

A BILL

FOR

AN ACT TO REPEAL THE NIPOST ACT CAP N. 127 LFN, 2004, PROVIDE FOR THE OPERATION AND DEVELOPMENT OF POSTAL SERVICES; THE ESTABLISHMENT OF THE NIGERIAN POSTAL COMMISSION AND FOR RELATED MATTERS

Sponsored by Senator Prince Gilbert Nnaji

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I- ESTABLISHMENT, FUNCTIONS AND POWERS OF THE NIGERIAN POSTAL COMMISSION

1 S. 1-(1) there is hereby established a Commission to be known as
2 the Nigerian Postal Commission, hereinafter called the Commission;

3 (2) the Commission shall be a body corporate with perpetual
4 succession, a common seal and can sue and be sued in its corporate name
5 with the powers to do the following:

6 (a) enter into contract and incur obligations;

7 (b) acquire, hold, mortgage, purchase and deal with property,
8 whether movable or immovable, real or personal; and

9 (c) do all such things as are necessary for or incidental to the
10 carrying out of its functions and duties under this Bill.

11 (3) the Commission may be structure into departments as the
12 Board may from time to time deem appropriate for the effective discharge of
13 its functions.

14 S. 2-(1) the Commission shall have the following functions:

15 (a) the facilitation of investment in and entry into the Nigerian
16 Postal market for the provision and supply of postal services, equipment and
17 facilities;

1 (b) the protection and promotion of the interest of the consumers
2 against unfair practices including but not limited to matters relating to tariffs
3 and charges for and the availability and quality of services;

4 (c) ensuring that licensees implement and operate at all times the most
5 efficient and accurate tariff system;

6 (d) the promotion of fair competition in the postal industry and
7 protection of postal services and facilities providers from misuse of market
8 power or anti-competitive and unfair practices by other service or facilities
9 providers or equipment suppliers;

10 (e) granting and renewing postal licenses whether or not the licenses
11 themselves provide for renewal in accordance with the provision of this Bill
12 and monitoring and enforcing compliance with license;

13 (f) general responsibility for economic and technical regulation of the
14 postal industry;

15 (g) improving the efficiency and effectiveness of the postal sector by
16 encouraging the integration of modern information and communication
17 technology;

18 (h) undertake such other activities which are necessary or convenient
19 for better carrying out of or giving effect to the functions of the Commission.

20 (2) in carrying out the functions aforesaid, the Commission shall have
21 powers to-

22 (a) fix and collect fees for grant of postal licenses and other regulatory
23 services provided by the Commission;

24 (b) develop and monitor performance standards, and indices relating
25 to the quality of postal services and facilities supplied to consumers in Nigeria
26 having regards to the best international performance indicators;

27 (c) make and enforce regulations and guidelines in accordance with
28 Part 14 of this Bill as may be necessary from time to time to give effect to the
29 intendment of this Bill;

30 (d) liaise with any relevant government authority or agency in the

- 1 naming and numbering of streets and houses;
- 2 (e) formulate and manage Nigerian inputs into the setting of
3 international technical standards for postal services and equipment;
- 4 (f) encourage and promote infrastructure sharing among licensees
5 and providing regulatory guidelines thereon;
- 6 (g) examine and resolve complaints and objections filed by and
7 disputes between licensed operators, consumers or any other person
8 involved in the postal industry, using such dispute-resolution methods as the
9 Commission may determine from time to time including mediation and
10 arbitration;
- 11 (h) prepare and implement programme and plans that promote and
12 ensure the development of the postal industry and the provision of postal
13 services in Nigeria;
- 14 (i) design, manage and implement universal Postal service strategy
15 and programme in accordance with Federal Government general policy and
16 objectives thereon;
- 17 (j) advise the Minister on the formulation of the general policies for
18 the postal industry and generally on matters relating to the postal industry in
19 the exercise of the Minister's functions and responsibilities under this Bill;
- 20 (k) implement Government's general policies on postal industry
21 and the execution of all such other functions and responsibilities as are given
22 to the Commission under this Bill;
- 23 (l) advise and assist postal industry stakeholders and practitioners
24 with a view to the development of the industry
- 25 (m) represent Nigeria at proceedings of international organizations
26 and for a on matters relating to regulation of postal and matters ancillary
27 thereto; and
- 28 (n) conduct market research on the following and other related
29 matters-
- 30 (l) the extent of the development of Nigerian Postal industry,

- 1 (ii) needs of postal operators,
- 2 (iii) quantitative and qualitative characteristics of demand for postal
3 service,
- 4 (g) improving the efficiency and effectiveness of the postal sector by
5 encouraging the integration of modern information and communication
6 technology;
- 7 (h) undertake such other activities which are necessary or convenient for
8 better carrying out of or giving effect to the functions of the Commission.
- 9 (2) in carrying out the functions aforesaid, the Commission shall have
10 powers to-
- 11 (a) fix and collect fees for grant of postal licenses and other regulatory
12 services provided by the Commission;
- 13 (b) develop and monitor performance standards, and indices relating to the
14 quality of postal services and facilities supplied to consumers in Nigeria having
15 regards to the best international performance indicators;
- 16 (c) make and enforce regulations and guidelines in accordance with Part
17 14 of this Bill as may be necessary from time to time to give effect to the intendment
18 of this Bill;
- 19 (d) liaise with any relevant government authority or agency in the naming
20 and numbering of streets and houses;
- 21 (e) formulate and manage Nigerian inputs into the setting of international
22 technical standards for postal services and equipment;
- 23 (f) encourage and promote infrastructure sharing among licensees and
24 providing regulatory guidelines thereon;
- 25 (g) examine and resolve complaints and objections filed by and disputes
26 between licensed operators, consumers or any other person involved in the postal
27 industry, using such dispute-resolution methods as the Commission may determine
28 from time to time including mediation and arbitration;
- 29 (h) prepare and implement programme and plans that promote and ensure
30 the development of the postal industry and the provision of postal services in

- 1 Nigeria;
- 2 (i) design, manage and implement universal Postal service strategy
3 and programme in accordance with Federal Government general policy and
4 objectives thereon;
- 5 (j) advise the Minister on the formulation of the general policies for
6 the postal industry and generally on matters relating to the postal industry in
7 the exercise of the Minister's functions and responsibilities under this Bill;
- 8 (k) implement Government's general policies on postal industry
9 and the execution of all such other functions and responsibilities as are given
10 to the Commission under this Bill;
- 11 (l) advise and assist postal industry stakeholders and practitioners
12 with a view to the development of the industry
- 13 (m) represent Nigeria at proceedings of international organizations
14 and for a on matters relating to regulation of postal and matters ancillary
15 thereto; and
- 16 (n) conduct market research on the following and other related
17 matters-
- 18 (i) the extent of the development of Nigerian Postal industry,
19 (ii) needs of postal operators,
20 (iii) quantitative and qualitative characteristics of demand for
21 postal service,
22 (iv) economic, operational and labour-related data on postal
23 operators,
24 (v) the level of technical development of postal operators,
25 (vi) an analysis of the current legal framework for the postal sector,
26 including provisions with respect to competition and consumers,
27 (vii) the technical and economic viability of postal service
28 enterprises,
29 (viii) the quality of postal service rendered by the different service
30 operators within the industry,

1. (ix) universal postal service standards
2. (x) the scope of the universal postal services rendered by the operators,
3. (xi) supply and demand for universal services,
4. (xii) standards of quality and prices on the postal market,
5. (xiii) the level of investment in the postal sector
6. (xiv) development plans and the level of investment by the universal
7. service operator, and
8. (xv) publishing of the result of the market study;
9. (0) establish and administer appropriate pricing system for service
10. offerings on the postal market including-
11. (i) universal postal services provided by the postal operators,
12. (ii) services open to competition provided by all postal operators;
13. (p) define, delimit and design the content and scope of, measure and
14. activities required for the provision of Universal Postal Services;
15. (q) participate in Universal Postal costing and pricing methodologies.
16. (3) (a) the Commission shall at all times carry out its functions and duties and
17. exercise its powers hereunder efficiently, effectively and in a non-discriminatory
18. and transparent manner and in a way that is best calculated to ensure that there
19. are provided throughout Nigeria, subject to the regulatory controls specified in
20. this Bill, all forms of postal services, facilities and equipment on such terms and
21. subject to such conditions as the Commission may, from time to time, specify.

22. PART 2 - ESTABLISHMENT OF THE GOVERNING BOARD

23. AND ITS MEMBERSHIP

24. S. 3 -(1) There is established for the Commission a Governing Board (in

25. this Act referred to as "the Board") charged with the administration of the affairs of

26. the Commission.

27. (2) The Board consists of 7 members, otherwise called Commissioners

28. made up of-

29. (a) a chairman,

30. (b) the Director General of the Commission who is knowledgeable in

1 postal administration and regulation

2 (c) two Executive Commissioners, and

3 (d) three non-executive Commissioners,

4 (3) all Commissioners, Director General and the Chairman
5 appointed after the coming into force of the Bill shall be made by the
6 President in accordance with the provisions of this Bill and from the six geo-
7 political zones of the country subject to the confirmation by the Senate

8 (4) Notwithstanding any other provision of this Bill, the President
9 shall ensure at all times that there is a duly constituted Board of
10 Commissioners and that there are a minimum of 5 serving Commissioners
11 on the Board at any and all times, made up of the Director General;

12 (a) 2 Executive Commissioners; and

13 (b) 2 non-executive Commissioners.

14 (5) The supplementary provisions set out in the First Schedule to
15 this Bill shall have effect with respect to the proceedings of the Board and
16 the other matters contained therein.

17 (6) Subject to subsection (4) of this section, the Board shall have
18 capacity to make standing orders for the regulation of its proceedings and
19 meetings howsoever and acts of the Board shall be deemed to be acts of the
20 Commission.

21 **S.4-**The remunerations and allowances, payable to the
22 Commissioners, including the Director General and Executive
23 Commissioners, shall at the instance of the Board be determined and
24 reviewed from time to time by the National Salaries, Incomes and Wages
25 Commission.

26 **S. 5 -(1)** Commissioners shall be persons of recognized standing,
27 qualification and experience in their respective fields.

28 (2) A person shall not be appointed or remain in office as a
29 Commissioner if-

30 (a) he is not a Nigerian citizen;

- 1 (b) he is not ordinarily resident in Nigeria;
- 2 (c) he is a serving member of the National Assembly, State House of
3 Assembly or any Local Government Council;
- 4 (d) he is incapacitated by any physical illness;
- 5 (e) he has been certified to be of unsound mind;
- 6 (f) he is an un-discharged bankrupt;
- 7 (g) he has been convicted in Nigeria or elsewhere of a criminal
8 offence, being a misdemeanor or felony; or
- 9 (h) he has at any time been removed from an office of trust on account
10 of misconduct.

11 (3) The conflict of interest provisions contained in the Second
12 Schedule to this Bill shall apply to all Commissioners.

13 S. 6- (1) The Minister shall make recommendations to the President
14 on suitably qualified persons for appointment as the Commission's Director
15 General and Executive Commissioners and the President shall take the
16 Commission's recommendations into consideration for the appointment.

17 (2) All Commissioners, except the Director General and the
18 Executive Commissioners, shall hold office on part-time basis.

19 (3) Subject to sections 10(3) and 10(4) of this Bill, each
20 Commissioner shall serve for a term of five years from the date of his
21 appointment at the expiration of which the President may renew his term for a
22 further period of 5 years and no more.

23 (4) Subject to sections 9(3) and 9(4) of this Bill, all Commissioners
24 who were appointed prior to and are still serving as at the commencement date
25 of this Bill shall be deemed upon the commencement of this Act to be serving
26 their initial term of 5 (five) years, calculated from their respective dates of
27 appointments and shall, subject to Subsection

28 (4) of this section, be eligible thereafter for renewal of their
29 respective tenures.

30 S. 7- A Commissioner may resign his office by giving 3 months

1 written notice thereof addressed to the President through the Minister.

2 S.8. -(1) Subject to subsections (2), (3) and (4) of this section, a
3 Commissioner may be suspended or removed from office by the President if
4 he-

5 (a) is found to have been unqualified for appointment as a
6 Commissioner pursuant to Section 7 of this Act or is in breach of Section
7 7(2) hereof after his appointment;

8 (b) has demonstrated inability to effectively perform the duties of
9 his office;

10 (c) has been absent from five consecutive meetings of the Board
11 without the consent of the Chairman except he shows good reason for such
12 absence;

13 (d) is guilty of a serious misconduct in relation to his duties as a
14 Commissioner;

15 (e) in the case of a person possessed of professional qualifications,
16 he is disqualified or suspended from practicing his profession in any part of
17 the world by an order of a competent authority; or

18 (f) is in a breach of the conflict of Interest Rules set out in the
19 Second Schedule to this Bill.

20 (2) Prior to the suspension or removal of a Commissioner under
21 subsection (1) of this section, the President shall inform the Commissioner
22 by written notice, as soon as practicable, of his intention to suspend or
23 remove the Commissioner from office and the reasons therefore.

24 (3) The affected Commissioner under subsection (1) of this section
25 shall be given a reasonable opportunity to make written submissions to the
26 President within a time period specified in the notice and such time period
27 shall not be less than 14 days from the date of the notice.

28 (4) The affected Commissioner may, within the time period
29 specified in the notice, submit a written submission and the President shall
30 consider the submission in making his final decision on the Commissioner's

1 suspension or removal from office.

2 S. 9 -(1) There is a vacancy in the Board if a Commissioner-

3 (a) dies;

4 (b) is removed from office in accordance with Sections 7 or 8 of this

5 Bill; or

6 (c) resigns from office; or

7 (d) upon the completion of his tenure of office.

8 (2) A vacancy in the Board shall be filled by the appointment of

9 another person to the vacant office by the President in accordance with section

10 7 of this Bill, as soon as is reasonably practicable after the occurrence of such

11 vacancy.

12 (3) Subject to subsection (4) of this section, in the instance of a

13 vacancies on the Board that are created consequent upon death, removal or

14 resignation of a Commissioner, any person so appointed shall hold office for

15 the unexpired period of the term of office of his predecessor.

16 (4) The provisions of subsection (3) of this Section shall not apply to

17 the filling of vacancies in respect of Executive Commissioners howsoever and

18 whenever created.

19 PART 3- STAFF OF THE COMMISSION

20 S.10 -(1) The Director General who shall be the Chief Executive of

21 the Commission shall be primarily responsible for the execution of the policies

22 and decisions of the Board and for the day-to-day management and supervision

23 of the activities of the Commission.

24 (2) the Director General shall be a person possessing sound

25 knowledge of and ability in the organisation and management of postal matters

26 and he shall hold office for a term of five years and may be renewed for another

27 term and no more.

28 S.11-The Executive Commissioners shall be persons possessing

29 sound knowledge of and ability in the organisation and management of postal

30 regulatory matters and they shall hold office for a term of five years and may be

1 renewed for another term and no more.

2 S.12-(1) There shall be appointed by the Board, for the
3 Commission a secretary who shall not be a Commissioner but shall possess
4 relevant and adequate professional qualifications, with not less than 10
5 years post-qualification experience.

6 (2) The Secretary shall keep the corporate records of the
7 Commission and perform such other duties and functions as the Chairman
8 or the Director General may from time to time direct.

9 S.13-(1) The Commission shall have powers to appoint such
10 number of other persons as it deems necessary as staff of the Commission.

11 (2) The employment of the Commission's staff, including the
12 Secretary, shall be subject to such terms and conditions as may from time to
13 time be stipulated by the Board and contained in the respective staff's
14 employment contracts.

15 S.14-(1) The Commission shall develop and implement
16 appropriate staff conditions of service for its staff with particular regard to
17 the issues of remuneration, pensions scheme and other fringe service
18 benefits, sufficient for the Commission to attract and retain quality and high
19 calibre manpower.

20 (2) The Board shall consider and, in consultation with the National
21 Salaries, Incomes and Wages Commission determine and review from time
22 to time, the remunerations and allowances, payable to the Commission's
23 staff.

24 (3) The conflict of interest provisions contained in the Second
25 Schedule to this Bill shall apply to all employees of the Commission.

26 (4) Notwithstanding the provisions of the Pensions Act, service in
27 the Commission shall be approved service for the purposes of that Bill and
28 accordingly, officers and other persons employed in the Commission shall
29 in respect of their services in the Commission, be entitled to pensions,
30 gratuities and other retirement benefits as are enjoyed by persons holding

1 equivalent grades in the Civil Service of the Federation, so however that
2 nothing in this Bill shall prevent the appointment of a person to any office on
3 terms which preclude the grant of pension and gratuity in respect of that office.

4 (5) For the purposes of the application of the Pensions Act, any power
5 exercisable there under by a Minister or other Authority of the Federal
6 Government, other than the power to make regulations hereof, is hereby vested
7 in and shall be exercisable by the Commission and not by any other person or
8 authority.

9 PART 4 - FINANCIAL PROVISIONS

10 S.15-(1) The Commission shall establish and maintain a fund from
11 which all expenditures incurred by the Commission shall be defrayed.

12 (2) The Fund shall comprise funds derived from but not limited to the
13 following sources-

14 (a) such monies as may be appropriated to the Commission from time
15 to time by the National Assembly; subject to subsection (3) of this section,

16 (b) fees charged by the Commission under this Bill or its subsidiary
17 legislation or under any licence issued pursuant to this Bill;

18 (c) gifts, loans, grants, aids, etc;

19 (d) all other assets that may from time to time accrue to the
20 Commission;

21 (3) The Commission shall pay all monies accruing from the sale of
22 licences into the Consolidated Revenue Fund;

23 (e) a fixed percentage of the annual turnover of the respective
24 licensees, to be determined by the Commission from time to time;

25 (f) fines and administrative charges;

26 (g) a fixed amount of money per kilogram of international
27 transactions through the airports to be determined by the Commission from
28 time to time.

29 S.16-(1) The Commission may, with the consent of, or in accordance
30 with the general authority given by the Minister of Finance, borrow such sums

1 of money as the Commission may require in the exercise of its functions
2 under this Act or its subsidiary legislation.

3 (2) The Commission may accept gifts or grants of money or aids or
4 other property from national, bilateral and multi-lateral organisations and
5 upon such terms and conditions, if any, as may be agreed upon between the
6 donor and the Commission provided that such gifts are not inconsistent with
7 the objectives and functions of the Commission under this Bill.

8 S.17-(1) The Commission shall not later than 30th September in
9 each financial year prepare and present to the National Assembly through
10 the President for approval, a statement of estimated income and expenditure
11 for the following financial year.

12 (2) Notwithstanding the provisions of subsection (1), the
13 Commission may also, in any financial year, submit supplementary or
14 adjusted statements of estimated income and expenditure to the National
15 Assembly through the President for approval.

16 (3) Subject to subsections (1) and (2) of this section, the
17 Commission shall apply the proceeds of the Commission's Fund-

18 (i) to meet the administrative and operating costs of the
19 Commission;

20 (ii) for the payment of salaries, wages, fees and other allowances,
21 retiring benefits such as pensions and gratuities and, any other
22 remunerations payable to the Commissioners and staff of the Commission;

23 (iii) for the purchase or acquisition of property or other equipment
24 and other capital expenditure and for maintenance of any property acquired
25 or vested in the Commission;

26 (iv) for purposes of investment; and

27 (v) for or in connection with all or any of the functions of the
28 Commission under this Bill or its subsidiary legislation.

29 S.18-(1) The financial year of the Commission shall start on 1st
30 January of each year and end on 31st December of the same year.

1 (2) The Commission shall keep proper records of its accounts in
2 respect of each year and shall cause its accounts to be audited within 6 months
3 from the end of each financial year by auditors whose appointment shall be
4 approved by the Board and shall be subject to reappointment on annual basis
5 provided that such auditors are on the list of auditors approved from time to
6 time by the Auditor - General for the Federation.

7 **S.19 -**(1) The Commission shall prepare and submit to the National
8 Assembly annually, through the President, not later than 6 months after the end
9 of its financial year, a report on the activities of the Commission for the
10 preceding financial year and shall include therein the Commission's audited
11 accounts for the year under review together with the auditor's report thereon.

12 (2) The Commission's report under subsection (1) of this section shall
13 have as an attachment thereto the report as specified in this Bill.

14 **S.20-** The provisions of any enactment relating to the taxation of
15 companies or trust funds shall not apply to the Commission.

16 PART 5- FUNCTIONS OF THE MINISTER

17 **S.21-**(1) The Minister shall have the following responsibilities and
18 functions pursuant to this Bill -

19 (a) the formulation, determination and monitoring, of the general
20 policy for the postal sector in Nigeria, to ensure, amongst others, the utilization
21 of the sector as a platform for the economic and social development of Nigeria;

22 (b) the negotiation and execution of international postal treaties and
23 agreements, on behalf of Nigeria, between sovereign countries and
24 international organisations and bodies;

25 (c) the representation of Nigeria, in conjunction with the
26 Commission, at proceedings of international organisations and for a on matters
27 relating to the postal industry;

28 (d) establish the broad policy framework for universal service with
29 respect to basic and advanced postal services;

30 (e) formulate and review broad structure and institutional framework

1 for the postal industry.

2 (2) Based on the time sensitivity in the delivery of express cargo or
3 courier items and in the bid to achieve the ultimate goal of consumer
4 satisfaction, the Minister, upon reasonable conviction that such express
5 cargo or courier items conveyed by postal sector operators are time
6 sensitive, shall exempt such express cargo or courier items from the Risk
7 Assessment Report (RAR), or the like.

8 (3) consequent upon the time sensitivity in the delivery of express
9 cargo or courier items and in the effort to achieve maximum customer
10 satisfaction the Minister upon the satisfaction that such express cargo or
11 courier items have been inspected by relevant law enforcement agencies at
12 designated sheds, bonded warehouses and other such inspection centers,
13 exempt such express cargo or courier items from inspection on highways or
14 roads by law enforcement agents, state and local government operators in
15 the course of the delivery of such express cargo or courier items.

16 (4) subject to subsection three of this section, all relevant taxes
17 meant to be paid by the postal or courier express operators to State and local
18 government shall be dully paid at a designated office of all affected States
19 and an appointed office for all the local government in the affected States
20 once per annum without duplication.

21 **S.22**-(1) Prior to the formulation or review of the general policy for
22 the Nigerian postal sector, the Minister shall cause the Commission on his
23 behalf to first carry out a public consultative process on the proposed policy
24 formulation or modification.

25 (2) In formulating and determining the policy or amendments
26 thereto, the Minister and the Council shall take into consideration the
27 findings of the consultative process under subsection (1) of this section.

28 **S.23**-(1) Subject to subsection (2) of this section, the Minister
29 shall, in writing, from time to time notify the Commission of and express his
30 views on the general policy direction of the Federal Government in respect

1 of the communications sector.

2 (2) In the execution of his functions and relationship with the Commission, the
3 Minister shall at all times ensure that the independence of the Commission, in
4 regard to the discharge of its functions and operations under this Act, is
5 protected and not compromised in any manner whatsoever.

6 PART 6-LICENCES

7 S. 24- Subject to the provisions of this Bill, the Commission shall
8 have the sole and exclusive power to manage and administer the postal sector
9 and in that regard grant licenses for specific periods and regulate the postal
10 services.

11 S.25-(1) no person shall operate a postal system or facility or provide
12 and operate courier services in Nigeria unless such person -;

13 (a) Is registered as a company under or pursuant to the Companies and
14 Allied Matters Act as may from time to time be amend; and

15 (b) Is granted or holds a license under the provisions of this part of the
16 Bill;

17 (c) Is exempted under this Bill or regulations made by the
18 Commission under this Bill or any other Act

19 (2) notwithstanding sub section (1) of this section, a company
20 operating a courier service may apply to the Commission within six months of
21 the commencement of this Bill to be licensed under the provisions of this Bill.

22 S.26-(1) the Commission shall from time to time determine and
23 publish to the general public the criteria for qualification and the persons that
24 are qualified and licensed to operate postal services and the terms and
25 conditions or those that are exempted from licensing or enjoying any benefits;

26 (2) the Commission shall at all times be guided in the formulation of
27 licensing procedures, issuance of licenses, and preparation of license
28 conditions and terms, by the principles of and consideration for-

29 (a) transparency, fairness and non-discrimination;

30 (b) need to promote fair competition and investment in the postal

1 industry;

2 (c) need to provide for modern, qualitative, affordable and readily
3 available postal services parts of the country; and

4 (d) such other principles and considerations as the Commission
5 may from time to time consider necessary and in the national interest.

6 (3) in determining the criteria for qualification and licensing, the
7 Commission shall at all times ensure that the previous licensees for such
8 services as at the date of such determination do not suffer any disadvantage
9 except as permitted under this Bill and its subsidiary regulations.

10 S.27-The Commission may, whenever it appears necessary or
11 appropriate to do so for the purpose of giving effect to this Bill or for
12 bringing it up to date or otherwise correcting the particulars or requirement
13 for the grant of license or standards or requirements for operating postal
14 services, by regulation, modify such particulars, standards, or requirements
15 generally or in relation to a particular case or class of cases.

16 PART-7 LICENCE CONDITIONS

17 S.28.-(1) The Commission may, from time to time, make written
18 declarations that an individual licence, or a
19 classification of individual licences, or a class licence is subject to such
20 terms and conditions, or enjoys such benefits, as the Commission deems fit.

21 (2) Any declaration on the conditions of licence shall be consistent
22 with the objects and provisions of this Act which are relevant to the
23 particular undertaking, matter or activity.

24 S.29-(1) The Commission shall, before making a declaration under
25 section 28 of this Bill, give the affected licensees written notice of its
26 intention to do so together with a draft copy of the declaration, and the
27 licensees may make written submissions to the Commission thereon within
28 the time period specified by the Commission but not less than 30 (thirty)
29 days from the date of the written notice.

30 (2) The Commission shall, in deciding on the next course of action,

1 take into consideration any submission made by the affected licensees and the
2 principles specified in section 26(3) of this Bill.

3 S.30- The Commission shall register every declaration as soon as
4 practicable and shall further maintain a register of all such declarations.

5 S.31 -(1) The Commission may at any time amend, modify, vary or
6 revoke any licence condition or a declaration regarding a licence.

7 (2) The procedures set out in sections 28, 29 and 30 of this Bill shall
8 apply mutatis mutandis in respect of any amendment, modification, variation
9 or revocation of a licence condition or declaration.

10 S. 32 -(1) The grant of a licence shall be personal to the licensee and
11 the licence shall not be operated by, assigned, sub-licensed or transferred to any
12 other party unless the prior written approval of the Commission has been
13 granted.

14 (2) A licensee shall at all times comply with the terms and conditions
15 of his licence and the provisions of this Bill and its subsidiary legislation.

16 S.33-(1) the Commission shall, Within 90 days of receiving an
17 application for licence under this Bill, inform the applicant by written notice-

18 (a) whether or not the licence has been granted;

19 (b) in the event of a grant, of any special or additional conditions that
20 apply to the licence; and

21 (c) in the event that the application has been refused, the reasons for
22 the refusal.

23 (2) if the Commission neither grants nor refuses to grant licence
24 within 90 days from the receipt of an application, the Commission shall be
25 deemed at the end of the period to have refused to grant the licence unless the
26 applicant receives a written notice approving the application for the licence
27 after the period.

28 PART 8- RENEWAL AND REVOCATION OF LICENCES

29 S. 34-(1) the licensee may apply for the renewal of licence at least
30 three months before its expiry and the renewal fee to be determined by the

1 Commission shall be payable upon approval of the application.

2 (2) the Commission may refuse an application for the renewal of a
3 licence if the licensee has-

4 a) failed to comply with the terms and conditions of the licence;

5 b) failed to comply with the provisions of this Bill or its subsidiary
6 legislation; or

7 c) failed to comply with any instrument issued, made or given by
8 the Commission.

9 (3) if the Commission has no intention of renewing the licence, the
10 Commission shall-

11 a) inform the licensee by notice in writing no later than 3 months
12 from the date of receipt of its refusal to renew the licence; and

13 b) notify and publish such intention at least 30 days before the
14 expiry of the licence;

15 c) the affected licensee shall be given a reasonable opportunity to
16 make written submission to the Commission within a time period specified
17 in the notice and such time period shall not be less than 14 days from the date
18 of receipt of the notice.

19 d) the affected licensee may within the time period specified in the
20 notice forward a written submission to the Commission for consideration

21 **S.35-(1)** A licensee may, by written notice, surrender his licence to
22 the Commission at any time or in accordance with the requirements set out
23 in the individual licence.

24 (2) The surrender shall take effect on the date the Commission
25 receives the licence and the notice under subsection (1) of this section, or
26 where a latter date is specified in the notice, on that date.

27 (3) The shall be irrevocable unless it is expressed to take effect on a
28 later date and before that date the Commission by notice in writing to the
29 licensee allows the surrender to be withdrawn.

30 **S.36-(1)** The Commission may, by declaration suspend or revoke a

1 S.38 -(1) Where the revocation of an licence under section 45 of this
2 Act or the surrender of an individual licence under section 44 hereof, has taken
3 effect, or where the licence has expired, the licensee shall immediately lose the
4 right to provide any service in respect of which the licence was granted.

5 (2) Notwithstanding the provisions of subsection (1) of this section
6 and without prejudice to specific licence conditions, the Commission may
7 authorise the licensee in writing to carry on providing any facility or service for
8 such duration as the Commission may specify in the authorisation for the
9 purpose of-

10 a) winding up the licensee's affairs;

11 b) relocating the licensee's consumers to some other licensee as the
12 Commission may determine and on such terms and conditions as the
13 Commission may specify;

14 c) making or effecting such other arrangements as the Commission
15 may specify for the continued provision of services to the licensee's customers;
16 and

17 d) carrying out such other ancillary and related activities as the
18 Commission may consider necessary.

19 (3) Notwithstanding the provisions of subsection (1) of this section,
20 the licensee whose licence has expired shall be entitled to carry on providing a
21 service as if his licence had not expired upon proof being submitted to the
22 Commission that the licensee has applied for the renewal of the licence in
23 accordance with section 43 of this Act and that such application is pending
24 determination by the Commission.

25 (4) Subject to subsections (2) and (3) of this section, a person who
26 continues to provide service after the coming into effect of the provisions of
27 subsection (1) of this section in respect of his licence commits an offence and,
28 on conviction, is liable to the punishment prescribed under this Bill.

29 39. -(1) The Commission shall maintain a register of all licences that
30 have been granted under this Bill.

- 1 (2) The Commission shall maintain a separate register containing -
2 a) any special or additional conditions specified in the licence;
3 b) any written notice varying, revoking or imposing any special or
4 additional conditions specified in the licence;
5 c) any written notice by the licensee surrendering his individual
6 licence;
7 d) Any written notice by the Commission suspending or cancelling
8 the licence; and
9 e) any written notice approving the transfer of an licence.
10 (3) The Commission shall maintain the registers in accordance
11 with this Bill.

12 PART 9 - DIRECTIONS

13 S.40-(1) The Commission may, from time to time, issue directions
14 in writing to any person regarding the compliance or non-compliance of any
15 licence conditions or provisions of this Bill or its subsidiary legislation,
16 including but not limited to the remedy of a breach of any licence condition
17 or the provisions of this Bill or its subsidiary legislation.

18 (2) The Commission shall, before issuing a direction under
19 subsection (1) of this section, issue a notice in writing to the person
20 specifying the nature of required compliance and the person shall be granted
21 an opportunity to be heard or may submit a written submission within a
22 reasonable time period specified in the notice on the reasons for his
23 conduct or activity.

24 (3) The Commission shall, after the expiry of the notice specified in
25 subsection (2) of this section, take into
26 consideration any reasons provided by the person before making a decision
27 in relation to the relevant conduct or activity of the person.

28 (4) after due consideration of any reasons provided by the person,
29 the Commission may issue a direction under subsection (1) of this section
30 requiring the person to take specified action directed towards ensuring that

1 the person does not contravene or continue to contravene any of the conditions
2 of his licence or any of the provisions of this Act or its subsidiary legislation.

3 (5) The Commission shall give the person written notice of its
4 direction not later than 30 days from the date the decision was made on the
5 direction and the person shall comply with the direction issued by the
6 Commission.

7 S.41-The Commission may modify, vary or revoke a direction and the
8 procedure set out in section 40 of this Bill shall apply mutatis mutandis in
9 respect of any modification, variation or revocation of a direction.

10 S.42- Without prejudice to any other provision of this Bill or a licence
11 condition, a person who fails to comply with a direction of the Commission
12 shall be liable to the payment of fine to the Commission in such amount as the
13 Commission may at its discretion impose.

14 S.43- The Commission shall maintain a register of all directions
15 issued by the Commission, including any written instruments modifying,
16 varying or revoking a direction, in accordance with this Bill.

17 PART - 10 INQUIRY

18 S.44 -(1) The Commission may hold a public inquiry on any matter of
19 a general nature that relates to the administration of this Act or its subsidiary
20 legislation which will serve the objects of this Bill.

21 (2) Subject to subsection (3) of this section, the Commission may hold
22 a public inquiry under subsection (1) of this section -

23 (a) in response to a written request from a person or

24 (b) on its own initiative only if it is satisfied that the matter is of
25 significant interest to either the public or to current or prospective licensees
26 under this Bill.

27 (3) The Commission shall hold a public inquiry in all instances that it
28 is mandatorily required to hold an inquiry under this Act or its subsidiary
29 legislation.

30 (4) The Commission may combine two or more inquiries into a single

1 inquiry and an inquiry under this Chapter shall be conducted as and when the
2 Commission deems fit.

3 (5) The Commission may, for the purposes of an inquiry, exercise
4 any or all of its investigation and information-gathering powers under the
5 relevant parts of this Bill.

6 S.45-(1) Subject to section 44 of this Bill, if the Commission
7 decides to hold a public inquiry, the Commission shall publish, in the
8 manner that it deems appropriate, notice of-

- 9 (a) the fact that it is holding the inquiry;
- 10 (b) the period during which the inquiry is to be held;
- 11 (c) the nature of the matter to which the inquiry relates;
- 12 (d) the period, of at least 21 days, within which, and the form in
13 which, members of the public are invited to make submissions to the
14 Commission about the subject-matter of the inquiry;
- 15 (e) the matters that the Commission would like the submissions to
16 deal with; and
- 17 (f) the address or addresses to which the submissions may be sent.

18 (2) the Commission does not need to publish at the same time or in
19 the same manner the notice of all matters referred to in subsection (1) of this
20 section.

21 (3) the Commission shall consider any submissions received
22 within the time limit as specified in the notice and the submissions made by
23 the members of the public shall be in the form and of the nature as specified
24 in the notice.

25 S. 46 -(1) Notwithstanding the provisions of section 44 of this Bill,
26 an inquiry or a part of an inquiry may be conducted in private if the
27 Commission is satisfied that-

- 28 (a) the documents or information that may be given, or a matter that
29 may arise during the inquiry or a part of the inquiry, is of a confidential
30 nature; or

1 (b) the inquiry or part of the inquiry or a matter, or part of a matter, in
2 public would not be conducive to the due administration of this Bill.

3 (2) if an inquiry takes place in public and the Commission is of the
4 opinion that -

5 a) the evidence or other material presented to the inquiry or

6 b) the material in written submissions lodged with the Commission is
7 of a confidential nature, the Commission may direct that -

8 i) the evidence or material should not be published; or

9 ii) Its disclosure be restricted.

10 (3) A person shall not without an excuse that is considered reasonable
11 by the Commission fail to comply with a direction under subsection (2) of this
12 section.

13 (4) If an inquiry or part of an inquiry takes place in private, the
14 Commission -

15 a) shall give a direction as to the persons who may be present at the
16 inquiry or part of the inquiry; and

17 b) may give a direction restricting the disclosure of evidence or other
18 material presented at the inquiry or part of the inquiry.

19 (5) Notwithstanding the provisions of this section, a person who
20 without reasonable excuse fails to comply with a direction given under
21 subsection (4) of this section shall be liable to the payment of fine to the
22 Commission in such amount as the Commission may at its discretion impose.

23 **S.47-(1)** The Commission shall publish a report setting out its
24 findings as a result of any inquiry it conducts and the report shall be published
25 within 30 days of the conclusion of the inquiry.

26 (2) The Commission shall not include in the report any material -

27 (a) that is, in the Commission's opinion, of a confidential nature; and

28 (b) the disclosure of which is likely to prejudice the fair trial of a
29 person; and

30 (c) which would involve the unreasonable disclosure of personal

1 information about any individual (including a deceased individual).

2 (3) Civil proceedings shall not lie against a person in respect of any
3 loss, damage or injury of any kind suffered by another person because of any
4 of the following acts -

5 (a) the making of a request under section 44 of this Bill; or

6 (b) the making of a statement, or giving of a document or
7 information, to the Commission in relation to an inquiry under this Chapter.

8 (4) The Commission shall maintain a register of all reports made
9 pursuant to an inquiry under this Part, in accordance with the provisions of
10 this Bill.

11 PART II- INVESTIGATION FOR THE PURPOSE OF

12 ADMINISTRATION, INQUIRY ETC

13 S.4- Notwithstanding the provisions of any other written law, the
14 Commission may investigate any matter pertaining to the administration of
15 this Bill or its subsidiary legislation if the Commission has grounds to
16 believe that an infringement, civil or criminal, of the provisions of this Bill
17 or its subsidiary legislation was, is or will be committed.

18 S.49 -(1) The Commission may conduct an investigation on a
19 matter referred to in section 44 of this Bill upon a written complaint by a
20 person and the complaint shall specify the person against whom the
21 complaint is made.

22 (2) If a complaint has been made to the Commission under this
23 section, the Commission may make inquiries of the respondent for the
24 purpose of deciding whether the Commission should, in its discretion,
25 investigate the matter.

26 (3) If the Commission decides not to investigate, or not to
27 investigate further, a matter to which a complaint relates, it shall not later
28 than 60 days from the date of receipt of the complaint and in such manner as
29 it thinks fit, inform the complainant and the respondent of the decision and
30 the reasons for the decision.

1 subsection (1) of this section, a person who is subject to this Bill and who fails to
2 disclose or omits to give any relevant information or evidence or document, or
3 provides information or evidence or document that he knows or has reason to
4 believe is false or misleading, in response to a direction issued by the
5 Commission commits an offence and on conviction is liable to a fine not
6 exceeding ₦100,000.00 or to imprisonment for a term not exceeding 1 year or
7 to both such fine and imprisonment.

8 S.53-(1) A person who is subject to this Bill shall, if at any time called
9 upon in writing by the Commission to do so, produce to the Commission all
10 such evidence and provide all such information as the person may have relating
11 to his compliance with any of the provisions of this Bill or its subsidiary
12 legislation, as the Commission may generally, or in relation to any particular
13 case, require.

14 (2) The Commission may take, and retain for as long as is necessary,
15 possession of a document produced under this Chapter and the person
16 otherwise entitled to possession of the document is entitled to be supplied, as
17 soon as practicable, with a copy certified by the Commission to be a true copy.

18 (3) Notwithstanding the provisions of any other written law, all courts
19 and tribunals shall receive the certified copy as evidence as if it were the
20 original.

21 (4) Until a certified copy is supplied, the Commission shall, at such
22 times and places as the Commission thinks appropriate, permit the person
23 otherwise entitled to possession of the document, or a person authorised by that
24 person, to inspect and make copies of, or take extracts from the document.

25 S. 54-(1) The Commission shall maintain a record of all information,
26 evidence or documents received pursuant to the directions given under section
27 55 of this Bill.

28 (2) The Commission may publish information received in the course
29 of exercising its powers and functions under this Chapter if it is satisfied that
30 the publication is consistent with the objects of this Bill Provided that the

1 Commission shall consider the commercial interests of the parties to whom
2 the information relates before publishing the information.

3 PART 13 - REGISTER

4 S.55 –(1) The Commission shall maintain a register, in both
5 physical form and electronic media, of all matters that are required to be
6 registered under this Act and its subsidiary legislation.

7 (2) The Commission may, at its discretion, summarise the contents
8 of a material for inclusion in the register and exclude there from aspects of
9 the material if it considers such exclusion necessary and justified on grounds
10 of public interest or safety, amongst others.

11 (3) in addition the Commission shall maintain separate register
12 containing-

13 (a) all licences issued under this Bill;

14 (b) any special or additional conditions specified in the licence;

15 (c) any written notice varying, revoking or imposing any special or
16 additional conditions specified in the licence;

17 (d) any written notice by the licensee surrendering his licence;

18 (e) any written notice by the Commission suspending or cancelling
19 the licence; and

20 (t) any written notice approving the transfer of licence.

21 S. 56 –(1) A person may, on payment of the charge, if any, to be
22 decided by the Commission -

23 (a) inspect the register;

24 (b) make a copy of, or

25 (c) take extracts from, the Register.

26 (2) If a person requests that a copy be provided in an electronic
27 media, the Commission may provide the relevant information -

28 (a) on a data processing device; or

29 (b) by way of electronic transmission.

30 (3) The Commission shall from time to time publish guidelines in

1 regard to its various registers giving details of the registers and indicating,
2 amongst others, access processes and procedures for members of the public.

3 PART 14 - REGULATIONS, GUIDELINES ETC

4 S. 57 -(1) The Commission may make and publish regulations for all
5 or any of the following issues -

6 (a) written authorisations, permits, assignments and licences granted
7 or issued under this Bill;

8 (b) any fees, charges, rates or fines to be imposed pursuant to or under
9 this Bill or its subsidiary legislation;

10 (c) a system of universal service provision under Part, including but
11 not limited to the quality of service standards;

12 (d) postal and related offences and penalties;

13 (e) any matter for which this Bill makes express provision; and

14 (1) such other matters as are necessary for giving full effect to the
15 provisions of this Bill and for their due administration.

16 (2) The Commission may also make and publish guidelines on any
17 matter for which this Bill makes express provision and such other matters as are
18 necessary for giving full effect to the provisions of this Bill and for their due
19 administration.

20 S. 58. -(1) The Commission shall, prior to making any regulation
21 under this Bill, conduct an inquiry in the manner specified in this Bill on the
22 subject matter of the proposed regulation.

23 (2) The Commission shall, in making the regulation, take into
24 consideration the findings of the inquiry under subsection (1) of this section.

25 (3) The Commission may prior to making any guideline, at its
26 discretion, conduct an inquiry in the manner specified under this Bill on the
27 subject matter of the proposed guideline and if the Commission considers it
28 necessary to hold such an inquiry, it shall in making the guideline take into
29 consideration the findings of the inquiry.

30 S. 59 -(1) Subject to subsection (2) of this section, the Commission

1 may review, as at when it deems necessary, any rules, guidelines and
2 regulations made under this Bill that are in effect at the time of the review
3 and may in the process modify or vary, or repeal any such rules or
4 regulations -

5 (a) which are no longer necessary in the national interest;

6 (b) which are no longer necessary to ensure the objects of this Bill
7 or its subsidiary legislation; or

8 (c) for any other reason that the Commission thinks is relevant.

9 (2) the procedures set out in section 67 of this Bill shall apply
10 *mutatis mutandis* in respect of any modification, variation or revocation of a
11 regulation or guideline.

12 PART-15 NOTIFICATION AND RESOLUTION OF DISPUTES

13 S.60-The Commission shall have powers to resolve disputes
14 between persons who are subject to this Bill ("the parties") regarding any
15 matter under this Bill or its subsidiary legislation.

16 S. 61 -(1) An attempt shall first be made by the parties to resolve
17 any dispute between them through negotiation before the involvement of the
18 Commission.

19 (2) If one of the parties to the dispute has provided an undertaking
20 that is relevant to the subject matter of the dispute and the Commission in
21 accordance with the provisions of this Bill, and has registered the
22 undertaking, the parties may adopt the conditions of the undertaking for the
23 purposes of resolving the dispute.

24 S.62 -(1) A party to a dispute may, in writing, notify the
25 Commission of the dispute and the Commission may only resolve a dispute
26 under this Part if it is notified in writing of the dispute and requested by
27 either or both parties to intervene thereon.

28 (2) The Commission may publish guidelines setting out the principles and
29 procedures that it may take into account in resolving disputes or a class of
30 disputes under this Part.

1 (3) The Commission shall, upon receipt of the notification of the
2 dispute referred to in subsection (1) of this section, as soon as practicable,
3 convene to decide the dispute.

4 (4) The Commission shall convene to decide a dispute if it is satisfied
5 that-

6 (a) an agreement shall not be reached, or will not be reached within a
7 reasonable time;

8 (b) the notification of the dispute is not trivial, frivolous or vexatious;
9 and

10 (c) the resolution of the dispute would promote the objects of this Bill
11 or its subsidiary legislation.

12 **S. 63**-(1) Subject to the objects of this Bill and any guidelines issued
13 by the Commission under this Part, the Commission may resolve the dispute in
14 such manner including but not limited to Alternative Dispute Resolution
15 processes and upon such terms and conditions as it may deem fit.

16 (2) The Commission, in carrying out its functions under subsection (1)
17 of this section, shall always be guided by the objective of establishing a
18 sustained dispute-resolution process that is fair, just, economical and effective
19 and that shall not be bound by technicalities, legal form or rules of evidence and
20 that shall at all times act according to the ethics of justice and the merits of each
21 case.

22 (3) The terms and conditions of any resolution of a dispute by the
23 Commission under this Part shall be accompanied with reasons and be in
24 writing and the Commission shall provide the parties to the dispute with a copy
25 of its decision as soon as practicable.

26 **S. 64**-(1) The Commission shall register all decisions it makes under
27 this Part, and in accordance with provisions of this Bill

28 (2) The register shall contain -

29 a) the names of the parties to the dispute;

30 b) a general description of the matter pertaining to the decision; and

1 c) the date of the decision, but not the terms and conditions of the
2 decision.

3 S. 65—(1) The decision of the Commission shall be binding on the
4 parties and the Commission may direct a party to a dispute to abide by the
5 decision of the Commission in that dispute.

6 (2) A decision made by the Commission under this Part may be
7 enforced by the Court as if the decision is a judgement of such Court
8 provided that the Commission has issued a certificate to the complainant for
9 leave to proceed to the Court for the enforcement of the decision.

10 (3) No certificate under subsection (2) of this section is required if
11 an action is taken by the Commission under this section.

12 PART-16 REGISTRATION OF AGREEMENTS

13 S. 66—(1) A party to a written agreement who is subject to this Bill
14 shall apply to the Commission for the registration of the Agreement, if this
15 Bill or its subsidiary legislation requires such registration.

16 (2) The Commission shall register the written agreement if the
17 Commission is satisfied that the agreement is consistent with

18 (a) the objects of this Bill;

19 (b) any relevant instrument under this Bill; and

20 (c) any relevant provisions of this Bill or its subsidiary legislation.

21 (3) any person who defaults in registering an agreement within the
22 time authorized by this Bill or if no time is stipulated, within thirty days of
23 the execution of the agreement, shall be liable to pay the amount specified by
24 the Commission for such default until compliance.

25 S.67—(1) The Commission shall maintain a register of all
26 agreements required to be registered under this Bill, in accordance with this
27 Part.

28 (2) the register shall contain -

29 (a) the names of the parties to the agreement,

30 (b) a general description of the matter pertaining to the agreement,

1 and
2 (c) the date of the agreement, but not the terms and conditions of the agreement.

3 PART-17 UNDERTAKINGS

4 S. 68 –(1) A person may provide an undertaking to the Commission
5 regarding any matter for which this Bill makes express provision.

6 (2) An undertaking provided by a person under subsection (1) shall set
7 out the terms and conditions of the undertaking and may include the effective
8 date of the undertaking or the date of its expiry.

9 S. 69 –(1) Subject to section 68 of this Bill, all undertakings given by
10 any person to the Commission in any circumstance whatsoever shall be
11 deemed as duly registered and shall remain valid and enforceable at all times.

12 (2) The Commission shall maintain a register of all existing
13 undertakings, in accordance with the provisions of this
14 Bill.

15 S. 70 –(1) The Commission may make and publish rules in respect of
16 undertakings and the rules shall bind the party making the undertakings and all
17 other persons relying on such undertakings as if they were respectively signed
18 by each person and contained agreements on the part of each person for himself
19 and for his successors to observe all the provisions of the rules.

20 (2) The Commission may direct a person referred to in subsection (1)
21 of this Section to comply with the rules made under subsection (1) of this
22 section and any registered undertakings issued under this Part.

23 S. 71-A person providing an undertaking may apply to withdraw the
24 undertaking at any time by notifying the Commission in writing and the
25 undertaking shall only be withdrawn upon such terms and subject to such
26 conditions as the Commission may specify.

27 S. 72- The Commission or a directly affected person may apply to a
28 court for the enforcement of an undertaking against the person providing the
29 undertaking if an undertaking has not been complied with.

PART-18 REVIEW OF DECISIONS

1
2 S. 73 -(1) A person who is aggrieved or whose interest is adversely
3 affected by any decision of the Commission made pursuant to the exercise of
4 the powers and functions under this Bill or its subsidiary legislation
5 ("aggrieved person") may request in writing to the Commission for a
6 statement of the reasons for the decision.

7 (2) The Commission shall, upon such written request by an
8 aggrieved person, provide a copy of a statement of reasons for the decision
9 and any relevant information taken into account in making the decision.

10 (3) The Commission is not required to publish, or to disclose to the
11 aggrieved person, a statement of reasons or a part of a statement of reasons if
12 the publication or disclosure would -

13 (a) disclose a matter that is, in the opinion of the Commission, of a
14 confidential character;

15 (b) be likely to prejudice the fair trial of a person; or

16 (c) involve the unreasonable disclosure of personal information
17 about any individual (including a deceased person).

18 (4) In this Chapter, "decision" includes any action, order, report,
19 direction.

20 S. 74-(1) An aggrieved person may at any time within but not later
21 than 30 days after the date of receipt of the Commission's statement of
22 reasons specified in section 73(2) of this Bill request the Commission in
23 writing for a review of the Commission's decision and specify therein the
24 reasons and basis for his request.

25 (2) Subject to subsection (4) of this section, upon receipt of the
26 aggrieved person's written submissions the Commission shall meet to
27 review its decision taking into consideration the submissions of the
28 aggrieved person under subsection (1) of this section.

29 (3) The Commission may, in carrying out the review of its decision
30 under this Part, use and exercise any of its powers under this Part.

1 (4) The Commission shall not later than 60 days from the date of
2 receipt of the aggrieved person's written submissions, conclude its review of
3 the decision and inform the aggrieved person in writing of its final decision
4 thereon and the reasons therefore.

5 S. 75-(1) Subject to section 74 of this Bill and subsections (2) and (3)
6 of this section, an aggrieved person may
7 appeal to the Court for a judicial review of the Commission's decision or other
8 action.

9 (2) The decision or direction of the Commission that is the subject
10 matter of an application for judicial review shall subsist and remain binding
11 and valid until it is expressly reversed in a final judgment or order of the Court.

12 (3) A person shall not apply to the Court for a judicial review unless
13 that person has first exhausted all other remedies provided under this Bill.

14 PART-19 MONITORING AND REPORTING

15 S. 76 -(1) The Commission shall monitor all significant matters
16 relating to the performance of all licensees and publish annual reports thereon
17 at the end of each financial year of the Commission.

18 (2) In performing its functions under subsection (1) of this section, the
19 Commission shall-

20 (a) use any of its powers under this Chapter and in particular but
21 without limitation, its powers of investigation and information-gathering; and

22 (b) have regard to such industry performance indicators as the
23 Commission considers appropriate.

24 (3) Matters upon which the Commission shall monitor and report
25 include but are not limited to the following -

26 (a) the operation and administration of this Bill and its subsidiary
27 legislation;

28 (b) the efficiency in which licensees provide facilities and services;

29 (c) the quality of services;

30 (d) industry statistics generally including but not limited to service

1 provisioning, traffic patterns, industry operators, etc;

2 (e) the tariff rates and charges paid by consumers for services;

3 (f) the development of industry self-regulation;

4 (g) the adequacy and availability of services in all parts of Nigeria;

5 (h) any deficiencies in the scope or operation of this Act and its
6 subsidiary legislation; and

7 (i) other matters that the Commission is satisfied are relevant.

8 (4) The Commission shall publish the report, in the manner it
9 deems appropriate, provided that it is made publicly available.

10 PART 20 - GENERAL COMPETITION PRACTICE

11 S.77- Notwithstanding the provisions of any other written law, the
12 Commission shall have exclusive competence to determine, pronounce
13 upon, administer, monitor and enforce compliance of all persons with
14 competition laws and regulations, whether of a general or specific nature, as
15 it relates to the Nigerian postal market.

16 S. 78-(1) A licensee shall not engage in any conduct which has the
17 purpose or effect of substantially lessening competition in any aspect of the
18 Nigerian postal market:

19 (2) The Commission may from time to time publish guidelines or
20 regulations which clarify the meaning of "substantial lessening of
21 competition" in the Nigerian postal market and such guidelines or
22 regulations may include references to -

23 (a) the relevant economic market;

24 (b) global trends in the relevant market;

25 (c) the impact of the conduct on the number of competitors in a
26 market and their market shares;

27 (d) the impact of the conduct on barriers to entry into the market;

28 (e) the impact of the conduct on the range of services in the market;

29 (f) the impact of the conduct on the cost and profit structures in the
30 market; and

- 1 (g) any other matters which the Commission is satisfied are relevant.
- 2 (3) A licensee shall not enter into any understanding, agreement or
3 arrangement, whether legally enforceable or not, which has the tendency of
4 limiting competition and provides for -
- 5 (a) rate fixing;
- 6 (b) market sharing;
- 7 (c) boycott of another competitor;
- 8 (d) boycott of a supplier of apparatus or equipment; or
- 9 (e) boycott of any other licensee.
- 10 (4) A licensee shall not, at any time or in any circumstance, make it a
11 condition for the provision or supply of a product or service in a postal market
12 that the person acquiring such product or service in the postal market is also
13 required to acquire or not to acquire any other product or service either from
14 himself or from another person.
- 15 (5) the Commission shall have the power-
- 16 (a) to investigate and determine upon its own initiative or upon receipt
17 of a complaint by any person, whether any Licencee is engaged, has been
18 engaged or is likely to engage in any anti-competitive activity; and
- 19 (b) to require and compel the disclosure of any information by any
20 licence.
- 21 (6) where the Commission finds that a licensee is engaged, has been
22 engaged or is likely to engage in any anti-competitive activity, the Commission
23 shall subject to section 40 of this Bill, have the power to issue a direction
24 requiring such licensee to desist from such practices or methods of
25 competition.
- 26 (7) failure to comply with a direction issued pursuant to subsection (3)
27 of this section shall constitute an offence punishable-
- 28 (a) in the case of a first time offender, by a fine not exceeding twenty
29 million naira;
- 30 (b) in the case where it is a second time offender, by a fine not

1 exceeding ten percent of the annual turnover of the licensee; and

2 (c) in the case of a third time offender, by the revocation of the
3 relevant licence

4 (8) a direction shall not be issues nor a penalty imposed if-

5 (a) the licensee is able to demonstrate to the satisfaction of the
6 Commission that it has not engaged or has been engaged or is likely to
7 engage in any competitive activity; or

8 (b) the licensee has ceased the anti-competitive practice.

9 (9) for the purpose of this section, annual turnover shall mean
10 annual turnover for the financial year of the licensee preceeding the year in
11 which the offence was committed.

12 S. 79 -(1) The Commission may determine that a licensee is in a
13 dominant position in any aspect of the Nigerian communications market.

14 (2) The Commission may publish guidelines and regulations
15 which clarify how it shall apply the test of "dominant position" to licensees.

16 (3) The guidelines and regulations in subsection (2) of this section
17 may specify the matters which the Commission may take into account,
18 including -

19 (a) the relevant economic market;

20 (b) global technology and commercial trends affecting market
21 power;

22 (c) the market share of the licensee;

23 (d) the licensee's power to make independent rate setting decisions;

24 (e) the degree of product or service differentiation and sales
25 promotion in the market; and

26 (f) any other matters which the Commission is satisfied are
27 relevant.

28 (4) The Commission may direct a licensee in a dominant position
29 in the postal market to cease a conduct in that market which has or may have
30 the effect of substantially lessening competition in any postal market and to

1 (5) notwithstanding the provisions of this section, all appeals arising
2 from disputes arising from the exercise of the powers of the Commission shall
3 lie with the Competition Tribunal set up under the Federal Competition and
4 Consumer Protection Act before any resort can be had to judicial review.

5 PART 21- TARIFF RATE REGULATION

6 S. 80 - (1) licencees shall not impose any tariff or charges for the
7 provision of any service until the Commission has approved such tariff rates
8 and charges except as otherwise provided in this Part.

9 (2) The licencees specified in subsection (1) of this section shall
10 provide services at the tariff rates and charges so approved by the Commission
11 and shall not depart there from without prior written approval by the
12 Commission of such proposed changes in tariff rates and charges.

13 (3) All licencees mentioned in subsection (1) of this section shall
14 publish the tariff rates charged to customers for their respective services and
15 the modifications thereto as may be approved from time to time by the
16 Commission.

17 (4) The tariff rates established by a licensee mentioned in subsection
18 (1) of this section shall be on the basis of such principles as the Commission
19 may from time to time stipulate in its guidelines or regulation including the
20 following

21 (a) tariff rates shall be fair and, for similarly situated persons not
22 discriminatory;

23 (b) tariff rates shall be cost-oriented and, in general, cross-subsidies
24 shall be eliminated;

25 (c) tariff rates shall not contain discounts that unreasonably prejudice
26 the competitive opportunities of other providers;

27 (d) tariff rates shall be structured and levels set to attract investments
28 into the communications industry; and

29 (e) tariff rates shall take account of the regulations and
30 recommendations of the international organisations of which Nigeria is a

1 member.

2 **S. 81**-Notwithstanding the provisions of this Bill, the Commission
3 may intervene in such manner as it deems appropriate in determining and
4 setting the tariff rates for any non-competitive services provided by a postal
5 service provider for good cause or as the public interest may require.

6 **S. 82** -(1) The Commission may from time to time make rules or
7 regulations on determination and publication of tariff rates for respective
8 services by the licensees

9 (2) The regulations and rules which may be made by the
10 Commission under subsection (1) of this section may include but are not
11 limited to -

12 (a) rules about the tariff rates and charges and variation of rates for
13 specified or classes of services;

14 (b) rules about the publication or disclosure of tariff rates for
15 specified or classes of services; or

16 (c) tariff rate models that may be applicable to specified licensees
17 or classes of licensees or specified or classes of services.

18 (3) tariffs for the activities contemplated under this Bill shall be
19 regulated according to one or more methodologies adopted by the
20 Commission for regulating postal tariff and such tariff methodologies shall-

21 (a) allow a licensee to efficiently recover the full cost of its
22 business activities, including a reasonable return on capital invested in the
23 business;

24 (b) provide incentives for the continued improvement of the
25 technical and economic efficiency with which the service is provided;

26 (c) provide incentives for the continued improvement of quality of
27 services;

28 (d) give the consumer economically efficient signals regarding the
29 cost that their consumption imposes on the licensee's business;

30 (e) avoid due determination between consumers and consumer

1 categories; and

2 (f) phase out or substantially reduce cross subsidies.

3 S.83-Notwithstanding any other provision of this Bill, the
4 Commission shall prescribe and enforce appropriate financial penalties upon
5 any holder of a licence who exceeds the tariff rates duly approved by the
6 Commission for the provision of any of its services.

7 PART 22- UNIVERSAL SERVICE PROVISION

8 S. 84 -(1) the Nigerian Postal Service is hereby designated as the
9 Public Postal Operator which shall be charged with the responsibility to
10 provide universal postal services;

11 (2) the Minister shall cause the Public postal operator to be
12 transformed from a parastatal into a limited liability company in accordance
13 with the Companies and Allied Matters Act;

14 (3) the Commission shall consider, design and determine a system
15 which shall promote the widespread availability and usage of network of basic
16 postal services to all segments of the population with specific standard of
17 quality at:

18 (4) The Commission may from time to time make regulations
19 specifying but not limited to-

20 (a) the scope of service;

21 (b) standards;

22 (c) remunerations;

23 (d) bonuses/dividends;

24 (e) penalties for non provision of universal postal products and
25 services;

26 (f) a declaration of the adoption of the regulations agreed upon by the
27 Universal Postal Union for or respecting or in relation to the transmission of
28 postal matter and that same or any part or modification thereof shall be in force
29 within Nigeria;

30 (g) disposal of undeliverable postal articles;

1 (h) declaration of what articles may and what articles may not be
2 transmitted as postal articles; and

3 (i) classification of postal articles for the purpose of postal charges.

4 S. 85 -(1) For the purposes of this Bill, a fund to be known as the
5 "Universal Service Provision Fund" ("USP Fund") is established and it shall
6 be controlled and operated in the manner specified herein.

7 (2) The USP Fund shall comprise funds derived from but not
8 limited to the following sources -

9 (a) such monies as may be specifically appropriated to the USP
10 Fund from time to time by the National Assembly;

11 (b) contributions from the Commission based on a portion of the
12 annual levies paid to the Commission by licensees; and.

13 (c) gifts, loans, aids, and such other assets that may from time to
14 time specifically accrue to the USP Fund.

15 S. 86-(1) Subject to the provisions of this Bills, there is hereby
16 established a Board ("VSP Board") that shall-

17 (a) supervise and provide broad policy directions for the
18 management of the USP Fund;

19 (b) apply the fund to the provision of compensation and incentives
20 for the universal postal service provider where such services are not
21 commercially viable;

22 (c) apply the fund to the cost of administration of universal service;

23 (d) make appropriate recommendations to government on
24 universal service development policy.

25 (2) The USP Board shall be constituted by the President based on
26 the recommendations of the Minister; and

27 (3) the USP Board shall, in carrying-out its functions and duties
28 pursuant to this Bill, collaborate and consult at all times with the
29 Commission and be subject to the provisions of this Bill.

30 S. 87-(1) Membership of the USP Board shall be constituted as

1 follows -

2 (a) the Minister shall be the USP Board Chairman;

3 (b) the Board Chairman of the Commission shall be the USP Board
4 Vice Chairman;

5 (c) the Director General of the Commission;

6 (d) 1 representative of the Ministry of Information Communication;

7 (e) 1 representative of the Minister of Finance;

8 (f) 1 representative of the Chairman, National Planning Commission;

9 (g) 1 Commissioner (other than provided herein);

10 (h) 1 private sector representatives;

11 (i) public postal operator (chief executive officer).

12 (2) The President, acting on the recommendations of the Minister,
13 shall ensure that the USP Board members in subsection (I)(h) of this section is a
14 person of integrity and professional standing who shall be appointed as USP
15 Board Members either on his own self-recognition or as a representative of
16 organisations who, in the President's judgment, is a stakeholders in and can
17 contribute meaningfully towards the attainment of the USP objectives.

18 (3) subject to subsection (5) of this section, the organization that are
19 represented on the Board may, at their discretion or at the instance of the Board,
20 withdraw any member who is representing their organization and
21 simultaneously replace him with some other person

22 (4) a Board member who is appointed pursuant to subsection (1) of
23 this section shall serve such terms and for such periods as shall be indicated in
24 his letter of appointment.

25 (5) in the event of the determination of the appointment of a Board
26 member who was appointed under subsection

27 (1) of this section and who was representing an organization, the Minister may,
28 on the recommendation of the Board, request the organization to immediately
29 send a replacement.

30 **S. 88-(1)** The USP Board shall make standing orders for the regulation

1 of its meetings and proceedings and may establish Standing or Ad-Hoc
2 committees to assist it in exercising its functions under this Bill.

3 (2) Membership of the USP Board Committees may be constituted
4 beyond the members of the USP Board to include persons and
5 representatives of organisations that are capable in the USP Board's
6 estimation of assisting the Commission and the USP Board in the discharge
7 of its USP functions provided that such USP Board Committees shall at all
8 times be headed by USP Board Members.

9 (3) Decisions of the USP Board Committees shall not be binding
10 and valid until they are adopted and agreed upon by the USP Board.

11 S. 89 -(1) The USP Secretariat shall reside in the Commission and
12 shall be responsible for the day-to-day administration of the Universal
13 Service Provision.

14 (2) The functions of the USP Secretariat shall include the following -

15 (a) evaluation of project performance and effecting such actions as
16 may be necessary to ensure that the fund meets its objectives for postal
17 expansion and provision;

18 (b) enforcing standards for the quality of service in rural and
19 underserved areas set by the Board;

20 (c) evaluating the effectiveness of the Universal Service in meeting
21 policy goals as set by government and the Board;

22 (d) liaising between the Board and Fund Managers that will be
23 appointed pursuant to the provisions of this Bill.

24 (3) The Commission shall ensure that the USP Secretariat is staffed
25 with suitably qualified and experienced personnel who may be seconded
26 from the Commission's staff but shall in any case have employment terms,
27 conditions and contracts that are similar to that which obtains for the
28 Commission's staff.

29 S. 90 -(1) The USP Board shall, in consultation with the
30 Commission, appoint an independent and competent investment

1 management firm as USP Fund Managers with responsibilities, amongst
2 others, for -

3 (a) maintaining USP Funds financial accounts and records;

4 (b) estimating the amount needed annually to sustain the rate of
5 network expansion determined by the Commission as appropriate to meet USP
6 policy objectives;

7 (c) determining in consultation with the Commission the amount of
8 annual revenue required to ensure that the USP Fund remains fiscally sound,
9 and calculation of the corresponding rate of assessment;

10 (d) disbursing funds to eligible entities based upon approvals by the
11 USP Board;

12 (e) prudently investing USP Funds cash reserves under directions
13 from the USP Board and establishing cash management procedures to ensure
14 maximum return on investments while meeting short-term cash requirements
15 for disbursements;

16 (f) regularly reporting on financial performance of the USP Fund to
17 the USP Board; and

18 (g) assisting USP Secretariat in evaluating the effectiveness of the
19 USP in meeting policy goals as set by Government and USP Board.

20 (2) The USP Board shall, in collaboration with the Commission,
21 determine the terms of engagement and the remuneration package for the USP
22 Fund Managers.

23 **S.91-** The Commission may make regulations regarding
24 contributions by licensees, under this Bill, to the USP Fund and any other
25 matters related to or incidental to Universal Service Provision and the
26 establishment and operation of the USP Fund.

27 **PART 23-SERVICE DELIVERY CONDITIONS**

28 **S. 92-** (1) the Commission shall, from time to time, determine the
29 manner in which Universal Postal Service is to be provided.

1 (2) the Commission in exercising the function under subsection (1)
2 of this section shall take into account-

3 (a) the Objective of this Bill;

4 (b) measurable quality and quantity of service standards for postal
5 services in relation to customer satisfaction as key factor;

6 (c) speed, reliability and security of service;

7 (d) accessibility to and affordability of the Universal Postal
8 Service;

9 (e) accountability for handling of claims and complaints;

10 (f) important operational and economic considerations and
11 feasibility of meeting service delivery conditions for Universal Postal
12 Service;

13 (g) the need and requirement of the general public and the
14 surrounding environment including the current circumstances and future
15 expectations of today's information and communication society;

16 h) any applicable international standards, conventions, protocols
17 and agreements including but not limited to Universal Postal Union and
18 postal regulations as may be agreed to and adopted by Nigeria from time to
19 time.

20 (3) subject to subsection (2) of this Section, the Commission shall
21 make regulations-

22 (a) with respect to required service delivery conditions;

23 (b) establish clear technical specifications;

24 (c) establishing, performing, monitoring, control, supervision,
25 measurement and evaluation mechanism for the Universal Postal Service
26 Provider and its Services;

27 (d) mapping out operating procedures for these basic services,
28 along with a long term sustainable financial mechanism

29 PART 24- NATIONAL POST CODE SYSTEM

30 S. 93- (1) notwithstanding the provision of any existing Post Code

1 System, the Commission shall solely and exclusively be vested with the
2 control, planning, administration, management and assignment of the National
3 Post Code System

4 (2) the Commission shall develop a national code system for effective
5 and efficient mail delivery taking into account the subsisting numbering plan
6 prior to the commencement date of this Bill

7 (3) in developing the Post Code Plan or System, the Commission may
8 liaise with any relevant government authority or agency in the naming and
9 numbering of streets and houses and may further divide the entire country into
10 post code zones and areas.

11 (4) the Commission shall maintain and manage integrated post code
12 database and make post code information available to the public for a fee as it
13 may prescribe in a non-discriminatory manner.

14 (5) without prejudice to the generality of subsection (1) of this
15 section, the Commission may act in person or delegate any or all of its
16 obligations under this section to any person it may deem fit.

17 PART 25 - TECHNICAL STANDARDS

18 S.94-(1) Subject to subsection (2) of this section, the Commission
19 shall specify and publish to the general public, technical code and
20 specifications in respect of postal services.

21 (2) The technical code and specifications prepared by the
22 Commission under this section shall include-

- 23 a) list of prohibited or restricted postal articles;
- 24 b) requirements for transit and delivery times;
- 25 c) terms and conditions of carriage including liability and restriction
26 or exemption clauses, amount and condition of payment of compensation;
- 27 d) requirements for operational offices, infrastructure and
28 warehouses;
- 29 e) requirements for information on its product and services;
- 30 f) provision of register of daily shipment indicating weight of each

- 1 postal item, destination, acceptance and delivery terms;
- 2 g) provision for mail bags, waybills, labels, receipts and proof of
- 3 delivery;
- 4 h) requirements for safe and efficient system of custody and
- 5 transportation of postal articles;
- 6 i) requirements for examination of postal articles before, during or
- 7 after transmission.

8 (3) Prior to specifying and publishing any technical code and

9 specifications under this Bill, the Commission shall first conduct an inquiry

10 in the manner specified in this Part on the proposed code or specification

11 provided that such prior inquiry may not be required in regard to technical

12 code or specifications that are mandatorily prescribed by international

13 organisations to which Nigeria belongs such as the Universal Postal Union.

14 (4) In making the technical code and specifications, the

15 Commission shall take into consideration the findings of the inquiry under

16 subsection (3) of this section.

17 PART 26 - OFFENCES AND PENALTIES

18 S. 95-(1) subject to such exemptions as are contained in this Bill, or

19 as may be determined by the Commission from time to time, a person who

20 operates a postal service-

- 21 a) without a licence issued under this Bill; or
- 22 b) outside the terms and conditions of the licence; or
- 23 c) in contravention of the provision of this Bill or regulation made
- 24 pursuant; thereby commits an offence.

25 (2) a person who for the purpose of securing a licence under this

26 Bill, makes a statement or provides information which he knows to be false

27 or does not have reason to believe to be true, commits an offence.

28 S. 96-(1) a person who-

- 29 (a) without lawful authority, willfully or maliciously stops, dumps,
- 30 intercepts or by any way specified in any section of this Bill, tampers or

1 items and does not comply with the regulations; or
2 (u) patronizes unlicensed postal operator; or
3 (v) being a licensed operator partners with unlicensed operator to
4 transact postal or courier express business, is guilty of an offence.

5 S. 97-(1) a person who is guilty of an offence under any section of this
6 part shall be liable on conviction, where not otherwise specified-

7 (a) in case of an individual, to a term of imprisonment of not less than
8 seven years without an option of fine; and

9 (b) in case of a body corporate to a fine not exceeding ten times the
10 initial fee for the relevant licence, to be paid to the Commission; or

11 (c) both fine and imprisonment.

12 (2) notwithstanding subsection (1)(b) of this section, where an
13 offence under this part is committed by a body corporate, firm or other
14 association or individual-

15 (a) every director, manager, secretary, or other similar officers of the
16 corporate body;

17 (b) every partner or officer of the firm;

18 (c) every person concerned in the management of the affairs of the
19 association; or

20 (d) every person who was purporting to act in any capacity as
21 aforesaid; shall be severally guilty of that offence and liable to be prosecuted
22 and punished for the offence in like manner as if he himself committed the
23 offence in an individual capacity, unless he proves that the act or omission
24 constituting the offence took place without his knowledge, consent or
25 connivance.

26 (3) in addition to the penalties specified in this part, any article,
27 property, facility, equipment, vehicle or other things used in the commission of
28 or in connection with the offence shall be forfeited to the Federal Government.

29 PART 27- JURISDICTION TO TRY OFFENCES

30 S.98-The Federal High Court shall have exclusive jurisdiction over

1 all matters, suits and cases howsoever arising out of or pursuant to or
2 consequent upon this Bill or its subsidiary legislation and all references to
3 "Court" or "Judge" in this Bill shall be understood and deemed to refer to the
4 Federal High Court or a Judge of the said Court.

5 PART 28: POWERS TO INVESTIGATE

6 S: 99 –(1) The Commission may in writing authorise any of its
7 officials or appoint external inspectors on its behalf to exercise the powers
8 of monitoring and enforcement vested in the Commission under this Bill.

9 (2) The Commission may direct its authorised officials or
10 appointed inspectors to investigate the activities of a licensee or other person
11 material to his compliance with this Bill or its subsidiary legislation
12 pursuant to its information-gathering, monitoring, enforcement and other
13 related powers under this Bill.

14 (3) In exercising any of the powers specified in subsection (2) of
15 this section and notwithstanding any other provision of this Bill, an
16 authorised official of the Commission or its appointed inspector-

17 (a) shall on demand produce to the person against whom he is
18 acting, the authority issued to him by the Commission; and

19 (b) may at any reasonable time and without prior notice, enter any
20 affected place or licensee's premises and:

21 (i) inspect and make copies of or extracts from books, records,
22 documents or other information storage systems,

23 (ii) demand the production of and inspect the relevant licence,
24 permit, certificate or authority; and

25 (iii) inspect any radio communications station or apparatus or other
26 communications equipment or facilities on the premises.

27 Provided that the official or appointed inspector shall have in his possession
28 for the purposes of entering any affected person's premises who is not a
29 licensee, a warrant for that purpose obtained from a Magistrate or Judge
30 prior to the entry into such premises.

1 PART 29 - ACTIONS AGAINST COMMISSION ETC

2 S. 100—(1) Subject to the provisions of this Bill, the provisions of the
3 Public Officers Protection Act shall apply in relation to any suit instituted
4 against an official or employee of the Commission.

5 (2) Notwithstanding anything contained in any other law or
6 enactment, no suit shall lie against a Commissioner, the Secretary or any other
7 official or employee of the Commission for any act done in pursuance or
8 execution of this Act or any other law or enactment, or of any public duty or
9 authority in respect of any alleged neglect or default in the execution of this Act
10 or any other law or enactment, duty or authority, or be instituted in any court
11 unless it is commenced—

12 a) within 3 months next after the act, neglect or default complained of;
13 or
14 b) in the case of a continuation of damage or injury, within 6 months
15 next after the ceasing thereof.

16 (3) No Suit shall be commenced against a Commissioner, the
17 Secretary or any official or employee of the Commission before the expiration
18 of a period of 1 month after written notice of the intention to commence the Suit
19 shall have been served on the Commission by the intending plaintiff or his
20 agent.

21 (4) The notice referred to in subsection (3) of this section shall clearly
22 and explicitly state the cause of action, the particulars of the claim, the name
23 and place of abode of the intending plaintiff and the relief sought.

24 S. 101- A notice, summons or other document required or authorised
25 to be served on the Commission under the provisions of this Bill or any other
26 law or enactment may be served by delivering it to the Commission or by
27 sending it by registered post addressed to the Director General or Secretary of
28 the Commission at the principal office of the Commission.

29 S. 102—(1) In any action or suit against the Commission, no execution
30 or attachment of process in any nature thereof shall be issued against the

1 Commission unless not less than 3 months notice of the intention to execute
2 or attach has been given to the Commission. (2) Any sum of money which
3 may by the judgement of any court be awarded against the Commission
4 shall, subject to any direction given by the court where notice of appeal
5 against the judgement has been given, be paid from the Commission's Fund.

6 **S. 103-** A Commissioner, the Secretary or any official or employee
7 of the Commission shall be indemnified out of the assets of the Commission
8 against any liability incurred by him in defending any proceeding, whether
9 civil or criminal, if the proceeding is brought against him in his capacity as a
10 Commissioner, Secretary, officer or employee of the Commission.

11 **PART 30 - NATIONAL INTEREST MATTERS**

12 **S. 104** –(1) A licensee shall use his best endeavor to prevent the
13 network facilities that he owns or provides or the network service,
14 applications service or content application service that he provides from
15 being used in, or in relation to, the commission of any offence under any law
16 in operation in Nigeria.

17 (2) A licensee shall, upon written request by the Commission or
18 any other authority, assist the Commission or other authority as far as
19 reasonably necessary in preventing the commission or attempted
20 commission of an offence under any written law in operation in Nigeria or
21 otherwise in enforcing the laws of Nigeria, including the protection of the
22 public revenue and preservation of national security.

23 (3) Any licensee, shall not be liable in any criminal proceedings of
24 any nature for any damage (including punitive damages), loss, cost or
25 expenditure suffered or to be suffered (whether directly or indirectly) for
26 any act or omission done in good faith in the performance of the duty
27 imposed under subsections (1) and (2).

28 **S. 105-** The Commission may determine that a licensee or class of
29 licensee shall implement the capability to allow authorised interception of
30 communications and such determination may specify the technical

1 requirements for authorised interception capability.

2 **S. 106**—(1) in the interest of public safety, the Commission may-

3 (a) suspend the licence of any licensee, take temporary control of any
4 service or network facilities owned or provided by a licensee in any manner as
5 the Commission deems fit;

6 (b) withdraw either totally or partially the use of any service or
7 network facilities from any licensee, person or the general public;

8 **S. 107**- The Commission may direct a licensee or class of licensees to
9 develop, in consultation with the authorities specified by the Commission, a
10 disaster plan for the survivability and recovery of any services or postal
11 facilities in case of a disaster, crisis or civil emergency.

12 **PART 31 - REPEAL AND SAVINGS**

13 **S. 108**-(1) as from the commencement of this Bill, the Nigerian Postal
14 Service Act" Cap N127, LFN, 2004 is hereby repealed.

15 (2) without prejudice to the Interpretation Act, nothing in this law
16 shall invalidate or otherwise affect anything done or purported to be done under
17 the repealed Act.

18 **PART 32 - TRANSITIONAL PROVISIONS**

19 **S. 109**-(1) by this Bill there shall be vested in the Commission
20 immediately at the commencement of this Bill, all assets, funds, resources and
21 other movable and immovable property which immediately before the
22 commencement of this Bill were vested in the Nigeria Postal Services.

23 (2) The rights, interests, obligations and liabilities of the Nigeria Postal
24 Services, existing before the commencement of this Bill under any contract or
25 instrument, or in law or in equity shall by virtue of this Bill be deemed to have
26 been preserved, assigned to and vested in the Commission established by this
27 Bill to the extent that they are not inconsistent howsoever with any of the
28 provisions of this Bill.

29 (3) Any such contract or instrument as is mentioned in sub-section

30 (2) of this section shall be of the same force and effect against or in

1 favour of the Commission established by this Bill and shall be enforceable
2 as fully and effectively as if instead of the Commission existing before the
3 commencement of this Bill the Commission established by this Bill had
4 been named therein or had been a party thereto provided that such contract
5 or instrument is not inconsistent with any of the provisions of this Bill.

6 (4) The Commission established by this Bill shall be subject to all
7 the obligations and liabilities to which the Nigerian Postal Service existing
8 before the commencement of this Act was subject to immediately before the
9 commencement of this Bill and all other persons shall have the same rights,
10 powers and remedies against the Commission established by this Bill as
11 they had against the Nigeria Postal Service existing before the
12 commencement of this Bill provided that such obligations, liabilities, rights,
13 powers and remedies are not inconsistent with any of the provisions of this
14 Bill.

15 (5) Any proceeding or cause of action pending or existing
16 immediately before the commencement of this Bill by or against the
17 Commission in respect of any right, interest, obligation or liability of the
18 Nigeria Postal Service pursuant to the repealed Acts may be continued or, as
19 the case may be, commenced and any determination of the court of law,
20 tribunal or other authority or person may be enforced by or against the
21 Commission established by this Bill as if such proceeding or cause of action
22 or determination was continued, commenced or enforced by or against the
23 Commission under this Bill provided that such proceeding or cause of action
24 or determination is not inconsistent with any of the provisions of this Bill.

25 (6) The Minister if he thinks fit may, within twelve months after the
26 commencement of this Bill, by order published in the Gazette, make
27 additional transitional or saving provisions for carrying out the objectives of
28 this Bill.

29 PART 33 - DEFINITIONS AND SHORT TITLE

30 S. 110- In this Bill- "Access" means the making available of postal

1 facilities and services by one licensee to another for the purpose of providing
2 services;

3 "Agreement" means an agreement, whether formal or informal, oral
4 or written, express or implied; "Authorised interception" means interception
5 by the Commission as permitted under this Bill; "Board" means the Board of
6 Commissioners;

7 "Cargo" means any goods transported by air, road, sea, etc;

8 "Commission" means the Nigerian Postal Commission;

9 "Consumer" or "customer" means any person who uses postal
10 services;

11 "Courier service" means door to door, time-sensitive and secured
12 service;

13 "Direction" means a direction issued by the Commission;

14 "Licensee" means a person who either holds a licence granted under
15 this Bill;

16 "Minister" means the Minister for the time being charged with the
17 responsibility for Postal Matters;

18 "Minister of Finance" means the Federal Minister for the time being
19 charged with the responsibility for Finance;

20 "President" means the President of the Federal Republic of Nigeria;

21 "Publication" of any information by the Commission pursuant to this
22 Act or its subsidiary legislation, except otherwise specified in any particular
23 section of this Act, shall be deemed as sufficiently effected if it is posted at the
24 Commission's website and published in at least two widely circulating national
25 newspapers;

26 "Publication" of any information by a licensee pursuant to this Bill or
27 its subsidiary legislation, except otherwise specified in any particular section
28 of this Bill, shall be deemed as sufficiently effected if it is - officially sent to the
29 Commission; published at the licensee's website;

30 made publicly and readily available to any member of the public at the

1 licensee's offices that deal with or relate howsoever with its consumers; and
2 if the Commission so directs, published in at least one national newspaper;

3 "Register" means anyone of the registers established or maintained
4 by the Commission for the purposes of this Bill;

5 "Service", except where the context otherwise requires, means
6 applications, content, network or facilities services or any combination of
7 these services;

8 **S. 111-** This Act may be cited as the Nigerian Postal Bill 2015

9 SCHEDULES

10 *First Schedule*

11 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD
12 OF COMMISSIONERS

13 *Proceedings Of The Board*

14 1. Subject to the provisions of this Bill and section 27 of the
15 Interpretation Act, the Board may make standing orders regulating its
16 proceedings or that of any of its Committees.

17 2. The Chairman shall preside at every meeting of the Board and in
18 his absence, the Director General shall preside at the meeting and in the
19 absence of the Chairman and the Director General, the members present at
20 meeting shall appoint one of their numbers to preside at the meeting.

21 3. The quorum for any meeting of the Board shall be a simple
22 majority of the Members for the meantime constituting the Board provided
23 that, such simple majority shall include a minimum of 2 Executive
24 Commissioners.

25 4. The Board shall meet to transact its business pursuant to this Bill
26 whenever it is summoned by the Chairman and if so required by notice given
27 to him by not less than 4 other members of the Board specifying, amongst
28 others, an agenda for the meeting, the Chairman shall summon a meeting of
29 the Board that shall be held within 14 days from the date on which the notice
30 is served on him to discuss the items specified in the notice; Provided that

1 the Board shall for the purposes of this Bill meet not less than 4 times in each
2 calendar year.

3 5. A member of the Board who directly or indirectly has an interest of
4 a personal nature (including but not limited to financial interests) in any matter
5 being deliberated upon by the Board, or is personally interested in any contract
6 made or proposed to be made by the Commission, Council or the Postal Service
7 Fund shall, so soon after the facts of the matter of his interests have come to his
8 knowledge disclose his interest and the nature thereof at a meeting of the
9 Board.

10 6. A disclosure under paragraph 5 of this Schedule shall be recorded in
11 the minutes of meetings of the Board and the member concerned -

12 (a) shall not, after the disclosure, take part in any deliberation or
13 decision of the board or vote on the matter; and

14 (b) shall be excluded for the purpose of constituting a quorum of any
15 meeting of the Board for any deliberation or
16 decision, with regard to the subject matter in respect of which his interest is so
17 disclosed.

18 *Committees*

19 7-(1) Subject to its standing orders, the Board may appoint such
20 number of standing or ad hoc committees as it thinks fit to consider and report
21 on any matter with which the Commission is concerned.

22 (2) A committee appointed under this paragraph shall -

23 (a) consist of such number of persons who may not necessarily be
24 members of the Board as may be determined by the Board, provided that the
25 appointment of a non-Board member as a Committee member shall be subject
26 to such terms as would be indicated in his letter of appointment; and

27 (3) The quorum of any Committee set up by the Board shall be as may
28 be determined from time to time by the Board.

29 (4) A decision of a Committee of the Board shall be of no effect until it
30 is confirmed by the Board. Miscellaneous

1 8- The fixing of the seal of the Commission shall be authenticated
2 by the signature of the Secretary and that of the Chairman or any other Board
3 Member generally or specifically authorised by the Board to act for that
4 purpose.

5 9- Any contract or instrument which, if made by a person not being
6 a body corporate, would not be required to be under seal may be made or
7 executed on behalf of the Commission, Councilor Universal Postal Service
8 Fund by any person generally or specially authorised by the Board to act for
9 that purpose.

10 10.- Any document purporting to be a contract, instrument or other
11 document duly signed or sealed on behalf of the Commission shall be
12 received in evidence and shall, unless the contrary is proved, be presumed
13 without further proof to have been so signed or sealed.

14 11.-Subject to the provisions of this Bill, the validity of any
15 proceedings of the Board or of any of its Committees shall not be affected
16 by-

17 (a) any vacancy in the membership of the Board, or Committee;

18 (b) any defect in the appointment of a member of the Board or
19 Committee; or

20 (c) reason that any person not entitled to do so took part in the
21 proceedings of the Board or Committee.

22 12.- No member of the Board or the Board's Committee shall be
23 personally liable for any act or omission done or made in good faith while
24 engaged on the business of the Commission.

25 *Second Schedule*

26 CONFLICT OF INTEREST

27 I. Subject to the provisions of this Schedule, no Commissioner or
28 staff of the Commission shall have a direct or indirect financial interest or
29 investment in any Nigerian postal service company throughout the tenure of
30 his office or employment with the Commission.

1 2. Subject to paragraphs 3 and 4 hereof, each Commissioner or staff
2 of the Commission shall on an annual basis present a written declaration
3 affirming the non-existence of any such interest as is specified in paragraph 1
4 and shall pledge to disclose and inform the Commission of any such
5 relationship or interest that arises or is likely to arise during his tenure or
6 employment with the Commission.

7 3. Serving Commissioners and staff of the Commission as at the
8 commencement date of this Act shall be entitled to a maximum of 6 months
9 from the said commencement date within which to divest themselves of their
10 direct or indirect financial interests or investment in any Nigerian
11 communications company, if any.

12 4. All newly appointed Commissioners and staff of the Commission
13 after the commencement of this Act shall be entitled to a maximum of 6 months
14 from their respective dates of appointments within which to divest themselves
15 of their direct or indirect financial interests or investments in any Nigerian
16 postal service company, if any.

17 5. Each Commissioner or staff of the Commission shall declare on
18 appointment or at the commencement of employment and annually thereafter,
19 for as long as he serves the Commission, any interest or investment that he -

20 a) knowingly has; or

21 b) knows any member of his immediate family to have

22 in any aspect of the Nigerian Postal industry.

23 6. If a Commissioner or staff of the Commission contravenes the
24 provisions of paragraphs 1 and 2 of this Schedule, or gives false information
25 under paragraph 5 of this Schedule, he shall be liable, on conviction, to the
26 payment of a fine not exceeding N100,000.00 or imprisonment of a term not
27 exceeding 1 year or to both.

28 7. Subject to paragraph 8 of this Schedule, the Board may from time
29 to time waive the application of the prohibitions specified in paragraph 1 and 2
30 of this Schedule to any Commissioner or staff of the Commission if the Board

1 determines that the financial interest of the relevant person is not of a
2 material nature or is minimal.

3 8. The Commission in determining whether or not the interest of a
4 Commissioner or staff of the Commission is minimal or not of a material
5 nature shall consider factors including but not limited to the following -

6 (a) the revenues, investments, profits and managerial efforts of the
7 relevant company or other entity in regard to its communications activities
8 compared with other aspects of the company's or such entity's businesses;

9 (b) the extent to which the Commission regulates and oversees the
10 activity of such company or entity;

11 (c) the degree to which the economic interests of such company or
12 other entity may be affected by an action of the Commission; and

13 (d) the perceptions held or likely to be held by the public regarding
14 the relevant person's financial interest or investment in that company or
15 other entity.

16 9. The Board may at any time review and reverse its determination
17 under paragraph 7 of this Schedule and direct the application of the
18 prohibitions contained in this Schedule to the affected Commissioner or
19 staff of the Commission and the Board shall not be under an obligation to
20 disclose the reason or basis for its review to the affected Commissioner or
21 staff member.

22 **10.-** For the purposes of this Schedule -

23 "company" includes partnerships and undertakings;

24 "immediate family" means a person's spouse and children who are under the
age of 18 years.

