



THE NATIONAL ASSEMBLY  
FEDERAL REPUBLIC OF NIGERIA

**NIGERIA POSTAL SERVICES (REPEAL AND ENACTMENT) BILL, 2021  
(HARMONIZED)**

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 SERVICE AND FOR OTHER RELATED MATTERS.

CONFERENCE COMMITTEE REPORT ADOPTED BY THE SENATE ON TUESDAY, 1<sup>ST</sup>  
MARCH, 2022

# NIGERIA POSTAL SERVICES (REPEAL AND ENACTMENT) BILL, 2022



## *Arrangement of Clauses*

### **CLAUSES**

#### **PART 1 – OBJECTIVES**

1. Objectives and Scope of Application

#### **PART II – ESTABLISHMENT OF THE NIGERIAN POSTAL SERVICE AND DESIGNATION AS PUBLIC POSTAL OPERATOR**

2. Provision of Universal Postal Service.
3. Establishment and Membership of the Governing Board of the Public Postal Operator.
4. Tenure of office and removal from office of the Chairman, etc. of the Board.
5. Appointment of the Postmaster-General.
6. Duties of the Postmaster General
7. Staff Regulations as to the Conditions of Service of Employees.
8. Application of Pension Reform Act.
9. Obligations Public Postal Operator.
10. Exclusive Power of the Public Postal Operator.
11. Exceptions of Powers.
12. Mandatory Powers.

#### **PART III – PROVISIONS AS TO DENOTATION, AUTHENTICATION AND VALIDATION OF RECEIPTS ETC**

13. Denotation, authentication and validation of receipts, documents and other instruments.
14. Cancellation and penalties.

#### **PART IV – NATIONAL POSTCODE SYSTEM AND TECHNICAL STANDARDS**

15. Administration and planning of the National Postcode System.

#### **PART V – OFFENCES, PENALTIES AND TRIAL OF OFFENCES**

16. Postal offences.
17. Breach of official duty.

18. Penalties.
19. Jurisdiction.
20. Cases in which compensation may be paid by the Public Postal Operator.

**PART VI – SPECIAL POWERS OF THE PUBLIC POSTAL OPERATOR**

21. Power to intercept, detain, etc. of postal articles.
22. Power to open postal articles.

**PART VII – LEGAL ACTIONS AGAINST THE PUBLIC POSTAL OPERATOR**

23. Limitation of actions against the Public Postal Operator
24. Restriction on execution against the property of the Public Postal Operator.

**PART VIII – FUNDING OF THE PUBLIC POSTAL OPERATOR**

25. Funding
26. Financial Year and Audit

**PART IX – ESTABLISHMENT OF THE NIGERIA POSTAL COMMISSION**

27. Establishment of the Nigeria Postal Commission
28. Establishment and Membership of the Governing Board of the Commission.
29. Tenure of office.
30. Allowances of Members
31. Cessation of Membership.

**PART X – FUNCTIONS AND POWERS OF THE COMMISSION**

32. Functions of the Commission.
33. Powers of the Commission.
34. Transparency

**PART XI – STAFF OF THE COMMISSION**

35. Appointment of Director-General.
36. Appointment of Executive Directors.
37. Appointment of Secretary
38. Other Staff of the Commission.
39. Condition of Service and Pension.

**PART XII – FINANCIAL PROVISIONS**

40. Fund of the Commission.

41. Power to borrow and accept gifts.
42. Budget and Expenditure.
43. Financial Year and Audit of the Commission's Account.
44. Exemption from taxation.

#### **PART XIII – LICENSES**

45. Power to grant license.
46. Operation of postal services.
47. Assignment of licenses and compliance with license conditions

#### **PART XIV – RENEWAL AND REVOCATION**

48. Processing of applications.
49. Renewal of license.
50. Surrender of license.
51. Suspension or revocation of license.

#### **PART XV – REGULATIONS, GUIDELINES BY COMMISSION**

52. Regulations, guidelines etc. by the Commission.

#### **PART XVI – MONITORING AND REPORTING**

53. Monitoring and reporting.

#### **PART XVII – GENERAL COMPETITION PRACTICES**

54. Power of the Commission to regulate competition practice in the postal industry.
55. Anti-competition practices.

#### **PART XVIII – TARIFF RATE REGULATION**

56. Approval of tariffs and charges by the Commission.
57. Commission's intervention in the setting of tariff rates.
58. Penalty for operating unapproved tariff, charges etc.

#### **PART XIX – OFFENCES**

59. Offences relating to licenses.

#### **PART XX – LEGAL ACTIONS AGAINST THE COMMISSION**

60. Limitation of suit against the Commission.
61. Service of court processes on the Commission.
62. Restriction on execution against the Commission's property.

63. Indemnity of the Commission's officials.

**PART XXI – RESPONSIBILITIES OF THE MINISTER**

64. Responsibilities of the Minister.

**PART XXII – REVIEW OF DECISIONS**

65. Order/decision of the Commission  
66. Review of Commission's Decision  
67. Judicial Review of Commission's Decision

**PART XXIII – ESTABLISHMENT OF THE UNIVERSAL POSTAL SERVICE FUND AND UNIVERSAL POSTAL SERVICE FUND BOARD.**

68. Universal Postal Service Fund.  
69. Establishment of the Universal Postal Service Fund Board.  
70. Membership of the UPS Fund Board.  
71. Proceedings of the UPS Fund Board.  
72. Secretariat of the Universal Postal Service Fund.  
73. Universal Postal Service Fund Managers.  
74. Regulations on Contribution to the UPS Fund.

**PART XXIV – MISCELLANEOUS**

75. Repeal of Cap N127 LFN 2004.  
76. Interpretation.  
77. Short title.

**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 SERVICE AND FOR OTHER RELATED MATTERS, 2022

[ ] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria —

**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;
- (g) protect the rights and interests of service providers and consumers within Nigeria;
- (h) ensure that the needs of the disabled and elderly persons are taken into consideration in the provision of postal services;
- (i) ensure efficient management, planning, coordination, allocation, assignment, registration, monitoring and use of national resources in the postal sub-sector while promoting and safeguarding national interest, safety and security;
- (j) ensure greater access to basic services through the achievement of universal postal service, by providing an acceptable level of effective and regular postal services to all areas and small towns where post offices are not sustainable;
- (k) contribute to community and rural education, through active participation in the development of the post office as an interface between Government and communities and providing a centre for community activities;

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

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

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

## **PART II - ESTABLISHMENT OF THE NIGERIAN POSTAL SERVICE AND DESIGNATION AS PUBLIC POSTAL OPERATOR**

2. (1) There is hereby established a body to be known as the Nigerian Postal Service (hereby designated as the Public Postal Operator) which:

Provision of  
Universal Postal  
Service

(a) shall be a body corporate with perpetual succession and a common seal, and

(b) may sue and be sued in its corporate name.

(2) The Public Postal Operator shall be charged with the responsibility of providing Universal Postal Services In Nigeria.;

(3) In carrying out its Universal Postal Service Obligations, the provisions of any enactment, law or regulation relating to the taxation of companies, agencies or trust funds shall not apply to the Public Postal Operator save for its obligation as a collecting agent of Government.

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

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

(a) formulate policies and adopt strategies to promote the development and maintenance of efficient, co-ordinated and economic postal services for the federation;

(b) subject to the provisions of existing laws, establish/incorporate subsidiaries or affiliated companies for the Public Postal Operator, which subsidiaries shall be governed in line with the provisions of the Companies and Allied Matters Act; and

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

(2) The Board shall consist of a Chairman and the following other members:

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

(b) a representative each of the following Federal Ministries, that is responsible for:

(i) Finance;

(ii) Internal Affairs;



(c) the Postmaster-General; and

(d) 2 (two) other members.

(3) The appointment of Board members in subsection (2) (a) and (2) (e) of this section who shall serve in a non-executive capacity, shall be appointed by the President subject to confirmation by the Senate.

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

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

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

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

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

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

(3) The Minister may, with the approval of the President, at any time remove any member of the Board or Public Postal Operator from office on the grounds of misconduct, conviction, infirmity or disease of the mind and shall notify the member in writing to that effect.

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

5. (1) There shall be appointed for the Public Postal Operator by the President, a Postmaster General who shall be the Chief Executive and shall be responsible for the execution of the Policy of the Board relating to the Public Postal Operator and its day-to-day administration.

Appointment of the Postmaster-General

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

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

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

(5) The Minister may, with the approval of the President, at any time remove any member of the Board or Public Postal Operator from office on the grounds of misconduct, conviction, infirmity or disease of the mind and shall notify the member in writing to that effect.

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

Duties of the  
Postmaster-  
General

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

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

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

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

(d) negotiate and enter into agreement with any person or authority on matters relating to the Public Postal Operator;

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

(f) represent Nigeria at proceedings of international organisations and fora on matters relating to Postal Services and matters ancillary and connected thereto.

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

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

Staff Regulations  
as to Conditions of  
Service of  
Employees

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

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

8. (1) As from the commencement of this Bill, service in the Nigerian Postal Service shall be pensionable under the extant Pensions law in Nigeria and accordingly employees of the Postal

Application of  
Pensions Act

Service shall, in respect of their services in the Public Postal Operator, be entitled to pensions, and other benefits as are prescribed thereunder.

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

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

Duties of Public  
Postal Operator

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

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

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

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

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

(e) authenticate electronic and internet-based receipts;

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

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

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

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

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

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

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

- (m) have power to borrow or raise money in such manner as it may deem fit;
  - (n) have power to conduct investigation of public postal offences relating to the Public Postal Operator. In doing so, an investigation officer or any other relevant officer of the Public Postal Operator may without warrant, enter and search a building or carrier including aircraft, vehicle or container or any other instrumentalities whatsoever, which he has reason to believe is connected with the commission of an offence;
  - (o) develop, promote and provide adequate and efficiently co-ordinated and economic postal service at fair and reasonable rates and fees;
  - (p) maintain an efficient system of collection, sorting and delivery of mail nationwide;
  - (q) provide various types of mail services to meet the needs of different categories of mail users:
  - (r) establish and maintain postal facilities of such character and in such location consistent with reasonable economics as will enable the generality of the public to have ready access to essential postal services;
  - (s) provide slogan die publicity services; and
  - (t) carry out such other activities as are necessary or expedient for the discharge of its responsibilities under this Bill, either directly or/and through its appointed agents/proxies.
- (2) The contents of the Post Office Guide shall include the following:
- (a) statement of the rates of Postage that may from time to time be fixed for postal services;
  - (b) conditions regarding the payment of compensation for loss or damage to postal articles;
  - (c) conditions for the issuance and payment of Money Orders and Postal Orders including the rates of commission thereon;
  - (d) conditions under which and the manner in which special services will be performed for the convenience of individuals;
  - (e) the rules for the guidance, conduct and discipline of officers and servants of the Public Postal Operator and the performance of their several duties;
  - (f) the statement of hours during which the Post Offices will be opened for the transaction of the various classes of public business;
  - (g) the statement of hours for the posting of postal articles and the late fee charges for postal articles;

- (h) the list of officers who may frank postal articles sent by a public department;
- (i) stamping list for the purpose of denoting, authenticating and validating receipts, documents and other instruments;
- (j) the statement of the manner in which amendments of the Post Office Guide will be carried out and published; and
- (k) such other information as the Postmaster General may deem fit to include.

10. 1 (a) collect, accept, process, convey and deliver postal articles weighing less than 0.5kg including such postal articles addressed to different recipients with each weight class 'less than 0.5kg whether enclosed in an envelope, sack, collector or any form of container; except such person charges a service fee of no less than 3 times the fee charged by the Public Postal Operator:

Exclusive Powers  
of the Public  
Postal Operator

- (b) collect, accept, process, convey and deliver postal articles with tariff of less than five times the rate of postage applicable to the particular weight class or as may be revised from time to time by regulations made pursuant to this Part;
- (c) design, print, produce, issue and retail electronic and adhesive stamps;
- (d) at its discretion, authorise by way of a franchise or license or as may be otherwise determined, any individual or group to design, print, produce, retail and issue electronic and adhesive stamp for specified purposes;
- (e) produce philatelic products, pre-stamped envelopes, pre-stamped postcards, aerogrammes and international reply coupons;
- (f) provide and maintain private letters boxes and bags for mail delivery, letter posting boxes, and to establish post offices throughout Nigeria and the use of post office or postal service on such boxes, equipment and offices;
- (g) authorize the use of franking meter machine to record prepaid postage charges by any person;
- (h) authenticate documents and internet mail related transaction receipts and documents;
- (i) issue and pay domestic and international postal and money orders;
- (j) work in conjunction with any relevant government authority or agency in the naming and numbering of streets, buildings and facilities;

(k) verify, authenticate and validate addresses nationwide;

(l) provide and establish non postal or similar services;

(m) issue, prescribe and approve stamp for denotation, authentication and validation of receipts, documents and other instruments required to be denoted;

(n) review from time to time the value of threshold of receipts and other instruments required to be denoted;

(o) determine modalities for the issuance and production of electronic stamps;

(p) establish/incorporate subsidiaries or affiliated companies and act as a holding and parent company to oversee and supervise its established/incorporated subsidiaries or affiliated companies;

(q) accredit digital or e-certificate signature in Nigeria for verification and authentication of electronic documents including but not limited to utility bills, e-mails, government documents, etc.

(r) explore additional sources of postal revenue;

(s) subject to the approval of the appropriate authority, receive, dispatch, transport, distribute and deliver electoral materials, palliatives and other relief materials and products during national emergencies and be given free access at all times during periods of restriction of movements;

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

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

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

Exceptions  
to Powers

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

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

(c) letters from merchants, owners of vessels of merchandise or the cargo or loading therein, sent by the vessels of merchandise, or by any person employed by the owners for the carriage of the letters, according to their respective directions and delivered to the respective persons

to whom they are directed without paying or receiving fees or reward, advantage or profit for the same in any way;

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

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

12. The Public Postal Operator, subject to existing legislation shall in addition to the services exclusively reserved under section 10 of this Bill, provide: Mandatory Postal Services

(a) basic postal services that include acceptance, conveyance, transportation and delivery of postal articles nationwide, including but not limited to packets, parcels and goods under terms and conditions as may be determined from time to time by regulations made by the Commission;

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

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

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

### **PART - III PROVISIONS AS TO DENOTATION, AUTHENTICATION AND VALIDATION OF RECEIPTS ETC**

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

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

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

(2) For the purposes of this Bill, the expression "receipts" includes any written, printed, or electronic notes or memorandum or notification issued or raised to evidence transactions that are not dutiable or are not subject to duty.

Denotation,  
Authentication and  
Validation of  
Receipts  
etc.

(3) The expression "document" includes any written, printed or electronic notes, memorandum, or piece of matter that provides information or evidence or memorialize representation of thoughts or drafts or agreements or proofs or copies or statements or application that serves as an official record between two parties or more.

(4) The expression "instrument" includes any written, printed or electronic matter formally attributed to its author, which records, and formally expresses a legally enforceable act, process, contract, obligation, or rights, and whether the same is or not signed with name of any person.

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

Cancellati  
on and  
Penalties

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

(2) Where in any legal proceedings or before any arbitrator or referee a receipt, document, or other instrument is inadmissible by reason of it not being duly stamped, the officer presiding over the court, the arbitrator, or the referee may, having regard to the illiteracy and ignorance of the party tendering the receipt, document or instrument in evidence, admit the receipt upon the payment of a penalty of N100, 000.00 (One hundred thousand Naira) and the officer presiding over the court, the arbitrator or referee, as the case may be, shall note the payment of the penalty upon the face of the receipt, document or instrument so admitted and a receipt shall be given for the same.

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

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

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

(6) If any person: -



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

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

#### **PART IV – NATIONAL POSTCODE SYSTEM AND TECHNICAL STANDARDS**

15. (1) (a) The Public Postal Operator is solely and exclusively vested with the control, planning, administration, management and assignment of the National Postcode System (hereinafter referred to as, “the Postcode System”).

Administration  
and Planning of  
the National Post  
Code System

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

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

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

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

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

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

(i) list of prohibited or restricted postal articles ;

(ii) requirements for transit and delivery times ;

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

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

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

(vi) provision of register of daily shipment indicating weight of each postal item, destination,

acceptance and delivery terms;

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

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

(ix) requirements for examination of postal articles before, during or after transmission.

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

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

#### **PART V - OFFENCES, PENALTIES AND TRIAL OF OFFENCES**

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

Postal Offences

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

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

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

(2) A person shall be deemed to commit an offence under this Bill where he:

(a) steals any postal matter or electronic mail;

(b) being charged with the delivery of any postal matter or electronic mail, without lawful authority, fraudulently, wilfully or maliciously dumps it or delivers it to person or an address other than the person or address stated on the postal matter or electronic mail;

(c) sells, offers for sale any stamp, postal order, money order or other postal item at an amount not approved by the Public Postal Operator;

(d) without lawful authority, communicates or attempts to communicate to an unauthorized person, any information relating to the movement of any mail bag or postal matter or

electronic mail;

(e) being the landlord, tenant, occupier or is concerned with the management of any premises, causes or knowingly permits the premises to be used for any purposes which constitutes an offence under this Bill;

(f) fraudulently, or by means of a false pretence, obtains from any employee of a postal operator or any other person, any postal matter or electronic mail which is not addressed to him with intent to defraud;

(g) falsely represents himself as an employee of a postal operator or that he is for the time being employed by a postal operator or authorized to render a service on behalf of the operator;

(h) being an employee of a postal operator, with intent to defraud, receives, gives, delivers, transmits or is in possession of any postal matter by false pretence.

(i) being an employee of a postal operator or any other person, aids, abets, counsels, procures, attempts or conspires with any other person to commit an offence under this Bill;

(j) without lawful authority, prints, produces, retails and issues or otherwise deals in any stamp, whether electronic or adhesive;

(k) prints, sells, supplies, recycles, offers for or otherwise deals in any postage stamp or any postal matters;

(l) prints, sells, supplies, recycles, offers for sale counterfeit postage stamps, postal matter, and/or postal payment imprints;

(m) removes cancelled stamps or makes from bonafide postage stamp or postage payment imprints for purposes of falsification or re-use;

(n) being employee of the Public Postal Operator or any other person authorized by the Public Postal Operator to sell postage stamps or other postal items, without lawful excuse fraudulently, wilfully or maliciously, refuses to do so or fraudulently, wilfully or maliciously does any act that causes a scarcity of postage stamps or postal items;

(o) lawfully or unlawfully obtains a postal service and then abandons or gives up the service without settling any debt or charge incurred by him on the service;

(p) engages in any conduct designed to perpetrate postal fraud schemes;

(q) refuses to supply or convey information where disclosure or submission is required under the provisions of this Bill or any other written law;

(r) refuses to submit to inspection or obstructs or resists inspection activities by law

enforcement agencies or the Commission;

(s) arranges for permits or transmits banned or prohibited article or item under this Bill, subsidiary legislation or any other written law;

(t) without lawful authority, offers or is engaged in any of the services exclusively reserved for the Public Postal Operator;

(u) colludes with a licensed operator to undercut price, dump items and/or does not comply with the provisions of this Bill and regulations made under this Bill;

(v) patronizes an unlicensed operator; or

(w) being a licensed operator, partners with unlicensed operators to transact postal or express business.

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

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

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

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

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

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

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

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

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

(b) partner or officer of the firm;

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

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

(3) In addition to the penalties specified in this Part of this Bill, any article, property, facility, equipment, vehicle or other things used in the commission of or in connection with the offence

shall be forfeited to the Federal Government.

19. The Federal High Court shall have exclusive jurisdiction over all matters, suits and cases arising from this Bill or any regulations made under this Bill, and all references to 'Court' or 'Judge' in this Bill means the Federal High Court or a judge of the Federal High Court. Jurisdiction to try Offences
20. (1) Subject to the provisions of this section, compensation may be paid voluntarily and as act of grace, if it is proved to the satisfaction of the Postmaster General of the Public Postal Operator that a letter or packet duly admitted by the Public Postal Operator for registration has been entirely lost whilst in his custody, except where such loss occurs as a result of tempest, shipwreck, fire outbreak, earthquake, war or such similar causes beyond the reasonable control of the Public Postal Operator. Cases in which compensation may be paid by the Public Postal Operator.
- (2) The final decision on all questions of compensation in respect of postal articles transmitted through the post shall vest with the Postal Administration of the Country in which the loss has occurred, but no compensation shall be payable except in the loss of the entire letter or packet ; and no claim shall be admitted if made more than a year after the letter or packet was posted.
- (3) In the case of a packet posted in Nigeria and addressed to a place in Nigeria through the Public Postal Operator, the compensation paid shall not exceed the value of the article lost, and compensation may be paid for the loss of the contents of any packet if –
- (a) It is proved to the satisfaction of the Postmaster General that the loss occurred in the post and that the packet and securing of the cover were adequate ; and
- (b) In the case of the loss of Money Orders, Postal Order, Coupons, Bonds, and similar documents which are enclosed in one of the registered envelopes supplied by the Post Office, that particulars sufficient for the identification of those documents have been furnished.
- (4) No compensation shall be paid in any circumstance for the loss of a postal packet, unless the name of the payee and of the office at which payment is to be made has been filed in.
- (5) No claim for compensation for the loss of any of the contents of a packet shall be entertained if delivery of the packet has been accepted without objection provided that such objection shall be made in writing at the nearest or delivering post office, no later than 72 hours after delivery of the postal packet.
- (6) Compensation payable for loss or damage of an insured letter or parcel transmitted by the Public Postal Operator –
- (a) shall not exceed the amount of the actual loss or damage ;
- (b) shall not be paid for a packet containing a prohibited article or for a packet which has been delivered without external trace or injury and has been accepted without remark; or
- (c) shall not be paid if arising from tempest, shipwreck, earthquake, fire outbreak, war,

insurgence or other cause beyond the reasonable control of the Public Postal Operator;

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

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

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

(9) No compensation shall be paid –

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

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

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

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

#### **PART VI - SPECIAL POWERS OF THE PUBLIC POSTAL OPERATOR**

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

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

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

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

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

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

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

Power to  
Intercept, Detain,  
etc. of Postal  
Articles

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

22. (1) Where the Public Postal Operator has reason to suspect that a postal article contains anything in respect of which an offence is being committed or attempted to be committed, it shall, by notice in writing, require the attendance at the office of the postal operator where the article was received for conveyance or delivery, and the addressee or sender, as the case may be and thereafter the article shall be opened by the addressee or sender or his agent.

Power to Open  
Postal Articles

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

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

#### **PART VII - LEGAL ACTIONS AGAINST THE PUBLIC POSTAL OPERATOR**

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

Limitation of  
actions against the  
Public Postal  
Operator

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

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

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

24. Notwithstanding anything contained in any enactment whatsoever, in any action or suit against the Public Postal Operator, or a Member or an officer of the Public Postal Operator for any act

Restriction on  
Execution against

done in pursuance of or execution of its Universal Postal Service obligations under this Bill, no execution or attachment of process in the nature thereof shall be issued against the Public Postal Operator or such member or officer but any sum of money which may, by the judgment of the Court, be awarded against the Public Postal Operator or such member or officer shall, subject to any directive by the Court where notice of appeal has been given by the Public Postal Operator in respect of the said judgment, be paid from the Public Postal Operator's Fund.

Property of the  
Public Postal  
Operator

#### **PART VIII - FUNDING OF THE PUBLIC POSTAL OPERATOR**

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

Funding

(2) The Fund shall consist of:

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

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

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

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

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

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

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

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

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

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

(d) for purposes of investment; and

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

(4) Any excess of the Public Postal Operator's revenue for any year over the approved expenditure



for that year shall be remitted to the Consolidated Revenue Fund.

(5) The provisions of any enactment relating to the taxation of companies or trust Funds shall not apply to the Public Postal Operator save for its obligation as a collecting agency.

26. (1) The Public Postal Operator shall not later than 30<sup>th</sup> September of each financial year, prepare and present to the National Assembly through the President for approval, a statement of estimated Income and Expenditure for the following financial year. Financial Year and Audit

(2) Notwithstanding the provisions of subsection (1) of this section, the Public Postal Operator may any financial year, submit supplementary or adjusted statements of estimated income and expenditure to the National Assembly through the President for approval

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

#### **PART IX - ESTABLISHMENT OF THE NIGERIAN POSTAL COMMISSION**

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

(2) The Commission:

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

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

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

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

28. (1) There is hereby established for the Commission a Governing Board (in this Bill referred to as "the Board") Establishment and Membership of the Governing Board of the Commission

(2) The Board shall consist of the following:

(a) a part time Chairman;

(b) 2 (two) Executive Directors;

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

(i) 1 (one) representative of the Federal Ministry of Communications

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

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

(iv) 1 (one) representative of the Public Postal Operator;

(v) 1 (one) representative of the courier association; and

(d) the Director-General of the Commission.

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

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

(5) The appointment of Board members in subsection (2)(a), (b) and(d) of this section shall be subject to confirmation by the Senate

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

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

(a) the Director General of the Commission;

(b) 2 (two) Executive Directors; and

(c) 2 (two) Non-Executive Directors.

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

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

29. Members of the Board shall be appointed for a term of 4 (four) years in the first instance and may be reappointed for another term of 4 (four) years and no more. Tenure of Office

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

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

Cessation of  
Membership

- (a) his term of office expires;
- (b) he resigns his office by a notice in writing under his hand addressed to the President;
- (c) he is incapable of performing the functions of his office due to mental or physical illness;
- (d) he becomes bankrupt;
- (e) he has been convicted of a felony or any offence involving dishonesty;
- (f) he is guilty of gross misconduct relating to his duties;
- (g) in the case of a person who possesses professional qualification, he is disqualified or suspended from practicing his profession in Nigeria by an order of a competent authority; or
- (h) he dies.

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

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

#### **PART X - FUNCTIONS AND POWERS OF THE COMMISSION**

32. The Commission:

Functions of the  
Commission.

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

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

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

- (i) the scope of service required to be rendered under this Part;
- (ii) the standards of the services;
- (iii) remuneration for services rendered;
- (iv) penalties as may be applicable for the provision of universal postal products and services;

(v) the disposal of undeliverable postal articles ;

(vi) the articles that may or may not be transmitted as postal articles;

(vii) the classification of postal articles for postal charges; and

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

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

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

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

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

(h) shall promote fair competition in the postal industry and protection of postal services and facilities providers from misuse of market power or anti-competitive and unfair practices by other service or facilities providers or equipment suppliers;

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

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

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

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

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

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

Powers of the  
Commission

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

- (b) develop and monitor performance standards and indices relating to the quality of postal services and facilities supplied to consumers in Nigeria, having regard to the best international performance indicators;
- (c) make and enforce regulations and guidelines in accordance with Part XV of this Bill as may be necessary to give effect to the objectives of this Bill;
- (d) plan and coordinate the entire postal network;
- (e) formulate and manage Nigerian inputs into the setting of international technical standards for postal services and equipment;
- (f) encourage and promote infrastructure sharing amongst licensees and provide regulatory guidelines thereon;
- (g) examine and resolve complaints, objections and disputes between licensed operators, consumers or any other person involved in the postal industry, using such dispute resolution methods as the Commission may determine from time to time, including mediation and arbitration;
- (h) prepare and implement programmes and plans that promote and ensure the development of the postal industry and the provision of postal services in Nigeria;
- (i) design, manage and implement universal postal service strategies and programme in accordance with the Federal Government's general policy and objectives thereon;
- (j) advise the Minister on the formulation of the general policies for the postal industry and generally on matters relating to the postal industry in the exercise of the Minister's functions and responsibilities under this Bill;
- (k) implement Government's general policies in the postal industry and the execution of all such other functions and responsibilities as may be conferred on the Commission under this Bill or are incidental or related thereto;
- (l) advise and assist the postal industry stakeholders and practitioners with a view to the development of the industry and attaining the objectives of this Bill and its subsidiary legislation;
- (m) represent Nigeria at proceedings of international organizations and fora on matters relating to regulation of postal services and matters ancillary and connected thereto;
- (n) conduct market research on the following and other related matters: including;
  - (i) the extent of the development of Nigerian postal industry;
  - (ii) Public Postal Operator needs;

- (iii) quantitative and qualitative characteristics of demand for postal service;
- (iv) economic, operational and labour related data on postal operators;
- (v) the level of technological development of postal operators;
- (vi) an analysis of the current legal framework for the postal sector, including provisions with respect to competition and consumers;
- (vii) the technical and economic viability of postal service enterprises;
- (viii) the quality of postal services rendered by the different service providers doing business in the postal market;
- (ix) universal postal service standards;
- (x) the scope of universal postal services rendered by the Public Postal Operator;
- (xi) supply and demand for universal services;
- (xii) standards of quality and prices in the postal market;
- (xiii) the level of investment in the postal sector;
- (xiv) development plans and the level of investment by the universal service operator; and
- (xv) publishing the result of the market study;
- (o) establish and administer an appropriate pricing system for service offerings on the postal market including:
  - (i) Universal Postal Services provided by the Public Postal Operator, and
  - (ii) service open to competition provided by all postal operators including the Public Postal Operator.
- (p) define, delimit and design the content and scope of measures and activities required for the provision of Universal Postal Services;
- (q) participate in Universal Postal Union activities and projects aimed at developing Universal Postal Service costing and pricing methodologies;
- (r) sanction any inappropriate postal practices by postal operators in the industry contrary to the provisions of this Bill; and
- (s) Conduct and investigate into postal offences in the postal industry;
- (t) have power to conduct investigation of postal offences, and in doing so, an investigation officer or any other relevant officer of the Commission may without warrant, enter and search a building

or carrier including aircraft, vehicle or container or any other instrumentalities whatsoever, which he has reason to believe is connected with the commission of an offence.

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

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

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

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

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

(d) hold office:

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

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

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

(3) The Minister may, with the approval of the President, at any time remove any member of the Board on the grounds of misconduct, conviction, infirmity or disease of mind from office if the Minister is of the opinion that it is not in the interest of the Board or the Public Postal Operator for the member to continue in office and shall notify the member in writing to that effect.

36. (1) There shall be for the Commission, two Executive Directors to be appointed by the President on the recommendation of the Minister, subject to confirmation by the Senate. Appointment of  
Executive  
Directors

(2) The Executive Directors shall-

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

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

(c) hold office:

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

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

(3) The Minister may, with the approval of the President, at any time remove any member of the Board on the grounds of misconduct, conviction, infirmity or disease of mind from office if the Minister is of the opinion that it is not in the interest of the Board or the Public Postal Operator for the member to continue in office and shall notify the member in writing to that effect.

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

(2) The Secretary shall:

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

(b) keep the corporate records of the Commission;

(c) conduct the correspondence of the Commission; and

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

(3) The Minister may, with the approval of the President, at any time remove any member of the Board on the grounds of misconduct, conviction, infirmity or disease of mind from office if the Minister is of the opinion that it is not in the interest of the Board or the Public Postal Operator for the member to continue in office and shall notify the member in writing to that effect.

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

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

39. (1) The Commission may make regulations relating generally to the conditions of service of the employees of the Commission. Such regulations may provide for the appointment, promotion, termination, dismissal and discipline of the employees of the Commission. Conditions of Service and Pension

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

(3) The Conflict-of-Interest provisions contained in the Third Schedule to this Bill shall apply to all



employees of the Commission.

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

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

#### **PART XII – FINANCIAL PROVISIONS**

40. (1) The Commission shall establish and maintain a Consolidated Revenue Fund (hereinafter referred to as 'the Fund') from which all expenditures incurred by the Commission shall be defrayed. Fund of the Commission

(2) The Fund shall consist of:

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

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

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

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

(e) fines and administrative charges; and

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

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

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

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

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

(d) for the purposes of investment in short term, financial instruments issued by the Federal Republic of Nigeria; and

(e) for or in connection with all or any of the functions of the Commission under this Bill or

under any order, rule or regulations made pursuant to this Bill.

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

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

41. (1) The Commission may, with the approval of the Minister, borrow by way of loan or over draft such monies as the Commission may require in the exercise of its functions.

Power to Borrow  
and Accept Gifts

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

42. (1) The Commission shall not later than 30<sup>th</sup> September of each financial year, prepare and present to the National Assembly through the President for approval, a statement of estimated income and expenditure for the following financial year.

Budget and  
Expenditure

(2) Notwithstanding the provisions of subsection (1) of this section, the commission may, in any financial year, submit supplementary or adjusted statements of estimated income and to the national assembly through the president for approval.

(3) The commission shall prepare and submit to the national assembly annual through the president, not later than 6 months after the end of its financial year, a report on the activities of the commission for the preceding financial year and shall include therein the commission's audited accounts for the year under review together with the auditor's report thereon.

43. (1) The financial year of the Commission shall commence on 1<sup>st</sup> January of each year and end on 31<sup>st</sup> December of the same year.

Financial Year and  
Audit of the  
Commission's  
Account

(2) The Commission shall keep proper records of its accounts for each year and shall cause its accounts to be audited within 6 (six) months from the end of each financial year by auditors whose appointment shall be approved by the Commission and are on the list of auditors approved from time to time by the Auditor-General of the Federation.

44. The provisions of any enactment relating to the taxation of companies or trust Funds shall not apply to the Commission save for its obligations as a collecting agency of government taxes.

Exemption from  
Taxation.

### PART XIII – LICENCES

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

Power to Grant  
License

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

Operation of  
Postal Services.

(a) operate a postal system or facility; or

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

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

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

Assignment of  
Licenses and  
Compliance with  
License Conditions

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

#### PART XIV – RENEWAL AND REVOCATION

48. The Commission shall, within 45 (Forty-Five) days of receiving an application for a license under this Bill, inform the applicant by written notice:

Processing of  
Applications.

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

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

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

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

Renewal of  
License.

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

(a) the terms and conditions of the license;

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

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

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

(a) inform the licensee by notice in writing not later than 3 (three) months from the date of

receipt of the application for renewal of the license of its intention not to renew the license;  
and

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

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

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

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

Surrender  
License of

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

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

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

Suspension  
Revocation  
License. or  
of

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

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

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

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

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

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

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

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

(a) the Commission has, by written notice, informed the licensee of the breach of the provision

of subsection (1) of this section and demanded that the breach be rectified, if it is capable of rectification, within 60 (sixty) days from the date of the notice; and

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

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

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

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

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

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

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

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

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

#### **PART XV – REGULATIONS, GUIDELINES BY COMMISSION**

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

Regulations,  
Guidelines etc. by  
the Commission.

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

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

this Bill;

(c) quality of service;

(d) postal related offences and penalties;

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

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

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

#### **PART XVI - MONITORING AND REPORTING**

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

Monitoring and Reporting

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

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

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

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

(c) the quality of services;

(d) industry statistics generally, including but not limited to the provision of services, traffic patterns or industry operators;

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

(f) the development of industry self-regulation;

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

(h) any deficiencies in the scope or operation of this Bill and regulations made under this Bill;

(i) other matters as deemed appropriate by the Commission.

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

#### **PART XVII - GENERAL COMPETITION PRACTICES**

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

Power of the Commission to Regulate Competition Practice in the Postal Sector.

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

Anti-Competition Practices.

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

(a) rate fixing;

(b) market sharing;

(c) boycotting of another competitor;

(d) boycotting of a supplier of apparatus or equipment; or

(e) boycotting of any other licensee.

(3) Where the Commission finds that a licensee is engaged, has been engaged or is likely to engage in any anti-competitive activity, the Commission shall have the power to issue a direction requiring such licensee to desist from such practices or methods of competition.

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

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

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

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

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

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

#### **PART XVIII - TARIFF RATE REGULATION**

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

Approval of Tariffs and Charges by the Commission.

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

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

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

(5) The principles referred to in subsection (4) of this section include those requiring that:

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

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

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

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

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

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

Commission's Intervention in the Setting of Tariff Rates.

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

Penalty for Operating Unapproved Tariff, Charges etc.

#### PART XIX - OFFENCES

59. (1) Subject to such exemptions as are contained in this Bill, or as may be determined by the

Offences Relating to Licenses.



Commission from time to time, a person who operates a postal service:

(a) without a licence issued under this Bill;

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

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

(2) A person who for the purpose of securing a licence under this Bill, makes a statement or provides information which he knows to be false or does not have reason to believe to be true, commits an offence.

#### **PART XX - LEGAL ACTIONS AGAINST THE COMMISSION**

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

Limitation of Suits  
against the  
Commission.

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

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

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

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

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

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

Service of Court  
Processes on the  
Commission.

62. (1) In any action against the Commission, no execution or attachment of any nature thereof shall be issued against the Commission unless at least 3 (three) months' notice of the intention to

Restriction on  
Execution against  
the Commission's

execute or attach the Commission's property has been given to the Commission.

Property.

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

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

Indemnity of the Commission's Officials.

#### **PART XXI – RESPONSIBILITIES OF THE MINISTER**

64. The Minister shall:

Responsibilities of the Minister.

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

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

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

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

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

(f) support the applications by postal sector operators seeking for exemption from the use of any Form which exemption is allowed and Risk Assessment Report (RAR) and other similar requirements from the appropriate institution to expedite the timely delivery of express cargo or courier items; and

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

#### **PART XXII – REVIEW OF DECISIONS**

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

Order/Decision of the Commission.

Commission for a statement of the reasons for the decision.

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

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

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

Review of  
Commission's  
Decision.

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

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

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

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

Judicial Review of  
Commission's  
Decision.

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

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

#### **PART XXIII - ESTABLISHMENT OF THE UNIVERSAL POSTAL SERVICE FUND AND UNIVERSAL POSTAL SERVICE FUND BOARD**

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

Universal Postal  
Service Fund.

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

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

(b) contribution from the Commission based on a portion of the fees paid to the Commission;

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

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

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

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

(b) to the cost of administration of the UPS Fund Board; and

(c) for the deployment of Postal Services to the unserved and undeserved areas by the Public Postal Operator.

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

Establishment of  
the Universal  
Postal Service  
Fund Board.

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

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

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

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

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

70. Membership  
of the UPS Fund  
Board.

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

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

(c) the Director General of the Commission;

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

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

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

(h) a representative of the private sector; and

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

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

(3) The organizations that are represented on the UPS Fund Board may at any time, at their

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

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

Proceeding of the  
UPS Fund Board.

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

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

72. (1) There shall be for the UPS Fund, a Secretariat responsible for the day-to-day administration of the UPS Fund established pursuant to Section 68 of this Bill;

Secretariat of the  
Universal Postal  
Service Fund.

(2) The functions of the Secretariat shall include:

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

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

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

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

(3) There shall be for the UPS Fund, a Head of the Secretariat, known as the Secretary, UPSF to be appointed by the UPS Fund Board.

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

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

Universal Postal  
Service Fund  
Managers.

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

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

(c) determine, in consultation with the Commission, the amount of annual revenue required to

ensure that the UPS Fund remains fiscally sound and calculation of the corresponding rate of assessment;

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

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

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

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

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

Regulations on Contributions to the UPS Fund.

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

Repeal of CAP N127 LFN 2004.

(2) Without prejudice to the provisions of the Interpretation Act, nothing in this Bill shall invalidate or otherwise prejudicially affect anything done or purported to be done under the repealed Act.

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

76 In this Bill:

Interpretation.

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

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

"annual levies" means 1% of net profit of licensees;

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

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

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

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

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

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

"e-certificate/digital certificate" refers to electronic credentials that bind the identity of the certificate owner to a pair of electronic encryption keys (one public and one private) that can be used to encrypt and sign information digitally. It ensures that the public key contained in the certificate belongs to the entity to which a person is who he or she claims to be and then provide the message receiver with the means to encode a reply back to the sender. It includes electronic or digital signature.

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

"equipment" means any equipment or apparatus used or intended to be used for postal purposes and that is part of, connected to or comprises postal system;

"false pretence" has the meaning assigned to it under the Administration of Criminal Justice Act 2015;

"fictitious or counterfeit stamp" means any facsimile or imitation or representation whether on paper or otherwise, of any stamp or stamped impression, for denoting any rate of postage, duty, authentication, validation of any receipt, document or instrument in any part of Nigeria;

"intercept"/"interception" means the acquisition of the contents of any postal article by the Commission, Public Postal Operator or any person;

"lawful authority" means the official procedure as it relates to dealing in postal services;

"letter" means a communication in writing which is directed to a specific person or address or relates to the personal, private or business affairs of an individual or any employer and includes a packet containing such communication and electronic mail;

"license" means an authorization granted by the Commission to an operator for the provision of postal services;

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

"logistic services" means services which include haulage, conveyance, dispatch or delivery of items or goods weighing not less than 50kg;

'Mandatory Postal Services' means postal services that are required to be provided by the Public

Postal Operator under Section 12 of this Bill;

"Minister" means the Minister for the time being charged with the responsibility for the postal industry;

"Ministry" means the Federal Ministry for the time being charged with the responsibility for the postal industry

"monitoring" refers to the function of comprehensive and continuous review of the operations and adequacy of postal networks, facilities and service and the reasonableness of charges imposed for services;

"operator" means a person that operates postal/cargo/logistics/e-commerce/courier/express services or a postal services provider in accordance with this Bill;

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

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

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

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

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

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

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

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

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

"Postal Services" include conveying all mail, letters, items, goods, articles and like materials through the post from one place to another and performing all incidental services of receiving,



collecting, sending, dispatching and delivering written and printed matters, parcel, goods and like material from one place to another.

"PPP" means Public Private Partnership;

"Private Postal Operator" means any postal operator other than the Public Postal Operator;

"Public Postal Operator" means the Nigerian Postal Service designated for the provision of universal service under Section 2(1) of this Bill;

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

"Reserved Postal Service" means postal services within the exclusive power of the public postal operator under section 10 of this Bill;

"Stamp" means any label, stamp or stamp impression for denoting any rate of postage payable in respect of postal articles and includes adhesive stamps, electronic stamps and stamps printed, embossed, or otherwise indicated on any envelope, wrapper, postcard, documents, receipts or other articles whether such stamp is issued by the public postal operator or by the Government of any foreign country. It also includes stamps issued by the Public Postal Operator for denoting and authenticating documents, activities of members of different professional bodies such as but not limited to receipts, agreements, etc. at the prevailing minimum postage rates;

"stamping protocol" means the entire process of implementing and enforcing the denoting, authenticating and validating of receipts, documents, instruments, forms, agreements and relevant written documents with electronic or adhesive stamp, or internet generated stamps as well as the act of cancelling out same by signing across using a stamp impression or seal to cancel same;

"Universal Postal Service" refers to the obligations by the Public Postal Operator for the deployment of affordable postal services to the unserved and underserved areas including rural areas;

"Unlicensed Postal Operator" means a person who operates a postal service without being licensed under this Bill.

"UPS Fund Board" means the Board established under section 65 of this Bill;

"UPS Fund" means Universal Postal Service Fund;

"UPU" means the Universal Postal Union;

77. This Bill may be cited as the Nigeria Postal Services Bill, 2022.

Short Title.

## FIRST SCHEDULE

### Section 3(5)

## **SUPPLEMENTARY PROVISIONS RELATING TO THE PUBLIC POSTAL OPERATOR**

### **1. Proceedings of the Board of the Public Postal Operator**

- (1) The Board shall meet for the conduct of its business at such time, place and on such day as the chairman may appoint, but shall meet not more than 4 (four) times in a year.
- (2) The chairman may, at any time and shall, at the request in writing of not less than 5 (five) members summon a meeting of the Board.
- (3) Particulars of the business to be transacted at any meeting shall be circulated to members, with the notice of the meeting of the Board.
- (4) Every question put before the Board at a meeting shall be decided by a majority of the votes of the members present and voting.
- (5) 4 (four) members of the Board shall form a quorum at any meeting of the Board.
- (6) The chairman shall preside at all meetings of the Board and in the absence of the Chairman; the alternate Chairman shall preside at that meeting.
- (7) The chairman shall at any meeting, have a vote and in the case of an equality of votes, may exercise a casting vote.
- (8) Subject to the provisions of this Bill, the Board may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereto, the keeping of minutes of such proceedings and the custody and

### **Committees**

2. (1) The Board may appoint 1 (one) or more committees to advise it on the exercise and performance of its functions under this Bill.
- (2) Every committee shall consist of-
  - (a) a chairman, who shall be appointed by the Board from among the members of the Board;
  - (b) not more than 5 (five) persons (who may or may not be members of the Board), so however that any non-member of the Board co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and be counted towards a quorum.
- (3) In this paragraph, "chairman" means the chairman of a committee.

### **Miscellaneous**

- 3.(1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Board by any person generally or specifically authorized in that behalf by the Board.
- (2) Any member of the Board or of a committee thereof, who has a personal interest in any contract or arrangement

entered into or proposed to be considered by the Board or a committee thereof, shall forthwith disclose his interest to the Board or the Committee, as the case may be, and shall not vote on any question relating to such contract or arrangement.

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

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

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

## **SECOND SCHEDULE**

### **Section 28(5)**

#### **SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION**

##### **Proceedings of the Commission**

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

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

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

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

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

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

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

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

### **Committees**

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

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

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

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

### **Miscellaneous**

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

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

(3). Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed without 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 Commission shall after the commencement of this Bill be entitled to a maximum of 6 (six) months from their respective dates of appointments within which they may divest themselves of their direct or indirect financial interests or investments in any Nigerian postal company, if any.

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

(a) knowingly has; or

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

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

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

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

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

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

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

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

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

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

11. For the purposes of this Schedule:

(a) "Company" includes partnerships;

(b) "Immediate family" means a person's spouse and children who 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 repeals the Nigerian Postal Service Act, CAP N127, 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 and for other matters connected therewith.

**CONFERENCE COMMITTEE REPORT ADOPTED BY THE SENATE ON TUESDAY, 1<sup>ST</sup>  
MARCH, 2022**