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**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

NO. 4467

25 March 2024



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**POSITION PAPER ON THE REVIEW OF CONVEYANCE OF MAIL REGULATIONS,  
2009**

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The Independent Communications Authority of South Africa ("the Authority") gave notice of its intention to conduct an inquiry into the effectiveness of the Conveyance of Mail Regulations, 2009 ("Regulations") in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("The Inquiry"), as indicated in a Discussion Document on the Conveyance of Mail (Discussion Document) published in Government Gazette No. 48254 of 17 March 2023.

The Authority has since concluded the Inquiry. The Authority hereby publishes the attached notice regarding its Position pursuant to its findings.

A copy of the Authority's position is available on the Authority's website ([www.icasa.org.za](http://www.icasa.org.za)) and at the Authority's head office library (Block C, 350 Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion) during office hours (Mon-Fri from 09h00 to 16h30).

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**Ms. Yolisa Kedama****Acting Chairperson****Date: 20 /03/2024**

## **POSITION PAPER ON REVIEW OF THE REGULATIONS ON CONVEYANCE OF MAIL, 2009.**

**MARCH 2024**

1. The Authority has found that the Regulations are inefficient to address the current mail conveyance challenges. The challenges highlighted in the submissions point to the fact that amongst other things that there is a need to provide for enhanced consumer protection measures in the form of relief to consumers in cases where conveyors fail to comply with Regulations. The Regulations also fall short in terms of specifying recourse in case of loss, theft, fraud, damages of mail including notification to sender in cases of delay.
2. The Authority will review the Regulations to cater for changes in the postal services market to reflect the growth and development of the postal services operations and to recognise the role played by e-commerce services which has shifted the market. The Authority will further take into considerations the findings on issues consulted upon in the Discussion Document, which in the main highlight the lack of effective recourse to consumers pertaining to the handling and delivery of mail which are but not limited to the following themes:

### **2.1 Definitions**

The Authority will consider definitions of terms that are currently used in the process of mail conveyance but are not defined in the Regulations.

### **2.2 Legal Possession and Ownership of Mail**

The Authority will consider rephrasing the wording on legal possession and clarify the difference between legal possession and ownership of mail. The clarification will incorporate the whole service cycle as defined by the UPU.

### 2.3 **Consumer Protection Measures**

The Authority will review the Regulations and require conveyors to have remedies for offences related to loss, damages to and delay of mail. Required remedies may include developing and maintaining a compensation policy which addresses offences related to the collection, handling, and delivery of mail. Sharing the compensation policy with consumers and availing such policy to the Authority upon request.

### 2.4 **Mail Safety and Security**

The Authority will reinforce the current provisions of the Regulations on security of mail and strengthen measures that operators must follow. These includes the safety of physical infrastructure where mail is kept, minimum security standards that extend to the personnel handling mail and mail processing operations, and the implementation of a track and trace system for all mail items except letters. The Authority will do so by incorporating relevant UPU guidelines and standards that are not in the Regulations.

### 2.5 **Dangerous and Prohibited Goods**

The Authority will continue to prescribe the list of prohibited and dangerous goods and require conveyors to keep an updated record of dangerous and prohibited goods found in their postal network in line with the Laws of the Republic and International Standards. In addition, the Authority will update schedule B to be in line with market changes and request that records must be made available to the Authority upon request.

### 2.6 **Cybersecurity**

The Authority will consider UPU and CRASA guidelines on cybersecurity and require mail conveyors to ensure that they have minimum standards of addressing cyber security crimes that include how customers data is protected in line with National Laws.

## 2.7 Penalties

The current format used in determining penalties in the Regulations provide for a broader scale of penalties that are sufficient to serve as a deterrent to non-compliance. The Authority will assign relevant fines to new regulatory provisions.

## 3. CONCLUSION

The Authority would like to thank all participants for their inputs into this process. The Authority considered written submissions together with the current legislation and research conducted to come up with the positions provided above.

Considering the discussions and positions on each subheading in this findings document, it is the position of the Authority that it will review the Regulations. The review will be based on the current PSA since the Bill is still undergoing parliamentary processes.

The Authority will publish Draft Regulations for public comments in the financial year 2024/25.