

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
POSTAL SERVICES BILL**

[B 97—98]

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*(As agreed to by the Portfolio Committee on Communications (National Assembly))*

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[B 97A—98]

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REPUBLIEK VAN SUID-AFRIKA

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**PORTEFEULJEKOMITEE-AMENDEMENTE  
OP  
WETSONTWERP OP  
POSDIENSTE**

[W 97—98]

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*(Soos goedgekeur deur die Portefeuljekomitee oor Kommunikasie (Nasionale Vergadering))*

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[W 97A—98]

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## AMENDMENTS AGREED TO

### POSTAL SERVICES BILL [B 97—98]

#### ARRANGEMENT OF ACT

1. In the English text, on page 2, in line 3, to omit “Bill” and to substitute “Act”.

#### CLAUSE 1

1. On page 8, after line 4, to insert the following definition:  
“courier service” means a service provided by a person licensed or registered to provide such a service in terms of this Act;

#### CLAUSE 2

1. On page 10, in line 34, after “industry” to insert “, especially amongst historically disadvantaged groups”.
2. On page 10, in line 49, to omit “to”.

#### CLAUSE 4

1. On page 12, in line 6, to omit “in the service of the Department”.
2. On page 12, in line 11, after “be” to insert “a fit and proper person with appropriate qualifications”.

#### CLAUSE 6

1. On page 12, in line 23, to omit “necessary” and to insert “relevant”.
2. On page 12, in line 23, after “expertise” to insert “or qualifications”.

#### CLAUSE 8

1. On page 14, after line 5, to add:  
(3) No member of the Regulator or staff of the Department, including an inspector appointed in terms of section 27, may disclose any information regarding any matter which may come to his or her knowledge in the performance of any function in terms of this Act except in so far as such person may be required to do so by law or by an order of a competent court.

#### CLAUSE 10

1. On page 14, in line 26, after “other” to insert “lawful”.

CLAUSE 16

1. On page 16, in line 17, after “application” to insert “to the Regulator”.
2. On page 16, in line 19, after “(3)” to insert “and (5)”.
3. On page 16, in line 26, after “A” to insert “reserved”.
4. On page 16, in line 26, after “section” to insert:
 

, excluding a courier service in respect whereof the postal company must be licensed or registered separately,
5. On page 16, after line 38, to insert the following subsection:
 

(5) (a) Any person who, immediately before the date of commencement of this section provided a courier service of a type contemplated in Schedule 1, must be regarded as being licensed to provide such a courier service, subject to paragraph (b).

(b) A person may not be regarded as being licensed in terms of paragraph (a) if that person has failed to apply to the Minister through the Regulator for such a licence within 90 days after the date of commencement of this section or within such extended period as the Regulator may allow.

(c) After receipt of an application in terms of paragraph (b) the Minister must, subject to paragraph (d), grant the application and thereafter the Regulator must issue a licence to the applicant.

(d) A person may not be licensed to provide a courier service in terms of this subsection unless that person undertakes—

  - (i) to receive, collect and deliver items contemplated in item 1(a) of Schedule 1;
  - (ii) to track and trace the whereabouts of any item received or collected for delivery by such person’s business undertaking;
  - (iii) to deliver items within a definite time, in the case of deliveries across international borders;
  - (iv) to deliver items within the Republic on the date of receipt thereof or at the latest by 13:00 on the next working day; or
  - (v) to clear items through customs, where applicable.
6. On page 18, in line 2, after “(2)” to insert:
 

and that any such period must be reviewed every three years
7. On page 18, in line 3, to omit “licence contemplated in subsection (3)” and to substitute:
 

licences contemplated in subsections (3) and (5)

CLAUSE 20

1. On page 18, in line 29, to omit “including a courier service,”.

CLAUSE 22

Clause rejected.

## NEW CLAUSE

1. That the following be a new Clause:

**Operators regarded as having been registered**

**22.** (a) Any person who, immediately before the date of commencement of this section provided a postal service in respect of items contemplated in Schedule 2, including a courier service, must be regarded as being registered to provide an unreserved postal service or an unreserved courier service, as the case may be, subject to paragraph (b).

(b) A person may not be regarded as being registered in terms of paragraph (a) if that person has failed to apply for registration to the Regulator within 90 days after the date of commencement of this section or within such extended period as the Regulator may allow.

(c) After receipt of an application in terms of paragraph (b) the Regulator must, subject to paragraph (d), register the applicant and issue a registration certificate.

(d) A person may not be registered to provide a courier service in terms of this section unless that person undertakes—

- (i) to receive, collect and deliver items contemplated in item 1(b) of Schedule 2; or
- (ii) to render any service contemplated in subparagraphs (ii) to (v) of section 16(5)(d), in respect of items contemplated in item 1(b) of Schedule 2.

## CLAUSE 30

1. On page 22, after line 36, to add:

(4) Fees and charges determined in terms of this section must be published in the *Gazette* by the Regulator and may not come into force until 60 days after such publication.

2. On page 22, after line 36, to add:

(5) This section does not apply to courier services.

## CLAUSE 80

1. On page 46, in line 14, to omit “(2)” and to substitute “(3)”.

## SCHEDULE 1

1. On page 52, from line 4, to omit paragraph (a) and to substitute:

(a) all letters, postcards, printed matter, small parcels and other postal articles subject to the mass and size limitations of paragraph 3;

2. On page 52, from line 8, to omit item 2 and to substitute:

**2.** For the purposes of this Schedule, a letter means any form of written communication or other document, article or object that is directed to a specific person or persons or specific address and is to be conveyed other than by electronic means and includes a parcel,

package or wrapper containing any such communication or article conforming to the mass and size limitations set out in paragraph 3.

3. On page 52, after line 17, to insert:
  3. The reserved postal services include all items described in paragraphs 1(*a*) and 2 of a mass up to and including one kilogram as well as dimensions which enable it to fit into a rectangular box with the following dimensions:
    - length 458 mm
    - width 324 mm
    - thickness 100 mmCylinders having a maximum length of 458 mm and 100 mm thickness and a mass of up to one kilogram are regarded as letters.
4. On page 52, in line 23, to omit paragraph (*c*) and to substitute:
  - (*c*) the exchange or service of legal process, proceedings, pleadings, affidavits or depositions;

#### SCHEDULE 2

1. On page 54, from line 4, to omit paragraph (*a*) and to substitute:
  - (*a*) all letters, postcards, printed matter, small parcels and other postal articles larger or heavier than the dimensions set out in item 3 of Schedule 1 up to and including thirty kilograms;
2. On page 54, from line 5, to omit paragraph (*b*) and to substitute:
  - (*b*) courier services in respect of items mentioned in paragraph (*a*);  
and
3. On page 54, in line 14, to omit paragraph (*c*) and to substitute:
  - (*c*) the exchange or service of legal process, proceedings, pleadings, affidavits or depositions;

