

**POSTAL AND COURIER SERVICES REGULATORY COMMISSION ACT, 2003  
(ACT 649)**

ARRANGEMENT OF SECTIONS

Section

**PART 1—ESTABLISHMENT, OBJECTS AND FUNCTIONS OF POSTAL AND  
COURIER SERVICES REGULATORY COMMISSION**

1. Establishment of Postal and Courier Services Regulatory Commission
2. Objects and Functions of the Commission
3. Directions to the Commission
4. Composition of the Commission
5. Tenure of Office of Members of the Commission
6. Meetings of the Commission
7. Disclosure of Interest
8. Committees of the Commission
9. Allowances of Members

**PART II—LICENSING AND REGULATION OF POSTAL AND COURIER SERVICES**

10. Licence to Provide Postal Services
11. Qualification for Licence
12. Application for licence
13. Grant of Licence
14. Courier Service
15. Designation of National Postal Service Provider
16. Reserved Postal Services
17. Contract to Convey Postal Articles
18. Licence not Transferable without Written Approval
19. Renewal of Licence
20. Power to Modify Licence
21. Suspension or Cancellation of Licence
22. Complaint to the Minister
23. Production of Books of Account and Records
24. Quality of Postal Services

### PART III—POSTAGE STAMPS AND POSTAL OPERATIONS

25. Postage Stamps
26. Postal Charges
27. Copyright in Stamps and other Philatelic Materials
28. Exemption from Postal Charges
29. Prohibition on Sending Certain Articles by Post or Courier
30. Power to Detain and Open Prohibited Articles
31. Power to Open Postal Articles Suspected to Contain Dutiable Goods

### PART IV—ADMINISTRATION AND FINANCIAL PROVISIONS

32. Executive Secretary
33. Appointment of other Staff of the Commission
34. Funds of the Commission
35. Accounts and Audit
36. Annual Report

### PART V—POSTAL OFFENCES AND PENALTIES

37. Unlawfully Taking Away or Opening Mail Bag sent by Postal Services
38. Unlawful use of Stamp or Franking Machine
39. Unlawful Interference with Mail
40. Unlawful Entry into Post Office Premises
41. Fraudulent use of Philatelic Material
42. Acts infringing Reserved Rights
43. Prohibition of False Notice as to Reception of Letters and Sale of Stamps
44. Damage to Post Office Letter Box
45. Evasion of Post office Laws
46. Retaining Mail Bags or Postal Articles
47. Unlawful Disclosure of Contents of Postal Articles
48. General Penalty
49. Offences Committed by Body of Persons

### PART VI—MISCELLANEOUS PROVISIONS

50. Article Addressed to Deceased Person

51. Settlement of Disputes

52. Establishment of Register

53. Inspectors

54. Directions in the Interest of National Security and International Relations

55. Regulations

56. Interpretation

57. Repeal and Savings

SCHEDULE



REPUBLIC OF GHANA

**THE SIX HUNDRED AND FORTY-NINETH  
ACT  
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA  
ENTITLED**

**THE POSTAL AND COURIER SERVICES REGULATORY COMMISSION ACT,  
2003**

**AN ACT** to establish the Postal and Courier Service Regulatory Commission as a regulatory body to license and regulate the operation of post and courier services; to designate a national postal service provider and to provide for related matters.

**DATE OF ASSENT:** 10th August, 2003

**BE IT ENACTED** by Parliament as follows:

**PART I—ESTABLISHMENT, OBJECTS AND FUNCTIONS OF POSTAL AND COURIER SERVICES REGULATORY COMMISSION**

Section 1—Establishment of Postal and Courier Services Regulatory Commission.

- (1) There is established by this Act a body corporate to be known as the Postal and Courier Services Regulatory Commission.
- (2) The Commission shall have perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The Commission may for and in connection with the discharge of its functions under this Act, purchase, hold, manage and dispose of movable and immovable property and may enter into contracts and transactions reasonably necessary for its functions

Section 2—Objects and Functions of the Commission.

- (1) The objects of the Commission are to
  - (a) promote and encourage the expansion of postal services for the social and economic development of the country;

- (b) promote an efficient system for the delivery of mails nationwide in a manner responsive to the needs of mail users;
  - (c) promote fair competition among persons engaged in the provision of postal services;
  - (d) protect licensees and consumers from unfair conduct of other licensees with regard to quality of postal services;
  - (e) protect generally the interest of consumers; and
  - (f) promote the advancement of technology related to the provision of postal services;
- (2) For the purpose of achieving its objects, the Commission shall
- (a) ensure that there are provided throughout the country as far as practicable, postal services reasonably necessary to satisfy demand for the services;
  - (b) ensure that providers of postal services achieve the highest level of efficiency in the provision of the services and are responsive to customer and community needs;
  - (c) grant licences for the operation of postal and courier services;
  - (d) regulate the issue of postage stamps including definitive, commemorative and special issue postage stamps and any other philatelic items;
  - (e) provide guidelines on rates of postage and other fees chargeable in respect of postal articles;
  - (f) designate quality standards of equipment for the provision of postal services where necessary;
  - (g) ensure that the needs of persons with disability are taken into account in the provision of postal services;
  - (h) provide advice and assistance to licensees, where reasonably practicable, for which they may be charged fees the Commission considers appropriate;
  - (i) maintain a register of licensees;
  - (j) to submit inputs for policy formulation to the Minister for consideration as may be necessary;
  - (k) ensure strict compliance with this Act and Regulations made under it; and
  - (l) perform any other functions
    - (i) assigned to it under this Act, or any other enactment; or
    - (ii) incidental to the objects of this Act.

#### Section 3—Directions to the Commission.

The Minister may give to the Commission such directions as appear to the Minister to be required in the public interest for the functions of the Commission.

#### Section 4—Composition of the Commission.

The Commission comprises the following persons appointed by the President in consultation with the Council of State:

- (a) a chairperson;
- (b) four persons with knowledge in matters relevant to the functions of the Commission, at least two of whom shall be women;
- (c) a representative of the relevant sector Ministry; and
- (d) the Executive Secretary appointed under section 32(1);

#### Section 5—Tenure of Office of Members of the Commission.

- (1) A member of the Commission other than the Executive Secretary shall hold office for a term of four years and is eligible for re-appointment.
- (2) A member of the Commission other than the Executive Secretary may in writing addressed to the President, resign or be removed from office by the President for stated reasons.
- (3) A member who is absent from four consecutive ordinary meetings of the Commission without good cause shall cease to be a member of the Commission.
- (4) The chairperson of the Commission shall through the Minister notify the President and the appropriate institution of any vacancy which occurs in the membership of the Commission within one month of the occurrence of the vacancy and in the case of the chairperson, the notification shall be made by the Executive Secretary.
- (5) When a member of the Commission other than the Executive Secretary is incapacitated by illness or any other cause from performing the functions of office for more than twelve months, the President may, acting in consultation with the appropriate institution, appoint another person to perform the functions of the member until the member is able to resume the performance of the member's duties.
- (6) Where a person is appointed to fill a vacancy, the person shall hold office for the remainder of the term of the previous member and shall, subject to this Act, be eligible for re-appointment

#### Section 6—Meetings of the Commission.

- (1) The Commission shall meet at such times and places as the chairperson may determine but shall meet at least once every two months.
- (2) The chairperson shall upon the request of not less than one-third of the membership of the Commission convene a special meeting of the Commission.
- (3) The quorum at a meeting of the Commission shall be four members including the Executive Secretary or the person acting in that capacity.
- (4) Every meeting of the Commission shall be presided over by the chairperson and in the absence of the chairperson by a member of the Commission elected by the members present from among their number.
- (5) Matters before the Commission shall be determined in accordance with the majority of the members present and voting.

(6) The chairperson or the person presiding at a meeting of the Commission shall in the event of equality of votes have a second or casting vote.

(7) The Commission may co-opt any person to act as an adviser at its meetings but a co-opted person is not entitled to vote at the meeting.

(8) The validity of the proceedings of the Commission shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(9) Except as otherwise expressly provided for in this section, the Commission shall determine and regulate the procedure for its meetings.

#### Section 7—Disclosure of Interest.

(1) A member of the Commission who is directly interested in any matter being considered or dealt with by the Commission shall disclose the nature of that interest at a meeting of the Commission and shall not take part in any deliberation or decision of the Commission with respect to the matter.

(2) A member who has an interest but who fails to disclose that interest under subsection (1) shall be removed from the Commission.

#### Section 8—Committees of the Commission.

The Commission may for the discharge of its functions, appoint committees comprising members of the Commission or non-members or both and may assign to them such functions as the Commission may determine except that a committee composed entirely of non-members may only advise the Commission.

#### Section 9—Allowances of Members.

A member shall be paid allowances determined by the Minister in consultation with the Minister for Finance.

### PART II—LICENSING AND REGULATION OF POSTAL SERVICES

#### Section 10—Licence to Provide Postal Service.

Subject to this Act, a person shall not establish or operate a postal or courier service except under a licence issued by the Commission under this Act.

#### Section 11—Qualification for Licence.

A licence to provide a post or courier service may be granted only to

- (a) a citizen of Ghana;
- (b) a body corporate registered under the Companies Code, 1963 (Act 179); or
- (c) a partnership registered under the Incorporated Partnerships Act 1962 (Act 152).

#### Section 12—Application for Licence.

(1) An application for a licence shall be made to the Commission on a form determined by the Commission and shall be accompanied with a fee and documents that the Commission shall determine.

(2) The Commission shall

(a) upon receipt of an application, acknowledge the receipt of the application within five working days from the date of receipt of the application; and

(b) within sixty days after acknowledgment, inform the applicant in writing of the decision of the Commission.

(3) The Commission shall in considering an application under this Act, require an applicant to show proof of ability to provide the service to which the application relates.

#### Section 13—Grant of Licence.

(1) The Commission may subject to conditions that it may determine grant a licence to an applicant to provide a postal or courier service other than a reserved postal service.

(2) Without limiting the scope of subsection (1) a licence shall state

(a) the type of services to be provided;

(b) the period of validity of the licence; and

(c) the payment to the Commission

(i) of a fee for the grant of the licence; of

(ii) of periodic payments during the existence of the licence or both.

#### Section 14—Courier Service.

A person shall not be licensed to provide a courier service unless the person undertakes to

(a) develop and publish with the approval of the Commission, unless the person undertakes to

(b) follow and trace items received or collected for delivery by that person's business undertaking;

(c) deliver items within the acceptable delivery time set by each operator and approved by the Commission; and

#### Section 15—Designation of National Postal Service Provider.

(1) The Ghana Post Company Limited referred to in this Act as "Ghana Post" is hereby designated as the national postal service provider with the exclusive right to provide the reserved postal services specified in the Schedule.

(2) The Commission shall upon the coming into force of this Act, accordingly grant to Ghana Post as soon as practicable the exclusive licence for the provision of the reserved postal services

(3) Ghana Post shall have the exclusive use of the words "Post Office"

(4) For the effective implementation of the reserved function, Ghana Post may subject to such conditions as it may determine in writing, delegate the performance of a function conferred on it under this Act to any Person.

#### Section 16—Reserved Postal Services.



The function reserved for Ghana Post confers on it the exclusive power to convey letters, post cards, printed matters, small parcels and other postal articles within the requirements specified in paragraph 1 of the Schedule.

#### Section 17—Contract to Convey Postal Articles.

Ghana Post may contract any person to convey a postal article by land, sea or air on its behalf and on conditions that may be agreed upon between Ghana Post and the person contracted.

#### Section 18—Licence not Transferable Without Written Approval.

A licence issued under this Act is not transferable except with the prior written approval of the Commission.

#### Section 19—Renewal of Licence.

(1) A licence may be renewed upon an application made to the Commission for renewal of the licence, not later than three months before the expiry of the licence.

(2) The procedure for renewal of a licence shall be the same as that applicable to the grant of the original licence

(3) A licensee who fails to renew a licence or whose application for the renewal is rejected by the Commission shall cease to provide the postal or courier service ninety days after the expiration of the licence.

#### Section 20—Power to Modify Licence.

(1) The Commission may, subject to this Act and Regulations made under it, modify a licence if it considers that the modification is required in the public interest.

(2) No modification shall be made unless the Commission has given at least sixty working days notice in writing to the licensee

(a) stating that the Commission proposes to make modifications; and

(b) setting out the consequences of the modification.

(3) The Commission shall in all cases consider any representations or objections that are made to it before the modifications are made.

(4) A notice under subsection (2) shall be given by publication in the Gazette or in the national media and by sending a copy of the notice to the licensee.

(5) The Commission may compensate the licensee for any expense incurred or damage caused as a result of a modification to a licence made under subsection (1).

#### Section 21—Suspension or Cancellation of Licence.

(1) Where the Commission is satisfied that a licensee is not complying with or has not complied with the conditions of the licence, the Commission may suspend or cancel the licence.

(2) A suspension or cancellation shall not be made unless the Commission gives the licensee a written notice specifying in the notice the cause of dissatisfaction of the Commission and

giving directions for rectification of the breach and the action proposed to be taken by the Commission in the event of non-compliance with the notice.

(3) The Commission shall not suspend or cancel a licence without first giving the licensee an opportunity to be heard and to comply with the directives of the Commission if any, within a reasonable period.

(4) The Commission shall in determining whether it is necessary to suspend or cancel a licence, consider the extent of loss or damage to persons likely to be affected by the suspension or cancellation.

(5) A licence which is not utilised within six months from the date of its grant shall lapse.

#### Section 22—Complaint to the Minister.

(1) A person aggrieved by

(a) a rejection or refusal of the Commission to grant or renew that person's licence; or

(b) a modification, suspension or cancellation of a licence may lodge a complaint in writing with the Minister who shall within thirty days of receipt of the complaint, make a decision on it.

(2) A person dissatisfied with the decision on the Minister or with the failure of the Minister to make a decision within thirty days as required under subsection (1), may pursue the matter in accordance with any alternative dispute resolution process available or in the court.

#### Section 23—Production of Books of Account and Records.

The Commission, for the purpose of ensuring compliance with this Act may by notice in writing direct a licensee to bring its accounts, records and other documents specified in the notice, for the inspection and examination by the Commission.

#### Section 24—Quality of Postal Service.

(1) The Commission may for the purpose of monitoring the quality of postal services provided by a licensee, appoint an independent consultant who shall be a written report make recommendations to the Commission on measures to be taken to improve the quality of services.

(2) The Commission shall in appointing a consultant under subsection (1) specify the type of postal services and licensee to be monitored.

### PART III—POSTAGE STAMPS AND POSTAL OPERATIONS

#### Section 25—Postage Stamps.

(1) Ghana Post has the sole right to issue postage stamps.

(2) Postage stamps provided shall be used in respect of postal articles, for the prepayment of postage other sum chargeable under this Act, except where Ghana Post decides that prepayment may be made in some other form.

#### Section 26—Postal Charges.

(1) Ghana Post shall publish at every post office in the country a notice showing the charges and other conditions upon which it offers to provide postal services.

(2) Increase in charges for reserved postal services provided by Ghana Post shall be determined by Ghana Post in accordance with guidelines given by the Commission.

#### Section 27—Copyright in Stamps and Other Philatelic Materials.

(1) Copyright in philatelic materials produced by Ghana Post belongs to the Government.

(2) For the purpose of subsection (1), "philatelic material" include—

(a) philatelic stamps;

(b) artworks, proofs, printed sheets and printing plates of philatelic stamps; and

(c) date-stamps, slogan, dyes and other artifacts used in connection with the production of philatelic stamps.

#### Section 28—Exemption from Postal Charges.

The Commission may by notice published in the Gazette, exempt specified classes of persons from paying for postal services provided by Ghana Post.

#### Section 29—Prohibition on Sending Certain Articles by Post or Courier.

(1) A person shall not send by post

(a) any explosive, inflammable, dangerous, filthy, noxious or deleterious substances;

(b) any sharp instrument not properly protected;

(c) any living creature which is either noxious or likely to damage other postal articles in the course of conveyance by post or injure a postal officer;

(d) any indecent or pornographic printing, painting, photograph, lithograph, engraving, book, card or any other indecent pornographic article in whatever form;

(e) any postal article that bears on the cover of it any words, marks or designs of an indecent, pornographic, scurrilous, threatening or grossly offensive character;

(f) opium, morphine, cocaine or any other narcotics;

(g) a postal article that bears a fictitious postage or purports to be prepaid with a postage stamp which has been previously used to prepay another postal article;

(h) any printing, painting, photograph, lithograph, book or card which may be prejudicial to public safety or to the peace and public order of any part of the country; or

(i) any other article prohibited for carriage in the interest of national security or IATA regulations or any other international rules of carriage.

(2) Notwithstanding the provisions of subsection (1), a person may send by courier, coins, bank notes, currency notes, securities or cheques, platinum, gold or silver whether manufactured or not, precious stones, jewels or other valuable articles.

#### Section 30—Power to Detain and Open Prohibited Articles.

Where a postal or a courier service provider has reason to believe that a postal article contains anything in contravention of section 29, it may detain and open the article and where it is found to contain prohibited material, it shall destroy or forfeit it to the State.

#### Section 31—Power to Open Postal Articles Suspected to Contain Dutiable Goods.

(1) A postal or a courier service provider may detain a postal article reasonably suspected to contain goods in contravention of the customs legislation and the officer of the postal or courier provider may open the article in the presence of the person to whom the postal article is addressed or the person's duly appointed agent.

(2) Where that person or the person's agent after being duly notified fails or neglects to attend, the officer may open and examine the postal article.

(3) After a postal article has been opened and examined under this section it shall be delivered to the person to whom it is addressed unless it is required for the purpose of any proceedings under this or any other enactment.

#### PART IV—ADMINISTRATION AND FINANCIAL PROVISIONS

##### Section 32—Executive Secretary.

(1) The Commission shall have an Executive Secretary who shall be appointed by the President in accordance with the advice of the Commission given in consultation with the Public Service Commission.

(2) The Executive Secretary shall be a member of the Commission.

(3) The Executive Secretary shall hold office upon such term and conditions as shall be specified in the Executive Secretary's letter of appointment.

(4) The Executive Secretary shall be responsible for the day-to-day administration of the Commission and ensure the implementation of the decisions of the Commission.

(5) The Executive Secretary may delegate the day-to-day administration of the Commission to any officer but the Executive Secretary shall be ultimately responsible for the discharge of any delegated function.

##### Section 33—Appointment of Other Staff of the Commission.

(1) The President may, acting in accordance with the advice of the Commission given in consultation with the Public Service Commission, appoint such officers or other employees as may be necessary for the effective and efficient implementation of the functions of the Commission.

(2) The President may delegate the power of appointment of public officers under this Act in accordance with article 195(2) of the Constitution.

(3) Other public officers may be transferred or seconded to the Commission.

(4) The Commission may on the recommendation of the Executive Secretary engage the services of experts and consultants that it considers necessary.

##### Section 34—Funds of the Commission.

- (1) The source of funds of the Commission include
  - (a) Government subvention;
  - (b) any loans granted to the Commission;
  - (c) any monies accruing to the Commission in the course of the performance of its functions under this Act including monies from investments made by the Commission; and
  - (d) grants.
- (2) All monies due to the Commission and received on account shall be paid into a bank account determined by the Commission, but the Commission may invest any money not required for immediate use as it considers appropriate.

#### Section 35—Accounts and Audit.

- (1) The Commission shall keep books of account and proper records in relation to them and the account books and records of the Commission shall be in a form approved by the Auditor-General.
- (2) The books of account of the Commission shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General within three months from the end of the immediately preceding financial year.
- (3) The financial year of the Commission shall be the same as the financial year of the Government.

#### Section 36—Annual Report.

- (1) The Commission shall, as soon as possible after the expiration of each financial year but within eight months after the end of the financial year, submit to the Minister an annual report dealing with the activities and the operations of the Commission within that year which shall include
  - (a) a copy of the audited accounts of the Commission together with the Auditor-General's report on the accounts; and
  - (b) such other information as the Minister may require.
- (2) The Minister shall within two months after receiving the annual report of the Commission submit the report to Parliament with such statement as the Minister may consider necessary.

### PART V—POSTAL OFFENCES AND PENALTIES

#### Section 37—Unlawfully Taking Away or Opening Mail Bag sent by Post.

A person who

- (a) unlawfully takes away or opens a mail bag used for the transmission or conveyance of a postal article; or
- (b) unlawfully takes out of a mail bag a postal article or any other article in the course of transmission or conveyance of that article by post

commits an offence and is liable summary on conviction to a fine not exceeding 500 penalty units or to imprisonment for a term not exceeding 2 years or to both.

#### Section 38—Unlawful use of Stamp or Franking Machine.

A person who with intent to defraud

- (a) removes from a postal article any postage stamp fixed to that postal article;
- (b) removes from a used stamp a mark made on that stamp at a post office:
- (c) uses a postage stamp which has been obliterated or defaced by a mark made on the postage stamp as having been previously used to prepay any revenue, duty or tax on any postal article; or
- (d) tampers with a franking machine or superscripts a postal article with a franking machine which has been tampered with

commits an offence and is liable on summary conviction to a fine of not less than 50 penalty units but not more than 250 penalty units or to imprisonment for a term not exceeding 12 months or to both.

#### Section 39—Unlawful Interference with Mail.

A person who

- (a) interferes with any mail or postal article otherwise than in accordance with the provisions of this Act or Regulations made under it; or
- (b) fraudulently puts, alters, removes, or erases any official mark on a postal article

commit an offence and is liable on summary conviction to a fine of not less than 50 penalty units but not more than 250 penalty units or to imprisonment for a term not exceeding 12 months or to both.

#### Section 40—Unlawful Entry into Post Office Premises.

A person who

- (a) without permission enters any premises used for the purpose of postal services provided by Ghana Post and to which the public has no right of access, and refuses or fails to leave the premises when asked to do so by a person employed on the premises; or
- (b) unlawfully obstructs or impedes an employee of a license in the discharge of the employee's duties in connection with postal services

commits an offence and is liable on summary conviction to a fine of not less than 50 penalty units but not more than 250 penalty units of to imprisonment for a term not exceeding 12 months or to both.

#### Section 41—Fraudulent Use of Philatelic Material.

A person who

- (a) counterfeits any philatelic material;

(b) uses without authority, proof of which shall be on that person, a stamp designed for Ghana Post; or

(c) continues to use commemorative and definitive postage stamps for postage purpose after the stamps have been demonetized or invalidated

commits an offence and is liable on summary conviction to a fine of not more than 500 penalty units or to imprisonment for a term not exceeding 2 years or to both.

#### Section 42—Acts Infringing on Reserved Rights.

A person who without lawful authority or excuse performs any of the reserved postal functions specified in the Schedule commits an offence and is liable on summary conviction to a fine of not less than 250 penalty units and not exceeding 1000 penalty units or imprisonment for a term not exceeding 3 years or to both.

#### Section 43—Prohibition of False Notice as to Reception of Letter and Sale of Stamps.

(1) A person shall not inscribe on any receptacle placed or maintained in any premises under the person's control or on any premises.

(a) the words "post office" or "letter box" or

(b) any other words, letter, or marks which signify or may lead the public to believe that it is a post office or a post office letter box without the authority of Ghana Post.

(2) A person shall not inscribe on any vehicle or vessel, any words, letters or marks which signify or may reasonably lead any other person to believe that the vehicle or vessel is used for the conveyance of mails from a post office, except with the written permission of Ghana Post.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

#### Section 44—Damages to Post Office Letterbox.

A person who destroys or damages any receptacle provided by Ghana Post for the reception of postal articles or any notices on any receptacle, commits an offence and is liable on conviction to a fine of not less than 50 penalty units and not more than 250 penalty units or to imprisonment for a term not exceeding 12 months or to both.

#### Section 45—Evasion of Post Office Laws.

A person who

(a) fraudulently puts into a post office anything

(i) in which or in the cover of which or

(ii) upon which or upon the cover of which there is a letter, newspaper, any writing or mark or anything contrary to this Act;

(b) makes a false declaration of the contents of anything sent by post; or

(c) fraudulently sends by post anything which the person claims to be a thing that falls within an exemption or privilege granted under this Act in respect of the postal article

commits an offence and is liable on summary conviction to a fine of not less than 50 penalty units and not exceeding 250 penalty units or to imprisonment for term not exceeding 12 months or to both

#### Section 46—Retaining Mail Bags or Postal Articles.

A person who

(a) fraudulently retains, controls or destroys; or

(b) neglects or refuses to deliver when requested to do so by an officer of Ghana Post

any mail bag or postal article in the course of its transmission by post, with the apparent intention of it not being delivered to the addressee, commits an offence and is liable on summary conviction to a fine of not less than 100 penalty units and not more than 500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

#### Section 47—Unlawful Disclosure of Contents of Postal Article.

Except for the purpose of returning a postal article to the sender, a person who without authorisation in writing from Ghana Post, discloses or in any manner makes known to any person other than an officer of Ghana Post, the contents of a postal article, commits an offence and is liable on summary conviction to fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

#### Section 48—General Penalty.

A person who contravenes or fails to comply with any provision of this Act commits an offence and, where no penalty is expressly provided, shall upon conviction be liable to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

#### Section 49—Offences Committed by a Body of Persons.

(1) Where a body of persons is convicted of an offence under this Act

(a) in the case of a body corporate every director or officer of that body corporate shall be deemed to have committed that offence; and

(b) in the case of a partnership or a firm every partner of the partnership or firm shall be deemed to have committed that offence

(2) A person shall not be deemed to have committed an offence under subsection (1) where the person

(a) proves that the offence was committed by some other person without the person's knowledge or connivance; or

(b) exercised diligence to prevent the commission of that act as the person ought to, having regard to the circumstances

### PART VI—MISCELLANEOUS PROVISIONS



#### Section 50—Article Addressed to Deceased Person

A postal article addressed to a deceased person may be delivered to the executors or administrators of the estates of the deceased person on presentation of probate or letters of administration.

#### Section 51—Settlement of Dispute.

- (1) Any dispute between a customer and a licensee in which it is alleged that the licensee
  - (a) has exercised undue discrimination in the provision of a postal service against the customer in respect of charges or terms applied or to be applied;
  - (b) has shown undue preference to any other person to the detriment of the customer; or
  - (c) has applied or proposes to apply to the customer any charge related to provision of a postal service which is not authorised under this Act may be referred to the Commission by either party.
- (2) Where a dispute is referred to the Commission the Commission or a person appointed by the Commission shall determine whether the allegation is well founded and where it is, the Commission or the person shall make such determination as considered appropriate together with a statement of reasons for the determination made.
- (3) An act or omission of a licensee which is authorised by any condition included in the licence for the purpose of this section shall not be taken to constitute undue discrimination.
- (4) The procedures to be followed in determining a dispute referred to under this section shall be determined by the Commission.

#### Section 52—Establishment of Register.

- (1) The Commission shall establish and keep a register in a form it may determine and shall record in it
  - (a) licences issued under this Act and the relevant conditions;
  - (b) suspensions and cancellation of licences; and
  - (c) other information relating to licences that the Commission considers appropriate.
- (2) Where it appears to the Commission that entry of any condition in the register would be contrary to the public interest or the commercial interest of any person, the Commission shall not enter that condition in the register.
- (3) A person may on payment of a fee, require the Commission to supply to that person an extract from any part of the register.

#### Section 53—Inspectors.

- (1) For the purpose of this Act, inspectors may be appointed for the Commission
- (2) An inspector appointed under this Act shall carry out such functions that the Commission may determine for the purpose of giving full effect to this Act.
- (3) An inspector may at reasonable times

(a) enter and inspect premises, which the inspector knows or reasonably suspects to be used for a purpose to which this Act applies, to ensure that the provisions of this Act are complied with:  
or

(b) enter premises to perform any other function imposed on the inspector under this Act.

#### Section 54—Directions in the Interest of National Security and International Relations.

(1) The Commission may, in consultation with the Minister give to a licensee, specific or general direction as it considers necessary or expedient in the interest of

(a) national security; or

(b) the country's international relations with other countries.

(2) The licensee shall give effect to any direction given by the Commission, notwithstanding any other duty imposed on the licensee under this Act.

(3) The Minister may in consultation with the Minister responsible for Finance and with the approval of Parliament, compensate the licensee for loss sustained through compliance with directions given under this section.

#### Section 55—Regulations.

The Minister on the advice of the Commission may by legislative instrument make Regulations

(a) to provide for the payment of compensation for loss or damage in the course of transmission of postal articles including any limit to the amount payable;

(b) to prohibit the transmission by post of articles not proscribed under section 29;

(c) for the detention, disposal or destruction of postal articles the transmission of which is prohibited under this Act;

(d) for the safe keeping pending further action of valuable or saleable enclosures found in postal articles lawfully opened under this Act;

(e) prescribing the period within which undelivered postal articles shall be returned to the sender;

(f) to provide for the publication of a list of undelivered postal articles;

(g) to amend the Schedule to this Act;

(h) to provide for the manner in which undelivered postal articles shall be finally disposed of;  
and

(i) generally for the effective implementation of this Act.

#### Section 56—Interpretation.

(1) In this Act unless the context otherwise requires

"Commission" means the Postal and Courier Services Regulatory Commission established under section 1;

"courier service" means a service for the receipt and delivery of correspondence, items of value or both, such as parcels and packets, for which no postage stamp is required;

"Ghana Post" means the Ghana Post Company Limited registered under the Companies Code 1963 (Act 179);

"IATA" means International Air Traffic Association;

"inspector" means an inspector appointed for the Commission under section 53;

"letter" means any communication in writing directed to a specified person or address and include postcards;

"licence" means an authorisation granted by the Commission under sections 13 and 15 (2) of this Act for the provision of postal service;

"licence" means a person to whom a licence has been granted under this Act;

"mail" includes little articles collected for conveyance by post, loose articles and every mail bag or conveyance of any kind by which articles are carried whether or not it contains postal articles;

"mail bag" includes any container, bag, parcel, basket, envelope or other conveying in which postal articles are conveyed whether or not it contains postal articles;

"member" means a member of the Commission;

"Minister" means the Minister with responsibility for Communications;

"money order" means a money order issued by a licensee for payment;

"post" means any system for the collection, dispatch, or conveyance of postal articles:

"post office" includes

(a) 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 postal purpose in connection with the rendering of any postal money transfer or other services by Ghana Post; and

(b) any pillar box or other receptacle provided by or under the authority of Ghana Post for the reception of postal articles;

"postage stamp" includes a label or stamp for denoting postage or other sum payable in respect of a postal article and which is an adhesive stamp, printed, impressed or otherwise indicated on a postal article whether the stamp is issued under this Act or by the government of any other country.

"postal article" includes a letter, postcard, reply postcard, lettercard, newspaper, book, packet, printed paper, pattern or sample packet, small packet or parcel and every other packet article when in course of conveyance by post and includes a telegram when conveyed by post;

(a) and constitutes delivery to a post office where it is placed in any receiving box for the deposit of postal articles, or delivered to an employee of Ghana Post in the course of the employee's duties; or

(b) and constitutes delivery to the addressee where it is

(i) delivered at the house or office of the addressee,

(ii) delivered to the addressee's servant or agent or any other person considered to be authorised to receive the article according to the usual mode of delivery to the addressee;

(iii) delivered to the addressee's authorised agent or hotel proprietor or manager, where the addressee is a guest at or is resident in a hotel; or

(iv) placed in the addressee's private box or bag.

Section 57—Repeal and Savings.

(1) The Ghana Postal Services Corporation Act 1995 (Act 505) is hereby repealed.

(2) Notwithstanding the repeal, any authorisation granted under that Act and valid on the date of the coming into force of this Act shall continue to be in force until it expires or is renewed under this Act.

(3) Notwithstanding the repeal, any statutory instrument made under the repealed enactment and in force on the coming into force of this Act shall continue to apply unless revoked under this Act.

(4) Any licence granted by Ghana Post which is in force prior to the commencement of this Act, shall be deemed to have been granted under this Act by the Commission.

#### SCHEDULE

##### POSTAL SERVICES EXCLUSIVE TO GHANA POST

(Section 15 (1))

1. Sole authority to convey letters, postcards, printed matters, small parcels and other postal articles of a weight up to and including one hundred grams.
2. Printing and selling of postage and commemorative stamps.
3. Printing and selling of Postal Order and Money Order.

**Date of Gazette Notification: 15th August, 2003**