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GENERAL NOTICE

NOTICE 302 OF 2005

DEPARTMENT OF COMMUNICATIONS (POSTAL REGULATOR)

POSTAL SERVICES REGULATIONS

The Minister of Communications has, under section 61 of the Postal Services Act, 1998 (Act No. 124 of 1998), under the advice of the Postal Regulator, made the regulations in the Schedule in English and Afrikaans.

Schedule**DEPARTMENT OF COMMUNICATIONS**
POSTAL REGULATOR**REGULATIONS UNDER THE POSTAL SERVICES ACT, 1998****POSTAL SERVICES REGULATIONS****INDEX**

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CHAPTER I

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates-

"consumer price index" means the official rate of the Annual Consumer Price Index as published by Statistics South Africa;

"office hours" means hours from 08:30 to 15:30 on any day other than a Saturday, Sunday or Public Holiday;

"ordinary parcel" means any parcel that is not registered or insured;

"the Act" means the Postal Services Act, 1998 (Act No. 124 of 1998).

Form of application

2. An application for registration to operate an unreserved postal service must be made in writing, in triplicate, in a form similar to Form PRR 1 contained in Annexure 1, and must-

(a) contain the solicited information in Form PRR 1;

(b) be accompanied by the documents that Form PRR 1 may require to be attached to the application; and

(c) contain a duly certified declaration under oath or an affirmation at the end of the said form that the information contained therein is true.

Lodgment of application

3 (a) An application contemplated in regulation 2 must be lodged with the Regulator during office hours.

(b) An application contemplated in regulation 2 must be lodged by physical delivery at the office of the Regulator or at any other place that the Regulator may determine.

(c) The Regulator must provide an applicant with a written acknowledgement of receipt of an application, which shall set out-

(i) the number of copies received;

(ii) the date and time of receipt;

(iii) the name of the applicant or the person lodging the application on behalf of the applicant; and

(iv) the name of the receiving officer.

Registration fee

4. A registration fee of R 500.00 is payable in cash, bank guaranteed cheque or electronic funds transfer.

Registration period

5. Registration is valid for a period of one year from the date of issue of a registration certificate.

CHAPTER II

Manner of determining fees and charges

6. The manner of determining fees and charges in respect of reserved postal services as contemplated in section 30(2) of the Act is as follows:

(a) The Regulator may from time to time by notice in the *Gazette*, invite written proposals for the purposes of determining fees and charges under sections 30 and 31 of the Act;

(b) the postal company and any other licensee must annually submit written proposals to the Regulator on proposed fees and charges for the next financial year;

(c) the Regulator after receiving the proposals contemplated in paragraphs (a) and (b), if any, must consider such proposals before any fees or charges are determined in terms of section 30 of the Act;

(d) for purposes of determining the fees and charges applicable to the provision of reserved postal services by any new applicant, the Regulator must take into account the proposal contemplated in paragraphs (a) and (b), and any submissions made by interested parties;

(e) a proposal contemplated in paragraph (b) must include a detailed report on –

(i) the impact of the proposal;

(ii) the accessibility of postal services to the public; and

(iii) the business operations and profitability of the postal company or other licensee;

(f) the Regulator is entitled to collect information from the licensee or its consumers, as it deems necessary and the licensee shall not withhold any such information;

(g) the postal company or any other licensee is prohibited from making any revisions to the charges in the reserved postal area without the written approval of the Postal Regulator. This clause only applies to the licensed operator;

(h) in determining fees and charges, the Consumer Price Index may be used as a guideline. This should take into consideration Government's directives on administered prices i.e. inflation targets for the period ahead.

7. Upon receipt of the proposal contemplated in regulation 6(c), the Regulator may convene a meeting or public hearing for the purposes of obtaining any further information required to enable the Regulator to consider the proposal

CHAPTER III

Compensation

8 (a) The maximum compensation payable in the event of damage or loss to any postal article is the replacement value of that postal article and is subject to the following limitations:

(i) In respect of the registered postal article, with insured option, R5,000.00;

(ii) for any ordinary parcel, R20.00.

(b) If any document that is of value only because of the cost of its preparation, is enclosed in a postal article referred to in paragraph (a) and such document is lost or damaged while in the custody of a postal service provider, compensation may not exceed the cost of its replacement or the relative limit of compensation as prescribed in paragraph (a)(i) whichever is the lesser amount.

9. An application for compensation in terms of section 45 must be made within six months from the day following the date on which the relative postal article was posted.

10. No compensation will be payable in respect of-

(a) any postal article containing anything that may not legally or lawfully be

send by post;

(b) the loss or damage of any postal article unless the sender proves that such article was delivered to the postal service provider for conveyance;

(c) the loss or damage to any postal article if the loss or damage was due to *vis major*;

(d) the loss of or damage to the contents or any portion of the contents of any postal article, if the loss or damage was due to improper or inadequate packing;

(e) the loss of or damage to the contents or any portion of the contents of any parcel, including a cash-on-delivery postal article, or a packet duly delivered and accepted without reserve by the addressee: Provided that the postal company may pay compensation if-

(i) such postal article or packet bears evidence of having been tampered with, repacked or repaired by the postal company; or

(ii) there is proof that the parcel was delivered to the addressee or the addressee's address in a damaged condition;

(f) any postal article or packet containing perishable products;

(g) any negotiable instrument enclosed in any postal item, unless particulars sufficient to identify that negotiable instrument are supplied to the postal company.

11. If compensation is paid for the loss of any postal article and that article is subsequently recovered by the postal company, it may be retained or disposed of by the postal company.

12. Compensation in terms of these regulations must be paid within a reasonable period.

CHAPTER IV

General

13. The fine that the Regulator may impose on a licensee or the holder of a registration certificate under section 80(4)(b) of the Act is an amount not exceeding R100, 000.00.

14. The fee for copies of minutes contemplated in section 11 of the Act is R1.00 per page.

CHAPTER V

Repeal of regulations

15. The following regulations are hereby repealed:

(a) Chapter XV of the Postal Regulations promulgated by Government Notice No. R550 of 14 April 1960, as amended by Government Notices Nos. R432 of 24 March 1971 and R1102 of 25 June 1971;

(b) the Postal Services Regulations published in *Government Gazette* No. 24346 of 31 January 2003, General Notice 365.

ANNEXURE 1 - FORM PRR 1

**APPLICATION FOR REGISTRATION IN TERMS OF
SECTION 21**



**BEFORE COMPLETING THIS FORM, APPLICANTS SHOULD CAREFULLY
READ THE INSTRUCTIONS ON THE NEXT PAGE.**

INSTRUCTIONS

1. Applications must be in writing and must be lodged in triplicate.
2. The Application Form must be completed in full.
3. All information contained in the application for registration of the unreserved postal service provider may be made available to any member of the public on request, save where the Regulator, on the applicant's request, determines that any information is of a confidential nature and should not be publicly disclosed. Such determination, when made, will be in writing and signed by the Chairperson of the Regulator.
4. A non-refundable fee of R500.00 must accompany the application. The fee must be paid in cash or by bank guaranteed cheque and be made to:

Department of Communications

Bank : Nedbank
Account No. : 1462003206
Branch Code : 146245
Ref : Registration fee

5. Proof of payment should be faxed to: (012) 427 8536
6. Failure to comply with any of these requirements may lead to disqualification of this application.
7. This form is available from the Regulator or can be accessed from the Regulator's website address: <http://www.doc.gov.za>
8. Where a person acts in a representative capacity, such person must provide a resolution authorising him or her to sign this application form and to represent the applicant at any meetings or hearing that may be convened by the Regulator in connection with this application

APPLICATION FOR REGISTRATION TO OPERATE UNRESERVED POSTAL SERVICE (Under Section 21 of the Postal Services Act, 1998)**PART 1: PARTICULARS AND LEGAL STATUS OF THE APPLICANT**

1. NAME OF THE APPLICANT

.....

2. ADDRESS OF APPLICANT

.....

.....

.....

3. TRADING NAME OF BUSINESS

.....

4. REGISTRATION NO.

.....

(please attach a copy of the registration certificate)

5. DATE OF REGISTRATION

.....

6. AREA (S) OF OPERATION (please specify your routes)

.....

(attach as appendix 1)

7. LEGAL STATUS OF APPLICANT (Indicate relevant legal status with an X in the appropriate box)

Private Company	Public Company	Section 21 Company	Closed Corporation
Partnership	Individual/ Sole Proprietor	Joint Venture	Other

8. **CERTIFIED COPIES OF ALL RELEVANT FOUNDING DOCUMENTS**
(attach as appendix 2)
9. **SHAREHOLDING (if applicable)**

Provide details of all shareholders and the percentage shareholding of each shareholder according to the following format.

Name	
Date of Birth	
Gender	
Identity Number	
Physical address	
Postal address	
Telephone number	
Nationality	
Directorship held	
Occupation	

(attach shareholding certificate as appendix 3)

10. **PARTICULARS OF A CONTROLLING ENTITY (if applicable)**

10.1 Does any other person or entity control the applicant?

Yes	No
-----	----

10.2 If yes, indicate form of controlling entity.

Private Company	Public Company	Section 21 Company	Closed Corporation
Partnership	Individual/ Sole Proprietor	Joint Venture	Other

10.3 Provide full name and details of controlling entity

10.3.1 Name:

.....

10.3.2 Place of Registration:

.....

10.3.3 Registration Number:

.....

10.3.4 Date of Registration:

.....
(attach company registration certificate as appendix 4)

PART 2: FINANCIAL OPERATIONS

11. Provide a detailed business plan
(attach as appendix 5)

I hereby certify the above information to be true and correct.

.....
(Signature of applicant)

.....
Dated

.....
(Signature of Witness)

.....
Dated

Sworn or affirmed at.....on this day of.....20...

Commissioner's Stamp:

.....
(Commissioner of Oaths)

Bylae**DEPARTEMENT VAN KOMMUNIKASIE**
POSDIENSREGULEERDER**REGULASIE Kragtens die POSDIENSWET, 1998****POSDIENSTEREGULASIES****INDEKS**

REGULASIE	TITEL	BLADSY
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Aanhangsel 1-Vorm PRR 1	Aansoek om registrasie ingevolge artikel 21	7

HOOFSTUK 1

Woordomskrywing

1. In hierdie Regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is die betekenis aldus daaraan geheg, en tensy uit die samehang anders blyk, beteken –

“die Wet” die Posdienswet, 1998 (Wet No. 124 van 1998);

“gewone pakket” 'n pakket wat nie geregistreer of verseker is nie;

“kantoor-ure” ure vanaf 08:30 tot 15:30 op enige dag wat nie 'n Saterdag, Sondag of Openbare Vakansiedag is nie;

“verbruikersprysindeks” die amptelike koers van die Jaarlikse Verbruikersprysindeks soos deur Statistiek, Suid-Afrika gepubliseer.

Vorm en aansoek

2. 'n Aansoek om registrasie om 'n ongereserveerde posdiens te bedryf, moet skriftelik, in tripikaat en op 'n vorm soortgelyk aan Vorm PRR1 in die Aanhangsel gedoen word, en moet –

(a) die inligting in Vorm PRR1 gevra, bevat;

(b) vergesel gaan van die dokumente wat in Vorm PRR1 vereis word om by die aansoek aangeheg te wees; en

(c) 'n behoorlik gesertifiseerde verklaring onder eed of 'n bevestiging dat die inligting daarin vervat waar is, aan die einde van die vorm bevat.

Indiening van aansoek

3. (a) 'n Aansoek beoog in regulasie 2 moet gedurende kantoorure by die Reguleerder ingedien word.

(b) 'n Aansoek beoog in regulasie 2 moet ingedien word deur fisiese aflewering by die kantoor van die Reguleerder of op enige ander plek wat die Reguleerder kan bepaal.

(c) Die Reguleerder moet 'n aansoeker voorsien van 'n skriftelike ontvangserkenning van 'n aansoek, waarin uiteengesit moet word –

(i) die getal kopieë ontvang;

(ii) die datum en tyd van ontvangs;

(iii) die naam van die aansoeker of die persoon wat die aansoek namens die aansoeker indien; en

(iv) die naam van die ontvangende beampte.

Registrasiegeld

4. 'n Registrasiefooi van R500,00 is betaalbaar, in kontant of by wyse van 'n bankgewaarborgde tjek of elektroniese oordrag van fondse.

Registrasietydperk

5. Registrasie is geldig vir 'n tydperk van een jaar vanaf die datum van uitreiking van die registrasiesertifikaat.

HOOFSTUK II

Wyse van bepaling van gelde en tariewe

6. Die wyse waarvolgens gelde en tariewe ten opsigte van gereserveerde posdienste bepaal word, soos beoog in artikel 30(2) van die Wet, is soos volg:

(a) Die Reguleerder kan van tyd tot tyd by kennisgewing in die *Staatskoerant* skriftelike voorstelle aanvra vir die doeleindes van die bepaling van gelde en tariewe kragtens artikel 30 en 31 van die Wet;

(b) die posmaatskappy en enige ander lisensiehouer moet jaarliks skriftelike voorstelle om die Reguleerder voorlê oor voorgestelde gelde en tariewe vir die volgende finansiële jaar;

(c) na ontvangs van die voorstelle beoog in paragrafe (a) en (b), as daar is, moet die Reguleerder die voorstelle oorweeg voordat enige gelde en tariewe kragtens artikel 30 van die Wet bepaal word;

(d) vir die doeleindes van die bepaling van die gelde en tariewe wat op die lewering van gereserveerde posdienste deur 'n nuwe aansoeker van toepassing is, moet die Reguleerder die voorstelle beoog in paragrafe (a) en (b) en enige voorleggings deur belanghebbende partye in aanmerking neem;

(e) 'n voorstel beoog in paragraaf (b) moet 'n volledige verslag insluit oor –

(i) die invloed van die voorstel;

(ii) die toeganklikheid van posdienste vir die publiek; en

(iii) die sakebedrywighede en winsgewendheid van die posmaatskappy of ander lisensiehouer;

(f) die reguleerder is daarop geregtig om die inligting wat hy nodig ag in te samel van die lisensiehouer of sy verbruikers, en die lisensiehouer mag nie enige sodanige inligting terughou nie;

(g) die posmaatskappy of enige ander lisensiehouer word verbied om enige hersienings van tariewe in die gereserveerde posarea te doen sonder die skriftelike goedkeuring van die Reguleerder. Hierdie klousule is slegs van toepassing op die gelisensieerde operateur;

(h) by die bepaling van gelde en tariewe kan die verbruikersprysindeks as 'n riglyn gebruik word. Die Regering se voorskrifte oor geadministreerde pryse, te wete inflasietekens vir die komende tydperk, kan ook in aanmerking geneem word.

7. By ontvangs van die voorstelle beoog in regulasie 6(c), kan die Reguleerder 'n vergadering of openbare verhoor belê vir die doeleindes van die verkryging van verdere inligting benodig om die Reguleerder in staat te stel om die voorstelle te oorweeg.

HOOFSTUK III

Vergoeding

8 (a) Die maksimum vergoeding betaalbaar in die geval van skade of verlies van 'n posstuk is die vervangingswaarde van daardie posstuk, onderworpe aan die volgende beperkings:

(i) ten opsigte van 'n geregistreerde posstuk met versekeringsopsie, R5000,00; en

(ii) vir enige gewone pakket, R20,00.

(b) Indien 'n dokument, wat van waarde is slegs vanweë die koste van sy voorbereiding, ingesluit is in 'n posstuk bedoel in paragraaf (a) en die dokument word verloor of beskadig terwyl dit in bewaring van 'n posdiensverskaffer is, mag die vergoeding nie die koste van sy vervanging of die betrokke perk van vergoeding soos in paragraaf (a)(i), wat ook al die kleinste bedrag is, oorskry nie.

9. 'n Aansoek om vergoeding ingevolge artikel 45 van die Wet moet gedoen word binne ses maande vanaf die dag wat volg op die datum waarop die betrokke posstuk gepos is.

10. Geen vergoeding is betaalbaar nie ten opsigte van –

(a) 'n posstuk wat enigiets bevat wat nie wettig of regsgeldig per pos versend mag word nie;

(b) die verlies van, of skade aan, 'n posstuk tensy die afsender bewys dat die artikel aan die posdiensverskaffer vir vervoer afgelewer is;

(c) die verlies van, of skade aan, 'n posstuk indien die verlies of skade te wyte is aan oormag;

(d) die verlies van, of skade aan, die inhoud of 'n deel van die inhoud van 'n pakket, indien die verlies of skade te wyte is aan onbehoorlike of onvoldoende verpakking;

(e) die verlies van, of skade aan, die inhoud of 'n deel van die inhoud van 'n pakket, met inbegrip van 'n kontant-by-aflowering-posstuk of 'n pakkie wat behoorlik afgelewer is en sonder voorbehoud deur die geadresseerde ontvang is. Maar die posmaatskappy kan wel vergoeding betaal indien –

(i) die posstuk of pakket toon dat daarmee gepeuter was, dat dit herverpak is of herstel is deur die posmaatskappy; of

(ii) daar bewys is dat die pakket in 'n beskadigde toestand aan die geadresseerde of by die geadresseerde adres afgelewer is;

(f) 'n posstuk of pakkie wat bederfbare produkte bevat; of

(g) 'n verhandelbare dokument wat by 'n posstuk ingesluit is, tensy voldoende besonderhede om die verhandelbare dokument te identifiseer aan die posmaatskappy voorsien word.

11. Indien vergoeding vir die verlies van 'n posstuk betaal is, en daardie artikel word later deur die posmaatskappy opgespoor, kan die posmaatskappy dit behou of daaroor beskik.

12. Vergoeding ingevolge hierdie Regulasies moet binne 'n redelike tydperk betaal word.

HOOFSTUK IV

Algemeen

13. Die boete wat die Reguleerder aan 'n lisensiehouer of die houer van 'n registrasiesertifikaat kragtens artikel 80(4)(b) van die Wet kan opleë, is 'n bedrag wat nie R100,000-00 te bowe gaan nie.

14. Die geld betaalbaar vir afskrifte van notules beoog in artikel 11 van die Wet is R1,00 per bladsy.

HOOFSTUK V

Herroeping van regulasies

15. Die volgende regulasies word hierby herroep:

(a) Hoofstuk XV van die Posregulasies gepromulgeer by Govermentskennisgewing No. R550 van 14 April 1960, soos gewysig by Goewermentskennisgewing Nos. R432 van 24 Maart 1971 en R1102 van 25 Junie 1971; en

(b) die Posdiensregulasies gepubliseer in *Staatskoerant* No. 24346 van 31 Januarie 2003, Algemene Kennisgewing No. 365.

AANHANGSEL 1 - VORM PRR 1

AANSOEK OM REGISTRASIE INGEVOLGE ARTIKEL 21



**AANSOEKERS MOET, VOORDAT HULLE HIERDIE VORM VOLTOOI, DIE
AANWYSINGS OP DIE VOLGENDE BLADSY NOUKEURIG DEURLEES**

AANWYSINGS

1. Aansoeke moet op skrif wees en in drievoud ingedien word.
2. Die Aansoekvorm moet volledig ingevul word.
3. Alle inligting vervat in die aansoek om registrasie as 'n ongereserveerde posdiensverskaffer kan op versoek aan enige lid van die publiek beskikbaar gestel word, behalwe waar die Reguleerder, op versoek van die aansoeker, bepaal dat die inligting van 'n vertroulike aard is en nie aan die publiek openbaar moet word nie. Indien so 'n bepaling gedoen word, moet dit op skrif wees en deur die Voorsitter van die Reguleerder onderteken word.
4. 'n Bedrag van R500-00, wat nie terugbetaalbaar is nie, moet die aansoek vergesel. Die geld moet betaal word in kontant of deur 'n bankgewaarborgde tjek betaalbaar aan:

Departement van Kommunikasie

Bank: Nedbank

Rekeningnommer: 146 2003 206

Takkode: 146 245

Verwysing: Registrasiegeld

5. Bewys van betaling moet gefaks word aan: (012) 427 8536
6. Versuim om aan enige van hierdie vereistes te voldoen, kan lei tot diskwalifikasie van hierdie aansoek.
7. Hierdie vorm is verkrygbaar van die Reguleerder, of toegang daartoe kan verkry word op die Reguleerder se webtuiste-adres: <http://www.doc.gov.za>
8. Waar 'n persoon in 'n verteenwoordigende hoedanigheid optree, moet die persoon 'n besluit voorsien wat hom of haar magtig om hierdie aansoekvorm te onderteken en om die aansoeker by enige vergadering of verhoor te verteenwoordig wat deur die Reguleerder in verband met hierdie aansoek belê kan word.

**AANSOEK OM REGISTRASIE OM ONGERESERVEERDE POSDIENS TE
BEDRYF (Kragtens artikel 21 van Posdienswet, 1998)****DEEL 1: BESONDERHEDE EN REGSTATUS VAN AANSOEKER**

1. NAAM VAN AANSOEKER

.....

2. ADRES VAN AANSOEKER

.....

.....

.....

3. HANDELSNAAM VAN BESIGHEID

.....

4. REGISTRASIENOMMER

.....

(heg asseblief 'n afskrif van registrasiesertifikaat aan)

5. DATUM VAN REGISTRASIE

.....

6. GEBIED VAN BEDRYF (spesifiseer asseblief u roetes)

.....

(heg aan as byvoegsel 1)

7. REGSTATUS VAN AANSOEKER (Dui betrokke regstatus aan deur 'n X in
die toepaslike blok)

Private Maatskappy	Publieke Maatskappy	Artikel 21 Maatskappy	Beslote Korporasie
Vennootskap	Individuele/ Alleen Eienaar	Gesamentlike Onderneming	Ander

8. GESERTIFISEERDE AFSKRIFTE VAN ALLE TERSAAKLIKE STIGTINGSDOKUMENTE (heg aan as byvoegsel 2)
9. AANDEELHOUDING (indien van toepassing)

Voorsien besonderhede van alle aandeelhouders en die persentasie aandeelhouding van elke aandeelhouer in die volgende formaat:

Naam	
Geboortedatum	
Geslag	
Identiteitsnommer	
Fisiese adres	
Posadres	
Telefoonnommer	
Nasionaliteit	
Direkteurskap gehou	
Beroep	

(heg aandelesertifikaat aan as byvoegsel 3)

10. BESONDERHEDE VAN 'N BEHERENDE ENTITEIT (as daar is)

10.1 Word die aansoeker deur 'n ander persoon of entiteit beheer?

Ja	Nee
----	-----

10.2 Indien Ja, dui vorm van beheerende entiteit aan.

Private Maatskappy	Publieke Maatskappy	Artikel 21 Maatskappy	Beslote Korporasie
Vennootskap	Individuele/ Alleen Eienaar	Gesamentlike Onderneming	Ander

10.3 Voorsien volledige naam en besonderhede van beheerende entiteit

10.3.1 Naam:

.....

10.3.2 Plek van registrasie:

.....

10.3.3 Registrasienommer:

.....

10.3.4 Datum van registrasie:

.....
(heg maatskappy-registrasiesertifikaat aan as byvoegsel 4)

DEEL 2: FINANSIËLE BEDRYWIGHED

11. Voorsien 'n gedetailleerde besigheidsplan
(heg aan as byvoegsel 5)

Ek sertifiseer hiermee dat bogemelde inligting waar en korrek is.

.....
(Handtekening van Aansoeker)

.....
Gedateer

.....
(Handtekening van Getuie)

.....
Gedateer

Beëdig of bevestig te op hierdie..... dag
van 20....

.....
(Kommissaris van Ede)

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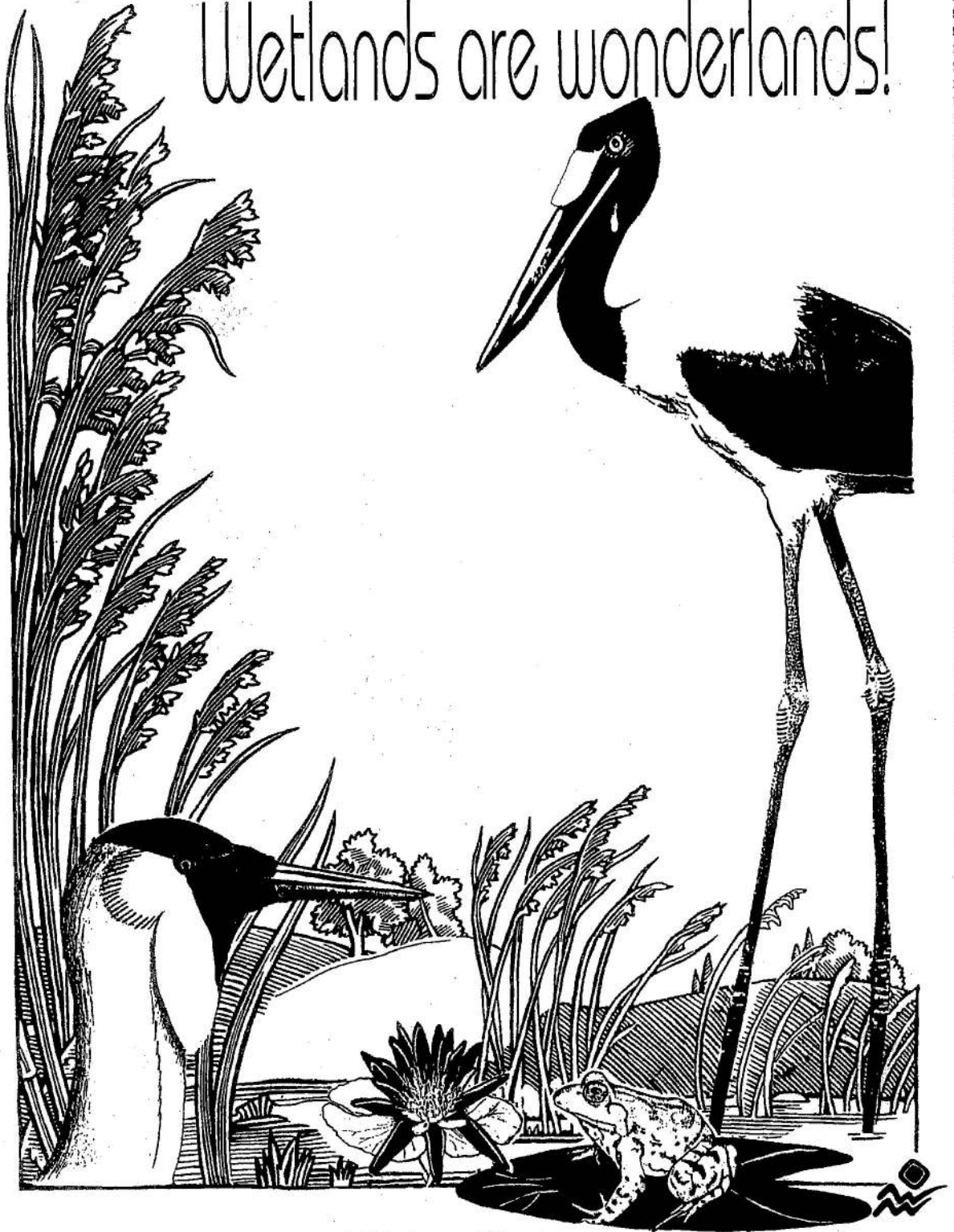
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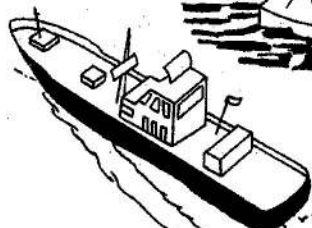
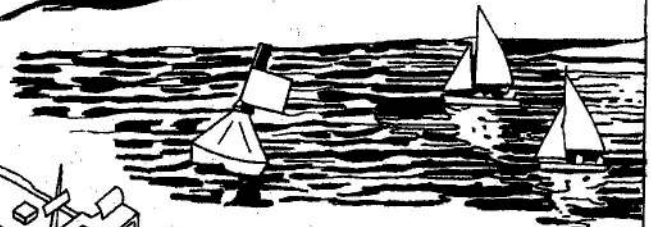
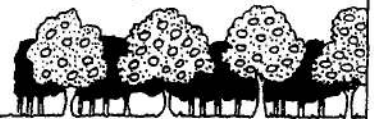
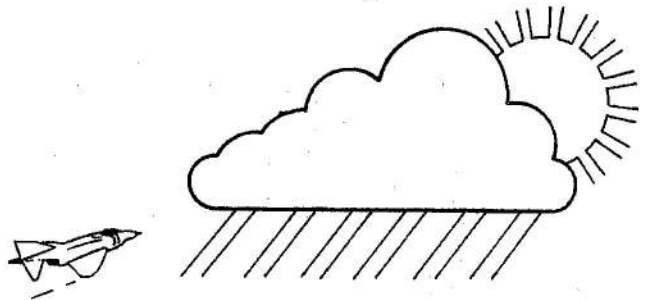
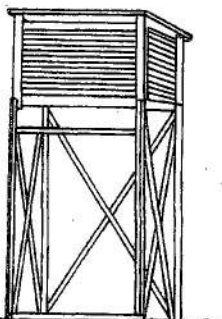
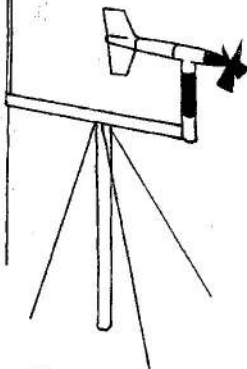
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