

NIGERIAN POSTAL COMMISSION, 2021

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SCHEDULES

A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN POSTAL SERVICE ACT CAP N127 LFN 2004, AND ESTABLISH THE NIGERIA POSTAL COMMISSION TO MAKE COMPREHENSIVE PROVISIONS FOR THE DEVELOPMENT AND REGULATION OF POSTAL SERVICES AND FOR RELATED MATTERS

Sponsored by Hon. Adeyemi Akeem Adeniyi

[] Commencement

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

PART I - OBJECTIVES AND SCOPE

1.-(1) The objectives of this Bill are to:

Objectives and scope of application

(a) implement the National Postal Policy as may, from time to time, be modified or amended;

(b) establish a regulatory framework for the Nigerian postal industry and for this purpose, to create an effective, impartial and independent regulatory authority;

(c) promote the provision of a modern universal, efficient, reliable, affordable and easily accessible postal service with the widest range and coverage throughout Nigeria;

(d) encourage local and foreign investments in the Nigerian postal industry and the introduction of innovative services and practices, in accordance with international best practices and trends;

(e) ensure fair competition in all sectors of the Nigerian postal industry and encourage participation of Nigerians in the ownership, control and management of postal organizations;

(f) encourage the development of postal manufacturing and supply sector within the Nigerian economy and promote effective research and development effort by all postal industry practitioners;

1 (g) protect the rights and interests of service providers and consumers
2 within Nigeria;

3 (h) ensure that the needs of the disabled and elderly persons are taken
4 into consideration in the provision of postal services;

5 (i) ensure efficient management, planning, coordination, allocation,
6 assignment, registration, monitoring and use of national resources in the postal
7 sub-sector while promoting and safeguarding national interest, safety and
8 security;

9 (j) ensure greater access to basic services through the achievement of
10 universal postal service, by providing an acceptable level of effective and
11 regular postal services to all areas and small towns where post offices are not
12 sustainable;

13 (k) contribute to community and rural education, through active
14 participation in the development of the post office as an interface between
15 Government and communities and provide a centre for community activities;

16 (l) promote small, medium and macro enterprises within the postal
17 industry; and

18 (m) do such other things as may be incidental to the attainment of the
19 above stated objectives.

20 (2) This Bill applies to all activities within or associated with the
21 provision and use of all postal, logistics and postal related services and
22 networks, in whole or in part within Nigeria.

23 PART II - ESTABLISHMENT OF THE NIGERIAN POSTAL SERVICE AND

24 DESIGNATION AS PUBLIC POSTAL OPERATOR

25 2.-(1) There is hereby established a body to be known as the Nigerian
26 Postal Service (hereby designated as the Public Postal Operator) which shall be
27 a body corporate with perpetual succession and a common seal, and may sue
28 and be sued in its corporate name.

29 (2) The Public Postal Operator shall be charged with the
30 responsibility of providing Universal Postal Services in Nigeria.

1 (3) In carrying out its Universal Postal Service Obligations, the
2 provisions of any enactment, law or regulation relating to the taxation of
3 companies, agencies or trust funds shall not apply to the Public Postal
4 Operator.

5 3.-(1) There is hereby established for the Public Postal Operator, a
6 Governing Board which shall be known as the Nigerian Postal Service
7 Governing Board, in this Bill referred to as ("the Board") which shall have
8 responsibility for:

Establishment
and Membership
of the Governing
Board of the Public
Postal Operator

9 (a) formulating policies and adopting strategies to promote the
10 development and maintenance of efficient, co-ordinated and economic
11 postal services for the Federation;

12 (b) borrowing or raising of money in such manner as the Board
13 may deem fit, for and on behalf of the Public Postal Operator;

14 (c) establishing/incorporating subsidiaries or affiliated companies
15 for the Public Postal Operator, which subsidiaries shall be governed in line
16 with the provisions of the Companies and Allied Matters Act; and

17 (d) promoting the development of such other ancillary services as
18 the Board may deem fit.

19 (2) (1) The Board shall consist of a part-time Chairman and the
20 following other members-

21 (a) the Permanent Secretary of the Ministry of Communications
22 who shall act as the alternate Chairman;

23 (b) a representative each of the following Federal Ministries, that
24 is:

25 (i) Finance;

26 (ii) Interior;

27 (iii) Communications and Digital Economy.

28 (c) the Postmaster-General; and

29 (d) 2 (two) other members appointed by the President.

30 (3) The appointment of Board members in subsection (1) and (2)

1 (d) of this section shall be subject to confirmation by the National Assembly.

2 (4) There shall be appointed by the Board a Secretary, who shall keep
3 record, conduct correspondences and perform such other duties as may be
4 required of him by the Board or the Postmaster General.

5 (5) The Secretary shall be a Legal Officer of the Public Postal
6 Operator, who shall have not less ten (10) years post call experience.

7 (6) The supplementary provisions set out in the First Schedule to this
8 Bill shall have effect with respect to the proceedings of the Board and other
9 matters contained therein.

Tenure of office
and removal
from office of
the Chairman,
etc. of the Board

10 4.-(1) The Chairman shall hold office for a period of 4 (four) years and
11 may be eligible for re-appointment for a further period of 4 (four) years and no
12 more.

13 (2) Subject to this section, a member of the Board shall hold office for
14 a period of 4 (four) years from the date of his appointment as a member and
15 may be eligible for re-appointment for a further period of 4 (four) years and no
16 more.

17 (3) The Minister may, with the approval of the President, at any time
18 remove any member of the Board from office if the Minister is of the opinion
19 that it is not in the interest of the Board or the Public Postal Operator for the
20 member to continue in office and shall notify the member in writing to that
21 effect.

22 (4) Where the Board is satisfied that the continued presence on the
23 Board of any member is not in the national interest or the interest of the Board
24 or the Public Postal Operator, it may recommend to the Minister that the
25 member concerned be removed from office; and if the Minister, after making
26 such inquiries as he considers necessary, approves of the recommendation, he
27 may in writing with the approval of the President, declare the office of the
28 member vacant.

Appointment
of the Postmaster-
General

29 5.-(1) There shall be appointed for the Public Postal Operator by the
30 President, on the recommendation of the Minister, a Postmaster-General, who

1 shall be the Chief Executive and shall be responsible for the execution of the
2 Policy of the Board relating to the Public Postal Operator and its day to day
3 administration.

4 (2) The Postmaster-General shall hold office in the first instance
5 for a period of 5 (five) years and may be eligible for re-appointment for a
6 further term of 5 (five) years and no more.

7 (3) Subject to this section, the Postmaster-General shall hold office
8 on such term as to emolument and otherwise as may be specified in his letter
9 of appointment.

10 6.-(1) Subject to the provisions of this Bill, the administration and
11 control of the Public Postal Operator shall vest in the Postmaster-General.

Duties of the
Postmaster-General

12 (2) In carrying out the functions of the Public Postal Operator, the
13 Postmaster-General may-

14 (a) establish post offices at such places as he may deem fit and may
15 abolish any such post office;

16 (b) establish and operate facilities for the collection, despatch,
17 delivery and distribution of domestic and international mail;

18 (c) provide and operate philatelic services within and outside
19 Nigeria;

20 (d) plan and co-ordinate the entire postal network;

21 (e) negotiate and enter into agreement with any person or authority
22 on matters relating to the postal system;

23 (f) provide on agency, basis such miscellaneous services as may be
24 required of him by the Federal Government;

25 (g) represent Nigeria at proceedings of international organisations
26 and fora on matters relating to Postal Services and matters ancillary and
27 connected thereto;

28 (h) carry on all such other activities as are necessary or expedient
29 for the discharge of his responsibilities under this Bill.

Staff Regulations
as to Condition
of Service of
Employees

1 7.-(1) The Board may, with the approval of the Minister, make
2 regulations relating generally to the conditions of service of the employees of
3 the Public Postal Operator and without prejudice to the generality of the
4 foregoing, such regulations may provide for-

5 (a) the appointment, promotion and disciplinary control of all
6 employees of the Public Postal Operator; and

7 (b) appeals by such employees against dismissal or other disciplinary
8 measures, and until such regulations are made, any instrument relating to the
9 conditions of service of employees or anybody dissolved or affected by this
10 Bill, shall continue in force and have the same effect as if made under this
11 Bill.

Application of
Pensions Act

12 8.-(1) It is hereby declared that service in the Nigerian Postal Service
13 shall be pensionable under the extant Pensions law in Nigeria and accordingly
14 employees of the Postal Service shall, in respect of their services in the Public
15 Postal Operator, be entitled to pensions, gratuities and other retirement benefits
16 as are prescribed there under.

17 (2) Notwithstanding the provisions of subsection (1) of this section,
18 nothing in this Bill shall prevent the appointment of a person to an office on
19 terms which preclude the grant of a pension and gratuity in respect of that
20 office.

21 (3) For the purpose of the application of the provisions of the Pensions
22 Reform Act, 2014, any power exercisable there under by a Minister or other
23 authority of the Government of the Federation other than the power to make
24 regulations under section 6 thereof is hereby vested in and shall be exercisable
25 by the Board and not by any other person or authority.

26 (4) Subject to subsection (2) of this section, the Pensions Reforms
27 Act, 2014 shall in its application by virtue of subsection (3) of this section, have
28 effect as if the officer were in the Civil Service of the Federation within the
29 meaning of the Constitution of the Federal Republic of Nigeria 1999 (as
30 amended).

1 9.-(1) Subject to the provisions of this Bill, the Public Postal
2 Operator designated under subsection (1) of Section 2 of this Bill shall:

3 (a) take necessary steps to implement the minimum quality
4 objective of the Public Postal Operator as may be defined from time to time
5 by the Board;

6 (b) offer products and services corresponding to the pricing
7 conditions as may be defined from time to time so as to ensure access to
8 postal service;

9 (c) expand access to collection and delivery of Postal Service
10 products and services to geographical areas in which postal service is non-
11 existent;

12 (d) develop products and services that meet the criteria for
13 accessible affordable, good quality Postal Services;

14 (e) authenticate electronic and internet-based receipts;

15 (f) publish and disseminate the list of products and services
16 provided as part of the Postal Service including their prices;

17 (g) participate in projects on Universal Postal Service costing and
18 pricing;

19 (h) participate in Universal Postal Union and restricted Union
20 activities;

21 (i) maintain and review the Post Office Guide from time to time;

22 (j) enter into any business partnerships or collaborate with
23 governmental agencies, corporate organizations and individuals in the
24 discharge of its obligations;

25 (k) inspect, audit and recover monies due to the Public Postal
26 Operator;

27 (l) appoint auditors for the purpose of determining its total revenue
28 collections from all transactions carried out on its behalf;

29 (m) have power to borrow or raise money in such manner as it may
30 deem fit;

1 (n) have power to conduct investigation of postal offences, and in
2 doing so, an investigation officer or any other relevant officer of the Public
3 Postal Operator may without warrant, enter and search a building or carrier
4 including aircraft, vehicle or container or any other instrumentalities
5 whatsoever, which he has reason to believe is connected with the commission
6 of an offence;

7 (o) develop, promote and provide adequate and efficiently co-
8 ordinated and economic postal service at fair and reasonable rates and fees;

9 (p) maintain an efficient system of collection, sorting and delivery of
10 mail nationwide;

11 (q) provide various types of mail services to meet the needs of
12 different categories of mail users;

13 (r) establish and maintain postal facilities of such character and in
14 such location consistent with reasonable economics as will enable the
15 generality of the public to have ready access to essential postal services;

16 (s) provide slogan for publicity services; and

17 (t) carry out such other activities as are necessary or expedient for the
18 discharge of its responsibilities under this Bill, either directly or/and through its
19 appointed agents/proxies.

20 (2) The contents of the Post Office Guide shall include the following:

21 (a) statement of the rates of Postage that may from time to time be
22 fixed for postal services;

23 (b) conditions regarding the payment of compensation for loss or
24 damage to postal articles;

25 (c) conditions for the issuance and payment of Money Orders and
26 Postal Orders including the rates of commission thereon;

27 (d) conditions under which and the manner in which special services
28 will be performed for the convenience of individuals;

29 (e) the rules for the guidance, conduct and discipline of officers and

1 servants of the Public Postal Operator and the performance of their several
2 duties;

3 (f) the statement of hours during which the Post Offices will be
4 opened for the transaction of the various classes of public business;

5 (g) the statement of hours for the posting of postal articles and the
6 late fee charges for postal articles;

7 (h) the list of officers who may frank postal articles sent by a public
8 department;

9 (i) stamping list for the purpose of denoting, authenticating and
10 validating receipts, documents and other instruments;

11 (j) the statement of the manner in which amendments of the Post
12 Office Guide will be carried out and published; and

13 (k) such other information as the Postmaster General may deem fit
14 to include.

15 **10.-(1)** The Public Postal Operator shall have and exercise power
16 to the exclusion of any other person to:

Exclusive Powers
of the Public Postal
Operator

17 (a) collect, accept, process, convey and deliver postal articles
18 weighing up to 1 kg including such postal articles addressed to different
19 recipients with each weight class 'not more than 1kg' whether enclosed in an
20 envelope, sack, collector or any form of container;

21 (b) collect, accept, process, convey and deliver postal articles with
22 tariff of less than five times the rate of postage applicable to the particular
23 weight class or as may be revised from time to time by regulations made
24 pursuant to this Part;

25 (c) design, print, produce, issue and retail electronic and adhesive
26 stamps;

27 (d) at its discretion, authorise by way of a franchise or license or as
28 may be otherwise determined, any individual or group to design, print,
29 produce, retail and issue electronic and adhesive stamp for specified
30 purposes:

- 1 (e) produce philatelic products, pre-stamped envelopes, pre-stamped
2 postcards, aerogrammes and international reply coupons;
- 3 (f) provide and maintain private letters boxes and bags for mail
4 delivery, letter posting boxes, and to establish post offices throughout Nigeria
5 and the use of post office or postal service on such boxes, equipment and
6 offices;
- 7 (g) authorize the use of franking meter machine to record prepaid
8 postage charges by any person;
- 9 (h) authenticate documents and internet mail related transaction
10 receipts and documents;
- 11 (i) issue and pay domestic and international postal and money orders;
- 12 (j) verify, authenticate and validate addresses nationwide;
- 13 (k) provide and establish non postal or similar services;
- 14 (l) issue, prescribe and approve stamp for denotation, authentication
15 and validation of receipts, documents and other instruments required to be
16 denoted;
- 17 (m) review from time to time the value of threshold of receipts and
18 other instruments required to be denoted;
- 19 (n) determine modalities for the issuance and production of electronic
20 stamps;
- 21 (o) establish/incorporate subsidiaries or affiliated companies and act
22 as a holding and parent company to oversee and supervise its
23 established/incorporated subsidiaries or affiliated companies;
- 24 (p) accredit e-sat certificate and digital signature in Nigeria for
25 verification and authentication of electronic documents including but not
26 limited to financial statements, utility bills, e-mails, government documents, e-
27 dividend warrants, etc.
- 28 (q) explore additional sources of postal revenue;
- 29 (r) subject to the approval of the appropriate authority, receive,
30 dispatch, transport, distribute and deliver electoral materials, palliatives and

1 other relief materials and products during national emergencies and be given
2 free access at all times during periods of restriction of movements;

3 (s) provide for such miscellaneous services as may be authorized
4 by the Federal Government;

5 (2) In this section "postal articles" includes any letter, postcard,
6 newspaper, book, document, pamphlet, pattern or sample packet, parcel or
7 package, goods or other items whatsoever transmissible by post, courier or
8 electronic means.

9 11. The exclusive powers conferred on the Public Postal Operator
10 by subsection (1) of Section 10 of this Bill shall not extend to:

Exceptions to
Powers

11 (a) letters sent through a messenger on purposes concerning the
12 private affairs or business of the sender or receiver;

13 (b) letters concerning goods or merchandise sent by common
14 carriers to be delivered with the goods without conferring any reward, profit
15 or advantage for receiving or delivering of the letter;

16 (c) letters from merchants, owners of vessels of merchandise or the
17 cargo or loading therein, sent by the vessels of merchandise, or by any
18 person employed by the owners for the carriage of the letters, according to
19 their respective directions and delivered to the respective persons to whom
20 they are directed without paying or receiving fees or reward, advantage or
21 profit for the same in any way;

22 (d) letters sent between individuals on private journey or travel
23 without reward for the letters to be delivered to the party to whom they are
24 directed; and

25 (e) letters carried to the premises of a provider of electronic mail
26 service for the purposes of transmission by electronic mail.

27 12. The Public Postal Operator, shall in addition to the services
28 exclusively reserved under section 10 of this Bill, provide:

Mandatory Postal
Services

29 (a) basic postal services that include acceptance, conveyance,
30 transportation and delivery of postal articles nationwide, including but not

1 limited to packets, parcels and goods under terms and conditions as may be
2 determined from time to time by regulations made by the Commission;

3 (b) basic financial services, including but not limited to money
4 transfer (acceptance and payment) travellers' cheques, savings, operation of
5 giro account, Bank deposits and withdrawals either directly or on agency basis;

6 (c) postal insurance services, electronic postal services and other
7 information communication technology services;

8 (d) such other financial services as may be determined from time to
9 time by the Public Postal Operator.

10 PART III - PROVISIONS AS TO DENOTATION, AUTHENTICATION AND
11 VALIDATION OF RECEIPTS ETC

Denotation,
Authentication
and Validation
of receipts,
documents and
other instruments

12 13.--(1) As from the commencement of this Bill, notwithstanding
13 anything contained in any enactment whatsoever:

14 (a) all receipts, documents and other instruments shall be denoted,
15 authenticated and validated with adhesive and or electronic stamp of the Postal
16 Service for the purpose of denoting, authenticating and validating receipts,
17 documents and other instruments in accordance with the "Stamping Protocol";

18 (b) the Public Postal Operator shall be the only competent authority to
19 charge and collect proceeds from the sale of adhesive and or electronic stamp
20 for the purposes of denoting, authenticating and validating receipts, documents
21 and other instruments.

22 (2) For the purposes of this Bill, the expression "receipts" includes
23 any written, printed, or electronic notes or memorandum, transaction or
24 notification, or any bill of exchange or promissory note for money which is
25 acknowledged or expressed to have been received or deposited or paid, or
26 whereby any debt or demand, or any part of a debt or demand of money is
27 acknowledged to have been settled, satisfied, or discharged, or which signifies
28 or imports any such acknowledgement, and whether the same is or is not signed
29 with the name of any person.

30 (3) The expression "document" includes any written, printed or

1 electronic notes, memorandum, or piece of matter that provides information
2 or evidence or memorialize representation of thoughts or drafts or
3 agreements or proofs or copies or statements or application that serves as an
4 official record between two parties or more.

5 (4) The expression "instrument" includes any written, printed or
6 electronic matter formally attributed to its author, which records, and
7 formally expresses a legally enforceable act, process, contract, obligation,
8 or rights, and therefore evidences that act, process, or contract, obligations
9 or rights, or documents with value, or can be traded, or contractual rights to
10 deliver or receive cash of any money or asset is acknowledged or expressed
11 to have been received or deposited or paid, or whereby any debt or demand,
12 or any part of a debt or demand is acknowledged to have been settled,
13 satisfied, or discharged, or which signifies or imports any such
14 acknowledgement, and whether the same is or is not signed with name of
15 any person.

16 (5) For the purposes of denotation, authentication and validation of
17 receipts, documents and other instruments, the value of the adhesive and
18 electronic postage stamp shall be the prevailing minimum postage rate.

19 14.-(1) The denotation, authentication and validation upon
20 receipts, documents or other instruments shall be made with adhesive or
21 electronic postage stamp which is to be cancelled by the person by whom the
22 receipt is given before it is delivered. Every person who, being required by
23 law to cancel as herein provided, neglects or refuses duly and effectively to
24 do so in the manner aforesaid, shall be guilty of an offence and liable on
25 conviction to a fine of N100, 000.00 (One Hundred Thousand Naira).

26 (2) Where in any legal proceedings or before any arbitrator or
27 referee a receipt, document, or other instrument is inadmissible by reason of
28 it not being duly stamped, the officer presiding over the court, the arbitrator,
29 or the referee may, having regard to the illiteracy and ignorance of the party
30 tendering the receipt, document or instrument in evidence, admit the receipt

Cancellation
and penalties

1 upon the payment of a penalty of N100, 000.00 (One hundred thousand Naira)
2 and the officer presiding over the court, the arbitrator or referee, as the case
3 may be, shall note the payment of the penalty upon the face of the receipt,
4 document or instrument so admitted and a receipt shall be given for the same.

5 (3) A receipt, document or instrument so admitted in evidence shall
6 not be deemed to be duly stamped but shall be admissible for the purposes of
7 the suit in which it is tendered in evidence and for that purpose only.

8 (4) Where a person has been permitted under this section to tender a
9 receipt, document or instrument not duly stamped upon payment of the penalty
10 of N100,000.00 (One hundred thousand Naira), such person may recover the
11 said sum of N100,000.00 (One hundred thousand Naira) from the person
12 whose duty it was to stamp the receipt, document or instrument at the time
13 when it was first issued.

14 (5) Nothing contained in this section shall relieve any person from
15 any other penalty incurred by him in relation to such receipt, document or
16 Instrument.

17 (6) If any person-

18 (a) gives a receipt, document or instrument liable to be stamped and
19 not duly stamped; or

20 (b) in any case where a receipt, document or instrument would be
21 liable to being stamped, refuses to give a receipt, document or instrument duly
22 stamped; such a person shall be guilty of an offence and liable on conviction to
23 a fine of N100, 000.00 (One hundred thousand Naira) per receipt, document or
24 instrument.

25 PART IV - NATIONAL POSTCODE SYSTEM AND TECHNICAL STANDARDS

Administration
and Planning of
the National
Postal Code
System etc.

26 15.-(1) (a) The Public Postal Operator is solely and exclusively vested
27 with the control, planning, administration, management and assignment of the
28 National Postcode System (hereinafter referred to as, "the Postcode System");

29 (b) The Public Postal Operator shall develop a Postcode System for
30 effective and efficient mail delivery, taking into account the modern global

1 addressing standards;

2 (c) In developing the Post Code System, the Public Postal Operator
3 may liaise with any relevant government authority or agency in the naming
4 and numbering of streets and houses, and may further divide the entire
5 Country into post code zones and areas;

6 (d) The Public Postal Operator shall maintain and manage the
7 integrated post code database and make post code information available to
8 the public for such a fee as it may prescribe from time to time, in a non-
9 discriminatory manner;

10 (e) Notwithstanding the provisions of subsection (1)(b) of this
11 section, the Public Postal Operator may enter into a Public Private
12 Partnership arrangement or other similar arrangement to carry out any of its
13 obligations under this section.

14 (2) (a) Subject to the provision of subsection (2)(b) of this section,
15 the Public Postal Operator shall specify and publish for the information of
16 the general public, technical codes and specifications in respect of postal
17 services;

18 (b) The technical codes and specifications prepared by the Public
19 Postal Operator under this section shall include:

20 (i) list of prohibited or restricted postal articles;

21 (ii) requirements for transit and delivery times;

22 (iii) terms and conditions of carriage including liability and
23 restriction or exemption clauses, amount and condition of payment of
24 compensation;

25 (iv) requirements for operational offices, infrastructure and
26 warehouses;

27 (v) requirements for information on its products and services;

28 (vi) provision of register of daily-shipment indicating weight of
29 each postal item, destination, acceptance and delivery terms;

1 (vii) provision for mail bags, waybills, labels, receipts, and proof of
2 delivery;

3 (viii) requirement for safe and -efficient system of custody and
4 transportation of postal articles; and

5 (ix) requirement for examination of postal articles before, during or
6 after transmission.

7 (c) Prior to specifying and publishing any technical code and
8 specifications under this Bill, the Public Postal Operator shall first conduct an
9 inquiry in the manner specified in Part XI of this Bill on the proposed code or
10 specification, provided that such prior inquiry may not be required with regard
11 to technical code or specifications that are mandatorily prescribed by
12 international organizations to which Nigeria is a member such as the Universal
13 Postal Union;

14 (d) In making the technical codes and specifications, the Public Postal
15 Operator shall take into consideration the findings of the inquiry under
16 subsection (2)(c) of this section.

17 PART V - OFFENCES, PENALTIES AND TRIAL OF OFFENCES

Postal offence

18 **16.**-(1) A person who without lawful authority or with intent to
19 defraud:

20 (a) stops, dumps, intercepts or in any way not otherwise specified in
21 any section of this Bill, tampers or meddles with, or otherwise retards the
22 delivery of any postal matter or electronic mail;

23 (b) stops, delays, intercepts, tampers or meddles with any postal
24 matter or electronic mail with intent to steal or pilfer it; or

25 (c) secretes, destroys or defaces any postal matter, electronic mail or
26 any part thereof or evidence of the existence of the postal matter, electronic
27 mail or part thereof, whether or not the postal matter, electronic mail or part
28 thereof so secreted, destroyed or defaced, contains money or other thing
29 whatsoever, commits an offence under this Bill.

- 1 (2) A person shall be deemed to commit an offence under this Bill
2 where he:
- 3 (a) steals any postal matter or electronic mail;
- 4 (b) being charged with the delivery of any postal matter or
5 electronic mail, without lawful authority, fraudulently, willfully or
6 maliciously dumps it or delivers it to person or an address other than the
7 person or address stated on the postal matter or electronic mail;
- 8 (c) sells, offers for sale any stamp, postal order, money order or
9 other postal item at an amount not approved by the Public Postal Operator;
- 10 (d) without lawful authority, communicates or attempts to
11 communicate to an unauthorized person, any information relating to the
12 movement of any mail bag or postal matter or electronic mail;
- 13 (e) being the landlord, tenant, occupier or is concerned with the
14 management of any premises, causes or knowingly permits the premises to
15 be used for any purposes which constitutes an offence under this Bill;
- 16 (f) fraudulently, or by means of a false pretense, obtains from any
17 employee of a postal operator or any other person, any postal matter or
18 electronic mail which is not addressed to him with intent to defraud;
- 19 (g) falsely represents himself as an employee of a postal operator or
20 that he is for the time being employed by a postal operator or authorized to
21 render a service on behalf of the operator;
- 22 (h) being an employee of a postal operator, with intent to defraud,
23 receives, gives, delivers, transmits or is in possession of any postal matter by
24 false pretense;
- 25 (i) being an employee of a postal operator or any other person, aids,
26 abets, counsels, procures, attempts or conspires with any other person to
27 commit an offence under this Bill;
- 28 (j) without lawful authority, prints, produces, retails and issues or
29 otherwise deals in any stamp, whether electronic or adhesive;
- 30 (k) prints, sells, supplies, recycles, offers for or otherwise deals in

- 1 any postage stamp or any postal matters;
- 2 (l) prints, sells, supplies, recycles, offers for sale counterfeit postage
3 stamps, postal matter, and/or postal payment imprints;
- 4 (m) removes cancelled stamps or makes from bonafide postage stamp
5 or postage payment imprints for purposes of falsification or re-use;
- 6 (n) being employce of the Public Postal Operator or any other person
7 authorized by the Public Postal Operator to sell postage stamps or other postal
8 items, without lawful excuse fraudulently, willfully or maliciously, refuses to
9 do so or fraudulently, willfully or maliciously does any act that causes a
10 scarcity of postage stamps or postal items;
- 11 (o) lawfully or unlawfully obtains a postal service and then abandons
12 or gives up the service without settling any debt or charge incurred by him on
13 the service;
- 14 (p) engages in any conduct designed to perpetrate postal fraud
15 schemes;
- 16 (q) refuses to supply or convey information where disclosure or
17 submission is required under the provisions of this Bill or any other written
18 law;
- 19 (r) refuses to submit to inspection or obstructs or resists inspection
20 activities by law enforcement agencies or the Commission;
- 21 (s) arranges for permits or transmits banned or prohibited article or
22 item under this Bill, subsidiary legislation or any other written law;
- 23 (t) without lawful authority, offers or is engaged in any of the services
24 exclusively reserved for the Public Postal Operator;
- 25 (u) colludes with a licensed operator to undercut price, dump items
26 and/or does not comply with the provisions of this Bill and regulations made
27 under this Bill;
- 28 (v) patronizes an unlicensed operator; or
- 29 (w) being a licensed operator, partners with unlicensed operators to
30 transact postal or express business.

1 17. A person who, being an employee of the Public Postal
2 Operator or is for the time being under a duty to discharge any function
3 assigned to him by the Public Postal Operator:

Breach of official
duty

4 (a) negligently and fraudulently fails to perform or discharge that
5 duty;

6 (b) performs that duty fraudulently, negligently, perversely or
7 recklessly; or

8 (c) commits an act or omission in breach of that duty, commits an
9 offence under this Bill.

10 18.-(1) A person, whether an individual or body corporate, who
11 commits an offence under this Bill is liable on conviction, where no penalty
12 is otherwise specified, in case of:

Penalties

13 (a) an individual, to imprisonment for a term of 5 (five) years
14 without an option of fine;

15 (b) a body corporate, to a fine of N5, 000, 000.00 (five million
16 naira) only;

17 (2) Notwithstanding the provision of subsection (1)(b) of this
18 section, where an offence under this Bill is committed by a body corporate,
19 firm or other association, any:

20 (a) director, manager, secretary or other similar officers of the body
21 corporate;

22 (b) partner or officer of the firm;

23 (c) person concerned in the management of the affairs of the
24 association; or

25 (d) person who was purporting to act in any such capacity as
26 aforesaid; shall be severally liable for the offence and shall be prosecuted
27 and punished for the offence in like manner as if he had himself committed
28 the offence in an individual capacity, unless he proves that the act or
29 commission constituting the offence took place without his knowledge;
30 consent or connivance.

1 (3) In addition to the penalties specified in this Part of this Bill, any
2 article, property, facility, equipment, vehicle or other things used in the
3 commission of or in connection with the offence shall be forfeited to the
4 Federal Government.

Jurisdiction to
try Offences

5 19. The Federal High Court shall have exclusive jurisdiction over all
6 matters, suits and cases arising from this Bill or any regulations made under
7 this Bill, and all references to 'Court' or 'Judge' in this Bill means the Federal
8 High Court or a judge of the Federal High Court.

Cases in which
compensation
may be paid by
the Public Postal
Operator

9 20.-(1) Subject to the provisions of this section, compensation may be
10 paid voluntarily and as act of grace, if it is proved to the satisfaction of the
11 Postmaster-General of the Public Postal Operator that a letter or packet duly
12 admitted by the Public Postal Operator for registration has been entirely lost
13 whilst in his custody, except where such loss occurs as a result of tempest,
14 shipwreck, fire outbreak, earthquake, war or such similar causes beyond the
15 reasonable control of the Public Postal Operator.

16 (2) The final decision on all questions of compensation in respect of
17 postal articles transmitted through the post shall vest with the Postal
18 Administration of the Country in which the loss has occurred, but no
19 compensation shall be payable except in the loss of the entire letter or packet;
20 and no claim shall be admitted if made more than a year after the letter or packet
21 was posted.

22 (3) In the case of a packet posted in Nigeria and addressed to a place in
23 Nigeria through the Public Postal Operator, the compensation paid shall not
24 exceed the value of the article lost, and compensation may be paid for the loss
25 of the contents of any packet if-

26 (a) It is proved to the satisfaction of the Postmaster-General that the
27 loss occurred in the post and that the packet and securing of the cover were
28 adequate; and

29 (b) In the case of the loss of Money Orders, Postal Order, Coupons,
30 Bonds, and similar documents which are enclosed in one of the registered

1 envelopes supplied by the Post Office, that particulars sufficient for the
2 identification of those documents have been furnished.

3 (4) No compensation shall be paid in any circumstance for the loss
4 of a postal packet, unless the name of the payee and of the office at which
5 payment is to be made has been filed in.

6 (5) No claim for compensation for the loss of any of the contents of
7 a packet shall be entertained if delivery of the packet has been accepted
8 without objection provided that such objection shall be made in writing at
9 the nearest or delivering post office, no later than 72 hours after delivery of
10 the postal packet.

11 (6) Compensation payable for loss or damage of an insured letter or
12 parcel transmitted by the Public Postal Operator-

13 (a) shall not exceed the amount of the actual loss or damage;

14 (b) shall not be paid for a packet containing a prohibited article or
15 for a packet which has been delivered without external trace or injury and
16 has been accepted without remark;

17 (c) shall not be paid if arising from tempest, shipwreck,
18 earthquake, fire outbreak, war, insurgence or other cause beyond the
19 reasonable control of the Public Postal Operator;

20 (d) shall not be paid for delay in the delivery of such packet, letter,
21 parcel or postal article.

22 (7) No legal liability to give compensation in respect of any packet
23 for which an insurance fee has been paid shall attach to the Postmaster
24 General either personally or in his official capacity or to the Public Postal
25 Operator, member or an officer of the Public Postal Operator.

26 (8) Compensation shall not be paid for the delay, loss or damage of
27 an uninsured parcel, packet, letter or postal article under any circumstance.

28 (9) No compensation shall be paid-

29 (a) For damage to fragile article, whether sent by letter or parcel
30 post;

1 (b) For damage by water in any case where a parcel was transported
2 for any portion of its journey by carrier, runner or canoe;

3 (c) In the case of accident or in respect of an article which cannot be
4 accounted for in consequence of the destruction of official document through a
5 cause beyond control.

6 (10) The sender of the parcel, letter, packet or postal article may waive
7 his claim for compensation in favour of the addressee.

8 PART VI - SPECIAL POWERS OF THE PUBLIC POSTAL OPERATOR

Power to intercept,
9 detain, etc. of
postal articles

9 **21.** The Public Postal Operator shall have the following specific
10 powers:

11 (a) to intercept, detain, open, inspect, return, deliver to or deal in such
12 manner as may be prescribed, where postal articles:

13 (i) have been posted contrary to the provisions of this Bill or
14 regulations made pursuant to this Bill;

15 (ii) are suspected or found to be of a fraudulent nature; or

16 (iii) contain goods in respect of which an offence is being committed
17 or is being attempted to be committed; or

18 (iv) contain any fictitious stamp whether electronic or adhesive or
19 bearing any stamp, on the surface of which is smeared or coated with any
20 stamp, which has been previously used to prepay the postage in any other
21 postal article or for the payment of any revenue, duty or tax;

22 (b) to intercept, detain, open, inspect, return, deliver to an officer of
23 the Government, a postal article or class or description of postal articles on the
24 occurrence of public emergency or in the interest of public safety, peace or
25 welfare; and

26 (c) take all necessary preventive measures in situations in which their
27 implementation cannot be postponed.

Power to open
postal articles

28 **22.-(1)** Where the Public Postal Operator has reason to suspect that a
29 postal article contains anything in respect of which an offence is being
30 committed or attempted to be committed, it shall, by notice in writing, require

1 the attendance at the office of the postal operator where the article was
2 received for conveyance or delivery, and the addressee or sender, as the case
3 may be and thereafter the article shall be opened by the addressee or sender
4 or his agent.

5 (2) Where the addressee or sender or his agent fails or refuses to
6 attend in pursuance of the notice given under subsection (1) of this section or
7 refuses to open the article, the article shall be opened by authorized officer of
8 the Public Postal Operator in the presence of another officer of the Public
9 Postal Operator and of any other person named or referred to in the notice
10 present.

11 (3) In all cases where an article is opened under this section, it shall
12 be given to the addressee or sender as the case may be unless it is otherwise
13 required for the purpose of any proceedings under this Bill or any other
14 enactment for the time being in force.

15 PART VII - LEGAL ACTIONS AGAINST THE PUBLIC POSTAL OPERATOR

16 23.-(1) Notwithstanding anything contained in any enactment
17 whatsoever, no action shall lie or be instituted in any Court against the
18 Public Postal Operator, a member or an officer of the Public Postal Operator
19 for any act done in pursuance of or execution of its Universal Postal Service
20 obligations under this Bill or any enactment or law or public duty or
21 authority or in respect of any alleged default in the execution of its Universal
22 Postal Service obligations, or any enactment or law or duty or authority,
23 unless it is commenced within 3 (three) months after the act, neglect or
24 default complained of or, in the case of a continuous damage or injury,
25 within 3 (three) months next after the ceasing thereof.

Limitation of
actions against
the Public Postal
Operator

26 (2) No suit shall be commenced against the Public Postal Operator,
27 member, Postmaster General, Secretary or any officer or employee of the
28 Public Postal Operator before the expiration of a period of one month after a
29 written notice of intention to commence the suit shall have been served on
30 the Public Postal Operator by the intending Plaintiff or his agent.

1 (3) Subject to the provisions of Section 160 of the Constitution of the
2 Federal Republic of Nigeria 1999 (as amended), a law officer employed in the
3 business of the Public Postal Operator, may conduct prosecutions in respect of
4 offences related to and connected with the Postal Service committed under this
5 Bill.

6 (4) A law officer may with consent of the Attorney General of the
7 Federation conduct civil proceedings under or in relation to or in connection
8 with an enactment relating to the Public Postal Operator.

Restriction on
execution against
Property of the
Public Postal
Operator

9 24. Notwithstanding anything contained in any enactment
10 whatsoever, in any action or suit against the Public Postal Operator, no
11 execution or attachment of process in the nature thereof shall be issued against
12 the Public Postal Operator but any sum of money which may, by the judgment
13 of the Court, be awarded against the Public Postal Operator shall, subject to any
14 directive by the Court where notice of appeal has been given by the Public
15 Postal Operator in respect of the said judgment, be paid from the Public Postal
16 Operator's Fund.

17 PART VIII - FUNDING OF THE PUBLIC POSTAL OPERATOR

Funding

18 25.-(1) The Public Postal Operator shall establish and maintain a
19 Fund (hereinafter referred to as 'the Fund') from which all expenditures
20 incurred by the Public Postal Operator shall be defrayed.

21 (2) The Fund shall consist of:

22 (a) such monies as may be appropriated to the Public Postal Operator
23 from time to time by the National Assembly;

24 (b) fees charged by the Public Postal Operator under this Bill or
25 regulations issued pursuant to this Bill or under any franchise issued under the
26 provisions of this Bill;

27 (c) such monies as may be received by the Public Postal Operator by
28 way of gifts, loans, grants, aids, etc.;

29 (d) all other assets that may, from time to time, accrue to the Public
30 Postal Operator;

1 (f) such monies as may accrue to the Public Postal Operator from
2 the Universal Postal Service fund for the deployment of postal services to
3 the unserved and underserved areas; and

4 (g) all other monies which may from time to time accrue to the
5 Public Postal Operator.

6 (3) The proceeds of the Funds of the Public Postal Operator shall be
7 applied:

8 (a) to meet the administrative and operating costs of the Public
9 Postal Operator;

10 (b) for the payment of salaries, wages, fees, allowances, retirement
11 benefits including pensions and any other remuneration payable to the staff
12 of the Public Postal Operator;

13 (c) for the purchase or acquisition of property or other equipment
14 and other capital expenditure and for maintenance of any property, acquired
15 or vested in the Public Postal Operator under this Bill or any order, rules and
16 regulation made pursuant to this Bill;

17 (d) for purposes of investment; and

18 (e) for or in connection with all or any of the functions of the Public
19 Postal Operator under this Bill or under any order, rule or regulations made
20 pursuant to this Bill.

21 (4) Any excess of the Public Postal Operator's revenue for any year
22 over the approved expenditure for that year shall be remitted to the
23 Consolidated Revenue Fund.

24 (5) The provisions of any enactment relating to the taxation of
25 companies or trust Funds shall not apply to the Public Postal Operator.

26 26.-(1) The Public Postal Operator shall not later than 30th
27 September of each financial year, prepare and present to the National
28 Assembly through the President for approval, a statement of estimated
29 Income and Expenditure for the following financial year.

30 (2) Notwithstanding the provisions of subsection (1) of this

1 section, the Public Postal Operator may, in any financial year, submit
2 supplementary or adjusted statements of estimated income and expenditure to
3 the National Assembly through the President for approval.

4 (3) The Public Postal Operator shall prepare and submit to the
5 National Assembly annually, through the President, not later than 6 months
6 after the end of its financial year, a report on its activities for the preceding
7 financial year and shall include therein the Public Postal Operator's audited
8 accounts for the year under review together with the auditor's report
9 thereon.

10 PART IX - ESTABLISHMENT OF THE NIGERIAN POSTAL COMMISSION

Establishment
of the Nigeria
Postal
Commission

11 27.-(1) There is hereby established a body to be known as the Nigeria
12 Postal Commission (in this Bill, referred to as "the Commission").

13 (2) The Commission:

14 (a) shall be a body corporate with perpetual succession and a common
15 seal;

16 (b) may sue or be sued in its corporate name;

17 (c) shall do all such things as are necessary for or incidental to the
18 carrying out of its functions and duties under this Bill; and

19 (d) shall be structured into Departments as the Commission may,
20 from time to time, deem appropriate for the effective discharge of its functions.

Establishment
and Membership
of the Governing
Board of the
Commission

21 28.-(1) There is hereby established for the Commission a Governing
22 Board (in this Bill referred to as "the Board").

23 (2) The Board shall consist of the following:

24 (a) a part time Chairman;

25 (b) 2 (two) Executive Directors;

26 (c) 5 (five) Non-Executive Directors including:

27 (i) 1 (one) representative of the Federal Ministry of Communications
28 and Digital Economy

29 (ii) 1 (one) representative of the Federal Ministry of Finance;

30 (iii) 1 (one) representative of the Federal Ministry of Interior;

- 1 (iv) 1 (one) representative of the Public Postal Operator;
2 (v) 1 (one) representative of the courier association; and
3 (d) the Director-General of the Commission.

4 (3) The Chairman and members of the Board shall be appointed by
5 the President, on the recommendation of the Minister, from the 6 (six) geo-
6 political zones of Nigeria.

7 (4) Members of the Board shall be persons with recognized
8 qualification and experience in the field of postal matters, transport and
9 logistics management, law, accountancy, economics, finance, social
10 sciences or administration.

11 (5) The appointment of Board members in subsection (2)(a), (b)
12 and(d) of this section shall be subject to confirmation by the National
13 Assembly.

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

17 (7) Notwithstanding any other provision of this Bill, the President
18 shall ensure at all times that there is a duly constituted Board and that there
19 are a minimum of five (5) serving Directors on the Board at any and all
20 times, made up of:

- 21 (a) the Director General of the Commission;
22 (b) 2 (two) Executive Directors; and
23 (c) 2 (two) non-Executive Directors.

24 (8) The Board shall have capacity to make standing orders for the
25 regulation of its proceedings and meetings howsoever, and acts of the Board
26 shall be deemed to be acts of the Commission.

27 (9) The conflict of interest provisions contained in the Third
28 Schedule to this Bill shall apply to the Members of the Board.

29 29. Members of the Board shall be appointed for a term of 4 (four) Tenure of office
30 years in the first instance and may be reappointed for another term of 4 (four)

1 years and no more.

Allowances of
Members

2 30. The remunerations and allowances, payable to the Members of the
3 Board, including the Director General and the Executive Directors, shall at the
4 instance of the Board be determined and reviewed from time to time by the
5 National Salaries, Incomes and Wages Commission.

Cessation of
Membership

6 31.-(1) The office of a member of the Board shall become vacant
7 where-

8 (a) his term of office expires;

9 (b) he resigns his office by a notice in writing under his hand
10 addressed to the President;

11 (c) he is incapable of performing the functions of his office due to
12 mental or physical illness;

13 (d) he becomes bankrupt;

14 (e) he has been convicted of a felony or any offence involving
15 dishonesty;

16 (f) he is guilty of gross misconduct relating to his duties;

17 (g) in the case of a person who possesses professional qualification,
18 he is disqualified or suspended from practicing his profession in Nigeria by an
19 order of a competent authority; or

20 (i) he dies.

21 (2) Notwithstanding the provisions of subsection (1) of this section,
22 the President may remove or suspend a member of the Board if he is satisfied
23 that it is not in the interest of the Commission or of the public for the member to
24 continue in office.

25 (3) Where a vacancy occurs in the membership of the Board, the
26 President shall appoint a successor to hold office for the unexpired term of his
27 predecessor and the successor shall be from the same geographical zone as that
28 member whose exit created the vacancy.

Functions of
the Commission

29 PART X - FUNCTIONS AND POWERS OF THE COMMISSION

30 32. The Commission:

1 (a) shall have the sole and exclusive responsibility for the
2 regulation and supervision of the postal sector which includes Postal
3 Services, Cargo and Logistics, E-Commerce Services and Courier/Express
4 Services;

5 (b) shall consider, design, determine and ensure a system which
6 shall promote the widespread availability and usage of network of basic
7 postal services to all segments of the population on a continuing basis with
8 specific standard of quality at affordable prices;

9 (c) shall from time to time, make regulations under this Part which
10 shall include:

11 (i) the scope of service required to be rendered under this Part;

12 (ii) the standards of the services;

13 (iii) remuneration for services rendered;

14 (iv) bonus or dividends;

15 (v) penalties as may be applicable for the provision of universal
16 postal products and services;

17 (vi) the disposal of undeliverable postal articles;

18 (vii) the articles that may or may not be transmitted as postal
19 articles;

20 (viii) the classification of postal articles for postal charges; and

21 (ix) the adoption of the regulations agreed upon by the Universal
22 Postal Union in relation to the transmission of postal matter and that same or
23 any part or modification thereof shall be in force within Nigeria;

24 (d) may also make rules, guidelines and regulations, for the
25 implementation of the Universal Postal Service Regulations as may be
26 agreed and ratified in accordance with the requirement of any law in force in
27 Nigeria in respect of the transmission of postal matters;

28 (e) shall facilitate investments in and entry into the Nigerian
29 market for the provision and supply of postal services, equipment and
30 facilities;

1 (f) shall protect and promote the interests of consumers against unfair
2 practices including but not limited to matters relating to tariffs and charges for
3 and the availability and quality of postal services;

4 (g) shall ensure that licensees implement and operate at all times the
5 most efficient and accurate tariff system;

6 (h) shall promote 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 (i) shall grant and renew postal licenses in accordance with the
11 provisions of this Bill and monitor and enforce compliance with license terms
12 and conditions by licensees;

13 (j) shall propose and effect amendments to license conditions in
14 accordance with the objectives and provisions of this Bill;

15 (k) shall undertake general responsibility for economic and technical
16 regulation of the postal industry;

17 (l) shall ensure efficiency and effectiveness of the postal sector;

18 (m) shall undertake such other activities as may be necessary or
19 convenient for the enhanced performance of the objectives of this Bill and the
20 functions of the Commission.

Powers of the
Commission

21 **33.** In carrying out its functions under this Bill, the Commission shall
22 have power to:

23 (a) fix and collect fees for grant of postal licenses and for other
24 regulatory services provided by it under this Bill;

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

28 (c) make and enforce regulations and guidelines in accordance with
29 Part XV of this Bill as may be necessary to give effect to the objectives of this
30 Bill;

- 1 (d) work in conjunction with any relevant government authority or
2 agency in the naming and numbering of streets buildings and facilities;
- 3 (e) formulate and manage Nigerian inputs into the setting of
4 international technical standards for postal services and equipment;
- 5 (f) encourage and promote infrastructure sharing amongst
6 licensees and provide regulatory guidelines thereon;
- 7 (g) examine and resolve complaints, objections and disputes
8 between licensed operators, consumers or any other person involved in the
9 postal industry, using such dispute resolution methods as the Commission
10 may determine from time to time, including mediation and arbitration;
- 11 (h) prepare and implement programmes and plans that promote
12 and 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
15 strategies and programme in accordance with the Federal Governments
16 general policy and 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 Governments general policies in the postal industry
21 and the execution of all such other functions and responsibilities as may be
22 conferred on the Commission under this Bill or are incidental or related
23 thereto;
- 24 (l) advise and assist the postal industry stakeholders and
25 practitioners with a view to the development of the industry and attaining the
26 objectives of this Bill and its subsidiary legislation;
- 27 (m) represent Nigeria at proceedings of international organizations
28 and fora on matters relating to regulation of postal services and matters
29 ancillary and connected thereto;
- 30 (n) conduct market research on the following and other related

- 1 matters: including;
- 2 (i) the extent of the development of Nigerian postal industry;
- 3 (ii) Public Postal Operator needs;
- 4 (iii) quantitative and qualitative characteristics of demand for postal
- 5 service;
- 6 (iv) economic, operational and labour related data on postal
- 7 operators;
- 8 (v) the level of technological development of postal operators;
- 9 (vi) an analysis of the current legal framework for the postal sector,
- 10 including provisions with respect to competition and consumers;
- 11 (vii) the technical and economic viability of postal service
- 12 enterprises;
- 13 (viii) the quality of postal services rendered by the different service
- 14 providers doing business in the postal market;
- 15 (ix) universal postal service standards;
- 16 (x) the scope of universal postal services rendered by the Public
- 17 Postal Operator;
- 18 (xi) supply and demand for universal services;
- 19 (xii) standards of quality and prices in the postal market;
- 20 (xiii) the level of investment in the postal sector;
- 21 (xiv) development plans and the level of investment by the universal
- 22 service operator; and
- 23 (xv) publishing the result of the market study;
- 24 (o) establish and administer an appropriate pricing system for service
- 25 offerings on the postal market including:
- 26 (i) Universal Postal Services provided by the Public Postal Operator,
- 27 and
- 28 (ii) service open to competition provided by all postal operators
- 29 including the Public Postal Operator.
- 30 (p) define, delimit and design the content and scope of measures and

1 activities required for the provision of Universal Postal Services;

2 (q) participate in Universal Postal Union activities and projects
3 aimed at developing Universal Postal Service costing and pricing
4 methodologies;

5 (r) sanction any inappropriate postal practices by postal operators
6 in the industry contrary to the provisions of this Bill; and

7 (s) Conduct and investigate into postal offences in the postal
8 industry.

9 34. The Commission shall at all times carry out its functions and
10 duties and exercise its powers under this Bill efficiently, effectively and in a
11 non-discriminatory and transparent manner and in a way that is best
12 calculated to ensure that they are provided throughout Nigeria, subject to the
13 regulatory controls as specified in this Bill, all forms of postal services,
14 facilities and equipment on such terms and subject to such conditions as the
15 Commission may, from time to time specify.

Transparency

16 PART XI - STAFF OF THE COMMISSION

17 35.-(1) There shall be appointed for the Commission by the
18 President on the recommendation of the Minister, subject to confirmation by
19 the National Assembly, a Director-General, who shall:

Appointment
of the Director-
General

20 (a) be the Chief Executive and Accounting officer of the
21 Commission;

22 (b) be responsible for the execution of the policies and decisions of
23 the Commission;

24 (c) be responsible for the day-to-day management and supervision
25 of the activities of the Commission; and

26 (d) hold office:

27 (i) for a term of 4 (four) years in the first instance and may be re-
28 appointed for another term of 4 (four) years and no more; and

29 (ii) on such terms and conditions as may be specified in his letter of
30 appointment.

1 (2) The Director-General shall be a professional with recognized
2 qualification and experience in the field of postal matters, transport and
3 logistics management, law, accountancy, finance, social sciences or
4 administration.

Appointment of
Executive Directors

5 36.-(1) There shall be for the Commission, two Executive Directors to
6 be appointed by the President on the recommendation of the Minister, subject
7 to confirmation by the National Assembly.

8 (2) The Executive Directors shall-

9 (a) be professionals with recognized qualification and experience in
10 the field of postal matters, transport and logistics management, law,
11 accountancy, finance, social sciences or administration;

12 (b) perform such duties as the Commission or Director-General may
13 from time to time assign to them; and

14 (c) hold office;

15 (i) for a term of 4 (four) years in the first instance and may be re-
16 appointed for another term of 4 (four) years and no more; and

17 (ii) on such terms and conditions as maybe specified in their letters of
18 appointment.

Appointment
of Secretary

19 37.-(1) There shall be for the Commission, a Secretary to be
20 appointed by the Board of the Commission.

21 (2) The Secretary shall:

22 (a) be a legal practitioner with at least 10 (ten) years post call
23 experience;

24 (b) keep the corporate records of the Commission;

25 (c) conduct the correspondence of the Commission; and

26 (d) perform such other duties as the Chairman or the Commission
27 may from time to time assign to him.

Other Staff of
the Commission

28 38.-(1) The Commission may appoint either directly, on secondment
29 or transfer, such number of employees as it considers expedient for the carrying
30 out of its functions.

1 (2) The members of staff of the Commission shall be public
2 officers as defined in the Constitution of the Federal Republic of Nigeria,
3 1999 (as amended).

4 39.-(1) The Commission may make regulations relating generally
5 to the conditions of service of the employees of the Commission, Such
6 regulations may provide for the appointment, promotion, termination,
7 dismissal and discipline of the employees of the Commission.

Conditions of
Service and
Pension

8 (2) The Commission shall in consultation with the National
9 Salaries, Incomes and Wages Commission determine and review from time
10 to time, the remunerations and allowances, payable to the staff of the
11 Commission.

12 (3) The Conflict of Interest provisions contained in the Third
13 Schedule to this Bill shall apply to all employees of the Commission.

14 (4) Service in the Commission shall be approved service for the
15 purposes of the extant Pension law in Nigeria and accordingly, officers and
16 other persons employed in the Commission shall in respect of their services
17 in the Commission, be entitled to pensions and other retirement benefits as
18 are enjoyed by persons holding equivalent grades in the Civil Service of the
19 Federation.

20 (5) Nothing in this Bill shall prevent the appointment of a person to
21 any office on terms which preclude the grant of pension and gratuity in
22 respect of that office.

23 (6) For the purposes of the application of the Pensions Reform Act,
24 any power exercisable there under by a Minister or other Authority of the
25 Federal Government, other than the power to make regulations under
26 section 51 thereof, is hereby vested in and shall be exercisable by the
27 Commission and not by any other person or authority.

28 PART XII - FINANCIAL PROVISIONS

29 40.-(1) The Commission shall establish and maintain a
30 Consolidated Revenue Fund (hereinafter referred to as 'the Fund') from

Fund of the
Commission

1 which all expenditures incurred by the Commission shall be defrayed.

2 (2) The Fund shall consist of:

3 (a) such monies as may be appropriated to the Commission from time
4 to time by the National Assembly;

5 (b) fees charged by the Commission under this Bill or regulations
6 issued pursuant to this Bill or under any license issued under the provisions of
7 this Bill;

8 (c) such monies as may be received by the Commission by way of
9 gifts, loans, grants, aids, etc;

10 (d) all other assets that may, from time to time, accrue to the
11 Commission;

12 (e) fines and administrative charges; and

13 (f) all other monies which may from time to time accrue to the
14 Commission.

15 (3) The proceeds of the Funds of the Commission shall be applied:

16 (a) to meet the administrative and operating costs of the Commission;

17 (b) for the payment of salaries, wages, fees, allowances, retirement
18 benefits including pensions and any other remuneration payable to the
19 Commissioners and staff of the Commission;

20 (c) for the purchase or acquisition of property or other equipment and
21 other capital expenditure and for maintenance of any property, acquired or
22 vested in the Commission under this Bill or any order, rules and regulation
23 made pursuant to this Bill;

24 (d) for purposes of investment; and

25 (e) for or in connection with all or any of the functions of the
26 Commission under this Bill or under any order, rule or regulations made
27 pursuant to this Bill.

28 (4) Any excess of the Commission's revenue for any year over the
29 approved expenditure for that year shall be remitted to the Consolidated
30 Revenue Fund.

1 (5) The Commission shall pay all monies accruing from sale of
2 licenses into the Consolidated Revenue Fund.

3 41.-(1) The Commission may, with the approval of the Minister, Power to borrow
and accept gifts
4 borrow by way of loan or over draft such monies as the Commission may
5 require in the exercise of its functions.

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

11 42.-(1) The Commission shall not later than 30th September of Budget and
Expenditure
12 each financial year, prepare and present to the National Assembly through
13 the President for approval, a statement of estimated Income and Expenditure
14 for the following financial year.

15 (2) Notwithstanding the provisions of subsection (1) of this
16 section, the Commission may, in any financial year, submit supplementary
17 or adjusted statements of estimated income and expenditure to the National
18 Assembly through the President for approval.

19 (3) The Commission shall prepare and submit to the National
20 Assembly annually, through the President, not later than 6 months after the
21 end of its financial year, a report on the activities of the Commission for the
22 preceding financial year and shall include therein the Commission's audited
23 accounts for the year under review together with the auditor's report
24 thereon.

25 43.-(1) The financial year of the Commission shall commence on Financial Year
and Audit of the
Commission's
Account
26 1st January of each year and end on 31st December of the same year.

27 (2) The Commission shall keep proper records of its accounts for
28 each year and shall cause its accounts to be audited within 6 (six) months
29 from the end of each financial year by auditors whose appointment shall be
30 approved by the Commission and are on the list of auditors approved from

1 time to time by the Auditor-General of the Federation.

Exemption from
taxation

2 44. The provisions of any enactment relating to the taxation of
3 companies or trust Funds shall not apply to the Commission.

4 PART XIII - LICENCES

Power to grant
license

5 45. Subject to the provisions of this Bill, the Commission shall be
6 responsible for granting licenses for the carrying on of postal services, cargo,
7 E-commerce, courier express services and logistics under this Bill and for the
8 period specified in the licenses.

Operation of
postal services

9 46.-(1) A person other than the Public Postal Operator shall not:

10 (a) operate a postal system or facility; or

11 (b) provide and/or operate postal service, cargo, E-commerce,
12 express/courier service and/or logistics in Nigeria; unless it is registered as a
13 company and holds a license under this Bill.

14 (2) Notwithstanding the provisions of subsection (1) of this section, a
15 company operating a postal service, cargo, E-commerce, express/courier
16 service and /or logistics may apply to the Commission within 6 (six) months of
17 the commencement of this Bill to be licensed under the provisions of this
18 Part.

Assignment of
licenses and
compliance with
license conditions

19 47.-(1) The grant of a license shall be personal to the licensee and a
20 license shall not be operated, assigned, charged, sub-licensed or transferred to
21 any other person without the prior written approval of the Commission.

22 (2) A licensee shall at all times comply with the terms and conditions of the
23 license and the provisions of this Bill or regulations made under this Bill.

24 PART XIV - RENEWAL AND REVOCATION

Processing of
applications

25 48. The Commission shall, within 90 (ninety) days of receiving an
26 application for a license under this Bill, inform the applicant by written notice:

27 (a) whether or not the license has been granted;

28 (b) in the event of a grant, of any special or additional conditions that
29 apply to the license; and

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

3 49.-(1) The licensee may apply for the renewal of a license at least
4 6 (six) months prior to its expiration and the renewal fee, to be determined by
5 the Commission, shall be payable upon approval of the application.

Renewal of
license

6 (2) The Commission may refuse an application for the renewal of a
7 license if the licensee has failed to comply with:

8 (a) the terms and conditions of the license;

9 (b) the provisions of this Bill or regulations made pursuant to this
10 Bill; or

11 (c) any instrument issued, made or given by the Commission in
12 connection with the license, its terms and conditions.

13 (3) Where the Commission has no intention of renewing the
14 license, the Commission shall:

15 (a) inform the licensee by notice in writing not later than 3 (three)
16 months from the date of receipt of the application for renewal of the license
17 of its intention not to renew the license; and

18 (b) publish such intention at least 30 (thirty) days before the expiry
19 of the license.

20 (4) The Commission shall give the affected licensee a reasonable
21 opportunity to make written submissions to it within the time period
22 specified in the notice and such time period shall not be less than 14
23 (fourteen) days from the date of receipt of notice.

24 (5) The affected licensee may within the time period specified in
25 the notice forward a written submission to the Commission for
26 consideration.

27 50.-(1) A licensee may, by a written notice, surrender his license to
28 the Commission at any time in accordance with the requirements set out in
29 the individual license.

Surrender of
license

30 (2) The surrender shall take effect on the date the Commission

1 receives the license under subsection (1) of this section, or where a later date is
2 specified in the notice, on the date specified in the notice.

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

Suspension or
revocation of
license

6 **51.**-(1) The Commission may, by declaration suspend or revoke a
7 license granted under this Bill where the:

8 (a) Licensee has failed to pay any amount or fine required by or
9 imposed on the licensee under this Bill;

10 (b) Licensee has failed to comply with the provisions of this Bill or
11 regulations made pursuant to this Bill or the terms and conditions of the
12 license:

13 (c) Licensee has contravened the provisions of any other law relevant
14 to the postal industry;

15 (d) Licensee has failed to comply with any instrument issued, made or
16 given by the Commission;

17 (e) Licensee has ceased to be a person qualified to hold the license;

18 (f) Licensee is adjudged to have committed fraud or intentional
19 misrepresentation at the time of applying for the license;

20 (g) suspension or revocation is in the public interest.

21 (2) Notwithstanding any other provisions contained in this Bill, a
22 license may be suspended or revoked under subsection (1) of this section only
23 after:

24 (a) the Commission has, by written notice, informed the licensee of
25 the breach of the provision of subsection (1) of this section and demanded that
26 the breach be rectified, if it is capable of rectification, within 60 (sixty) days
27 from the date of the notice; and

28 (b) the licensee has failed to rectify the breach within the time frame
29 stipulated in paragraph (a) of this subsection.

30 (3) Prior to the suspension or revocation of a license under subsection

1 (1) of this section, the Commission shall inform the licensee by written
2 notice, as soon as practicable, of its intention to suspend or revoke the
3 license and the Commission shall give reasons for the decision taken in this
4 respect.

5 (4) The Licensee concerned shall be given reasonable opportunity
6 to make written submission to the Commission within a time period
7 specified in the notice, and such time period shall not be less than 14
8 (fourteen) days from the date of the notice.

9 (5) The affected licensee may, within the time period specified in
10 the notice, forward a written submission and the Commission shall consider
11 the submission in making its final determination and declaration on the
12 suspension or revocation of the license.

13 (6) Subject to subsections (4) and (5) of this section, the suspension
14 or revocation of the license shall take effect upon the expiration of 30 (thirty)
15 days from the date on which the notice of the Commission's declaration
16 under subsection (3) of this section in respect of the suspension or
17 revocation is served on the licensee.

18 (7) Where the suspension or revocation of a license has taken
19 effect, the Commission shall, as soon as practicable, cause the suspension or
20 revocation to be published in at least 2 (two) widely circulated national daily
21 newspapers.

22 (8) Any delay or failure to publish the notice of suspension or
23 revocation shall not in any manner affect the validity of the suspension or
24 revocation.

25 (9) (1) A Licensee shall have the right of appeal to the Minister
26 within thirty (30) days of notice of the Commission's declaration under
27 subsection (3) of this section in respect of the suspension or revocation of the
28 License.

29 (2) The Minister's decision on this issue shall be final.

1 PART XV - REGULATIONS, GUIDELINES BY COMMISSION

Regulations,
guidelines etc.
by the
Commission

2 52.-(1) The Commission shall in consultation with the postal
3 operators issue, and publish regulations covering all or any of the following
4 matters:

5 (a) written authorizations, permits, assignments and licenses granted
6 or issued under this Bill;

7 (b) fees, charges, rates or fines to be imposed under this Act or
8 regulations issued pursuant to this Bill;

9 (c) quality of service;

10 (d) postal related offences and penalties;

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

12 (f) such other matters as are necessary for giving full effect to the
13 provisions of this Bill and for its due administration.

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

18 PART XVI - MONITORING AND REPORTING

Monitoring and
reporting

19 53.-(1) The Commission shall monitor all matters relating to the
20 performance of all licensees and publish annual reports thereon at the end of
21 each financial year.

22 (2) In performing its functions under subsection (1) of this section, the
23 Commission shall have regard to the established industry performance
24 indicators as the Commission considers appropriate.

25 (3) Matters upon which the Commission shall monitor and report
26 include:

27 (a) the operation and administration of this Bill and rules and
28 regulations made under this Bill;

29 (b) the efficiency with which licensees provide facilities and services;

30 (c) the quality of services;

- 1 (d) industry statistics generally, including but not limited to the
 2 provision of services, traffic patterns or industry operators;
- 3 (e) the tariff rate and charges paid by consumers for services;
- 4 (f) the development of industry self-regulation;
- 5 (g) the adequacy and availability of postal services in all parts of
 6 Nigeria;
- 7 (h) any deficiencies in the scope or operation of this Bill and
 8 regulations made under this Bill;
- 9 (i) other matters as deemed appropriate by the Commission.

10 (4) The Commission shall publish reports under this section in a
 11 manner it deems appropriate.

12 PART XVII - GENERAL COMPETITION PRACTICES

13 54. The Commission shall have the power to determine, pronounce
 14 upon, administer, monitor and enforce compliance by all persons with
 15 competition laws and regulations, whether of a general or specific nature, as
 16 it relates to Nigerian postal industry.

Power of the
 Commission to
 regulate competition
 practice in the
 Postal Sector

17 55.-(1) A licensee shall not engage in any conduct which has the
 18 purpose or effect of substantially lessening competition in any aspect of the
 19 Nigerian postal industry.

Anti-competition
 practices

20 (2) A licensee shall not enter into any understanding, agreement or
 21 arrangement whether legally enforceable or not, which has the tendency of
 22 limiting competition and which provides for:

- 23 (a) rate fixing;
- 24 (b) market sharing;
- 25 (c) boycotting of another competitor;
- 26 (d) boycotting of a supplier of apparatus or equipment; or
- 27 (e) boycotting of any other licensee.

28 (3) Where the Commission finds that a licensee is engaged, has
 29 been engaged or is likely to engage in any anti-competitive activity, the
 30 Commission shall have the power to issue a direction requiring such

1 licensee to desist from such practices or methods of competition.

2 (4) Failure to comply with a direction issued pursuant to subsection
3 (2) of this section shall constitute an offence punishable in the case of a:

4 (a) first offender, by a fine not exceeding N2, 000, 000.00 (Two
5 Million Naira);

6 (b) second time offender, by a fine not exceeding 10% (ten percent) of
7 the annual turnover of the Licensee; and

8 (c) third time offender, by the revocation of the relevant license.

9 (5) A direction shall not be issued nor a penalty imposed where the
10 licensee is able to demonstrate to the satisfaction of the Commission that it has
11 not engaged or has not been engaged or is not likely to be engaged in any anti-
12 competitive activity.

13 (6) For the purpose of paragraph (b) of subsection 4 of this section,
14 "annual turnover" shall mean the annual turnover for the financial year of the
15 licensee preceding the year in which the offence was committed.

16 PART XVIII - TARIFF RATE REGULATION

Approval of
tariffs and charges
by the Commission

17 56.-(1) A licensee shall not impose any tariff or charges for the
18 provision of any service under this Bill until the Commission has approved
19 such tariff rates and charges except as otherwise provided in this Part.

20 (2) The Commission shall review and fix minimum tariff for
21 competitive products, cost coverage plus a reasonable contribution to overhead
22 costs, from time to time in the interest of efficient and reliable service.

23 (3) The Licensees referred to in subsection (1) of this section shall
24 provide services at the tariff rates and charges as approved by the Commission
25 and shall not depart from the approved tariff rates and charges without prior
26 written approval of the Commission.

27 (4) The tariff established by a licensee referred to in subsection (1) of
28 this section shall be on the basis of such principles as the Commission may,
29 from time to time, stipulate in its guide lines or regulations.

30 (5) The principles referred to in subsection (4) of this section include

1 those requiring that:

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

4 (b) tariff rates shall be cost-oriented and, in general, cross
5 subsidisation shall be eliminated;

6 (c) tariff rate shall not contain discounts that unreasonably
7 prejudice the competitive opportunities of other providers;

8 (d) tariff rates shall be structured and levels set to attract
9 investments in to the postal industry; and

10 (e) tariff rates shall take account of the regulations and
11 recommendations of the international organizations of which Nigeria is a
12 member.

13 57. Notwithstanding the provisions of this Bill, the Commission
14 may intervene in such manner as it deems appropriate in determining and
15 setting the tariff rates for any non-competitive services provided by a
16 provider mentioned in this Bill as the public interest may require.

Commission's
intervention in
the setting of
tariff rates

17 58. Notwithstanding any other provision of this Bill, the
18 Commission shall prescribe and enforce appropriate financial penalties
19 upon any licensee that exceeds the tariff rates duly approved by the
20 Commission for the provision of its services.

Penalty for
operating
unapproved tariff
charges etc.

21 PART XIX - OFFENCES

22 59.-(1) Subject to such exemptions as are contained in this Bill, or
23 as may be determined by the Commission from time to time, a person who
24 operates a postal service:

Offences relating
to licenses

25 (a) without a licence issued under this Bill;

26 (b) outside the terms and conditions of the licence; or

27 (c) in contravention of the provisions of this Bill or regulation or
28 guidelines made pursuant to this Bill; commits an offence.

29 (2) A person who for the purpose of securing a licence under this
30 Bill, makes a statement or provides information which he knows to be false

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

2 PART XX - LEGAL ACTIONS AGAINST THE COMMISSION

Limitation of
Suits against
the Commission

3 60.-(1) Subject to the provisions of this Bill, the provisions of the
4 Public Officers Protection Act shall apply in relation to any suit instituted
5 against an Official or employee of the Commission.

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

13 (a) within 3 (three) months after the act, neglect or default complained
14 of; or

15 (b) in the case of continuation of damage or injury, within 6 (six)
16 months next after the ceasing thereof.

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

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

Service of Court
Processes on the
Commission

25 61. A notice, summons or other documents required or authorized to
26 be served on the Commission under the provisions of this Bill or any other law
27 or enactment, may be served by delivering it to the Commission or by sending
28 it via registered post addressed to the Director General of the Commission at
29 the principal office of the Commission.

1 62.-(1) In any action against the Commission, no execution or
2 attachment of any nature thereof shall be issued against the Commission
3 unless at least 3 (three) months' notice of the intention to execute or attach
4 the Commission's property has been given to the Commission.

Restriction on
Execution against
the Commission's
Property

5 (2) Any sum of money which may by judgment of any Court be
6 awarded against the Commission shall, subject to any direction given by the
7 Court where notice of appeal against the judgment has been given, be paid
8 from the Commission's Fund.

9 63. A member of the Commission or any official or employee of
10 the Commission shall be indemnified out of the assets of the Commission
11 against any liability incurred by him in defending any proceeding, whether
12 civil or criminal, if the proceeding is brought against him in his capacity as a
13 member of the Commission, Officer or employee of the Commission.

Indemnity of
the Commission's
Officials

14 PART XXI - RESPONSIBILITIES OF THE MINISTER

15 64. The Minister shall:

Responsibilities
of the Minister

16 (a) formulate, determine and monitor the general policy of the
17 postal sector in Nigeria to ensure, amongst other things, the utilization of the
18 sector as a platform for the economic and social development of Nigeria;

19 (b) be responsible for the negotiation and execution of
20 international postal treaties and agreements, on behalf of Nigeria, between
21 sovereign countries and international organizations and bodies;

22 (c) represent Nigeria, in conjunction with the Commission and the
23 designated postal operator at proceedings of international organizations and
24 fora on matters relating to postal industry;

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

27 (e) formulate and review broad structural and institutional
28 frameworks for the postal industry;

29 (f) support the applications by postal sector operators seeking for
30 exemption from the use of any Form which exemption is allowed and Risk

1 Assessment Report (RAR) and other similar requirements from the
2 appropriate institution to expedite the timely delivery of express cargo or
3 courier items; and

4 (g) upon being satisfied that express or courier items have been
5 inspected by relevant law enforcement agencies at designated sheds, bonded
6 warehouses and other such inspection centres, support the application by
7 postal sector operators to the appropriate authorities from inspection by law
8 enforcement agencies, State and Local Government operators.

9 PART XXII - REVIEW OF DECISIONS

10 65.-(1) A person or postal operator who is aggrieved or whose interest
11 is adversely affected by any decision of the Commission made pursuant to the
12 exercise of the powers and functions under this Bill or its subsidiary legislation
13 ("aggrieved person") may request in writing to the Commission for a statement
14 of the reasons for the decision.

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

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

20 66.-(1) An aggrieved person may at any time within but not later than
21 30 days after the date of receipt of the Commission's statement of reasons
22 specified in section 65(2) of this Bill request the Commission in writing for a
23 review of the Commission's decision and specify therein the reasons and basis
24 for his request.

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

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

30 (4) The Commission shall not later than 60 days from the date of

1 receipt of the aggrieved person's written submissions, conclude its review of
2 the decision and inform the aggrieved person in writing of its final decision
3 thereon and the reasons therefor.

4 67.-(1) Subject to section 66 of this Bill and subsections (2) and (3)
5 of this section, an aggrieved person may appeal to the Court for a judicial
6 review of the Commission's decision or other action.

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

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

13 PART XXIII - ESTABLISHMENT OF THE UNIVERSAL POSTAL SERVICE
14 FUND AND UNIVERSAL POSTAL SERVICE FUND BOARD

15 68.-(1) There is established under this Part, a Universal Postal
16 Service Fund in this Bill referred to as "the UPS Fund" which shall be
17 controlled and managed in accordance with the provisions of this Part.

Universal Postal
Service Fund

18 (2) The UPS Fund established pursuant to subsection (1) of this
19 section shall consist of -

20 (a) monies as may be specifically made available to the UPS Fund,
21 from time to time, through the annual budgetary process appropriate by the
22 National Assembly;

23 (b) contributions to the fund by the licensees which shall be two
24 percent (2%) of their annual turnover as their annual levies;

25 (c) gifts, loans, aids and assistance from donor agencies; and

26 (d) such other monies which may from time to time accrue to the
27 UPS Fund.

28 (3) The proceeds of the UPS Fund shall be applied-

29 (a) to the payment of compensation and incentives to the Public
30 Postal Operator;

- 1 (b) to the cost of administration of the UPS Fund Board; and
2 (c) for the deployment of Postal Services to the unserved and
3 undeserved areas by the Public Postal Operator.

Establishment
of the Universal
Service Fund
Board

4 69.-(1) There is established for the UPS Fund, a Board (in this Bill
5 referred to as "the UPS Fund Board").

6 (2) The UPS Fund Board established under subsection (1) of this
7 section shall:

8 (a) supervise and provide broad policy direction for the management
9 of the UPS Fund;

10 (b) apply the fund to the provision of compensation and incentives for
11 the Universal Postal Service provider where such services are not
12 commercially viable;

13 (c) make appropriate recommendations to the Federal Government
14 and its Agencies on Universal Service Development Policy.

Membership
of the UPS
Fund Board

15 70.-(1) The UPS Fund Board shall consist of:

16 (a) the Minister, who shall be the Chairman;

17 (b) the Chairman of the Commission, who shall be the Vice
18 Chairman;

19 (c) the Director General of the Commission;

20 (d) a representative of the Federal Ministry of Communications and
21 Digital Economy;

22 (e) a representative of the Federal Ministry of Finance not below the
23 directorate cadre;

24 (f) a representative of the National Planning Commission not below
25 the directorate cadre;

26 (h) a representative of the private sector; and

27 (i) the Chief Executive Officer of the Public Postal Operator.

28 (2) A member of the UPS Fund Board shall be appointed on such
29 terms and conditions as may be indicated in his letter of appointment.

30 (3) The organizations that are represented on the UPS Fund Board

1 may at any time, at their discretion or at the instance of the UPS Fund Board,
2 replace any member who is representing their organizations with another
3 person.

4 71.-(1) The UPS Fund Board shall make standing orders for the
5 regulation of its meetings and proceedings and may establish standing or ad-
6 hoc Committees to assist it in exercising its functions under this Bill.

Proceeding of
the UPS Fund
Board

7 (2) The UPS Fund Board may establish Committees and co-opt
8 other persons including representatives of organizations that are in the UPS
9 Fund Board's opinion, capable of assisting the Commission and the UPS
10 Fund Board in the discharge of the functions under this Bill, provided that
11 such Committees shall, at all times, be chaired by a member of the UPS Fund
12 Board.

13 (3) Decisions of any Committee established by the UPS Fund
14 Board shall not be binding and valid until ratified by the UPS Fund Board.

15 72.-(1) There shall be for the UPS Fund, a Secretariat responsible
16 for the day to day administration of the UPS Fund established pursuant to
17 Section 64 of this Bill.

Secretariat of the
Universal Postal
Service Fund

18 (2) The functions of the Secretariat shall include:

19 (a) evaluation of project performance and effecting such actions as
20 may be necessary to ensure that the Fund meets the objectives for postal
21 expansion and provision or service;

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

24 (c) evaluation of the effectiveness of the Universal Postal Service
25 in meeting policy goals as set by the Federal Government and the UPS Fund
26 Board;

27 (d) liaising with the UPS Fund Board and the Universal Service
28 Fund Managers appointed pursuant to the provision of Section 69 of this
29 Bill.

30 (3) There shall be for the UPS Fund, a Head of the Secretariat,

1 known as the Secretary, UPSF to be appointed by the UPS Fund Board.

2 (4) The UPS Fund Board shall ensure that the Secretariat is staffed
3 with suitably qualified and experienced personnel.

Universal Postal
Service Fund
Managers

4 73.-(1) The UPS Fund Board shall appoint an independent and
5 competent investment management firm as Universal Postal Service Fund
6 Manager (in this Bill referred to as the UPS Fund Manager) whose
7 responsibilities are to:

8 (a) maintain the UPS Fund financial accounts and records;

9 (b) estimate the amount needed annually to sustain the rate of network
10 expansion determined by the Commission as appropriate to meet policy
11 objectives;

12 (c) determine, in consultation with the Commission, the amount of
13 annual revenue required to ensure that the UPS Fund remains fiscally sound
14 and calculation of the corresponding rate of assessment;

15 (d) disburse monies upon approval by the UPS Fund Board;

16 (e) prudently investing monies in the UPS Fund or cash reserves
17 under directions from the UPS Fund Board and establishing cash management
18 procedures to ensure maximum return on investments while meeting short-
19 term cash requirements for disbursements;

20 (f) regularly report to the UPS Fund Board on the financial
21 performance of the Fund.

22 (2) The UPS Fund Board shall determine the terms of engagement
23 and the remuneration package for the UPS Fund Managers.

Regulations on
contributions
to the UPS Fund

24 74. The UPS Fund Board may make regulations on matters related to
25 or incidental to the UPS Fund and operation of the UPS Fund.

26 PART XXIV - MISCELLANEOUS

Repeal of
Cap N127 LFN
2004

27 75.-(1) The Nigerian Postal Service Act, Cap N127 Laws of the
28 Federation of Nigeria, 2004 is hereby repealed.

29 (2) Without prejudice to the provisions of the Interpretation Act,
30 nothing in this Bill shall invalidate or otherwise prejudicially affect anything

1 done or purported to be done under the repealed Act.

2 (3) Notwithstanding the repeal of the Nigerian Postal Service Act
3 Cap N127 LFN 2004, there shall be vested in the Public Postal Operator
4 from the commencement of this Bill and without any further assurance, all
5 assets, funds, resources and other movable or immovable property which
6 immediately before the commencement of this Bill were vested in the
7 Nigerian Postal Service.

8 76. In this Bill:

Interpretation

9 "access" means making available postal facilities and services from one
10 licensee to another for the purposes of providing services and access to
11 physical infrastructure, including but not limited to buildings;

12 "Agreement" means an agreement, whether formal or informal, oral or
13 written, express or implied;

14 "annual levies" means 2% of the annual turnover of the licensees;

15 cargo" means any goods transported by air, sea etc. and in this Bill "express
16 cargo or courier items" refer to time sensitive goods conveyed by means of
17 transportation, including road, sea, air;

18 "category of licence" means a licence for any person to operate specified
19 postal services and may include conditions to which the conduct of the
20 service shall be subject;

21 "Commission" means the Nigerian Postal Commission established under
22 section 26 of this Bill;

23 "consumer" means any person who uses a postal service; courier/express
24 service, cargo, logistics or E-commerce service;

25 "courier service" means door-to-door, time-sensitive and secured service;

26 "cross subsidization" means the practice of using surplus revenues
27 generated from one product or service to support another service which is
28 priced at a rate that is less than full compensation;

29 "e-commerce" means business transactions conducted over the internet;

30 "equipment" means any equipment or apparatus used or intended to be used

- 1 for postal purposes and that is part of, connected to or comprises postal system;
- 2 "false pretence" has the meaning assigned to it under the Administration of
- 3 Criminal Justice Act 2015;
- 4 "fictitious or counterfeit stamp" means any facsimile or imitation or
- 5 representation whether on paper or otherwise, of any stamp or stamped
- 6 impression, for denoting any rate of postage, duty, authentication, validation of
- 7 any receipt, document or instrument in any part of Nigeria;
- 8 "intercept"/ "interception" means the acquisition of the contents of any postal
- 9 article by the Commission, Public Postal Operator or any person;
- 10 "lawful authority" means the official procedure as it relates to dealing in postal
- 11 services;
- 12 "letter" means a communication in writing which is directed to a specific
- 13 person or address or relates to the personal, private or business affairs of an
- 14 individual or any employer and includes a packet containing such
- 15 communication and electronic mail;
- 16 "license" means an authorization granted by the Commission to an operator for
- 17 the provision of postal services;
- 18 "Licensee" means a person who holds a licence granted under this Bill;
- 19 "logistic services" means services which include haulage, conveyance,
- 20 dispatch or delivery of items or goods weighing not less than 50kg;
- 21 'Mandatory Postal Services' means postal services that are required to be
- 22 provided by the Public Postal Operator under Section 12 of this Bill;
- 23 "Minister" means the Minister for the time being charged with the
- 24 responsibility for the postal industry;
- 25 "Ministry" means the Federal Ministry for the time being charged with the
- 26 responsibility for the postal industry;
- 27 "monitoring" refers to the function of comprehensive and continuous review of
- 28 the operations and adequacy of postal networks, facilities and service and the
- 29 reasonableness of charges imposed for services;
- 30 "operator" means a person that operates postal/cargo/logistics/E-

1 commerce/courier/express services or a postal services provider in
2 accordance with this Bill;

3 "person" includes natural and artificial person such as a body corporate or
4 partnership and where an individual is required to represent a corporate
5 body or partnership in any circumstance pursuant to this Bill or any
6 subsidiary legislation, it shall be sufficient if in the case of:

7 (a) corporate body, it is represented by its competent officer; and

8 (b) Partnership, it is represented by a partner in the partnership or a
9 competent employee of the partnership.

10 "postal articles" include any letter, postcard, newspaper, book, document,
11 pamphlet, patent or sample packet, parcel or package or other article
12 whatsoever transmissible through postal operators;

13 "postal facilities" include a house, building, premises, room, vehicles,
14 vessel carriage or place used for the purpose of providing postal service and
15 every letter box, post office provided by the public postal operator for the
16 receipt of postal articles;

17 "postal industry" means the sector of the economy where
18 postal/courier/express services, cargo, logistics and E-commerce services
19 are being carried out;

20 "postal matter" includes a letter, stamp, postal order, money order, mail bag,
21 seal or any other postal item;

22 "Post Office Guide" means a guide issued by the Public Postal Operator to
23 ensure safe, reliable and efficient operation of the post offices;

24 "Postal Sector" means operators in the Postal Industry providing either or
25 and both postal and courier/express services;

26 "Postal Services" include conveying all mail, letters, items, goods, articles
27 and like materials through the post from one place to another and performing
28 all incidental services of receiving, collecting, sending, dispatching and
29 delivering written and printed matters, parcel, goods and like material from
30 one place to another;

- 1 "PPP" means Public Private Partnership;
- 2 "Private Postal Operator" means any postal operator other than the Public
3 Postal Operator;
- 4 "Public Postal Operator" means the Nigerian Postal Service designated for the
5 provision of universal service under Section 2(1) of this Bill;
- 6 "President" means the President of the Federal Republic of Nigeria;
- 7 "Reserved Postal Service" means postal services within the exclusive power of
8 the public postal operator under section 10 of this Bill;
- 9 "Stamp" means any label, stamp or stamp impression for denoting any rate of
10 postage payable in respect of postal articles and includes adhesive stamps,
11 electronic stamps and stamps printed, embossed, or otherwise indicated on any
12 envelope, wrapper, postcard, documents, receipts or other articles whether
13 such stamp is issued by the public postal operator or by the Government of any
14 foreign country. It also includes stamps issued by the Public Postal Operator for
15 denoting and authenticating documents, activities of members of different
16 professional bodies such as but not limited to receipts, agreements, bank notes,
17 etc. at the prevailing minimum postage rates;
- 18 "stamping protocol" means the entire process of implementing and enforcing
19 the denoting, authenticating and validating of receipts, documents,
20 instruments, forms, deeds, agreements, and relevant written documents with
21 electronic or adhesive stamp, or internet generated stamps as well as the act of
22 cancelling out same by signing across using a stamp impression or seal to
23 cancel same;
- 24 "Universal Postal Service" refers to the obligations by the Public Postal
25 Operator for the deployment of affordable postal services to the unserved and
26 underserved areas including rural areas;
- 27 "Unlicensed Postal Operator" means a person who operates a postal service
28 without being licensed under this Bill;
- 29 "UPS Fund Board" means the Board established under section 65 of this Bill;
- 30 "UPS Fund" means Universal Postal Service Fund;

1 "UPU" means the Universal Postal Union.

2 73. This Bill may be cited as the Nigeria Postal Services Bill, Short title
3 2021;

4 FIRST SCHEDULE

5 Section 3(5)

6 SUPPLEMENTARY PROVISIONS RELATING TO THE PUBLIC
7 POSTAL OPERATOR

8 *Proceedings of the Board of the Public Postal Operator*

9 I.-(1) The Board shall meet for the conduct of its business at such
10 time, place and on such day as the chairman may appoint, but shall meet not
11 more than 4 (four) times in a year.

12 (2) The chairman may, at any time and shall, at the request in
13 writing of not less than 5 (five) members summon a meeting of the Board.

14 (3) Particulars of the business to be transacted at any meeting shall
15 be circulated to members, with the notice of the meeting of the Board.

16 (4) Every question put before the Board at a meeting shall be
17 decided by a majority of the votes of the members present and voting.

18 (5) 4 (four) members of the Board shall form a quorum at any
19 meeting of the Board.

20 (6) The chairman shall preside at all meetings of the Board and in
21 the absence of the Chairman, the alternate Chairman shall preside at that
22 meeting.

23 (7) The chairman shall at any meeting, have a vote and in the case
24 of an equality of votes, may exercise a casting vote.

25 (8) Subject to the provisions of this Bill, the Board may make
26 standing orders with respect to the holding of meetings, the nature of notice
27 to be given, the proceedings thereto, the keeping of minutes of such
28 proceedings and the custody and

29 *Committees*

30 2.-(1) The Board may appoint 1 (one) or more committees to advise

1 it on the exercise and performance of its functions under this Bill.

2 (2) Every committee shall consist of-

3 (a) a chairman, who shall be appointed by the Board from among the
4 members of the Board;

5 (b) not more than 5 (five) persons (who may or may not be members
6 of the Board), so however that any non-member of the Board co-opted to serve
7 on any committee shall enjoy all the rights and privileges of a member except
8 the right to vote and be counted towards a quorum.

9 (3) In this paragraph, "chairman" means the chairman of a committee.

10 *Miscellaneous*

11 3.-(1) Any contract or instrument which, if entered into or executed by
12 a person not being a body corporate, would not be required to be under seal,
13 may be entered into or executed on behalf of the Board by any person generally
14 or specifically authorized in that behalf by the Board.

15 (2) Any member of the Board or of a committee thereof, who has a
16 personal interest in any contract or arrangement entered into or proposed to be
17 considered by the Board or a committee thereof, shall forthwith disclose his
18 interest to the Board or the Committee, as the case may be, and shall not vote on
19 any question relating to such contract or arrangement.

20 4.-(1) The common seal of the Board shall not be used or affixed to
21 any document, except in pursuance of a resolution duly passed at a properly
22 constituted meeting of the Board and recorded in the minutes of the meeting.

23 (2) The fixing of the seal of the Board shall be authenticated by the
24 signature of the chairman or some other members authorized generally or
25 specifically by the Board, to act for that purpose.

26 (3) A document purporting to be a document duly executed under the
27 seal of the Board shall be received in evidence and shall, unless the contrary is
28 proved, be deemed to be so executed.

1 SECOND SCHEDULE

2 *Section 28(5)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

4 *Proceedings of the Commission*

5 1. Subject to the provisions of this Bill, the Board may make
6 standing orders regulating its proceedings or that of any of its Committees.

7 2. The Chairman shall preside at every meeting of the Board and in
8 his absence, the Director General shall preside at the meeting and in the
9 absence of the Chairman and Director General, the members present at that
10 meeting shall appoint one of their members to preside at the meeting.

11 3. The quorum for any meeting of the Board shall be a simple
12 majority of the members for the meantime constituting the Board.

13 4. The Board shall meet to transact its business pursuant to this Bill
14 whenever it is summoned by the Chairman and if so required by notice given
15 to him by not less than four other members of the Board specifying, amongst
16 others, an agenda for the meeting, the Chairman shall summon a meeting of
17 the Board that shall be held within fourteen days from the date on which the
18 notice is served on him to discuss the items specified in the notice; provided
19 that the Board shall for the purposes of this Bill meet not less than four times
20 in each calendar year.

21 5. A member of the Board who directly or indirectly has an interest
22 of a personal nature (including but not limited to financial interests in any
23 matter being deliberated upon by the Board, or is personally interested in
24 any contract made or proposed to be made by the Commission, shall so soon
25 after the facts of the matter of his interests have come to his knowledge
26 disclose his interest and the nature thereof at a meeting of the Board.

27 6. A disclosure under sub-paragraph 5 of this paragraph shall be
28 recorded in the minutes of meetings of the Board and the member
29 concerned:

30 (a) shall not, after the disclosure, take part in any deliberation or

1 decision of the Board, or vote on the matter; and

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

5 *Committees*

6 2.-(1) Subject to its standing orders, the Board may appoint such
7 number of standing or ad hoc Committees as it thinks fit to consider and or on
8 any matter with which the Commission is concerned.

9 (2) A Committee appointed under subparagraph (1) of this paragraph
10 shall consist of such number of persons, who may not necessarily be members
11 of the Board, provided that the appointment of a non-Board member as a
12 Committee member shall be subject to such terms and conditions as the Board
13 may determine.

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

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

18 *Miscellaneous*

19 3.-(1) The fixing of the seal of the Commission shall be authenticated
20 by the signature of the Secretary and that of the Chairman or any other member
21 of the Board generally or specifically authorized by the Board to act for that
22 purpose.

23 (2) Any contract or instrument which, if made by a person, not being
24 a body corporate, would not be required to be under seal may be made or
25 executed on behalf of the Commission, by any person generally or specially
26 authorized by the Board to act for that purpose.

27 (3) Any document purporting to be a contract, instrument or other
28 document duly signed or sealed on behalf of the Commission shall be received
29 in evidence and shall, unless the contrary is proved, be presumed without
30 further proof to have been so signed or sealed.

(4) Subject to the provisions of this Bill, the validity of any proceedings of the Board or of any of its Committees shall not be affected by—

- (a) any vacancy in the membership of the Board or Committee;
- (b) any defect in the appointment of a member of the Board or Committee; or
- (c) reason that any person, not entitled to do so took part in the proceedings of the Board or Committee.

(5) A member of the Board or Board's Committee shall not be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission.

THIRD SCHEDULE
Sections 28(8)

CONFLICT OF INTEREST
1. Subject to the provisions of this Schedule, a member of the Board or staff of the Commission shall not have a direct or indirect financial interest or investment in any Nigerian postal company throughout the tenure of his office or his employment with the Commission.

2. Subject to paragraphs 3 and 4 of this Schedule, a member of the Board or staff of the Commission shall annually, present a written declaration affirming the non-existence of any such interest as is specified in paragraph 1 of the Schedule and shall pledge to disclose and inform the Board of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Commission.

3. Members of the Board and staff of the Commission as at the commencement date of this Bill shall be entitled to a maximum of 6 (six) months from the said commencement date within which to divest themselves of their direct or indirect financial interests or investment in any Nigerian postal company, if any.

4. All newly appointed members of the Board and staff of the

1 Commission shall after the commencement of this Bill be entitled to a
2 maximum of 6 (six) months from their respective dates of appointments within
3 which they may divest themselves of their direct or indirect financial interests
4 or investments in any Nigerian postal company, if any.

5 5. Each member of the Board and staff of the Commission shall
6 declare on appointment or at the commencement of employment and annually
7 thereafter, for as long as he serves the Commission, any interest or investment
8 that he:

9 (a) knowingly has; or

10 (b) knows any member of his immediate family to have in any aspect
11 of the Nigerian postal industry.

12 6. If any member of the Board or staff of the Commission contravenes
13 the provisions of paragraphs 1 and 2 of this Schedule, or gives false
14 information under paragraphs 5 of this Schedule, he shall on conviction be
15 liable to a fine not exceeding N100,000.00 (One Hundred Thousand Naira) or
16 imprisonment not exceeding 1 (one) year or both.

17 7. Subject to paragraph 8 of this Schedule, the Board may, from time
18 to time, waive the application of the provisions specified in paragraphs 1 and 2
19 of this Schedule in respect of any member of the Board or staff of the
20 Commission if the Board determines that the financial interest of the member
21 of the Board or staff of the Commission is not of a material nature or is minimal.

22 8. The Board, in determining whether or not the interest of a member
23 of the Board or staff of the Commission is not of a material nature will consider
24 factors including but not limited to the following:

25 (a) the revenues, investments, profits and managerial efforts of the
26 company or other entity in regard to its postal activities compared with other
27 aspects of the company's or such entity's businesses;

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

30 (c) the degree to which the economic interests of such company or

1 other entity may be affected by an action of the Commission; and

2 (d) the perceptions held or likely to be held by the public regarding
3 the relevant holding or interest and issues at stake.

4 9. The Board may at any time review and reverse its determination
5 under paragraph 7 of this Schedule and direct the application of the
6 prohibitions contained in these provisions.

7 10. In any case in which the Board exercises the waiver authority or
8 the review thereof as specified in paragraphs 7 and 8 of this Schedule, the
9 Board shall so soon thereafter publish the details thereof and such
10 publication shall include information regarding the identity of the person
11 who has been granted the waiver or whose waiver grant has been reviewed,
12 the position held by such person and the nature of the financial interest
13 which is the subject of the waiver or the review thereof.

14 11. For the purposes of this Schedule:

15 (a) "Company" includes partnerships;

16 (b) "Immediate family" means a person's spouse and children who
17 are under the age of 18 years.

EXPLANATORY MEMORANDUM

*(This note does not form part of the above Bill but is intended
to explain its purport)*

This Bill seeks to repeal the Nigerian Postal Service Act, CAPN127, Laws of the Federation of Nigeria, 2004, and enacts the Nigerian Postal Commission Act to provide for the Establishment of the Nigerian Postal Commission, the introduction of private sector participation in the provision of postal services and the regulation of the postal sector.