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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**

REGULATION	TITLE	PAGE
CHAPTER I		
1	Definitions	2
2	Form of application	2
3	Lodgment of application	2 - 3
4	Registration fee	3
5	Registration period	3
CHAPTER II		
6 - 7	Manner of determining fees and charges	3 - 4
CHAPTER III		
8 - 12	Compensation	4 - 5
CHAPTER IV		
13 - 14	General	5
CHAPTER V		
15	Repeal of regulations	6
Annexure 1 - Form PRR 1	Application for registration in terms of section 21	7

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 of20...

Commissioner's Stamp:

.....
(Commissioner of Oaths)

