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PRESIDENT'S OFFICE

No. 1509.

12 November 1997

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

No. 53 of 1997: Post Office Second Amendment Act, 1997.

KANTOOR VAN DIE PRESIDENT

No. 1509.

12 November 1997

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

No. 53 van 1997: Tweede Poswysigingswet, 1997.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Post Office Act, 1958, so as to make other provision in connection with the membership of Telkom SA Limited; to effect textual improvements; and to allow the said Telkom to issue certain financial instruments for as long as the majority of its issued equity shares are held by the State; and to provide for incidental matters.

*(English text signed by the President.)
(Assented to 6 November 1997.)*

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

Amendment of section 3 of Act 44 of 1958, as inserted by section 5 of Act 85 of 1991 and amended by section 1 of Act 11 of 1997

1. Section 3 of the Post Office Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (5) of the following subsection: 5

“(5) Notwithstanding the provisions of the Companies Act, the postal company shall not have more than one member, and the telecommunications company [shall not have more than seven members] may have fewer than seven members.”.

Amendment of section 7 of Act 44 of 1958, as substituted by section 6 of Act 85 of 1991 and amended by section 6 of Act 101 of 1992 and section 4 of Act 11 of 1997 10

2. Section 7 of the principal Act is hereby amended—

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

“(3) The Minister may, notwithstanding the provisions of [subsections (1) and (2)] subsection (1), authorize the postal company [or the telecommunications company] to exercise any power referred to in subsection (1) [or (2)] in all cases or in cases of a particular category or in cases where particular circumstances apply, without the approval of the Minister.”; and 15

(b) by the substitution for subsection (4) of the following subsection: 20

“(4) The postal company [or the telecommunications company] may, in exercising a power referred to in subsection (1) [or (2)], determine different fees, rates or charges in respect of different services,

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 in verband met die ledetal van Telkom SA Beperk te maak; teksverbeterings aan te bring; en genoemde Telkom toe te laat om sekere finansiële instrumente uit te reik solank die meerderheid van sy uitgereikte ekwiteitsaandele deur die Staat gehou word; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die President geteken.)
(Goedgekeur op 6 November 1997.)

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

Wysiging van artikel 3 van Wet 44 van 1958, soos ingevoeg deur artikel 5 van Wet 85 van 1991 en gewysig deur artikel 1 van Wet 11 van 1997

- 5 **1. Artikel 3 van die Poswet, 1958 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:**
 “(5) Ondanks die bepalings van die Maatskappywet, het die posmaatskappy nie meer as een lid nie, en [het] mag die telekommunikasiemaatskappy [nie meer as 7 lede nie] minder as sewe lede hê.”.
- 10 **Wysiging van artikel 7 van Wet 44 van 1958, soos vervang deur artikel 6 van Wet 85 van 1991 en gewysig deur artikel 6 van Wet 101 van 1992 en artikel 4 van Wet 11 van 1997**
- 15 **2. Artikel 7 van die Hoofwet word hierby gewysig—**
 (a) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3) Ondanks die bepalings van [subartikels (1) en (2)] subartikel (1) kan die Minister die posmaatskappy [of die telekommunikasiemaatskappy] magtig om 'n in subartikel (1) [of (2)] bedoelde bevoegdheid in alle gevalle of in gevalle van 'n bepaalde kategorie of in gevalle waar bepaalde omstandighede geld, sonder die goedkeuring van die Minister uit te oefen.”; en
- 20 (b) deur subartikel (4) deur die volgende subartikel te vervang:
 “(4) Die posmaatskappy [of die telekommunikasiemaatskappy] kan by die uitoefening van 'n bevoegdheid in subartikel (1) [of (2)] bedoel, verskillende gelde, tariewe of koste ten opsigte van verskillende dienste, of dienste gelewer in verskillende gebiede of omstandhede,
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or services rendered in different areas or under different circumstances, or may determine special fees, rates or charges which may be higher or lower than the normal tariffs, rates or charges, or may exempt particular users or prospective users of services in extraordinary or in specific circumstances from any of the prescribed fees, rates or charges.”.

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Amendment of section 12W of Act 44 of 1958, as inserted by section 10 of Act 101 of 1992 and amended by section 3 of Act 35 of 1995

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

“(1) Subject to the [provision] provisions of subsections (2) and (3) [a successor company of which all the issued equity shares are held by the State, may, for as long as the said shares are being so held] and notwithstanding anything to the contrary contained in the Companies Act, the postal company may, for as long as all its issued equity shares are held by the State, or the telecommunications company may, for as long as the majority of its 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.”.

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Short title and commencement

4. This Act shall be called the Post Office Second Amendment Act, 1997, and shall be deemed to have come into operation on 25 April 1997.

5 vasstel, 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.”.

Wysiging van artikel 12W van Wet 44 van 1958, soos ingevoeg deur artikel 10 van Wet 101 van 1992 en gewysig deur artikel 3 van Wet 35 van 1995

3. Artikel 12W van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- 10 “(1) Behoudens die bepalings van subartikels (2) en (3) [kan 'n opvolgermaatskappy waarvan al die uitgereikte ekwiteitsaandele deur die Staat gehou word, solank al die vermelde aandele aldus gehou word] en ondanks andersluidende bepalings van die Maatskappywet, kan die posmaatskappy, solank al sy uitgereikte ekwiteitsaandele deur die Staat gehou word, of die telekomunikasiemaatskappy, solank die meerderheid van sy uitgereikte ekwiteitsaandele deur die Staat gehou word, effekte, sekuriteite, wissels, promesses, skuldbriewe, skuldbriefeffekte, obligasies of ander finansiële instrumente as bewyse van die leen van geld uitrek, en kan hy dit op dieselfde wyse en op dieselfde finansiële markte of op dieselfde effektebeurs verhandel of laat noteer as wat gebruiklik is in die geval van soortgelyke finansiële instrumente wat deur die Staat uitgereik word.”.

Kort titel en inwerkingtreding

4. Hierdie Wet heet die Tweede Poswysigingswet, 1997, en word geag op 25 April 1997 in werking te getree het.

