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## GOVERNMENT NOTICE

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### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

No. R. 981

16 October 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 publish the 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, transfer or deliver 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 thereof.

**“Loss”** means failure to safeguard mail resulting in it not reaching 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 safeguard mail against loss, theft, fraud, damage and tampering;
- 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 of mail to prevent loss, theft, fraud, damage and tampering;
- 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 of mail that are channeled during the conveyance process,
- 4.7 ensure that suspicious mail is detected and disposed.

## **5. LEGAL POSSESSION AND OWNERSHIP OF MAIL**

- 5.1 The conveyor is deemed to possess the mail from the moment that mail is handed to the conveyor or his agent.
- 5.2 Possession of mail passes to the addressee, upon delivery of mail.
- 5.3 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;