

POSTAL, COURIER AND LOGISTICS COMMISSION BILL, 2025

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POSTAL, COURIER AND LOGISTICS COMMISSION BILL, 2025

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ENTITLED

POSTAL, COURIER AND LOGISTICS COMMISSION ACT, 2025

AN ACT to establish the Postal, Courier and Logistics Commission as a regulatory body to license and regulate the operation of postal, courier and logistics services; to enforce international standards and practices among service providers and to designate a national postal service provider and provide for related matters.

Establishment of the Postal, Courier and Logistics Commission

Establishment of the Commission

1. (1) There is established by this Act the Postal, Courier and Logistics Commission as a body corporate.

(2) The Commission may for the performance of functions of the Commission, acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hinderance to the acquisition of land, the land may be acquired for the Commission under the Land Act, 2020 (Act 1036) and the cost shall be borne by the Commission.

Object of the Commission

2. The object of the Commission shall be to create an efficient system for the provision of standardized postal, courier and logistics services in a manner responsive to the needs of consumers particularly of persons with physical disability and persons living in underserved and rural areas through the regulation of service providers.

Functions of the Commission

- 3.** The functions of the Commission are to
- (a) ensure as far as practicable the provision of postal, courier and logistics services throughout the country to meet the demand for the services;
 - (b) ensure that providers of postal, courier and logistics services achieve the highest level of efficiency in the provision of the services and are responsive to customer and community needs;
 - (c) grant licences for the operation of postal, courier and logistics services;
 - (d) regulate the issue of postage stamps including definitive, commemorative and special issue postage stamps and any other philatelic items;
 - (e) provide guidelines on rates of postage and other fees chargeable in respect of postal articles;
 - (f) designate quality standards of equipment for the provision of postal, courier and logistics services where necessary;
 - (g) ensure that the needs of persons with disability are considered in the provision of postal, courier and logistics services;
 - (h) provide assistance to licensees, where practicable;
 - (i) maintain a register of licensees;
 - (j) submit inputs for policy formulation to the Minister for consideration as may be necessary;
 - (k) ensure strict compliance with this Act and Regulations made under it; and
 - (l) perform any other functions assigned to the Commission under this Act or any other enactment; or
 - (m) perform any other function incidental to the object of the Commission.

Governance of the Commission

Governing body of the Commission

- 4.** (1) The governing body of the Commission is a Board consisting of
- (a) a chairperson;
 - (b) one representative of the Ministry of Communication, Digital Technology and Innovations not below the rank of a Director nominated by the Minister;
 - (c) the Executive Secretary; and

(d) four persons with knowledge in matters relevant to the functions of the Commission, at least two of whom are women nominated by

(2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Board.

Functions of the Board

5. The Board

(a) is responsible for the strategic direction and policies of the Commission; and

(b) shall

(i) oversee the sound and proper management of the resources of the Commission; and

(ii) ensure the efficient and effective performance of the functions of the Commission.

Tenure of office of members of the Commission

6. (1) A member of the Commission other than the Executive Secretary shall hold office for a term of four years and is eligible for re-appointment for another term only.

(2) A member of the Board may, in writing addressed to the President, resign from office.

(3) A member of the Board other than the Executive Secretary who is absent from three consecutive meetings of the Commission without sufficient cause ceases to be a member of the Commission.

(4) The President may, in writing addressed to a member, revoke the appointment of the member for stated reasons.

(5) Where a member of the Board is for a sufficient reason unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(6) Where there is a vacancy

(a) under subsection (2), (3) or (4) or subsection (2) of section 9;

(b) as a result of a declaration under subsection (5); or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint another person to fill the vacancy for the unexpired term.

Duties and liabilities of a member of the Board

7. (1) A member of the Board has the same fiduciary relationship with the Commission and the same duty to act with loyalty and in good faith as a director of the company incorporated under the Companies Act, 2019 (Act 992).

(2) Without limiting subsection (1), a member of the Board has a duty

- (a) to act honestly and in the best interest of the Commission in the performance of the functions of the member;
- (b) to exercise the degree of care and diligence in the performance of the functions of the member that a person in that position would reasonably be expected to exercise in the circumstance;
- (c) to avoid making improper use of information acquired by virtue of the position of that member so as to benefit that member or to the detriment of the Commission; and
- (d) not to abuse the position of the office.

(3) A member of the Board shall, before assuming office, file with the Commission a disclosure statement declaring all assets, business affiliations and details of past and recent employment.

(4) A member of the Board who contravenes subsection (1) or (2) commits an offence and liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units.

(5) Where a court determines that the Commission has suffered loss or damage as a consequent of an act or omission of a member of the Board, the court may, in addition to imposing a fine, order the person convicted to pay appropriate compensation to the Commission.

Meetings of the Board

8. (1) The Board shall meet at least once every two months at a time and place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the Board at a time and place determined by the chairperson.

(3) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(4) The quorum at a meeting of the Board is four members including the Executive Secretary.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a meeting of the Board but that person shall not vote on a matter for a decision at the meeting.

(7) The proceedings of the Board are not invalidated by reason of a vacancy among the members of the Board or by a defect in the appointment or the disqualification of a member.

(8) Subject to this Act, the Board shall regulate the procedure for the meetings of the Board.

Disclosure of interest

9. (1) A member of the Board who has an interest in a matter for consideration by the Board
- (a) shall disclose in writing the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and
 - (b) is disqualified from being present at or participating in the deliberation of the Board in respect of that matter.
- (2) A member ceases to be a member of the Board if that member has an interest in a matter before the Board and
- (a) fails to disclose that interest; and
 - (b) is present at or participates in the deliberations of the Board in respect of that matter.
- (3) Where a member contravenes subsection (1), the chairperson shall notify the Minister who shall inform the President in writing to revoke the appointment of that member.
- (4) Without limiting any further cause of action that may be instituted against the member, the Board shall recover any benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

Committees of the Board

10. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function of the Board.
- (2) A committee composed of members and non-members shall be chaired by a member of the Board.
- (3) Section 9 applies to members of a committee of the Board.

Allowances of members

11. Members of the Board or members of a committee of the Board shall be paid allowances determined by the Minister in consultation with the Minister responsible for Finance.

Policy directives

12. (1) The Minister may give directives in writing on matters of policy to the Board and the Board shall comply.
- (2) The directives shall be consistent with the object of this Act.

Administrative Provisions

Executive Secretary

13. (1) The President, shall in accordance with article 195 of the Constitution, appoint the Executive Secretary for the Commission.

(2) The Executive Secretary shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Executive Secretary

(a) is responsible for the day-to-day administration of the Commission; and

(b) shall ensure the implementation of the decisions of the Board.

(4) The Executive Secretary may delegate a function to an officer of the Commission but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of other staff of the Commission

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff that are necessary for the effective and efficient performance of the functions of the Commission.

(2) The President may, in writing, delegate the power of appointment in subsection (1) to the Board.

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

(4) The Commission may, for the effective and efficient performance of the functions of the Commission, engage the services of consultants or experts on the recommendation of the Executive Secretary.

Internal Audit Unit

15. (1) The Commission shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

(3) The Internal Auditor is responsible for the internal audit of the Commission.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), at intervals of three months

(a) prepare and submit to the Board, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and

(b) make recommendations in each report with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the Commission.

(5) The Internal Auditor shall, in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), submit a copy of each report prepared under this section to the Executive Secretary and the chairperson of the Board.

Financial Provisions

Funds of the Commission

16. (1) The sources of funds of the Commission are

- (a) moneys approved by Parliament;
- (b) fees, and
- (c) loans, grants and donations.

(2) The Commission may invest moneys not required for immediate use as the Commission considers appropriate.

Bank account

17. Moneys for the Commission shall be paid into a bank account opened for the purpose by the Commission with the approval of the Controller and Accountant-General.

Accounts and audit

18. (1) The Commission shall keep books, records, returns of account and other documents in relevant to the accounts in the form approved by the Auditor-General.

(2) The Board shall, at the end of each financial year, submit the accounts of the Commission to the Auditor-General for audit.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts of the Commission and submit the report to Parliament and forward a copy each of the audit report to the Minister and the Board.

(4) The financial year of the Commission is the same as the financial year of Government.

Annual report and other reports

19. (1) The Board shall, within thirty days after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Commission for the year to which the annual report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within thirty days after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall submit to the Minister any other report which the Minister may require in writing.

Licensing and Regulation of Postal, Courier and Logistics Services

Licence to provide postal, courier and logistics services

20. (1) The Commission shall license the following persons or businesses:

- (a) a private courier operator solely established to provide courier and logistics services;
- (b) a public or private entity which engages in delivery services in the course of business;
- (c) an operator of an online shop or e-commerce platform that operates courier or logistics services;
- (d) a courier and logistics aggregator;
- (e) a supermarket, shop, mall, restaurant, pharmacy, pharmaceutical company or other commercial concern that operates courier or logistics services as part of business activity;
- (f) a public or private transport operator in Ghana engaged in delivery whether by land, sea or air;
- (g) a courier or logistics service operator; and
- (h) an individual engaged in courier or logistics services with the use of a vehicle, cycle, motorcycle or tri-cycle.

(2) Despite subsection (1), the Ghana Post Company Limited shall operate without a licence issued by the Commission.

(3) A person shall not establish, operate, facilitate, provide or offer postal, courier or logistics services except under a license issued by the Commission under this Act.

(4) A person or business who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than..... and not more than three years or, to both.

(5) A person or business specified in paragraph (b), (c) or (d) of subsection (1) shall not engage the services of a third party courier or logistics operator that is not licensed by the Commission.

(6) A person or business that contravene subsection (5) commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than

.....years and not more than three years or, to both.

Qualification for licence

21. A licence to provide a postal, courier or logistics service may be granted to

- (a) a citizen of Ghana operating under a registered sole proprietorship under the Registration of Business Names Act, 1962 (Act 151);
- (b) a body corporate registered under the Companies Act, 2019 (Act 992);
- (c) a partnership registered under the Incorporated Private Partnerships Act, 1962 (Act 152);
- (d) an external company duly registered in Ghana;
- (e) a foreign franchise entity registered as a local entity; and
- (f) an individual engaged in courier or logistics services who uses a vehicle, cycle, motorcycle or tri-cycle.

Application for licence

22. (1) An application for a licence shall be

- (a) made to the Commission on a form determined by the Commission; and
 - (b) accompanied with the prescribed fee and documents.
- (2) The Commission shall
- (a) within five working days of receipt of an application, acknowledge in writing the receipt of the application; and
 - (b) within sixty days after acknowledgment of receipt, inform the applicant in writing of the decision of the Commission.

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

Grant of licence

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

- (2) Without limiting subsection (1) a licence shall state the
- (a) type of services to be provided;
 - (b) period of validity of the licence; and
 - (c) payment to the Commission
 - (i) of a fee for the grant of the licence; or
 - (ii) of periodic payments during the existence of the licence or both.

Courier service

24. (1) A person shall not be licensed to provide a courier or logistics service unless the person undertakes to

- (a) develop and publish with the approval of the Commission, standards by which the courier or logistics operates;
- (b) follow and trace items received or collected for delivery by the business undertaking of that person;
- (c) deliver items within the acceptable delivery time set by the person and approved by the Commission;
- (d) put in place requisite technological and logistical infrastructure approved by the Commission for
 - (i) prompt order fulfilment;
 - (ii) standard packaging and labeling;
 - (iii) real-time online tracking, monitoring and delivery confirmation;
 - (iv) bar code scanning;
 - (v) pricing of courier charges;
 - (vi) identifying prohibited items;
 - (vii) payment collection;
 - (viii) delivery of items within the acceptable delivery time set by each operator and approved by the Commission;
 - (ix) operating within standards acceptable to the Commission; and
 - (x) reverse logistics and refund.

(2) Despite subsection (1), the Commission may exercise its sole discretion to grant licenses to prospective courier or logistics operators that are small and medium enterprises or start-up enterprises, irrespective of their inability to fulfil all the requirements herein from the onset of their operations.

Designation of National Postal Service Provider

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

(2) The Commission shall upon the coming into force of this Act, accordingly grant

to Ghana Post as soon as practicable the exclusive licence for the provision of the reserved postal services.

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

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

(5) Ghana Post may provide a hybrid of postal courier and logistic services and in the case of courier and logistics services, Ghana Post shall put in place the requisite technological and logistical infrastructure specified in paragraph (d) of subsection (1) of section 24 of this Act and approved by the Commission.

Reserved postal services

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

Contract to convey postal articles

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

Licence not transferable without written approval

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

Renewal of licence

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

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

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

Power to modify licence

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

(2) A modification shall not be made unless the Commission has given at least sixty working days' notice in writing to the licensee

- (a) stating that the Commission proposes to make modifications; and
- (b) setting out the consequences of the modification.

(3) The Commission shall, before making a modification, consider the representation or objection made to the Commission.

(4) A notice under subsection (2) shall be published in the *Gazette* and in a national media.

(5) A copy of the notice shall be submitted to the licensee.

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

Suspension or cancellation of licence

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

(2) A suspension or cancellation shall not be made unless the Commission gives the licensee a written notice specifying the cause of dissatisfaction of the Commission and giving directions for rectification of the breach and the action proposed to be taken by the Commission in the event of non-compliance with the notice.

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

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

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

Complaint to the Minister

32. (1) A person aggrieved by

- a. a rejection or refusal of the Commission to grant or renew the licence of that person; or
- b. a modification, suspension or cancellation of a licence

may lodge a complaint in writing with the Minister who shall within thirty days of receipt of the complaint, make a decision on the complaint.

(6) A person dissatisfied with the decision of the Minister or with the failure of the Minister to make a decision within thirty days as required under subsection (1), may

pursue the matter in accordance with any alternative dispute resolution process available or in the court.

Production of books of account and records

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

Quality of Postal Service

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

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

Postage Stamps and Postal Operations

Postage stamp

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

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

Postal charges

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

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

Copyright in stamps and other philatelic materials

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

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

(a) philatelic stamp;

- (b) artwork, proof, printed sheet and printing plate of philatelic stamp; and
- (c) date-stamp, slogan, dye and other artifact used in connection with the production of philatelic stamps.

Exemption from postal charges

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

Prohibition on sending certain articles by post or courier or logistics

39. (1) A person shall not send by post

- (a) any explosive, inflammable, dangerous, filthy, noxious or deleterious substances;
- (b) any sharp instrument not properly protected;
- (c) any living creature which is either noxious or likely to damage other postal articles in the course of conveyance by post or injure a postal officer;
- (d) any indecent or pornographic printing, painting, photograph, lithograph, engraving, book, card or any other indecent pornographic article in whatever form;
- (e) any postal article that bears on the cover of it any words, marks or designs of an indecent, pornographic, scurrilous, threatening or grossly offensive character;
- (f) opium, morphine, cocaine or any other narcotics;
- (g) a postal article that bears a fictitious postage or purports to be prepaid with a postage stamp which has been previously used to prepay another postal article;
- (h) any printing, painting, photograph, lithograph, book or card which may be prejudicial to public safety or to the peace and public order of any part of the country; or
- (i) any other article prohibited for carriage in the interest of national security or International Air Traffic Association regulations or any other international rules of carriage.

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

Power to detain and open prohibited articles

40. Where a postal, courier or logistics service provider has reason to believe that a postal

article or courier or logistic package contains anything in contravention of section 39 the service provider may detain the package and immediately report to the relevant state agency such as the Ghana Police Service or Narcotics Control Commission for further investigation.

Power to open postal articles suspected to contain dutiable goods

41.(1) A postal or courier or a logistics service provider may detain a postal article reasonably suspected to contain goods in contravention of the customs legislation and the officer of the postal or courier provider may open the article in the presence of the addressee or a person appointed agent of the addressee.

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

(3) A postal article that has been opened and examined under this section shall be delivered to the addressee unless the article is required for the purpose of proceedings under this Act or any other enactment.

Offences and Penalties

Unlawfully taking away or opening mail bag sent by post

42.(1) A person shall not

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

(2) A person who contravenes subsection (1) commits an offence and is liable summary on conviction to a fine of not less than and not more than five hundred penalty units or to a term of imprisonment for a term of not less than and not more than two years or, to both.

Unlawful use of stamp or franking machine

43. A person who with intent to defraud

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

(d)tampers with a franking machine or superscripts a postal article with a franking machine which has been tampered with

commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than two hundred and fifty penalty units or to term of imprisonment for not less than and not more than twelve months or to both.

Unlawful interference with mail

44.(1) A person shall not

(a)interfere with any mail or postal article otherwise than in accordance with the provisions of this Act or Regulations made under this Act; or

(b)fraudulently put, alter, remove or erase any official mark on a postal article

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less thanand not more than twelve months or, to both.

Unlawful entry into post office premises

45.(1) A person shall not

(a)without permission enter any premises used for the purpose of postal services provided by Ghana Post and to which the public has no right of access, and refuses or fails to leave the premises when asked to do so by a person employed on the premises; or

(b)unlawfully obstruct or impede an employee of a license in the discharge of the duty of the employee in connection with postal services.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than two hundred penalty units or to a term of imprisonment of not less than..... and not more than twelve months or, to both.

Fraudulent use of philatelic material

46.(1) A person shall not

(a) counterfeit any philatelic material;

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

(c) use a commemorative or definitive postage stamps for postage purpose after the stamp has been demonetized or invalidated.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than... and not more than five hundred penalty units or to a term of imprisonment of not less than..... and not more than two years or, to both.

Acts infringing on reserved rights

47. A person who without lawful authority or excuse performs any of the reserved postal functions specified in the Schedule commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not less thanand not more than three years or, to both.

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

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

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

(b) any other words, letter or marks which signify or may lead the public to believe that it is a post office or a post office letter box

without the authority of Ghana Post.

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

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than and not more than twelve months or, to both.

Destruction or damage to post office letterbox

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

Evasion of post office laws

50.(1) A person shall not

(a) fraudulently put into a post office anything in which or in the cover of which or

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

- (b) make a false declaration of the contents of anything sent by post; or
- (c) fraudulently send by post anything which the person claims to be a thing that falls within an exemption or privilege granted under this Act in respect of the postal article.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than 50 penalty units and not exceeding 250 penalty units or to a term of imprisonment for term not less than.....and not more than twelve months or, to both.

Retaining mail bags or postal articles

51.(1) A person shall not

- (a) fraudulently retain, control or destroy; or
- (b) neglect or refuse to deliver when requested to do so by an officer of Ghana Post

any mail bag or postal article in the course of its transmission by post, with the apparent intention of not being delivered to the addressee.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than..... and not more than two years or, to both.

Unlawful disclosure of contents of postal article

52.(1) Except for the purpose or returning a postal article to the sender, a person shall not without authorisation in writing from Ghana Post, disclose or in any manner make known to any person other than an officer of Ghana Post, the contents of a postal article.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than..... and not more than two hundred and fifty penalty units or to a term of imprisonment of not less thanand not more than twelve months or, to both.

General penalty

53. A person who contravenes or fails to comply with a provision of this Act commits an offence and, where no penalty is expressly provided, shall on summary conviction be liable to a fine of not less thanpenalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less thanand not more than twelve months or, to both.

Offences committed by a body of persons

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

- (a) in the case of a body corporate, every director or officer of that body corporate shall be deemed to have committed that offence; and
- (b) in the case of a partnership or a firm, every partner of the partnership or firm shall be deemed to have committed that offence.

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

- (a) proves that the offence was committed by some other person without the knowledge or connivance of that person; or
- (b) exercised diligence to prevent the commission of that act as the person ought to, having regard to the circumstances.

Miscellaneous Provisions

Article addressed to deceased person

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

Settlement of dispute

56. (1) Any dispute between a customer and a licensee in which it is alleged that the licensee

- (a) has exercised undue discrimination in the provision of a postal service against the customer in respect of charges or terms applied or to be applied;
- (b) has shown undue preference to any other person to the detriment of the customer; or
- (c) has applied or proposes to apply to the customer any charge related to provision of a postal service which is not authorised under this Act

may be referred to the Commission by either party.

(2) Where a dispute is referred to the Commission, the Commission or a person appointed by the Commission shall determine whether the allegation is well founded and where the allegation is well founded, the Commission or the person appointed by the Commission shall make the determination as considered appropriate together with a statement of reasons for the determination made.

(3) An act or omission of a licensee which is authorised by any condition

included in the licence for the purpose of this section shall not be taken to constitute undue discrimination.

(4) The Commission shall determine the procedure for determining a dispute under this section.

Establishment of register

57. (1) The Commission shall establish and keep a register in a form that the Commission determines and shall record in the register

- (a) licences issued under this Act and the conditions for the licences;
- (b) licences suspended or cancelled; and
- (c) any other information relating to licences that the Commission considers appropriate.

(2) Where it appears to the Commission that entry of any condition in the register would be contrary to the public interest or the commercial interest of any person, the Commission shall not enter that condition in the register.

(3) A person may on payment of a fee, obtain an extract from the register.

Inspectors

58. (1) The Commission shall appoint inspectors for the effective and efficient implementation of this Act.

(2) An inspector

- (a) may, at all reasonable times and for purposes of this Act or Regulations made under this Act, enter any premises; and
- (b) shall have access to all books, records, returns and any other documents relevant for purposes of this Act or Regulations made under this Act.

(3) The Commission shall issue an inspector an identity card.

(4) The identity card shall include a recent photograph of the inspector and signed by the Executive Secretary.

(5) A person ceases to be an inspector where

- (a) the appointment of the person is revoked; and
- (b) the person resigns or retires from the Commission.

(6) A person who ceases to be an inspector shall immediately return the identity card to the Commission.

Directions in the interest of national security and international relations

59. (1) The Commission may, in consultation with the Minister, give to a licensee,

specific or general direction as the Commission considers necessary or expedient in the interest of

- (a) national security; or
- (b) the international relations with other countries.

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

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

Regulations

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

- (a) to provide for the payment of compensation for loss or damage in the course of transmission of postal articles including any limit to the amount payable;
- (b) to prohibit the transmission by post of articles not proscribed under section 38;
- (c) for the detention, disposal or destruction of postal articles the transmission of which is prohibited under this Act;
- (d) for the safe keeping pending further action of valuable or saleable enclosures found in postal articles lawfully opened under this Act;
- (e) prescribing the period within which undelivered postal articles shall be returned to the sender;
- (f) to provide for the publication of a list of undelivered postal articles;
- (g) to amend the Schedule to this Act;
- (h) to provide for the manner in which undelivered postal articles shall be finally disposed of; and
- (i) generally, for the effective and efficient implementation of this Act.

Interpretation

61. In this Act unless the context otherwise requires

"Commission" means the Postal, Courier and Logistics Commission established under section 1;

"person" refers to natural and artificial persons;

"Ghana Post" means the Ghana Post Company Limited registered under the Companies Act 2019 (Act 992);

“courier service” means the receipt and delivery of correspondence, items of value or both for which no postage stamp is required;

“logistics service” means a service for the movement and delivery of goods;

“courier and logistics aggregators” mean entities that facilitate courier and logistics services through independent third-party courier and logistics service providers and through a digital platform.

“electronic commerce” means the exchange of information or data or the sale or purchase of goods or services between individuals, businesses, governments or public or private organizations, conducted over the world wide web (internet) using computer-mediated networks such as desktop and laptop computers, tablets, smartphones and other smart devices.

“payment collection” means the processing of payments from customers for goods delivered to the customers;

“reverse logistics” refers to the process of managing the return of a package after it has been delivered to the customer.

"inspector" means an inspector appointed for the Commission under section 58;

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

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

"licensee" means a person to whom a licence is granted under this Act;

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

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

"Minister" means the Minister responsible for Communications;

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

"post" means any system for the collection, despatch, or conveyance of postal articles;

"post office" includes

- (a) a house, building, room, vehicle place or structure where postal articles are received, sorted, delivered, made up or dispatched or which is used for any other postal purpose in connection with the rendering of any postal money transfer or other services by Ghana Post; and
- (b) a pillar box or any other receptacle provided by or under the authority of Ghana Post for the reception of postal articles;

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

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

Repeal and savings

62. (1) The Postal and Courier Services Regulatory Commission Act, 2003 (Act 649) is repealed.

(2) Despite the repeal of Act 649 in subsection (1), any Regulations, authorisation, order, rule or instructions made or done under the repealed enactment and in force immediately before the coming into force of this Act shall continue to have effect as if made or done under this Act until the Regulations, authorisation, order, rule or instruction is revoked, reviewed, cancelled or terminated.

(3) A licence granted by Ghana Post which is in force prior to the coming into force of this Act is deemed to have been granted under this Act by the Commission.

Transitional provisions

63. (1) The assets, rights and liabilities of the Postal and Courier Services Regulatory Commission established under Act 649 and in force immediately before the coming into force of this Act are transferred to the Postal, Courier and Logistics Commission established under this Act and accordingly proceedings taken by or against the Postal and Courier Services Regulatory Commission may be continued by or against the Postal, Courier and Logistics Commission established under this Act.

(2) A contract subsisting between the Commission established under Act 649 and another person and in effect immediately before the coming into force of this Act shall subsist between the Commission established under this Act and that other person.

(3) A person in the employment of the Commission established under Act 649 immediately before the coming into force of this Act shall, on the coming into force of this Act, be deemed to have been duly employed by the Commission established under this Act on the

terms and conditions which are not less favourable in aggregate to the terms and conditions attached to the post held by that person before the coming into force of this Act.

SCHEDULE

POSTAL SERVICES EXCLUSIVE TO GHANA POST

(Section 25,26 and 60)

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

SCHEDULE

APPLICATION FOR LICENCE

(Section 22)

1. Sole