

POSTAL AND COURIER SERVICES REGULATORY COMMISSION ACT, 2003
ACT 649

ARRANGEMENT OF SECTIONS

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. The governing body of the Commission.
5. Tenure of office of members of the Council.
6. Meetings of the Council.
7. Disclosure of interest.
8. Committees of the Council.
9. Allowances of members.

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.

Postage Stamps and Postal Operations

25. Postage stamps.
26. Postal charges.
27. Copyright in stamps and other philatelic materials.

pygp p

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.

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.

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.

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 Postal Service Exclusive to Ghana Post

ACT 649

POSTAL AND COURIER SERVICES REGULATORY COMMISSION ACT, 2003(1)

AN ACT to establish the Postal and Courier Services 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.

Establishment, Objects and Functions of Postal and Courier Services Regulatory Commission

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 performance 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.

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) 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.

3. Directions to the Commission

The Minister may give to the Commission the directions that appear to the Minister to be required in

the public interest for the functions of the Commission.

4. The governing body of the Commission

(1) The governing body of the Commission is a Council consisting of

(a) the chairperson,

(b) four persons with knowledge in matters relevant to the functions of the Commission, at least

two of whom are women,

(c) one representative of the relevant sector Ministry, and

(d) the Executive Secretary appointed under section 32 (1).

(2) The members of the Council should be appointed by the President in accordance with article 70 of

the Constitution.

5. Tenure of office of members of the Council

(1) A member of the Council 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 Council 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 Council.

(4) The chairperson of the Council shall through the Minister notify the President and the appropriate

institution of a vacancy which occurs in the membership of the Council 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 Council 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.

6. Meetings of the Council

(1) The Council shall meet at least once every two months at the times and places determined by the

chairperson.

(2) The chairperson shall, on the request of not less than one-third of the membership of the Council

convene a special meeting of the Council.

(3) The quorum at a meeting of the Council is four members including the Executive Secretary or the

person acting in that capacity.

(4) The chairperson shall preside at the meetings of the Council and in the absence of the chairperson

a member of the Council elected by the members present from among their number shall preside.

(5) Matters before the Council 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 an

equality of votes have a casting vote.

(7) The Council may co-opt a 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 Council 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 Council shall determine and

regulate the procedure for its meetings.

7. Disclosure of interest

(1) A member of the Council who is directly interested in a matter being considered or dealt with by

the Council shall disclose the nature of that interest at a meeting of the Council and shall not take part in

the deliberation or decision of the Council 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 Council.

8. Committees of the Council

The Council may for the performance of its functions, appoint committees comprising members of the

Council or non-members or both and may assign to a committee a function of the Council as determined

by the Council, but a committee composed entirely of non-members may only advise the Council.

9. Allowances of members

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

Finance.

Licensing and Regulation of Postal and Courier Services

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.

11. Qualification for licence

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

(a) a citizen,

(b) a body corporate registered under the Companies Act, 1963 (Act 179), or

(c) a partnership registered under the Incorporated Partnerships Act, 1962 (Act 152).

12. Application for licence

(1) An application for a licence shall be made to the Commission on a form determined by the

Council and shall be accompanied with the fee and the documents that the Council shall determine.

(2) The Council shall

(a) on 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 Council.

(3) The Council 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.

13. Grant of licence

(1) The Council 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, or

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

14. Courier service

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

(a) develop and publish with the approval of the Council, standards by which the courier

operates,

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

undertaking, and

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

Council.

15. Designation of national postal service provider

(1) The Ghana Post Company Limited 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 Council shall on 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 the

conditions that it may determine in writing, delegate the performance of a function conferred on it under

this Act to a person.

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.

17. Contract to convey postal articles

Ghana Post may contract a person to convey a postal article by land, sea or air on its behalf and on

conditions that may be agreed on between Ghana Post and the person contracted.

18. Licence not transferable without written approval

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

Council.

19. Renewal of licence

(1) A licence may be renewed on 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

Council shall cease to provide the postal or courier service ninety days after the expiration of the licence.

20. Power to modify licence

(1) The Council may, subject to this Act and the Regulations, modify a licence if it considers that the

modification is required in the public interest.

(2) A modification shall not be made unless the Council has given at least sixty working days notice

in writing to the licensee

(a) stating that the Council proposes to make the modifications, and

(b) setting out the consequences of the modification.

(3) The Council shall consider the 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 an expense incurred or damage caused as a

result of a modification to a licence made under subsection (1).

21. Suspension or cancellation of licence

(1) Where the Council is satisfied that a licensee is not complying with or has not complied with the

conditions of the licence, the Council may suspend or cancel the licence.

(2) A suspension or cancellation shall not be made unless the Council gives the licensee a written

notice specifying in the notice the cause of dissatisfaction of the Council and giving directions for

rectification of the breach and the action proposed to be taken by the Council in the event of

non-compliance with the notice.

(3) The Council 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 within a reasonable period.

(4) The Council 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.

22. Complaint to the Minister

(1) A person aggrieved by

(a) a rejection or refusal of the Council 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 of 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 the

alternative dispute resolution process available or in the Court.

23. Production of books of account and records

The Council, 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 Council.

24. Quality of postal services

(1) The Council may for the purpose of monitoring the quality of postal services provided by a

licensee, appoint an independent consultant who shall by a written report make recommendations to the

Commission on measures to be taken to improve the quality of services.

(2) The Council shall in appointing a consultant under subsection (1) specify the type of postal

services and licensee to be monitored.

Postage Stamps and Postal Operations

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

or other sum chargeable under this Act, except where Ghana Post decides that prepayment may be made

in some other form.

26. Postal charges

(1) Ghana Post shall publish at every post office in the country a notice showing the charges and any

other conditions on 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.

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" includes

(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.

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.

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) a sharp instrument not properly protected;

(c) a 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) an indecent or a pornographic printing, painting, photograph, lithograph, engraving, book,

card or any other indecent pornographic article in whatever form;

(e) a postal article that bears on the cover of it 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) a printing, painting, photograph, lithograph, book or card which may be prejudicial to public

safety or to the peace and public order of a part of the country; or

(i) any other article prohibited for carriage in the interest of national security or International

Air Traffic Association regulations or any other international rules of carriage.

(2) Despite 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 any other

valuable articles.

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 Republic.

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 proceedings under this or any other

enactment.

Administration and Financial Provisions

32. Executive Secretary

(1) The Commission shall have an Executive Secretary who shall be appointed by the President in

accordance with article 195 of the Constitution.

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

(3) The Executive Secretary shall hold office on the term and conditions specified in the Executive

Secretary's letter of appointment.

(4) The Executive Secretary is responsible for the day-to-day administration of the affairs of the

Commission and shall ensure the implementation of the decisions of the Council.

(5) The Executive Secretary may delegate the day-to-day administration of the affairs of the

Commission to an officer but the Executive Secretary is ultimately responsible for the performance of a

delegated function.

33. Appointment of other staff of the Commission

(1) The President may, acting in accordance with article 195 of the Constitution, appoint officers or

any 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.

34. Funds of the Commission

(1) The source of funds of the Commission includes

(a) Government subvention,

(b) the loans granted to the Commission,

(d) the moneys accruing to the Commission in the course of the performance of its functions

under this Act including moneys from investments made by the Commission, and

(e) grants.

(2) The moneys due to the Commission and received on account shall be paid into a bank account

determined by the Commission, but the Commission may invest money not required for immediate use as

the Council considers appropriate.

35. Accounts and audit

(1) The Commission shall keep books of account and proper record in relation to them in the form

approved by the Auditor-General.

(2) The books of account of the Commission shall be audited annually 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.

36. Annual report

(1) The Council 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) any 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 a statement that the Minister may consider necessary.

Postal Offences and Penalties

37. Unlawfully taking away or opening mail bag sent by postal services

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 five hundred penalty

units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

38. Unlawful use of stamp or franking machine

A person who with intent to defraud

(a) removes from a postal article a 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 a revenue, duty or tax on 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 fifty penalty units but

not more than two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve

months or to both the fine and the imprisonment.

39. Unlawful interference with mail

A person who

(a) interferes with a mail or postal article otherwise than in accordance with the provisions of

this Act or the Regulations, or

(b) fraudulently puts, alters, removes or erases an official mark on a postal article,

commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units but

not more than two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve

months or to both the fine and the imprisonment.

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 do not have a 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 licensee 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 fifty penalty units but

not more than two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve

months or to both the fine and the imprisonment.

41. Fraudulent use of philatelic material

A person who

(a) counterfeits philatelic material,

(b) uses without authority, the proof of which lies on that person, a stamp designed for Ghana

Post, or

(c) continues to use commemorative and definitive postage stamps for postage purposes after the

stamps have been demonetised or invalidated,

commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty

units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

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 two hundred and fifty penalty units and not exceeding one thousand penalty units or to a term of

imprisonment not exceeding three years or to both the fine and imprisonment.

43. Prohibition of false notice as to reception of letter and sale of stamps

(1) A person shall not inscribe on a receptacle placed or maintained in any premises under that

person's control or on any premises, without the authority of Ghana Post,

(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.

(2) A person shall not inscribe on a vehicle or vessel, 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 mail

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 two hundred and fifty penalty units or to a term of imprisonment not

exceeding twelve months or to both the fine and the imprisonment.

44. Damage to post office letter box

A person who destroys or damages a receptacle provided by Ghana Post for the reception of postal

articles or the notices on any receptacle, commits an offence and is liable on conviction to a fine of not

less than fifty penalty units and not more than two hundred and fifty penalty units or to a term of

imprisonment not exceeding twelve months or to both the fine and the imprisonment.

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) on which or on 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 fifty penalty units and

not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve

months or to both the fine and the imprisonment.

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,

a 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 one hundred penalty units and not more than five hundred penalty units or to a term of

imprisonment not exceeding two years or to both the fine and the imprisonment.

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 a 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 two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve

months or to both the fine and the imprisonment.

48. General penalty

A person who contravenes or fails to comply with a provision of this Act commits an offence and,

where a penalty is not expressly provided, is liable on conviction to a fine not exceeding two hundred and

fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the

imprisonment.

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 convicted of an offence under subsection (1) where that person

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

knowledge or connivance, or

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

regard to the circumstances.

Miscellaneous Provisions

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.

51. Settlement of disputes

(1) A dispute between a customer and a licensee may be referred to the Commission by either party,

where 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 a charge related to provision of a postal

service which is not authorised under this Act.

(2) Where a dispute is referred to the Commission, the Council or a person appointed by the Council

shall determine whether the allegation is well founded and where it is, the Council or that person shall

make the determination that it or that person considers appropriate together with a statement of reasons

for the determination made.

(3) An act or omission of a licensee which is authorised by a 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 Council.

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 Council that entry of a condition in the register would be contrary to the

public interest or the commercial interest of a person, the Council shall not enter that condition in the

register.

(3) A person may on payment of a fee, require the Council to supply to that person an extract from a

part of the register.

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 the functions that the Council may determine

for the purpose of giving full effect to this Act.

(3)

An inspector may at a reasonable time

(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.

54. Directions in the interest of national security and international relations

(1) The Council may, in consultation with the Minister give to a licensee, specific or general direction

that 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 a direction given by the Council, despite 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.

55. Regulations

The Minister on the advice of the Council 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.

56. Interpretation

(1)

In this Act unless the context otherwise requires

“Auditor-General” includes an auditor appointed by the Auditor-General;

“citizen” means a citizen of Ghana;

“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 a postage stamp is not required;

“Court” means a court of competent jurisdiction;

“Ghana Post” means the Ghana Post Company Limited registered under the Companies Act, 1963

(Act 179);

“inspector” means an inspector appointed for the Commission under section 53;

“letter” includes a communication in writing directed to a specified person or address and

postcard;

“licence” means an authorisation granted by the Council under sections 13 and 15 (2) of this Act

for the provision of postal service;

“licensee” 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, envelop or other covering in which postal

articles are conveyed whether or not it contains postal articles;

“member” means a member of the Council;

“Minister” means the Minister with responsibility for Communications;

“money order” means a money order issued by a licensee for payment;

“post” means a 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) a 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;

“postal service” means any service licensed to be rendered under this Act;

“Regulations” means the Regulations made under this Act.

(2) For the purpose of this Act, a postal article is in the course of conveyance or transmission by post,

and

(a) constitutes delivery to a post office, where it is placed in a 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) 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.

57.

Repeal and savings

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

(2) Despite the repeal, an 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) Despite the repeal, a 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) A 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.

Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 10th August, 2003, and notified in the Gazette on 15th August, 2003.