

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 22 OF 2003

The Postal Services Act
(Laws, Volume 26, Cap. 470)

**The Postal Services (Courier Service) (Licence)
Regulations, 2003**

**PART I
PRELIMINARY**

IN EXERCISE of the powers contained in section *fourty-seven* of the Postal Services Act, the following Regulations are hereby made:

1. (1) These Regulations may be cited as the Postal Services (Courier Service) (Licence) Regulations, 2003.

Title and
commen-
cement

(2) These Regulations shall come into operation on the expiration of fourteen days after the date of publication of the Regulations in the *Gazette*.

2. In these Regulations, unless the context otherwise requires—

“Courier Service” means a service by which a document, letter, parcel or any article (other than a telegram) is conveyed from door to door without a postage stamp;

“Courier Service Licensing Committee” means the Committee established under regulation 3;

“Corporation” has the meaning assigned to it in the Act;

“postal articles” has the meaning assigned to it in the Act; and

“postal services courier” means a person or corporation who is in the business of collecting and conveying postal articles.

PART II

THE COURIER SERVICE LICENSING COMMITTEE

3. There is hereby established the Postal Services Courier Licensing Committee.

Establishment
of Committee

4. (1) The Courier Service Licensing Committee shall consist of the following members:

Composition
of Committee

(a) the Permanent Secretary, in the ministry responsible for communications, who shall be the Chairperson;

(b) two persons nominated by the ministry responsible for communications;

(c) one person nominated by the Postal Services Corporation;

(d) one person from the Department of Civil Aviation;

(e) one person nominated by the ministry responsible for legal affairs; and

(f) one person from private courier service operators.

(2) The members of the Courier Service Licensing Committee shall be appointed by the Minister.

Functions of
Committee

5. (1) The Courier Service Licensing Committee shall regulate courier service business in the Republic through the issuance of licences under these Regulations.

(2) The Courier Service Licensing Committee shall have the power to issue licences to operators of courier services.

(3) The Courier Service Licensing Committee may issue a licence to an applicant on such terms and conditions as are specified under these Regulations and on payment of such fees as are set out in the Third Schedule.

PART III

ADMINISTRATION

Registrar and
other staff

6. (1) The Minister shall appoint a Registrar of the Courier Service Licensing Committee who shall be a public officer.

(2) The Registrar shall be responsible for—

(a) the management and administration of the Courier Service Licensing Committee; and

(b) the implementation of the decisions of the Courier Service Licensing Committee.

(3) The Minister may appoint suitable public officers to assist the Registrar.

(4) Notice of the appointment of the Registrar and other public officers to assist the Registrar shall be published in the *Gazette*.

Allowances of
Committee

7. There shall be paid from the funds appropriated for the functions of the Courier Service Licensing Committee—

(a) such reasonable sitting and subsistence allowances for the members of the Courier Service Licensing Committee

undertaking the business of the Committee at such rates as the Minister may determine; and

(b) any other expenses incurred by the Courier Service Licensing Committee in the performance of its functions.

PART IV

LICENSING

8. A person shall not operate a courier service without a licence issued under this Part.

Prohibition of operating in courier service without licence

9. (1) Subject to the provisions of these regulations, an application for a courier service licence shall be in form CSI set out in the First Schedule.

Application for courier service licence

(2) Subject to subregulation (3) the applicant shall submit the application form referred to in subregulation (1) which shall be accompanied by the following documents:

- (a) the certificate of incorporation of the operator of a courier service;
- (b) statement of paid up capital;
- (c) Memorandum of Association or such other company forms as may reveal the true nature and identity of the company and its shareholders;
- (d) details of the intended business;
- (e) letters of agreement with associated companies outside the Republic for applicants intending to deal in international mail; and
- (f) annual reports or audited accounts of the applicant.

(3) The applicant shall not submit the application to the Courier Service Licensing Committee unless the application is made not less than fourteen days before the applicant has published the intention to apply for the courier service licence in the *Gazette* and in the daily issue of a national newspaper.

Courier
service
licence

10. (1) The Registrar of the Courier Service Licensing Committee shall acknowledge receipt of the application form and submit the application to the Courier Service Licensing Committee.

(2) The Courier Service Licensing Committee shall consider the application and shall communicate its decision to the applicant not later than sixty days after receipt of an application.

(3) The Courier Service Licensing Committee shall issue a licence to operate a courier service on payment of the appropriate fee set out in the Third Schedule and subject to such conditions as the Courier Service Licensing Committee may, in consultation with the Minister, determine.

(4) The licence to operate a courier service shall specify the types of courier service business as follows:

- (a) international and national;
- (b) international and national (urban)
- (c) national, urban and rural; and
- (d) rural.

Rural postal
service

11. For purposes of these Regulations, the Courier Service Licensing Committee shall designate areas within the Republic as rural and urban for the purposes of licensing courier service business in such areas:

Provided that the Courier Service Licensing Committee shall designate the areas listed in the Second Schedule as urban areas.

Suspension
and
cancellation
of licence

12. (1) Subject to sub-regulation (2) where the Courier Service Licensing Committee is satisfied that a person issued with a licence to operate a courier service is conducting its courier service operations contrary to the conditions of the licence issued under regulation 10, the Courier Service Licensing Committee shall—

- (i) suspend the licence; or
- (ii) cancel the licence.

(2) The Courier Service Licensing Committee shall not suspend or cancel a licence under this Regulation unless ninety days prior to the suspension or cancellation a notice has been served on the person licenced to operate a courier service stating—

- (a) the contravention of the condition of the licence specifying the matters constituting the contravention;
- (b) specifying the steps to be taken to remedy the contravention; and
- (c) specifying the time limit within which the steps described under paragraph (b) have to be taken.

13. The Courier Service Licensing Committee shall refuse to issue a licence to operate a courier service if satisfied that the applicant—

Restrictions
on issue of
licence

- (a) is an undischarged bankrupt or has entered into a composition or a scheme of arrangement with the applicant's creditors which is still binding;
- (b) has within a period of five years immediately preceding the date of the application been convicted of an offence against the Bankruptcy Act; or
- (c) has within a period of five years immediately preceding the date of the application, had a licence issued under these Regulations cancelled.

Cap. 82

14. (1) A person aggrieved by the Courier Service Licensing Committee's refusal to register a person, or its decision to suspend or cancel a licence, may appeal to the Minister within thirty days after the decision in form CS3 of the First Schedule.

Appeals

(2) A person who is not satisfied with the decision of the Minister under subregulation (1) may appeal to the High Court.

15. The fees set out in the Third Schedule shall be paid for the types of licences stated therein.

Fees

FIRST SCHEDULE

(Regulation 8)

The Postal Services Act
(Laws, Volume 26 Cap. 470)

The Postal Services (Courier Service) (Licence)
Regulations, 2003

FORM CS1
Application No.

APPLICATION FOR COURIER SERVICE LICENCE
(Regulation 10)

Application fee.....Receipt No.....of

A. *Business Particulars*

- 1. Name of Applicant:.....
- 2. Certificate of Incorporation No.:.....
- 3. Registered Premises of business in Zambia:.....
- 4. Postal Address:.....
- 5. Telephone No:.....
- 6. Telex No:.....
- 7. Registered Trade Mark No:.....

B. *Nature of Business*

- 1. Give a brief description of the type of business to be carried out

National
Urban

.....
.....
.....

Rural

.....
.....
.....

International

.....
.....
.....

- 2. Give details of transport fleet or any alternative arrangements for the movement of mail:

.....
.....
.....

C. *Quality of Service*

- 1. Do you intend to operate a "Trade and Truck Service"? If so, give brief particulars of the system's operation:

.....
.....
.....

2. What are your projected delivery standard for—

	<i>Days/Hours</i>
(i) items posted for/or received delivery within the same city/town
(ii) items posted in Zambia for delivery within Zambia
(iii) letters received from other countries for delivery at towns other than Lusaka within Zambia

NB: You may give a breakdown on an attached sheet for individual towns within Zambia.

3. Are you prepared to commit your firm to offering a guaranteed service to the public in terms of expected delivery in times and security of mail?

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.....

D. *Particulars of Premises*

Give a brief description of of your network and storage facilities available

.....

.....

E. *Sectors/Destinations applied for:*

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.....

.....

F. *Any other relevant information*

.....

.....

.....

Date:..... Signature:.....

Official Stamp

Notes:

1. Attach copies of a valid certificate of incorporation, statement of paid up capital, Memorandum of Association of Companies Form No. 2.
2. Attach list of your proposed tariffs.
3. Information given is subject to verification by the Registrar.

The Postal Services Act
(Laws, Volume 26 Cap. 470)

The Postal Services (Courier Service) (Licence)

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FORM CS2

COURIER SERVICE LICENCE
(Regulation 10)

In accordance with the Postal Services Act, Cap. 470, this licence is issued to:

(Name of Licence):.....of

(Postal and Physical address):.....

.....
.....
.....
.....

In accordance with the terms and conditions specified in the Regulations and to the following—

.....
.....
.....

Licence Fee paid:..... Expiry Date:.....

Lusaka, this..... day of.....

*Courier Service Licensing Committee
for Minister of Transport and Communications*

**The Postal Services Act
(Laws, Volume 26 Cap. 470)**

**The Postal Services (Courier Service) (Licence)
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FORM CS3

**APPEAL TO MINISTER
(Regulation 4)**

The following
hereby appeals against the decision of the Courier Service Licensing Committee
to refuse to register/to suspend or cancel a licence made on

Grounds of Appeal—

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.....
.....
.....
.....
.....

.....
Appellant

Date:.....

SECOND SCHEDULE

(Regulation 11)

URBAN AREAS

Chililabombwe
 Chingola
 Cbisamba
 Choma
 Kabwe
 Kafue
 Kalomo
 Kalulushi
 Kapiri Mposhi
 Kitwe
 Livingstone
 Luanshya
 Lusaka
 Mazabuka
 Monze
 Mufulira
 Ndola
 Pemba
 Zimba

THIRD SCHEDULE

(Regulation 15)

PRESCRIBED FEES IN UNITS

Sector	Licence Fees	Annual Fees
1. International and National	333,333	166,666
2. International and National (Urban)	277,777	138,888
3. National (Urban and Rural)	138,888	69,444
4. National (Urban)	138,888	69,444
5. National (Rural Areas)	55,555	27,777

LUSAKA

12th February, 2003

[MCT.104/5/3C]

B. NAMUYAMBA,

*Minister of Communications**and Transport*