

GENERAL NOTICE

NOTICE 937 OF 2009

NOTICE IN TERMS OF SECTION 61 OF THE POSTAL SERVICES ACT OF 1998 (ACT NO. 128 OF 1998) READ WITH THE ICASA ACT OF 2000 (ACT NO. 13 OF 2000)

- (1) The Independent Communications Authority of South Africa ("ICASA") hereby gives notice in terms section 61 of the Postal Services Act No. 128 of 1998, of its intention to prescribe Conveyance of Mail Regulations.
- (2) A copy of the proposed regulation is available on the Authority's website at <http://www.icasa.org.za> and in the ICASA Library at the 164 Katherine Street, Pinmill Farm, Ground floor, Block D, between 10h00 and 16h30, Monday to Friday.
- (3) Interested persons are invited to submit written representations on the draft Conveyance of Mail Regulation by the 11th of August 2009.
- (4) Persons making written representation are requested to indicate if they wish to make oral submissions in the event that ICASA decides to conduct oral hearings, the estimated duration thereof not exceeding one (1) hour.
- (5) All written representations made to ICASA pursuant to this notice will be made available for inspection by interested persons at the ICASA library and copies of such representations will be obtainable on payment of the prescribed fee.
- (6) At the request of any person who submits written representations pursuant to this notice, ICASA will determine whether such representations or any portion thereof is confidential in terms of section 4D of the ICASA Act. If the request for confidentiality is refused, the person making the request will be allowed to withdraw such representation or portion thereof.
- (7) The final regulations will be published in Government Gazette.
- (8) Written representations can be submitted by post, hand delivery, facsimile transmission, and/or electronically (in Microsoft Word) for the attention of:

Mr. O Tlhabi

Project leader

ICASA

Private Bag X 10002

2146

or Block C

Pinmill Farm

164 Katherine Street

Sandton

Tel: (011) 566 - 3405

Fax: (011) 566 - 3406

e-mail: OTlhabi@icasa.org.za

NOTICE ____ OF 2009

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

**REGULATIONS IN TERMS OF SECTION 61(d) OF THE POSTAL SERVICES
ACT OF 1998 (ACT No 124 of 1998) READ WITH ICASA ACT OF 2000 (ACT No
13 OF 2000) IN RESPECT OF THE CONVEYANCE OF MAIL**

I, Paris Mashile, Chairperson of the Independent Communications Authority of South Africa ("ICASA") acting on behalf of Council hereby approve and publish the draft regulations in the schedule made in terms of section 61(d) of the Postal Service Act, 1998 (Act No. 124 of 1998).



**PARIS MASHILE
CHAIRPERSON
ICASA**

SCHEDULE

1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned, unless the context otherwise specifies:

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

“Conveyor” means a person or licensee whose business is to carry mail from the sender to the intended destination.

“Damage” means harm or injury to mail, resulting in loss of value or the impairment of usefulness of the postal article.

“Loss” means when mail does not reach the addressee.

“Retail outlet” means an outlet at which customers receive basic postal services, made available by the licensee.

“SAPO” means the South African Post Office.

2. PURPOSE OF THE REGULATIONS

The purpose of these regulations is to:

- 2.1 regulate the conveyance of mail and general powers and duties of conveyors;
- 2.2 regulate legal possession and ownership of mail;
- 2.3 eradicate exposure of mail to the risk of loss, theft, fraud, damage and tampering.

3. SCOPE AND APPLICATION OF THE REGULATIONS

The regulations apply to all conveyors of mail.

4. DUTIES AND POWERS OF THE CONVEYOR

The duties and powers of the conveyors are to:

- 4.1 carry mail from the sender to the intended destination;
- 4.2 put measures in place to ensure the integrity of mail;
- 4.3 publish information on how to deal with dangerous goods and prohibited substances at their outlets;
- 4.4 exercise due care in handling and processing mailed articles to prevent damage and/or harm;
- 4.5 notify the sender within a reasonable period of its inability to deliver the mail on time, as stipulated in the Act.
 - (a) The notification referred to above may include but is not limited to sms, email, telephone, letter or radio announcement
- 4.6 oversee the screening process of deliveries that are channeled during the conveyance process,
- 4.7 ensure that suspicious packages are detected and disposed.

5. LEGAL POSSESSION AND OWNERSHIP OF MAIL

The conveyor is liable for damage, loss and theft of mail from the point of receipt of the goods until the delivery of the goods is completed.

6. SECURITY OF MAIL

- 6.1 The conveyor must:
 - (a) maintain strict access control to the area in which mail is kept. These strict access control measures must include but not limited to:
 - (i) installing alarms and surveillance equipment
 - (ii) limiting access to authorised personnel only

(iii) locking high value items

(b) ensure, through a register, that proper and accurate records of the amount of mail processed are maintained.

(c) The record referred to in 6.1(b) above, must be kept for a period of three (3) years.

(d) develop and submit a six-monthly reviewed and updated security procedures for handling mail to the Authority within one (1) month after the end of the financial year and six (6) months thereafter.

6.2 The procedures referred to in sub-regulation 6.1(d) should include but not limited to:

(a) regular risk assessment;

(b) the maintenance of records so that conveyors can identify, as far as is reasonably practicable, which relevant personnel were responsible for the conveyance, receipt, collection, sorting, delivery or handling of specific mail that has been tampered with;

(c) the measures to be taken, including monitoring, to prevent, detect loss or theft of, damage to, or tampered with, mail from or at premises, vehicles or equipment.

7. DANGEROUS GOODS

7.1 A conveyor must, for the purpose of consumers, publish a Schedule on Dangerous Goods/Substances which must not be delivered through mail.

7.2 A Schedule of Dangerous Goods must include but is not limited to goods in the schedule as attached.

8. PROHIBITED GOODS

8.1 A conveyor must for the purpose of consumers publish a list on all goods prohibited from being conveyed through the mail.

8.2 The list of prohibited goods must include, but is not limited to the goods in the schedule as attached.

9. PENALTIES

A conveyor who fails to comply with these regulations is liable to a fine not exceeding an amount of R250 000 that will be imposed by the Authority.

10. SHORT TITLE AND COMMENCEMENT

These regulations are called Regulations on the Conveyance of Mail 2009 and will be effective on the day of publication in the Government Gazette.

SCHEDULE "A"
SCHEDULE OF DANGEROUS GOODS:

Explosives - ammunition, fireworks, igniters.

Compressed Gas - aerosol products, carbon dioxide gas, cigarette lighter, butane.

Flammable liquids - alcohol, flammable paint and thinners, flammable varnish removers, turpentine, petroleum products, benzene.

Flammable solids - metallic magnesium, matches, zinc powder.

Oxidising material - some adhesives, some bleaching powders; hair or textile dyes made of organic peroxides, fiberglass repair kits, chlorine.

Poison including drugs and medicines - although some are acceptable in prescription quantities, and non-infectious perishable biological substances are accepted when packed and transmitted appropriately.

Radioactive material

Corrosives - corrosive cleaning liquid, paint or varnish removers, mercury filled thermometer.

Miscellaneous - magnetised materials, oiled paper, polymerisable materials.

SCHEDULE "B"
SCHEDULE OF PROHIBITED GOODS:

- Bank notes - including all South African notes of whatever issue or denomination, and the bank notes or currency notes of any other country.
- Asbestos
- Bees, leeches, silkworms or any other animal or living organism
- Biological substances, infectious or non infectious
- Coins
- Firearms, or parts thereof
- Furs
- Human or animal remains, including ashes
- Ivory
- Uninsured Jewellery
- Perfumery products
- A film or publication which falls in the category of XX or X18 in terms of the Films and Publications Act 65 of 1996 as amended
- Perishable items
- Uninsured Precious metals
- Uninsured Precious stones, which means, all valuable natural mineral stone, silica or substances extracted from the group, whether in their natural state or refined, processed, set or treated and includes semi-precious stones and any other natural or synthetic mineral, stone, silica or substance whether in a natural state, cut or uncut, refined, processed, set or treated.