreikingsvoorwaardes of 'n ooreenkoms strydig is, of op 40 die vervaldag, of, in die geval van geld wat by wyse van oortrokke rekening geleen is ingevolge artikel 12M, te eniger tyd, geld wat ingevolge hierdie Wet geleen is, terugbetaal, en geld aldus terugbetaal **[wat by wyse van oortrokke rekening geleen is ingevolge artikel 12M]**, word geag by wet bewillig te wees.”. 45

Wysiging van artikel 12Q van Wet 44 van 1958, soos ingevoeg deur artikel 5 van Wet 113 van 1976 en gewysig deur artikel 20 van Wet 46 van 1984.

5. (1) Artikel 12Q van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Posmeester-generaal kan na goeddunke enige gelde in die besit van die departement in deposito 50 op kort termyn in die Republiek of in 'n ander land belê

[(b) by die Staatskuldkommissaris bedoel in artikel 2 van die Wet op die Staatskuldkommissaris, 1969 (Wet No. 2 van 1969); 55

(c) by die buitelandse of binnelandse finansiële instellings wat die Minister in oorleg met die Minister van Finansies goedkeur].”;

- (b) deur subartikel (2) te skrap;

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(2) The provisions of subsection (6) of section 12F of the principal Act as substituted by this section shall be deemed also to apply in respect of any amount referred to in that subsection the expenditure of which has been authorized in terms of subsection 5 (5) of the first-mentioned section before the commencement of this Act.

3. Section 12H of the principal Act is hereby amended—

Amendment of section 12H of Act 44 of 1958, as inserted by section 5 of Act 113 of 1976 and amended by section 3 of Act 27 of 1983.

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

10 “(c) **[an appropriation account]** a statement specifying
in respect of each main division of the estimates of
expenditure the amount **[appearing]** appropriated
in the said estimates and in any additional esti-
15 **[actually spent in respect of]** with which each such main div-
sion was charged at the close of the accounts for
the financial year in question in terms of section
12G (3);”;

(b) by the substitution for subsection (6) of the following subsection:

20 “(6) Each **[appropriation account]** statement referred
to in subsection (5) (c) shall be accompanied by an ex-
planation of the causes of any variation in excess of two
per cent between the amount which **[appears]** has been
25 appropriated in the estimates of expenditure or any ad-
ditional estimates of expenditure in respect of each
main division referred to in subsection (5) (c) and the
amount **[actually spent in respect of]** with which that
main division was charged at the close of the accounts
30 for the financial year in question.”; and

(c) by the substitution for subsection (7) of the following subsection:

35 “(7) Each balance-sheet, **[revenue and expenditure account and appropriation]** account and statement referred to in subsection (5) (a), (b) and (c) shall be signed by the Postmaster-General, and this duty may not be delegated by the Postmaster-General, notwithstanding anything to the contrary contained in this Act.”.

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

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

45 “(1) The department may prior to the due date, unless it is inconsistent with any conditions of issue or any agreement, or on the due date, or, in the case of moneys borrowed by way of overdraft in terms of section 12M, at any time, repay any moneys borrowed in terms of this Act, and any moneys so repaid **[which were borrowed by way of overdraft in terms of section 12M]** shall be deemed to have been appropriated by law.”.

5. (1) Section 12Q of the principal Act is hereby amended—

Amendment of section 12Q of Act 44 of 1958, as inserted by section 5 of Act 113 of 1976 and amended by section 20 of Act 46 of 1984.

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

55 “(1) The Postmaster-General may in his discretion invest on short call deposit in the Republic or in any other country any moneys held by the department
[(b) with the Public Debt Commissioners referred to in section 2 of the Public Debt Commissioners Act, 1969 (Act No. 2 of 1969);

60 (c) with such foreign or internal financial institutions as may be approved by the Minister in consultation with the Minister of Finance].”;

(b) by the deletion of subsection (2);

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

“(3) Die bedrae geld wat vir belegging of die koop of inkoop van sekuriteite ooreenkomstig **[subartikel]** subartikels (1) **[of (2)]** en (4) uit die Fonds onttrek is, word geag vir die betrokke doeleindes by wet bewillig te wees.”; en

- (d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Wanneer hy dit raadsaam ag, kan die Posmeester-generaal enige **[van die sekuriteite]** sekuriteit **[wat deur die departement as beleggings gehou word, na ooreenleg met die Staatskuldkommissaris se verkoop of op 'n ander wyse van die hand sit]** koop, hou of verhandel en kan hy enige sekuriteit wat deur die departement uitge-reik is, inkoop en hou of verhandel.”.

(2) Die bepaling van subartikel (4) van artikel 12Q van die Hoofwet, soos deur hierdie artikel vervang, word geag ook te geld ten opsigte van die inkoop of verhandeling van enige sekuriteit in daardie subartikel bedoel wat voor die inwerkingtreding van hierdie Wet plaasgevind het.

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

6. Artikel 12R van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) paragraaf (e) en die woorde wat daarop volg deur die volgende paragraaf en woorde te vervang:

“(e) weens versuim om sy pligte uit te voer of op enige ander wyse, vir 'n eis teen die departement verantwoordelik is of was,

moet die Posmeester-generaal die bedrag van sodanige verlies of skade of, in 'n geval waar eiendom van die departement verloor of vernietig is, die bedrag wat die departement vir die vervanging van daardie eiendom moet betaal, vasstel en, behoudens die bepalinge van subartikel (5), genoemde persoon by skriftelike kennisgewing gelas om die bedrag wat aldus vasgestel is binne dertig dae vanaf die datum van die kennisgewing aan hom te betaal.”; en

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien iemand wat in diens van die departement was geld aan die departement verskuldig is uit hoofde daarvan dat hy ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan die Posmeester-generaal die betaling van enige salaris, loon of toelae wat aan daardie persoon betaalbaar is, uitstel en, indien genoemde persoon **[en]** versuim om die verskuldigde bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, **[moet]** kan die Posmeester-generaal, behoudens die bepalinge van subartikels (4), (6) en (7), **[die bedrag]** soveel van daardie salaris, loon of toelae as wat nodig is aanwend tot vermindering of vereffening van sodanige skuld en die balans (as daar is) van genoemde salaris, loon of toelae aan die betrokke persoon betaal, of indien bedoelde skuld nie aldus vereffen is nie, die geheel of die uitstaande gedeelte daarvan, na gelang van die geval, deur middel van geregtelike prosedures op die betrokke persoon verhaal.”.

Kort titel.

7. Hierdie Wet heet die Poswysigingswet, 1986.

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

5 “(3) The sums of money withdrawn from the Fund for investment or the purchase or repurchase of securities in accordance with **[subsection]** subsections (1) **[or (2)]** and (4), shall be deemed to have been appropriated by law for the relative purposes.”; and

- (d) by the substitution for subsection (4) of the following subsection:

10 “(4) The Postmaster-General may, whenever he deems it advisable **[and after consultation with the Public Debt Commissioners, sell or otherwise dispose of securities held by the department as investments]**, buy, keep or negotiate any security and may repurchase and
15 keep or negotiate any security issued by the department.”.

(2) The provisions of subsection (4) of section 12Q of the principal Act as substituted by this section shall be deemed also to apply in respect of the repurchase or negotiation of any security referred to in that subsection which took place before the commencement of this Act.

6. Section 12R of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (e) and the words following thereon of the following paragraph and words:

25 “(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,

30 the Postmaster-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 that 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.”; and

- (b) by the substitution for subsection (3) of the following subsection:

40 “(3) If a person who was in the employ of the department **[and who has,]** owes money to the department by virtue of his having in terms of subsection (1) been ordered to pay an amount, the Postmaster-General may postpone the payment of any salary, wage or allowance which may be payable to that person and, if the said
45 person fails to pay **[such]** the amount owing within the period stipulated in the notice in question, the Postmaster-General **[shall]** may, subject to the provisions of subsections (4), (6) and (7), apply so much of such salary, wage or allowance towards the diminution or
50 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 **[such amount]** the whole or the outstanding portion thereof, as the case may be, from the
55 person concerned by legal process.”.

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

7. This Act shall be called the Post Office Amendment Act, 1986. Short title.

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