

Statutory Instrument No. 124 of 1980

**POST OFFICE ACT, 1980
(10 of 1980)**

POST OFFICE (POSTAL AND FRANKING) REGULATIONS, 1980

(Published on 7th November, 1980)

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IN EXERCISE of the powers conferred on the Minister of Works and Communications by section 56 of the Post Office Act, 1980, the following Regulations are hereby made –

PART I *Preliminary*

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| Citation | 1. These Regulations may be cited as the Post Office (Postal and Franking) Regulations, 1980. |
| Interpretation | 2. In these Regulations "Director" means the Director of Postal Services. |

PART II *Postal*

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| Post office hours | 3. The hours during which post offices shall be open for the conduct of the various classes of public business shall be as determined and notified from time to time by the Director. |
| Stamps to be correctly positioned | 4. Stamps in prepayment of postage or other charges upon any postal article shall be affixed upon the face of such article and near the address written thereon, and it shall not be obligatory upon the Department to take notice of any stamps which are affixed elsewhere. |
| Postage meters and franking machines | 5. The Director may, subject to such conditions as he may deem necessary, licence the use of approved postage meters or franking machines for impressing upon postal articles the sign of postage or stamp value. |
| Prepayment of postage in money | 6. At such office as may be determined and notified by the Director, prepayment of postage may be made in money in lieu of postage stamps whenever the number of postal articles handed in for transmission at one and the same time by any one person amounts to not fewer than 50 in the case of letter rate articles or 100 in the case of other articles, and such articles shall be made up in bundles with the addresses the same way up and facing in the same direction. |

7. Where the number of articles handed in at a post office counter by one consignor at one and the same time amounts to not fewer than 100, a discount of 5% shall be allowed on the total amount of postage payable: Discount for bulk posting

Provided that –

- (i) the consignment is made up in bundles of 100 articles falling under the same class and each subject to the same amount of postage and such articles do not exceed 500g each in weight;
- (ii) the articles are arranged with the addresses the same way up and facing in the same direction; and
- (iii) the consignment is handed in between the hours of 9 a.m. and 1 p.m. on Mondays to Fridays and 9 a.m. and 11 a.m. on Saturdays.

8. (1) The Director may, on such conditions as he may determine subject to the provisions of these Regulations, issue a licence to any person to receive any post-card, envelope or folder issued by the licensee and designed for use by the addressee for replying to the licensee and upon which postage has not been prepaid. Licence in lieu of postage

(2) A licence shall not cover the use of any post-card, envelope or folder which does not conform to the specifications prescribed by the Director, and a complete printed proof of such post-card, envelope or folder shall be submitted by the licensee to the Director for approval prior to the use thereof.

(3) A licensee shall deposit with the Director an amount sufficient to cover the charges which the Director estimates will, during such period as he may determine, accrue in respect of the article concerned:

Provided that the amount so deposited shall not be less than P1.

(4) Following the termination of the period determined under subregulation (3), a licence may, by notice in writing, be revoked by the Director:

Provided that, where the licensee fails to comply with any condition of the licence, such licence may be revoked forthwith.

9. (1) The Director may upon such conditions as he may deem fit grant to any person, free of charge, a licence to sell postage stamps. Licence to sell postage stamps

(2) The Director shall at his discretion have the power to revoke any licence granted by him under subregulation (1).

(3) Any person who, not being licensed by the Director to sell postage stamps, places or permits or causes to be placed or suffers to remain on or near to his house or premises the words "Licensed to sell postage stamps", or any other word or mark which may imply or give reasonable cause to believe that he is duly licensed to sell postage stamps, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P25.

10. (1) Subject to the approval in writing of the Director, postage stamps may be perforated within initials and such perforated stamps shall, except for extending the value of postal orders, be available for the purposes of the Act. Perforation of postage stamps

(2) Perforated postage stamps shall not be re-sold or exchanged for other stamps.

11. Any postage stamp mutilated or soiled so as to make it a matter of doubt whether or not such stamp has been previously used for any purpose whatsoever shall not be available for the payment of any postal charge. Certain postage stamps not to be used

Exchange of postal material	<p>12. A denomination of any postage stamp, envelope, post-card, wrapper or other article embossed or impressed with a postage value may, at the discretion of the Director and on payment of the prescribed charge, be exchanged for any other denomination.</p>
Times of posting	<p>13. (1) The time by which any postal article shall be posted for dispatch by any particular mail shall be determined and notified by the Director.</p> <p>(2) The Director may as he deems fit, on the payment by the applicant of the prescribed charge, make arrangements for the inclusion in any mail of any article posted after the time so determined.</p>
Articles not to exceed certain limits of weight or dimensions	<p>14. Except with the written authority of the Director, no postal article shall exceed the prescribed limits of weight or dimensions.</p>
Packing of postal articles	<p>15. (1) The contents of every postal article shall be packed and secured by the sender in a manner such as to afford adequate protection thereof and to other postal articles.</p> <p>(2) Any article which, in the opinion of the Director, does not comply with the provisions of subregulation (1) may be refused acceptance or may be intercepted and confiscated in the course of transmission.</p>
Pathological or similar specimens	<p>16. (1) Notwithstanding the provisions of section 38 of the Act, any pathological or similar specimen may be transmitted through the post: Provided the container in which it is transmitted complies with the provisions of this regulation.</p> <p>(2) A pathological or similar specimen which is liable to putrefaction, or which has been placed in liquid or from which moisture is likely to exude, shall be enclosed in an airtight container packed in a strong wooden box or metal container with a tight-fitting lid and with sufficient absorbent material covering the container to prevent any possible leakage in the event of the container being damaged.</p> <p>(3) A postal article referred to in subregulation (2) –</p> <p>(a) which is accepted for transmission through the post shall bear on or have attached to it a declaration, in the prescribed form, signed by the sender; and</p> <p>(b) shall not exceed 3,2 kg in weight.</p>
Postal articles not to contain articles addressed to another address	<p>17. (1) No postal article directed to one address shall contain any other article addressed to a different address.</p> <p>(2) A postal article found to contain any enclosure contrary to this regulation shall be surcharged on delivery with an amount equal to double the postage which would have been payable on such enclosure if it had been transmitted separately.</p>
Manner of wrapping commercial papers, etc.	<p>18. Postal articles for transmission at the rates of postage prescribed for commercial papers, printed papers, samples or newspapers shall be wrapped in a manner such as to permit a ready inspection of the contents.</p>

19. A postal article purporting to be a commercial paper, a printed paper, a sample or a newspaper within the meaning of this Part which is found to contravene any provision thereof shall, without prejudice to any penalty which may be imposed upon the sender under the Act, be liable to be treated as a letter or, if admissible at the parcel rate, as a parcel and surcharged upon delivery with an amount equal to double the deficient postage at the letter or parcel rate, as the case may be.

Surcharge for improper sending of commercial papers, etc.

20. (1) Any postal article for transmission to or received from any place outside Botswana shall be subject to the Customs and Excise Duty Act and shall be accompanied by such form, duly completed by the sender or receiver, as may be prescribed by the Director.

Customs provisions
Cap. 50:01

(2) Any postal article for delivery within Botswana which contains any article liable to customs duty shall be cleared through the customs by the Director of Customs and Excise and shall, upon delivery, be subject to the prescribed charge in respect of stamp duty and clearance.

(3) Any postal article which contains jewellery or other enclosure of intrinsic value, or an article the declared value of which may appear to be understated by the sender, shall be liable to confiscation until proof of its value has been adduced to the satisfaction of the Director of Customs and Excise.

21. (1) The transmission through the post of plants or parts thereof, such as cuttings, roots, tubers, bulbs, fruit or other vegetable matter, and the delivery of similar articles shall be subject to the approval of the Permanent Secretary for the time being responsible for agriculture.

Vegetable matter to be transmitted subject to approval of Permanent Secretary for agriculture

(2) The cost of any steps which may be taken on the direction of the said Permanent Secretary in connexion with the examination or fumigation of any article shall, in the case of postal articles handed in at a post office within Botswana, be borne by the sender, and, in the case of postal articles received from outside Botswana for delivery within Botswana, be borne by the addressee.

22. (1) Where directions in writing have been given to the Director by a parent or guardian of a person under the age of 16 years, the Director may at his discretion deliver any postal article addressed to that person in accordance with the directions so given.

Persons under 16 years of age

(2) Notwithstanding any direction given under subregulation (1) the Director may, if he so deems fit, deliver to any person under the age of 16 years any postal article addressed to that person.

(3) In the absence of any direction under subregulation (1), any postal article addressed to a minor shall be delivered in accordance with the provisions governing the delivery of postal articles.

23. Where, in the event of the dissolution of a company or business partnership and in the absence of an order of a court of competent jurisdiction, any person concerned gives notice to the Director not to deliver any postal article addressed to such company or business partnership except to the person giving such notice, the Director may refuse to deliver the article so addressed until an agreement is arrived at between the interested parties, and, in default of such agreement being arrived at within 30 days from the date of such notice, the Director may cause the article to be endorsed with the words "In dispute" and treated as undeliverable.

Dissolution of company or business partnership

Poste
restante

24. A postal article addressed to a poste restante or to be called for at any post office shall be subject to such directions as may from time to time be given by the Director who may at his discretion deliver the article to the addressee's place of business or private residence or, if the addressee rents a private post office box, into such box.

Moneys
collected on
delivery

25. (1) Where a sum to be collected upon delivery of a postal article is paid, the delivery officer shall before effecting delivery affix to such article a special stamp or stamps provided for the purpose equal in value to the sum received, and shall forthwith cancel the stamp or stamps in such a manner as may be specified by the Director.

(2) Where there is a dispute as to the accuracy of a surcharge, the matter shall be presented to the postmaster of the office of delivery to whom the article surcharged shall be produced prior to its being opened.

Inquiry in
respect of
missing
postal
article

26. Where an inquiry is instituted by the Director at the request of either the sender or the addressee in respect of a postal article said to have been posted, the Director may require the applicant to make a declaration in support of the information furnished by him in such form as may be prescribed by the Director and, except where an acknowledgment of delivery of a registered article has been paid, may require the applicant to pay the prescribed fee.

Postal
articles
addressed to
or received
from other
countries

27. Any postal article addressed to or received from another country shall be subject to the provisions of any convention or agreement in force for the time being between the Government and the postal administration of such country with regard to the transmission of such article through the post.

Postal
officers
not required
to fix
stamps, etc.

28. Postal officers shall not be required to affix stamps to any postal article brought to any post office, or be bound to give or demand change, or to weigh for any member of the public any letter or other article except a registered article.

Private
post bags

29. (1) The Director may, subject to such conditions as he may deem fit and to payment by the applicant of the prescribed fee, enter into an arrangement with any person for the use of a private post bag for the transmission of any postal article between the residence or place of business of that person and any post office considered by the Director to be convenient for the purpose.

(2) In the event of a private post bag being used between the residence of a person and more than one post office, the prescribed fee shall be payable in respect of each such post bag.

(3) Where a private post bag is used by more than one person, the person responsible for the payment of the prescribed fee shall be responsible for any charge which may be due on any postal article forwarded at any time in such bag and for the return to the proper post office of any receipt, duly signed by the addressee, related to a registered postal article, and for any undelivered article enclosed in such bag.

(4) In the event of a breach of any provision of this regulation or of any condition laid down by the Director with regard to the use of a private post bag, or where in his opinion any such bag is being or is intended to be used for any improper purpose, the use thereof may be discontinued forthwith.

30. (1) The Director may, in his discretion and subject to any condition he may impose, let to any person a private post office box at any post office for the delivery of any postal article addressed to the lessee thereof, and the rental to be charged therefor shall be as prescribed. Private post office boxes

(2) Unless in business partnership, two or more persons shall not jointly rent one private post office box, and any person or firm trading under two or more designations may be required to rent a box for each designation. A group of companies having a joint management may be required to rent a separate box for each company.

(3) The Director may refuse to let a private post office box to any person without assigning any reason therefor, and may cancel the lease of such a box at any time without notice if it appears to him that any condition of the lease has been infringed or if in his opinion the box is intended to be or is being used for an improper purpose.

(4) Two keys shall be supplied for each private post office box when let, and where the renter requires an additional key he shall be required to pay the cost thereof at the prescribed rate.

(5) Where a renter of a private post office box loses a key belonging to the box he shall pay to the Director the charge for the supply of a new lock at the prescribed rate.

(6) A private post office box shall be used exclusively for the reception of correspondence which is to pass or has passed through the post.

31. (1) A post-card intended for transmission through the post shall not be enclosed in any cover or wrapper and, except as may from time to time be notified by the Director, nothing shall be attached thereto other than the stamp for the prepayment of the postage due thereon. Post-cards

(2) A post-card of private manufacture shall be transmitted through the post at the rate of postage applicable to an official card provided that it conforms generally to the provisions relating to such article and to such special conditions as may from time to time be specified by the Director.

(3) The right-hand side of the face of a post-card, whether an official card or a card of private manufacture, or of an address card, shall not be available for use by the sender except for the purpose of indicating the name and address of the person for whom the card is intended and for affixing the necessary postage stamps.

(4) A post-card which does not comply with the provisions of these Regulations and the conditions specified by the Director in regard to the dimensions, form and material thereof and the attachments thereto shall be treated as a letter and surcharged at the letter rate with double the amount of any deficient postage:

Provided that where such post-card conforms to the provisions specified for printed paper it shall be allowed to pass at the printed paper rate.

32. (1) Every newspaper registered in terms of section 18 of the Act shall have printed on the front page of each copy thereof the words "Registered with the Director of Postal Services as a Newspaper", and the proprietor, printer or publisher of any newspaper not so registered and upon which such words or any other words of a similar import are printed, if such newspaper is posted, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding P10. Newspapers

(2) The fee payable in respect of the registration of a newspaper shall be as prescribed.

(3) Every newspaper shall be posted without a cover or in a cover open at both ends and there shall not be within or upon such newspaper or the cover thereof any communication, character, figure, letter, number or mark other than the words "Newspaper postage paid", "Newspaper only", "Exchange copy" or the printed title of such newspaper, the names, occupations and places of business of the printer, publisher and vendor thereof, the name, occupation and address of the person to whom it is being sent, the name and address of the sender and any line or mark for the sole purpose of deleting or directing attention to any portion of the newspaper, nor shall anything other than a supplement be enclosed with or accompany such newspaper or cover.

(4) Two or more newspapers made up in a packet may be transmitted at the rate of postage set out for printed papers where the transmission of the packet at that rate is more favourable to the sender than transmission at the rate applicable to newspapers.

(5) (a) Newspapers printed and published within Botswana and duly registered with the Director shall, when posted by the publisher and addressed to *bona fide* subscribers, be transmissible to any place within Botswana, at the prescribed rate, under the following conditions –

- (i) not fewer than 240 copies of the same issue shall be posted at one time;
- (ii) wrappers shall bear the title of the newspaper and the name and address of the publisher; in addition, the words "Newspaper postage paid" shall appear in the right-hand upper corner where postage stamps are usually affixed;
- (iii) payment for postings shall be made in advance at intervals to be approved by the local postmaster;
- (iv) each copy shall be enclosed in a separate wrapper;
- (v) not more than five copies of each issue shall be sent to one subscriber;
- (vi) newspapers shall be handed in at the counter or other place specially provided for the purpose;
- (vii) newspapers shall be subdivided by the publisher into bags or tied in bundles, not exceeding 500g, labelled in accordance with the sorting requirements of the post office;
- (viii) a certificate showing the number of copies shall accompany each posting; and
- (ix) the publisher shall give the postmaster a written undertaking that his dispatch department, books and wrapping shall, whenever required, be open for inspection by a duly authorized postal official.

(b) For the purposes of this regulation a *bona fide* subscriber is a person who has ordered that a copy of a newspaper be sent to him regularly by post.

(c) Such order shall be kept available by the publisher for inspection at any reasonable time by a duly authorized postal official.

(6) The editor of a newspaper printed and published within Botswana and duly registered with the Director may, without charge, send through the post one copy of each issue of his newspaper to the editor of any other duly registered newspaper printed and published within Botswana:

Provided that the words "Exchange copy" shall be clearly marked thereon or on the cover thereof, it is addressed to an editor in his capacity as such and is handed to the post office direct from the office of publication.

(7) A newspaper posted in contravention of this regulation shall be charged postage at the rate for the time being chargeable for letters:

Provided that a newspaper which does or does not contain or bear on the outside anything which makes it ineligible for the rate of postage applicable to printed papers may be transmitted at such rate.

33. (1) The following shall be considered commercial papers — Commercial papers

- (a) a paper or document, whether a writing or a drawing, produced wholly or partly by hand, not having the character of actual or personal correspondence;
- (b) a paper of any legal proceedings;
- (c) a document of any kind drawn up by any public functionary;
- (d) a waybill or a bill of lading, or any account, receipt or invoice;
- (e) an insurance policy;
- (f) a copy of or extract from any deed;
- (g) a musical score or sheet of music in manuscript;
- (h) a manuscript of any work or of any newspaper forwarded separately;
- (i) a pupil's exercise work in the original or with any correction, but without any note which does not relate directly to the execution of such work; and
- (j) a paper or document which in the opinion of the Director is of a like nature to any paper or document specified in this regulation.

(2) Any article which contains correspondence exchanged between students at schools shall be regarded as a commercial paper, even though the contents thereof have the character of actual or personal correspondence:

Provided that such article is forwarded through the intermediary of the principals of the schools concerned.

34. (1) The following articles and no others shall be transmissible at the rate of postage prescribed for samples, — Samples

- (a) a *bona fide* pattern or sample of merchandize having no value apart from its use as a pattern or sample;
- (b) a printer's block, key sent singly, fresh-cut flowers, article of natural history, tube of serum or of vaccine or any pathological object rendered inoffensive by its mode of preparation and packing:

Provided that such article, except a tube of serum or of vaccine sent in the public interest by any laboratory or institution officially recognized, may not be sent for a commercial purpose.

- (2) Writing or printing other than —
 - (a) the name, occupation and address of the sender and the addressee;
 - (b) any manufacturer's mark or trade mark or any number or price;
 - (c) any indication relating to weight, measurement or dimension, or the quantity to be disposed of; or
 - (d) as may be necessary to determine the origin and nature of any goods,

shall not be allowed within or upon any postal article for transmission at the rate of postage prescribed for any sample, and such writing, printing or mark as is hereby permitted shall be on the article itself or on the

Printed
papers

packing or on a tie-on label which shall be securely attached to such article.

35. (1) Any paper, parchment or cardboard bearing an impression obtained by means of printing, engraving, lithography, photography or any other mechanical process which in the opinion of the Director is easy to recognize, except a copying press, handstamp (with or without movable type) and a typewriter, shall be regarded as a printed paper provided the printed portion is the essential part of the article.

(2) Provided that it conforms to the provisions relating to printed papers, any card bearing the heading "Carte Postale" or the equivalent in any language shall be admitted at the rate for printed papers, otherwise such card shall be treated as a post-card or letter, as the case may be.

(3) A reproduction of a manuscript or typewritten original obtained by a mechanical process which in the opinion of the Director is easy to recognize, or any document printed in imitation of manuscript or typewriting, shall be accepted as printed paper if handed in at the counter of a post office in quantities of at least 20 packets each containing identical copies.

(4) The printed paper rate shall not apply to –

(a) a photographic negative, a cinematograph film, a gramophone record, a loose paper pattern or a perforated sheet intended for use with an automatic musical instrument;

(b) a stamp or form of prepayment whether obliterated or not;

(c) a printed paper representing a monetary value; or

(d) a printed paper which bears any mark whatsoever capable of constituting a conventional language, or, save the exceptions specifically authorized by subregulation (5), a printed paper where the text has been modified after printing.

(5) It shall be permissible, inside or outside a packet of printed paper, –

(a) to indicate by hand or by a mechanical process the name, occupation and address of the sender and of the addressee, the date of dispatch, the sender's signature, telephone number, telegraphic address and code, the postal cheque or banking account number and a serial or identity number referring solely to the article;

(b) to correct errors in printing;

(c) to strike out, underline or enclose by a mark a certain word or certain part of a printed text, unless this is done with the object of constituting correspondence;

(d) to indicate in manuscript in any advice of the departure or arrival of a ship or aircraft, the date and time of such departure or arrival, the name of the shipping or airways company, the name of the ship or aircraft and the port or airport of departure, call and arrival;

(e) to insert in manuscript in a travellers' announcement the name of the traveller, the date, time and place of his intended visit and the address at which he is staying;

(f) to indicate in manuscript in any form of order or subscription for any publication, book, newspaper, engraving or piece of music the work required or offered as well as the price of such work;

(g) to add in manuscript on any pictorial card or printed visiting card or any Christmas or New Year card the name and address of the

sender and any good wishes, congratulations, thanks, condolences or other formulae of courtesy, expressed in five words or by means of five conventional initials at the most;

- (h) in any proof of printing (with or without the "copy"), to make any alteration or addition concerned with any correction, form or printing, or any note such as "passed for press", "read — passed for press" or a similar note concerned with the execution of the work; in case of lack of space, any addition shall be made on separate sheets;
- (i) to refer to a colour fashion plate, a map, etc;
- (j) in any price list, tender for advertisement, stock and share list, market quotation, trade circular or prospectus, to insert, in manuscript, any figure and any other note representing an essential element of the price;
- (k) to add in manuscript on a book, a pamphlet, a newspaper, a photograph, an engraving, a sheet of music and in general on any literary or artistic production, whether printed, engraved or lithographed, a dedication consisting of any expression of regard, and on a photograph a concise description;
- (l) to indicate on a cutting from a newspaper or periodical the title, date, number and address of the publication from which such cutting is extracted;
- (m) to indicate by hand on a form used by a lending library the title of any book, the number of copies required or sent, the name of a writer or editor, a catalogue number, the name of a reader and a brief remark in connexion with such book.

36. A paper of any kind or a periodical or book impressed or to be impressed in "Braille", or any special type of embossed metal plate for the use of the blind, when posted within Botswana for transmission to a place within or outside Botswana shall be transmissible free of postage: Literature
for the blind

Provided that such article —

- (i) does not contain a communication, either in writing or printed in ordinary type, except the title and table of contents of the book or periodical and any key to or instruction for the use of such special type, or any other enclosure except a label for the return of the article;
 - (ii) bears on the outside thereof the inscription "Literature for the Blind" and the written or printed name and address of the sender;
 - (iii) is posted either without a cover or in a cover open at both ends which can easily be removed for the purpose of examination.
- (2) The limit of weight shall be 7 kg and the maximum dimensions shall be the same as for letters.
- (3) The following articles shall also be accepted for transmission as "Literature for the Blind" —
- (a) a metal plate, impressed for the use of the blind;
 - (b) a sound record, and any special paper intended solely for the use of the blind; or
 - (c) a voice record on disc, styled "Talking Book Record", securely packed:

Provided that such article is dispatched by or from or addressed to any recognized institution for the blind.

Delivery
of postal
articles at
street
address

37. (1) The Minister may declare any township or area or any other area to be a postal delivery area in which special conditions governing the street delivery of postal articles by postmen shall be enforced; and due notice to all concerned shall be given by post and by publication in a newspaper circulating in such township or area.

(2) Where a postal delivery area has been declared under subregulation (1), an unregistered postal article, other than a parcel, addressed to a street address shall be delivered thereat:

Provided that —

- (i) delivery shall be made by depositing such postal article in a suitable receptacle or letter box provided at the address for the purpose;
- (ii) a postal article addressed to a person at an institution, a hotel, a club, a lodging-house or a house at which lodgers are received, or to the care of a firm, a company or other body shall be delivered to the manager, proprietor or caretaker thereof or to his representative.

(3) Nothing in this regulation shall be construed as preventing a postal article for any person residing in any postal delivery area being delivered through the medium of a private post bag or a private post office box, in accordance with the provisions relating to such services.

Redirection

38. (1) A request for the redirection of any postal article shall be signed by the sender thereof or the person to whom such article is addressed, and the currency of any such request shall be limited to three months from the date of receipt thereof by the Department.

(2) Nothing in these Regulations shall be construed as imposing upon the Director any obligation to redirect a postal article unless the place of business or residence to which such article is addressed is uninhabited for the time being or, in the case of a postal article addressed to a private post bag or a private post office box, the bag or box is either temporarily or permanently closed or discontinued respectively.

(3) Where the postage affixed to a redirected article is not equal to the charge leviable on a similar article posted in the country of origin and addressed to the country of ultimate destination, a charge equal to the difference between the postage affixed and the postage at the ordinary tariff shall be levied, and such charge shall be in addition to any charge which may have already been levied by reason of the postage on the article being unpaid or insufficiently prepaid for transmission to the place of the first address.

Undelivered
articles

39. (1) The following classes of postal articles shall be regarded and treated as being undeliverable, an article —

- (a) with an incomplete, incorrect or obscure address;
- (b) addressed to initials or to any fictitious name, except when directed to the care of a person or a duly rented private post office box;
- (c) which is unpaid or insufficiently paid, addressed to a place to which the prepayment of postage is compulsory;

- (d) presumed to contain an enclosure the registration of which is compulsory or the transmission of which to the place of address is prohibited;
- (e) addressed to a deceased person which cannot be delivered to a lawful representative;
- (f) the address of which applies equally to two or more persons or firms, leaving it doubtful for whom it is intended;
- (g) addressed to a person who cannot be found at the address given and whose whereabouts are unknown;
- (h) addressed to a poste restante or "To be called for" remaining undelivered after the expiration of one month from the date of its receipt at the post office to which it is addressed; or
- (i) posted in contravention of the Act or of these Regulations.

(2) (a) A postal article which remains undelivered at any post office to which it has been transmitted for delivery shall, except as is otherwise provided, be kept at such post office for a period of one month, and where the article is undelivered after the expiration of such period it shall, as soon as practicable thereafter, be forwarded to the returned letter office to be there dealt with as prescribed:

Provided that an article addressed to any person resident a prohibitive distance from a post office shall be kept for a period of two months before being so dealt with.

(b) Notwithstanding anything to the contrary in paragraph (a), an undelivered postal article (other than a newspaper) bearing on the outside of the cover the name and address of the sender thereof shall, after retention for the prescribed period at the office to which it has been forwarded for delivery, be returned unopened to the sender; a similar article bearing on the address side of the cover thereof a request that it be returned to the sender if undelivered after the expiration of a specified period shorter than the time prescribed for the retention of undelivered postal articles generally shall be returned in like manner immediately after the expiration of the period specified in such request.

40. (1) The address of every postal article for registration shall be written in ink or indelible pencil and in Roman letters. Registration

(2) A postal article for registration –

- (a) shall be handed to an officer appointed for that purpose during such hours as may be notified by the Director, and shall not be posted in a posting box;
- (b) shall, at the time of handing in, be fully prepaid for transmission to the place of destination and, in addition, there shall be paid the prescribed registration fee;
- (c) received at a post office in a private post bag rented from the Director shall be regarded and treated as if handed in in accordance with the provisions of this regulation:

Provided that the renter of such private post bag does not reside within the free delivery area of a post office.

(3) A postal article handed in for registration shall be given a distinctive number and a receipt bearing such number, and the address on the article and an impression of the date-stamp of the office at which the article is handed in for registration shall be shown on the receipt and the receipt given to the sender by the receiving officer.

(4) The sender of a registered postal article may upon application either at the time of registration thereof or at any time within two years thereafter, and on payment of the prescribed fee in addition to the fee for registration, require to be furnished with an acknowledgment by the addressee of the receipt of such article.

(5) (a) A postal article which is posted otherwise than as provided in subregulation (2) and which bears an inscription or mark which may reasonably be assumed to indicate that it was the intention of the sender that the article should be registered may, upon detection, be registered if eligible for registration and subject to payment of the fee prescribed for compulsory registration in addition to the ordinary postage due upon the article; and any unregistered postal article (except a parcel) which there is reasonable cause to believe contains money or other valuable enclosure (including postage stamps exceeding 10 thebe in value) may be similarly treated.

(b) A postal article which has been registered under paragraph (a) on the grounds of its being presumed to contain a valuable enclosure and which on being opened in the presence of the officer delivering the same is found not to contain such an enclosure shall be delivered free of charge in respect of registration.

(6) Any person to whom a registered postal article is delivered shall give to the officer delivering it a receipt for the same on a form prescribed by the Director, which receipt shall be a discharge for the delivery of such registered article.

(7) Where delivery of a registered postal article is effected through a private post office box, a printed receipt form bearing the registered number and the address of the registered article shall be placed in such box, and the presentation at the proper post office of the said receipt signed by the addressee or the person presenting the same purporting to sign for the addressee shall be a sufficient warrant for the delivery of the registered article to the applicant.

(8) A registered postal article which may for any cause be undeliverable to the person to whom it is addressed shall be returned to the sender, if known, by registered post without further charge for registration:

Provided that where the contents of an unregistered article so returned are found to be of intrinsic value the sender thereof shall be liable in respect of such article for the fee prescribed for compulsory registration.

Compensation
for loss

41. (1) The Director may in his discretion, subject to the provisions of these Regulations, give compensation not exceeding P10 for the loss while in the custody of the post office of any postal article, for the whole or any portion of the contents thereof, which has been accepted for transmission by registered post within Botswana.

(2) No compensation for loss shall be given in respect of —

(a) a postal article containing anything which may not lawfully be sent by post;

(b) money, whether coin or paper, cheques, postal orders or money orders, unless sent by letter post and then only where —

(i) the money has been enclosed in a registered letter envelope issued by the Director;

- (ii) coins enclosed in a letter have been packed in such a way as to move as little as possible;
 - (iii) the amount, number and bank of issue of a banknote enclosed is supplied to the Director where required;
 - (iv) the amount, number and date of issue of a money order or postal order enclosed is supplied to the Director where required;
 - (v) in the case of a bill of exchange, a bond, a coupon or other order or authority for the payment of money or security for money enclosed in the letter, particulars sufficient to identify the document is supplied to the Director.
- (3) Compensation shall not –
- (a) be given where it appears that the loss has arisen from any neglect or omission on the part of the sender;
 - (b) exceed the value of the postal article lost or the contents thereof, and in respect of the loss of coin shall not in the case of any one letter exceed the sum of P4.
- (4) The Director may in any case reinstate or make good in kind the contents of a lost article in lieu of giving pecuniary compensation for such loss.
- (5) Where compensation has been given in respect of a postal article and such article subsequently comes into the possession of the Director he may retain or dispose of the same as he deems fit.
- (6) In any application for compensation for the loss of a registered postal article the receipt given to the sender at the time of registration of such postal article shall be produced by the applicant to the Director where required.
- (7) Every application for compensation in respect of a postal article the contents of which are alleged to have been lost during transmission through the post shall be accompanied by the envelope or cover of such article in as nearly as possible the condition in which it was delivered by the Department.
- (8) An application for compensation, if made after the expiration of one year from the date of the posting of any postal article, shall not in any circumstances be considered.

42. (1) Every parcel shall bear on the outside of the cover thereof the name and address of the sender and, unless inscribed with the words "Parcel Post", have attached to the cover the prescribed form. Parcels

(2) Every parcel for transmission shall be handed in at a post office counter during such hours as may be notified by the Director.

(3) A parcel posted in a posting box shall be subject on delivery to the prescribed charge in addition to any other charge which may be due thereon.

(4) A parcel received at a post office in a private post bag shall be regarded and treated as if handed in in accordance with the provisions of this regulation.

(5) A parcel found to contain or to bear on the cover thereof an article or communication chargeable at the letter rate of postage shall, without prejudice to any penalty which may be imposed under the Act, be surcharged on delivery with an amount equal to double the postage which would have been payable upon such article or communication had it been transmitted separately.

(6) A parcel redirected at the request of the sender or the addressee thereof from one post office to another shall, except where such offices are within the same delivery area, be subject upon delivery, in addition to any other charges which may be leviable thereon, to a charge equal to the postage which would have been payable upon such parcel if it were being transmitted for the first time from the one post office to the other post office.

(7) (a) There shall be levied on every parcel the transmission of which is stopped at the request of the sender or the addressee thereof and delivered from the post office at which stoppage is effected the prescribed stoppage fee and such fee shall be payable on delivery in addition to any other charge which may be due on the parcel.

(b) In the case of a parcel returned to the sender at his request before the same has been dispatched from the post office at which it was handed in, the sender shall have no claim in respect of the postage stamps affixed to such parcel if the stamps have already been cancelled.

(c) A parcel stopped in transit for return to the sender or delivery to the addressee at a post office other than the post office at which stoppage is effected, and any undeliverable parcel returned to the sender from the post office to which the same has been forwarded for delivery, as provided in section 20 of the Act, shall, except where the post office of posting and the post office of address are within the same delivery area, be regarded as having been redirected from such post office to another post office and be subject to the charges in respect of such redirection.

(8) (a) The Director may return to the sender, at the expense of the latter, any parcel directed to an addressee living or having a place of business within a township in which the post office of delivery is situated and which has not been claimed within 21 days following the day of arrival of the parcel at such post office; and, in other areas, similar action may be taken in the case of any parcel which has not been claimed within six weeks similarly calculated.

(b) Notwithstanding the provisions of paragraph (a), there shall be payable in respect of any parcel directed to an addressee living or having a place of business within which the post office of delivery is situated, and which has not been claimed within 10 days including the day of receipt, the prescribed demurrage charges.

(9) There shall be levied on every parcel received from overseas for delivery within Botswana such charge in respect of wharfage dues as may be agreed between the Government and the Government of the Republic of South Africa.

(10) (a) The delivery of parcels otherwise than from money order post offices shall not be obligatory and a parcel addressed to a post office other than a money order post office may be detained by the Director at the money order post office to which such post office is subordinate:

Provided that whenever a parcel is so detained the Director shall cause the addressee thereof to be advised accordingly.

(b) The street delivery of a parcel shall not be obligatory and where such delivery is not undertaken the Director shall cause the addressee of a parcel to be advised of the receipt thereof at the local post office and of its detention there.

(11) Subject to the provisions of this regulation, a parcel (including an agricultural parcel) may be insured against loss or damage whilst in the custody of the post office on payment, in addition to the postage, of the prescribed fee.

(12) A parcel intended for insurance shall be handed in at a post office counter during such hours as may be specified by the Director and shall have affixed to it a label in the prescribed form, such label to be completed in ink and without erasures, and the parcel shall not be addressed to initials or to any fictitious name.

(13) (a) A parcel which is posted or reposted, otherwise than in accordance with the provisions of subregulation (12), and which bears any inscription or mark which reasonably indicates that it was the intention of the sender thereof that the parcel should be insured, or of which there is a reasonable cause to believe it contains any coin or paper money (including any bill of exchange or similar document), any precious metal or precious stone, or jewellery or any other valuable of a like nature may be treated as an insured parcel and shall, if so treated, be subject on delivery to the prescribed charge together with a fee equal to the prescribed minimum charge for the insurance of a parcel and ordinary postage at the parcel rate.

(b) Compensation shall not be payable for the loss or damage in respect of a parcel treated as an insured parcel in terms of paragraph (a).

(c) A parcel up to and including a value of P20 presented for insurance shall be enclosed in a strong cover appropriate to its contents and shall be fastened in such a manner that it shall not be possible to remove any part of the contents thereof without breaking or tearing the cover. A parcel of a suitable type shall be accepted if securely tied with string the knots and ends of which are sealed with wax or the ends of which are secured by means of lead, steel or metal seals crushed with a press, all seals to bear a distinct impression of the same private device and such impression shall be of a nature not readily imitated. Where a parcel is secured by means of strips of adhesive paper or tape, each strip shall bear stamped or printed on it some mark or word distinctive of the sender, or shall be signed or initialled by the sender or the person who tenders the parcel for insurance. It shall not be sufficient to tie parcels with string only, and where string is used in addition to an appropriate fastening it shall not be necessary to seal the string.

(d) A parcel over a value of P20 presented for insurance shall be fastened in accordance with the provisions of paragraph (c) and, in addition, each joined or loose flap shall be sealed with wax or metallic seals, all such seals to bear a distinct impression of the same private device. A coin shall not be used for sealing and the device shall not consist of straight, crossed or curved lines which could readily be imitated.

(e) Where a parcel tendered for insurance does not, in the opinion of the officer of the post office to whom it is tendered, fulfil the provisions as to packing and sealing, he shall refuse to insure it. The onus of properly packing, enclosing and sealing a parcel shall lie upon the sender and the Department shall not be liable for any loss or damage arising from any defect which may not be observed at the time of posting.

(f) It shall not be permissible to insure a parcel for a part only of the value thereof.

(14) (a) A postal article which may not lawfully be sent through the post shall not be eligible for insurance against loss or damage, and should a parcel containing any such article be accepted for insurance such insurance shall be of no force or effect.

(b) A liquid, perishable or fragile article or any article composed of brittle material shall not be eligible for insurance against damage but may be accepted for insurance against loss.

(15) (a) Compensation shall not in any case exceed the value of a parcel which may be lost or damaged or of the contents thereof, and, in the case of a document which is of value due to the cost of preparation, compensation shall not exceed the cost of its replacement.

(b) Compensation shall be limited strictly to the loss of or damage to a parcel insured on the whole or part of the contents thereof, and no compensation shall be paid in respect of any consequential loss arising out of the loss of or damage to an insured parcel or the contents thereof.

(16) Where compensation has been paid in respect of the loss of an insured parcel and such parcel or any portion of the contents thereof subsequently comes into the possession of the Director he may dispose of the same as he deems fit.

(17) (a) Compensation shall not be payable in respect of any insured parcel duly delivered and accepted without reserve or in respect of any loss or damage which, in the opinion of the Director, is due to improper or inadequate packing or to riot, civil commotion, war, military or usurped power, floods or tempest.

(b) Where an application for compensation in respect of the loss of or damage to an insured parcel is submitted under these Regulations, the Director shall determine whether the contents of the parcel are eligible for insurance against loss and damage or loss only, in terms of the provisions of subregulation (14), which decision shall be final.

(18) An application for compensation in respect of an insured parcel —

(a) shall be accompanied by the receipt given to the sender at the time of posting such parcel; and

(b) unless made within three calendar months of the date of posting of the insured parcel, shall not be considered.

(19) (a) An insured parcel which has not been delivered may be redirected to the addressee at a new address in accordance with the provisions applying to ordinary parcels and no further insurance fee shall be payable.

(b) (i) Where after being duly delivered, and provided the wrapper and seals are intact, an insured parcel is tendered at a post office counter for redirection to the addressee at a new address, it shall be regarded as being posted afresh and liable to insurance fee and, if that new address is not within the same delivery area, to the appropriate postage fee.

(ii) Where the person requesting redirection elects not to pay, at the time of reposting, a charge equal to the prescribed minimum charge for insurance together with the ordinary postage charge if the new address is not within the same delivery area, such charge shall be collected from the addressee upon delivery.

(20) The sender of an ordinary inland or agricultural parcel shall, upon application at the time of handing in the parcel and on payment of the prescribed charge, obtain an acknowledgment of the posting thereof.

43. (1) The agricultural parcels post shall be restricted to the following classes of articles produced in Botswana — Agricultural parcels

- (a) primary products of the soil;
- (b) horticultural products; and
- (c) dairy produce and food-stuffs.

(2) A parcel which contains butter, cream, cheese, eggs (other than single settings for hatching), lard, dripping, fresh or pickled fish, or any liquid, beverage or medicine, or any manufactured tobacco, leather goods, feathers, wool, mohair, skins, or any mineral or industrial product, shall not be admitted at the rate for agricultural parcels.

(3) Every parcel intended for transmission at the rate for agricultural parcels shall have attached to the cover a declaration in the prescribed form.

(4) A returned empty parcel shall be sent at the rate applicable to the original parcel provided the original declaration label endorsed "Returned empty" is attached thereto and the empty parcel is addressed to the person who signed such original declaration, and a further declaration shall not be necessary.

(5) In all other respects any parcel sent at the agricultural parcel post rate shall be subject to the regulations applying to ordinary parcels.

44. (1) The cash-on-delivery service shall be applicable to parcels only, including agricultural parcels, but shall not be applicable to a parcel containing any precious stone, coin, bullion, bank note or other paper having a monetary value. Cash-on-delivery service: parcels

(2) The sum to be collected from the addressee on the parcel for payment to the sender thereof shall be known as a trade charge.

(3) In addition to the postal charges, which must be prepaid, a cash-on-delivery fee, as prescribed, shall be payable at the time of posting.

(4) (a) The sender shall affix to each parcel a label, in a form prescribed by the Director, bearing the name and address of the addressee, the amount of the trade charge to be collected, a declaration certifying the nature of the contents of the parcel and that the parcel is being sent in execution of a *bona fide* order and the signature and address of the sender, and the sender shall in addition complete, in ink, a trade charge card, and no erasure or alteration of any kind shall be permitted in the amount entered on such card.

(b) A certificate of posting shall be issued in respect of each cash-on-delivery parcel posted, and the production of such certificate may be required as a condition of payment of the trade charge to the sender.

(c) A parcel which contains any gold or silver article or any jewellery shall be insured.

(5) (a) In the event of the total loss of a cash-on-delivery parcel whilst in the custody of the post office the Director shall be empowered to pay compensation up to the amount of the trade charge:

Provided that compensation shall not exceed the value of the parcel or, in any case, P400.

(b) Unless it was posted as an insured parcel, compensation shall not be payable in the event of the total loss of a cash-on-delivery parcel which contained any gold or silver article or any jewellery.

(c) Notwithstanding the provisions of paragraph (a), the Director shall not be required to pay compensation —

- (i) unless the claim is lodged with the postmaster at the office of origin of the parcel within three months of the date of posting;
- (ii) unless the provisions of subregulations (3) and (4) have been complied with; or
- (iii) where the loss is due to riot, civil commotion, war, military or usurped power, floods or tempest.

(6) (a) Advice of the arrival of a cash-on-delivery parcel and the charges to be paid thereon shall be forwarded to the addressee thereof; and the Director shall not be required to cause a cash-on-delivery parcel to be delivered to the residence or place of business of the addressee.

(b) An addressee or his agent shall not be permitted to examine the contents of any parcel before paying the trade charge, and a trade charge, once collected, shall not be refunded to the addressee.

(7) The prescribed handling charge shall be payable on each cash-on-delivery parcel posted outside Botswana for delivery at a post office within Botswana.

(8) On payment of the prescribed fee in addition to any other costs necessarily incurred in effecting a reduction, cancellation or alteration, the sender of a cash-on-delivery parcel may reduce or cancel the amount of the trade charge on the parcel or cause the parcel to be delivered to a person other than the one named in the address thereon.

Letters for conveyance by guards of railway trains

45. (1) A letter prepaid at the ordinary postage rate may be handed to a railway officer at the booking office of any railway station, during such hours as the station may be open for public business, for conveyance by the guard of the first available passenger or combined passenger and goods train to any railway station within Botswana, to be there called for or posted at the post office nearest thereto, and any such letter shall be subject to such additional charge as may be levied by the railway authorities for its conveyance by train.

(2) A letter for conveyance by a guard of a railway train shall be handed in at such time as may be prescribed prior to the advertised time of departure of the train by which it is desired it shall be conveyed.

(3) A letter intended to be called for at the station to which it is sent shall be addressed to the care of the station master at such station, and shall be inscribed in the left-hand top corner of the cover with the words "To be called for"; a letter not so addressed and inscribed shall upon arrival be posted at the nearest post office, and a letter so inscribed which is not claimed within two months from the date of receipt by the station master shall be handed to the postmaster of the nearest post office and thereafter treated as an ordinary undelivered postal article.

(4) A letter not intended to be called for shall be fully addressed to the place at which delivery is desired and shall in addition bear the name of the railway station to which it is to be conveyed, thus "Via . . . station".

(5) (a) A letter which —

- (i) bears an indication that it is intended to be registered;

- (ii) contains or appears to contain coin or jewellery or any other article which under these Regulations may not be transmitted without registration; or
- (iii) contains or appears to contain anything which is not transmissible by the ordinary post,

shall not be eligible for conveyance by a guard of a railway train.

(b) Any packet which may be found by an officer of the post office to have been accepted contrary to the provisions of this subregulation shall, if falling under –

- (i) subparagraphs (a) (i) or (ii), be transferred to the registered post and delivered in the usual manner, a surcharge of 10t being levied thereon; or
- (ii) subparagraph (a) (iii), be dealt with as the Director shall direct.

(6) In all other respects any letter for conveyance by a guard of a railway train shall be subject to the provisions prescribed for ordinary post.

(7) A railway officer performing any duty in execution of the provisions of this regulation shall be deemed to be an officer of the post office so far as such duties are concerned.

46. (1) On payment of the prescribed charges in addition to the normal postage the sender of an article other than an insured or cash-on-delivery parcel may have the same delivered by express service, subject to such conditions as the Director may deem necessary.

Express
delivery

(2) Except where otherwise provided, any article handed in for express delivery shall be subject to the provisions governing the acceptance and dispatch of postal articles.

(3) Where it appears that the prepaid delivery fee on a postal article is insufficient, the shortage shall be collected from the addressee or the sender.

(4) The Director shall not be obliged to deliver by express messenger any article which is not received during the hours determined for the express delivery service.

PART III *Franking*

47. (1) The following officers or any member of their staff authorized by them in that behalf shall be entitled to frank any letter or any other article on the public service for transmission by post without prepayment of postage from any place within Botswana to any place within a country of the African Postal Union –

Officers
entitled
to frank

- (a) the President;
- (b) a Minister;
- (c) the Attorney-General;
- (d) the Auditor-General;
- (e) the Registrar of the High Court;
- (f) the Registrar of Deeds;
- (g) the Head of a Government department; and
- (h) a District Commissioner.

(2) With certain exceptions, in the case of a communication emanating from the Department, any official correspondence for any country which is not a member of the African Postal Union shall be prepaid by means of postage stamps.

<p>Authority to frank</p>	<p>48. Any application for authority to frank shall be made to the Director.</p>
<p>Correspondence addressed to officers authorized to frank</p>	<p>49. Any person authorized to frank any letter or other article on the public service shall be entitled also to receive without payment of postage any similar article, excluding a parcel, addressed to him in his official capacity and superscribed "On Botswana Government Service" or "Official".</p>
<p>Use of franking stamp: signature on cover</p>	<p>50. (1) A letter or other article on the public service posted by any Government department shall bear an impression of a franking stamp approved by the Director in the bottom left-hand corner of the cover, and, in the absence of such franking stamp impression, it shall suffice if the signature and designation of any person authorized under regulation 45 are inscribed in that position.</p> <p>(2) The cover of a letter or other article on the public service for transmission without prepayment of postage and which bears an impression of a franking stamp, except a letter or article posted by a person authorized under regulation 47, shall bear also the superscription "On Botswana Government Service" or "Official".</p> <p>(3) A franking stamp required under subregulation (1) shall bear in the impression the name of the Government department concerned, the name of the division or office, the place where such division or office is located and the word "Official".</p>
<p>Custody of franking stamp</p>	<p>51. Any person who is authorized to use a franking stamp shall be responsible for the proper custody and use of such stamp in accordance with the provisions of these Regulations and shall take suitable precautionary measures to prevent the wrongful use thereof.</p>
<p>Government publications</p>	<p>52. Any Government publication received by the post office direct from the printer shall, provided the authority of the Director has first been obtained and it is contained in a cover approved by him, be exempt from postage.</p>
<p>Postal articles not entitled to be sent free of postage: treatment by franking officers</p>	<p>53. Any franking officer who may receive any postal article franked as on the public service but which is not entitled to pass through the post without prepayment shall without delay forward to the Director the cover of such article, a certified copy of the contents and a statement of the weight thereof, together with a report of the facts of the case, and the Director shall collect or cause to be collected the postage due thereon or shall take such other action as he may deem fit.</p>
<p>Surcharging</p>	<p>54. The Director may surcharge any postal article purporting to be on Government service and in regard to which there may be reasonable grounds for suspecting that it is not entitled to transmission without prepayment of postage, but, on it being proved to the satisfaction of the Director that such article was entitled to pass without prepayment of postage, such surcharge shall be refunded.</p>
<p>Registration</p>	<p>55. Any letter or other article, excluding a parcel, on the public service franked in accordance with the provisions of these Regulations and marked for registration by a franking officer shall be registered without prepayment of the registration fee.</p>
<p>Parcels on public service</p>	<p>56. Any parcel, excluding an insured or cash-on-delivery parcel, on the public service franked in accordance with the provisions of these Regulations shall be sent free of charge by a franking officer from or to</p>

any place within Botswana and such parcel shall not, without the written authority of the Director, exceed the current weight limit for a postal parcel, and shall in all other respects conform to the provisions relating to size and make-up.

57. (1) An official letter or other document emanating from a civil or military department, or from an authorized representative, of any country of the African Postal Union shall, when duly countersigned or franked by such department or authorized representative as being on the public service of an African Postal Union country, be transmitted to any place within Botswana.

Franked letters and documents from African Postal Union countries

(2) Member countries of the African Postal Union are Botswana, Lesotho, Malawi, Namibia, South Africa, Swaziland and Zimbabwe.

Revocation of Cap. 72:01 (Sub. Leg.)

58. The Telephone, Radio, Postal and Franking Regulations are hereby revoked.

MADE this 30th day of October, 1980.

C.W. BLACKBEARD,
Minister of Works and Communications.

L217/59 II