

GOVERNMENT OF ZAMBIA

ACT

No. 22 of 2009

Date of Assent: 28th August, 2009

An Act to provide for the regulation of postal and courier services; continue the existence of the Postal Services Corporation; provide for the operation of postal banking and financial services; repeal and replace the Postal Services Act, 1994; and provide for matters connected with or incidental to the foregoing.

[31st August, 2009

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Postal Services Act, 2009, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires—

Interpretation

“addressee” in relation to a postal article, means the person to whom the postal article is addressed;

“Authority” means the Communications Authority established under the Telecommunications Act;

Cap. 469

“authorised officer” means a cyber inspector or a postal officer;

“Board” means the Board of Directors of the Corporation;

“Corporation” means the Zambia Postal Services Corporation established under the repealed Act;

Cap. 470

“courier service” means a service by which a document, letter, parcel or any article, other than a telegram or item under the reserve area, is conveyed from door to door without a postage stamp;

Act No. of
2009

- “ cyber inspector ” means a person appointed as such under the Electronic Communications and Transactions Act, 2009;
- “ electronic mail ” means a data message used or intended to be used as a mail message between the originator and addressee in an electronic communication;
- “ extra territorial office of exchange ” means an office of exchange directly or indirectly established by another postal administration or in a territory administered by another postal administration;
- “ letter ” means a form of written communication or other document, article or object that is directed to a specific person or persons or specific address and is to be conveyed other than by electronic means, or a parcel, package or wrapper containing a communication or article conforming to the mass or size limitations set out in sub-paragraph (2) of paragraph 1 of the First Schedule;
- “ licence ” means a licence to provide a reserved or unreserved postal service, issued under section six;
- “ licensee ” means a holder of a licence issued under this Act;
- “ mail ” means an article collected for conveyance by post, a loose or individual article, a mail bag, vessel or conveyance of any kind, by which postal articles are carried, whether or not the mail bag, vessel or conveyance contains the articles, or a person conveying or delivering mail or postal articles and includes electronic mail;
- “ mail bag ” includes a container, bag, box, parcel, basket, envelope or other covering in which postal articles are conveyed, whether or not it contains such articles;
- “ money order ” means an order for payment issued under this Act or by a postal authority;
- “ officer ” means a person employed by a licensee in connection with any business of the licensee;
- “ postage ” means the amount payable for the transmission of a postal article;
- “ postage stamp ” means a piece of paper or other substance or material having thereon the stamp, mark or impression of any dye, plate or other instrument made or used under this Act or by a postal authority for the purpose of denoting a postage or other postage fee;

- “ postal article ” means a letter, postcard, card, envelope, book, packet, pattern, sample packet, parcel or other article when in the course of transmission by post, or a telegram when conveyed by post;
- “ postal authority ” includes a postal authority of a foreign country;
- “ Postal Bank ” means the Postal Bank referred to under section *fifty-eight*
- “ postal officer ” means a person appointed by the Corporation as a postal officer for purposes of this Act;
- “ postal order ” means an order for payment issued by a postal authority under this Act;
- “ postal service ” means a reserved postal service or an unreserved postal service referred to in the First Schedule and Second Schedule, respectively;
- “ postmaster ” means the officer in charge of a post office;
- “ Postmaster-General ” means the person appointed as such under paragraph 7 of the Third Schedule;
- “ post office ” includes a house, building, room, vehicle, place or structure, where postal articles are received, sorted, delivered, made up or dispatched or which is used for any other purpose in connection with the provision of any postal, saving, money transfer or other service by a postal authority, or a pillar box or other receptacle provided by, or with the approval of, the Authority for the reception of postal articles;
- “ Register ” means the Register referred to under section *sixteen*;
- “ re-mailing ” means an act by a private courier or postal administration whereby bulk mail, without postage stamps, is conveyed in containers from the country of posting to another country where postage rates are lower, and bulk mail is then off-loaded into the postal system causing a distortion in the balance of payments in terminal dues;
- “ repealed Act ” means the Postal Services Act;
- “ reserved area ” means the area declared as such under section *twenty-one*;
- “ reserved postal service ” means the services referred to in the First Schedule;

- “ reserved service ” means the service declared as such under section *twenty-one*;
- “ return letter office ” means an office where postal articles are sent for destruction or disposal;
- “ sender ” in relation to a postal article or telegram, means the person from whom the postal article or telegram purports to have come, unless the person proves that that person is not the sender thereof;
- “ telegram ” means a message transmitted by means of telegraphy and delivered to the addressee;
- “ telegraph office ” means a place used by the Corporation, or a licensee, for the handling of telegrams;
- “ transmission ” in relation to a telegram, includes the reception and the sending of the telegram;
- Act No. of 2009 “ Tribunal ” means the Appeals Tribunal established under the Information and Communication Technologies Act, 2009;
- “ universal postal service ” means a universal service as defined in a licence issued under this Act;
- “ unreserved postal services ” means the services referred to in the Second Schedule; and
- Cap. 321 “ Zambia Revenue Authority ” means the Zambia Revenue Authority established under the Zambia Revenue Authority Act.

PART II

REGULATION OF POSTAL AND COURIER SERVICES

- Postal regulator 3. The Communications Authority shall be the postal regulator and shall be responsible for the implementation of the provisions of this Act.
- Functions of Authority 4. (1) The functions of the Authority are to regulate the provision of postal and courier services in Zambia and facilitate investment and innovation in the postal industry.
- (2) Notwithstanding the generality of sub-section (1), the functions of the Authority are to—
- (a) licence providers and operators of postal and courier services and facilitate the provision of a wide range of postal and courier services to promote economic growth and development;

THE POSTAL SERVICES ACT, 2009

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- (b) encourage and promote research and the advancement of technology in the provision of postal and courier services;
 - (c) promote the development of postal and courier services that are responsive to the needs of customers and consumers;
 - (d) stimulate and ensure fair competition in the provision of postal and courier services;
 - (e) protect the interests of all postal users including the interests of vulnerable groups such as persons with disabilities and the aged;
 - (f) promote universal, accessible, quality, affordable and reliable postal and courier services so as to ensure equal access to basic postal and courier services by all users including those in under-served, un-served and rural areas;
 - (g) collaborate with other agencies and stakeholders in the postal industry;
 - (h) promote the development of postal systems and services in accordance with international standards and practices and ensure compliance with international commitments;
 - (i) in collaboration with the Zambia Development Agency, promote the development of Zambian small, medium and macro-enterprises within the postal industry;
 - (j) regulate the issue of postage stamps including definitive, commemorative and special issue of such stamps and any other philatelic items;
 - (k) define the mechanisms for financing the provision of universal postal and courier service obligations;
 - (l) ensure that collaboration of services by service providers is done on fair and non-discriminatory terms to facilitate the provision of seamless and end-to-end delivery of services;
 - (m) advice and resolve disputes on collaboration agreements between service providers and the customers; and
 - (n) do all such things as are necessary or incidental to the performance of its functions under this Act.

Prohibition of operation of postal or courier service without licence

5. (1) A person shall not operate a postal or courier service without a licence issued under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding nine hundred thousand penalty units or to imprisonment for a term not exceeding ten years, or to both.

Application for licence

6. (1) A person who intends to operate a reserved or unreserved postal service shall apply for a licence to the Authority in the prescribed manner and form upon payment of the prescribed fee.

(2) The Authority shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Authority shall, where it rejects an application, inform the applicant of the rejection and give the reasons therefor.

(4) Where the Authority approves an application, it shall grant, subject to such terms and conditions as it may determine, a licence for the operation of a reserved or an unreserved postal service.

Consideration of application

7. (1) The Authority shall, in considering an application for a licence, have regard to—

(a) the need to promote a quality, affordable, accessible and reliable postal service that is responsive to the needs and interests of the customers;

(b) the possibility of the transfer of technology; and

(c) any other considerations that the Authority considers necessary for the efficient and effective delivery of postal services.

(2) A person shall not be licenced to provide a courier service for reserved postal services under this Part unless the person undertakes to—

(a) receive, collect and deliver the items referred to in item (a) of subparagraph (1) of paragraph 1 of the First Schedule;

(b) track and trace the whereabouts of any item received or collected for delivery by the person's business undertaking;

(c) in the case of deliveries across international borders, deliver the items within a definite time;

(d) deliver items within Zambia in compliance with the standards issued by the Authority; and

(e) clear items through customs and excise, where applicable.

(3) A person shall not be licenced to provide a courier service for unreserved postal services under this Part unless the person undertakes to—

(a) receive, collect and deliver the items referred to in item (b) of sub-paragraph (1) of paragraph 1 of the Second Schedule; and

(b) provide the service referred to in the Second Schedule.

8. A licence is valid for the period specified in the licence at the time of issuance thereof.

Duration of licence

9. Where for any reason a licensee is not able to commence the business for which the licence is issued, the licensee shall notify the Authority of the inability to commence business, stating the reasons for the inability, within thirty days of the licensee becoming aware of the fact.

Licensee to notify Authority of non-commencement of business

10. (1) A licensee shall inform the Authority—

Variation or amendment of licence

(a) where there is any material change in the information or particulars submitted by the licensee in the application for the licence, within seven days of the occurrence of the change; or

(b) if the licensee intends to change the type of service provided by the licensee.

(2) The Authority may vary or amend any term or condition of a licence—

(a) if the licensee changes the type of service provided by the licensee; or

(b) where the licensee applies to the Authority for the variation or amendment of the terms or conditions of the licence.

11. A licensee shall not assign, cede or otherwise transfer the licence to any other person without the prior approval of the Authority.

Transfer of licence

12. (1) A licensee shall keep at the place of business or premises, and maintain in the prescribed manner and form—

Obligations of licensee

(a) a register into which the licensee shall enter the details of the assets and liabilities; and

(b) books of account, invoices, customs permits and other documents relevant for purposes of this Act.

(2) A licensee shall furnish, when requested by the Authority, such other information as the Authority may require for purposes of this Act.

(3) An authorised officer may inspect the books, records, documents and other information required to be kept by a licensee under this Act and may make extracts from the documents for the Authority's records.

(4) A person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

Renewal of licence

13. (1) A licensee may apply for a renewal of the licence in the prescribed manner and form.

(2) The Authority shall, where an applicant has not contravened any provision of this Act or the conditions of a licence, renew the licence and inform the applicant within seven days of the decision.

(3) The Authority shall, where it rejects an application for renewal of a licence, inform the applicant and give the reasons for the rejection.

Production of licence

14. A licensee shall, on demand by a police officer or any authorised officer, produce the licence for inspection.

Suspension or revocation of licence

15. (1) The Authority may suspend or revoke a licence, if the holder—

- (a) obtained the licence on the basis of fraud, misrepresentation or any false statement;
- (b) assigns, cedes or otherwise transfers, the licence to another person without the prior approval of the Authority;
- (c) fails, without reasonable explanation, to commence business within the stipulated period;
- (d) breaches or fails to comply with any terms or conditions of the licence; or
- (e) contravenes any provision of this Act.

(2) The Authority shall, before suspending or revoking a licence under this section, notify the licensee of its intention to suspend or revoke the licence and give the reasons therefor, and request the licensee to show cause, within such period as may be specified in the notice, why the licence should not be suspended or revoked.

(3) The Authority may, on the expiry of the period specified in the notice given under subsection (2), and after considering any representations made by the licensee, suspend or revoke the licence or order the licensee to take such other action as the Authority considers appropriate.

(4) The Authority shall not suspend or revoke a licence if the licensee takes remedial measures to the satisfaction of the Authority, within such period as the Authority may specify.

(5) The Authority shall revoke a licence, if the licensee fails to—

- (a) show cause why the licence should not be suspended or revoked; or
- (b) take remedial measures within the period specified under subsection (3).

(6) Where a licence is suspended or revoked, the licensee shall cease to be entitled to the rights and benefits conferred under this Act with effect from the date of the suspension or revocation and—

- (a) in the case of a suspension, for the period of the suspension; and
- (b) in the case of a revocation, shall surrender the licence to the Authority forthwith.

16. (1) The Authority shall maintain a Register of—

Register

- (a) operators of postal services to whom licences have been issued, the particulars of the licensees and the conditions attached to each licence;
- (b) any amendments, suspensions or revocations of licences and the reasons for such decisions; and
- (c) any renewals of licences.

(2) The Register kept pursuant to subsection (1) shall be open for inspection by members of the public at all reasonable times at the offices of the Authority on payment of prescribed fee.

17. (1) A person who is aggrieved by a decision of the Authority may, within fourteen days of receiving the decision of the Authority, appeal to the Tribunal against the decision in the prescribed manner and form.

Appeals

(2) The Tribunal shall, within thirty days of receiving an appeal under subsection (1), confirm, set aside or vary the decision of the Authority.

(3) A person aggrieved with the decision of the Tribunal may, within thirty days of the Tribunal's decision, appeal to the High Court.

18. (1) The Authority may appoint an independent person or entity to—

Monitoring
of
providers of
courier
services

(a) monitor the quality of the postal or courier services provided by a licensee and report the findings to the Authority; and

(b) recommend to the Authority the measures to be taken by the licensee to improve the quality of service.

(2) An independent monitor shall be engaged on such terms and conditions as shall be determined by the Authority.

(3) The Authority shall, where it has reasonable grounds to believe that a licensee is taking or intends to take any action which has given, or is likely to give, an undue advantage to the licensee or any other person or category of persons, after giving the holder thereof an opportunity to be heard, direct the licensee to cease or refrain from taking such action.

(4) The Authority may revoke the licence of a person that fails to comply with an order issued under subsection (3).

PART III

THE POSTAL SERVICES CORPORATION

Continuation
of Postal
Services
Corporation
Cap. 470

19. (1) The Postal Services Corporation established under the repealed Act shall continue to exist as if established under this Act.

(2) The provisions of the Third Schedule apply to the Corporation.

Functions of
Corporation

20. (1) The Corporation shall conduct a postal 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 or any other law.

Licence for
reserved
postal
services

21. (1) The Authority shall, on the commencement of this Act, issue a licence to the Corporation for the provision of a reserved postal service on such terms and conditions as the Authority may determine.

(2) The Authority shall, in the licence issued to the Corporation under subsection (1), specify in respect of the reserved postal services, a fixed period or an extended period as determined by the Minister, during which no person, other than the Corporation, shall be licenced by the Authority to provide a similar service.

(3) The Authority shall, by notice in the *Gazette*, inform the members of the public of the terms and conditions of a licence granted under subsection (2).

(4) The Minister may, by statutory instrument, declare certain areas or services as reserved areas or services, as the case may be, on such terms and conditions as the Minister may determine.

22. (1) The Corporation shall, for purposes of section *twenty-one*, register its subsidiaries with the Authority. Subsidiaries of Corporation

(2) A subsidiary of the Corporation, registered with the Authority under subsection (1), may provide a reserved postal service without an additional licence on such terms and conditions as the Authority may determine.

(3) A subsidiary of the Corporation may provide a reserved postal service without a licence, other than a courier service, if—

(a) the subsidiary complies with the terms and conditions of the licence held by the Corporation; and

(b) the subsidiary is registered by the Corporation with the Authority.

23. An agent of the Corporation may provide any service that the Corporation is licenced to provide or provide the service on a franchise basis without the agent or franchisee being required to hold a licence under this Act if— Agents of Corporation

(a) the agent or franchisee complies with the terms and conditions of the licence held by the Corporation; and

(b) the agent or franchisee is registered by the Corporation with the Authority.

24. The Corporation, and any other holder of a licence under this Part, shall comply with the conditions specified in the licence relating to the provision of postal or courier services in areas and to communities which are not served or are inadequately served by postal or courier services, with a view to achieving a universal postal service. Conditions of licence

25. Where it appears to the Authority that the Corporation or any other holder of a licence under this Part is taking or intends to take any action which has given or is likely to give an undue advantage to the Corporation, the licensee or any other person or category of persons, the Authority may, after giving the Corporation or the licensee an opportunity to be heard, direct the Corporation or the licensee in writing to cease or refrain from taking such action, as the case may be. Monitoring of service provision

PART IV

POSTAL SERVICES

26. (1) Nothing in this section prohibits— Interpretation

(a) the conveyance and delivery of a letter by the sender of the letter;

- (b) the conveyance and delivery of a letter by any person otherwise than for a fee or reward;
 - (c) the conveyance and delivery of a letter concerning the affairs of the sender or the sender's agent, client or customer, or of the addressee or the addressees 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 Minister, by statutory instrument.
- (2) Subsection (1) does not—
- (a) authorise a person to make a collection of letters for the purpose of conveying or delivering them in any manner authorised by 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 the carrier's servant or agent, to collect letters or convey or deliver a letter, whether or not for a fee or reward, except for the letters referred to in paragraph (d) of that subsection.
- (3) Nothing in this section prohibits the operation of, or any person's participation in, a licenced courier service.
- (4) In this section, " letter " includes a postcard.

Fees and
charges
for postal
services

27. (1) The Authority may, subject to the approval of the Minister, and in consultation with the Corporation and the holders of licences under this Act, determine the fees and charges payable in respect of the provision of postal services by the Corporation or where applicable, by such other holders of licences under this Act.

(2) In exercising the power conferred under subsection (1), the Authority may, subject to the approval of the Minister—

- (a) determine different fees and charges in respect of different services or for services rendered in different areas or circumstances;
- (b) determine fees and charges which may be higher or lower than the prescribed fees and charges; and
- (c) exempt particular users or prospective users of services in specific circumstances from any of the prescribed fees and charges.

(4) The Authority shall, by notice in the *Gazette*, publish the fees and charges determined under this section and the fees and charges so published shall come into force sixty days from the date of publication.

(5) This section does not apply to courier services.

(6) The Corporation may, where a customer requests for any mail to be insured —

- (a) levy additional charges in addition to postage, for purposes of providing for the insurance of mail, subject to such terms and conditions as may be prescribed; and
- (b) where applicable, enter into any agreement with any postal authority for the reciprocal exchange of insured mail.

(7) The following communications are exempt from any fee or charge:

- (a) petitions and addresses to the President; and
- (b) such other postal articles as the Corporation may determine.

28. (1) Subject to section *twenty-seven*, there shall be paid on every article for transmission by post, such postage and other fees as may be approved by the Authority.

Postage

(2) Save as is otherwise approved by the Authority under subsection (1), the postage and any fees which are payable in respect of any postal article posted within the Republic, shall be pre-paid by means of postage stamps issued or the Republic by the Corporation and not previously used, obliterated or defaced, and in default thereof, there shall be paid in money form upon every such postal article, at the time of or after delivery thereof, an amount prescribed or so determined.

29. (1) The Corporation may, with the approval of the Minister, provide such postage stamps as it considers necessary for the purposes of this Act and may, in like manner, withdraw any issue of such postage stamps.

Issue and
withdrawal
of
postage
stamps

(2) The Corporation shall, by notice published in the *Gazette* and in one daily newspaper of general circulation in Zambia, give notification of the withdrawal of any issue of postage stamps.

(3) With effect from such date as the Corporation may appoint by a notice under subsection (2), not being earlier than thirty days from 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.

Precedence
of
postal
articles

30. Where the dispatch or delivery of letters from a post office is likely to be delayed by the dispatch or delivery at the same time of other classes of postal articles, the latter or any of them may, subject to the rules of the Corporation, be detained in the post office for subsequent dispatch or delivery.

When postal
article
deemed to
be
transmitted,
posted or
delivered

31. (1) For the purposes of this Act, a postal article shall be deemed to be in the course of transmission by post from the time it is delivered to a post office in a letter box or other receptacle stationed by or with the approval of the Corporation for that purpose, or delivered to the appropriate postal officer, to the time it is delivered to the person to whom it is addressed, is returned to the sender or is otherwise disposed of under this Act.

(2) The placing of a postal article of any description in a letter box or other receptacle provided for that purpose by or with the approval of the Corporation, or the delivery of a postal article to a postal officer or other person authorised to receive postal articles of that description for the post, shall be treated as delivery to a post office.

(3) The delivery of a postal article at the house or office of the person to whom the article is addressed, or to the person's servant, or agent or other person considered to be authorised to receive the article according to the usual manner of delivering that person's postal articles, or at the address specified on such article, shall be treated as delivery to the person to whom the article is addressed.

(4) Where the addressee of a postal article is a guest at a hotel, the postal article shall be deemed to have been delivered to the addressee if it is delivered to the hotel.

(5) Delivery into a private box or private bag shall be treated as equivalent to personal delivery to the addressee.

(6) Where a residential or office address is given, for purposes of delivering a telegram, the telegram shall be delivered to the address so indicated.

32. (1) A postal article received in a post office shall be treated as having been posted in contravention of this Act if—

Articles deemed posted in contravention of Act

- (a) the postage stamps on the postal article are fictitious or have been previously used, obliterated or defaced; or
- (b) the postal article is posted, contains or purports to transmit anything contrary to the provisions of this Act or any other law.

(2) A person shall not transmit any of the following items through the post:

- (a) opium, morphine, cocaine, any narcotic drug or substance the possession of which is prohibited by any law;
- (b) any explosive, inflammable, dangerous, filthy, noxious or harmful substance;
- (c) any sharp instrument;
- (d) any noxious living creature; or
- (e) any creature, article or thing which is likely to injure any person or damage any postal article.

(3) An authorised officer shall destroy or otherwise dispose of any postal article sent in contravention of this Act.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both.

(5) The penalty referred to under subsection (4) is in addition to any other penalty imposed under any other relevant or applicable law.

33. (1) Subject to subsection (2), a postal article—

Postal articles for disposal

- (a) which does not have an address or bears an illegible address or is otherwise undeliverable;
- (b) the acceptance of which is refused by the person to whom it is addressed; or
- (c) which has been posted or is reasonably suspected to have been posted in contravention of this Act or any other law;

shall be sent to the office known as the returned letter office or any authorised branch of such office and dealt with as may be determined by the Corporation.

(2) The Corporation may, in such manner as it may determine, dispose of a postal article referred to in paragraph (a) or (b) of subsection (1), other than a letter or parcel, and which—

(a) does not bear on the outside thereof the name and address of the sender;

(b) does not contain any money, documents or valuable articles; and

(c) has not been posted by a Government department.

(3) The Corporation shall destroy or dispose of a postal article referred to in paragraph (c) of subsection (1) in such manner as the Corporation may determine.

(4) A postal article referred to in paragraph (a) or (b) of subsection (1) which bears on the outside thereof the name and address of the sender may be returned to the sender or delivered to the sender.

Detention of postal article for customs, excise, duty or tax

34. (1) An authorised officer may detain a 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) Where an authorised officer does not find any goods liable to any customs, excise or other duty or tax in a postal article, the authorised officer shall deliver the postal article to the person to whom it is addressed or to the person's representative, on payment of the postal charges, if any, payable thereon.

(3) Where an authorised officer finds goods that are liable to customs, excise or other duty or tax, the authorised officer shall withhold the postal article from delivery until payment of the duty or tax and the postage, if any, payable thereon.

(4) An authorised officer shall, where the authorised officer is not certain that goods in a postal article are liable to customs, excise or other duty or tax, deliver the postal article to the Zambia Revenue Authority for examination.

Postal articles relating to offence

35. (1) Where an authorised officer suspects that a postal article contains anything in respect of which an offence has been or is being committed, the authorised officer 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, 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) Where a person on whom a written notice has been served under subsection (1) fails to attend or, having attended in person or by the person's agent, refuses to open the postal article, the authorised officer shall open the postal article.

(3) A postal article opened under this section shall thereafter, unless it is required for the purpose of a criminal investigation or proceeding, be forwarded or delivered to the addressee with an explanation of the opening of the article.

(4) This section applies to a postal article received by post from outside Zambia or posted within Zambia—

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

36. (1) If an authorised officer suspects, on reasonable grounds, that a postal article in the custody of a licensee.

Detention
order

- (a) contains anything in respect of which an offence, or attempted offence, is being committed;
- (b) contains anything that will afford evidence of the commission of an offence;
- (c) is being sent to further the commission of an offence; or
- (d) needs to be obtained and examined in the interests of national security, public safety or public order;

the authorised officer may apply *ex parte* to a court for a detention order to detain the postal article for the purpose of examination.

(2) If the court, is satisfied that it is necessary for the purposes specified in subsection (1), for a postal article in the licensee's custody to be detained and, if so required by the order, opened and examined, licensee shall forthwith detain the postal article.

(3) On the day appointed by, or under a detention order, an authorised officer shall, in the presence of a representative of the licensee, examine the detained postal article.

(4) If, on examination of a postal article in terms of subsection (1), the suspicion that gave rise to its examination—

- (a) is substantiated, the postal article may be detained for the purposes of evidence in a criminal prosecution or destroyed or dealt with in such other manner as may be authorised in the detention order; or

(b) is not substantiated, the postal article shall be delivered to the person to whom it is addressed or to the person's representative on payment of any postage payable thereon.

Unpaid
postal
charges

37. (1) Where a person refuses to pay any postage or other sum which is payable by that person in respect of a postal article, an authorised officer shall dispose of the postal article in the prescribed manner.

(2) Any amount due and unpaid on postage or other sum may be recovered by the Corporation in any court of competent jurisdiction.

Underpaid
and
unpaid
postage

38. (1) Except as otherwise provided by this section, where insufficient or no postage has been paid on a postal article, the addressee shall pay the postage or other sum due on the postal article on the addressee's accepting delivery unless the addressee forthwith returns it unopened.

(2) Where the addressee refuses to accept delivery of, or returns, a postal article in respect of which postage is not paid or is underpaid, or if the addressee is dead or cannot be found, the sender shall pay the postage or other sum due on it.

(3) An authorised officer may, where the authorised officer has reasonable grounds to suspect that a postal article is sent for the purpose of annoying the addressee, waive or remit the postage or other sum due on it under subsection (1).

Articles
other than
letters may
be examined

39. A postal article may be examined by physically opening the article or using a detecting device in order to ascertain whether that article may be transmitted at the rate of postage pre-paid thereon or whether it has been posted in contravention of this Act.

Treatment of
unclaimed
letters

40. (1) Subject to subsection (2), a postal article originally posted within the Republic and which is sent to the returned letter office under this Part may be opened by an officer designated for that purpose by the Corporation and unless it contains any valuable or saleable enclosure or has been posted in contravention of this Act or any other law or with intent to evade payment of the postage chargeable thereon, shall be returned to the sender thereof if the sender's name and address are known, and may, if the sender refuses to receive it or if the sender's name and address are not known, be destroyed or disposed of as determined by the Corporation.

(2) Where an article is posted by mistake and is liable to postage, and evidence is adduced to the satisfaction of an 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.

41. (1) A postal article opened under this Act which contains a valuable or saleable enclosure, shall be safely kept and a record thereof and of its contents shall be made and preserved.

Unclaimed
articles of
value and
articles
posted
contrary to
Act

(2) The Corporation shall, unless a postal article or the contents thereof has been posted in contravention of this Act or any other law or with intent to evade any payment thereon, issue a notice in the *Gazette* at no cost to the Corporation, declaring that it has that article in its possession and stating the contents thereof to be sent to the person to whom the article is addressed or, if the person cannot be found, to the sender thereof.

(3) The Corporation shall, upon application by a person to whom the notice issued under subsection (2) relates, cause the postal article and its contents to be delivered to the person upon payment of all the charges due thereon.

(4) If no application is made within three months from the date of issuance of the notice referred to under subsection (2), or if the postal article in question or the contents thereof have been posted in contravention of this Act or any other law, or with intent to evade payment of any charge payable thereon, the article and its contents shall, without affecting the liability to any penalty or punishment to which the sender may be subject, be destroyed, sold or otherwise disposed of as the Corporation may determine.

(5) The proceeds of the sale of any postal article or the contents thereof, as well as any contents consisting of money or any order of security for money, shall be paid into and form part of the revenue of the Corporation.

(6) Any order of security for money shall, for the purpose of procuring payment, be treated as the property of the Corporation.

(7) Save as expressly provided in this Act, mail shall not be delayed in transmission or returned to the sender or be delivered to any person not named in the address thereof, except with the consent in writing of the addressee or the special authority of the Corporation.

42. Where any person is declared insolvent by a competent court, the Corporation shall, if that court so orders, and for so long as may be specified in the order, cause all postal articles addressed to such person to be delivered to the person named in the order.

Articles
addressed to
insolvent
persons

Articles
addressed to
deceased
person

43. A postal article addressed to a deceased person may be delivered to the executor or administrator of the estate of the deceased person on production of a will or letter of administration, as the case may be, at the address indicated thereon.

Detention of
postal article

44. The Corporation may, on the order of a court, detain or delay all postal articles addressed to a person, whether under the person's own name or under a fictitious or assumed name, or to the person's agent or representative, or to any address of the person, agent or representative without the name of any person appearing thereon, and all such postal articles may be opened and returned to the sender thereof or otherwise disposed of in the manner provided for in the court order.

Arrangements
and
agreement to
convey postal
articles

45. The Corporation may make arrangements and enter into agreements with any person to convey postal articles either by land, air, sea or otherwise.

Registration
of
postal
articles

46. (1) Subject to this Act, a sender of a postal article may have the postal article registered upon payment, in addition to ordinary postage, of such fee as may be determined by the Authority.

(2) A postal article shall be registered at the post office at which it is posted.

(3) A postal officer registering a postal article shall issue a receipt for the postal article.

Compensation

47. (1) The Corporation shall, in the event of the loss of a postal article which is registered under this Act or the loss of the contents of the article while the postal article is in the custody of the Corporation, pay compensation in respect of the loss in accordance with the provisions of this section.

(2) A person applying for compensation under this section shall produce—

(a) the receipt given to the sender at the time the article was registered; and

(b) the envelope or cover of the registered article in as nearly as possible the condition in which it was delivered by the Corporation.

(3) Compensation shall not be paid in any of the following instances:

(a) in respect of mere damage to the contents of a registered article not involving any loss or partial loss of the contents;

- (b) where an application is made after the expiration of one year from the date of registration of the article;
 - (c) where the article was not registered at the time of its posting and has been subject to compulsory registration by the Corporation;
 - (d) where the article contains anything that may not be lawfully sent by post;
 - (e) where the loss has arisen as a result of an act of negligence or omission on the part of the sender;
 - (f) where the injury or damage is incurred as a consequence of the loss or delay to any registered article;
 - (g) where the registered article cannot be traced because of the loss of a related or other document beyond the control of the Corporation or the postal authority of the country in which the loss took place; or
 - (h) where the loss of the registered article is a result of tempest, shipwreck, earthquake, war or other cause beyond the control of the Corporation or the postal authority of the country in which the loss took place.
- (4) The Corporation shall not compensate any loss of money, whether coin or paper, unless the money was sent by registered letter post and—
- (a) the money was enclosed in a stout envelope or other suitable wrapping considered appropriate by the Postmaster-General;
 - (b) the coins enclosed in the letter have been packed in such a way as to limit any movement;
 - (c) the number, amount, bank of issue and date of any bank note enclosed is supplied to the Postmaster-General when required;
 - (d) the amount, number and date of issue of any money order or postal order enclosed is supplied to the Postmaster-General when required; and
 - (e) other particulars sufficient to identify the document are supplied to the Postmaster-General in the case of any bill of exchange, bond, coupon or other order or authority for the payment of money or security for money is enclosed in the letter.
- (5) The amount of compensation in respect of the loss of a registered article or the contents thereof shall not exceed—

(a) in the case of a registered article addressed to a place within Zambia, the actual value thereof or the value for which it was registered, whichever is the lesser; and

(b) in the case of a registered article addressed to a place outside Zambia, the actual value thereof or the maximum as determined under the Universal Postal Convention, whichever is the lesser.

(6) The Postmaster-General may reinstate or make good in kind the contents of any registered article which is lost instead of giving pecuniary compensation.

(7) The Postmaster-General may, where compensation is given in respect of any registered article and such article is subsequently under the custody of the Postmaster-General, retain or dispose of the article as the Postmaster-General may determine.

Parcel post

48. The Corporation may establish a parcel post and in that respect may determine—

(a) the conditions under which parcels may be sent, conveyed, delivered, returned to the sender or otherwise disposed of;

(b) the form of declaration to be made by any person or the person's agent intending to send or receive any parcel; and

(c) subject to any law relating to customs and excise or any other duty or tax, the arrangements for the collection of the customs or excise duty or tax.

Cash on delivery system

49. (1) The Corporation may direct that subject to this Act and to the payment of an 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 sub section (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.

Agents of corporation

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

Application of Zambian law

51. (1) The Zambian law shall apply in the case of outgoing postal articles—

- (a) conveyed by air, until the aircraft conveying the postal articles touches down on the runway at the first airport in the country of destination or of transit of postal services;
- (b) conveyed by ship, until the ship conveying the postal articles enters the territorial waters of the country of destination or for transit of the postal articles;
- (c) conveyed by road, until the vehicle conveying the postal articles passes through the first border post along the route to the country of destination of the postal articles; and
- (d) conveyed by rail, until the train conveying the postal articles passes through the first border post along the route to the country of destination of the postal articles.
- (2) The Zambian law shall apply to incoming postal articles—
- (a) conveyed by air, from the moment the aircraft conveying the postal articles touches down on the runway of the first airport of arrival in Zambia;
- (b) conveyed by water, from the moment the vessel conveying the postal articles enters Zambian territorial waters;
- (c) conveyed by road, from the moment the vehicle conveying the postal articles enters Zambia through a border post; and
- (d) conveyed by rail, from the moment the train conveying the postal articles enters Zambia through a border post.

PART V

MONEY TRANSFER SERVICES

52. (1) The Corporation shall, on such terms and conditions as it may determine, operate and provide money transfer services.

(2) The Corporation may authorise an employee to issue and pay money orders, postal orders and other manually or electronically generated documents authorised to be used for the purpose of remitting money.

53. (1) The Corporation may refuse to issue or pay any money order, postal order or other document authorised to be used for the purpose of remitting money through the Corporation in favour of a person in respect of whom a court has authorised the refusal.

(2) The Corporation shall, where it refuses to pay any money order, postal order or other document—

Refusal to
issue or pay
money
orders,
postal orders
or other
documents

Remittance
of
money
through
Corporation

(a) if the money order, postal order or other document was issued in Zambia, return it to the person to whom it was originally issued, or otherwise dispose of it as the court may determine; or

(b) if it was issued outside Zambia, return the amount thereof to the postal authority of the country in which it was issued.

Money and postal orders to be security

54. (1) A money order, postal order or other document issued under section *fifty-two* shall be treated as a bank note or an order for the payment of money and a valuable security within the meaning of any law relating to forgery or theft.

(2) An unissued postal order shall be treated as money of the Corporation.

PART VI

TELEGRAM SERVICES

Telegram service

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

Precedence of telegrams

56. (1) Telegrams shall, as far as practicable, be transmitted in the order in which they are received.

(2) Telegrams relating to the following matters shall have precedence over all other telegrams:

(a) the safety of human life;

(b) the preservation of peace in Zambia or in any other country;

(c) the arrest of criminals;

(d) the discovery, or the prevention of, crime or any other matter relating to the administration of justice; and

(e) telegrams sent by, or on behalf of, the Government.

(3) 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.

(4) A person shall not be permitted to occupy a telecommunication line in such manner as to impede the transmission of any telegrams.

Unlawful telegram services

57. A person other than the Corporation who, for a commercial purpose or otherwise, operates a telegram service for the public commits an offence and is liable, upon conviction, to a fine not exceeding sixty thousand penalty units or to imprisonment for a

period not exceeding six months, or to both, for every telegram in respect of which the offence is committed.

PART VII

POSTAL BANKING AND FINANCIAL SERVICES

58. (1) The Corporation shall establish and operate a Postal Bank through which it shall provide postal banking and financial services.

Establishment
of
Postal Bank

(2) The Postal Bank may be operated under the control and management of the Corporation in accordance with the provisions of this Act or through any strategic business partnership.

(3) The Corporation shall, in relation to the Postal Bank, undertake such activities as are customary for a financial institution carrying on the business of accepting deposits in accordance with the provisions of the Banking and Financial Services Act.

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(4) Interest on deposits in the Postal Bank shall be paid at a rate determined by the Corporation and the Minister, in consultation with the Minister responsible for finance.

59. Notwithstanding anything to the contrary contained in any other law, deposits in the Postal Bank made by or for the benefit of, or any saving certificate issued in favour of, any person under the age of twenty-one years, may be re-paid to that person in the prescribed manner.

Deposits in
Postal Bank
and
savings
certificates
for
minors

60. (1) A person shall not, in respect of the transactions of a depositor in the Postal Bank or any holder of a savings certificate, disclose any information, including the name of the depositor or holder, which comes to that person's knowledge in the performance of the person's functions under this Act, except—

Prohibition
of
disclosure
of
information
on deposits

- (a) to an employee appointed by the Corporation to assist in the carrying out of the provisions of this Part;
- (b) to the Commissioner-General of the Zambia Revenue Authority, for the purposes of any law relating to any tax or duty;
- (c) to an administrator or executor, as the case may be, in relation to the administration of the estate of a deceased depositor in the Postal Bank or holder of a savings certificate; or
- (d) where required by an order of a court.

(2) Nothing in this section shall be regarded as limiting the authority of an auditor of the Corporation to require a disclosure of such accounts and documents as may be necessary to enable the auditor to carry out the duties imposed upon the auditor by law.

Transfer of deposits from or to another country

61. The Corporation may, in accordance with arrangements made with any postal authority for the transfer from or to the Republic of sums of money standing to the credit of a depositor in the Postal Bank or a depositor in a savings bank controlled by that postal authority and subject to this Act or any other a law relating to currency and exchanges, place any sum transferred to the Corporation to the credit of the depositor's ordinary account.

Inactive accounts

62. (1) The Corporation may, where a balance in an ordinary account remains unchanged for more than two years or such period as may be prescribed, except for the accrual of interest, transfer the balance to its revenue and utilise it for the purposes of the Corporation.

(2) Where a depositor applies for the repayment of the balance in an ordinary account, or if an amount for deposit in the ordinary account in question is paid after the transfer, an amount equal to the balance and the interest which would have accrued thereon, if it had not been so transferred, shall be transferred from the revenue of the Corporation to the credit of the depositor.

Issue of savings certificates

63. (1) Notwithstanding anything to the contrary contained in any other law, the Corporation may, with the approval of the Minister, raise money by way of issue of saving certificates.

(2) The conditions upon which any savings certificate is issued shall be determined by the Minister, in consultation with the Minister responsible for finance, and shall be prescribed by statutory instrument.

(3) The terms of a savings certificate shall not exceed ten years.

(4) Interest may be paid on an account represented by a savings certificate, which is not repaid before or on the expiry of the term thereof, from the expiry of such term to the date of repayment, at the rate determined by the Minister in consultation with the Minister responsible for finance and prescribed by statutory instrument.

(5) The maximum amount which may be held by—

(a) any natural person;

(b) any natural person and, where the person is liable for the payment of income tax in respect of interest earned by any other natural person on a savings certificate, such other person jointly; and

- (c) any body or institution from which investment in any savings certificates may be accepted, in any particular issue, on more than one issue of a savings certificate;

shall be prescribed by the Minister, in consultation with the Minister responsible for finance.

(6) This section shall not be construed as to derogate from the power of the Corporation to borrow or raise money under the provisions of any other law.

(7) The Minister may, consultation with the Minister responsible for finance, by statutory instrument, make regulations to provide for—

- (a) the procedure for in the issuance of, and the payment of amounts represented by savings certificates and the forms to be used in connection therewith;
- (b) the issue of savings certificates, the price of issue, the terms, units or multiples of units in which certificates may be issued, the rate of interest and the manner of payment of interest, and the minimum period which must elapse from the date of issue of any certificate before the amount represented by it may be re-paid;
- (c) the circumstances under which, and the conditions upon which, any savings certificate may be re-paid before the expiry of the minimum period prescribed under paragraph (b);
- (d) the conditions and procedure for the transfer of any savings certificate, the forms to be used in connection with such transfer and the fees payable in respect thereof;
- (e) the replacement of any savings certificates which are lost, destroyed or damaged and the fees payable in respect of any such replacement;
- (f) the issue of savings certificates to certain persons or classes of persons;
- (h) the purchase of any savings certificate by a trustee on behalf of a beneficiary and by one person in the name of another including the limitations or requirements in respect of different categories of investments; and
- (g) any matter relevant for the use and issuance of savings certificate.

PART VIII

OFFENCES AND PENALTIES

Failure to ,
produce
licence

64. A postal or courier service operator who refuses or fails to produce a licence for inspection when required to do so under this Act commits an offence and is liable, upon conviction, to a fine not exceeding sixty thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

Failure to
produce
books and
records

65. A person who, without reasonable excuse, fails to comply with an order to produce any books, documents or records for inspection by an authorised officer commits an offence and is liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

Obstructing
officer in
performance
of functions

66. A person who obstructs an authorised officer in the performance of the authorised officer's functions under this Act commits an offence and is liable, upon conviction, to a fine not exceeding sixty thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

Forgery of
stamps, dyes
and other
articles

67. A person who—

(a) makes, alters, imitates or imports or assists in the making, altering, imitating or importing of, any postage stamp, date stamp, card, envelope, wrapper, cover or money order, postal order, a savings bank warrant or any other warrant or order for the payment of money through the Corporation, or acknowledgment of deposit or any form of paper similar to that used or made for the Corporation or by any postal authority;

(b) uses, issues, offers or exposes for sale, sells, deals in, sends by post or disposes of or has in the person's custody or possession, a stamp, date stamp, card, envelope, wrapper, cover, money order, postal order, savings bank warrant, or any other warrant to order, acknowledgment of deposit, form or paper, knowing it to have been made, altered or to be an imitation contrary to this Act;

(c) engraves, or in any manner makes, upon any plate, material, stamp, mark, figure or device in imitation of, or resembling any stamp, mark, figure or device used or made for the purposes of the functions of the Corporation or by any postal authority, or sells, disposes of, purchases, receives, or has in the person's possession any plate or material so engraved or made;

penalty units or to imprisonment for a period not exceeding one year, or to both.

79. In any information or complaint as to the commission of an offence or any prosecution for an offence committed in respect of the Corporation, of any mail, telegram or any property, money, money order, postal order or other document authorised to be used for the purpose of remitting, paying or depositing money through or with the Corporation, as the case may be, or with respect to any act, deed, matter or thing which has been done or committed with any malicious, injurious or fraudulent intent relating or concerning the Corporation, mail, telegram, property, money, money order, postal order or other document, it is sufficient —

Evidence in
criminal
proceedings

- (a) to allege that the mail, telegram, property, money, money order, postal order or other document belongs to or is in the lawful possession of the Corporation, and to put the same as an exhibit, and not allege or prove the same to be of any value;
- (b) to allege that the act, deed, matter or thing was done or committed with intent to injure or defraud the Corporation, without setting forth its or any other name, addition or description whatsoever; and
- (c) if the offender is an officer, to allege that the offender was an officer at the time of committing the offence without stating the nature of the particulars of the officer's employment.

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

Accepting of
official
marks

- (a) the official stamp or mark thereupon denoting the sum due is *prima facie* evidence of the liability of that postal article to the charge specified thereon; and
- (b) the production of the postal article having thereon a post office stamp or mark denoting that the article has been refused or that the person to whom the same is addressed is dead or could not be found, is *prima facie* evidence of the fact so denoted.

81. (1) A person who operates a postal service contrary to the provisions of this Act, or without a licence issued under this Act, commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

Operation of
postal
services
without
licence

(2) A court convicting a person under subsection (1) may, in addition to any penalty that it may impose, order—

- (a) a fine not exceeding forty thousand penalty units in respect of every letter received, collected, dispatched, conveyed, tendered or delivered;
- (b) the confiscation to the State of any device, apparatus or machine in connection with, or by means of which, the offence was committed unless it is proved that the apparatus, device or machine in question does not belong to the person so convicted or that its owner was unable to prevent its unlawful use by the person so convicted; or
- (c) the cancellation of any licence under this Act by the person so convicted and prohibiting the person from holding a licence under this Act for a specific period.

(3) The Authority may investigate and adjudicate—

- (a) any alleged contravention of, or failure by, a licensee to comply with this Act;
- (b) any failure by a licensee to comply with the terms and conditions of the licence or any agreement for the provision of postal services;
- ... (c) any failure by a licensee to provide a postal service to any customer where such customer has, after complaint to the licensee, not received satisfactory service.

(4) The Authority may, where a licensee fails to comply with the terms and conditions of the licence or contravenes the provisions of the Act—

- (a) direct the licensee to take such remedial and other steps as may be determined by the Authority; or
- (b) revoke the licence.

Offences by
postal
officers

82. (1) A person authorised to receive or in any way handle mail who—

- (a) wilfully or negligently loses, hides, destroys, detains, delays, mis-delivers 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) wilfully 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) give false information of an assault upon that person or of theft or attempted theft from that person, at any time when the person was in charge of mail; or
- (f) without lawful authority, collects, receives or delivers any postal article otherwise than in the ordinary course of that person's duties;

commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

(2) A 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, commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

83. A 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, libelous or grossly offensive character; or
 - (ii) correspondence dealing with any fraudulent or immoral business or undertaking;
- (c) without authority, places any placard in or against any post office or telegraph office;
- (d) 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 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

Offences
relating to
postal
articles

Theft of or
interference
with
mail

(f) by any false representation, induces any postal officer to deliver to that person or to any other person any postal article not addressed to or intended for that person for that other person;

commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

84. A person who—

(a) steals any mail;

(b) steals from any mail, 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; or

(f) stops mail with intent to steal or unlawfully to search the mail;

commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

Unauthorised
notices

85. A 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, commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

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

86. (1) A 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; or

(b) behaves in a disorderly manner in a post office or telegraph office;

commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

- (d) makes or assists in making, or has in the person's custody or possession, any mould, frame or other instrument having thereon any words, letters, figures, marks, lines, or devices peculiar to paper provided, used or made for any postage stamps or for any other purposes of the functions of the Corporation or any postal authority;
- (e) makes or assists in making, or has in the person's custody or possession, any paper in the substance of which appear any words, letter, figures, marks, lines or devices peculiar to paper provided, used or made for any postage stamps or for any other purposes of the functions of the Corporation or of any postal authority, or makes, purchases, sells, disposes of or receives or has in the person's custody or possession, any paper provided or made for the purpose of being used for, or by, any postal authority before the same has been issued for public use;
- (f) makes use of any stamp, dye, plate or paper engraved or made for the purposes of the functions of the Corporation or of any postal authority, or sells, disposes of, purchases, receives or has in the person's custody or possession, the paper or material whatever, bearing an impression or mark of the stamp, dye or plate; or
- (g) makes on an envelope, wrapper, card, form or paper any mark in imitation of, similar to, or purporting to be, an official stamp or mark used for the purposes of the functions of the Corporation or of any postal authority, or any words, letter, devices or marks which signify or imply or may reasonably be regarded as signifying or implying that any articles bearing such words, letters, device or marks has been in, or is entitled to be sent through, the post commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both, and any stamp, dye, plate, instrument or material found in contravention of this section shall be seized and forfeited to the State.

68. (1) A person who—

- (a) without authority, places or paints anything whatsoever upon, or willfully injures, disfigures or tampers with, any post office or any card, notice or other property of or used by or on behalf of the Corporation or commits a

Illegal practices in connection with postal articles and premises

nuisance on or against any post office or against any such card, notice or property;

- (b) detains, hides or keeps any mail or postal article which ought to have been delivered to another person;
- (c) by false pretence or mis-statement, induces any officer to deliver to that person or to any other person, any postal article not addressed to or intended for either of them;
- (d) removes any postage stamp from any postal article or from any document used for the purposes of the Corporation;
- (e) puts an incorrect official mark on a postal article;
- (f) removes from any postage stamp which has previously been used any mark or impression which has been made thereon at a post office; or
- (g) uses, scraps, defaces, obliterates, alters or adds to any mark or impression on a postal article, money order, postal order or other warrant provided, used or made for the purposes of the Corporation;

commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(2) Subsection (1) is without prejudice to any right the Corporation may have of bringing a civil proceeding against a person convicted of an offence under paragraph (a) of that subsection for compensation for the damage that may have been caused by the commission of the offence.

Damage to
post
office or
mail

69. (1) A person who sends with any postal article, or puts into or against a post office, any fire, match or light or any explosive or dangerous, filthy, noxious or deleterious matter or thing or any matter or thing which is likely to injure or damage any post office, person or mail, commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

(2) Notwithstanding anything to the contrary under any law, the Corporation may cause any article referred to in subsection (1) or any other postal article to be removed at any time by a police officer or to be handed over for examination to a police officer or such other authorised person, and the police officer or other authorised person may destroy or render harmless or cause to be destroyed or rendered harmless the article or postal article which the police officer considers to be dangerous or may otherwise dispose thereof.

(3) The Corporation may, in collaboration with, and on the advice of, the Minister responsible for health, exempt from the provisions of this section, noxious or deleterious matter sent in the interest of public health.

70. A person who, otherwise than in pursuance of the person's duties, opens, tampers with, willfully destroys or makes away with, any mail or postal article or allows any mail or postal article to be opened, tampered with, destroyed or made away with, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Irregular opening of or tampering with mail

71. A person who wilfully interferes with the conveyance of any mail or delays, loses, hides, destroys, detains or mis-delivers mail, or through whose act or neglect the conveyance of any mail is interfered with, hidden, delayed, lost, destroyed, detained or mis-delivered, commits an offence and is liable, upon conviction, to a fine not exceeding sixty thousand penalty units or to imprisonment for a period not exceeding six months, for each hour or part of an hour during which the delivery of the mail is delayed in consequence of the interference, or to both.

Wilfully obstructing or delaying mail

72. A person who willfully opens a postal article or telegram which the person knows ought to have been delivered to another person or does any act or thing whereby the due delivery of that article or telegram to the other person is prevented, obstructed or delayed, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Wilfully opening or delaying postal article or telegram

73. A person who impersonates or represents oneself to be a postal or other authorised officer commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Impersonating officer

74. A person who, in any application for a licence, makes a false statement or submits false information, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

False declarations

75. A person who—

(a) knowingly sends, delivers or causes to be sent or delivered any message or communication to a postal officer for

Offences regarding telegrams

the purpose of being transmitted as a telegram which is unlawfully altered or which purports to be signed or sent by any other person without that person's consent;

(b) wrongfully signs any telegram with the name of another person without that person's consent or with the name of some fictitious person; or

(c) willfully and without the consent of the sender, alters any telegram or writes, issues or delivers any message or communication which purports to be a telegram received through a telegraph office but which was not so received;

commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Divulging
contents of
telegrams

76. A person who—

(a) not being a witness in a court of law, without the consent of the sender, addressee or receiver otherwise than in pursuance of the person's duties, opens, tampers with or divulges the contents or substance of any telegram or discloses its existence otherwise than by delivering it or giving a copy thereof to the person to whom that person is authorised to deliver;

(b) maliciously or willfully mis-delivers a telegram, puts an incorrect time on, hides, intercepts, destroys, makes away with, alters or omits to transmit or deliver, or presents or delays the delivery or transmission of any telegram; or

(c) makes use of, for the person's own purposes, any knowledge that the person acquires of the contents thereof;

commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Attempting
to
commit or
procuring
commission
of
offences

77. A person who attempts to commit an offence under this Act, solicits, authorises or endeavours to employ, cause, procure, aid, abet, incite or counsel another person to commit an offence under this Act, commits an offence and is liable, upon conviction, to the same punishment as for the actual commission of the offence.

General
penalty

78. Any person who contravenes or fails to comply with any provision of this Act for which no specific penalty is provided, is liable upon conviction, to a fine not exceeding one hundred thousand

SECOND SCHEDULE

(Sections 2 and 7)

UNRESERVED POSTAL SERVICES

1. Unreserved postal services include—
- Unreserved
postal
services
- (a) all letters, postcards, printed matter, small parcels and other postal articles that fall outside the ambit of the reserved services set out in the First Schedule up to and including thirty kilograms;
- (b) courier services in respect of the items referred to in paragraph (a); and
- (c) any other postal service that falls outside the ambit of the reserved services as set out in the First Schedule.
2. The following are not subject to licencing in terms of this Act: Exemptions
- (a) delivery by an employee of a sender exclusively for the private affairs of the sender;
- (b) unaddressed mail;
- (c) the exchange of service of legal process, proceedings, pleadings, affidavits or depositions;
- (d) occasional letters delivered by an individual not in the business of delivering letters;
- (e) trade announcements, circulars, printed extracts from newspapers, or advertisements which are not addressed to any person; and
- (f) newspapers and periodicals.

THIRD SCHEDULE

(Section 20 (2))

PART I

ADMINISTRATION OF THE CORPORATION

Board of
Corporation

1. (1) The Board shall consist of the following part-time members appointed by the Minister —

- (a) a representative of the Zambia Federation of Employers;
- (b) one representative of a trade union representing postal officers;
- (c) a representative of the Zambia Chambers of Commerce and Industry;
- (d) a representative of the Zambia Institute of Certified Accountants;
- (e) a representative of the Consumers Association of Zambia;
- (f) a representative of the Ministry responsible for communications;
- (g) a representative of the Ministry responsible for finance;
- (h) a representative of the Ministry responsible for home affairs;
- (i) a representative of the Attorney-General; and
- (j) the Postmaster-General, who shall be an ex-officio member of the Board.

(2) The Minister shall appoint the Chairperson and Vice-Chairperson of the Board from among the members.

(3) A person shall not be appointed as a member of the Board if the person —

- (a) is an undischarged bankrupt;
- (b) has been convicted of an offence involving fraud or dishonesty; or
- (c) has been convicted of an offence under this Act or any other written law and sentenced therefor to a term of imprisonment of six months or more without the option of a fine.

Term of
office and
vacancy

2. (1) A member of the Board shall, subject to the other provisions of this Schedule, hold office for a term of three years and may be appointed for a further term of three years.

(2) Upon the expiration of the term for which a member is appointed, the member shall continue to hold office until another member is appointed, but in no case shall any extension of the period exceed three months.

(3) The office of a member shall be vacated—

- (a) upon the member's death;
- (b) if the member is adjudged bankrupt;
- (c) if the member is absent from three consecutive meetings of the Board without the prior approval of the Board;
- (d) upon the expiry of one month's notice of the member's intention to resign, given by the member in writing to the Minister;
- (e) upon the expiry of one month's notice of the member's removal, given to the member in writing by the Minister;
- (f) if the member becomes mentally or physically incapable of performing duties as a member; or
- (g) if the member is convicted of an offence under this Act or any other written law and sentenced therefor to imprisonment for a term of six months or more, without the option of a fine.

(4) The Board may act notwithstanding any vacancy among its members.

3. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure.

Proceedings
of
Board

(2) The Board shall meet for the transaction of its business at least once every three months at such places and times as the Board may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of the Board may be called by the Chairperson and shall be called by the Chairperson if not less than one third of the members of the Board so request in writing.

(4) Where the urgency of a particular matter does not permit the giving of the required notice, a special meeting may be called upon a shorter notice given by five members of the Board.

(5) There shall preside at any meeting of the Board—

- (a) the Chairperson;
 - (b) in the absence of the Chairperson, the Vice-Chairperson;
- or

(c) in the absence of both the Chairperson and Vice-Chairperson, such member as the members present may elect for the purpose of the meeting.

(6) A decision of the Board on any question shall be by a majority of the votes of the members present and voting at the meeting and in the event of an equality of votes, the Chairperson or other person presiding at the meeting shall have a casting vote, in addition to a deliberative vote.

(7) Five members of the Board shall form a quorum.

(8) Minutes of each meeting of the Board shall be kept and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

(9) Where a member is for any reason unable to attend any meeting of the Board, the member may, in writing nominate another person from the same organisation or institution to attend the meeting in that member's stead and such person shall be deemed to be a member for the purpose of that meeting.

(10) The Board may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberations of a meeting of the Board, but such person shall have no vote.

(11) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member or by reason that any person not entitled so to do, took part in the proceedings.

Committees

4. (1) The Board may, for the purpose of performing its functions under this Act, establish committees and delegate to the committees such of its functions as it considers necessary.

(2) The Board may appoint as members of a committee established under sub-paragraph (1), persons who are or are not members of the Board and such persons shall hold office for such period as the Board may determine.

(3) Subject to any specific or general direction of the Board, any committee established under this paragraph may regulate its own procedure.

Allowances

5. A member of the Board or any committee thereof shall be paid such allowances as the Board may, with the approval of the Minister, determine.

Disclosure of interest

6. (1) A person present at a meeting of the Board or a committee of the Board at which any matter is the subject of consideration and in which matter that person is directly or indirectly interested shall,

(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.

87. A person who, with intent to defraud—

(a) issues, re-issues, 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);

commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

88. A 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 receives it and knowing it to be forged or to contain false information utters a telegram; or

(e) with intent to defraud, gives verbally, or delivers for transmission as a telegram, any message or communication which the person knows to be forged or the information given or contained in which the person knows to be false;

commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

89. (1) Any postal article which—

(a) is suspected by a postal officer of containing anything which may afford evidence of the commission of a criminal offence; or

Offences relating to money orders, postal orders, etc

Theft, forgery, etc of telegrams

Delivery of postal articles to public prosecutors

(b) is 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 Prosecutions, 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.

Immunity of officers of Corporation

90. No action or other proceeding 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 their functions under this Act.

Revenue for money orders, postal orders, etc

91. 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.

PART IX

GENERAL PROVISIONS

Operation of electronic mail and addresses Act No. of 2009

92. Subject to the Electronic Communications and Transactions Act, 2009, the Corporation may carry electronic mail, including the internet, and provide electronic addresses.

Delegation of functions

93. The Minister may, subject to such conditions as the Minister may determine, delegate any power conferred on the Minister under this Act, other than a power to be exercised by notice in the *Gazette*, to the Director-General of the Authority or any other person but is not divested of any power so delegated and may rescind or amend any decision made in the exercise of the power except where a licensee shall be adversely affected.

Regulations

94. (1) The Minister may, on the recommendation of the Authority, by statutory instrument, make regulations for or with respect to any matter which by this Act is required or permitted to be prescribed or that is necessary 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 licencing of operators of courier and postal services;
- (b) the articles that may be sent by post;

- (c) the amendment of the Schedules to this Act;
- (d) the provision of postal and courier services by holders of licences;
- (e) the terms and conditions under which postal articles may be collected, conveyed or delivered under this Act;
- (f) the forms, fees payable and the procedure for applications to be made under this Act;
- (g) the operation and management of the Postal Bank; and
- (h) the carrying out of any international postal agreement or international postal arrangement entered into under this Act or by the Government.

(3) The Minister shall not, in the amendment of any Schedule under paragraph (c) of subsection (2), cause any activity falling under unreserved postal services to fall under reserved postal services.

95. The Postal Services Act, 1994, is hereby repealed.

Repeal of
Cap. 470

96. Notwithstanding the repeal of the Postal Services Act, the Fourth Schedule to this Act shall apply until specifically revoked or amended by the Minister, by statutory instrument.

Savings and
transitional
provisions

FIRST SCHEDULE

(Sections 2 and 7)

RESERVED POSTAL SERVICES

Reserved
postal
services

1. (1) A reserved postal service includes—
- (a) all letters, postcards, printed matter, small parcels and other postal articles subject to the mass or size limitations set out in subparagraph (2);
 - (b) the issuing of postage stamps; and
 - (c) the provision of roadside collection and address boxes.

(2) A reserved postal service includes all the items listed under item (a) of sub-paragraph (1) of this paragraph and in the definition of the word “letter” of a mass up to and including one kilogram or size which enables it to fit into a rectangular box with the following dimensions:

- (a) length 458mm;
- (b) width 324mm; and
- (c) thickness 100mm.

Treatment of
cylinders

2. A cylinder with a maximum length of 458mm and 100m thickness or a mass of up to one kilogram shall be regarded as a letter.

Exemptions

3. The following are not subject to licencing in terms of this Act:

- (a) delivery by an employee of a sender exclusively for the private affairs of the sender;
- (b) unaddressed mail;
- (c) the exchange of service of legal process, proceedings, pleadings, affidavits or depositions;
- (d) occasional letters delivered by an individual not in the business of delivering letters;
- (e) trade announcements, circulars, printed extracts from newspapers, or advertisements which are not addressed to any person; and
- (f) newspapers and periodicals.

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

(2) A disclosure of interest made under sub-paragraph (1) shall be noted in the minutes of the meeting at which it is made.

7. (1) The Board shall appoint a Postmaster-General, who shall be the chief executive officer of the Corporation, on such terms and conditions as the Board may, with the approval of the Minister determine.

Postmaster-
General

(2) Subject to sub-paragraph (3), the Postmaster-General shall perform such of the functions of the Corporation as are delegated to the Postmaster-General by the Board.

(3) The Postmaster-General shall not exercise any function delegated to the Postmaster-General by the board under sub-paragraph (2) without the approval of the Board in relation to—

(a) any matter in respect of which the Board may not exercise its powers under this Act without the prior approval of the Minister;

(b) the sale, disposal or writing off of any property or assets of the Corporation, which does not exceed such value as the Board may determine with the approval of the Minister; or

(c) any general variation of the salaries, wages or allowances of postal officers.

8. (1) The Board shall appoint on such terms and conditions as the Board may determine; postal officers and other staff of the Corporation.

Staff of
Corporation

(2) Without limiting the generality of sub-paragraph (1), the Board may make arrangements for or with respect to the provision and maintenance of schemes, whether contributory or not, for the payment to its staff and their dependants of such retirement benefits, gratuities or other allowances as it may, with the approval of the Minister, determine.

9. (1) A person shall not, without the consent in writing given by or on behalf of the Board, publish or disclose to any unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to or which has come to the knowledge of that person in the course of that persons duties under this Act.

Prohibition of
publication of,
or
disclosure of,
information to
unauthorised
persons

(2) A person who contravenes the provisions of sub-paragraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-paragraph (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

Immunity of
members
and staff of
Board

10. An action or other proceeding shall not lie or be instituted against a member of the Board or a committee of the Board, or a member of staff for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers, functions or duties conferred under this Act.

PART II

FINANCIAL PROVISIONS

Funds of
Corporation

11. The funds of the Corporation shall consist of—

- (a) such sums as may be payable to the Corporation 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 commission and any other levies; and
- (d) such sums of money or such other assets as may accrue to or vest in the Corporation.

Financial
year

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

Accounts
and audit

13. (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 Board.

14. 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.

Annual
report

FOURTH SCHEDULE

(Section 96)

SAVINGS AND TRANSITIONAL PROVISIONS

Vesting of
assets
and transfer
of
liabilities

1. (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 obligations vested in or subsisting against the Company is so vested or subsists in relation to the part of its undertaking referred to in item (a) of sub-paragraph (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 sub-paragraph (2), any property, right, liability or obligation that appears to the Minister to be vested in or subsist against the Company both in relation to the part of its undertaking referred to in item (a) of sub-paragraph (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 sub-paragraph (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 item (a) of sub-paragraph (1), have effect as from the date of the assignment thereof as if—

(a) the Corporation had been a part 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 beneficiary 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 sub-paragraph (4) and which refer specifically or generally to the Company shall be construed in accordance with that sub-paragraph as far as applicable.

2. (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.

Registration
of
property to
be
transferred
by
Company

(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 the authority necessary to give effect or to 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 the authority proper to be made on any deed, documents or records relating to the title, right, liability or obligation concerned.

(3) In default of compliance by the Company with sub-paragraph (1) or in default of such compliance within a reasonable time, the powers conferred by sub-paragraph (2) on a registration authority may be exercised by that registration authority of its own motion

(4) No registration fee or other duties shall be payable in respect of any transfer effected in pursuance to this part or anything done, made or issued in pursuance of this section.

3. (1) For the avoidance of doubt, a person who before the commencement of this Act was an officer or employee of the Corporation, shall continue to be an officer or employee of the Corporation, as the case may be, as if appointed or employed under this Act.

Employees
of
Corporation

(2) The service of the persons referred to, in sub-paragraph (1) shall be treated as continuous service.

(3) Nothing in this Act, affects the rights and liabilities of any person employed or appointed by the Corporation before the commencement of this Act.

Legal proceedings

4. 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.

Money remitted through Corporation in terms of repealed Act Cap. 470

5. Money order remitted through the Corporation in terms of the Postal Services Act which were valid immediately prior to the commencement of this Act shall be regarded as having been transmitted under and in accordance with the provisions of this Act.

Definition Act No. of 1987 Cap. 470

6. In this Schedule, " Company " means the Posts and Telecommunications Corporation Limited established under the Posts and Telecommunications Act of 1987 and repealed by the Postal Services Act.
