

Zambia

Postal Services Act, 1994

Chapter 470

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Zambia

Postal Services Act, 1994 Chapter 470

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[24 of 1994; 13 of 1994]

An Act to regulate the provision of postal services into, out of and within Zambia; to constitute a Postal Services Corporation and to define its functions; and to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the Postal Services Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"**addressee**", in relation to any postal article, means the person to whom the postal article is addressed;

"**authorised officer**" means a postal officer authorised in writing by the Corporation to do the thing in relation to which the expression is used;

"**Company**" means Posts and Telecommunications Corporation Limited, a company registered under the Companies Act or any Act amending or replacing that Act;

"**Corporation**" means the Postal Services Corporation constituted by this Act;

"**courier service**" means a service by which a document, letter, parcel or any article (other than a telegram) is conveyed from door to door without a postage stamp;

"**franking machine**" means a machine used for making impressions on postal articles to denote payment of postage and includes any meter and any franking or datestamping die used in connection with postal franking;

"**mail**" means every postal article and every mail bag, container or conveyance of any kind by which a postal article is carried, whether or not it contains a postal article;

"**mail bag**" means any bag, box, basket, parcel, hamper or other container or covering in which a postal article is conveyed, whether or not it contains a postal article for the time being;

"**money order**" means a money order—

(a) issued under this Act; or

(b) issued by any postal authority for payment under this Act;

"**postal article**" means every article collected for conveyance by post, and includes a telegram;

"**postal officer**" means any person appointed by the Corporation as a postal officer for the purposes of this Act;

"**postal service**" means the conveyance of letters to their addressees or to another person for delivery to their addressee, or the collection thereof for such conveyance or delivery, or any associated service;

"**sender**" of a postal article means the person from whom the postal article purports to have come;

"**telegram**" means any message transmitted by means of telegraphy and delivered to the addressee;

"**telegraph office**" means any place used by the Corporation for the handling of telegrams;

"**transmission**", in relation to a telegram, includes the reception as well as the sending of the telegram.

(2) For the purposes of this Act—

- (a) a postal article shall be deemed to be in the course of conveyance by post from the time it is delivered to the proper postal officer or deposited in a letter box or other receptacle stationed by or with the approval of the Corporation for that purpose, to the time it is delivered to the addressee, or is returned to the sender, or is otherwise disposed of under this Act;
- (b) a postal article shall be deemed to have been delivered to a post office if it is placed in any letter box or other receptacle stationed by or with the approval of the Corporation for the deposit of postal articles or is delivered to the proper postal officer;
- (c) a postal article shall be deemed to have been delivered to the addressee if it is delivered to his house or place of work, into his private box or his post office box or to his servant or agent or, where the addressee is a guest at an hotel, if it is delivered to that hotel:

Provided that in the case of a telegram, where a residential or office address is given, the telegram shall have been delivered to the address so indicated.

[Cap. 388]

Part II – The Postal Services Corporation

3. Establishment of Corporation

- (1) There is hereby established the Postal Services Corporation, which shall be a body corporate with a common seal capable of suing and being sued and, subject to the provisions of this Act, capable of performing all such acts as a body corporate may by law do or perform.
- (2) The First Schedule has effect in respect of the constitution of the Corporation, the appointment of a Postmaster-General and related matters.

4. Functions of Corporation

- (1) The Principal function of the Corporation shall be to conduct a postal service and telegram service for the Republic.
- (2) The Corporation shall have such other powers and functions as are conferred on it by or under this Act.

Part III – Postage and postal services

5. Operations of postal services

- (1) Any person other than the Corporation who—
 - (a) operates or offers to operate a postal service; or

- (b) collects, conveys, delivers or deals with any letter otherwise than as permitted by or under this section;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding three months, or to both, for every letter in respect of which the offence is committed.

- (2) The Corporation may prescribe, by statutory instrument, either generally or in any particular case, the terms and conditions under which letters may be collected, conveyed or delivered otherwise than by or on behalf of the Corporation, whether for dispatch by post or not.
- (3) Nothing in this section prohibits—
 - (a) the conveyance and delivery of a letter by the sender himself;
 - (b) the conveyance and delivery of a letter by any person otherwise than for fee or reward;
 - (c) the conveyance and delivery of a letter concerning the affairs of the sender or his agent, client or customer, or of the addressee or his agent, client or customer, by means of a message sent for that purpose;
 - (d) the conveyance and delivery of a letter, solely concerning goods or property commercially sent by water, land or air, to be delivered with the goods or property, if the letter is open to inspection and has inscribed on it the words "consignee's letter" or other words of similar import;
 - (e) the conveyance and delivery of a letter exceeding the prescribed dimensions for a letter;
 - (f) the conveyance and delivery of a letter containing any document issuing out of a court or of any return or answer thereto; or
 - (g) the conveyance and delivery of a letter in such circumstances, and on such conditions, as may be prescribed by the Corporation by statutory instrument.
- (4) Subsection (3) does not operate so as to—
 - (a) authorise any person to make a collection of letters for the purpose of their being conveyed or delivered in any manner authorised by any of paragraphs (b) to (f) of that subsection, where the collection is made from the letters of more than one person or authority; or
 - (b) authorise a common carrier by land or his servant or agent to collect letters or convey or deliver a letter, whether or not for fee or reward, except for such letters as are mentioned in paragraph (d) of that subsection.
- (5) Nothing in this section prohibits the establishment and maintenance by a council of a district postal service in accordance with the Local Government Act.

[Cap. 281]

- (6) Nothing in this section prohibits the operation of, or any person's participation in, a licensed courier service.
- (7) In this section, "letter" includes a postcard.

[As amended by Act No. 13 of 1994]

6. Postal charges

- (1) The Corporation, with the consent of the Minister may determine all fees and charges in connection with the transmission of articles by post.
- (2) The following communications, however, shall be exempt from all such fees and charges:
 - (a) petitions and addressees to the President; and

- (b) such other postal articles, in such circumstances, as the Corporation may determine.

7. Articles posted by mistake

If any article is posted by mistake and liable to postage, and evidence is adduced to the satisfaction of any authorised officer that the article has been posted by mistake, an authorised officer may open and return that article to the sender without charge:

Provided that if the article contains any letter or manuscript liable to postage, the authorised officer shall retain it until the postage has been paid.

8. Underpaid and unpaid postage

- (1) Except as otherwise provided by this section, where insufficient or no postage has been paid, the addressee shall pay the postage or other sum due on the postal article on his accepting delivery unless he forthwith returns it unopened.
- (2) Where the addressee refuses to accept delivery or returns the postal article, or if the addressee is dead or cannot be found, the sender shall pay the postage or other sum due on it.
- (3) If the postal article appears to the satisfaction of an authorised officer to have been sent for the purpose of annoying the addressee, the authorised officer may waive or remit the postage or other sum due on it under subsection (1).

9. Postal charges remaining unpaid

- (1) If any person refuses to pay any postage or other sum which is payable by him in respect of any postal article, an authorised officer may dispose of the postal article in such manner as may be prescribed.
- (2) Such postage or other sum may be recovered by the Corporation in any court.

10. Issue and withdrawal of postage stamps

- (1) The Corporation may, with the consent of the Minister, provide such postage stamps as it thinks necessary for the purposes of this Act and may, with like consent, withdraw any issue of such postage stamps.
- (2) Notification of the withdrawal of any issue of postage stamps shall be given by the Corporation by notice published in the *Gazette* and in one or more newspapers circulating throughout Zambia.
- (3) With effect from such date as the Corporation may appoint by a notice under subsection (2), not being earlier than one month after the publication of the notice, postage stamps of the issue described in the notice shall cease to be postage stamps for the purposes of this Act and no claim shall lie against the Corporation in respect of any postage stamps to which the notice relates.

11. Opening and returning of postal articles

Except as otherwise provided by this Act, no person other than an authorised officer shall, after any postal article has been delivered to a post office, open the postal article or return it to any person.

12. Prohibited articles

Except as otherwise provided by this Act and subject to such conditions as may be prescribed, no person may send by post—

- (a) opium, morphine, cocaine or any narcotic, or any substance the possession of which is prohibited by any law;

- (b) any explosive, inflammable, dangerous, filthy, noxious or harmful substance;
 - (c) any sharp instrument not properly protected;
 - (d) any noxious living creature;
 - (e) any creature, article or thing which is likely to injure any person or damage any postal article.
- (2) Any postal article found to have been sent in contravention of this section may, on such terms and conditions as may be prescribed, be destroyed or otherwise disposed of by an authorised officer.

[Please note: numbering as in original.]

13. Precedence of postal articles

Where the dispatch or delivery of any letters from a post office would be delayed by the dispatch or delivery at the same time of another class or other classes of postal article, any or any class of them may, subject to such conditions as may be prescribed, be retained in the post office for dispatch or delivery at a later time or date.

14. Detention for customs, excise, duty or tax

- (1) An authorised officer may detain any postal article suspected to contain goods liable to customs, excise or any other duty or tax and may in the presence of the addressee or the addressee's representative open and examine that postal article.
- (2) If on any such examination no goods liable to any duty or tax are discovered in the postal article, the postal article shall be delivered to the person to whom it is addressed or to his representative, on payment of the postal charges, if any, payable thereon.
- (3) If on any such examination any goods are found to be liable to customs, excise or other duty or tax, the postal article may be withheld from delivery until payment of the duty or tax and the postage, if any, payable thereon.
- (4) The authorised officer shall deliver the article to the authority responsible for the collection of the relevant duty or tax for examination if the authorised office is not certain that goods are not so liable.

15. Postal articles relating to an offence

- (1) Where an authorised officer suspects that any postal article contains anything in respect of which an offence has been or is being committed, he shall—
 - (a) detain the postal article; and
 - (b) by notice in writing, served personally or by post request the addressee or the sender, or any agent thereof duly appointed in writing, to attend at a post office at a time specified in the notice and open the postal article in the presence of the authorised officer.
- (2) If any person on whom a written notice has been served under subsection (1) fails to attend or, having attended in person or by his agent, refuses to open the postal article, the authorised officer shall open the postal article.
- (3) Any postal article opened under this section shall thereafter, unless it is required for the purpose of any criminal investigations or proceedings, be forwarded or delivered to the addressee with an explanation of the opening of the article.

16. Insufficiently stamped postal articles

Where a postal article received by post from outside Zambia, or posted within Zambia—

- (a) bearing a fictitious stamp; or
- (b) purporting to be prepaid with any postage stamp which has been previously used;

section fifteen shall, with any necessary modifications, apply to the postal article:

Provided that where a postal article is received from outside Zambia, the sender shall not be required to attend at the post office.

17. Registration of postal articles

- (1) Subject to this Act and on payment, in addition to ordinary postage, of such fee as may be determined by the Corporation, the sender of a postal article may have the postal article registered.
- (2) A postal article shall be registered at the post office at which it is posted.
- (3) The postal officer registering a postal article shall issue a receipt for the postal article.
- (4) In the event of the loss of any postal article which is registered under this Act or the loss of the contents of any such article while the postal article is in the custody of the Corporation, the Corporation shall, on such terms and conditions as may be prescribed, pay compensation in respect of the loss.

18. Parcel post

The Corporation may establish a parcel post and in that respect may from time to time determine—

- (a) the conditions under which parcels may be sent, conveyed, delivered, returned to sender or otherwise disposed of;
- (b) the form of declaration to be made by any person or his agent desiring to send or receive any parcel; and
- (c) subject to any law relating to customs, excise or any other duty or tax, the arrangements for the collection of such customs, excise, duty or tax.

19. Cash-on-delivery system

- (1) The Corporation may, by statutory order, direct that of subject to this Act and the payment of the appropriate fee fixed by the Corporation, an amount equal to the value of the contents of a postal article at the time of posting (as specified in writing by the sender of the postal article) shall be recovered by a postal officer on delivery of the postal article to the person to whom it is addressed.
- (2) Any amount received under subsection (1) shall be remitted to the sender of the postal article.
- (3) No liability shall attach to the Corporation or any postal officer in respect of any amount referred to in this section unless that amount has been received from the addressee.

20. List of mail bags

Every mail bag conveyed shall be entered on such list or way-bill as may be prescribed.

21. Agents of the Corporation

The Corporation may make and enter into contracts and arrangements for the conveyance of postal articles or mail bags through or by means of any shipping line, vessel, railway or vehicle or other carrier whatsoever.

Part IV – Money orders etc.

22. Money orders, postal orders, warrants and other orders

- (1) The Corporation shall, on such terms and conditions as it may determine, provide for the remittance of money by post by means of money order, postal order or other like warrant or order.
- (2) Money orders, postal orders or other warrants or orders shall be issued and paid at such post offices and in such manner as the Corporation may determine.
- (3) The Corporation shall be liable for the amount of any postal order, money order or other warrant or order only if a claim is made within three years after the date of issue.

23. Such orders, etc., to be security

- (1) A money order, postal order or other warrant or order issued under this Act shall be deemed to be an order for payment of money and a valuable security within the meaning of any law relating to forgery or theft.
- (2) An unissued postal order, money order or other warrant or order shall be deemed to be money of the Corporation.

24. Refusal to issue or pay such orders, etc.

- (1) When an authorised officer is satisfied from any advertisement, letter, circular, or other documentary evidence that a person—
 - (a) is conducting, or assisting as agent or otherwise in conducting, a lottery other than a lottery promoted and conducted in accordance with any law; or
 - (b) is dealing in indecent or obscene matter;the authorised officer may refuse to pay in favour of that person, or to issue for payment to that person, any money order, postal order or other warrant or order under this Act.
- (2) Any postal order, money order or other warrant or order issued under this Act the payment of which is refused under this section—
 - (a) may, if issued within Zambia, be returned to the person to whom it was originally issued; and
 - (b) shall, if issued outside Zambia, be returned to the appropriate postal authority of the country in which it was issued.

Part V – Telegram services

25. Telegram service

The Corporation shall, on such terms and conditions as it may determine, operate and provide a telegram service.

26. Precedence of telegrams

Telegrams shall, as far as practicable, be transmitted in the order in which they are received, but telegrams relating to the safety of human life, the preservation of peace in Zambia or in any other country, the arrest of criminals, the discovery or the prevention of crime or any other matter related to the administration of

justice and, when so required, telegrams sent by or on behalf of the Government, shall have precedence over all other telegrams:

Provided—

- (a) nothing in this section prevents precedence being given to any class of telegrams under such conditions and upon payment of such special rates as may be determined by the Corporation; and
- (b) no person shall be permitted to occupy a telecommunication line in such manner as to impede unreasonably the transmission of other telegrams.

27. Unlawful telegram services

Any person other than the Corporation who operates a telegram service shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding three months, or to both, for every telegram in respect of which the offence is committed.

[As amended by Act No. 13 of 1994]

Part VI – Miscellaneous

28. Forgery, possession and misuse of stamps and money orders

- (1) This section applies to—
 - (a) any postage stamp, date stamp, mark, figure, or franking machine used in or for the purposes of a postal service provided by the Corporation; and
 - (b) any money order, postal order or other warrant or order for the payment of money through the Corporation.
- (2) Any person who, without lawful authority or excuse—
 - (a) makes, engages, alters, reproduces, purchases or otherwise obtains, imports into Zambia or has in his possession or custody anything to which this section applies; or
 - (b) uses, issues, sells, offers for sale, sends by post, deals in or otherwise disposes of any such thing;shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding seven years.
- (3) Any person who has in possession or uses, deals in or otherwise disposes of anything to which this section applies, knowing it to have been made, engraved, altered, reproduced, purchased, obtained or imported into Zambia in contravention of this section, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding seven years.
- (4) Any article mentioned in subsection (1)(a) used by or found in the possession of any person in contravention of this section shall, on conviction of the person, be forfeited to the Republic and may be destroyed or otherwise disposed of by the Corporation in accordance with directions given by the Minister.

29. Offences relating to postage stamps and post marks

- (1) Any person who, with intent to defraud—
 - (a) removes any postage stamp from any postal article or from any document used for the purposes of the Corporation;
 - (b) removes from any postage stamp which has previously been used any mark or impression which has been made thereon at any post office; or

- (c) uses, cuts, scraps, defaces, obliterates, adds to or alters any mark or impression upon any postal article, money order, postal order or other warrant, order, paper or material whatsoever provided, used or made for the purposes of the Corporation;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

- (2) Any person who sells any postage stamp from which any mark or impression put thereon at any post office for the purposes of the Corporation has been removed shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.
- (3) For the purposes of this section, the sender of a postal article shall, until the contrary is proved, be deemed to be the person by whom the postage stamp was affixed upon that article.

[As amended by Act [No. 13 of 1994](#)]

30. Fraudulent use of official marks

Any postal officer who, with intent to defraud, puts any incorrect official mark on a postal article shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

[As amended by Act [No. 13 of 1994](#)]

31. General offences relating to mail

A person authorised to receive or in any way handle mail who—

- (a) willfully or negligently loses, destroys, detains, delays, misdelivers or omits to dispatch mail;
- (b) unlawfully communicates or divulges the contents of any postal article;
- (c) while in charge of any mail—
 - (i) permits an unauthorised person to have access to that mail;
 - (ii) is intoxicated; or
 - (iii) willfully misspends time and thereby delays the arrival of such mail at its proper destination;
- (d) through negligence or misconduct, endangers the safety of mail;
- (e) gives false information of an assault upon him or of theft or attempted theft from him, at any time when he was in charge of mail; or
- (f) without lawful authority, collects, receives or delivers any postal article otherwise than in the ordinary course of his duties;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

32. False entries relating to mail

Any postal officer carrying mail and required to keep any record relating to that mail who makes any false entry in that record, knowing the entry to be false, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

[As amended by Act [No. 13 of 1994](#)]

33. Offences relating to postal articles

Any person who—

- (a) in purported compliance with any requirement under this Act, makes any false statement as to the contents of any postal article;
- (b) sends by post—
 - (i) any article in or upon which there is any indecent or obscene matter or anything of a profane, libellous or grossly offensive character; or
 - (ii) correspondence dealing with any fraudulent or immoral business or undertaking;
- (c) without due authority, places any placard in or against any post office or telegraph office;
- (d) wilfully damages or disfigures any post office or telegraph office or wilfully damages, disfigures or tampers with any card, notice or other property of, or which is being used by or on behalf of, the Corporation;
- (e) commits a nuisance with respect to a post office or telegraph office or any card, notice or other property referred to in paragraph (d); or
- (f) by any false representation, induces any postal officer to deliver to him or to any other person any postal article not addressed to or intended for him or for that other person;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

[As amended by Act [No. 13 of 1994](#)]

34. Theft of or interference with mail

Any person who—

- (a) steals any mail;
- (b) steals from any mail or post office or telegraph office, or from the custody or possession of a postal officer, any postal article or any of the contents of a postal article;
- (c) unlawfully destroys mail or any postal article or any of the contents of a postal article;
- (d) receives any mail or postal article or any of the contents of a postal article, knowing it to have been stolen;
- (e) unlawfully searches mail; or
- (f) stops mail with intent to steal or unlawfully to search the mail;

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding ten years.

35. Transmission of dangerous substances and endangerment of post office or telegraph office

Any person who puts into or places against any post office or telegraph office, or any letter box or other receptacle for the receipt of mail, any fire, match or light, or any explosive, dangerous, noxious or harmful substance or fluids, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding fourteen years.

36. Tampering with mail

Any person who unlawfully opens or tampers with or conceals any postal article shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding seven years.

37. Unauthorised notices as to reception of letters, etc.

Any person who, without the authority of the Corporation, places or maintains in or on any building, wall, box, pillar or other place any words, letters or symbols which signify, or imply, or are likely to be taken to signify or imply, that any house or place is a post office or a place where things in the exclusive privilege of the Corporation may be done shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

[As amended by Act [No. 13 of 1994](#)]

38. Trespass upon, and disorderly behaviour in, post office or telegraph office

(1) Any person who—

- (a) without the permission of an authorised officer, enters any part of a post office or telegraph office which is not open to the public;
- (b) behaves in a disorderly manner in a post office or telegraph office; or
- (c) wilfully obstructs, hinders, or delays any postal officer in the execution of his duty;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

(2) Any person who contravenes this section and who, on being required to leave a post office or telegraph office by a postal officer, fails to leave the place within a reasonable time may be removed by the officer with such force as may be reasonably necessary in the circumstances.

[As amended by Act [No. 13 of 1994](#)]

39. Offences relating to money orders, postal orders, etc.

Any person who, with intent to defraud—

- (a) issues, reissues, utters or passes off, or presents to any other person or at any post office, any money order, postal order or other warrant or order for the remittance of money through the post; or
- (b) sends by post any letter, telegram or other communication or message concerning anything referred to in paragraph (a);

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding seven years.

40. Theft, forgery, etc. of telegrams

Any person who—

- (a) with intent to defraud, takes any telegram from the possession of any postal officer or other person having the custody of it, or from any post office or telegram office;
- (b) steals, conceals or destroys any telegram or any part thereof;
- (c) receives any telegram, or any part thereof, knowing it to have been stolen;

- (d) forges a telegram or fraudulently and knowing it to be forged or to contain false information utters a telegram;
- (e) with intent to defraud, gives verbally or delivers for transmission as a telegram any message or communication which he knows to be forged or the information given or contained in which he knows to be false;

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding seven years.

41. Impersonation of officers

Any person who, with intent to defraud, by words or conduct pretends to be a postal officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

42. False declarations

Any person who, in any declaration required to be made under this Act, makes any false statement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

43. Evidence

In any legal proceedings for the recovery of any sum payable under this Act in respect of a postal article—

- (a) the official stamp or mark on it denoting the sum due shall be *prima facie* evidence that such sum is due in respect of the postal article;
- (b) the production of any postal article having on it a post office stamp or mark denoting that delivery of the postal article has been refused or that the person to whom it is addressed is dead or cannot be found, shall be *prima facie* evidence of that fact; and
- (c) the person from whom the postal article purports to have come shall, until the contrary is proved, be deemed to be the sender.

44. Immunity to officers

No action or other proceedings shall lie or be instituted against the Postmaster-General or any postal officer for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

45. Revenue for money orders, postal orders, etc.

The principal moneys received in respect of money orders and postal orders, or any other warrant or order for remitting money by post, shall not form part of the postal revenue unless, in the case of money orders and postal orders, their period of currency has lapsed.

46. Delivery of postal articles to public prosecutors

- (1) Any postal article which—
 - (a) is reasonably suspected by a postal officer of containing anything which may afford evidence of the commission of a criminal offence; or

- (b) is reasonably suspected of being sent in order to further the concealment of the commission of a criminal offence;

shall be detained by the officer in charge of any post office or telegraph office in which it is or through which it passes, and that officer shall, if authorised by the Director of Public Prosecution, cause the postal article to be handed over to a public prosecutor.

- (2) The Director of Public Prosecutions may, by statutory notice, delegate the powers contained in subsection (1) to State Advocates or public prosecutors generally or specifically.

47. Regulations

- (1) The Minister, on the recommendation of the Corporation, may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed, or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the regulations may make provision for or with respect to—
 - (a) the licensing of operators of courier services; and
 - (b) articles which may be sent by post as packet, parcels, letters, postcards, patterns, samples, printed or commercial papers or newspapers.

48. Amendment of Act No. 18 of 1987 and savings

- (1) Parts II and III of the Posts and Telecommunications Act, 1987, and sections 75, 77 and 78 of that Act, are hereby repealed.
- (2) The Second Schedule has effect in respect of the Company, its property and employees and otherwise in respect of the amendment of the Posts and Telecommunications Act, 1987, by this section.

First Schedule (Section 3)

The Corporation

1. Board of the Corporation

- (1) The Corporation shall consist of a board of directors comprising eight members, being the Postmaster-General (who shall, *ex officio*, be a member of the board) and nominees from organisations, as follows:
 - (a) one person nominated by the Federation of Employers of Zambia;
 - (b) one person, being a member of a trade union representing postal officers, nominated by the Zambia Council of Trade Unions;
 - (c) one person nominated by the Zambia Council of Commerce and Industry;
 - (d) one person nominated by the Law Association of Zambia;
 - (e) one person nominated by the Zambia Institute of Certified Accountants;
 - (f) one person nominated by an organisation which, in the opinion of the Minister, would best represent the interests of consumers;
 - (g) one person nominated by the Minister of Legal Affairs.
- (2) The members of the Corporation, other than the Postmaster-General, shall be nominated by their respective organisations and shall be appointed by the Minister.

- (3) Two of the members shall, in and by the terms of their respective appointments or by other instruments executed under the hand of the Minister, be appointed as the Chairman and Vice-Chairman of the Corporation.
- (4) A person shall not be appointed or hold office as a member of the Corporation if he—
 - (a) is an undischarged bankrupt;
 - (b) has been convicted of an offence under this Act
 - (c) has been convicted of an offence involving fraud or dishonesty; or
 - (d) has been convicted of an offence against any other written law and sentenced to a term of imprisonment of not less than six months without the option of a fine.

2. Term of office and vacancy

- (1) A member of the Corporation shall, subject to the provisions of this Schedule, hold office for a term of not more than three years.
- (2) A member of the Corporation shall be eligible for reappointment upon the expiry of his term of office.
- (3) Upon the expiration of the term for which a member is appointed he shall continue to hold office until his successor has been appointed, but in no case shall any such extension of the term exceed three months.
- (4) The office of a member shall be vacated—
 - (a) upon his death;
 - (b) if he is adjudged bankrupt;
 - (c) if he is absent from three consecutive meetings of the Corporation without the prior approval of the Corporation;
 - (d) upon the expiry of one month's notice of his intention to resign his office given by him in writing to the Minister;
 - (e) upon the expiry of one month's notice of his removal given to him in writing by the Minister;
 - (f) if he becomes mentally or physically incapable of performing his duties as a member;
 - (g) if he is convicted of an offence under this Act; or
 - (h) if he is convicted of an offence under any other written law and sentenced therefor to imprisonment for a term of six months or more without the option of a fine.
- (5) The Corporation may act notwithstanding any vacancy of office among its members.

3. Postmaster-General

- (1) The Corporation shall appoint a Postmaster-General, who shall be the chief executive of the Corporation.
- (2) Subject to subclause (3), the Postmaster-General shall perform such of the functions of the Corporation as are for the time being delegated to him by the Corporation.
- (3) The Postmaster-General shall not exercise any function generally delegated to him by the Corporation under subclause (2) without the express specific approval of the Corporation in relation to—
 - (a) any matter in respect of which the Corporation may not exercise its powers under this Act without the prior consent or approval of the Minister;

- (b) the sale, disposal or writing off of any property or assets of the Corporation the value of which exceeds ten million kwacha; or
 - (c) any general variation of the salaries, wages or allowances of postal officers.
- (4) The Postmaster-General shall furnish the Minister, through the Corporation, with all such information relating to the activities and undertakings of the Corporation as the Minister may at any time require.

4. **Business of the Corporation**

- (1) Subject to the other provisions of this Act, the Corporation may regulate its procedure.
- (2) The Corporation shall meet as often as necessary or expedient for the conduct of its business and such meetings shall be held at such places, times and days as the Corporation may determine.
- (3) The Chairman may at any time call a meeting of the Corporation and shall call a special meeting to be held within seven days of receipt of a written request for that purpose addressed to him by at least one-third of the members of the Corporation.
- (4) There shall preside at any meeting of the Corporation—
- (a) the Chairman;
 - (b) in the absence of the Chairman, the Vice-Chairman; or
 - (c) in the absence of both the Chairman and Vice-Chairman, such member as the members present may elect for the purpose of the meeting.
- (5) The decision of the Corporation shall be by a majority of votes and in addition to an original vote, the Chairman or other person presiding at the meeting shall have a casting vote in any case in which the voting is equal.
- (6) Five members of the Corporation shall form a quorum.
- (7) Minutes of each meeting of the Corporation shall be kept and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

5. **Committees**

- (1) The Corporation may for the purpose of performing its functions under this Act establish committees and delegate to any such committee such of its functions as it considers necessary.
- (2) The Corporation may appoint as members of a Committee established under subclause (1) persons who are or are not members of the Corporation and such persons shall hold office for such period as the Corporation may determine.
- (3) Subject to any specific or general direction of the Corporation, any committee established under subclause (1) may regulate its own procedure.
- (4) Each committee shall keep minutes of its meetings and shall keep the Corporation informed of its activities and shall conduct its proceedings in such manner as the Corporation may direct.
- (5) Meetings of a committee shall be held at such times and places as the committee may determine or as the Corporation shall direct.

6. **Allowances**

A member of the Corporation or any committee thereof shall be paid such travelling and subsistence allowances, if any, as the Minister may, in his case, fix.

7. **Disclosure of interest**

If any person is present at a meeting of the Corporation or any committee of the Corporation at which any matter is the subject of consideration and in which matter that person is directly or indirectly interested,

he shall as soon as is practicable after the commencement of the meeting, disclose the interest and shall not, unless the Corporation or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter.

8. Staff of the Corporation

- (1) To the extent that they are not otherwise determined by law, the Corporation may determine the terms and conditions of employment of postal officers.
- (2) Without limiting the generality of subclause (1), the Corporation may make arrangements for or with respect to the provision and maintenance of schemes (whether contributory or not) for the payment to its employees and their dependents of such retirement benefits, gratuities or other allowances as it may determine.

9. Corporation's funds

The Corporation shall be funded by—

- (a) such sums as may be payable to the Corporation from time to time from moneys appropriated by Parliament for the purpose;
- (b) such sums as may be payable to the Corporation under this Act or any other written law;
- (c) such sums as may be levied by the Corporation by way of postal charges, transaction commissions and any other levies imposed; and
- (d) such sums of money or such other assets as may accrue to or vest in the Corporation from time to time, whether in the course of the exercise of its functions or otherwise.

10. Financial year

The financial year of the Corporation shall be the period of twelve months ending on 31st March in each year.

11. Accounts and audit

- (1) The Corporation shall cause proper accounts to be kept of its assets and liabilities and of its income and expenditure for each financial year.
- (2) The accounts of the Corporation for each financial year shall be audited by one or more persons who publicly carry on the profession of accountants in Zambia, and who shall be appointed auditors to the Corporation by the Corporation with the approval of the Minister.

12. Annual report

The Corporation shall, not later than six months after the end of each financial year of the Corporation, submit to the Minister a report of its activities, together with a copy of its audited accounts for that financial year, and the Minister shall, not later than fourteen days after the first sitting of the National Assembly next after the receipt of such report, lay it before the National Assembly.

Second Schedule (Section 48)

Savings and transitional provisions

1. Vesting of assets and transfer of liabilities

- (1) On the commencement of this Act, there shall be transferred to, and shall vest in or subsist against the Corporation by virtue of this Act and without further assurance—
 - (a) such part of the undertaking of the Company as, immediately before the commencement of this Act, pertained to a postal service; and

- (b) all property, rights, liabilities and obligations that, immediately before the commencement of this Act, were the property, rights, liabilities and obligations of the Company in relation to that part of its undertaking.
- (2) Where any doubt or dispute arises as to whether any particular property, right, liability or obligation vested in or subsisting against the Company is so vested or subsists in relation to the part of its undertaking referred to in paragraph (a) of subclause (1) or otherwise, the Minister may, by statutory instrument, declare whether it is or is not vested or does or does not subsist in relation to that part of its undertaking, and this clause shall apply accordingly.
- (3) For the purposes of subclause (2), any property, right, liability or obligation that appears to the Minister to be vested in or to subsist against the Company both in relation to the part of its undertaking referred to in paragraph (a) of subclause (1) and in relation to some other part of its undertaking shall be taken to be the subject of a doubt or dispute of the kind mentioned in subclause (2).
- (4) Every deed, bond or agreement (other than an agreement for personal services) to which the Company was a party immediately before the commencement of this Act, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, if it related to the part of the Company's undertaking referred to in paragraph (a) of subclause (1), have effect as from the date of the assignment thereof, as if—
 - (a) the Corporation had been a party thereto;
 - (b) for any reference to the Company there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to the Corporation; and
 - (c) for any reference to any officer or employee of the Company not being a party thereto and beneficially interested therein there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to such postal officer as the Corporation shall designate.
- (5) Documents other than those referred to in subclause (4) and which refer specifically or generally to the Company shall be construed in accordance with that subclause as far as applicable.

2. **Registration of property to be transferred by Company**

- (1) Where—
 - (a) under this Schedule any property, rights, liabilities or obligations of the Company are transferred; and
 - (b) in respect of the transfer, any written law provides for registration;the Company shall make application in writing to the appropriate registration authority for the registration of the transfer.
- (2) The relevant registration authority shall make such amendments to the appropriate register, cancel such documents and do and attend to such other matters and things as seem to him necessary to give effect to or record the transfer and, where appropriate, shall—
 - (a) issue to the transferee concerned a certificate of title in respect of any property affected by the transfer; and
 - (b) on presentation thereof, make such endorsements as seem to him proper to be made on any deeds, documents or records relating to the title right, liability or obligation concerned.
- (3) In default of compliance by the Company with subclause (1), or in default of such compliance within a reasonable time, the powers conferred by subclause (2) on a registration authority may be exercised by that registration authority of his own motion.
- (4) No registration fee, stamp duty or other duties shall be payable in respect of any transfer effected pursuant to this Schedule or anything done, made or issued in pursuance of this clause.

3. Terms of service of employees of Company upon transfer

- (1) The Corporation may approve of arrangement under which all or some of the persons who, before the commencement of this Act, were in the service of the Company in connection with that part of its undertaking that related to a postal service are transferred to the service of the Corporation, whether as postal officers or otherwise.
- (2) Where a person is transferred in accordance with arrangements made under this clause to the service of the Corporation, his terms and conditions of service with the Corporation shall be no less favourable than those he enjoyed while in the service of the Company, and for the purpose of determining his rights to or eligibility for any pension, gratuity, leave or other benefits, his previous service with the Company shall be treated as service with the Corporation.

4. Legal proceedings

Without prejudice to the other provisions of this Schedule, where any right, liability or obligation vests in or subsists against the Corporation by virtue of this Schedule, the Corporation, and all other persons affected thereby, shall, as from the commencement of this Act, have the same rights, powers and remedies (and in particular the same rights as to the institution or defence of any legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation of the Corporation, as the case may be.

5. Saving of regulations, etc.

Notwithstanding the repeal of any provision of the Posts and Telecommunications Act, 1987, by this Act, any regulation or other statutory instrument made for the purposes of the provision so repealed shall, with any necessary modifications, be deemed to have been made under and for the purposes of this Act.